

**COURT OF APPEAL FOR ONTARIO**

B E T W E E N :

MOUNTED POLICE ASSOCIATION OF ONTARIO / ASSOCIATION DE LA POLICE  
MONTÉE DE L'ONTARIO and B.C. MOUNTED POLICE PROFESSIONAL  
ASSOCIATION on their own behalf and on behalf of ALL MEMBERS AND EMPLOYEES  
OF THE ROYAL CANADIAN MOUNTED POLICE

Applicants (Respondents in Appeal)

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent (Appellant in Appeal)

**NOTICE OF MOTION**  
**(returnable January ●, 2010)**

The Mounted Police Members' Legal Fund / Fonds de Recours Juridique des Membres de la Gendarmerie (the "Legal Fund") will make a motion to a judge of the Court of Appeal for Ontario, ●, January ●, 2010, at ● am/pm or as soon after that time as the motion can be heard, at 130 Queen Street West, Toronto, Ontario, M5H 2N5.

PROPOSED METHOD OF HEARING: The motion is to be heard:

- in writing under subrule 37.12.1(1) because it is on consent or unopposed or made without notice;
- in writing as an opposed motion under subrule 37.12.1(4);
- orally.

THE MOTION IS FOR:

- (a) An Order granting leave to the Legal Fund to intervene as a party in this appeal on such terms that this Honourable Court may deem just;
- (b) An Order amending the title of proceedings to reflect the Legal Fund's intervention in this appeal;
- (c) An Order requiring the Legal Fund to serve its factum and book of authorities no later than thirty days after the order granting intervention;
- (d) An Order allowing the Legal Fund to make oral submissions at the hearing of this appeal; and
- (e) Such further and other relief as the lawyers for the Legal Fund may advise and this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

**The Legal Fund**

- (a) The Legal Fund is a not-for-profit corporation under the *Canada Corporations Act*. It has 16,895 regular and civilian members, each of whom is a member of the Royal Canadian Mounted Police ("RCMP") under section 2 of the *Royal Canadian Mounted Police Act*, R.S. 1985, c. R-10. Approximately 77% of the members of the RCMP are members of the Legal Fund. Membership in the Legal Fund is voluntary.

- (b) The Legal Fund exists to, among other things, resolve issues that arise between its members and the Government of Canada and to act concerning any matter that affects the dignity or welfare of its members, including matters that may arise from time to time under RCMP policies and directives. By virtue of this role and its activities, as well as the involvement of all of the Legal Fund's officers and directors in the RCMP's labour relations regime, the Legal Fund is intimately familiar with the structure, process, operation and workings of this regime.

**The Legal Fund's intended submissions**

- (c) The Legal Fund intends to submit that section 2(d) of the *Charter of Rights and Freedoms* and the relevant jurisprudence do not dictate a specific model of collective bargaining. Labour relations regimes can take various forms and many of those forms, including the RCMP labour relations regime, recognize the unique circumstances and needs of particular workplaces while adequately protecting employees' section 2(d) freedoms.

**The basic background for the Legal Fund's motion**

- (d) The lower court decided that the RCMP labour relations regime was unconstitutional, finding that it was an unjustifiable limit on RCMP members' freedom to associate under section 2(d) of the *Charter of Rights and Freedoms*. The lower court's decision was based on this Honourable Court's decision in *Attorney General of Ontario v. Fraser et al.*

- (e) The Supreme Court of Canada granted leave to appeal *Fraser*. It also granted the Legal Fund leave to intervene in *Fraser*.
- (f) The Supreme Court of Canada granted the Legal Fund leave to intervene in *Fraser* to allow the Legal Fund to assist it concerning the nature of the RCMP labour relations regime, the scope of the section 2(d) right to a process of collective bargaining and the need for courts to take a fact-specific, contextual and deferential approach in this complex area, which involves socio-economic issues of human behaviour and economics, an area where governments have to mediate among conflicting interests.
- (g) The Supreme Court of Canada heard the *Fraser* appeal and the Legal Fund's submissions on December 17, 2009. Its decision remains under reserve.

