

Mounties win right to collective bargaining

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OTTAWA — The Supreme Court ruled Friday that RCMP members have the right to collective bargaining.

The 6-1 decision paves the way for members to form a union unless Parliament, which must now consider new legislation, chooses to limit that power.

That's unlikely, says labour lawyer Robert Houston.

He said the government would have a difficult time justifying anything short of allowing a Mountie union, if Parliament introduces matching legislation at all.

Without a new law, by default RCMP members will fall under the Public Service Labour Relations Act (PSLRA).

When that act was created in 1967, RCMP members were excluded from collective bargaining over concerns of loyalty and whether unions could interfere with relations between members and management.

Rather than being allowed to unionize, RCMP members were given three bodies — one for labour issues, another for pay and benefits issues and a third

legal fund — though ultimate decisions rested with management.

Members lamented they didn't have representation in labour issues. It was that decades-old decision to not include the RCMP in the act that was overturned by the top court Friday.

"The evidence suggests that respecting associational rights has the potential to ensure, rather than undermine a positive working relationship and therefore enhance labour stability," Chief Justice Beverley McLachlin explained in the ruling.

Not discussed in the case was the right to strike, still not legally allowed by law enforcement officers.

Laura Young, lawyer for the RCMP members, said her clients were "absolutely thrilled" by a decision she said "sends a clear message" on the right to freedom of association.

"We hope to move ahead of with a positive process on that front."

Rae Banwarie, national president of the Mounted Police Professional Association, said the ruling will mean a new approach to dealing with internal labour issues as well.

One of the biggest has been the ongoing complaints of sexual harassment.

A class action lawsuit by almost 300 current and former female members of the force alleges sexual harassment of epidemic proportions within the RCMP.

"If a lot of these things were in place that an independent association can bring forward, a lot of these things would have been addressed and maybe even resolved," Banwarie said.

The Public Service Alliance of Canada called the ruling "unmistakably a major victory for the labour movement against a federal government determined to hurt unions and undermine collective bargaining."

The court was also asked to rule on a separate issue between the Treasury Board and RCMP members, who argued a wage freeze during the global recession of 2008 violated their rights.

The court sided against members in that case.

Public Safety Minister Steven Blaney acknowledged the ruling and it is currently under review by the government.

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