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**Nova Scotia Government Employees Association v Board of  
Governors of College of Cape Breton**

Innis Christie

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LABOUR RELATIONS BOARD  
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of Nova Scotia Government Employees Association,  
5435 Spring Garden Road,  
Halifax, Nova Scotia Complainant

- and -

Board of Governors of College of Cape Breton,  
c/o J. Bernard Boudreau,  
P. O. Box 755,  
Sydney, Nova Scotia Respondent

A COMPLAINT having been referred to the Labour Relations Board (Nova Scotia) by the Minister of Labour pursuant to Section 34 (1) of the Trade Union Act in which the Complainant alleged that the College violated Section 33 (a) by failing to make every reasonable effort to conclude and sign a Collective Agreement;

AND the Complaint having been contested by the Respondent;

AND the Board having considered the Complaint and the documents filed by the Complainant and the Respondent, and representations made and evidence presented on behalf of the parties at a Hearing held on June 6, 1977;

AND the Board having been satisfied for the reasons set out below that the Board of Governors of College of Cape Breton did not violate Section 33 (a) of the Trade Union Act;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby dismiss the Complaint.

Before: I. Christie, Chairman and Board Members Messrs. Harrington, Tidmarsh, McIntyre, and Sanford.

For the Board:

The Complaint arises because of a difference in interpretation relating to an exchange of letters between the parties dated June 1 and June 16, 1976. It is the Complainant's position that by letter of June 16, 1976, the Respondent had made a commitment that should an impasse arise in efforts to negotiate a Collective Agreement the matter would be resolved by binding conciliation as provided for by Section 70 of the Trade Union Act.

The Respondent submitted that the enforcement of such an agreement is not properly a matter within the jurisdiction of the Board. However, it is the Board's opinion that adherence to agreements made in the course of collective bargaining is an element in making "every reasonable effort to conclude and sign a collective agreement" and is therefore a matter within the Board's jurisdiction under Section 33 (a) of the Trade Union Act.

With respect to the June 16th letter, it is the Respondent's position that it was their intention that the letter referred only to the negotiations, which were underway at the time, for the so-called Master Agreement and not to the negotiation of the separate agreements which are to govern the wages and hours of work of each of the component groups in the bargaining unit.

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Both parties agreed that the Master Agreement, which has been signed, is not in itself a collective agreement within the meaning of Section 1 (1) (e) of the Trade Union Act, since wages, hours of work and other benefits are not included. The Complainant, the Nova Scotia Government Employees Association, contends that the letters make the resolution of these component agreements also subject to binding conciliation.

In the opinion of the Board, the Respondent honestly and in good faith did not believe that it was submitting to binding conciliation with regard to wage items and consequently, the Board is not prepared to issue a declaration pursuant to Section 34 (2) of the Trade Union Act. The Board, however, wishes to note the commitment of the Respondent that it is prepared to continue negotiations in an effort to conclude and sign a collective agreement.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS TENTH DAY OF JUNE, 1977, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

A handwritten signature in black ink, appearing to read 'P. F. Langlois'.

P. F. Langlois  
Chief Executive Officer