

PROVINCE OF SASKATCHEWAN



07-08

ANNUAL REPORT

SASKATCHEWAN
LABOUR RELATIONS BOARD

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This annual report is also available in electronic format at www.sasklabourrelationsboard.com.

Letters of Transmittal



The Honourable Dr. Gordon L. Barnhart
Lieutenant Governor
Province of Saskatchewan

May it Please Your Honour:

I respectfully submit the Annual Report of the Saskatchewan Labour Relations Board for the fiscal year ending March 31, 2008.

A handwritten signature in black ink, appearing to read 'Rob Norris'.

Rob Norris
Minister of Advanced Education, Employment and Labour



The Honourable Rob Norris
Minister of Advanced Education, Employment and Labour

Dear Minister Norris:

I am pleased to provide you with the Annual Report of the Saskatchewan Labour Relations Board. It covers the period commencing April 1, 2007 and ending March 31, 2008.

A handwritten signature in black ink, appearing to read 'Kenneth Love'.

Kenneth Love, Q.C.,
Chairperson
Labour Relations Board

I Labour Relations Board

The Labour Relations Board came into existence in 1944 with passage of *The Trade Union Act*, S.S. 1944 (2nd Sess.) c. 69. Although the *Act* has often been amended, most recently in 2005, the basic concept of the Board has not changed. The Board is an independent, quasi-judicial tribunal charged with the responsibility of adjudicating disputes that arise under *The Trade Union Act*. It does this principally through public hearings and written decisions.

The Board's decisions are final and binding upon the parties. There is no appeal, and review by the courts is strictly limited.

The *Act* presently provides for a board composed of a chairperson and two vice-chairpersons and an unspecified number of members. All members of the Board, including the chairperson and vice-chairpersons, are appointed by the Lieutenant Governor in Council. The chairperson and vice-chairpersons are full-time members of the Board. The remaining members are appointed and paid on a per diem basis when their services are required.

The Board is a representational Board. This means that all members of the Board, with the exception of the chairperson and vice-chairpersons, are representatives of employees or employers. The chairperson and vice-chairpersons are neutral and are lawyers. The Board reports to the Minister of Advanced Education, Employment and Labour for the Province of Saskatchewan. The Minister is obligated by *The Trade Union Act* to provide the Board with the requisite staff and facilities. The Board operates independently from the government, its departments and agencies. The chairperson, vice-chairpersons and all members of the Board are required by the *Act* to take an oath of impartiality in the performance of their office.

The Board's offices and staff are located at 1600 - 1920 Broad Street, Regina. The Board also maintains a hearing room in Saskatoon. The staff of the Board is composed of the Board Registrar/ Legal Counsel, Senior Industrial Relations Officer/ Investigating Officer, Executive Assistant to the Chairperson and three clerical positions. The chairperson or one of the vice-chairpersons is appointed to act as Executive Officer of the Board. An Organizational Chart of the Labour Relations Board is contained in Table 1.

The composition of the Board for 2007-2008 was:

Kenneth Love, Q.C. – Chairperson

Kenneth G. Love Q.C. was appointed as Chairperson and Executive Officer of the Board in March of 2008, replacing James Seibel who had served as Chairperson of the Board since October of 2003. Mr. Love obtained a Bachelor of Arts degree from the University of Regina in 1970 and his law degree from the University of Saskatchewan in 1971. Since obtaining his law degree, Mr. Love has been employed as counsel to the then Department of Municipal Affairs and the City of Regina. Prior to his appointment, Mr. Love was in private practice in Regina. Mr. Love was designated as a Queen's Counsel in 1989.

James Seibel - Chairperson

James Seibel was appointed Vice-Chairperson and Executive Officer of the Board in November, 1997 and was appointed Chairperson and Executive Officer of the Board in October, 2003. Mr. Seibel obtained his Bachelor of Science degree from the University of Regina and his law degree from the University of Saskatchewan. He was in the private practice of law in Saskatoon from 1981 to 1997, with an emphasis on labour law and arbitration. Mr. Seibel's appointment as Chairperson ended in March of 2008, with the appointment of Mr. Love as Chairperson.

Angela Zborosky – Vice-Chairperson

Angela Zborosky was appointed Vice-Chairperson of the Board in July, 2004. Ms. Zborosky obtained her Bachelor of Business Administration degree from the University of Regina and her law degree from the University of Saskatchewan. Ms. Zborosky was in the private practice of law in Regina from 1991 to 2004, primarily in the areas of labour and employment law. Ms. Zborosky's appointment as Vice-Chairperson ended in March of 2008.

