

BACKGROUND INFORMATION

Exclusion of supervisors from bargaining units

The *Saskatchewan Employment Act* (SEA) proclaimed on April 29, 2014 includes a new provision that excludes supervisory employees from bargaining units (s. 6-(3)).

The SEA permits an exception if the union and an employer (“make an irrevocable election”) to allow supervisory employees to remain in a bargaining unit (s. 6-11(4)(a)).

The SEA says that unions and employers have until April 29, 2016 to sign an irrevocable election (s. 11(6)); after that date, and any time in the future, employers may apply to the Labour Relations Board for an order removing supervisors from the bargaining unit of which they have chosen to be part.

There is no legislative requirement that employers make such an application.

The province’s largest employers and unions representing their employees, along with some smaller employers, have done this in the last two years:

- The Government of Saskatchewan signed an “irrevocable election” with SGEU;
- The Saskatchewan Association of Health Organizations (SAHO) signed “irrevocable elections” with all the provider unions (CUPE, SGEU, SEIU) with which it negotiates; and
- The Minister of Labour Relations and Workplace Safety granted SUN a regulatory exemption from the requirements of the new provision.

Saskatchewan is the only Canadian jurisdiction that has legislation that requires the exclusion of supervisors from the bargaining unit.

The *Saskatchewan Employment Act* provides a mechanism for excluding management staff from the bargaining units. Historically under the *Trade Union Act* managers have been excluded from membership in a trade union.