



Nova Scotia
Labour Board

Annual Report

2024–25

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Message from the Chair & CEO

We are pleased to present the 2024–25 Annual Report, intended to update you on the significant strides the Board has made during the last fiscal year, as well as to share the strategic plans we aim to accomplish in the coming year.

The Board is confident in handling a diverse range of cases, building on the strong foundation established in previous years and supported by a nearly full complement of vice-chairs and board members with expertise in labour and employment. Despite major transitions in 2024–25, the Board continues to meet its service target and resolved 82% of matters within six months of their filing date.

Speaking of transitions, in February 2025, after a distinguished 35-year career with the provincial government, our former Chief Executive Officer (Diana Hartley) retired. Diana's tremendous efforts and excellent planning ensured a smooth handover to the new CEO, who assumed office in January 2025. The new CEO is already guiding the Board toward achieving its operational and strategic goals with the exceptional support of our staff.

The data presented in the report reflects the 2024–2025 fiscal year. We are grateful to report that since the close of that fiscal we now have nearly a full complement of vice-chairs and board members following a number of new appointments. We are confident the Board will continue to excel by achieving its service target and engaging in strategic work that moves us closer to our aspiration to be a timely, accessible adjudicative body that equitably serves all Nova Scotians.

Yours in service,

Jasmine Walsh
Chair

Wura Eytayo-Oyesode
Chief Executive Officer

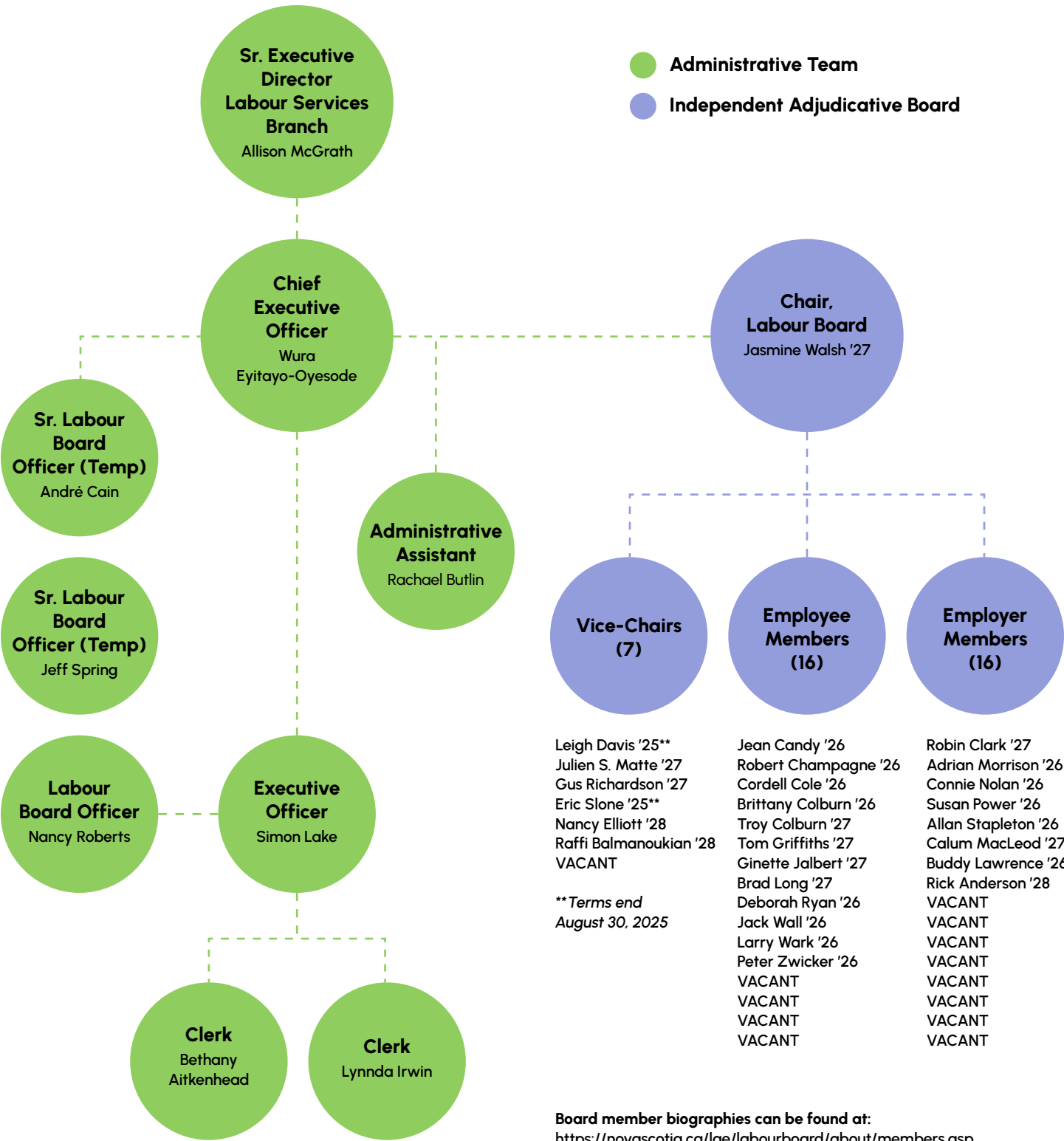
Mission Statement

The Labour Board is committed to promoting fair and just outcomes in Nova Scotia workplaces. We do this through **impartial, consistent, accessible, and efficient** adjudication and resolution of disputes under provincial labour and employment legislation.