Catherine Zuck, Q.C. – Vice-Chairperson

Ms. Zuck was appointed Vice-Chairperson of the Board in May, 2007. Ms. Zuck obtained her B.A and LLB from the University of Saskatchewan. She was in private practice in Saskatoon following her call to the bar, and was staff counsel to the Saskatchewan Union of Nurses immediately prior to her appointment as Vice-Chairperson of the Board. Ms. Zuck has been a lecturer with the College of Law, Saskatoon, Vice-President of the Canadian Association of Labour Lawyers, President of the Saskatoon Bar Association, a Bencher of the Law Society of Saskatchewan and a member of the Senate of the University of Saskatchewan. She was appointed as a Queen's Counsel in 2005. Ms. Zuck's appointment as Vice-Chairperson ended in March of 2008.

Bruce McDonald

Bruce McDonald was appointed to the Board in 1974 as a member representing employees. Mr. McDonald is a retired business agent for the International Brotherhood of Painters and Allied Trades, Local Union 1996. He is a past president of the Canadian Federation of Labour (Sask.).

Gloria Cymbalisky

Gloria Cymbalisky was appointed to the Board in March of 1992 as a member representing employees. She is self-employed as an industrial relations consultant. She was formerly a representative for the Saskatchewan Joint Board, Retail, Wholesale and Department Store Union.

Gerry Caudle

Gerry Caudle was appointed to the Board in March of 1994 as a member representing employees. Mr. Caudle had previously served in the same capacity during the 1980s. He is a retired representative with the Canadian Union of Public Employees.

Brenda Cuthbert

Brenda Cuthbert was appointed to the Board in July of 1995 as a member representing employers. Ms. Cuthbert is the Corporate Director of Human Resources for the Siemens Transportation Group Inc.

Donna Ottenson

Donna Ottenson was appointed to the Board in July of 1995 as a member representing employees. An active member of the Saskatchewan Union of Nurses, Ms. Ottenson is a Registered Nurse who works part time in long term care and part time as an Employment Relations Officer with her union.

Hugh Wagner

Hugh Wagner was appointed to the Board in July of 1995 as a member representing employees. Mr. Wagner is the General Secretary of the Grain Services Union (ILWU * Canada). Prior to joining the GSU, Mr. Wagner worked in the service sector, the construction industry and the provincial civil service in Saskatchewan. Mr. Wagner holds a Bachelor of Arts (Honours) and Masters Degree in Political Science from the University of Saskatchewan (Regina Campus). Mr. Wagner is a trustee of the Saskatchewan Wheat Pool/GSU Pension Plan, a member of the Board of Directors of the Western Transportation Advisory Council, a past Vice-President of the Saskatchewan Federation of Labour, a member of the Executive Board of the International Longshore and Warehouse Union – Canada, a member of the Board of Directors of the Saskatchewan Labour Market Commission and a member of the Board of Directors of Enterprise Saskatchewan.

Leo Lancaster

Leo Lancaster was appointed to the Board in July of 1998 as a member representing employers. Mr. Lancaster is a retired labour relations consultant with Saskatchewan Association of Health Organizations.

Duane Siemens

Duane Siemens was appointed to the Board in 2001 as a member representing employees. Mr. Siemens is a retired millwright from Erco Worldwide. Mr. Siemens was formerly the president of CEP Local 609, Secretary and Vice-President of the Saskatchewan Federation of Labour, and past President of the Saskatoon & District Labour Council.

Clare Gitzel

Clare Gitzel was appointed to the Board in July of 2001 as a member representing employers. Mr. Gitzel was formerly employed with a major mining company as Manager of Human Resources and Northern Affairs. He presently provides consulting services in the human resources and administration fields.

Joan White

Joan White was appointed to the Board in July of 2001 as a member representing employers. Ms. White has been employed by the University of Saskatchewan in a management role for more than thirty years. Her areas of specialization are human resource management and labour relations, and she has taught Industrial Relations in the College of Commerce. She is currently on secondment to the Saskatchewan Ministry of Advanced Education, Employment and Labour.

Maurice Werezak

Maurice Werezak was appointed to the Board in July of 2001 as a member representing employees. Mr. Werezak is a past Vice-President of the Saskatchewan Federation of Labour and is President of United Food and Commercial Workers, Local 248-P. Mr. Werezak is a labour representative on the Employment Insurance Appeal Committee and is employed at Mitchell's Gourmet Foods.

Marshall Hamilton

Marshall Hamilton was appointed to the Board in July of 2002 as a member representing employers. Mr. Hamilton is the Director of Industrial Relations - Canada with IPSCO Inc. Mr. Hamilton has been working in the human resources field for 25 years in various industries including forestry, government, potash mining, steel and pipe manufacturing.

