



Labour BOARD

Nova Scotia

Annual Report

2021 | 2022

*Our Mission: To adjudicate and resolve disputes under provincial labour and employment laws
accessibly, consistently, efficiently and impartially.*

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A Message from the Chair and Chief Administrator

We have the pleasure of presenting to you the 2021-22 Annual Report outlining the activities of the Nova Scotia Labour Board for the period April 1, 2021 to March 31, 2022.

Our mission statement commits that we will adjudicate and resolve disputes under provincial labour and employment laws ***accessibly, consistently, efficiently, and impartially***. We affirm our commitment to these important principles daily and hope that they are reflected in all of the Labour Board's achievements in this Report.

The past few years have presented a series of new challenges for the Board and the 2021/22 year was a time of great resilience and development for the Nova Scotia Labour Board. Under the leadership of our experienced and committed Chief Administrator, the unexpected events of the COVID-19 pandemic, staff turnover and Board Chair transition did not stand in the way of thoughtful and strategic progress. We have confidence that the year ahead will continue to reflect the Board's commitment to workplace justice in Nova Scotia and to be accessible and responsive to the needs of all Nova Scotians.

The Board brought life to a new case management process framework, using technology and process improvements to achieve a more efficient, effective and unified approach to case management and we transitioned seamlessly into virtual approaches to hearings and case management.

We have developed and launched an Equity Diversity and Inclusion (EDI) Board Member Recruitment Framework and commenced an Access to Justice (A2J) audit of the practices of the Nova Scotia Labour Board that we hope will lead to just and strategic outcomes for the Board in the coming years, while remaining true to the Board's service target- to resolve 80% of matters within 6 months of their filing date.

We wish to express our sincere gratitude to the Vice-Chairs, members and to staff for their dedication and commitment to the Labour Board. Also, on behalf of the Board, we offer thanks to the labour and employment community of Nova Scotia for their continued support for the efforts of the Board.

We look forward to continuing to serve.

Respectfully,

Jasmine Walsh
Chair

Diana Hartley
Chief Administrator

I. Mission, Composition and Mandate

Mission Statement

The Labour Board aspires to achieve just workplace outcomes for all Nova Scotians through **impartial, consistent, accessible, and efficient** adjudication and resolution of disputes under provincial labour and employment laws.

Labour Board Composition

The Labour Board has a full-time Chair. The Chair, Vice-Chairs, and members of the Labour Board are appointed by the Governor in Council. The Vice-Chairs and members serve on a part-time basis. While members have generally gained their knowledge and experience from backgrounds in either labour or management, they swear to deal with the matters before them with utmost impartiality as part of their oath of office. Board member bios available at: [Labour Board - Members | novascotia.ca](http://labourboard-novascotia.ca)

Labour Board panels may be composed of a neutral Chair or Vice-Chair, and an equal number of members who represent employers or employees, or composed of one-person.

Mandate

The Labour Board is an independent adjudicative body established under the *Labour Board Act*. The Board has a broad mandate and is responsible for the fair and efficient administration and adjudication of responsibilities assigned to it under the [Labour Board Act](#) and sections of other Acts and Regulations:

ACTS

- [Civil Service Collective Bargaining Act](#)
- [Construction Projects Labour Relations Act](#)
- [Essential Health and Community Services Act](#)
- [Health Authorities Act \(amended 2015 c.1, Bill 69\)](#)
- [Highway Workers Collective Bargaining Act](#)
- [Labour Standards Code](#)
- [Occupational Health and Safety Act](#)
- [Pension Benefits Act](#)
- [Public Interest Disclosure of Wrongdoing Act](#)
- [Teachers' Collective Bargaining Act](#)
- [Trade Union Act](#)

REGULATIONS

- [General Labour Standards Code Regulations](#)
- [Minimum Wage Orders](#)
- [Workplace Health and Safety Regulations](#)
- [Public Interest Disclosure of Wrongdoing Regulations](#)
- [Teachers' Collective Bargaining Act Regulations](#)
- [Trade Union Procedure Regulations](#)
- [Trade Union Act General Regulations](#)

II. Caseload Evolution

The Board’s mandate is quite broad – resulting in several process streams largely defined by legislation, with strict statutory timelines. To achieve uniformity, in 2015 the Board established a Case Management Process Framework with key stages and service timelines. The Board strives to resolve 80% of matters within 6 months of the date an application, complaint or appeal is filed with the Board. Some matters fall outside the 6-month service standard to accommodate settlement efforts, and other circumstances, such as medical accommodations.

