

*The
Health Labour
Relations
Reorganization
(Commissioner)
Regulations*

being

[Chapter H-0.03 Reg 1](#) (effective January 17, 1997).

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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Appendix

CHAPTER H-0.03 REG 1

The Health Labour Relations Reorganization Act

Title

1 These regulations may be cited as *The Health Labour Relations Reorganization (Commissioner) Regulations*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Health Labour Relations Reorganization Act*;
- (b) “**appropriate unit**” means an appropriate unit that is established pursuant to these regulations;
- (c) “**district health board**” means a district health board as defined in *The Health Districts Act*;
- (d) “**former appropriate unit**” means an appropriate unit covering health sector employees of a health sector employer that was determined, prior to the coming into force of these regulations:
 - (i) pursuant to *The Trade Union Act*; or
 - (ii) by voluntary recognition;
- (e) “**health district**” means a health district as defined in *The Health Districts Act*;
- (f) “**health sector employee**” means a health support practitioner, health services provider or nurse who is included in an appropriate unit;
- (g) “**health services provider**” means an employee of a health sector employer, but does not include a health support practitioner, a nurse, a chiropractor, a dentist, a duly qualified medical practitioner or an optometrist;
- (h) “**health support practitioner**” means an employee of a health sector employer who:
 - (i) is functioning in one of the occupations listed in Table C; or
 - (ii) is in a position that requires, as a minimum, registration pursuant to an Act giving the exclusive right to use a title or description of an occupation listed in Table C;

but does not include a student of one of the occupations listed in Table C, or an intern or an assistant to an employee described in subclause (i) or (ii);

- (i) “**nurse**” means an employee of a health sector employer who:
 - (i) is a registered nurse or registered psychiatric nurse; and
 - (ii) is functioning as a registered nurse or registered psychiatric nurse;

- (j) “**registered nurse**” means an employee who is a graduate nurse or registered nurse registered pursuant to *The Registered Nurses Act, 1988*;
- (k) “**registered psychiatric nurse**” means an employee who is a graduate psychiatric nurse or a registered psychiatric nurse registered pursuant to *The Registered Psychiatric Nurses Act*;
- (l) “**representative employers’ organization**” means the representative employers’ organization designated pursuant to subsection 12(1);
- (m) “**Table**” means a Table in the Appendix to these regulations.

31 Jan 97 cH-0.03 Reg 1 s2.

Appropriate units for nurses

- 3(1) The appropriate units prescribed in this section are prescribed as the appropriate units for bargaining collectively between health sector employers and nurses.
- (2) Subject to subsections (4) and (5), for each health district, there is to be one multi-employer appropriate unit respecting nurses composed of:
 - (a) all nurses who are employed by the district health board; and
 - (b) all nurses who:
 - (i) are employed by a health sector employer listed in Table A that operates a facility within the boundaries of that health district; and
 - (ii) on the day these regulations come into force, were represented by a trade union for the purposes of bargaining collectively.
- (3) Subject to subsections (4) and (5), for each health sector employer listed in Table B, there is to be one appropriate unit respecting nurses composed of all nurses employed by that employer.
- (4) The appropriate units mentioned in subsections (2) and (3) cease to exist one year after the coming into force of these regulations.
- (5) One year after the coming into force of these regulations, there is to be one multi-employer appropriate unit respecting nurses composed of:
 - (a) all nurses who are employed by a district health board or by a health sector employer listed in Table B; and
 - (b) all nurses who:
 - (i) are employed by a health sector employer listed in Table A; and
 - (ii) on the day these regulations come into force, were represented by a trade union for the purposes of bargaining collectively.
- (6) There is to be one appropriate unit respecting nurses for each of the following health sector employers composed as follows:
 - (a) for Extendicare (Canada) Inc. in the City of Regina, all nurses employed by Extendicare/Parkside, Extendicare/Sunset or Extendicare/Elmview;
 - (b) for Extendicare (Canada) Inc. in the City of Moose Jaw, all nurses employed by Extendicare/Moose Jaw;

(c) for Extendicare (Canada) Inc. in the City of Saskatoon, all nurses employed by Extendicare/Preston;

(d) for Chantelle Management Ltd. in the City of Swift Current, all nurses employed by Chantelle Management Ltd. in the City of Swift Current.