Michael Wainwright

Michael Wainwright was appointed to the Board in July of 2002 as a member representing employers. Mr. Wainwright is the Vice President, HR Commercial Engagements for ISM Information Systems Management Canada Corporation (ISM Canada). He also is the owner of MJWainwright Labour Relations Consulting Inc.

John McCormick

John McCormick was appointed to the Board in July of 2002 as a member representing employees. Mr. McCormick is a Transit Operator with the City of Regina and is Past President of the Amalgamated Transit Union Local 588, having held the position of president for 10 years. Mr. McCormick is the Chairperson of the Regina Civic Pension Committee and is a member of the Task Force on Occupational Standards for the Canadian Motor Coach Association. Mr. McCormick was formerly a Canadian Council Executive Board member.

Ken Ahl

Ken Ahl was appointed to the Board in July of 2004 as a member representing employers. Mr. Ahl worked for 34 years for Comstock Canada Ltd. and retired in 2003 as the manager of their Saskatchewan office. He has also been active in the construction industry with the Construction Labour Relations Association of Saskatchewan Inc. (CLR) and Construction Opportunities Development Council Inc. (CODC).

Kendra Cruson

Kendra Cruson was appointed to the Board in July of 2005 as a member representing employers. Ms. Cruson recently opened Willow Studio, a custom home furnishing store and gallery in Regina. Her background includes both sales and human resources. Ms. Cruson is incoming President of CAFE Regina (Canadian Association of Family Enterprise), a not-for-profit organization promoting the well-being and understanding of families in business together.

Shawna Colpitts

Shawna Colpitts was appointed to the Board in August of 2007 as a member representing employees. Ms. Colpitts is a National Representative for SEIU Canada and is responsible for projects such as provincial collective bargaining for health care providers employed within affiliated Regional Health Authorities and Saskatchewan Association of Health Organizations. Shawna initially began her employment with a SEIU Local in 1994 and, since this time, has acted as an advocate for a wide variety of classifications of health care providers, as well as employees within affiliated community based organizations. In addition, Shawna presently serves as a board member on the Human Resource Council for the Voluntary Sector Council. Shawna holds General Bachelor of Arts and Bachelor of Law degrees and has focused on labour relations throughout both her employment and education.

Elma Shoulak

Elma Shoulak was appointed to the Board in August of 2007 as a member representing employers. Ms. Shoulak is Senior Vice President of Human Resources for the Saskatchewan Indian Gaming Authority Inc. (SIGA). Prior to joining SIGA, Ms. Shoulak was the Vice President of Human Resources and Aboriginal Affairs with Casino Regina and Casino Moose Jaw. Ms. Shoulak holds certificates from Queen's University in Human Resources Development and Organizational Development and is a member of the Ochapowace First Nation.

II *The Trade Union Act*

In Canada, legislative jurisdiction over industrial relations has, since a ruling of the Supreme Court of Canada in 1925, fallen largely under provincial jurisdiction. Fortunately, the potential this presented for legal fragmentation was offset by varying combinations of interprovincial management and union structures, common history and common day-to-day economic and political conditions. The result is a remarkable commonality of core principles and procedures in all 11 Canadian jurisdictions.

The main features of Saskatchewan's *Trade Union Act*, like its counterparts in all other Canadian jurisdictions, may be summarized as follows:

- traditional courts are replaced by a specialized, quasi-judicial tribunal with exclusive and binding jurisdiction over the matters assigned to it by *The Trade Union Act*;
- common law of conspiracy and restraint of trade is abolished insofar as it applies to employees who bargain collectively;
- the majority of employees determine for all employees in a group whether they will bargain collectively and, if so, through which union;
- an employer is required to recognize the union chosen by the majority of its employees as their exclusive representative for the purpose of bargaining collectively;
- the employer and the union are required to bargain in good faith with a view to concluding a collective bargaining agreement;
- a number of unfair labour practices are created to protect employees and unions from any attempt by the employer to interfere with their rights;
- strike and lock-out activity is regulated, but not prohibited;
- specific issues, such as union security, technological change, conciliation, voting procedures and religious exclusions are addressed; and
- remedial and enforcement procedures are included in the statute.

In short, the *Act* provides the legal framework for collective bargaining, along with a procedure for adjudicating disputes and enforcing rights and obligations. *The Trade Union Act*, like its counterparts in all other Canadian jurisdictions, does not attempt to prohibit economic conflict between employees and employers, but only to control it. It does not attempt to regulate the outcome of collective bargaining, but merely the process to be followed.

