

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2067, Applicant v  
TECHNICAL SAFETY AUTHORITY OF SASKATCHEWAN ("TSASK"), Respondent,  
SASKATCHEWAN GOVERNMENT AND GENERAL EMPLOYEES' UNION", Respondent and  
UNIFOR, LOCAL 649, Respondent**

LRB File No. 046-24; July 26, 2024

Chairperson, Kyle McCreary ; Board Members: Allan Parenteau, and Hugh Wagner

For International Brotherhood of Electrical Workers, Local 2067: Dan LeBlanc

For Technical Safety Authority of Saskatchewan: Michael Phillips

For Saskatchewan Government and General Employees' Union: Perry D. Erhardt

For Unifor, Local 649: Blake Scott

**Intervention**

**REASONS FOR DECISION**

**Background:**

**[1] Kyle McCreary, Chairperson:** The International Brotherhood of Electrical Workers, Local 2067 ("IBEW") applies to intervene in LRB 028-24. For the reasons that follow, the Application to Intervene of IBEW in LRB 028-24 is granted.

**[2]** LRB File No. 028-24 is an application by The Technical Safety Authority of Saskatchewan ("TSASK") to amend its certification orders with the Saskatchewan Government and General Employees' Union ("SGEU") in LRB File No. 119-05 and with Unifor, Local 649 ("Unifor") in LRB File No. 035-21.

**[3]** TSASK was created in 2010 by *The Technical Safety Authority of Saskatchewan Act*, SS 2010, c T-9.2.

**[4]** In 2010, TSASK became the successor employer to the Government of Saskatchewan in relation to a group of transferred SGEU employees.

[5] In 2021, TSASK become the successor employer from SaskPower of two bargaining units of IBEW and Unifor employees who were transferred from the Gas and Electrical Inspection Division.

[6] In 2022, TSASK was declared a successor employer by the Board in relation to the IBEW employees, and an order was made in LRB File No. 007-21 setting out the following bargaining unit:

*all employees related to Electrical and Gas Inspection employed by the Technical Safety Authority of Saskatchewan within the Province of Saskatchewan except:*

- i. Those employees represented by Unifor Local 649 with respect to the certification order in LRB File No. 035-21; and*
- ii. those employees above the rank of supervisor;*

[7] In 2022, TSASK was declared a successor employer by the Board in relation to the Unifor employees, and an order was made in LRB File No. 035-21 setting out the following bargaining unit:

*all employees engaged in administrative, clerical, or call centre duties related to Electrical and Gas Inspection employed by the Technical Safety Authority of Saskatchewan within the Province of Saskatchewan except employees above the rank of supervisor is an appropriate unit of employees for the purpose of bargaining collectively;*

[8] The TSASK SGEU employees are bargained pursuant to the certification order in LRB File No 119-05 between the Government of Saskatchewan and SGEU.

[9] IBEW's application for intervenor status was not opposed by the parties to the underlying application.

### **Analysis and Decision:**

[10] The Board has authority to add parties to a proceed pursuant to ss. 6-103(1) and 6-112(4)(a) of the Act.<sup>1</sup>

[11] The process for exercising this authority is set out in section 25 of the Regulations:<sup>2</sup>

*Intervention  
25(1) In this section:*

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<sup>1</sup> *The Saskatchewan Employment Act*, SS 2013, c S-15.1 ["the Act"]; See also: *Saskatchewan Building Trades Council v Construction Workers Union, CLAC Local 151, Woodland Constructors Ltd.*, 2023 CanLII 46607 (SK LRB) at para 22.

<sup>2</sup> *The Saskatchewan Employment (Labour Relations Board) Regulations*, RRS c S-15.1 Reg 11, ["the Regulations"].