31 Jan 97 cH-0.03 Reg 1 s3.

Appropriate unit for health support practitioners

4(1) The appropriate unit prescribed in this section is prescribed as the appropriate unit for bargaining collectively between health sector employers and health support practitioners.

(2) There is to be one multi-employer appropriate unit respecting health support practitioners composed of:

(a) all health support practitioners who are employed by a district health board or by a health sector employer listed in Table B; and

(b) all health support practitioners who:

(i) are employed by a health sector employer listed in Table A; and

(ii) on the day these regulations come into force, are represented by a trade union for the purposes of bargaining collectively.

31 Jan 97 cH-0.03 Reg 1 s4.

Appropriate units for health services providers

5(1) The appropriate units prescribed in this section are prescribed as the appropriate units for bargaining collectively between health sector employers and health services providers.

(2) Subject to subsection (5), for each health district, there is to be one multi-employer appropriate unit respecting health services providers composed of:

(a) all health services providers who are employed by the district health board; and

(b) all health services providers who:

(i) are employed by a health sector employer listed in Table A that operates a facility within the boundaries of that health district; and

(ii) on the day these regulations come into force, were represented by a trade union for the purposes of bargaining collectively.

(3) For each health sector employer listed in Table B, there is to be one appropriate unit respecting health services providers composed of all health services providers employed by that employer.

(4) There is to be one appropriate unit respecting health services providers for each of the following health sector employers composed as follows:

(a) for Extendicare (Canada) Inc. in the City of Regina, all health services providers employed by Extendicare/Parkside, Extendicare/Sunset, Extendicare/Elmview;

- (b) for Extendicare (Canada) Inc. in the City of Moose Jaw, all health services providers employed by Extendicare/Moose Jaw;
 - (c) for Extendicare (Canada) Inc. in the City of Saskatoon, all health services providers employed by Extendicare/Preston;
 - (d) for Chantelle Management Ltd. in the City of Swift Current, all health services providers employed by Chantelle Management Ltd. in the City of Swift Current.
- (5) For the laundry facility of the Regina Health District Laundry Services located, on the day these regulations come into force, at 1001 Montreal Street, Regina, Saskatchewan, there is to be one appropriate unit respecting health services providers composed of all health services providers employed at that facility by the Regina District Health Board.

31 Jan 97 cH-0.03 Reg 1 s5.

Out-of-scope exclusions

6 Subject to any order of the board made pursuant to the Act, these regulations or *The Trade Union Act* and unless otherwise included pursuant to clauses 3(2)(a), 4(2)(a) and 5(2)(a), all positions that were excluded, by an order of the board or by any agreement between a trade union and an employer, from the scope of any former appropriate unit continue to be excluded from any of the appropriate units.

31 Jan 97 cH-0.03 Reg 1 s6.

Trade union representation

7(1) The trade unions listed in column 2 of Table D are determined as the trade unions to represent health sector employees for the purposes of bargaining collectively with respect to the appropriate units listed in column 1 of Table D opposite the name of the trade union.

(2) As soon as possible after the coming into force of these regulations, the board shall conduct representation votes, in accordance with *The Trade Union Act*, for any appropriate unit that does not have a trade union determined pursuant to subsection (1).

(3) The board shall use the following guidelines for determining the trade unions that will appear on any ballot:

- (a) any trade union that has as members 25% or more of the health sector employees included in an appropriate unit and that makes a written request to the board is entitled to be included on the ballot;
- (b) written agreements that are between trade unions to merge or amalgamate or to transfer or assign jurisdiction and that are filed with the board within 30 days after the day these regulations come into force are conclusive evidence of representation rights for the purpose of determining the extent of a trade union's representation in an appropriate unit;
- (c) a "no union" choice shall not appear on any ballot.