Board Composition

The Labour Board is led by a full-time Chair and supported by Vice-Chairs and part-time members appointed by the Governor in Council. While Board members typically bring experience from labour or management backgrounds, all are bound by an oath of office to approach each matter with complete impartiality. Panels may be composed either of a neutral Chair or Vice-Chair along with an equal number of members who represent employers or employees, or of a single neutral adjudicator sitting alone.

The current Board appointees are listed in the pictogram, below, and supported by a staff team of government employees:



Mandate

Established under the *Labour Board Act*, the Labour Board functions as an independent adjudicative body. It carries out a broad mandate to fairly and efficiently administer and adjudicate matters assigned to it under the Act and associated regulations.

The Board derives its mandate and responsibilities from the *Labour Board Act* and from enabling provisions contained in the following legislation and regulations:

Legislation

- *Civil Service Collective Bargaining Act*
- *Construction Projects Labour Relations Act*
- *Essential Health and Community Services Act*
- *Health Authorities Act*
- *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 Regs*
- *Minimum Wage Order Regs*
- *Trade Union Act Regs (General and Procedure)*
- *Public Interest Disclosure of Wrongdoing Regs*
- *Teachers Collective Bargaining Act Regs*
- *Workplace Health and Safety Regs*

Operational Updates

The Board operates under a broad mandate, guided by eleven provincial statutes and nine associated regulations. As a result, it processes applications from multiple legislative streams, each with its own requirements and timelines. Some applications demand expedited handling, as mandated by statute.

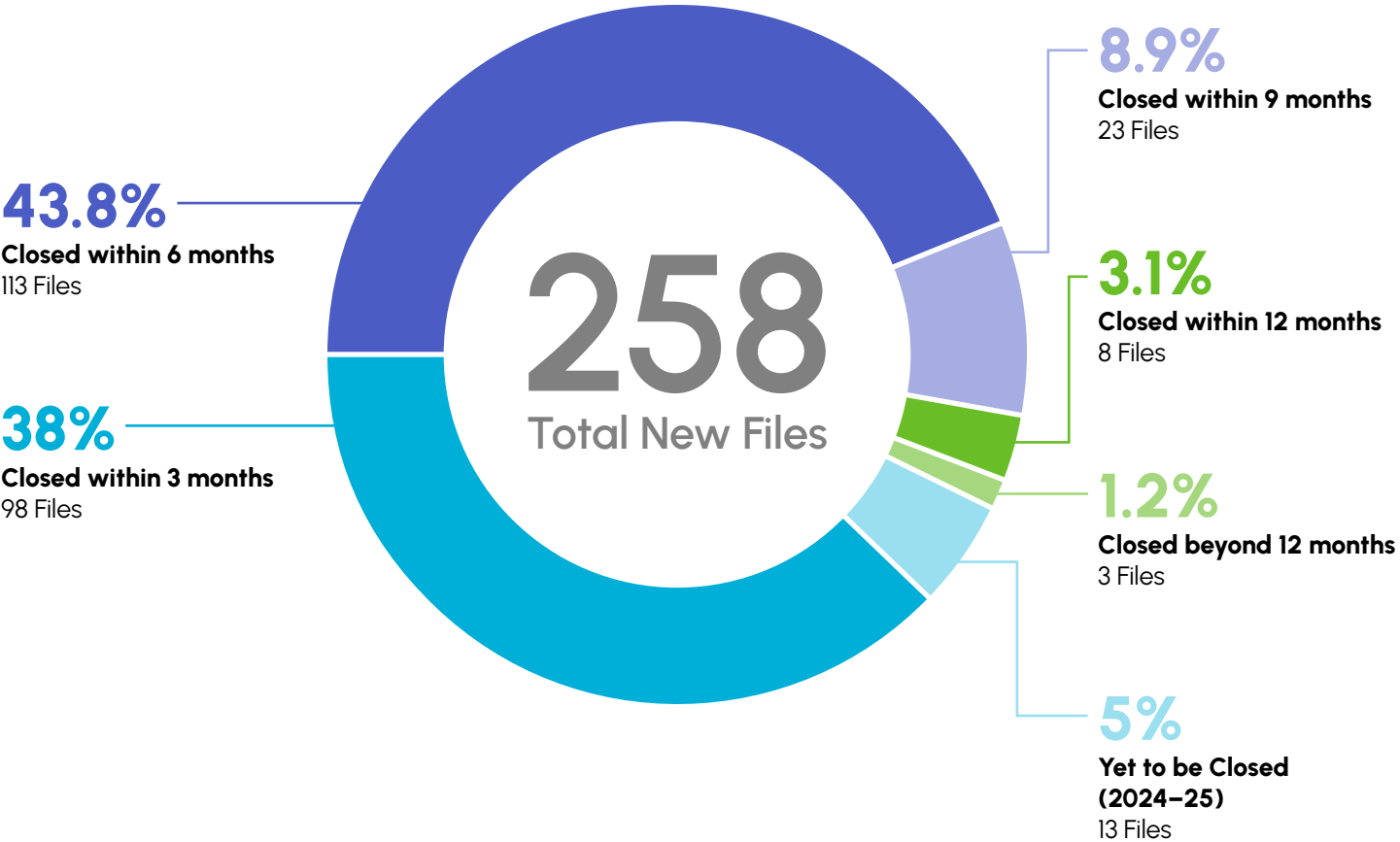
At the core of the Board's efficiency is its robust case management framework, which ensures seamless processing and timely resolution of cases. In the 2024–25 fiscal year, the Board received 258 applications and successfully met its service target by resolving 82% of all matters filed within the year within 6 months.

Exceptions to this service target arise due to factors such as ongoing settlement negotiations, complex matters and other unique circumstances that may arise such as the need to make medical accommodations.

Below are pictorial representations demonstrating our performance metrics:

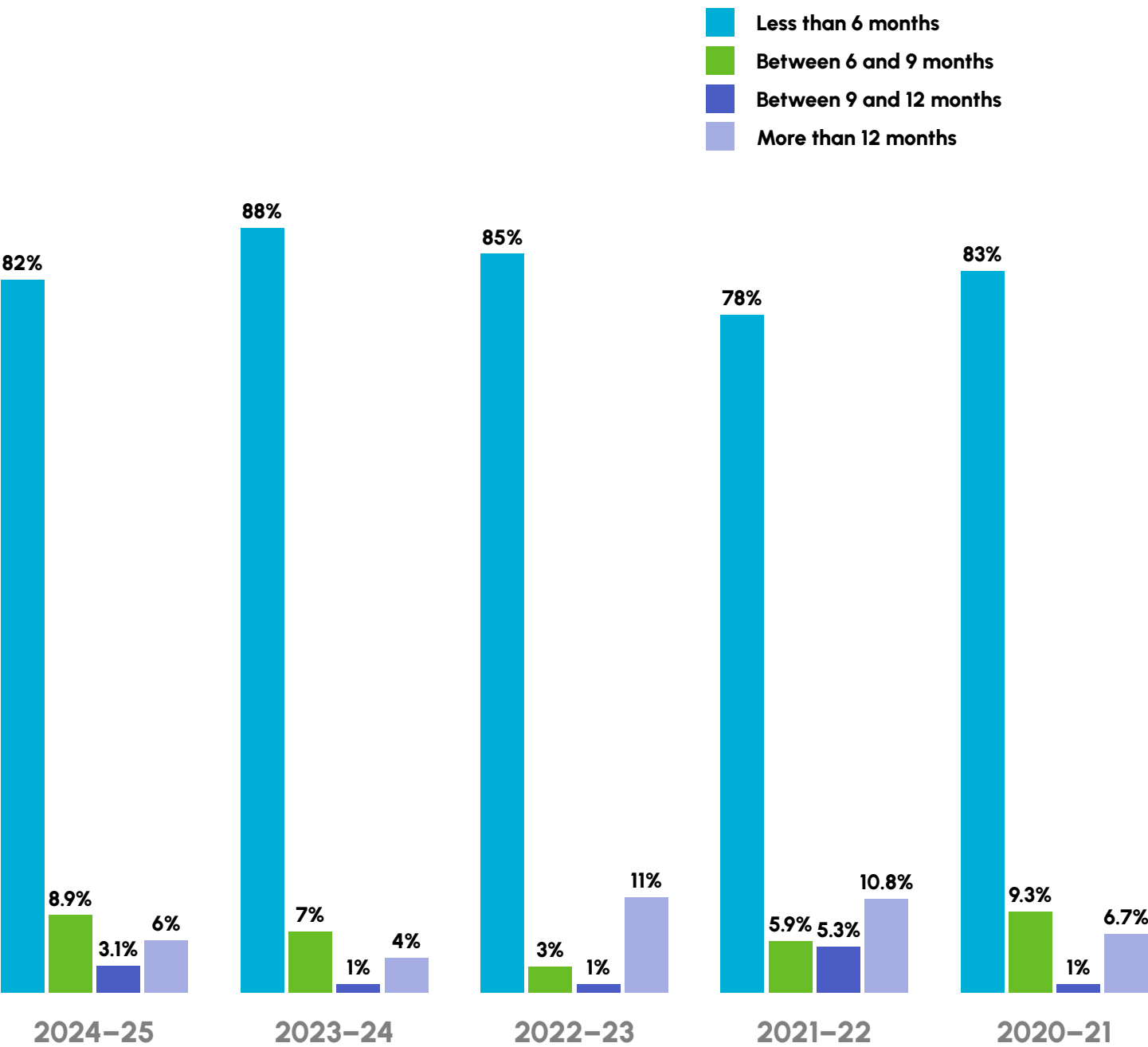
File Closure Rate

258 files were opened in 2024–25 fiscal year. The diagram below shows the distribution of file closures over time and shows that 5% remained open at the end of the fiscal year to be carried forward into the new fiscal.