**The Legal Fund will be of assistance to this Honourable Court on this appeal**

- (h) The Legal Fund's important and distinct perspective will be of assistance to this Honourable Court as it considers the RCMP labour relations regime, called the Staff Relations Representative Program (the "SRRP"), and determines whether it passes muster under section 2(d) of the *Charter of Rights and Freedoms*.
- (i) The Legal Fund has an intimate knowledge and understanding of the RCMP labour relations regime. The Legal Fund also has a well-informed and unique perspective concerning what labour relations regimes can work and be respectful of employees' rights in organizations like the RCMP, and other

similar federal and provincial organizations that work with the RCMP. The RCMP engages in many sensitive activities, including front-line policing in all of Canada's provinces and territories except Quebec and Ontario, which have their own provincial police forces. In all of the provinces and territories, the RCMP activities include federal policing, security and protection of public officials, politicians and foreign dignitaries, national security, intelligence gathering, international peacekeeping, and anti-terrorism activities. The Legal Fund's deep, "in the trenches" appreciation of the issues, concerns and problems that workers in the area of policing and security encounter in the workplace and within their organization is essential to ensuring a fully informed adjudication of the issues before this Honourable Court.

- (j) Assuming the RCMP is not applying to intervene, the Legal Fund will be the only party that represents a broad section of RCMP members and that can make submissions concerning the nature of the RCMP labour relations regime, based on its intimate familiarity of and experience with its workings.

**The Legal Fund has a real, substantial and identifiable interest in this appeal**

- (k) Section 96 of the *Royal Canadian Mounted Police Regulations*, 1998, SOR/88-361 makes the SRRP the labour relations regime of the RCMP. If this Honourable Court upholds the lower court's ruling that section 96 is unconstitutional, this would directly and significantly impact the Legal Fund as a corporate entity and its 16,895 members, who make up 77% of the members of the RCMP. It would limit the benefits that the Legal Fund could provide to

its members and cause significant and adverse changes to the operation of the Legal Fund, if not its demise. As a result, the Legal Fund has a real, substantial and identifiable interest in this appeal.

- (l) In making its submissions, the Legal Fund:
- will restrict itself to explaining the nature of the RCMP labour relations regime;
  - will make all reasonable efforts to advance submissions that are different from those of any other party; and
  - will not supplement the evidentiary record.
- (m) The Legal Fund's intervention will not cause any delay in the hearing of this appeal.
- (n) The *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, including rules 1, 3, 5, 13, and 37.
- (o) The *Courts of Justice Act*, R.S.O. 1990, c. C.43, including sections 6, 7(2), and 8(5).
- (p) Such further and other grounds as counsel may advise and this Honourable Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) Affidavit of Murray E. Brown, sworn January ●, 2010; and
- (b) Such further and other evidence as the lawyers for the Legal Fund may advise and this Honourable Court may permit.

January ●, 2010

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MOUNTED POLICE ASSOCIATION OF  
ONTARIO / ASSOCIATION DE LA POLICE  
MONTÉE DE L'ONTARIO *ET AL.*  
Applicants (Respondents in Appeal)

and

THE ATTORNEY GENERAL OF CANADA  
Respondent (Appellant in Appeal)

Court File No: C50475

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**COURT OF APPEAL FOR ONTARIO**  
PROCEEDING COMMENCED AT TORONTO

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**NOTICE OF MOTION**  
**(RETURNABLE JANUARY ●, 2010)**

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B E T W E E N :

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ASSOCIATION on their own behalf and on behalf of ALL MEMBERS AND EMPLOYEES  
OF THE ROYAL CANADIAN MOUNTED POLICE

Applicants (Respondents in Appeal)

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent (Appellant in Appeal)

**AFFIDAVIT OF MURRAY E. BROWN**  
**(sworn January ●, 2010)**

I, Murray E. Brown of Lower Sackville, County of Halifax, Province of Nova Scotia,  
MAKE OATH AND SAY AS FOLLOWS:

1. I am the Chair of the Board of the moving party and proposed intervener, The Mounted Police Members' Legal Fund / Fonds de Recours Juridique des Membres de la Gendarmerie (the "Legal Fund"). I have been involved in the Legal Fund since its inception in 1997 and have served on its executive for the last several years. As such, I have personal knowledge of the facts hereinafter deposed to, except where otherwise indicated.

**A. The Legal Fund**

2. The Legal Fund is a not-for-profit corporation under the *Canada Corporations Act*, R.S. 1985, c. S-20. It was incorporated by Letters Patent, dated February 14, 1997. A true copy of the Letters Patent is attached as Exhibit "●" to my affidavit.

3. The Legal Fund has 16,895 regular and civilian members under section 2 of the *Royal Canadian Mounted Police Act*, R.S. 1985, c. R-10. A true copy of the relevant sections of the *Royal Canadian Mounted Police Act* is attached as Exhibit “●” to my affidavit. Each of these 16,895 members are members of the Royal Canadian Mounted Police (“RCMP”). At present, approximately 77% of the members of the RCMP are members of the Legal Fund. Membership in the Legal Fund is voluntary.

4. The Legal Fund is entirely self-governed, independent and autonomous, with independent, democratically-elected directors and officers who are all members of the RCMP and all members of the Legal Fund. It is funded exclusively by the dues of its members. Aside from interest earned on its accounts, the Legal Fund does not receive any monies from any other entity. The Legal Fund often discusses matters with the RCMP while pursuing its objects and conducting its activities, as described below.

5. The Legal Fund has received no support, encouragement or advice from the RCMP concerning its motion for leave to intervene in the appeal of *Mounted Police Association of Ontario et al. v. Canada (Attorney General)*, [2009] O.J. No. 1352 (S.C.J.) (“*MPAO*”). A true copy of the *MPAO* reasons for judgment is attached as Exhibit “●” to my affidavit.

## **B. The RCMP labour relations regime**

### **1. The unique employment context of the RCMP**

6. RCMP members have a labour relations regime. But it is different from the sort of labour relations regime that exists in a unionized environment in an industrial workplace. It is also different from the labour relations regime that is established for federal public service

employees in the *Public Service Labour Relations Act*, S.C. 2003, c. 22. A true copy of the relevant sections of the Act is attached as Exhibit “●” to my affidavit.

7. The *Public Service Labour Relations Act* establishes a particular regime of collective bargaining for many federal public employees. However, section 2(1) of that Act exempts certain federal public employees from that regime. In particular, the definition of “employee” in section 2(1) exempts “a person who is a member or special constable of the Royal Canadian Mounted Police or who is employed by that Force under terms and conditions substantially the same as those of one of its members.” As a result, none of the members of the RCMP and none of the members of the Legal Fund are subject to the labour relations regime established by the Act.

## **2. Staff Relations Representative Program**

8. Section 96 of the *Royal Canadian Mounted Police Regulations* sets up a unique labour relations regime for RCMP members. It allows for the “representation of the interests of all members with respect to staff relations matters” by way of a Staff Relations Representative Program (the “SRRP”). A true copy of the relevant sections of the *Regulations* is attached as Exhibit “●” to my affidavit.

9. The SRRP is described in paragraphs 13 to 31 of the *MPAO* decision. That description and the following facts concerning the SRRP and how it works are, to my knowledge, correct.

10. The SRRP was established in 1974 after representatives of each RCMP division reported overwhelming acceptance by RCMP members of then Commissioner Nadon’s proposal to develop a unique labour relations regime for the RCMP.

11. The SRRP provides RCMP members with a formal system of representation to facilitate their participation in the development and implementation of their employment relationships, RCMP policies and RCMP programs. Its primary purpose is to promote mutually beneficial relationships between RCMP members and RCMP management. It also provides members with fair and equitable representation in matters affecting their welfare, dignity and working conditions.

### **3. Staff Relations Representatives**

12. Staff Relations Representatives carry out the work of the SRRP and act solely on behalf of RCMP members. Staff Relations Representatives are members of the RCMP who are democratically elected by RCMP members.

13. The collective body of the Staff Relations Representatives is known as the National Caucus. There are also Regional and Divisional Caucuses. Staff Relations Representatives attend joint meetings with members at the national, regional and divisional levels and participate on national committees where RCMP members' ideas and concerns are communicated and addressed. These ideas and concerns inform the proposals and requests that the Staff Relations Representatives put to RCMP management.

14. The Staff Relations Representatives also provide information, guidance and support to RCMP members and represent their interests on issues concerning duties, responsibilities, working conditions, compensation and discipline. RCMP members, through input given to their Staff Relations Representatives, make an invaluable contribution to the effectiveness of management's decisions.

**4. Agreement between the Commissioner and the SRRP**

15. An agreement between the SRRP and the Commissioner outlines the roles and responsibilities of all participants. Under that agreement, RCMP management is to “recognize the role of the SRRP,” consult, work with and “respond to proposals and requests from Staff Relations Representatives in a timely and meaningful fashion” and “provide rationale[s] for major decisions: see paragraph 16 of *MPAO*. A true copy of the Agreement between the RCMP Commissioner and the SRRP is attached as Exhibit “●” to my affidavit.

