

Department of Labour and Advanced Education

Adjudicative Board Selection Criteria

ADJUDICATIVE BOARD		Labour Board
1	Statute	Trade Union Act, Labour Standards Code, Occupational Health & Safety Act, Civil Service Collective Bargaining Act, Corrections Act (Schedule A), Highway Workers' Collective Bargaining Act, Teachers' Collective Bargaining Act. The tribunal for these statutes is proposed to be amalgamated under the Labour Board Act. The Labour Boards jurisdiction to deal with labour standards and occupational health and safety matters will take effect June 2011.
2	Purpose	The purpose of the Labour Board is to assist in the effective resolution and adjudication of matters filed according to specific sections of the statutes noted above. The Board will strive to provide consistent decisions and dispute resolution processes regardless of employment sector. The objective will be to provide services that are accessible, accountable, and transparent.
3	Functions	The function of the Board is to administer and adjudicate matters filed in accordance with specific sections of the statutes noted above.
4	Composition	The Board is made up of a Full time Chair, Vice-Chairs, and members. The Board sits to hear cases in panels of three, consisting of a neutral Chair and two representational members. Sole adjudication can be used in certain circumstances, for example for Duty of Fair Representation complaints under the <i>Trade Union Act</i> .
5	Formal Qualifications	The Chair and Vice-Chairs will be, or entitled to be a member of the Nova Scotia or other barristers' society where appropriate.
6	Work & Experience Requirements	Members must have knowledge and experience, acquired through job responsibilities, or prior relevant board experience, with matters covered under one or more of the statutes noted above. Experience as chair or member of a quasi-judicial tribunal would be an asset.
7	Skills Required	<p>The Chair should possess expertise, training, work history or academic qualifications that will facilitate their conduct of quasi-judicial administrative proceedings.</p> <p>The Chair should possess a practical understanding of employment standards, occupational health and safety, and labour relations law; have knowledge and experience in interpreting legislation and collective agreement provisions covered by labour relations statutes;</p>

		<p>possess experience and demonstrated ability to make impartial, independent decisions, for example, through experience on adjudicative, arbitration or governance boards; demonstrated decision-making skills; experience with mediation and/or negotiations.</p> <p>The following general skill requirements would be an asset: ability to exercise fair decision making, independence, good communication skills, a high degree of integrity, expertise or professional qualifications in the area of administrative law, and a good reputation among their peers.</p> <p>Vice-Chair: Any individual interested in the position of Vice-Chair must have excellent leadership abilities with experience in chairing boards or large meetings and proven accomplishments in negotiation, problem solving and leading groups to bring about consensus decisions. The Vice-Chair further requires exceptional communication skills including demonstrated ability to communicate in public forums.</p> <p>Members must have possess experience in labour relations (in construction and non-construction sectors) or occupational health & safety or employment standards and have demonstrated ability to make impartial, independent decisions, for example, through experience on adjudicative, arbitration or governance boards.</p> <p>Members are required to identify whether they represent labour or management. based on their experience.</p>
8	Statutory Nomination Requirements	None.
9	Traditional Nomination Requirements	<p>The Chair and Vice-Chairs have a broad background in occupational health and safety, administrative, labour and employment law.</p> <p>Members are appointed for their practical experience in the field of labour relations (construction or non-construction sectors) or occupational health & safety or employment standards. It is desirable for individual members to bring a diversity of experience in the public, private and/or industrial or construction sectors. Board membership should cover as many varied occupational and union sectors as possible. Broad geographic representation is sought on the Board from the various regions of the Province. Members should also contribute to gender and racial diversity of the Board.</p>
10	Remuneration	The Chair is remunerated at a comparable rate to a Deputy Minister

		<p>for the Province of NS.</p> <p>Vice Chairs receive an honorarium plus a per diem rate when conducting Board business and any expenses necessarily incurred in the performance of the their duties.</p> <p>Members receive a per diem plus any expenses necessarily incurred in the performance of the their duties.</p>
11	Anticipated Time Commitments	<p>The Chair is a full time position and the Vice-Chairs are part time. Some travel may be required. The Chair must not have direct or indirect conflict of interest with the Chair's responsibility to the Board.</p> <p>The members are part-time positions and the time commitment will vary depending on the number of applications and complaints, and the complexity of the issues before the Board. Hearings and meetings are usually conducted during business hours. Hearings usually last two to four days, but may be of a longer duration. All members must provide a reasonable commitment in terms of availability for hearings as a member of the Board to meet its statutory mandate.</p>
12	Other Notes	<p>The Chair is generally appointed for a five year term and may be reappointed. Vice Chair and members are appointed for terms up to 3 years and can be reappointed.</p>