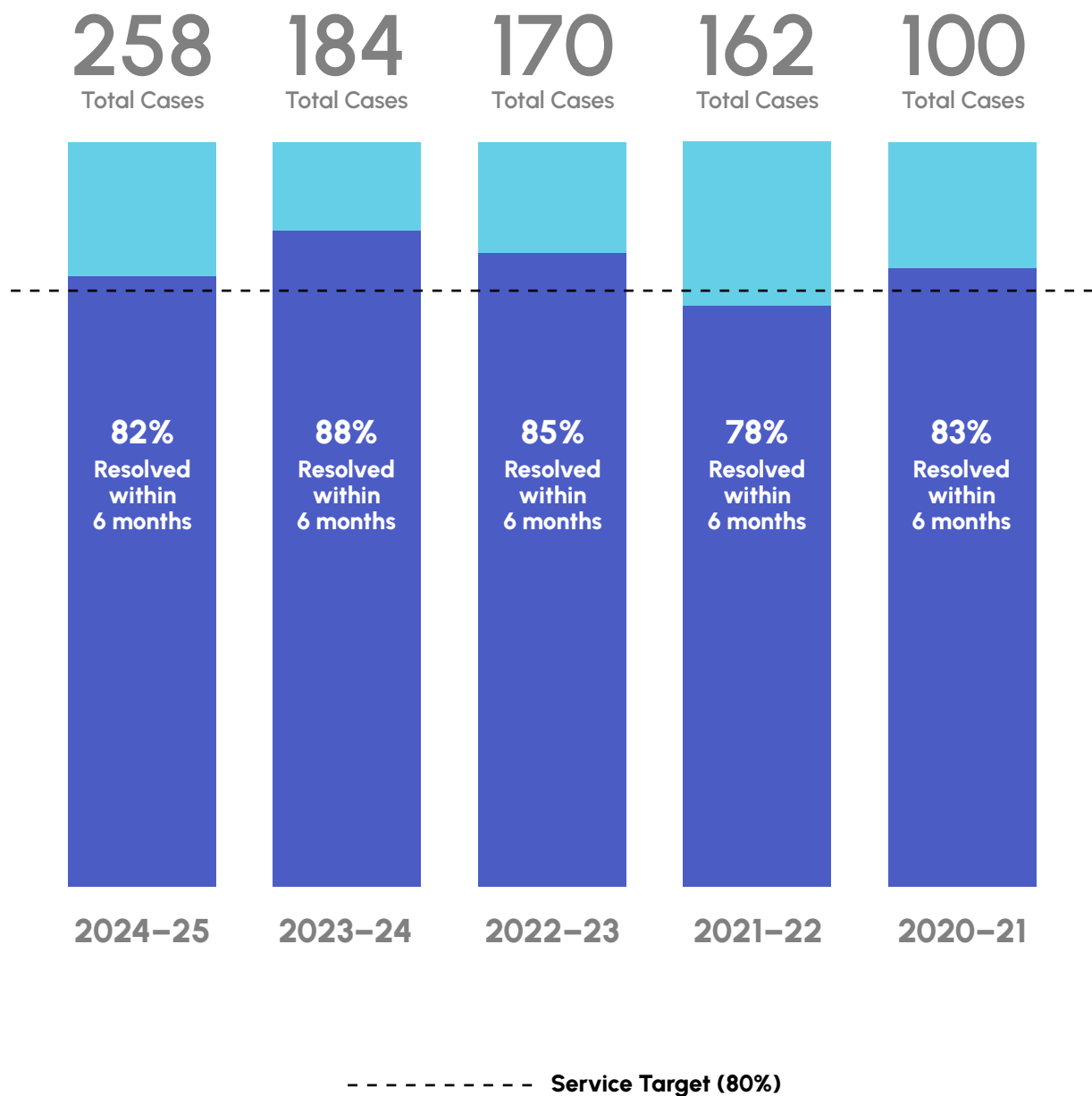
Age of Files Over Time

Age distribution of files before the Board over the past five years, categorized by durations of 6, 9, 12, and over 12 months.



Service Target Achievement

The Board's service target is to close a minimum of 80% of new files received during the fiscal year within 6 months. The Board has substantially achieved this target in the past five years and achieved a service target of 82% at the end of 2024–25 fiscal year.



Applications by Statute

Number of applications received under each statute over the last four years.

Fiscal Year:	2020–21	2021–22	2022–23	2023–24	2024–25
Total New Matters	100	162	170	184	258
Labour Relations	67	125	91	126	194
Labour Standards	12	13	32	34	23
Occupational Health & Safety Act	15	15	13	15	16
Workplace Health & Safety Regs	1	1	4	1	12
Essential Health and Community Services Act	3	7	28	7	12
Pension Benefit Act	1	1	1	-	-
Public Interest Disclosure of Wrongdoing Act	1	-	1	1	1

Applications Breakdown by Statutory Provisions

Distribution of applications received by specific statutory provisions for 2024–25.

Trade Union Act (Total: 193)	
Section	2024–25
23	15
28	8
29	6
31	8
35(a)	4
35(b)	1
40(A)	2
52	3
52(4)	4
53	14
54(h)(i)	1
54A	114
95	10
96	3

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Labour Standards Code (Total: 23)	
Section	2024–25
21	14
23	9

Occupational Health and Safety Act (Total: 16)	
Section	2024–25
69	16

Workplace Health and Safety Regulations (Total: 12)	
Section	2024–25
31	12

Essential Health and Community Service Act (Total: 12)	
Section	2024–25
8	8
9	4

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Public Interest Disclosure of Wrongdoing Act (Total: 1)	
Section	2024-25
32	1

Civil Service Collective Bargaining Act (Total: 1)	
Section	2024-25
22(1)	1

Mediation Activity

Number of mediations conducted by Chair/Vice-Chair, Conciliation and Mediation Services, and Board staff over the past four years.

	2020-21	2021-22	2022-23	2023-24	2024-25
Chair/ Vice Chair	2 Resolved	1 Resolved	6 Resolved	15/16 Resolved	5/7 Resolved
Conciliation Mediation Services	2 Resolved	3 Resolved	2 Resolved	2/3 Resolved	1/2 Resolved
Board CEO	0	0	1 Resolved		4 Resolved
Totals	5	5	9	19	13

Strategic Priorities

The Board has a multi-year strategic plan. In the 2024–25 fiscal year there were 5 strategic goals: operational excellence, succession planning, equity diversity and inclusion, accessibility and team culture. Below are some highlights of our successes in meeting each of them:

Operational excellence:

- **80% service target achieved**, the Board concluded 82% of matters filed within 6 months or less
- A facilitated **organizational development review** of our staffing structure was conducted and some efficiencies were introduced
- **Digital case management system** discovery phase was completed

Succession planning:

