

December 3, 2025

Via Email

To: Labour Relations Legislative Review
Corporate Services Division
Ministry of Labour Relations and Workplace Safety
300 – 1870 Albert Street, Regina SK S4P 4W1
legislation.labour@gov.sk.ca

RE: Submission on Saskatchewan Employment Act Parts VI, VII and VIII Review

Enclosed is our submission for *The Saskatchewan Employment Act Parts VI, VII and VIII Review*.

We are this province's largest union, representing over 31,000 frontline public service workers. Our members work in healthcare, education, municipalities, universities, libraries, childcare, community-based organizations, long-term care facilities, group homes, and other workplaces.

Our union, and our members, take labour legislation and the protection of workers' rights very seriously. One of the goals we always have is to create the highest standard of labour laws. The recommendations in our submission would help make Saskatchewan a leader again with regards to workers' rights, democracy, and balanced labour legislation.

Since 2007, changes to Saskatchewan's labour relations laws have favoured employers, made it harder for workers to join a union, and undermined collective bargaining by limiting workers' right to strike.

It's time to shift towards a more balanced approach to labour relations in Saskatchewan.

Sincerely,



Kent Peterson
President

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Submission

Review of the Labour Relations Provisions, (Parts VI, VII & VIII) of *The Saskatchewan Employment Act*

December 3, 2025



Canadian Union of Public Employees
Saskatchewan
cupesask.ca

Over 31,000 members delivering public services across Saskatchewan.

Right to Join a Union

Saskatchewan has some of the most restrictive rules in Canada when it comes to joining a union. Workers must be able to make the democratic decision to join a union without unnecessary barriers being put in their way, or threats or influence from employers.

Representation Vote Requirements

Saskatchewan currently requires that 45% of employees in a workplace sign union cards before they are allowed to vote to unionize. This is one of the most restrictive thresholds in Canada.

A majority of provinces and the federal government require cards to be signed by 35% or 40% of employees in order for a vote to be held.

► *CUPE Saskatchewan recommends the provincial government align the threshold required to trigger a representation vote with most other provinces and the federal government.*

Card-Check Certification

Currently, even when a majority of workers have signed membership cards to join a union they are forced through a secondary vote before they can unionize their workplace. Workers are essentially required to vote twice to form a union – once with the signing of a card, and again with a ballot. Even if 100% of employees in a workplace sign union cards, a second vote is still required.

Card-check, or single-step, certification protects workers from intimidation, threats, and bullying from employers during the certification process.

► *CUPE Saskatchewan recommends re-instating card-check certification.*

The Right to Strike

The Saskatchewan Employment Act currently includes provisions that undermine the constitutionally protected rights of workers to strike. Timelines for mandatory mediation/conciliation are unreasonably long, there is no prohibition against scabs, and the essential services framework does not meet the principles laid out by the Supreme Court.

Timelines after Notice of Impasse – Mandatory Mediation/Conciliation

The current provisions in Section 6-33 for mandatory mediation/conciliation followed by a 14-day cooling off period cause excessive delays in the bargaining process.

The 60 day period is unreasonably long, and is required even when the parties have already had the assistance of a mediator during bargaining. The subsequent cooling off period serves no purpose other than to delay the right to strike.

► *CUPE Saskatchewan recommends that provisions under Section 6-33 that delay strike action after impasse has been reached be removed. Alternatively, if the mandatory mediation framework is maintained, the 60-day timeline should be reduced.*

Anti-Scab

Since 2024, Manitoba and the federal government have joined B.C. and Quebec in banning the use of scabs during strikes and lock-outs.

The use of scabs:

- Results in longer and more disruptive strikes and lockouts.
- Undermines the right to strike as part of the collective bargaining process.
- Tilts the balance even further towards employers in an already unequal relationship.

In the past few years, Saskatchewan has seen multiple labour disruptions that lasted months, or even years, when scabs were used. Allowing employers to use scabs creates a disincentive for those same employers to negotiate a fair deal with their employees.

► *CUPE Saskatchewan recommends that anti-scab rules be enacted.*

Essential Services

Essential Services legislation is neither essential, nor about services. It is about interfering with the right to strike and, therefore, the right to free collective bargaining. For most of Saskatchewan's history it did not have so-called essential services legislation, yet life-preserving services were always maintained by striking workers voluntarily. The province should repeal any legislation that creates unnecessary barriers between workers and their right to strike.

Failing that, the Supreme Court of Canada has already laid out a number of principles which must guide any essential services framework:

- “The right to strike is not merely a derivative of collective bargaining, it is an indispensable component of that right...This applies too to public sector employees.”
- Any interference to the right to strike must be “minimally impairing, that is, carefully tailored so that rights are impaired no more than necessary.”

