



ADVISORY: WEBCAST OF COURT PROCEEDING

Tuesday, Sept. 12, 2023

Members of the media and the public are advised that the following proceeding before the Nova Scotia Court of Appeal will be livestreamed on the Courts of Nova Scotia website on Thursday, Sept. 14, 2023:

CA-516998 - Nova Scotia Teachers Union Vs. Attorney General of Nova Scotia Representing His Majesty the King in Right of the Province of Nova Scotia

In 2021, the Nova Scotia Teachers Union (NSTU) filed an action in the Supreme Court of Nova Scotia challenging the constitutionality of Bill 75, the *Teachers Professional Agreement and Classroom Improvements (2017) Act*, which imposed, by statute, a new collective agreement upon the NSTU.

The union argued that the Province of Nova Scotia breached section 2(d) of the Canadian Charter of Rights and Freedoms by failing to negotiate in good faith and that the Act epitomizes an unconstitutional abuse of its legislative authority.

Bill 75 followed months of collective bargaining and three tentative collective agreements. The union's executive recommended approval of each tentative agreement; however, the teachers declined that advice and voted to reject all three agreements. The Province responded by drafting, passing in the Legislative Assembly and proclaiming Bill 75, which ended the labour dispute and forced a new collective agreement on NSTU members.

The Supreme Court ultimately ruled that Bill 75 was an infringement of the union's section 2(d) rights and was not saved under s. 1 of the Charter. As a remedy under s. 24(1) of the Charter, the NSTU asked the Court to reinstate the Service Award/Death Benefit and related damages. The presiding judge was not prepared to grant that request. The judge's full decision is available online [here](#).

The NSTU is now appealing that decision, arguing the judge erred in not granting the s.24(1) remedy and in finding the presumption of constitutionality applied to unproclaimed legislation (Bill 148), such that the actions of the provincial government were immunized from scrutiny under legislation not proclaimed.

This appeal hearing is scheduled for a half day, starting at 10 a.m. AST on Thursday, Sept. 14. This matter will be heard by a three-member panel comprised of Chief Justice Michael Wood, Justice David Farrar, and Justice Carole Beaton.

The public can watch the livestream on the Courts of Nova Scotia website [here](#).

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Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca