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FOR IMMEDIATE RELEASE

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SUPREME COURT SIDES WITH WORKING FAMILIES, RESTORES BALANCE TO LABOUR RELATIONS

Today working people across the country have won a major victory at the Supreme Court of Canada (SCC), as it ruled on a case brought forward by the Saskatchewan Federation of Labour (SFL) and its affiliates. The historic and precedent-setting decision has determined that the Saskatchewan Party government's *Public Service Essential Service Act* (Bill 5) is unconstitutional because it violates workers' rights protected by the Charter of Rights and Freedoms. This decision marks another step forward in enshrining workers' rights under the Charter of Rights and Freedoms.

The implications of the SCC's ruling are far-reaching. Any government across Canada that moves to limit the rights of working people will find themselves vulnerable to legal challenges. The right to strike will ensure workers can not only form unions and collectively bargain for fair wages and working conditions, but it will help address the fact that workers need a critical counterbalance to the power wielded by employers.

"Saskatchewan's Labour Movement has always fought for the rights of working people, protected the public during labour disputes, and ensured that job action is a last resort," said SFL president Larry Hubich, "however, the recognition of the right to strike is necessary to restore the balance between workers and employers," he added.

Following this decision, workers and their unions will continue to try to work with the Saskatchewan Party government to develop laws that are fair, and respect the rights of workers. Furthermore, without the *Public Service Essential Service Act* (Bill 5), Saskatchewan unions are committed to ensuring the protection of the public during labour disputes and will continue to work with employers and government as we have for decades before the legislation was introduced.

"As Canadians we value the Charter of Rights and Freedoms. So this decision today is not just a win for working people, it is also a victory for the values of fairness we all share," said Hubich, "it is my hope that the Saskatchewan Party government will recognize its mistake, and pledge to never again let its ideology get in the way of good public policy," he added.

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The SFL represents over 100,000 working people across the province in 37 affiliated unions.

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CHARTER CHALLENGE BACKGROUND

Shortly after being elected in 2007, the Saskatchewan Party government introduced two pieces of legislation into the Legislature, Bill 5 and Bill 6.

Bill 5 established a so-called "essential service" law in the province, robbing many thousands of workers of their right to withdraw their labour. Bill 6 amended Saskatchewan's Trade Union Act, making it more difficult for working people to form and join unions. The bills were criticized by working people, academics, and legal scholars across the country.

- **2007** – Bills 5 & 6 are introduced by the Saskatchewan Party, and condemned as strictly ideological;
- **2008** – Bills 5 & 6 are passed by the Saskatchewan Party into law, stripping workers' rights away from thousands of people;
- **2008** – An International Labour Organization (ILO) complaint against the province of Saskatchewan, regarding Bills 5 & 6, was filed by National Union of Public and General Employees (NUPGE) and its component the Saskatchewan Government and General Employees' Union (SGEU);
- **2008** – The SFL and several affiliates filed a similar complaint to the ILO;
- **2008** – Responding to working members, the Saskatchewan Federation of Labour (SFL) and several affiliates launch Charter challenge against Bills 5 & 6;
- **2009** – The SFL files an additional support submission with the United Nation's ILO against Bills 5 & 6;
- **2009** – The International Trade Union Confederation (ITUC) released its *Annual Survey of violations of trade union rights*. Canada was cited due to the regressive legislation of the Saskatchewan Party government;
- **2010** – The ILO found Bills 5 & 6 in violation of Canada's international law commitments under ILO Convention No. 87 – Freedom of Association and Protection of the Right to Organize which Canada and all provincial governments have ratified;
- **2012** – Saskatchewan's Court of Queen's Bench rules that elements of Bill 5 are unconstitutional, and the Saskatchewan Party government appealed the decision;
- **2013** – The Saskatchewan Court of Appeal overturned the Court of Queen's Bench ruling on Bill 5, stating that "[t]he Supreme Court of Canada (SCC) ruled in the 1987 Labour Trilogy cases that freedom of association in Section 2(d) of the Charter doesn't guarantee a right to strike. That line of authority has never been overturned by the Supreme Court. Therefore, until the SCC overturns itself, it is inappropriate for a lower court to issue a decision that is contrary to SCC precedent";
- **2013** – SFL et al. make application for leave to the Supreme Court of Canada;
- **2013** – Supreme Court of Canada grants SFL et al. "Leave to Appeal" the Sask Court of Appeal decision.
- **2014** – The SFL et al. are heard by the Supreme Court of Canada;
- **2015** – The Supreme Court of Canada sides with working families, and rules that Bill 5 is unconstitutional.