

August 10, 2017

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**Attention: Ms. Andrea Johnson**

**Attention: Mr. David G. de Groot**

Dear Madam & Sir:

**RE: LRB File No. 071-17**

**Background:**

1. The Education, Service and Health Care Union, CLAC Local 306 (“Local 306”) applied to the Board seeking to represent a unit of employees of the Town of Bienfait, Saskatchewan (“Bienfait”). The parties agreed to have the Board consider whether Local 306 qualified as a “union” for the purposes of Section 6-1(1)(p) of *The Saskatchewan Employment Act* (the “SEA”) which provides that a “union” to be “a labour organization or association of employees that: (i) has as one of its main purposes collective bargaining; and (ii) is not dominated by an employer”. This decision addresses this principal issue.
2. The Town of Bienfait did not participate in the hearing as it took no position on whether or not Local 306 should be considered to be a “union” under the SEA.

Nevertheless, the Board is constrained by its prior practice of ensuring that entities who wish to represent employees for collective bargaining meet the minimum qualifications prescribed by Section 6-1(1)(p) of the *SEA*.

3. The Board heard testimony from two witnesses, Mr. Geoff Dueck-Thiessen, the Regional Director for Local 306 and Mr. Kent Kornelson, a Labour Relations Officer with authority to act on behalf of Local 306 in Saskatchewan.
4. Local 306 was originally chartered as a local union of Christian Labour Association of Canada (“CLAC”) on September 25, 2007. An affiliation certificate was issued to Local 306 by CLAC on October 9, 2009. That certification was updated on July 6, 2015.
5. On February 29, 2016 Local 306 considered expanding its jurisdiction from being restricted to the Province of Manitoba to include the Province of Saskatchewan in its geographic jurisdiction. A motion was presented and passed to expand the jurisdiction as proposed.
6. That geographic scope expansion was approved by CLAC and an affiliation certificate issued to Local 306 on March 7, 2016, chartering it with a geographic jurisdiction which included both Manitoba and Saskatchewan.
7. Subsequent to this expansion of the geographic scope of Local 306, employees of the Town of Bienfait expressed interest in having Local 306 represent them for the purposes of collective bargaining. Local 306 then submitted this application to the Board which is the genesis of these proceedings.

### **Analysis and Decision of the Board**

8. This Board has considered this question in a number of its prior decisions. Our decision in *Canadian Staff Union v Canadian Union of Public Employees*, LRB File No. 077-11, 2011 CanLII 61200 (SK LRB) [*“Canadian Staff Union”*] helpfully summarizes what an labour organization that has not yet been certified as a union in Saskatchewan, must demonstrate in order to obtain certification.
  
9. This summary, which is found at paragraph 10 of the *Canadian Staff Union* decision reads as follows:

*The jurisprudence of this Board is to compel an applicant seeking to represent a group of employees, that has not previously been certified in this Province, to establish its status and, in particular, its standing to be certified to represent employees for the purpose of collective bargaining. See: Health Sciences Association of Saskatchewan v University Hospital, [1965-74] Dec. Sask. L.R.B. Volume III, LRB file No. 225-72. Simply put, an applicant organization must satisfy the Board that it is a trade union with [sic] the meaning of The Trade Union Act. In this regard, it should be noted that this is not an enquiry into the relative strength or tenacity of the applicant organization in terms of achieving particular collective bargaining goals or its adherence to particular ideological beliefs. In this exercise, the Board is simply concerned with whether or not the organization is dedicated to advancing the interests of its members by means of collective bargaining and that its internal structure possess [sic] certain hallmarks of organizational legitimacy associated with a trade union. See: Board of Education Administrative Personnel Union v Board of Education and Regina Collegiate Institute, [1978] June Sask. Labour Rep. 44, LRB File No. 380-77. See also: Regina Musicians Association, Local 446 v Saskatchewan Gaming Corporation, [1997] Sask. L.R.B.R. 273, LRB File No. 012-97. [Emphasis added].*

10. Applying these criteria to Local 306, the Board is satisfied that the evidence presented to it shows that Local 306 meets the statutory definition of “union”.

Accordingly, Local 306 is qualified to represent employees for the purpose of collective bargaining in Saskatchewan.

11. Our decision was delivered orally at the hearing of this matter on August 9, 2017. At that hearing, it was determined that the Board would schedule a hearing with respect to the appropriateness of the bargaining unit and whether or not one of the employees met the definition of “supervisory employee” in Section 6-1(1)(o) of the *SEA* on September 14, 2017 commencing at 9:30 AM at the Board’s hearing room in Regina. The Board will also hear, if necessary, the application on LRB File 096-17 at that time.
12. This is a unanimous decision of the Board.

Yours truly,

Kenneth G. Love, Q.C.  
Chairperson

cc: Ms. Ronni Nordal