(4) If, after conducting a representation vote, no trade union receives a majority of valid votes cast, only the trade unions who received the largest and second largest number of valid votes cast on the first vote are entitled to appear on any ballot used in a subsequent vote.

(5) In the case of a representation vote respecting the health support practitioner appropriate unit, employees of the Government of Saskatchewan who would be health support practitioners if employed by a health sector employer and who are employed in the Saskatchewan Hearing Aid Plan or by the Calder Centre in Saskatoon are eligible to vote.

31 Jan 97 cH-0.03 Reg 1 s7.

Requirements for board orders

8(1) Subject to subsection (2), within 60 days after the day that these regulations come into force, the board shall issue orders that are consistent with these regulations pursuant to:

- (a) clause 5(a) of *The Trade Union Act*, for the purposes of sections 3 to 5; and
- (b) clause 5(b) of *The Trade Union Act*, for the purposes of subsection 7(1).

(2) As soon as reasonably possible after the completion of a final representation vote required pursuant to section 7, the board shall issue orders pursuant to clauses 5(a) and (b) of *The Trade Union Act* that are consistent with these regulations and with the results of the representation vote.

(3) An order of the board made pursuant to clause 5(a) or (b) of *The Trade Union Act* that was in force prior to the day these regulations come into force and that is inconsistent with an order of the board made in compliance with this section is rescinded effective the day that the order made in compliance with this section comes into effect.

31 Jan 97 cH-0.03 Reg 1 s8.

Existing collective bargaining agreements

9(1) If a health sector employee was entitled to the benefits of a collective bargaining agreement in force on the day these regulations come into force:

- (a) the health sector employee remains covered, after the coming into force of these regulations, by that collective bargaining agreement; and
- (b) that collective bargaining agreement applies to the health sector employee after the coming into force of these regulations until a new collective bargaining agreement is negotiated.

(2) If a trade union becomes, by or pursuant to section 7, the trade union to bargain collectively on behalf of health sector employees who were represented by a different trade union, the trade union is bound by and shall administer the collective bargaining agreement negotiated by the different trade union on behalf of all health sector employees who were covered by that collective bargaining agreement.

31 Jan 97 cH-0.03 Reg 1 s9.

Local agreements continued

10 All of the following agreements are continued and continue to apply to health sector employees, with any necessary modifications required to make the agreements comply with these regulations, until the agreements expire or are amended:

- (a) local agreements;
- (b) transfer and merger agreements;
- (c) devolution agreements;
- (d) itinerant movement agreements;
- (e) laboratory framework agreements;
- (f) global posting agreements;
- (g) agreements respecting the Saskatoon Veterans' Home.

31 Jan 97 cH-0.03 Reg 1 s10.

Integration of health sector employees

11(1) Every health sector employee is entitled to retain the seniority he or she has earned in a former appropriate unit.

(2) If, following the enactment of *The Health Districts Act* and prior to the day these regulations come into force, a health sector employee lost seniority as a result of a reorganization by his or her employer requiring a transfer between former appropriate units, the health sector employee is entitled to have his or her seniority calculated under the collective bargaining agreement for the appropriate unit in which the health sector employee is placed by these regulations on the same basis that he or she would have been entitled to if he or she had earned the seniority that was lost.