The function of the Labour Relations Board within this statutory framework is to identify the parties which will participate in collective bargaining, and to monitor the procedural aspects of the bargaining process. Under *The Trade Union Act*, the Board is not required to follow all of the formal rules of procedure that have been developed in courts of law.

The Board attempts to conduct its hearings in a way that will make them accessible to representatives of the parties who have no legal training, and which will allow the Board to identify the issues which are genuinely in dispute.

III *The Construction Industry Labour Relations Act, 1992*

Passed in 1992 and amended in 2000, *The Construction Industry Labour Relations Act*, 1992, S.S. 1992, c. C-29.11, provides for a system of collective bargaining in the building trades between organizations representing groups of contractors and the construction unions. The supervision of this statutory system is conferred on the Board under the legislation.

IV *The Health Labour Relations Reorganization Act*

Passed in 1996, *The Health Labour Relations Reorganization Act*, S.S. 1996, c. H-0.03, appointed a commissioner to examine the organization of labour relations between health sector employers and employees in the Province. The Dorsey Commission report was submitted, and *The Health Labour Relations Reorganization (Commissioner) Regulations*, R.R.S., c. H-0.03, Reg. 1 came into force, in January, 1997.

The legislation confers upon the Board the power to make orders for the purpose of carrying out the intent of the legislation and respecting any matter arising out of the reorganization of labour relations in the health care sector not addressed in the Regulations.

V Budget Summary

The total budget of the Saskatchewan Labour Relations Board for the fiscal year ending March 31, 2008 was \$879,000. The actual sum expended by the Board during the fiscal year was \$757,000. The Board has, over time, displayed an ability to manage its resources efficiently. It should be noted, however, that it is unable to control or predict the nature or number of applications put before it, and as a result, the relationship of expenditure to budgetary allocation cannot be guaranteed.

VI Summary of Board Activity for 2007-2008

Between April 1, 2007 and March 31, 2008, the Labour Relations Board held hearings for a total of 68 days. A total of 152 applications were received and a total of 193 were disposed of by the Board during the year. Tables 2 and 3 show these applications by type of application and disposition. The five-year trend is shown by disposition in Tables 3 and 4 and by type in Tables 5 and 6.

During 2007-2008, 47 certification orders covering 1100 employees were issued by the Board and 3 certification orders affecting 29 employees were rescinded.

It is not possible in this report to convey a complete picture of the nature and range of applications brought before the Board during the year. It may be helpful, however, to mention briefly some of the issues that illustrate the many types of questions that arise from applications before the Board.

During the reporting period the Board received and determined a number of applications for certification. In *United Food and Commercial Workers, Local 1400 v. Tora Regina (Tower) Limited*, [2007] Sask. L.R.B.R. 277, LRB File No. 026-04, the Board considered allegations of improper organizing tactics leveled against the union by certain employees in the bargaining unit. The Board concluded that the union did not do or say anything improper in obtaining the impugned evidence of support but found that an agent of the employer did improperly interfere with or influence the employees in both seeking to withdraw their support and in the making of their allegations against the union. The application for certification was granted. The Board's decision was quashed by the Saskatchewan Court of Queen's Bench at [2007] Sask. L.R.B.R. c-17 on the basis of post-hearing and pre-decision delay by the Board. The Saskatchewan Court of Appeal allowed the union's appeal at [2008] Sask. L.R.B.R. c-1, concluding that, while the Board's delay in rendering its decision was unreasonable, the lower court had erred in quashing the Board's decision on this basis.

In *Teamsters Union, Local 305 v. Regina Leader Post Group Inc.*, [2007] Sask. L.R.B.R. 707; LRB File No. 118-05, the Board dismissed an application for certification on the basis that individuals hauling newspapers throughout Saskatchewan were independent contractors and not employees within the meaning of *The Trade Union Act*. In *International Union of Heat and Frost Insulators and Asbestos Workers, Local 119 v. Wilf's Oilfield Services (1987) Ltd.*, [2007] Sask. L.R.B.R. 664; LRB File No. 297-04 and *International Brotherhood of Electrical Workers, Local 2038 v. Croft Electric Ltd.*, [2007] Sask. L.R.B.R. 693; LRB File No. 106-05, the Board had occasion to address the proper composition of a statement of employment in the construction industry noting that the Board will look at the trade in which an employee was employed for the majority of that employee's time during a reasonably representative period of time prior to the filing of the application for certification.

