

2008

CHAPTER 26

An Act to amend *The Trade Union Act*

(Assented to May 14, 2008)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Trade Union Amendment Act, 2008*.

R.S.S. 1978, c.T-17 amended

2 *The Trade Union Act* is amended in the manner set forth in this Act.

Section 6 amended

3(1) Subsection 6(1) is repealed and the following substituted:

“(1) Subject to subsections (1.1) and (2), in determining what trade union, if any, represents a majority of employees in an appropriate unit of employees, in addition to the exercise of any powers conferred upon it by section 18, the board must direct a vote to be taken by secret ballot of all employees eligible to vote to determine the question.

“(1.1) No vote shall be directed pursuant to subsection (1) unless the board is satisfied, on the basis of the evidence submitted in support of the application and the board’s investigation in respect of that evidence, that at the time of the application at least 45% of the employees in the appropriate unit support the application.

“(1.2) The board must require as evidence of each employee’s support mentioned in subsection (1.1) written support of the application, as prescribed in the regulations made by the Lieutenant Governor in Council, made within 90 days of the filing of the application”.

(2) Clause 6(2)(b) is amended:

(a) by striking out “25%” and substituting “45%”; and

(b) by striking out “six months” and substituting “90 days”.

(3) Clause 6(2)(c) is repealed.

Section 10.1 amended

4(1) Clause 10.1(b) is repealed and the following substituted:

“(b) there is insufficient evidence before the board that shows that 45% or more of the employees in the appropriate unit support the application”.

(2) Clause 10.1(c) is repealed and the following substituted:

“(c) the board finds that sufficient evidence of support mentioned in clause (b) would have been obtained but for the unfair labour practice or violation of this Act”.

Section 10.2 amended

5(1) Clause 10.2(b) is repealed and the following substituted:

“(b) there is insufficient evidence before the board that shows that 45% or more of the employees in the appropriate unit support the application”.

(2) Clause 10.2(c) is repealed and the following substituted:

“(c) the board finds that sufficient evidence of support mentioned in clause (b) would have been obtained but for the unfair labour practice or violation of this Act”.

Section 11 amended

6 Clause 11(1)(a) is repealed and the following substituted:

“(a) to interfere with, restrain, intimidate, threaten, or coerce an employee in the exercise of any right conferred by this Act, but nothing in this Act precludes an employer from communicating facts and its opinions to its employees”.

New section 12.1

7 The following section is added after section 12:

“Deadline to report unfair labour practice

12.1(1) Subject to subsection (2), the board may refuse to hear any allegation of an unfair labour practice that is made more than 90 days after the complainant knew, or in the opinion of the board ought to have known, of the action or circumstances giving rise to the allegation, unless the respondent has consented in writing to waive or extend the deadline.

(2) The board must hear any allegation of an unfair labour practice that is made after the deadline mentioned in subsection (1) if the respondent has consented in writing to waive or extend the deadline”.

Section 17 amended

8 Subsection 17(2) is amended by adding the following clause after clause (b):

“(c) for the purposes of subsection 6(1.2)”.

Section 18 amended

9 Section 18 is amended:

(a) in clause (f) by adding “subject to the regulations made by the Lieutenant Governor in Council,” **before** “to determine”; **and**

(b) in clause (g) by adding “subject to the regulations made by the Lieutenant Governor in Council,” **before** “to determine”.

New sections 21.1 and 21.2

10 The following sections are added after section 21:

“Deadline for board decision

21.1(1) Any decision of the board shall be provided to the parties within six months of the last day of the hearing unless the board is reasonably justified in requiring more time.

(2) Notwithstanding section 21 and subsection 40(1), any party to a proceeding before the board may apply to the Court of Queen’s Bench for an order directing the board to provide its decision if the deadline in subsection (1) has not been met.

(3) Any failure to comply with subsection (1) does not affect the validity of a decision.

“Annual report

21.2(1) In each fiscal year, the board shall, in accordance with *The Tabling of Documents Act, 1991*, submit to the minister an annual report on the activities of the board for the preceding fiscal year.

(2) The minister shall, in accordance with *The Tabling of Documents Act, 1991*, lay before the Legislative Assembly each report received by the minister pursuant to this section.

(3) Notwithstanding subsection 40(1), the annual report shall include the following information:

- (a) a list of all matters filed with the board;
- (b) a list of all decisions rendered by the board;
- (c) with respect to each decision listed:
 - (i) the date the matter was initially filed;
 - (ii) the date the matter was heard by the board;
 - (iii) the members of the board that heard the matter; and
 - (iv) the length of time between the last day of the hearing and the rendering of the decision; and
- (d) a summary, by member, of:
 - (i) the number of decisions rendered;
 - (ii) the type of decision whether interim or final disposition; and
 - (iii) the average period between the last day of a hearing and the rendering of the decision for each type of decision”.

Section 33 amended

11 Subsection 33(3) is repealed.

Coming into force

12 This Act comes into force on assent.

