

**MEMBER COMMUNICATION 40**  
**27 February 2014**



*Please forward this message to your RCMP colleagues who are not yet members of MPPAC.*

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## **Supreme Court hears RCMP freedom of association case**

Dear MPPAC Members:

Our appeal seeking freedom of association rights for RCMP members was heard by the Supreme Court on February 18, 2014. We are grateful that the court took this opportunity to consider the case and that it was clearly engaged and interested throughout the hearing. We are optimistic that the court appreciates what their decision will mean to members of the RCMP and that ultimately it will set the stage for a new era of trust and respect within the RCMP workplace.

Our lawyer, Laura Young, was well researched and well spoken and presented a strong case. Her argument was that association members are entitled to engage in a meaningful process of collective bargaining as part of the freedom of association. Because the SRRP is imposed as the exclusive means of communication on RCMP employment matters, it is either the exercise of members' freedom of association, or it is an impediment. Ms. Young argued that the constitutionally protected process of collective bargaining must meet four criteria:

1. It must be carried out by an association;
2. It must be independent of management;
3. It must be chosen by members as their agent for bargaining; and
4. It must carry out a process of bargaining.

The SRRP process fails on all four counts. However, in order to be successful, we need only satisfy the court that one or more of these features are required and are missing to show that the process does not meet constitutional minimum requirements. If the SRRP is not an exercise in freedom of association, it is blocking the freedom and should be removed.

In discussing the issue of choice, Ms. Young agreed with the opposition statement that SRRP representatives are chosen by RCMP members, but compared the program to a totalitarian regime where you can elect an official, but only from one party. We think this analogy sums up the entire case. (For a complete video of the four-hour hearing, visit <http://www.cpac.ca/en/digital-archives/> and search "Supreme Court" or "34948.")

Based on the Justices' comments and questions, we are optimistic the SCC will rule that the SRRP contravenes section 2 (d) of Canada's *Charter of Rights and Freedoms*, and must be abolished. The effectiveness of the SRRP is irrelevant; all that matters is that the program impedes RCMP members' constitutional right to freedom of association.

### ***Extending our Thanks***

Thank you to all of those members who worked to bring this case forward, and who supported it by providing the evidence necessary, often at great personal risk and cost. Thanks also to the Canadian Police Association and the Association de la Police Montée de Québec for working with us in the BCMPPA and MPPAC to bring the cause to this point.

Thank you to the legal counsel and organizations that intervened in our case:

- Laura C. Young for MPAO and BCMPPA *et al.*;
- James R. K. Duggan for Association de la Police Montée du Québec;
- Benoit Laurin for Confédération des Syndicats Nationaux;
- Ian J. Roland for Canadian Police Association;

- Steven Barrett for Canadian Labour Congress;
- Ranjan K. Agarwal for Canadian Civil Liberties Association;
- Andrew Raven for Public Service Alliance of Canada;
- Lindsay M. Lyster for British Columbia Civil Liberties Association.

Thank you also to everyone who followed, liked and/or shared our posts and media coverage on Facebook and Twitter and who completed the form to show their support on our website. Our press conference in Ottawa on February 18 was a success, and our story has been covered by the following media to date:

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|----------------------|------------------------|
| • Toronto Sun        | • CBC Radio Kamloops   |
| • Vancouver Sun      | • CBC Radio Kelowna    |
| • Montreal Gazette   | • Blacklocks Reporter  |
| • Edmonton Examiner  | • iPolitics.ca         |
| • Regina Leader-Post | • The Georgia Straight |
| • Sudbury Star       | • Straight.com         |
| • Simcoe Reformer    | • CNews.canoe.ca       |
| • CBC News           | • Vancouver.24hrs.ca   |
| • CBC Radio Ottawa   | • Digitaljournal.com   |

The Court may take months to release a ruling. In the meantime, our next step is to strategize for either possible outcome going forward and to hope that the SRRP will be eliminated before the unconstitutional amendments in the *Enhancing RCMP Accountability Act* (Bill C-42) come into effect on June 22, 2014.

### **LET US BE YOUR ADVOCATE**

The Mounted Police Professional Association of Canada (MPPAC) aims to replace the SRRP as an independent labour association. MPPAC was established in 2010 to fight for the right to engage in collective bargaining through an independent association on behalf of RCMP regular and civilian members across Canada. We strive for excellence in our conduct and obligations. We provide leadership to all of our membership, in affiliation with the Canadian Police Association, on justice issues which affect the quality of life of all Canadians. The Association does not seek or support the right to strike. To learn more, visit [www.mppac.ca](http://www.mppac.ca).

Become a member today and let's put forward a collective voice on work issues that concern us all.

### **The Directors of the National Executive —**

**MPPAC | Mounted Police Professional Association of Canada**  
**ACPMP | Association Canadienne de la Police Montée Professionnelle**

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