During the reporting period, the Board heard and determined several applications in the education sector following recent province-wide school division amalgamations. In *Canadian Union of Public Employees, Local 4799 v. Board of Education of Horizon School Division No. 205*, [2007] Sask. L.R.B.R. 425, LRB File No. 053-06, the Board considered a successorship application where the union was seeking to be certified for an all employee bargaining unit in a newly created school division on the basis that the majority of the employees in that division were members of bargaining units represented by the union in predecessor school divisions. The Board held that the union could not sweep previously unrepresented employees into a bargaining unit without filing evidence of support either from a majority of the previously unrepresented employees or from a majority of the total number of employees in the new division.

In *Service Employees International Union, Local 336 v. Board of Education of the Chinook School Division No. 211*, [2007] Sask. L.R.B.R. 718, LRB File Nos. 070-06 & 095-06 to 099-06, the Board reviewed, *inter alia*, historical patterns of organizing in the education sector and concluded that the incremental bargaining units proposed by the union were appropriate bargaining units.

In both of these decisions, the Board noted the similarity between current issues faced by unions and employers in the education sector and those faced by unions and employers in the health care sector prior to the enactment of *The Health Labour Relations Reorganization Act*. The Board indicated that, in the absence of such a legislated solution, it would follow the same path taken by it in health care prior to the legislated solution and would allow parties to sort out problems themselves through the collective bargaining process with the Board's guidance from time to time when sought by the parties.

During the reporting period, the Board heard and determined many unfair labour practice applications. Several of these applications involved unusual fact patterns and required innovative remedies. In *Saskatchewan Union of Nurses v. Regina Qu'Appelle Health Region*, [2007] Sask. L.R.B.R. 490, LRB File No. 133-05, the employer's representative made a representation in bargaining that was later overridden by the employer. The union alleged that the employer had failed to bargain in good faith. The Board agreed, noting that either the representative did not have proper authority to bind the employer during bargaining or there were deficiencies in his mandate or communication of his mandate by the employer. The Board did not hold the employer to the position taken by its representative but ordered it to provide the union with a complete unconditional settlement proposal, to meet with the union and to give the union written assurance of the employer's representatives' authority to bargain a resolution to the dispute.

In *St. Thomas More College v. St. Thomas More College Faculty Union (1977)*, [2008] Sask. L.R.B.R. 60, LRB File No. 123-07, an executive committee newly elected by the union's membership attempted to reopen bargaining on agreed to issues and encouraged the membership not to ratify the collective agreement reached by the parties in bargaining. The Board concluded that the union failed to make reasonable efforts to conclude a collective agreement and committed an unfair labour practice. As it was unable to conclude on the evidence that the union's members would have ratified the collective agreement but for the union's unfair labour practice, the Board ordered

the union to hold another ratification vote.

In *Grain Services Union v. Warner Transportation Services Limited and Prairie Valley School Division No. 208*, [2007] Sask. L.R.B.R. 363; LRB File Nos. 090-07, 091-07 & 092-07, the Board determined that, for the purposes of an unfair labour practice application alleging discrimination in hiring, it was not necessary for the individual in question to be an employee of the employer. The Board ordered an employer to hire the individual in question on an interim basis pending determination of the final unfair labour practice application.

The Board heard and determined a number of successorship applications pursuant to s. 37 and s. 37.1 of *The Trade Union Act* during the reporting period. In *Canadian Union of Public Employees v. Athabasca Health Authority Inc. et al.*, [2007] Sask. L.R.B.R. 537, LRB File No. 063-03, the Board found that a successorship had occurred, concluding that the labour relations of an employer providing comprehensive health care services to aboriginal and non-aboriginal persons fell within provincial constitutional jurisdiction as neither Indian status nor any right closely connected with Indian status was at stake. In *Retail, Wholesale and Department Store Union, Local 568 v. Johnner's Homestyle Catering*, [2007] Sask. L.R.B.R. 213, LRB File Nos. 006-06 to 011-06, the Board noted that a successor employer would not be required to change the structure of its business operations to accord with the scope clause in the collective agreement.

As in past years, the Board dealt with many duty of fair representation applications during the reporting period. As a result of amendments made to *The Trade Union Act* in 2005, a number of these applications were heard by a Chairperson or Vice-Chairperson of the Board sitting alone including *McEwan v. Canadian Union of Public Employees, Local 1975 and University of Saskatchewan*, [2007] Sask. L.R.B.R. 348, LRB File No. 001-06, where the Board declined to read s. 25.1 of *The Trade Union Act* as imposing a statutory obligation on a union to represent one of its members against a party other than the employer (in this case a disability insurer) through procedures or actions other than grievance and rights arbitration proceedings.

Each fiscal year the Board considers a number of applications for amendment of certification orders and this reporting period was no exception. In deciding certain of these applications for amendment, the Board expressed reluctance to amend a prior agreement made between a union and an employer, absent a material change in circumstances. Thus, a warning to both unions and employers to refrain from entering into deals lightly.

