

Stephen Penney

Partner



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Language(s) spoken: English

Bar Admission(s): Newfoundland and Labrador,
1998

Legal Assistant(s): [Erinn House](#)

Providing legal services through a professional corporation.

Steve's practice focuses on employer-side labour and employment, and civil litigation, particularly in the areas of municipal law, professional negligence and commercial disputes. He has a broad range of court and hearing experience, having appeared at all levels of court in this country, including three matters before the Supreme Court of Canada.

In the area of labour and employment, Steve's representative matters include:

- Counsel for the employer at the Supreme Court of Canada in one of the leading cases on judicial review of arbitration awards (*Newfoundland Nurses v Newfoundland*).
- Counsel for an intervener at the Supreme Court of Canada in a landmark case on the *Charter* right to freedom of association (*Ontario v Fraser*) and in a case considering the closure of a business in the context of statutory freeze (*UFCW v Wal Mart*).
- Counsel for the operator in a number of significant labour arbitrations, labour board hearings, judicial reviews and appeals involving the unique labour relations regime in the offshore oil and gas industry. These matters involve an array of topics including alcohol and drug testing, safety and the composition of the bargaining unit. Steve has also completed the rigorous offshore safety training, and has experience travelling offshore.
- Counsel for a university in a wide array of matters, including numerous faculty relations cases involving tenure denials and academic misconduct.
- Counsel for numerous construction companies responding to certification applications and in labour arbitrations in the context of special projects, as well as the industrial and commercial sectors.

In the area of civil litigation, Steve's representative matters include:

- Counsel in numerous precedent setting municipal cases, including the recent successful dismissal of an environmental class action in *Dewey v Town of Deer Lake*. Other leading cases Steve has argued include appeals relating to the ambit of municipal powers (*Town of Happy Valley-Goose Bay v Cabot*, *Town of Long Harbour-Mount Arlington Heights v Eastern Demolition*), a disputed municipal election involving a judicial recount and *Charter* challenge (*Coombs v Moss*), and numerous other cases involving taxation, tendering, liability and development issues.
- Co-counsel for the royalty holder in *Labrador Nickel Limited Partnership v Vale*, one of the largest commercial litigations to come before the Newfoundland and Labrador Supreme Court.
- Co-counsel in the successful defence of a significant and complex multi-million dollar product liability claim (*Sobeys v CRA Trailers*).

Practice Areas

Construction

Education

Insurance

Labour & Employment

Litigation & Alternative Dispute Resolution

Municipal

Education & Career

Education

Osgoode Hall Law School, LL.B., 1997

Queen's University, B.A., 1994

Activities

Member, Canadian Bar Association

Member, Partnership Board, Stewart McKelvey, January 2013 to December 2015

Member, Board of Directors, Y of Northeast Avalon, 2012-present

Member, Canadian Association of Counsel to Employers, 2010 to the present

Member, Articling and Recruitment Committee, Stewart McKelvey, 2009 – 2012

Member, Business Development Committee, Stewart McKelvey, 2008 – 2010

Member, Board of Directors, Community Youth Network, St. John's, 2006 – 2012

Avid soccer player, having played and coached competitively for many years

Accolades

Best Lawyers 2021 Administrative and Public Law "Lawyer of the Year" in St. John's

Best Lawyers 2017 Administrative and Public Law "Lawyer of the Year" in St. John's

Benchmark Canada, local litigation star (Labour and Employment), 2017 – 2022

Benchmark Canada, future star, 2015 – 2016
Best Lawyers: Administrative and Public Law, 2017 – 2024
Best Lawyers: Labour and Employment Law, 2014 – 2024
Best Lawyers: Municipal Law, 2011 – 2024
Lexpert Rising Stars Leading Lawyers Under 40, 2010

Thought Leadership

Supreme Court of Newfoundland and Labrador rejects developer's constructive expropriation claim

August 18, 2023

"Constructive Taking": Consequences for municipalities from the Supreme Court of Canada decision in *Annapolis Group Inc. v. Halifax Regional Municipality*

November 10, 2022

Trips, slips, and judicial ink spills – the Supreme Court of Canada revisits core policy decision immunity in *City of Nelson v Marchi*, 2021 SCC 41

October 25, 2021

COVID-19 – potential liability for municipalities

July 21, 2020

Publications

Student evaluations in promotion and tenure, Discovery: Atlantic Education and the Law

November 18, 2019

Presentations

Co-presenter, "Discrimination, Harassment & Workplace Investigations", Stewart McKelvey Labour and Employment webinar

October 28, 2021

"The Legalization of Cannabis and Municipalities", Professional Municipal Administrators, June 2018

"Cannabis in the Workplace", Newfoundland and Labrador Employers Council, June 2018

"Taking Stock: Assessing the Impact of Recent Major Case Law and Legislation", Halifax Human Rights and Labour Law Conference, Lancaster House, May 2015

"Recent Labour Law Developments in the Offshore", Newfoundland and Labrador Employer's Counsel, May 2015

“Conflict of Interest”, Municipalities Newfoundland and Labrador, November 2014

“Public Tendering and Procurement”, Municipalities Newfoundland and Labrador, October 2012

“Recent Developments in Administrative Law”, Law Society of Newfoundland and Labrador, June 2012

“Labour Injunctions”, Newfoundland and Labrador Employers Council, May 2012

“Occupational Health and Safety”, Canadian Association of Public Works, NL Branch, May 2012