



John R. Carpenter*
Vanessa Cosco
Kara O'Halloran
Kristan A. McLeod†
Kelly Nychka

Wassila W. Semaine
Michelle L. Westgeest
Gordon W. Nekolaichuk
Natalia Makuch
Drew Blaikie
Jacob Schweda

Our File: 205-17-013 KM

October 1, 2018

Alberta Labour Relations Board
501, 10808 – 99 Avenue
Edmonton, AB T5K 0G5

FAX No. 780-422-0970

PAGES: 3

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CONTACT OUR OFFICE IMMEDIATELY. THE CONTENT OF THIS FAX IS CONFIDENTIAL. IT MAY BE SUBJECT TO SOLICITOR/CLIENT PRIVILEGE. IF THE FAX IS NOT MEANT FOR YOU, DO NOT COPY IT OR DISTRIBUTE ITS INFORMATION. IF THE FAX WAS RECEIVED IN ERROR, PLEASE TELL US IMMEDIATELY – BY COLLECT CALL IF NECESSARY AND RETURN THE ORIGINAL FAX TO US BY MAIL, AT OUR EXPENSE.

Attention: Tannis Brown, Director of Settlement

Dear Madam:

**Re: An application for determination brought by United Nurses of Alberta and Jessica Wakeford affecting Alberta Health Services
Board File No. GE-07762**

This is the United Nurses of Alberta's ("UNA") response to the August 25, 2018 letter of Drs. Cummings, Davidson, and Edwards (together, the "Deans"), which was sent to the parties to this application on September 26, 2018. UNA wishes not to further delay these proceedings that commenced on April 5, 2018, and therefore takes no position on the request of the Deans to intervene.

However, UNA is unaware of how the Deans meet the Board's test for intervenors. The Board's oft-cited test for proposed interventions is found in *Dynacare Kasper Laboratories v HSAA et al.*, [1997] Alta. L.R.B.R. L.D-024 at paras 8-11:

1. The relationship of the person to the application;
2. The potential assistance that the intervenor may provide to the Board;
3. The directness of the effect of any decision on the intervenor, and;
4. Any other matters impacting the application.

The Deans' Relationship to the Application

As academic administrators of post-secondary faculties that educate some of the province's nurses and nurse practitioners, the Deans have no direct relationship to the Application. They are not employers, employees, employers' organizations, or bargaining agents involved in this matter. They are not nurse practitioners themselves. The nurse practitioners who are employees in the Deans' faculties are members of the Faculty Associations of their respective universities, and unlike the nurse practitioners employed at Alberta Health Services, they now have the protection of the *Labour Relations Code*, RSA 2000 c L-1 through s 58.1(4)(c).

The Potential Assistance the Deans May Provide to the Board

The Deans' roles as academic administrators do not assist the Board with its decisions regarding the constitutionality of the exclusion of (most) nurse practitioners from the *Labour Code*, or whether they perform direct nursing. The Board will be provided with evidence from the nurse practitioners already involved in this application, including all the existing intervenors, regarding their education and whether that affects their positions in this litigation. Of more importance to the Board will be the subject nurse practitioners' work responsibilities, with which the Deans cannot assist.

The Directness of the Effect of Any Decision on the Intervenor

As stated above, the nurse practitioner employees of the Deans' faculties are already in other bargaining units; the Faculty Associations at their respective universities. This application does not affect the Deans, their faculties, or their employees. Their faculty members' abilities to earn practice hours and teach NP students during clinical practica are not affected by this application.

Any other Matters Impacting the Application

The parties are able to call evidence regarding the education of NPs, and they should call appropriate witness evidence or appropriately qualified expert evidence. That nurse practitioners have additional and different education than registered nurses is not dispositive of this application, and to the extent that it is relevant, the existing parties have experience and information to provide regarding their education. UNA is unaware of other matters in which the Deans are involved that could affect the application.

Yours truly,

CHIVERS CARPENTER



KRISTAN A. MCLEOD

(Email: kmcleod@chiverslaw.com)

KM/ljn

c.c.: Alberta Health Services, Attn: Jacqueline Laviolette – via fax (403) 943-0972
Alberta Health Services, Attn: Dennis Holliday/Monica Bokenfohr – via fax (780) 424-4309
Seveny Scott, Attn: Dan Scott – via fax (780) 638-6062
Health Sciences Association of Alberta, Attn: Laura Hureau – via fax (780) 488-0534

Nugent Law Office, Attn: Patrick Nugent – via fax (780) 439-3032
The Alberta Union of Provincial Employees, Attn: William Rigutto/Larry Dawson/Carol Drennan/Jim Petrie – via fax (780) 930-3393
McLennan Ross LLP, Attn: Christopher J. Lane, Q.C. – via fax (780) 482-9100
Covenant Health, Attn: Michael J. Hughes – via fax (780) 342-8258
Taylor Janis LLP, Attn: Micah A. Kowalchuk – via fax (587) 356-0422
Nurse Practitioners Association of Alberta, Attn: Teddie Tanguay – via mail
Dina Sotiropoulos – via mail
Anthony Falvi – via mail
Kevin Huntley – via mail
The Attorney General of Alberta, Attn: Margaret Unsworth, Q.C./Roderick Wiltshire/Donald Padget – via fax (780) 425-0307
The Attorney General of Canada, Attn: Bruce Hughson – via fax (780) 495-8491
United Nurses of Alberta, Attn: David Harrigan/Lee Coughlan – via email