

COVID-19 NOTICE, dated May 7, 2020:

This directive replaces the Saskatchewan Labour Relations Board notice respecting COVID-19, dated March 30, 2020.

Background:

The Saskatchewan Labour Relations Board continues to take steps to safeguard the health of our staff and the public, while maintaining meaningful access to justice, as circumstances allow.

The Board will continue to monitor the situation and will update this notice as necessary. Please consult the Board's website from time to time to obtain the most up to date information on the Board's operations.

Updated public health orders can be found here: <https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus/public-health-measures/public-health-orders>

The five-stage plan for re-opening the economy can be found here: <https://www.saskatchewan.ca/government/news-and-media/2020/april/23/reopen-saskatchewan-plan>

Board Operations:

Video Hearings – Video hearings will be the default procedure for matters with contested evidence unless and until otherwise notified. The Board has put in place Guidelines for the Conduct of Video Hearings before the Board. See, <http://www.sasklabourrelationsboard.com/Default.aspx?DN=3f60e534-6f36-49db-91c8-4f0f1d99c031>.

If one or more parties to a matter believe(s) that a video hearing is not procedurally fair, the party or parties **shall submit a plan for the conduct of the hearing in-person** ["Plan"]. The Plan shall include:

- Explanation of why the video hearing is not procedurally fair, specific to the case;
- Verification that the party submitting the Plan has reviewed the Guidelines for the Conduct of Video Hearings;
- Verification that the parties have discussed video hearings as an option and have discussed the Plan;
- An indication whether the opposite party consents to the Plan or parts of the Plan;

Verification that the party or parties will follow the attached Guidelines for the Conduct of In-Person Hearings <http://www.sasklabourrelationsboard.com/Default.aspx?DN=3fdc3669-2542-4ea1-93a5-f4cc41a7d15d>, unless alternative processes are proposed in the Plan, and granted by the Board;

- A proposal for specific measures to ensure compliance with the attached Guidelines for the Conduct of In-Person Hearings, or where proposing to depart from those Guidelines,

a proposal for specific measures to address all of the health and safety considerations raised in those Guidelines;

- Acknowledgment that, due to changing circumstances, the in-person hearing could be adjourned at any time;
- Any other considerations that the Board may bring to the parties' attention following the issuance of this notice and/or after the submission of the Plan.

The following process will apply to the Plans:

- For matters that are set for scheduling on June Motions Day, the Plan shall be submitted and served on opposite parties **no later than May 25**. Opposite parties shall file a reply to the Plan within 3 business days.
- For matters currently scheduled to proceed in **June**, the Plan shall be submitted and served on opposite parties **no later than May 15 for matters scheduled in the first week in June, and no later than May 20 thereafter**. Opposite parties shall file a reply to the Plan within 3 business days.
- For matters currently scheduled to proceed in **July**, the Plan shall be submitted and served on opposite parties **no later than June 19**. Opposite parties shall file a reply to the Plan within 3 business days.
- For a matter yet to be scheduled for a hearing, the Board will review the Plan and determine whether the matter can be set for an in-person hearing according to the Plan, or according to any other fair and practicable in-person or hybrid process. Alternatively, the Board will order a video hearing in compliance with the Guidelines for the Conduct of Video Hearings, or will order further case management. The Board will provide the applicable procedures to the parties in writing prior to the scheduling of the matter.
- For a matter currently scheduled to be heard in June and July, the Board will review the Plan and determine whether the matter can proceed as an in-person hearing according to the Plan, or according to any other fair and practicable in-person or hybrid process. If not, the Board will order a video hearing in compliance with the Guidelines for the Conduct of Video Hearings, or further case management. The Board will provide the applicable procedures to the parties in writing as soon as practicable prior to the currently scheduled hearing of the matter.

If a Plan is not submitted, the matter will be scheduled and/or will proceed as a video hearing in compliance with the Guidelines for the Conduct of Video Hearings.

Appeals – All appeals will proceed by video, or if video is not practicable, by phone, unless otherwise notified. Where applicable, applications for fresh evidence must be filed 14 days in advance of the appeal hearing. Proposed fresh evidence must be attached to an affidavit.

Case Management Conferences – The Board continues to triage matters through case management to assist the parties with process and scheduling. If the Board has not scheduled a matter for case management, one or more parties may request case management.

Existing Phone Hearings - All matters scheduled to be heard by phone will proceed as scheduled.

Written Applications – All applications proceeding by way of written submissions continue to be processed as usual.

New Applications and Appeals – The Board continues to receive applications, appeals, and other submissions provided for under the Act and the Regulations. See “**Board Office**”, **below**, for more information.

Interim Applications - The Board remains available for interim applications of an urgent nature. The Applicant is expected to set out preferred process (phone, video, or in-person). If in-person, the applicant is expected to submit a Plan with the application. The opposite party will have three business days to reply. The Board will prioritize addressing these Plans as quickly as possible.

Board Office - Access to the Board office in Regina remains restricted.

The Board staff continue to work remotely. Communication with the Board can be conducted via telephone, email, or fax. The Board’s main phone line remains open. Messages that are left on the voice mail will be returned.

Parties are encouraged to file documents electronically during this time. Documents can no longer be hand-delivered as the building where the Board office is located is closed to the public. The Board will continue to receive documents by mail. Note that the processing of applications may be delayed by up to one day. As a reminder, documents cannot be filed at the Board’s address in Saskatoon.

You may also contact the Board electronically by using the “contact us” form - <http://www.sasklabourrelationsboard.com/contactmail>.

This Notice is subject to change from time to time and may be amended to apply to specific circumstances, at the discretion of the Board.

Saskatchewan Labour Relations Board, May 7, 2020