

# *The Health Labour Relations Reorganization Act*

*being*

Chapter H-0.03 of the *Statutes of Saskatchewan, 1996*  
(effective July 12, 1996) as amended by the *Statutes of  
Saskatchewan, 2000, c.12; 2002, c.R-8.2; and 2005, c.15.*

## **NOTE:**

**This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.**

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## CHAPTER H-0.03

### An Act respecting the Reorganization of Labour Relations between Health Sector Employers and Employees

#### PART I Preliminary Matters

##### Short title

1 This Act may be cited as *The Health Labour Relations Reorganization Act*.

2002, c.R-8.2, s.124.

##### Interpretation

2(1) In this Act:

- (a) **“board”** means the Labour Relations Board continued pursuant to *The Trade Union Act*;
- (b) **“board order”** means an order of the board made pursuant to *The Trade Union Act*;
- (c) **“collective bargaining agreement”** means a collective bargaining agreement as defined in *The Trade Union Act*;
- (d) **“commissioner”** means the commissioner appointed pursuant to section 4;
- (e) **“employee”** means a person who is an employee within the meaning of *The Trade Union Act*;
- (f) **“health sector employer”** means:
  - (i) a district health board as defined in *The Health Districts Act*;
  - (ii) a hospital, nursing home or other institution approved pursuant to *The Hospital Standards Act*;
  - (iii) a special-care home licensed pursuant to *The Housing and Special-care Homes Act*; and
  - (iv) any other person who is prescribed in the regulations made by the Lieutenant Governor in Council;
- (g) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned.

(2) Unless a contrary intention is expressed in this Act or the regulations, the words and phrases defined in *The Trade Union Act* apply to this Act, the regulations and any order made pursuant to this Act.

1996, c.H-0.03, s.2.

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**Application of Act**

**3** This Act applies to health sector employers and employees.

1996, c.H-0.03, s.3.

**PART II  
Reorganization in Relation to District Health Boards**

**Commissioner appointed**

**4** The minister shall appoint a commissioner to carry out the responsibilities of the commissioner assigned by this Part.

1996, c.H-0.03, s.4; 2002, c.R-8.2, s.124.

**Examination**

**5(1)** The commissioner shall examine the organization of labour relations between health sector employers and employees.

(2) Subject to subsection (3), the commissioner shall complete the examination on or before the date set by the minister.

(3) If the minister considers it appropriate or necessary, the minister may extend the time by which the commissioner shall complete the examination.

(4) In conducting the examination, the commissioner has the powers of a commissioner appointed pursuant to *The Public Inquiries Act* and may receive and act on any evidence or information on oath, affidavit or otherwise that the commissioner considers proper, whether that evidence is admissible in evidence in a court of law or not.

(5) The commissioner may determine the practice and procedure to be followed in conducting the examination.

(6) In conducting the examination, the commissioner shall consider the following:

(a) the new employment relationships that have been established and that will be established as a result of restructuring the delivery of health services pursuant to the enactment and application of *The Health Districts Act*;

(b) the need to promote the integration of the delivery of health services;

(c) the need to facilitate the development over time of consistency in terms and conditions of employment amongst health sector employers and employees;

(d) the history of trade union representation amongst employees of health sector employers and the need to promote orderly collective bargaining between health sector employers and employees;

(e) any additional matters prescribed in the regulations made by the Lieutenant Governor in Council.

1996, c.H-0.03, s.5.

**Regulations**

**6(1)** In this section:

(a) **“bargaining council”** means an association of trade unions, including locals of trade unions, formed for the purpose of bargaining collectively on a multi-employer and multi-bargaining unit basis;

(b) **“representative employers’ organization”** means an employers’ organization that is the exclusive agent authorized to bargain collectively on behalf of all or a group of health sector employers.

(2) The commissioner shall make regulations reorganizing labour relations between health sector employers and employees and resolving issues arising out of that reorganization and, for that purpose, may make regulations:

(a) defining appropriate units for the purposes of this Part and establishing the composition of those appropriate units;

(b) determining trade union representation of employees in any appropriate unit;

(c) respecting the integration of employees in any appropriate unit;

(d) respecting any matters the commissioner considers appropriate arising out of the integration of employees in any appropriate unit, including the integration of seniority of employees who were previously represented by a trade union and the recognition of service of employees who were not previously represented by a trade union;

(e) establishing a multi-employer bargaining structure through the designation of bargaining councils and representative employers’ organizations;

(f) respecting the establishment of articles of association for bargaining councils and representative employers’ organizations;

(g) if an appropriate unit established pursuant to clause (a) consists of employees who are covered by two or more collective bargaining agreements:

(i) determining which one of the collective bargaining agreements will apply to all employees in the appropriate unit; or

(ii) fixing a common expiry date for all of those collective bargaining agreements;

(h) delegating to the board any of the commissioner’s responsibilities pursuant to this subsection that the commissioner considers appropriate, including the authority to determine any matter or thing that is to be determined or established by the commissioner in the regulations;

(i) respecting any other matter or thing the commissioner considers necessary to carry out the intent of this Part.

