

CONSTRUCTION WORKERS UNION (CLAC), LOCAL 151, Applicant v INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 529, Respondent and WELLAND ENERGY SERVICES LTD., Respondent

LRB File No. 247-25; March 25, 2026

Vice-Chairperson: Patricia Warwick; Board Members: Al Parenteau and Lori Sali

Citation: *Construction Workers Union (CLAC), Local 151 v IBEW, Local 529 and Welland Energy Services Ltd.*, 2026 SKLRB 19

Counsel for the Applicant, Construction
Workers Union (CLAC), Local 151:

Richard F. Steele

Counsel for the Respondent, International
Brotherhood of Electrical Workers, Local 529:

Samuel Schonhoffer

Counsel for the Respondent, Welland
Energy Services Ltd.

Shane Buchanan

Application to Intervene – Direct Intervenor Status – Direct Impact on Party Seeking Standing – Applicant has Direct Interest in Legal Questions in Dispute – Applicant has Legal Rights Directly affected by Answer in Dispute

REASONS FOR DECISION

Background:

[1] **Patricia Warwick, Vice-Chairperson:** Construction Workers Union, Local 151 (“CLAC”) has brought an application to intervene in an unfair labour practice application made by Welland Energy Services Ltd. (“Welland”) against International Brotherhood of Electrical Workers, Local 529 (IBEW). The Application to intervene is LRB File No. 247-25 (“Intervenor Application”). The unfair labour practice application is LRB File No. 229-25 (“ULP Application”).

[2] The Board has determined that CLAC shall be granted direct intervenor status in the ULP Application for the reasons that follow.

Facts:

[3] CLAC is the certified bargaining agent for “all employees of Welland Energy Services Ltd. in Saskatchewan except supervisors, office staff and management personnel” as per the Certification Order in LRB File No. 242-24. IBEW filed a change in representation application on November 24, 2025 in LRB File No. 218-25.

[4] On December 5, 2025, Welland filed the ULP Application alleging that IBEW had committed an unfair labour practice by entering into salting agreements with current and/or former employees which contained terms amounting to coercion and intimidation on the issue of union representation and support. Welland's requested remedy is that IBEW's change in representation application be dismissed or, in the alternative, that there be an order rescinding any certification order resulting from the representation application.

[5] CLAC filed the Intervenor Application on December 30, 2025 asking for direct intervenor status or, in the alternative, exceptional intervenor status in the ULP Application. Welland supports CLAC's Intervenor Application. IBEW agrees that CLAC should be granted intervenor status in the ULP Application matter and asks that the Board impose certain conditions on CLAC's intervention to avoid duplicative evidence and issues being raised at the hearing of the ULP Application.

[6] Submissions were received by the parties on the Intervenor Application, and the Board has deliberated and made its decision based on those submissions.

Analysis and Decision:

[7] Clause 6-112(4)(a) of *The Saskatchewan Employment Act*, SS 2013, c S-15.1 ("Act") gives the Board the power to add intervenors to proceedings before the Board:

Proceedings not invalidated by irregularities

...

6-112(4) *Without limiting the generality of subsections (2) and (3), in any proceedings before it, the board may, on any terms that it considers just, order that the proceedings be amended:*

(a) by adding as a party to the proceedings any person that is not, but in the opinion of the board ought to be, a party to the proceedings;

...

[8] *The Saskatchewan Employment (Labour Relations Board) Regulations*, RRS c S-15.1 Reg 11, ("*Regulations*") set out the process for applications to intervene as follows:

Intervention

25(1) *In this section:*

"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.

[9] The Board has recognized three forms of intervenor status as discussed by the Board in *Construction Workers Union, Local 151 v Tercon Industrial Works Ltd*, 2012 CanLII 2145 (SK LRB), (“*Tercon*”):

[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.*

[10] CLAC has sought standing as a direct interest intervenor, or, in the alternative, as an exceptional intervenor.

[11] CLAC argues that it is directly affected by the ULP Application. CLAC is the certified bargaining agent of the employees who are at issue in the ULP Application and is the party whose rights will be affected by the outcome of the ULP Application. CLAC argues that it has legal rights or obligations which will be directly affected by the answer in the ULP Application which is the test to be applied as per *Tercon*.¹

[12] Welland agrees with the position taken by CLAC and cites several recent decisions from the Board confirming the direct intervenor test from *Tercon*. Welland agrees that an application affecting certification rights a union currently holds, as is the situation with the ULP Application, is an exact example the Board has described which warrants granting direct interest intervenor status.

[13] IBEW does not oppose the participation of CLAC as an intervenor in the ULP Application but argues that the participation of CLAC should be limited in scope such that CLAC could not raise duplicative evidence and matters at the hearing of the matter. In essence, IBEW argues that allowing CLAC to have full participatory direct intervenor status could give an advantage to Welland as CLAC would be in support of the ULP Application and the primary prosecutor of same.

[14] The Board agrees that CLAC clearly has a direct interest in the ULP Application as it is the certified bargaining agent of the employees who are at issue in the ULP Application. The outcome of the ULP will directly affect the legal rights of CLAC and fits squarely within the test for direct interest intervenor status outlined by the Board on several occasions.

¹ *Tercon*, supra. at para. 36.

[15] Respecting the issue of limiting the submissions by CLAC, the Board does not agree with IBEW. In fact patterns similar to this, the Board allows an intervenor to participate fully in the matter as plead by the parties with the limit that the intervenor not be permitted to raise new issues and only call evidence and present argument related to facts and issues raised in the pleadings.²

[16] Here the limit will be the same. CLAC is granted direct interest intervenor standing with the ability to participate fully in the matter as plead by the parties. CLAC will not be permitted to raise new issues and only call evidence and present argument related to the facts and issues raised in the pleadings. However, the application of this will be left entirely to the panel of the Board hearing the ULP Application. This decision is not meant to fetter the discretion of the panel of the Board hearing the merits of the unfair labour practice matter.

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

[18] As a result, with these Reasons, an Order will issue that this Application in LRB File No. 247-25 for standing as an Intervenor in LRB File No. 229-25 is granted. As applies to all parties, CLAC will only be permitted to call and cross examine evidence and file submissions related to the matters in issue in the pleadings.

[19] This is a unanimous decision of the Board.

[20] The Board thanks the parties for their helpful submissions all of which were reviewed and considered in deciding this matter.

DATED at Saskatoon, Saskatchewan, this **25th** day of **March, 2026**.

LABOUR RELATIONS BOARD

Patricia Warwick
Vice-Chairperson

² See *International Brotherhood of Electrical Workers, Local 2067 v. Technical Safety Authority of Saskatchewan (TSASK)*, 2024 CanLII 69954 (SK LRB) at para. 16.