2021/22 Caseload Activity

Matters Received

The Board managed a total caseload of 191 matters during the 2021/2022 fiscal period:

- 152 were new cases filed during this period
- 39 were cases carried over from previous fiscals
- 54 cases were carried into fiscal 2022/2023

Matters Resolved

During this period, the Board resolved 122 matters.

Trends: New Matters

	2016 - 17	2017 - 18	2018 - 19	2019- 20	2020 -21	2021 -22
Total New Applications Filed	174	158	167	135	96	152
Labour Relations	107	105	122	87	67	123
Occupational Health and Safety	35	14	15	20	15	15
Labour Standards	32	39	30	25	12	13
Pension Benefits Act					1	
Public Interest Disclosure of Wrongdoing					1	

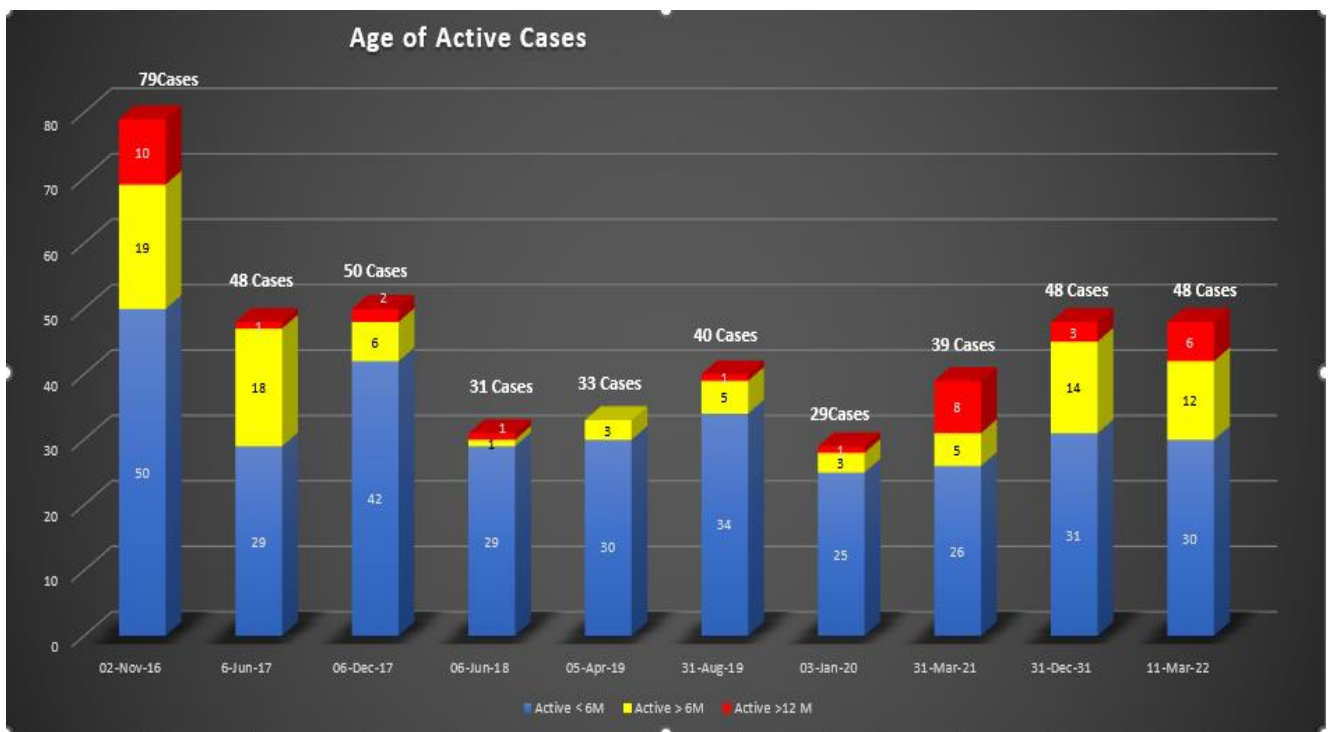
Trends: Resolution Service Target

78% of the new cases filed during fiscal 2021/2022 were resolved within 6 months, slightly short its service target of resolving 80% of these cases within 6 months of the filing date. Given, the unexpected events of 2021/22, we view 78% resolution as a tremendous success for the Board and we are confident that we will be back to 80% and higher in future years.