In *University of Saskatchewan v. Administrative and Supervisory Personnel Association*, [2007] Sask. L.R.B.R. 154, LRB File No. 057-05, the Board was asked to consider whether positions historically treated by the parties as in-scope should be moved out-of-scope. The Board concluded that the positions were "employees" within the meaning of *The Trade Union Act* and that it therefore did not need to consider whether a material change in circumstances was required or had occurred. The Board indicated that, in future applications of this kind, the parties would be expected to lead evidence and make argument on the material change in circumstances issue.

In *Service Employees' International Union, Local 299 v. Canadian Blood Services*, [2007] Sask. L.R.B.R. 310, LRB File No. 024-07, the Board refused to amend a certification order to include a previously specifically excluded biomedical technologist position, holding that the union was first required to establish a material change in circumstances in order to entitle it to consideration of the requested amendment. Similarly, in *Canadian Union of Public Employees, Local 1975 v. University of Saskatchewan Students' Union*, [2007] Sask. L.R.B.R. 656, LRB File No. 048-04, the Board declined to amend an existing certification order to include employees of the Womens' Centre at the University. The existing certification order specifically excluded employees of other Student Union Centres. Because the employees of the Womens' Centre were found to have a closer community of interest with the employees of other Student Union Centres than with the members of the existing bargaining unit, the application for amendment relating to the employees of the Womens' Centre was denied.

In conjunction with its publisher, the Saskatchewan Legal Education Society Inc. (SKLESI), the Board continued the publication of its Reasons for Decision and any subsequent court decisions during the reporting year in the Saskatchewan Labour Relations Board Reports (cited as Sask. L.R.B.R.). The Board wishes to thank SKLESI, its Executive Director and staff for their considerable effort and continued cooperation in the publication of the Reports. The Reports are available by subscription through SKLESI, at court house libraries in some judicial centres and at the Law Library at the University of Saskatchewan. Reports of recent Board decisions are available on the Board's website at www.sasklabourrelationsboard.com. Many of the Board's Reasons for Decision are also available on QuickLaw.