(3) If a health sector employee employed by a district health board was not represented by a trade union prior to the coming into force of these regulations and, pursuant to these regulations, is included in an appropriate unit, section 36 of *The Trade Union Act* applies to the health sector employee and the health sector employee is entitled:

- (a) at no cost to the health sector employee:
 - (i) to recognition by the representative employers' organization, every health sector employer and the trade union of his or her years of service with the health district and with any previous employer whose services were assumed by the health district; and
 - (ii) to include the years of service mentioned in subclause (i) to the extent and in the manner necessary to ensure that, when calculating his or her seniority, the health sector employee is placed on the same basis as other health sector employees in the appropriate unit in which the health sector employee is included;
- (b) to choose whether or not he or she will join the trade union that becomes, by or pursuant to section 7, the trade union to represent the health sector employees in the appropriate unit for the purposes of bargaining collectively; and

- (c) for the purposes of any union security clause contained in any collective bargaining agreement pursuant to section 36 of *The Trade Union Act*, to be considered to be a health sector employee who is not required to apply for and maintain his or her membership in the union.
- (4) The representative employers' organization, every health sector employer and every trade union representing health sector employees in an appropriate unit shall recognize the entitlements given pursuant to this section to health sector employees.
- (5) Any dispute respecting the interpretation, application and operation of any of the provisions of this section or the entitlements given by this section is to be resolved:
- (a) by any means that the representative employers' organization and the trade union may agree to; or
 - (b) by arbitration in accordance with *The Trade Union Act*.

31 Jan 97 cH-0.03 Reg 1 s11.

Representative employers' organization

12(1) The Saskatchewan Health Care Association, commonly known as the Saskatchewan Association of Health Organizations, is designated as the representative employers' organization for all district health boards, all health sector employers listed in Table A or Table B and all other employers whose employees are added to a multi-employer appropriate unit.

(2) Every employer mentioned in subsection (1) is to be a member of the representative employers' organization for the purposes of bargaining collectively.

31 Jan 97 cH-0.03 Reg 1 s12.

One collective bargaining agreement for appropriate units represented by same trade union

13(1) Where a trade union represents health sector employees in more than one appropriate unit prescribed by section 3 or 5, the representative employers' association and the trade union shall negotiate one collective bargaining agreement that applies to all those appropriate units.

(2) For the purposes of this section, Locals 299, 333 and 336 of the Service Employees International Union are deemed to be one trade union.

31 Jan 97 cH-0.03 Reg 1 s14.

Other matters

14(1) In this section, "**affiliate**" means an affiliate within the meaning of *The Health Districts Act*.

(2) Subject to subsection (3), the board shall issue any orders amending or varying the relevant appropriate units that it considers necessary if:

- (a) health districts amalgamate;
- (b) services are transferred between district health boards;
- (c) new health districts are created;
- (d) the boundaries of health districts are amended;

- (e) employees of an affiliate not represented by a trade union choose to be represented by a trade union; or
 - (f) there are any unanticipated circumstances, including any applications before the board which were adjourned pursuant to section 9 of the Act and were not resolved by these regulations.
- (3) The orders of the board issued pursuant to subsection (2) must be consistent with these regulations.
- (4) The board shall decide all questions concerning who is an employee that are not resolved by a health sector employer and a trade union that represents health sector employees.
- (5) The board shall decide all questions pursuant to clause 5(l) of *The Trade Union Act*.

Appendix

TABLE A

[subsections 3(2), 3(5), 4(2) and 5(2) and subsection 12(1)]

