

# WHAT'S NEW

## ISSUE 4 – June 2011

In an effort to keep the Labour Relations Community informed on an ongoing basis of happenings at the Labour Relations Board, the Board produces on a monthly basis “What’s New.” The following is Issue 4 for June 2011.

### NEWS AROUND THE BOARD

**Congratulations!** – Andy Sims is the 2011 recipient of the Bora Laskin Award for Outstanding Contributions to Canadian Labour Law. The award was established by the University of Toronto to honour those who have made an outstanding contribution to labour law in Canada. The award is named after the late Chief Justice Bora Laskin (1912–1984) who, before joining the Supreme Court of Canada, was a pre-eminent labour law scholar and arbitrator.

Previous recipients include Harry Arthurs, Pierre Verge, Paul Weiller, Roy Heenan, Mel Myers, Warren Winkler, Innis Christie and Justice Rosalie Abella.

The award will be presented at Bora Laskin Award Dinner on the evening of October 18, 2011. Details can be found at [www.lancasterhouse.com](http://www.lancasterhouse.com).

**Another Baby!** – Aaron Padnivelan and family are bursting with pride over the recent birth of their daughter – Amni Julia Padnivelan. Congratulations to Aaron and family!

**Board Caucus** – A second Board caucus meeting has been scheduled for the 2011 calendar year. It will take place on November 8 and 9, 2011 in Calgary at the Sheraton Cavalier. Further details to follow.

**Conference of Labour Board Chairs and Administrators** – The annual meeting of Labour Board Chairs and Board Administrators is taking place in Halifax, Nova Scotia on July 12–14, 2011.

### OTHER HAPPENINGS

Lancaster House – Canadian Labour Board Conference – October 18 and 19, 2011. Topics include a case law and legislative update, a discussion of the S.C.C. recent decision in *Fraser*, and a presentation on essential services. The Bora Laskin award being presented to Andy Sims is being awarded in conjunction with this conference. Further details can be found at: [www.lancasterhouse.com](http://www.lancasterhouse.com)

**RECENT CASES*****United Nurses of Alberta v. Aakon-Kiyii (Peigan/Piikani) Health Services and Blood Tribe Department of Health Inc.***

The Alberta Board recently addressed an interesting jurisdictional question. Does the jurisdiction over health services for independently structured health departments that operate exclusively on Reserve and almost solely for the benefit of their band members fall within provincial or federal jurisdiction?

Relying on the Supreme Court of Canada's recent decisions in *Ni/Tu, O Child and Family Services Society v. B.C. Government and Services Employees' Union* and its companion decision released the same day - *CEP v. Native Child and Family Services of Toronto*, the Board concluded jurisdiction in this case is provincial. The question is no longer who performs the services or how they are being provided but rather what services are being provided. In this case the essential nature of the services being delivered – health care – falls within provincial jurisdiction with the result that the labour relations in question fall within provincial jurisdiction.