(3) Subject to subsection (4), the commissioner shall submit his or her regulations to the minister on or before the date set by the minister.

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- (4) If the minister considers it appropriate or necessary, the minister may extend the time by which the commissioner shall submit his or her regulations.
- (5) The regulations made by the commissioner do not come into effect until they are:
- (a) approved by the Lieutenant Governor in Council; and
  - (b) filed with the Registrar of Regulations in accordance with *The Regulations Act, 1989*.
- (6) The Lieutenant Governor in Council may make regulations:
- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
  - (b) prescribing a person as a health sector employer;
  - (c) respecting additional matters the commissioner shall consider when conducting an examination;
  - (d) setting a date for the purposes of clause 9(2)(c);
  - (e) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (7) **Repealed.** 2002, c.R-8.2, s.124.

1996, c.H-0.03, s.6; 2002, c.R-8.2, s.124.

**Regulations as board orders**

- 7(1) A regulation that is made by the commissioner pursuant to this Part and that has come into effect has the same force and effect as a board order and is to be treated for all purposes as if it were a board order.
- (2) Without limiting the generality of subsection (1), a regulation made by the commissioner is enforceable in the same manner as a board order.
- (3) A regulation made by the commissioner pursuant to this Part may amend, vary or rescind a board order.
- (4) In the case of any conflict between the regulations made by the commissioner pursuant to this Part and a board order, the regulations prevail.

1996, c.H-0.03, s.7; 2002, c.R-8.2, s.124.

**8 to 11 Repealed.** 2002, c.R-8.2, s.124.

PART III  
**Reorganization in Relation to Regional Health Authorities**

**Interpretation of Part**

**11.1** In this Part:

- (a) **“bargaining agent”**, with respect to an appropriate unit, means the exclusive representative of all employees in that unit for the purpose of bargaining collectively;
- (b) **“certify”** means to make an order determining that the trade union designated in the order is the bargaining agent of the employees described in the order with respect to the appropriate unit mentioned in the order;
- (c) **“commissioner regulations”** means *The Health Labour Relations Reorganization (Commissioner) Regulations*;
- (d) **“health region”** means a health region as defined in *The Regional Health Services Act*;
- (e) **“health sector employer”** includes a regional health authority;
- (f) **“health services provider”** means a health services provider as defined in the commissioner regulations;
- (g) **“jurisdiction”**, with respect to a trade union, means its rights to represent employees as their bargaining agent;
- (h) **“regional health authority”** means a regional health authority as defined in *The Regional Health Services Act*;
- (i) **“representative employers’ organization”** means:
  - (i) the representative employers’ organization designated pursuant to subsection 12(1) of the commissioner regulations; or
  - (ii) the representative employers’ organization designated by the regulations made pursuant to clause 11.5(b).

2002, c.R-8.2, s.124.

**Notice to board**

**11.2** As soon as possible after the coming into force of this Part but not later than 30 days after the day on which this section comes into force, the representative employers’ organization shall forward to the board a notice setting out:

- (a) the name and land description of each health region;
- (b) the name of each regional health authority;
- (c) with respect to each regional health authority, the names of each district health board that was a health sector employer and was amalgamated to form, or continued as, the regional health authority;

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- (d) the name of each health sector employer, other than a regional health authority, that operates a facility in which health services providers are employed and the name of the health region in which each of those facilities is located; and
- (e) with respect to a health region to which subsection 11.3(4) applies:
  - (i) the names and work locations of all employees employed as health services providers by the regional health authority and by other health sector employers that provide health services in the health region; and
  - (ii) the name of the trade union that was certified to represent the employees mentioned in subclause (i) in collective bargaining immediately before the coming into force of this Part.

2002, c.R-8.2, s.124.

**Board to make orders**

**11.3(1)** As soon as is reasonably possible after receiving a notice pursuant to section 11.2, the board shall:

- (a) rescind all orders issued pursuant to section 8 of the commissioner regulations that confirm the appropriate units for health service providers mentioned in subsection 5(2) of those regulations;
  - (b) subject to subsection (2), for each health region, make a new order that creates one multi-employer appropriate unit respecting health services providers composed of:
    - (i) all health services providers employed by the regional health authority for the health region; and
    - (ii) all health services providers who:
      - (A) are employed by other health sector employers operating facilities within the health region; and
      - (B) on the day on which this section comes into force, are represented by a trade union for the purposes of bargaining collectively; and
  - (c) amend any remaining orders issued pursuant to Part II or the commissioner regulations by striking out each reference to the name of a district health board and in each case substituting the name of the regional health authority that resulted from the amalgamation or continuation of the district health board.
- (2) Clause (1)(b) does not apply with respect to the health services providers employed by a health sector employer mentioned in subsection 5(4) or (5) of the commissioner regulations.

