

IN THE MATTER OF AN INTEREST ARBITRATION

BETWEEN:

NOVA SCOTIA CROWN ATTORNEY'S ASSOCIATION  
(hereinafter called the "ASSOCIATION")

- and -

THE PROVINCE OF NOVA SCOTIA by its  
Department of Human Resources  
(hereinafter called the "EMPLOYER")

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# DECISION

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## ARBITRATION BOARD

Donald H. McDougall, Q.C. - Employer Nominee  
James K.A. Hayes - Association Nominee  
J.A. MacLellan - Chair

## COUNSEL:

FOR THE EMPLOYER: Noella Martin  
FOR THE ASSOCIATION: Glen Chochla

HEARINGS HELD AT: Dartmouth, Nova Scotia

HEARD ON: October 2, 3, & 4, 2007

DATE OF DECISION: January 18, 2008

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(b) Nova Scotia is many thousands of miles, and two time zones, away from Saskatchewan and Manitoba and separated by serious economic features that I have referred to previously.

2. Atlantic Accord

There is no commitment in writing from the Federal Government to the Province of NS for the Atlantic Accord. It appears that it is "back end loaded" beyond the 2006, 2007 and even 2008 years.

The earlier referred to economic data is, in my view, the most relevant (including, e.g., the huge debt faced by Nova Scotians (as a percentage of GDP) 36%, compared to Manitoba at 23.6% and Saskatchewan at 15.9%.)

3. NS arbitrators - not added catch up to wages outside NS and Atl. Prov.

Arbitrators Ashley, Outhouse, Christie and Kaplan have not added catch up across the board amounts beyond 2.9%, 2.9% and 2.9% related to wages outside Nova Scotia and the Atlantic Provinces.

**XV. CHAIR'S AWARD -- VERY LARGE PERCENTAGE INCREASES**

(a) As noted above, the Chair's award of 4.4% Year 1, 4.9% Year 2 and 5.4% Year 3 for a total of 15.4% compounded over three years, results in a very large increase compared to the 2.9% increases granted by the afore-noted NS interest arbitrations. (2.9% in each of three years for the Crown Attorneys would represent a compounded increase over three years of 9%).

(b) Thus, the Chair's award of 15.4% over three years is 6.4% above the increases in place for other Nova Scotia public servants, including professionals (engineers, architects, etc.).

(c) The Chair's award thus increases the Province of Nova Scotia's obligation by over 70% of the final offer by the Province of Nova Scotia ( $6.4\% \div 9\% = 71\%$ )

**XVI "WAGE ESCALATION UNIQUE TO WESTERN CANADA"**

1. In previous years, Sask. and Man. may have been useful reference points. They are not named by Outhouse 2004 or Outhouse 2001. If they were considered useful reference points, they no longer should be.

2. Among the three (3) Prairie provinces, there has been, for Crown Attorneys, a "wage escalation unique to Western Canada". The agreed chart of salaries shows that. Tables A-2 and A-3 highlight that.

3. It is common knowledge that Alberta is driving a new Western Canada economy involving Sask. and Man. (as neighbouring provinces of Alta.).

**XVII CROWN ATTORNEYS ARE PROVINCIAL CIVIL SERVICE PROFESSIONALS**

## **NSCAA ARBITRATION AWARD**

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The salary arbitration award of the board chaired by J.A. MacLellan was released on January 23, 2008. It provides for the following increases over a three-year collective agreement expiring on March 31, 2009:

4.4% effective April 1, 2006;

4.9% effective April 1, 2007; and

5.4 % effective April 1, 2008.