

---

**MPPAC Response to Court of Appeal Decision**

[national@mppac.ca](mailto:national@mppac.ca)

**DEAR COLLEAGUES**

We the Interim National Executive of the Mounted Police Professional Association of Canada write to you the members of the Force to provide an update on the court decision with regard to the costs associated with our fight to bring a more fair and equitable bargaining process to all members of Force, through an independent Association.

Justice McDonnell of the Ontario Superior Court, ruled that Section 96. of the RCMP Regulations which allowed the Staff Relations Representative Program (SRRP) as the only system of labour relations in the Force to exist, unconstitutional. With McDonnell's decision, the Associations (MPAO and the BCMPPA) were awarded legal costs in our favor of \$372,942.45. The Mounted Police Members' Legal Fund (the 'Legal Fund') made submissions as an intervener, but were not awarded any costs. When Justice McDonnell's decision was overturned by the Ontario Court Of Appeal ('OCA'), the OCA set aside the original cost awarded to us and the Attorney General of Canada asked for costs to be reimbursed in their favor in the amount of \$408,785.75. The OCA made it clear that none of the interveners (including the Legal Fund) would be allowed to make any submissions for costs incurred. The Associations made submissions to the court with regard to the costs sought by the Attorney General of Canada. On October 12, 2012 the Court of Appeal for Ontario made their decision. In this decision, the Court set aside the original award to the Associations from McDonnell's decision and also set aside the costs requested by the Attorney General of Canada. In the Court's rationale, they stated the Associations had cause to bring the original application and since the original application had merit, awarding the costs requested by the Attorney General of Canada was not justified since "[t]his is certainly not a case in which a cost award could be justified as a deterrent against bringing meritless claims.<sup>1</sup>"

The Associations filed an application to the Supreme Court of Canada ('SCC') seeking leave to appeal the decision of the OCA. While we agree with the Court that the SCC decision in Ontario (Attorney General) v. Fraser, 2011 SCC 20, [2011] 2 S.C.R. 3, is significant, the Associations believe that we have a strong case. We will keep you apprised of the decision of the Supreme Court whether they grant us leave to appeal and hear our case.

Your Associations sought leave to appeal to the Supreme Court based on the overwhelming responses we received from the majority of members of the Associations across the country. Yet we have also received documentation that the Legal Fund yet again has filed two court submissions seeking intervenor status in our Leave To Appeal before the SCC if we are granted leave. We ask all members including those in the

---

<sup>1</sup> Mounted Police Association of Ontario v. Canada (Attorney General) 2012 ONCA 688, [2012].

Legal Fund who read this, were you consulted before the Legal Fund decided to once again use your contributions from the fund in this manner? Is the Legal Fund going to at least this time be your representative and give the court a more accurate picture of the dysfunctional system of labour relations we have in the SRRP? Or are they going to once again, only make submissions that support the government's view that there are no major issues, the current system of "meaningful consultation" needs to be enforced and if any changes are needed it should be to give more power to RCMP management? The SRRP executives who control and administer the Legal Fund made this unilateral decision whilst members of the Legal Fund who needed funding for litigation continue to be denied funding in their time of need. The recent case of the Kamloops members involved in the video incident in cells, exemplifies this situation. This most recent case of denial by the Legal Fund to support its membership is reinforced by the Katz case, a current serving member who is suing the Legal Fund in small claims court for breach of contract. If you disagree with the unilateral decisions being made by the SRRP executives and the fact that while you pay into this "insurance fund", you have no guarantee that you will be able to make a claim in your time of need, follow the link below to cancel your membership in the Legal Fund.

<http://www.mppac.ca/Documents/HotTopics/Legal%20Fund%20Membership%20Termination%20Guide%201.2.pdf>

It is clear to us that the system of "meaningful consultation" in the current labour relations system in our Force works solely to the benefit of our employer and not for the interests of the members of the Force. We invite all members of the Force to join us so that we can have a truly independent labour representative system and force our employer to treat us with the respect and the dignity we all deserve. A seat at the negotiating table with a collective agreement in place is where we need to begin.

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

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

**MPPAC.CA // COMMUNICATIONS // BECOME A MEMBER // CONTACT**

IT'S YOUR RCMP, IT'S YOUR FUTURE, YOU CAN MAKE A DIFFERENCE!