



# *The Public Service Essential Services Act Rules of Practice and Procedure*

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**WHEREAS** section 19(4) of *The Public Service Essential Services Act*, S.S. 2008, c.P-42.2, provides as follows:

19(4) The chairperson of the board may make any rules of practice and procedure that the board considers necessary to carry out its responsibilities pursuant to this *Act*.

**AND WHEREAS** the Chairperson of the Saskatchewan Labour Relations Board deems it advisable and in the public interest to make rules of procedure for matters before the Board necessary for the Board to carry out its responsibilities pursuant to *The Public Service Essential Services Act*;

**NOW THEREFORE THE CHAIRPERSON OF THE SASKATCHEWAN LABOUR RELATIONS BOARDS FOLLOWING RULES OF PRACTICE AND PROCEDURE:**

## *Title*

1. These rules may be cited as the “*Public Service Essential Services Act Rules of Practice and Procedure*”.

## *Interpretation*

2(1) In these rules:

- (a) “**Act**” means *The Public Service Essential Services Act*;
- (b) “**Board**” means the Labour Relations Board continued pursuant to section 4(1) of *The Trade Union Act*, R.S.S. 1978, c.T-17;
- (c) “**Chairperson**” means the person appointed, from time to time, by the Lieutenant Governor in Council as the chairperson of the Board pursuant to section 4(1) of *The*

*Trade Union Act* and includes, in the absence of that person, any person appointed, from time to time, by the Lieutenant Governor in Council as a vice-chairperson of the Board;

(d) “**essential services**” means “essential services” within the meaning of the *Act*;

(e) “**essential services agreement**” means “essential services agreement” within the meaning of the *Act*;

(f) “**Registrar**” means the person appointed, from time to time, as the registrar of the Saskatchewan Labour Relations Board in accordance with *The Public Service Act, 1998*, R.S.S. c.P-42.1.

(2) The following forms are attached hereto and form a part of these rules:

**Form A** – Application for Order under Section 10 of *The Public Service Essential Services Act*.

**Form B** – Application for Order under Section 11 of *The Public Service Essential Services Act*.

*Applications for Order under Section 10 of The Public Service Essential Services Act.*

3(1) A trade union may make application to the Board for an order or orders pursuant to section 10 of the *Act*.

(2) Prior to making an application pursuant to subsection (1), the trade union shall:

(a) contact the Registrar who shall provide a date upon which the application shall be returnable; and

(b) serve a copy of the trade union’s application, together with any material referred therein, upon the public employer, not less than three (3) clear days before the date provided by the Registrar pursuant to paragraph (a), unless the time for service has been abridged by the Chairperson on application by the trade union.

(3) A trade union making an application pursuant to subsection (1) shall complete **Form A** and that document shall be verified by statutory declaration of a person representing the trade union and shall be filed with the Registrar in accordance with any requirements, and subject to any restrictions, set forth in these rules or the *Act*.

(4) In addition to any requirements arising pursuant to subsection (3), the following documents shall be filed with every application made pursuant to subsection (1):

(a) A copy of the notice serviced on the trade union by the public employer pursuant to section 9 of the *Act*.

(b) An affidavit of a person representing the trade union:

(i) summarizing the negotiations which have occurred between the parties toward the conclusion of an essential services agreement and identifying the classifications in dispute between the parties; and

(ii) identifying the number of employees which the trade union believes to be necessary to maintain essential services within each classification in dispute between the parties and the trade union's rationale or reasons in coming to that conclusion.

(c) Such other materials as the trade union may deem to be necessary for the purposes of the application; and

(d) Proof of service of the application and other material mentioned herein upon the public employer.

(5) Upon service upon it of an application pursuant to subsection (1), the public employer shall forthwith serve upon the trade union and file with the Board, the following documents:

(a) An affidavit of a person representing the public employer:

(i) summarizing the negotiations which have occurred between the parties toward the conclusion of an essential services agreement and identifying the classifications in dispute between the parties;

(ii) identifying the essential services of the public employer;

(iii) identifying the number of employees which the public employer believes to be necessary to maintain essential services within each classification in dispute between the parties.

