



# News Release



## NUPGE takes SGEU case to International Labour Organization

### *Challenging the Saskatchewan Party over two pieces of anti-labour legislation - Bills 5 & 6*

Regina (12 June 2008) – Two pieces of labour legislation passed recently by the Brad Wall government have nothing to do with improving balance and cooperation between workers and employers in Saskatchewan. The effect of the legislation is to weaken workers' rights and tilt the balance in favour of employers.

This is one of the key points made today by **Larry Brown**, secretary-treasurer of the 340,000-member National Union of Public and General Employees (NUPGE), in announcing the lodging of a formal complaint with the International Labour Organization (ILO) against the new Saskatchewan laws – Bill 5, *An Act respecting Essential Public Services* and Bill 6, *An Act to amend the Trade Union Act*.

The complaint is being laid on behalf of NUPGE's Saskatchewan Component, the Saskatchewan Government and General Employees' Union (SGEU/NUPGE).

The ILO is a specialized agency of the United Nations based in Geneva, Switzerland. It is responsible for formulating international labour standards in the form of Conventions. These minimum standards of basic labour rights cover: freedom of association, the right to organize, collective bargaining, the right to strike and other standards regulating conditions across the entire spectrum of work related issues. (See attached ILO Backgrounder)

"We will be asking the ILO to find the government of Saskatchewan in violation of ILO Conventions that have been ratified by the federal, provincial and territorial governments of Canada," said Brown. "These international Conventions commit all governments in Canada to adhere to the international human rights standards which give meaning to freedom of association and the right to join a union and engage in collective bargaining. Bills 5 and 6 simply don't comply with these standards."

### **Impedes fundamental rights**

**Bob Bymo**, president of SGEU, said Canada has pledged "on behalf of all citizens and levels of government" to uphold these fundamental human rights of workers.

"Yet, one of the first acts of this new government is to pass legislation clearly designed to impede workers from exercising their fundamental right to freedom of association," he says.

"This legislation isn't balance - it makes it more difficult for workers to join unions, engage in free collective bargaining and exercise their right to strike. It's with considerable disappointment that we find ourselves in a position of lodging an official complaint with a respected UN body like the ILO against our new government's legislative record, less than seven months after it has taken office."

Bymoien said Saskatchewan has a long, proud history of pioneering progressive labour laws.

"As a result of Bills 5 and 6, we will now have a black mark on the province's respected reputation in the international community. The legislation damages the human rights reputation of both the province and the Canadian government. This government, sadly, doesn't understand that labour rights are human rights," Bymoien said.

Brown advised the premier to take the ILO complaint seriously and to sit down with the province's unions to discuss the implications that a negative ILO ruling might have on the government. He also noted that ILO rulings have had a major bearing on decisions of Canadian courts in recent years.

"There's been a notable link established between Canadian rights protected by the Charter of Rights and Freedoms and those in international treaties signed by Canada as a member state of the ILO," noted Brown.

Specifically, he cited the precedent-setting ruling of the Supreme Court of Canada in June 2007 against B. C. legislation known as Bill 29. The justices declared key portions of the legislation unconstitutional and declared collective bargaining a constitutional right for all Canadians.

### **Historic ruling**

"The Charter should be presumed to provide at least as great a level of protection as is found in the international human rights documents that Canada has ratified," the historic ruling declared.

"The interpretation of these Conventions [ILO], in Canada and internationally, not only supports the proposition that there is a right to collective bargaining in international law, but also suggests that such a right should be recognized in the Canadian context under s.2(d) [freedom of association]."

The Supreme Court decision also placed a strong emphasis on the need for consultation between governments and unions on legislation affecting trade union rights. "Laws or state actions that prevent or deny meaningful discussion and consultation about significant workplace issues between employees and their employer may interfere with the activity of collective bargaining," the high court ruled.

Brown said Bills 5 and 6 in Saskatchewan could easily face a constitutional challenge.

"It's not good public policy for the premier to roll the dice and wait for the outcome of a Charter challenge to his government's legislation. The premier and his government should request the assistance of the well-respected ILO to help them engage in a meaningful consultation with Saskatchewan's labour movement to address real human rights concerns with this legislation."

Bymoer added: "SGEU is and always has been willing to engage in meaningful dialogue with the government. We're not interested in a confrontational approach. We're prepared to discuss with government how it can meet its objectives without having to violate and weaken fundamental rights of working people. As a starting point, there must be a recognition that Bills 5 and 6 need to be amended to conform with fundamental freedom of association principles."

For further information, go to [www.nupge.ca](http://www.nupge.ca) or contact:

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