

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: *Nova Scotia Union of Public and Private Employees, Local 13, v. Halifax (Regional Municipality)*, 2006 NSSC 247

Date: 20060808

Docket: SH 263902

Registry: Halifax

Between:

Nova Scotia Union of Public and Private Employees, Local 13

Applicant

v.

Halifax Regional Municipality

Respondent

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: June 14, 2006 in Halifax, Nova Scotia

Subject: *Certiorari - Standard of Review of Arbitrator's Determination*

Summary: HRM Call Centre employee June, 2000 went on LTD August 2002. Insurance Company approached her for consideration of lump sum buy-out as it was clear and admitted she was not going to go back to work. HRM advised that if she took buy-out she would no longer be considered an employee for continuing waiver of pension contribution. Employee took buy-out and no longer received LTD benefits. HRM considered her no longer an employee and Union grieved. Parties selected arbitrator who concluded termination of employment in these circumstances reasonable and not in violation of collective agreement. Union applied for review on the basis the arbitrator's determination was not correct in law.

Issue: **What is the appropriate standard of review in these circumstances?**

Result: The standard one of patently unreasonable. Arbitrator's determination not patently unreasonable and would also have met the test of 'mere reasonableness'. Application for review dismissed.

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QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***