- (3) If, immediately before the coming into force of this Part, all of the health services providers who are the subject of an order made pursuant to clause (1)(b) with respect to a health region were represented by the same trade union for the purposes of bargaining collectively, the board shall certify that trade union as the bargaining agent for those health services providers with respect to the appropriate unit established for that health region.
- (4) If, immediately before the coming into force of this Part, health services providers who are the subject of an order made pursuant to clause (1)(b) with respect to a health region were represented by more than one trade union for the purposes of bargaining collectively and one of those trade unions represents a clear majority of those health services providers, the board shall certify that trade union as the bargaining agent for those health services providers with respect to the appropriate unit established for that health region.
- (5) If, immediately before the coming into force of this Part, health services providers who are the subject of an order made pursuant to clause (1)(b) with respect to a health region were represented by more than one trade union for the purposes of bargaining collectively and one of those trade unions does not represent a clear majority of those health services providers, the board shall:
- (a) determine which trade union represents a majority of those health services providers in accordance with subsection (6) or (7); and
  - (b) certify the trade union that represents a majority of those health services providers as the bargaining agent for the health services providers in the appropriate unit.
- (6) If, within 30 days after the coming into force of this Part, a written agreement among all of the trade unions representing health services providers in a health region to merge or amalgamate or transfer or assign jurisdiction is filed with the board:
- (a) the agreement is conclusive proof of the merger or amalgamation, or the transfer or assignment of jurisdiction, as the case may be, for the purpose of determining which trade union is to represent health services providers in the appropriate unit; and
  - (b) clause 39(b) of *The Trade Union Act* applies, with any necessary modification, to the agreement.
- (7) If no written agreement is filed with the board pursuant to subsection (6) within the 30-day period mentioned in that subsection, the board shall conduct representation votes in accordance with section 11.4 and *The Trade Union Act* within 60 days after the coming into force of this Part.

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**Representation votes**

**11.4(1)** The board shall apply the following rules in determining which trade unions will appear on a ballot for a representation vote:

- (a) a trade union shall be included on the ballot only if, immediately before the coming into force of this section, the trade union was the bargaining agent for 25% or more of the health services providers in the appropriate unit; and
- (b) a 'no union' choice shall not appear on a ballot.

(2) If, after conducting a representation vote, no trade union receives a majority of votes cast:

- (a) the board shall conduct a second representation vote; and
- (b) only the names of the trade unions that received the largest and second largest numbers of votes cast on the first vote shall appear on the ballot for the second vote.

2002, c.R-8.2, s.124.

**Regulations**

**11.5** The Lieutenant Governor in Council may make regulations:

- (a) amending or repealing any provision of the commissioner regulations;
- (b) on the recommendation of the minister responsible for *The Regional Health Services Act*, designating a representative employers' organization for health sector employers;
- (c) authorizing the board to exercise any powers that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act, including the power to make an order that creates a multi-employer appropriate unit;
- (d) prescribing a date earlier than January 1, 2006 after which the board may amend, vary or rescind an order made pursuant to this Part or an order made pursuant to the commissioner regulations;
- (e) respecting any other matter or thing arising out of the establishment of regional health authorities that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2002, c.R-8.2, s.124; 2005, c.15, s3.

**Powers of the board**

**11.6(1)** For the purpose of carrying out the intent of this Part, in addition to the powers conferred on it by this Part and the commissioner regulations, the board has all the powers conferred on it by *The Trade Union Act*.

(2) Subject to section 11.7, the board may make any order that it considers appropriate respecting any matter arising out of the reorganization of labour relations between health sector employers and employees resulting from the establishment of regional health authorities.

(3) Without limiting the generality of subsection (2), in an order pursuant to that subsection, the board may give any directions that the board considers necessary or advisable with respect to the application of a collective bargaining agreement that affects the employees in an appropriate unit.

(4) An order made by the board pursuant to this Act or the regulations is enforceable in the same manner as a board order.

(5) There is no appeal from an order or decision of the board pursuant to this Act, and the proceedings, orders and decisions of the board are not reviewable by any court of law or by any *certiorari*, *mandamus*, prohibition, injunction or other proceeding.

2002, c.R-8.2, s.124.

**Board not to amend certain orders**

**11.7** Until January 1, 2006 or any earlier date prescribed in the regulations, the board shall not make an order pursuant to clause 5(a) or (b) of *The Trade Union Act* that amends, varies or rescinds an order made pursuant this Part or an order made pursuant to a provision of the commissioner regulations except where authorized to do so by this Part or those regulations.

2002, c.R-8.2, s.124; 2005, c.15, s.4.

**Act, etc., to prevail**

**11.8** Where any provision of this Act or of a regulation or order made pursuant to this Act conflicts with a provision of *The Trade Union Act*, any other Act, any regulation made pursuant to any other Act, any board order or any collective bargaining agreement, the provision of this Act or a regulation or order made pursuant to this Act prevails.

2002, c.R-8.2, s.124.

