



WORKING  
TOGETHER FOR  
SASKATCHEWAN

Saskatchewan Government and General Employees' Union

# NEWS RELEASE

For immediate release

January 30, 2015

## SGEU celebrates monumental victory for its members

[www.sgeu.org](http://www.sgeu.org)

1440 Broadway Avenue  
Regina, SK S4P 1E2  
(p) 522.8571  
1.800.667.5221  
(f) 352.1969

1114-22nd Street West  
Saskatoon, SK S7M 0S5  
(p) 652.1811  
1.800.667.9791  
(f) 664.7134

33-11th Street West  
Prince Albert, SK S6V 3A8  
(p) 764.5201  
1.800.667.9355  
(f) 763.4763

Premier Brad Wall received a strong and clear message today from Canada's highest court that promises to change the climate of labour relations in Saskatchewan and across the country.

Working people across the country have reason to celebrate today as a game-changing Supreme Court ruling protects their rights in a way that has not been legally recognized in Canada previously.

Today the SCC ruled the Saskatchewan Party government's *Public Service Essential Services Act* (Bill 5) is unconstitutional because it violates the freedom of association protected by the Charter of Rights and Freedoms. The restrictive legislation, so-called the 'essential services' law, was introduced along with its companion Bill 6 almost immediately following the election of the Sask. Party in 2007 when the government made its ideology clear by robbing workers' rights of withdrawing services as well as making it difficult for them to form and join unions.

The Saskatchewan Government and General Employees' Union (SGEU) represents workers across the province who have been labelled essential service workers by the government and therefore have been particularly vulnerable to the current government's tough measures.

"We believe if our workers are going to be called essential service workers, then their employer, the government, should treat them as essential," says Bob Bymoan, SGEU president. "What they are is individuals working tirelessly to serve all of us in this province in some extremely challenging conditions in some cases and this decision today goes a long way to giving them the support and recognition for their daily work."

SGEU was part of a larger team of labour unions who were granted the right to the challenge the Saskatchewan laws, led by the Saskatchewan Federation of Labour (SFL).

Because of today's ruling, any government across Canada that moves to limit the rights of working people will find themselves susceptible 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 ensure workers have a critical counterbalance to the power wielded by employers.

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“Being given those rights including the right to withdraw labour is crucial in the kind of message we want to send to people out working in a myriad of jobs as a society in general; that we value their hard work and contribution,” says Bymoer. “This victory confirms what we've been saying since day one; that this legislation is unconstitutional, unbalanced and unfair.” “At the same time, our numbers of disputes resolved without ever having to resort to strike continue to increase significantly every year. No one wants to use the right to strike - workers or their employers. What we want is for our members to be well supported and respected. This decision is an excellent step toward that goal.”

SGEU and other labour groups welcome this pivotal moment in Saskatchewan to further open the door to a more balanced, supportive dialogue between the provincial government and the people working from one end of the province to the other working hard to help make it the best place to live.

“Saskatchewan boasts a very proud, strong history of taking care of its workers. There is a lot of repairing to do in what has generally been a wounded conversation between our provincial government and the grass roots importance we have traditionally placed on our labour community in this province,” adds Bymoer. “We have already made great gains in that discourse, and here at SGEU we feel strongly today represents an enormous opportunity to engage this government further in developing laws that are fair and respectful of the working community at the backbone of this province.” SGEU represents some 20,000 workers in a variety of jobs across the province.

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Bob Bymoer will be speaking at a news conference sponsored by the SFL at 10:30 a.m., Friday, January 30, at the PSAC Boardroom located at #200, 2445-13th Avenue, Regina.

For additional information, contact:

Kathryn Engel  
Communications officer  
1 (306) 550.1146  
[kengel@sgeu.org](mailto:kengel@sgeu.org)

or Bob Bymoer  
1 (306) 539.0030  
[bbymoer@sgeu.org](mailto:bbymoer@sgeu.org)

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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 were introduced by the Saskatchewan Party, and condemned as strictly ideological;
- **2008** – Bills 5 & 6 were 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 including SGEU launched a Charter challenge against Bills 5 & 6;
- **2009** – The SFL filed 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 ruled 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. made an application for leave to the Supreme Court of Canada;
- **2013** – Supreme Court of Canada granted 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.