VII Tables

Table 1

Labour Relations Board Organizational Chart

March 31, 2008

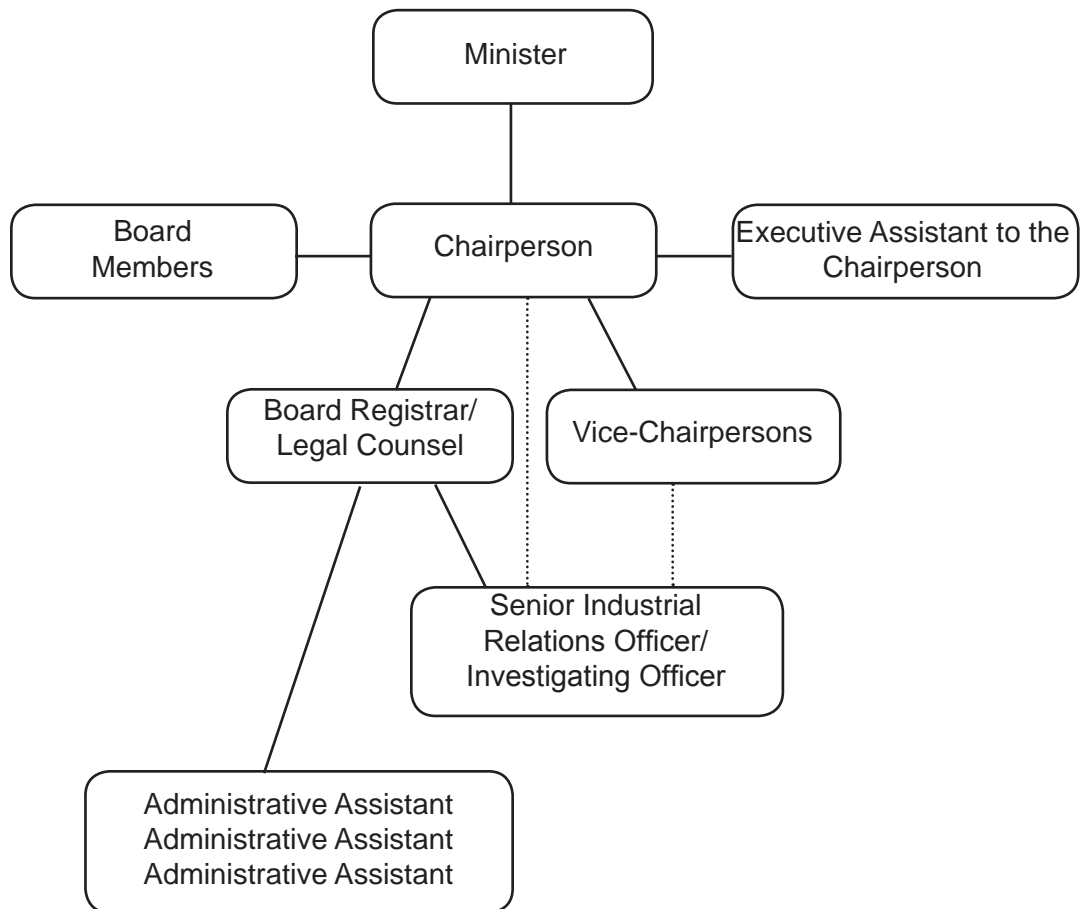


Table 2

**Applications under *The Trade Union Act* by
Type of Application and Disposition, 2007-2008**

Type of application and disposition	Applications	Type of application and disposition	Applications
Total Applications*	193	Provisional Employee Determination	
Granted	90	(Section 5.2)	1
Dismissed.....	37	Granted	1
Withdrawn	47	Dismissed.....	0
Sine Die.....	19	Withdrawn	0
		Sine Die.....	0
Designation of Principal or Contractor		Interim Applications	
(Section 2, clause g).....	0	(Section 5.3)	7
Certification		Granted	3
(Section 5, clauses a, b and c)	53	Dismissed.....	3
Granted	47	Withdrawn	0
Dismissed.....	3	Sine Die.....	1
Withdrawn	3	Raid	0
Sine Die.....	0	Amendment or Rescission	
Unfair Labour Practice		(Section 5, clauses i, j and k).....	A22, R11
(Section 5, clause d).....	41	Granted.....	A15, R3
Granted	5	Dismissed	A1, R4
Dismissed.....	**5	Withdrawn.....	A3, R3
Withdrawn	25	Sine Die	A3, R1
Sine Die.....	6	Exclusion on Religious Grounds	
Reinstatement		(Section 5, clause l)	2
(Section 5, clause f).....	9	Granted	2
Granted	0	Dismissed.....	0
Dismissed.....	**7	Withdrawn	0
Withdrawn	2	Sine Die.....	0
Sine Die.....	0	Employee Determination	
Monetary Loss		(Section 5, clause m).....	0
(Section 5, clause g).....	12	Strike/Ratification Votes	
Granted	0	(Section 11, clause 8)	0
Dismissed.....	**9	Reconsideration	
Withdrawn	3	(Section 13)	1
Sine Die.....	0	Granted.....	0
Company Dominated		Dismissed	0
(Section 5, clause h).....	0	Withdrawn.....	1
		Sine die.....	0

Table 2 - continued

**Applications under *The Trade Union Act* by
Type of Application and Disposition, 2007-2008**

Type of application and disposition	Applications	Type of application and disposition	Applications
Reference of Dispute (Section 24)	0	Transfer of Bargaining Rights (Section 39)	1
Duty of Fair Representation (Section 25.1)	10	Granted.....	1
Granted.....	0	Dismissed.....	0
Dismissed.....	**5	Withdrawn.....	0
Withdrawn.....	3	Sine die.....	0
Sine die.....	2	Technological Change (Section 43)	0
First Collective Bargaining Agreements (Section 26.5)	3	Final Offer Vote (Section 45)	0
Granted.....	***1	Health Applications	0
Dismissed.....	0	Construction Applications	0
Withdrawn.....	1		
Sine die.....	1		
Membership in Trade Union (Section 36.1)	0		
Transfer of Obligation (Section 37)	17		
Granted.....	10		
Dismissed.....	0		
Withdrawn.....	3		
Sine die.....	4		
Deemed Sale of Business (Section 37.1)	3		
Granted.....	2		
Dismissed.....	0		
Withdrawn.....	0		
Sine die.....	1		
Related Employer (Section 37.3)	0		

* 193 applications were disposed of although 152 applications were received.

** Three unfair labour practice applications were dismissed and two unfair labour practice applications were summarily dismissed pursuant to s. 18 of *The Trade Union Act*. Four reinstatement applications were dismissed and three reinstatement applications were summarily dismissed pursuant to s. 18 of *The Trade Union Act*. Six monetary loss applications were dismissed and three monetary loss applications were summarily dismissed pursuant to s. 18 of *The Trade Union Act*. Four duty of fair representation applications were dismissed and one duty of fair representation application was summarily dismissed pursuant to s. 18 of *The Trade Union Act*.

