

---

**NS ENVIRONMENT AND LABOUR**  
**2006-07 Budget Highlights**

---

**Expedited Arbitration & Duty of Fair Representation Enhancements – \$400,000**

---

**What is the objective of this increased expenditure?**

Changes made to the *Trade Union Act* come into effect on October 1, 2006. These changes will ensure speedy access to dispute resolution mechanisms for employers and unionized workers. This increased funding will allow the department to retain additional capacity to provide staff support and services to the Labour Relations Board.

**Why is the initiative important?**

The Department consulted with stakeholders on how labour relations could be improved in Nova Scotia. This included conducting a Tripartite Forum in 2005 with labour unions, employer groups, government and academics. One of the recurring themes was the need to ensure fair access to justice in resolving labour disputes. The process of expedited arbitration, which has been used successfully in the construction sector, will now be initiated for other labour sectors, including the public sector, highway workers, and correction workers.

The recent changes to the *Trade Union Act* also ensure a duty of fair representation for union workers who believe their union has not represented their case fully. These cases will now be reviewed by the Labour Relations Board, which should provide speedier and less expensive decisions than going to the Courts.

The Tripartite Forum also discussed issues related to increasing capacity in the field of arbitrations, and involving stakeholders in the development of policies around the appointment of arbitrators. The Government has advertised for members who are representative of labour and management to participate in the new Arbitration Advisory Committee, which will provide advice to the department on new appointments and building capacity so that disputes can be resolved more quickly.

**Who benefits from this initiative?**

Employers, unions, and workers who are unionized will benefit from this initiative, which now provides broad access to expedited arbitration which was formerly limited to the construction sector. Civil servants, highways and corrections workers all benefit from this program. Unionized workers will be ensured a duty of fair representation from their unions, and will not have to seek redress in the courts.

**How will the funding be spent?**

It is anticipated that there will be several hundred cases entering the new system in October. The new changes will see a new Review Officer hired to manage and administer the unfair labour practice provisions of the *Trade Union Act* related to the duty of fair

representation complaints and ensuring mediation and other dispute resolution strategies are applied to resolve issues. The Review Officer will be involved in case management and will ensure an independent, impartial and confidential complaint resolution process is used throughout.

A Program Officer will be hired to help administer the unfair labour practice provisions related to the duty of fair representation complaints and the arbitration appointment process (both standard and expedited processes) set out in the *Trade Union Act*. Support staff will also be added to the division to assist with these processes.

The additional funding will also enable the department to plan for hearing rooms and break out rooms for handling the increased level of hearings, and support new Labour Relations Board members and the Arbitrations Advisory Committee. We will also be able to make improvements in how we provide information about the process to workers and employers utilizing the program.

In year 2, the first full year of implementation, the expenditures are anticipated to increase to \$700,000.

For more information, please contact:  
Laurie Rantala  
Executive Director, Labour Services  
424-8466