

**Index of New Brunswick Decisions on Essential Services in Chronological Order**

Case Name & Citation	Summary
<i>CUPE v. NB</i> , 2003 NBQB 199 (CanLII) <a href="http://canlii.ca/t/55lz">http://canlii.ca/t/55lz</a>	May 22, 2003 – Judicial Review – Inclusion of Teachers’ Assistants in ES Order – Set Aside (Appealed and reversed – 2004 NBCA 24 (CanLII))
<i>Canadian Union of Public Employees, Local 1251 v. New Brunswick</i> , 2003 CanLII 64186 (NB LEB) <a href="http://canlii.ca/t/22gnb">http://canlii.ca/t/22gnb</a>	October 20, 2003 – Contracting out during essential services strike
<i>Her Majesty the Queen in Right of the Province of New Brunswick v. CUPE</i> , 2004 NBCA 24 (CanLII) <a href="http://canlii.ca/t/1gsb2">http://canlii.ca/t/1gsb2</a>	March 25, 2004 – Judicial review of LEB decision to designate Teachers’ Assistants as essential – LEB decision upheld
<i>New Brunswick v. New Brunswick Public Employees Association</i> , 2005 CanLII 63672 (NB LEB) <a href="http://canlii.ca/t/22gnd">http://canlii.ca/t/22gnd</a>	January 24, 2005 – Defining essential services – Admin Support Officers in Office of Superintendent of Insurance; Deputy Sheriffs; Payroll employees
<i>New Brunswick v. Professional Institute of the Public Service of Canada</i> , 2005 CanLII 63673 (NB LEB) <a href="http://canlii.ca/t/22gnf">http://canlii.ca/t/22gnf</a>	April 8, 2005 – Defining essential services – Public Sector – Transportation Engineers and Construction Managers
<i>New Brunswick v. Canadian Union of Public Employees, Local 1253</i> , 2005 CanLII 63674 (NB LEB) <a href="http://canlii.ca/t/22gng">http://canlii.ca/t/22gng</a>	December 15, 2005 – School Custodians – Are they essential? – LEB finds custodians essential (Judicial review reversing at 2006 NBCA 101)
<i>Canadian Union of Public Employees, Local 1253 v. Her Majesty the Queen in Right of the Province of New Brunswick, as represented by the Board of Management</i> , 2006 NBCA 101 (CanLII) <a href="http://canlii.ca/t/1psvp">http://canlii.ca/t/1psvp</a>	October 19, 2006 – Defining essential services – Education – Custodians
<i>New Brunswick (Board of Management) v. Canadian Union of Public Employees, Local 1190</i> , 2009 CanLII 47489 (NB LEB) <a href="http://canlii.ca/t/25lpk">http://canlii.ca/t/25lpk</a>	August 21, 2009 – Defining essential services – Narrow question – School bus mechanics not essential
<i>Canadian Union of Public Employees, Local 2745 v. New Brunswick</i> , 2010 CanLII 80583 (NB LEB) <a href="http://canlii.ca/t/2fbzn">http://canlii.ca/t/2fbzn</a>	December 13, 2010 – Application to amend order to exclude Student Attendants and Teachers’ Assistants from ES Order - Refused
<i>Professional Institute of the Public Service of Canada v New Brunswick</i> , 2011 CanLII 80533 (NB LEB) <a href="http://canlii.ca/t/fpbqc">http://canlii.ca/t/fpbqc</a>	November 9, 2011 – Request to amend designation orders refused

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<p><b><i>R v New Brunswick Crown Prosecutors Association</i></b>, 2012 CanLII 25296 (NB LEB)  <a href="http://canlii.ca/t/fr97h">http://canlii.ca/t/fr97h</a></p>	<p>April 12, 2012 – Defining essential services for Crown Counsel and Crown Prosecutors – Analytical Path – Onus – Neutralize the threat to the health, safety or security of public – Bundle duties – Duties as officers of the court</p>
<p><b><i>CUPE v. PNB (Board of Management)</i></b>, 2012 NBQB 381 (CanLII) <a href="http://canlii.ca/t/ftxkp">http://canlii.ca/t/ftxkp</a></p>	<p>November 22, 2012 – Judicial Review – Labour &amp; Employment Board finding Student Attendants and Teachers’ Assistants to be essential – Court states test as “what is the ultimate impact on public interest if Employer is no longer able to provide the service” – Finds school closure is acceptable impact.</p>
<p><b><i>R v Canadian Union of Public Employees, Local 2745</i></b>, 2013 NBCA 42 (CanLII)  <a href="http://canlii.ca/t/fzm30">http://canlii.ca/t/fzm30</a></p>	<p>July 4, 2013 – Appeal of Nov. 22, 2012 Decision – Appeal allowed – Provision of education services is not an essential service but provision of services to exceptional children within the system is an essential service – Board had to assess the risk if schools stayed open.</p>
<p><b><i>New Brunswick Association of Nursing Home v New Brunswick Council of Nursing Home Unions (CUPE)</i></b>, 2014 CanLII 67064 (NB LEB)  <a href="http://canlii.ca/t/gf91w">http://canlii.ca/t/gf91w</a></p>	<p>October 31, 2014 – ESA designations – Nursing Homes – Resident Attendants and LPN’s – Avoidance measures – 90%</p>