The definition of essential services should be limited to those services needed to prevent “clear and imminent threat to the life, personal safety, or health of the whole or part of the population,” consistent with the ILO’s Committee on Freedom of Association.

► *CUPE Saskatchewan recommends that Saskatchewan’s essential services framework be repealed or amended to ensure the following principles are incorporated:*

- *The definition of essential services should be limited to clear and imminent threat to the life, personal safety or health.*
- *Any interference to the right to strike must be minimally impairing.*
- *Parties should be able to access the dispute resolution process to determine essential service levels, on expedited basis, earlier in the bargaining process.*

Delaying the process to determine essential levels until after the mandatory medication/conciliation process is completed is unreasonable, is not minimally impairing, and does not meet the standards set out by the Supreme Court.

Saskatchewan Labour Relations Board (LRB)

CUPE Saskatchewan is concerned that funding freezes and cuts to the LRB for most of the last decade have negatively impacted the ability of the Board to fulfill its mandate in a timely manner and while ensuring principles of natural justice are maintained.

- ▶ *CUPE Saskatchewan recommends that funding to the LRB be increased so it can function properly, fairly, and in a timely manner.*

Requirement for Oral Hearings

Parties have historically had the opportunity to have Saskatchewan Labour Relations Board matters heard via oral hearings. This year, the LRB issued a decision which signalled a shift to written submissions.

While *The Act* allows the LRB to decide any matter before it without holding an oral hearing, in the past oral hearings were the norm. Requests for oral hearings, from both employers and unions, are now regularly denied. Oral hearings better align with principles of natural justice. They ensure that all parties have a fair opportunity to present their case and challenge the evidence presented by others through cross-examination.

- ▶ *CUPE Saskatchewan recommends that The Saskatchewan Employment Act be amended so that the default procedure to decide disputes is through oral hearings.*

Timeline for Initiating Certification Votes

In the past, certification votes have normally been initiated within one week of an application being submitted to the Saskatchewan Labour Relations Board. Recently, initiation of some votes has been delayed, including a certification vote which was not initiated for a full month.

British Columbia, Manitoba, and Ontario require a vote within 5 business days of an application being received, which is consistent with past practice in Saskatchewan.

- *CUPE Saskatchewan recommends that The Saskatchewan Employment Act be amended to require the Labour Relations Board to hold a certification vote within 5 business days of an application for certification being received.*

Employer Communications During Certification Process

Prior to *The Trade Union Amendment Act, 2008*, it was an unfair labour practice for employers to communicate their “opinions” to employees in order to interfere with the certification process.

While *The Saskatchewan Employment Act* prohibits the use of coercion or intimidation by employers, it does not place any guardrails to ensure employer’s communications are truthful or that the opinions they are communicating are reasonably held. Employers are free to interfere with union drives as long as their conduct doesn’t rise to the level of intimidation.

- *CUPE Saskatchewan recommends the Government of Saskatchewan reinstate the unfair labour practice regarding employer communication.*

Vote on Employer’s Last Offer

A basic principle in labour relations is that employers are required to bargain with the union, as the exclusive bargaining agent for the employees in a bargaining unit, and not with individuals.

Section 6-35 of *The Saskatchewan Employment Act* undermines this principle. Votes are typically held over a week-long period, regardless of the size of the bargaining unit, during which time employers circumvent the requirement to bargain with the union. Last offer votes do not result in collective agreements. They do, however, result in prolonged collective bargaining conflict.

- *CUPE Saskatchewan recommends this provision be removed from The Act.*

Union Autonomy

The Supreme Court has enshrined in law the right to form, belong to, and maintain a trade union. CUPE Saskatchewan opposes any changes to *The Saskatchewan Employment Act* that would interfere with the autonomy of unions to govern their internal affairs and finances.

Procedure for Fair Representation Complaint

The duty of fair representation is a necessary and foundational principle.

In British Columbia, the Labour Relations Code includes a procedure for the LRB to review applications, at the time they are received, and either refer the complaint to the Board for a hearing if it has merit, or dismiss a complaint if there is not an apparent contravention of the duty of fair representation. This procedure allows the Board to focus their time and resources on only complaints that may have merit.

The director of employment standards has similar powers in *The Saskatchewan Employment Act*, and can refuse to investigate or deal with a complaint if the director is of the opinion that a hearing of the complaint is not warranted.

- CUPE Saskatchewan recommends that Saskatchewan enact a procedure for fair representation complaints, similar to Section 13(1) of the B.C. Labour Relations Code.

Successorship Right Language

The Saskatchewan Employment Act language on successor rights and obligations does not currently specify the term 'retender' in Section 6-18(1). CUPE Saskatchewan believes retendering would be covered under the current Act, but adding the term re-tender would create greater certainty and specificity around successorship rights.

- CUPE Saskatchewan recommends that Section 6-18 be amended to add the word 'retender.'