

IN THE MATTER OF AN ARBITRATION
PURSUANT TO THE CIVIL SERVICE COLLECTIVE BARGAINING ACT
RSNS, 1989, CH. 71, AS AMENDED

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF
THE PROVINCE OF NOVA SCOTIA

AND

NOVA SCOTIA GOVERNMENT EMPLOYEES UNION

(Interest Arbitration)

Arbitration Board	:	Hon. Thomas A. Cromwell Chair Paul Cavalluzzo Donald R. Munroe, QC
For the Province	:	Andrew D. Taillon et al
For the NSGEU	:	David Roberts et al
Date of Award	:	December 7, 2017

Pursuant to ss. 24 and 26 of the *Civil Service Collective Bargaining Act*, RSNS, 1989, ch. 71, as amended, we were constituted as the arbitration board to adjudicate the terms and conditions of the parties' renewal collective agreement for the period next following the expiry of their 2012-2015 collective agreement.

On, September 15, 2017, the arbitration board met by conference call with the parties and their counsel. Among other things, it was agreed at that time that the arbitration board would meet with the parties on December 5-6, 2017 (the December session), at Halifax, to assist the parties in narrowing, to the extent possible, the issues requiring adjudication; and that issues remaining outstanding at the conclusion of the December session, if any, would be formally heard by the arbitration board on later dates.

In the period preceding the December session, the parties submitted written briefs to the arbitration board, including reply briefs, in which the issues dividing the parties were comprehensively canvassed and discussed. Accordingly, going into the December session, the arbitration board had quite a full understanding of the then-outstanding issues.

That being so, the arbitration board proposed to the parties that the December session follow a mediation-arbitration procedure; that is to say, a procedure in which the arbitration board would act in the first instance as a mediation panel, at the end of which the arbitration board would issue a binding award, summarily expressed, on all issues.

The parties accepted the arbitration board's proposal to proceed in that manner.

Having done so, the board is now able to publish its final and binding award on the content of the parties' renewal collective agreement, which it hereby does:

AWARD

1. All agreements reached by the parties in the tentative agreement dated November 13, 2015 will become part of the new Master Agreement, except that the term of the new Master Agreement will be April 1, 2015 to March 31, 2021. In addition, the following provisions will form part of the new Master Agreement:
 - (a) All agreements reached between the parties subsequent to the date of the tentative agreement; more particularly, the agreements between the parties respecting Articles 23.02, 23.20 and 25.06, and the Memorandum of Agreement respecting relief employees;
 - (b) Increase of 1.5% to all rates on April 1, 2019;
 - (c) Increase of 0.5% to all rates on March 31, 2020;
 - (d) Increase of 1.5% to all rates on April 1, 2020;
 - (e) Increase of 0.5% to all rates on March 31, 2021;
 - (f) Employees will have the option of an immediate payout of their public service award accrued up to March 31, 2015, before March 31, 2018, or receive payout on death or retirement in accordance with the provisions of this Civil Service Master Agreement. If employees choose an immediate payout, the salary used to calculate the amount of the public service award will be the salary at March 31, 2018. Otherwise, the salary will be based on the salary the employee was receiving at retirement or death.
2. All other proposals of the parties are dismissed.

As will immediately be noted, the arbitration board has awarded a six year term rather than the four year term on which the 2015 tentative agreement was based. In the board's view, the parties would not be well served by a four year term, which, given the passage of time, would force the parties back to the bargaining table only a matter of months following the publication of this award.

Lastly, as both parties are aware, the tentative agreement, which was the Province's primary position as to the content of the new Master Agreement, itself contains a provision (related to the public service award) which, to be implemented, would require the passage of an exemption regulation under the *Public Services Sustainability Act*, RSNS 2015, ch. 34. That being so, and given the content of this award, we presume that an exemption regulation will forthwith be passed by the Province.

The parties are directed to prepare the new Master Agreement in accordance with the foregoing, failing which the arbitration board reserves jurisdiction to do so on their behalf.

DATED THE 7th DAY OF DECEMBER, 2017

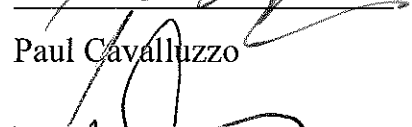


Hon. Thomas A. Cromwell

Chair



Paul Cavalluzzo



Donald R. Munroe, QC