*“application to intervene” means an application in Form 22 (Application to Intervene); “original application” means an application made to the board pursuant to the Act and these regulations that is the subject of an application to intervene.*

(2) *An employer, union, labour organization or other person shall file an application to intervene if the employer, union, labour organization or other person:*

*(a) is not named in that application; and (b) intends to apply to intervene in the proceedings before the board.*

(3) *All applications to intervene must be filed within 20 business days after the date on which the original application was filed with the board.*

(4) *The registrar shall provide a copy of every application to intervene to: (a) the party that filed the original application; (b) any person that filed a reply to the original application or an application to intervene; and*

*(c) any other employer, union, labour organization or person that is directly affected by the application to intervene.*

(5) *If an application to intervene is filed pursuant to subsection (2), the board has the authority to:*

*(a) determine if the employer, union, labour organization or other person that filed the application to intervene is a party to the proceedings before the board and what standing is to be granted; and*

*(b) impose terms and conditions on a party to the proceedings before the board.*

**[12]** The types of interventions were discussed by the Board in *Construction Workers Union, Local 151 v Tercon Industrial Works Ltd*, 2012 CanLII 2145 (SK LRB):

*[31] In J.V.D. Mills Services #1, supra, this Board clarified its general approach to the granting of intervenor status in proceedings before the Board. In doing so, the Board reiterated the long standing principle that the granting of standing as an intervenor in any proceedings before the Board is a matter of discretion and that, generally speaking, the Board exercises its discretion based on the circumstances of each case, considerations of fairness (to the party seeking standing) and/or the potential for the party seeking standing to assist the Board (by making a valuable contribution or by providing a different perspective) without doing injustice to the other parties. The Board went on to identify and adopt three (3) forms of intervention recognized by this Board[6]. These three (3) forms of intervention are summarized as follows:*

*1. A Direct Interest Intervenor; where the applicant seeking standing has a direct interest in the answer to the legal question in dispute in that it has legal rights or obligations that may be directly affected by the determinations of the Board.*

*2. An Exceptional Intervenor; where the applicant has a demonstrable and genuine interest in the answer to the legal question in dispute (i.e.: for example, if the party has a pending application before the Board on the same issue and thus has legal rights or obligations that may be affected by a binding precedent); and the applicant can establish the existence of “special circumstances” that differentiate it from others who may have a similar interest; and where that party can demonstrate that it can provide a valuable assistance to the Board in considering the issues before it.*

*3. A Public Law Intervenor; where the applicant has no legal rights or obligations that may be affected by the answer to the legal question in dispute, but can satisfy*

*the Board that its perspective is different or that its participation would assist the Board in considering a public law issue before it.*

**[13]** IBEW has sought standing as a direct interest intervenor and as an exceptional intervenor. The direct interest request will be addressed first as if the direct interest test is met, there is no need to consider whether there are “special circumstances” warranting granting standing that would not otherwise be granted.

**[14]** To establish a direct interest, IBEW must show that the underlying application has the potential to directly impact it. A potential impact on certification rights currently held is an accepted basis for asserting a direct impact.<sup>3</sup> IBEW has established through the interrelationship of the certification orders that any change to the Unifor certification order, has the potential to impact IBEW’s certification order with TSASK.

**[15]** Even with a direct interest and the lack of opposition of the parties, the Board retains discretion in determining whether to grant a party intervenor standing. The Board exercises that discretion to grant intervenor status in this case as it will not delay proceedings and will be of assistance to the Board. Further, no party has asserted it would be prejudiced by IBEW’s participation and it is accepted that they bring a different perspective to Unifor and SGEU.

**[16]** IBEW should be able to participate fully in the matter as it has been plead by the parties. That is IBEW is not permitted to raise new issues and must only call evidence and present argument related to facts and issues raised in the pleadings.

**[17]** Having found that IBEW should be granted direct interest intervenor standing, it is unnecessary to address the argument of whether IBEW should be granted exceptional interest standing.

**[18]** As a result, with these Reasons, an Order will issue that this Application in LRB File No. 046-24 for standing as an Intervenor in LRB File No. 028-24 is granted. As applies to all parties, IBEW will only be permitted to call and cross examine evidence and file submissions related to the matters in issue in the pleadings.

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<sup>3</sup> *Construction Workers Union, Local 151 v Tercon Industrial Works Ltd*, 2012 CanLII 2145 (SK LRB) at para 36.

**DATED** at Regina, Saskatchewan, this **26** day of **July, 2024**.

**LABOUR RELATIONS BOARD**

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Kyle McCreary  
Chairperson