

June 18, 2015

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Barristers & Solicitors
500, 402 – 21st Street East
SASKATOON, SK S7K 0J5

AAA Security Group
319A – 2505 11th Avenue
REGINA, SK S4P 0K6

Attention: Ms. Heather Jensen

Attention: Mr. Milton Ramirez

Dear Madam and Sir:

RE: LRB File No. 176-14

Please find enclosed the Board Order granted at the hearing held on Wednesday, June 10, 2015 in Saskatoon, Saskatchewan. This letter will also serve as our reasons for that decision.

Facts:

1. Prior to December 31, 2012, Garda Canada Security Corporation (“Garda”) provided security guard services for two (2) locations owned by SaskPower, a provincial crown corporation. On January 1, 2013, the contract for provision of these services was obtained through a tender process by AAA Security Group Ltd. (“AAA”).
2. The two locations were the SaskPower service centre at 2360 6th Avenue, Regina, Saskatchewan and the SaskPower service centre at 211 Albert Street North, Regina, Saskatchewan.
3. Employees of Garda were represented by the United Food and Commercial Workers Union, Local 1400 (the “Union”) for the purposes of collective bargaining. This

Board issued an Order dated May 6, 2009 certifying Garda as the successor to Metropol Security Limited at those sites.

4. Sometime prior to August, 2010, Garda Canada Security Corporation (“Garda”) provided security guard services for one location owned by Saskatchewan Government Insurance, a provincial crown corporation. Sometime after August, 2010, the contract for provision of these services was obtained through a tender process by AAA Security Group Ltd. (“AAA”).
5. The location of this site was 440 Fleet Street, Regina, Saskatchewan.
6. Employees of Garda were represented by the Union for the purposes of collective bargaining. This Board also issued an Order dated May 6, 2009 certifying Garda as the successor to Metropol Security Limited at this site.
7. Section 37.1 of *The Trade Union Act*, was repealed by the enactment and proclamation of *The Saskatchewan Employment Act* on April 29, 2014.
8. On August 8, 2014, the Union made this application to be named as successor to Garda as the bargaining agent for the employees of AAA working at the three sites identified above.

Issue:

9. The sole issue in this matter was whether the repeal of *The Trade Union Act*, and in particular, the repeal of Section 37.1 of that *Act* by the enactment and proclamation of *The Saskatchewan Employment Act*, which enactment did not contain a provision similar to Section 37.1, would allow successorship rights to accrue to the Union.

Analysis and Decision

10. AAA did not oppose the application. At the hearing held on June 10, 2015, the Board heard from the Union. The Union provided a written Brief which we have reviewed and found helpful. We concur with the arguments presented by the Union and provided an oral decision at the hearing that a successorship Order would be made by the Board in respect of the three sites under consideration.
11. The issue in this case is determined from an analysis of both Section 34(1)(c) of *The Interpretation Act* (S.S. 1995 c. I-11.2 and the decisions of the Saskatchewan Court of Appeal in *Wal-Mart Canada Corp. v. United Food and Commercial Workers Union, Local 1400*, [2010] SKCA 123 and *Scott v. College of Physicians and Surgeons of Saskatchewan*, [1992] SKCA 2751.
12. In this case, the successor rights claimed by the Union had accrued prior to the repeal of Section 37.1 of *The Trade Union Act*, and were accordingly saved by the provisions of the *Interpretation Act*, notwithstanding the repeal of that *Act* and Section 37.1 thereof.
13. As such, those successor rights were enforceable by the Union notwithstanding the repeal of Section 37.1 of *The Trade Union Act*.

Yours truly,

Kenneth G. Love, Q.C.
Chairperson