(iv) setting forth the position of the public employer, including the rationale or reasons for establishing the number of employees as being necessary to maintain essential services within each classification in dispute between the parties; and

- (b) Such other materials as the public employer may deem to be necessary for the purposes of the application; and
- (c) Proof of service of the material mentioned herein upon the trade union.

*Applications for Order under Section 11 of The Public Service Essential Services Act.*

4(1) A trade union or public employer may make application to the Board for an order or orders pursuant to section 11 of the *Act*.

(2) Prior to making an application pursuant to subsection (1), the applicant shall:

- (a) contact the Registrar who shall provide a date upon which the application shall be returnable; and
- (b) serve a copy of the applicant's application, together with any material referred therein, upon the respondent public employer or trade union, as the case may be, not less than three (3) clear days before the date provided by the Registrar pursuant to paragraph (a), unless the time for service has been abridged by the Chairperson on application by the trade union or public employer, as the case may be.

(3) An applicant making an application pursuant to subsection (1) shall complete **Form B** and that document shall be verified by statutory declaration of a person representing the applicant and shall be filed with the Registrar in accordance with any requirements, and subject to any restrictions, set forth in these rules or the *Act*.

(4) In addition to any requirements arising pursuant to subsection (3), the following documents shall be filed with every application made pursuant to subsection (1):

- (a) A copy of the Order of the Board made pursuant to section 10 of the *Act* that is the subject matter of the application.
- (b) An affidavit of a person representing the applicant:
  - (i) summarizing the desired changes to the Order mentioned in paragraph (a);
  - (ii) setting forth the position of the applicant, including the reasons why the applicant believes that the said Order should be amended, varied, rescinded or rescind and replaced.

- (c) Such other materials as the applicant may deem to be necessary for the purposes of the application; and
  - (d) Proof of service of the application and material mentioned herein upon the respondent public employer or trade union, as the case may be.
- (5) Upon service upon it of an application pursuant to subsection (1), the respondent public employer or trade union, as the case may be, shall forthwith serve upon the applicant and file with the Board, the following documents:
- (a) An affidavit of a person representing the respondent setting forth the position of the respondent with respect to the application.
  - (b) Such other materials as the public employer determines will be necessary for the purposes of the application; and
  - (c) Proof of service of the material mentioned herein upon the applicant.

*Filing documents*

5(1) Every application or other document required to be filed with Registrar shall be delivered to the following location unless otherwise directed by the Registrar:

Office of the Saskatchewan Labour Relations Board  
1600 – 1920 Broad Street  
Regina, Saskatchewan  
S4P 3V2

- (2) The Registrar shall cause all applications and other documents, when filed, to be stamped with the date on which they were received in the Office of the Board.
- (3) No application shall be considered to be filed with the Board until original documents have been received by the Registrar in accordance with the requirements of these rules.

*Service of documents*

6. When service of any application or document is required by these rules to be made on any person, public employer or trade union, service may be made in any manner approved under the Rules of Court of the Queen's Bench of Saskatchewan.

*General*

7(1) Where the time for doing any act or taking any proceedings expires on a Saturday or Sunday or other day on which the offices of the Board are closed, and by reason thereof such act or proceeding cannot be done or taken on that day, such act or proceeding shall, so far as regards the time for doing or taking the same, be held to be duly done or taken if done and taken on the day on which the offices shall next be open.

(2) The Chairperson may enlarge or abridge the time appointed by these rules for doing any act or taking any proceeding and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

*Non-compliance with rules*

8. Noncompliance with any of these rules shall not render any proceedings void unless the Board shall so direct.

*Severability*

9. If any section or part of these rules is found to be illegal or beyond the power of the Chairperson to enact, such section or part shall be deemed to be severable and all other sections or parts of these rules shall be deemed to be separate and independent there from and to be enacted as such.

*Coming Into Force*

10. These rules shall come into force on the day they are published in the Saskatchewan Gazette.

**PASSED AND ENACTED ON THIS \_\_\_\_\_ DAY OF JUNE, 2009.**

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Chairperson, Labour Relations Board