*** One first collective agreement was settled with the assistance of a Board Agent, zero first collective agreements were imposed by the Board

Data Source:

- Saskatchewan Labour Relations Board files.

Table 3**Applications to the Labour Relations Board under *The Trade Union Act*, by Disposition, 2003-2004 to 2007-2008**

	2003-04	2004-05	2005-06	2006-07	2007-08
Total Applications	277*	273*	252*	207*	193*
Granted	123	105	88	87	87
Dismissed	28	30	48	26	34
Withdrawn	87	95	69	69	47
Sine Die	29	31	39	17	18
To Conciliation	0	0	0	0	0
Joint Amend – Dorsey	0	0	0	1	0
Cert. – Dorsey	0	0	0	0	0
Other Dorsey	2	1	1	1	0
Interim**	8	11	7	6	7

Under *The Trade Union Act*, the Board may determine the outcome of any dispute referred to it by either party.

The decision of the Board is final and binding.

*This figure does not include construction applications.

**The Disposition of Interim Applications is shown in Table 2.

Data Source:

- Saskatchewan Labour Relations Board files.

Table 4

Applications to the Labour Relations Board under *The Construction Industry Labour Relations Act, 1992*, by Disposition, 2003-2004 to 2007-2008

Year	Total Applications	Granted	Dismissed	Withdrawn	Determined	Sine Die
2003-04	2	0	0	0	0	2
2004-05	0	0	0	0	0	0
2005-06	4	0	0	3	0	1
2006-07	1	0	0	0	0	1
2007-08	0	0	0	0	0	0

Data Source:

- Saskatchewan Labour Relations Board files.

Table 5**Applications under *The Trade Union Act* by Type of Application, 2003-2004 to 2007-2008**

Type of Application	2003-04	2004-05	2005-06	2006-07	2007-08
Total Applications*	277**	273**	252**	200**	193**
Designation of Principal or Contractor (Section 2, clause g)	0	0	0	0	0
Certification (Section 5, clauses a, b and c)	86	69	59	48	53
Unfair Labour Practice (Section 5, clause d)	58	58	71	50	41
Reinstatement (Section 5, clause f)	17	14	9	9	9
Monetary Loss (Section 5, clause g)	16	18	13	11	12
Company Dominated (Section 5, clause h)	0	0	0	0	0
Provisional Employee Determination (Section 5.2)	0	1	1	0	1
Interim Applications (Section 5.3)	8	11	7	6	7
Raid	2	1	0	0	0
Amendment or Rescission (Section 5, clauses i, j and k)	A18 R12	A8 R15	A17 R16	A16 R16	A22 R11
Exclusion on Religious Grounds (Section 5, clause l)	1	3	4	3	2
Employee Determination (Section 5, clause m)	2	3	1	2	0
Strike/Ratification Votes (Section 11(8))	0	2	0	0	0
Reconsideration (Section 13)	6	1	4	2	1

Table 5 - continued

Applications under *The Trade Union Act* by Type of Application, 2003-2004 to 2007-2008

Type of Application	2003-04	2004-05	2005-06	2006-07	2007-08
Reference of Dispute (Section 24)	0	0	2	0	0
Duty of Fair Representation (Section 25.1)	33	41	31	24	10
First Collective Bargaining Agreements (Section 26.5)	7	8	8	3	3
Membership in Trade Union (Section 36.1)	3	3	1	0	0
Transfer of Obligation (Section 37)	4	8	2	7	16
Deemed Sale of Business (Section 37.1)	0	0	0	0	3
Related Employer (Section 37.3)	1	1	0	0	0
Transfer of Bargaining Rights (Section 39)	1	7	0	1	1
Technological Change (Section 43)	0	0	4	0	0
Final Offer Vote (Section 45)	0	0	1	0	0
Health Applications	2	1	1	2	0

*These figures represent the number of applications disposed of during the reporting period, not the number received.

**This figure does not include construction applications.

Data Source:

- Saskatchewan Labour Relations Board files.

Table 6

Applications under *The Construction Industry Labour Relations Act, 1992*, by Type of Application, 2003-2004 to 2007-2008

Type of Application	2003-04	2004-05	2005-06	2006-07	2007-08
Total Applications	2	0	4	1	0
Section 5	0	0	1	0	0
Section 10.2	0	0	0	0	0
Section 11	0	0	0	0	0
Section 16	0	0	0	0	0
Section 18	2	0	1	1	0
Section 25	0	0	2	0	0
Section 29	0	0	0	0	0
Section 30	0	0	0	0	0
Section 37	0	0	0	0	0

Data Source:

- Saskatchewan Labour Relations Board files.

For More Information

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