- Transitioned long service CEO into retirement and **recruited a new CEO**
- Actively recruited and onboarded **new appointees** to the Labour Board

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Equity Diversity and Inclusion:

- Initiated Board training program in response to **Truth and Reconciliation** Calls to Action #25 and #57
- Improved **translation services** for participants in Board processes

Accessibility:

- Completed federal **Access to Justice survey** for administrative tribunals
- Implemented **Bench Cards** to reduce bias in case management, hearings and decision writing
- Renovation planning to add **accessible doors and bathrooms** to Summit Place

Team Culture:

- Repurposed internal meeting room to enable **team activity**

Decisions of Interest

The following cases from the 2024–25 year contain novel or noteworthy legal and factual details.

1. LB-2138 *Canadian Maritime Engineering v. Director of Labour Standards; Nova Scotia Labour Board; and Attorney General of Nova Scotia*

The appellant appealed a decision by the Director of Labour Standards, which found that the appellant lacked just cause to terminate the respondent's appointment. The appellant argued that the Director lacked jurisdiction, asserting that their operations constituted a federal undertaking.

The Board initially upheld its jurisdiction due to insufficient evidence to rebut the presumption, but this was later overturned by the Court of Appeal. The appellate court held that the Board should have allowed the filing of affidavits and cross-examinations and remitted the matter back to the Board to be heard by a sole adjudicator.

Under the *Labour Board Act*, the Board is required to provide all interested parties an opportunity to present evidence and make representations. It also has broad discretion to receive and admit evidence and information on oath, affidavit, or otherwise, as it deems fit and proper.

Following the Court of Appeal's decision, the Board faced two key issues:

- a) Whether the Board's discretion to admit evidence and proceed despite a lack of evidence rebutting the jurisdictional presumption meant it was required to mandate the production of evidence on constitutional jurisdiction;

- b) How the Board should address constitutional questions, including whether the Attorney General must be added to the case, and who is responsible for initiating the inclusion of the Attorney General.

Proceedings resumed before the Board following the Court of Appeal's decision, presided over by a sole adjudicator. The Appellant was given an opportunity to notify the Attorney General on the constitutional question. The Attorney General accepted to participate in the proceeding. The trajectory of this matter, however, ended with parties settling at mediation.

2. LB-2214/2215 *Halifax Regional Centre for Education v. Nova Scotia Union of Public and Private Employees*

On June 12, 2025, the Supreme Court of Nova Scotia set aside a Board decision that allowed the Respondent to amend the bargaining unit by excluding trades and maintenance employees. The Board had considered two applications: to amend the certification under section 28 of the TUA and to recognize the union for the smaller unit under section 23. The employer opposed fragmentation, preferring a single bargaining unit.

While the majority of the Board supported the amendment – finding that trades and maintenance employees shared a stronger community of interest – the Vice-Chair dissented, opposing the fragmentation based on the Board's longstanding policy against breaking up bargaining units.

The Supreme Court reviewed key precedents reinforcing the anti-fragmentation principle, noting that exceptions like the limited *Glance Bay* case involving police units are narrowly confined.

Applying the reasonableness test from *Vavilov*, the Court found the Board's majority decision unreasonable due to inadequate justification for departing from its anti-fragmentation policy. The Union failed to demonstrate exceptional circumstances warranting fragmentation. The Court set aside the Board's decision and remitted the matter to a new panel for reconsideration.

Applications for Judicial Review/Court Appeals

The following table includes all the decisions that were reviewed or appealed in 2024–25 and their outcomes.

Matter	Statute & issue	Outcome
LB-2214/2215 Halifax Regional Centre for Education v. Nova Scotia Union of Public and Private Employees	<i>Trade Union Act</i> Tested the Board's policy against fragmentation	NSSC set aside the Board's decision and remitted the matter back to the Board for reconsideration before a new panel.
LB-2315 Paladin Security Limited v. Canadian Union of Public Employees, Local 5439	<i>Trade Union Act</i> Reconsideration Application dismissed	Pending
LB-2138 Canadian Maritime Engineering v. Director of Labour Standards; Nova Scotia Labour Board; and Attorney General of Nova Scotia	<i>Labour Standards Code</i> Federal vs. Provincial jurisdiction	NSCA set aside the Board's preliminary decision and remitted matter back to the Board for a <i>de novo</i> hearing to be heard by a sole adjudicator.
LB-2435 Kendall Morse v. Nova Scotia Labour Board	<i>Trade Union Act</i> Duty of Fair Representation	Pending

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