

Conciliation Board Regulations

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Saskatchewan Regulations 20/67 (effective March 1, 1967).

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.

SASKATCHEWAN REGULATIONS 20/67

The Trade Union Act

CONCILIATION BOARD REGULATIONS

INTERPRETATION

1 In these regulations:

- (a) “**Act**” means *The Trade Union Act*, R.S.S. 1965, Chapter 287 as from time to time amended;
- (b) “**board**” means a board of conciliation constituted according to *The Trade Union Act*;
- (c) “**minister**” means the Minister of Labour;
- (d) “**party**” means:
 - (i) a trade union or trade unions; or
 - (ii) an employee or employees; or
 - (iii) an employer or employers.
- (e) a reference to a section by number only is a reference to the section in these regulations bearing that number;
- (f) words importing the masculine gender include corporations and trade unions as well as females;
- (g) other expressions have the same meaning as in the Act.

10 Feb 67 SR 20/67 s1.

Who may apply

- 2** Where any dispute within the meaning of section 21 of the Act exists and the parties thereto are unable to adjust it, either or both parties together may apply to the minister for the establishment of a board to investigate, conciliate and report upon the dispute.

10 Feb 67 SR 20/67 s2.

CONSTITUTION OF CONCILIATION BOARDS

- 3** (a) A board of Conciliation under the Act shall consist of three members appointed in the manner provided in this section.

Nomination by parties

(b) Where the Minister has decided to appoint a Conciliation Board, he shall forthwith, by notice in writing, require each of the parties within seven days after receipt by the party of the notice, to nominate one person to be a member of the Conciliation Board, and upon receipt of the nomination within the seven days, the Minister shall appoint such person a member of the Conciliation Board.

Where no nomination Minister appoints member

(c) If either of the parties to whom notice is given under this section fails or neglects to nominate a person within seven days after receipt of the notice, the Minister shall appoint as a member of the Conciliation Board, a person he deems fit for such purpose, and such member shall be deemed to be appointed on the recommendation of the said party.

Chairman appointed by other two members

(d) The two members appointed under subsections (b) and (c) of this section shall, within five days after the day on which the second of them is appointed, nominate a third person, who is willing and ready to act, to be a member and Chairman of the Conciliation Board, and the Minister shall appoint such person a member and Chairman of the Conciliation Board.

Failure to nominate third person; Minister then makes appointment

(e) If the two members appointed under subsections (b) and (c) of this section fail or neglect to make a nomination within five days after the appointment of the second such member, the Minister shall forthwith appoint as the third member and Chairman of the Conciliation Board, a person whom he deems fit for such purpose.

Certain persons not to act as members

(f) No person

(i) who has any pecuniary interest in the matters referred to the Board;
or

(ii) who is acting or has within a period of six months preceding the date of his appointment acted in the capacity of solicitor, legal advisor, counsel, or paid agent of either of the parties;

shall act as a member of a Conciliation Board.

10 Feb 67 SR 20/67 s3.

When board established

4 A board shall be deemed to be established by the minister on the day that he executes the instrument establishing such board.

10 Feb 67 SR 20/67 s4.

Members to receive copies

5 When the members of a board have been appointed, the minister shall forthwith transmit to each member a copy of the instrument establishing the board, a copy of the application for the board, a copy of any material clarifying the application, and a copy of these regulations.

10 Feb 67 SR 20/67 s5.

Time and place of sittings

6 The chairman shall fix the time and place of sitting of the board, after consultation with the other members thereof, and he shall immediately notify the parties as to the time and place so fixed, provided that the board shall not meet later than seven days after the minister has established the board.

10 Feb 67 SR 20/67 s6.

Board to inquire, hear representations and mediate

7 (a) A board shall, in such manner as it thinks fit, expeditiously and carefully inquire into the dispute and all matters affecting the merits and the right of settlement thereof;

(b) In the course of a hearing a board may make all such suggestions and do all such things as it deems right and proper for encouraging the parties to come to a fair and amicable settlement of the dispute and shall hear such representations as may be made on behalf of the parties to the dispute and shall diligently seek to mediate between the parties to the dispute.

10 Feb 67 SR 20/67 s7.

Failure of a party to attend

8 If, without good cause being shown, either party to proceedings before a board fails to attend or to be represented the board may proceed as if the party had duly attended or had been represented.

10 Feb 67 SR 20/67 s8.

Quorum of board

9 The chairman and one member of a board shall constitute a quorum, provided that in the absence of a member the other members shall not proceed unless he has been given reasonable notice of the sitting.

10 Feb 67 SR 20/67 s9.

Voting of board

10 Each member of a board shall have one vote, and in the event of a tie the chairman shall have an additional and casting vote.

10 Feb 67 SR 20/67 s10.

Chairman to file

11 A board, through its chairman, shall, not later than fourteen days after the matters relating to any dispute are referred to it pursuant to section 5, file with the minister four copies of:

Report

- (a) any report of the board and any reasons in support thereof;
- (b) any dissent from the board's report and any reasons therefor; and

Views where majority fail to agree

(c) the views of each board member concerning each item of the dispute referred to the board in respect of which a majority of the board cannot agree as to what ought or ought not to be done.

10 Feb 67 SR 20/67 s11.

Clarification of report

12 After a board has made its report, the minister may, within three days of receipt of the report direct the board to reconsider and amplify or clarify any part thereof, and such supplementary report as the board may be required to make after such reconsideration shall be filed in quadruplicate with the minister not more than seven days after that date of the minister's directive and the report of the board shall not be deemed to have been received until such supplementary report has been made to the minister.

10 Feb 67 SR 20/67 s12.

Parties to receive copies of report

13 After a board has made its report, the minister shall forthwith send a copy thereof to each of the parties pursuant to sections 11 and 12 and the said parties may, subject to any prior agreement between them, accept or reject the report.

10 Feb 67 SR 20/67 s13.

Publication of report

14 The report of a board filed pursuant to sections 11 and 12 shall be made available for publication and copies thereof shall be provided without charge to any person requesting the same.

10 Feb 67 SR 20/67 s14.

Report binding by agreement

15 Where a Conciliation Board has been appointed and at any time before or after it has made its report, the parties so agree in writing, the recommendation of the Conciliation Board shall be binding on the parties and they shall give effect thereto.

10 Feb 67 SR 20/67 s15.

GENERAL**Defects not to invalidate proceedings**

16 (a) No proceedings under these regulations shall be deemed invalid by any reason of defect of form or any technical irregularity.

Extension of time

(b) Where under these regulations any material is required to be filed or any act is required to be done within a specified period of time, the minister may, upon receipt of applicaiton in writing or otherwise as the minister deems fit from the chairman of the board or from either party or both parties to the proceedings of the board, extend the time for the filing of any such material or for the performance of any such act.

10 Feb 67 SR 20/67 s16.

Remuneration

17 (a) Subject to subsection (b) of this section remuneration for the services of board members and for other costs in connection with the activities of boards shall be as follows:

(i) To each member, excluding the chairman, an allowance at the rate of twenty-five dollars for each day he is present when the board sits;

(ii) To the chairman an allowance at the rate of thirty-five dollars for each day he is present when the board sits;

Expenses members and chairman

(iii) To each member of the board, including the chairman, his actual out-of-pocket expenses incurred in travelling to and from and in attending sittings of the board; within the boundaries of the Province of Saskatchewan;

(iv) To the chairman or any member of the board such further remuneration as may, in the opinion of the minister, be justified by special circumstances.

(b) All expenses of a board, including expenses for transportation incurred by the members thereof or by persons engaged, under its orders, in making investigations under these regulations, salaries of employees and agents, and fees and mileage to witnesses, shall be allowed and paid upon presentation to the minister by the chairman of the board, of itemized vouchers, in quadruplicate and in such form as the minister may require, certified by the chairman of the board.

10 Feb 67 SR 20/67 s17.