

CANADIAN UNION OF PUBLIC EMPLOYEES, Applicant v ASHLEY WARD, Respondent
THE TOWN OF PREECEVILLE, Respondent

LRB File No. 228-25 and 215-25; December 18, 2025

Chairperson, Kyle McCreary; Board Members: Shelley Boutin-Gervais and Grant Douziech

Citation: *CUPE v Ward*, 2025 SKLRB 59

For the Applicant, The Canadian Union of Public Employees:	Dawid Werminski
For the Respondent, Ashley Ward:	Self-Represented
For the Respondent, Town of Preeceville:	No one appearing

Summary Dismissal – Decertification – Application for Decertification
Summarily dismissed as it was brought outside of the open period for applications.

REASONS FOR DECISION

Background:

[1] Kyle McCreary, Chairperson: The Canadian Union of Public Employees (“CUPE”) in LRB File No. 228-25 has filed for summary dismissal of Mr. Ward’s application in LRB File No. 215-25. LRB File No. 215-25 is an application for decertification pursuant to s. 6-17 of The Saskatchewan Employment Act, citation (“the Act”), of the bargaining unit of CUPE that the Board certified with the Town of Preeceville in LRB File No. 057-24.

[2] Following the Board’s decision in *Canadian Union of Public Employees v Town of Preeceville*, 2024 CanLII 121019 (SK LRB), a certification order in LRB File No. 057-24 was issued on January 17, 2025.

[3] The application to decertify the unit in LRB File No. 215-25 was brought on November 19, 2025. CUPE argues that this application was brought prematurely in contravention of s. 6-17(4)(a).

Relevant Statutory Provisions:

[4] Applications for decertification based on loss support are pursuant to s 6-17, which reads:

Application to cancel certification order – loss of support

6-17(1) *An employee within a bargaining unit may apply to the board to cancel a certification order if the employee:*

- (a) establishes that 45% or more of the employees in the bargaining unit have within the 90 days preceding the date of the application indicated support for removing the union as bargaining agent; and*
- (b) files with the board evidence of each employee's support that meets the prescribed requirements.*
- (2) On receipt of an application pursuant to subsection (1), the board shall direct that a vote be taken of the employees in the bargaining unit.*
- (3) If a majority of the votes cast in a vote directed in accordance with subsection (2) favour removing the union as bargaining agent, the board shall cancel the certification order.*
- (4) An application must not be made pursuant to this section:*
 - (a) during the two years following the issuance of the first certification order; or*
 - (b) during the 12 months following a refusal pursuant to this section to cancel the certification order.*

[5] The Board may determine this matter without an oral hearing pursuant to s. 6-111(1)(q):

Powers re hearings and proceedings

6-111(1) *With respect to any matter before it, the board has the power:*

...

(q) to decide any matter before it without holding an oral hearing.

[6] The Board's authority for summary dismissal where there is no arguable case is pursuant to s. 6-111(1)(p):

...

(p) to summarily dismiss a matter if, in the opinion of the board, there is a lack of evidence or no arguable case;

Analysis and Decision:

[7] CUPE argues that Mr. Ward's application is untimely, in that it brought outside of the time period permitted for this type of application in the Act. For the reasons that follow, the Board accepts this argument.

[8] An application for decertification or rescission for loss of support must comply with s. 6-17 of the Act. This was discussed in *Elmi v SEIU-West*, 2025 SKLRB 42, and *Jureskin v UNIFOR*, 2025 SKLRB 8. One of the primary requirements of s. 6-17 is an application must be brought at the proper time.

[9] In *Jureskin*, the Board referred to the open period for decertification as follows at paragraph 26:

[26] Under s. 6-17, the SEA limits employees seeking to decertify a union to an open period as well, it is just a much broader period of time. An employee can bring an application to decertify at any time as long as it is two years after the certification order was issued, or one year after the last unsuccessful vote to decertify.

[10] In *Elmi*, the Board discussed the purpose of the two-year initial period as providing breathing room for a union to become established at paragraph 87:

[87] This intention is also evident from the two year limitation on decertification applications in s. 6-17. Unions are provided two years under a new certification for breathing room to establish themselves. The ability to settle a collective agreement within that time is essential to a union being able to establish itself. A union that fails to utilize this breathing room risks decertification.

[11] The Board expressed similar rationale for the provision in *United Food and Commercial Workers, Local 1400 v Kowalchuk*, 2014 CanLII 63999 (SK LRB), where it stated at paragraph 29:

[29] ... In our opinion, the waiting period prescribed in s. 6-17(4) was intended by the Legislature to promote a particular labour relations policy; namely, stability in a new organized workplace, wherein a trade union's right to represent its members in a newly organized workplace is unassailable for a prescribed period of time. To which end, although we have considerable sympathy for the fact that Ms. Kowalchuk's aspirations have been temporarily thwarted by the recent changes in legislation, it would represent both an error of law and policy to allow Ms. Kowalchuk's rescission applications to proceed prior to the expiration of the prescribed waiting period.

[12] As stated in *Roy v Workers United Canada Council*, 2015 CanLII 885 (SK LRB), and as followed in many subsequent cases, the Board may summarily dismiss an application where assuming the facts plead are true, there is no reasonable chance of success.

[13] Mr. Ward has pleaded the original certification order including its certification date of January 17, 2025. Pursuant to s. 6-17(4)(a), no application for decertification can be brought during the two years following that date. The date of the filing of the decertification application on November 19, 2025, is within the prohibited period. The application has no reasonable chance of success as the earliest it could have been brought is January 17, 2027.

[14] The Board has determined this matter based on the Applications and replies in LRB File No. 215-25 and LRB File No. 228-25. The reply process allowed Mr. Ward an opportunity to meet the case to meet. Mr. Ward's reply in LRB File No. 228-25 was due on December 17, 2025. Mr. Ward did not file a reply to the summary dismissal application in LRB File No. 228-25.

[15] As a result, with these Reasons, an Order will issue that the Application for Summary Dismissal in LRB File No. 228-25 is granted and the application in LRB File No. 215-25 is dismissed.

DATED at Regina, Saskatchewan, this **18th** day of **December, 2025**.

LABOUR RELATIONS BOARD

Kyle McCreary
Chairperson