Bethany Pioneer Village Inc.
Buena Vista Lodge Inc.
Cupar and District Nursing Home Inc.
Duck Lake and District Nursing Home Inc.
Golden Twilight Lodge Incorporated
Jubilee Residences Inc.
Holy Family Hospital, Prince Albert
Humboldt and District Housing Corporation
Kindersley Senior Care Inc.
Lakeview Pioneer Lodge Inc.
Lumsden & District Heritage Home Inc.
Lutheran Sunset Home of Saskatoon
Mont St. Joseph Home Inc.
Newhope Pioneer Lodge Incorporated
Oliver Lodge
Pioneers Haven Co. Inc.
Providence Place for Holistic Health Inc.
Radville Marian Health Centre
Regina Pioneer Village Ltd.
Santa Maria Senior Citizens Home Inc.
Saskatoon Convalescent Home
Saskatoon Veterans' Home
Sherbrooke Community Society Inc.
Societe Joseph Breton Inc. (Villa Pascal)
St. Ann's Senior Citizens' Village Corporation
St. Anthony's Hospital Inc.
St. Elizabeth's Hospital of Humboldt
St. Joseph's Hospital (Grey Nuns) of Gravelbourg
St. Joseph's Hospital of Estevan
St. Joseph's Hospital of Macklin
St. Michael's Hospital of Cudworth
St. Paul Lutheran Home of Melville
St. Paul's Hospital (Grey Nuns) of Saskatoon
St. Peter's Hospital, Melville
The Border-Line Housing Company (1975) Inc.
The Regina Lutheran Housing Corporation
The Salvation Army for the purposes of operating the
Salvation Army Eventide Home of Saskatoon
Ukrainian Sisters of St. Joseph of Saskatoon

TABLE B

[subsections 3(3), 3(5), 4(2) and 5(3) and subsection 12(1)]

La Ronge Health Centre
St. Joseph's Hospital (Ile a la Crosse)
St. Martin's Union Hospital (La Loche)
Uranium City Municipal Hospital

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TABLE C

[Clause 2(h)]

Addiction Counsellor/Therapist
Adjunctive Therapist
Assessor/Coordinator
Audiologist
Certified Prosthetist
Certified Orthotist
Dental Hygienist
Dental Therapist
Dietitian
Emergency Medical Technician
Exercise/Conditioning Therapist
Health Educator
Infection Control Officer
Mental Health Therapist
Music Therapist
Nutritionist
Occupational Therapist
Ophthalmic Dispenser
Orthoptist
Paramedic
Perfusionist
Pharmacist
Physical Therapist
Psychologist
Psychometrician
Public Health Inspector
Recreation Therapist
Respiratory Therapist
Social Worker
Speech Language Pathologist

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TABLE D
[subsection 7(1)]

Column 1 <u>Appropriate Unit</u>	Column 2 <u>Trade Union</u>
Nurses: All nurse units prescribed by section 3.	Saskatchewan Union of Nurses (SUN)
Health Services Providers: All health services provider units prescribed by subsection 5(3):	Canadian Union of Public Employees (CUPE)
The health services provider units prescribed by clauses 5(4)(a) and (b):	Service Employees' Union Local No. 299, chartered by the Service Employees' International Union (SEIU)
The health services provider unit prescribed by clause 5(4)(c):	Service Employees' Union Local No. 333, chartered by the Service Employees' International Union (SEIU)
The health services provider unit prescribed by clause 5(4)(d):	Service Employees' Union Local No. 336, chartered by the Service Employees' International Union (SEIU)
The health services provider units prescribed by subsection 5(2) for the following health districts:	Canadian Union of Public Employees (CUPE)
Assiniboine Valley Battlefords Central Plains East Central Gabriel Springs Lloydminster North Valley North West Parkland Pasquia Prairie West Prince Albert Regina South Central South Country South East Touchwood Qu'Appelle Twin Rivers	

The health services provider units prescribed by subsection 5(2) for the following health districts:

Moose Jaw/Thunder Creek
Moose Mountain
Pipestone

Service Employees' Union Local No. 299, chartered by the Service Employees' International Union (SEIU)

The health services provider units prescribed by subsection 5(2) for the following health districts:

Greenhead
Living Sky
Midwest
North-East
Saskatoon

Service Employees' Union Local No. 333, chartered by the Service Employees' International Union (SEIU)

The health services provider units prescribed by subsection 5(2) for the following health districts:

Rolling Hills
Southwest
Swift Current

Service Employees' Union Local No. 336, chartered by the Service Employees' International Union (SEIU)

The health services provider unit prescribed by subsection 5(5):

Saskatchewan Joint Board, Retail, Wholesale and Department Store Union, Local 568 (RWDSU)

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