Performance Target - 80% Resolved within 6 Months																		
Fiscal Year Comparison																		
Resolution Timelines	2016/17		2017/18		2018/19		2019/20		2020/21		2021/22							
	Closed	Active	Closed	Active	Closed	Active	Closed	Active	Closed	Active	Closed	Active						
3M or less	105	0	113	7	133	0	100	0	66	0	97	0						
6M or less	35	0	26	4	22	3	16	0	14	0	21	2						
9M or less	23	0	6	2	7	1	5	0	8	0	9	3						
12M or less	5	0	0	0	0	0	3	3	1	0	8	10						
> 12 M	7	1	0	0	0	1	2	6	2	5	1	1						
Total New Matters	175	1	176	145	13	158	162	5	167	126	9	135	91	5	96	136	16	152
<i>Plus, total matters carried over from previous fiscal</i>			127			44			38			31			21			39
Total Caseload			302			202			205			166			117			191

Trends: Active Matters

As of March 11, 2022, there were a total of **48 active** matters before the Board.



Mediation

In November 2016 the Labour Board entered into an arrangement with Conciliation and Mediation Services (CMS) allowing for referrals of Board matters to CMS to provide mediation services. Since 2015, there have been a total of 42 matters referred to CMS for mediation. Outcomes:

23 - Resolved

15 - Not resolved

3 - Withdrawn

1 - pending

*The majority of these matters (i.e. 20) were referrals under the Labour Standards Code

III. Decisions of Interest

The decisions in this table from the 2021-2022 year contain novel or interesting legal and factual dimensions.

Case Name	Citation	Type	Outcome
<i>Canadian Union of Public Employees, Local 5483 v Wynn Park Villa Limited</i>	2022 NSLB 8	Complaint of Unfair Labour Practice under Section 53 of the <i>Trade Union Act</i>	Cease and Desist Order Issued Certification Vote Set Aside and New Vote Ordered
<i>MacDonald v United Food and Commercial Workers Union Canada, Local 864 and Sproule Lumber, a division of J.D. Irving Limited</i>	2021 NSLB 41	Application for Revocation of Certification under Section 29 of the <i>Trade Union Act</i>	Denied Employer Standing on Timeliness Application Dismissed as Untimely
<i>Labourers International Union of North America, Local 615 v Grafton Developments Inc</i>	2021 NSLB 97	Request for Hearing under Section 96 of the <i>Trade Union Act</i>	Revoked Previous Dismissal Order and Issued New Certification Order, excluding certain employees (Decision Quashed on Judicial Review by the Supreme Court and Remitted for Reconsideration: 2022 NSSC 208 , appeal pending at Court of Appeal)
<i>MacDonald v Canadian Union of Public Employees, Local No. 3099</i>	2021 NSLB 92	Complaint under Section 54A of the <i>Trade Union Act</i>	Dismissed
<i>Nova Scotia Government and General Employees Union v South Shore Regional Centre for Education and Service Employees International Union, Local 2, Brewery General, and Professional Workers' Union</i>	2021 NSLB 82	Application for Amendment of Certification under Section 28 of the <i>Trade Union Act</i>	Intervenor Preliminary Objection Dismissed, Application Timely

Case Name	Citation	Type	Outcome
<i>5858 Macara St Ltd v Director of Occupational Health and Safety</i>	2021 NSLB 108	Appeal under Section 69 of the <i>Occupational Health and Safety Act</i>	Request Denied for Interim Suspension of Order
<i>Canadian Union of Postal Workers v EMC Emergency Medical Care Incorporated</i>	2021 NSLB 78	Application under Section 15 of the <i>Essential Health and Community Services Act</i>	Granted
<i>Canadian Union of Public Employees, Local 3912 v Saint Mary's University</i>	2021 NSLB 69	Complaint under Section 35(b) [referred to the Board by the Minister under Section 36 of the <i>Trade Union Act</i>]	The time limitation in Section 55(2) does not apply to complaints made under Section 35(b)

IV. Applications for Judicial Review / Court Appeals

The following table includes all of the decisions that were reviewed or appealed in 2021-22 and their outcomes.

Matter	Statute	Outcome
LB-1749 (Prelim Order) - IBEW L 625 / City Light Electric Ltd. / Demo Georgakakos	Trade Union Act	Discontinued
LB-1794 Daigle / Marks Work Warehouse	Labour Standards Code	Dismissed
LB-1853 Sproule Lumber / UFCW L864, et. al	Trade Union Act	Discontinued
LB-1798 Affordable Concrete / Concrete Tony / LIUNA Local 615	Trade Union Act	Discontinued
LB-1711 Kim Murphy/ Unifor Local 4606	Trade Union Act	<i>Pending</i>
LB-1919 (Patrick MacDonald/UFCW/ Sproule Lumber)	Trade Union Act	Discontinued
LB-1952 (Dalhousie University / SEIU)	Trade Union Act	Discontinued
LB-1880/1921 (Grafton / Labourers' Loc 615)	Trade Union Act	NSSC – Referred matter back to Board; appealed to NSCA