**5. RCMP Pay Council**

16. Under section 22 of the *Royal Canadian Mounted Police Act*, R.S. 1985, c. R-10, Treasury Board has the exclusive authority to establish pay and allowances for RCMP members. It does so by receiving recommendations from an “RCMP Pay Council.” The RCMP Pay Council is a five person panel comprised of two management representatives, two Staff Relations Representatives and an impartial chair. The RCMP Pay Council solicits the views and input of the RCMP members, formulates recommendations, and presents them to the Commissioner. The Treasury Board makes the final decision.

**C. The role and governance of the Legal Fund**

17. The Legal Fund performs an important role in the RCMP’s labour relations regime, representing and advancing members’ interests and working for their benefit and welfare.

18. The Legal Fund’s objects, as set out in paragraph 1 of the application that is attached to and forms part of its Letters Patent, include resolving issues that arise between members of the Legal Fund and the Government of Canada and acting on any matter that affects the

dignity or welfare of a member of the Legal Fund, including matters that may arise from time to time under RCMP policies and directives.

19. Ever since the Legal Fund was established, its officers and directors have also been Staff Relations Representatives involved in the SRRP. In that capacity, they work alongside RCMP members in the workplace, hear their concerns and, where appropriate, assists them.

20. The Legal Fund is open to all members of the RCMP, regardless of position or rank. This unique feature allows the Legal Fund to obtain views from a broad constituency of RCMP members, formulate positions on the issues that concern its members and seek resolutions to those issues that are in the best interests of all interested parties.

21. The Legal Fund provides many types of assistance to RCMP members, including lobbying government officials on matters related to the workplace, and researching, investigating, exploring, analyzing, examining and collecting information that will assist in resolving issues between RCMP members and the Government of Canada. When legal assistance is needed, the Legal Fund puts its members in contact with lawyers and, when necessary and certain conditions are met, provides funding for that assistance. When necessary and appropriate, the Legal Fund brings members' concerns about workplace, employment and pay-related issues to the attention of RCMP management, media and politicians, working to achieve results through dialogue and negotiation. It works, through meetings and presentations, with the assistance of research organizations and independent consultants, to try to persuade the Government of Canada and others adopt policies and laws that are favourable to the dignity and welfare of the members of the Legal Fund, and members of the RCMP generally. The Legal Fund carries out these functions in pursuit of its objects, playing an important role in the SRRP.

22. If section 96 of the *Royal Canadian Mounted Police Regulations* is finally determined to be of no force or effect, the SRRP would be eliminated. The elimination of the SRRP would adversely impact the Legal Fund's ability to pursue its current objects and perform its many activities. This would limit the benefits that the Legal Fund could provide to its members and cause significant and adverse changes to the operation of the Legal Fund. I foresee a danger that the Legal Fund would cease to be viable or perhaps even exist in such circumstances.

**D. Challenges to the labour relations regime for RCMP members**

23. In *Delisle v. Canada*, [1999] 2 S.C.R. 989, the Supreme Court of Canada considered a challenge to the constitutionality of the exemption of RCMP members from the "normal" public service relations scheme set out in the *Public Service Staff Relations Act*, R.S.C. 1985, c. P-35 (the predecessor to the *Public Service Labour Relations Act*). A majority of the Supreme Court in *Delisle* held that the exemption of RCMP members from that public service labour relations regime did not offend s. 2(d) of the *Charter of Rights and Freedoms*. Importantly, a majority of the Supreme Court found that the exclusion of RCMP members from the Act did not prevent the establishment of an independent employee association because RCMP members had already formed such an association within the SRRP. A true copy of *Delisle* is attached as Exhibit "●" to my affidavit.

24. The Ontario Superior Court of Justice in *MPAO* accepted the majority's decision in *Delisle* concerning the constitutionality of the exemption of RCMP members from the public service relations scheme set out in the *Public Service Staff Relations Act*. However, the Court

struck down section 96 of the *Royal Canadian Mounted Police Regulations* – the section which establishes the SRRP.

25. In striking down section 96 of the *Royal Canadian Mounted Police Regulations*, the Ontario Superior Court of Justice concluded that the RCMP labour relations system, a system agreed to by RCMP members and in which management has a contractual obligation to deal with and respond to the collective views of democratically elected representatives, is invalid because it substantially interferes with the freedom of association of RCMP members. In reaching this conclusion, the Ontario Superior Court of Justice relied heavily on *Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia*, [2007] 2 S.C.R. 391 and *Fraser et al. v. Ontario (Attorney General)* (2008), 92 O.R. (3d) 481 (C.A.).

**E. The Legal Fund intervenes in *Fraser et al. v. Ontario (Attorney General)* at the Supreme Court of Canada**

26. On November 17, 2008, the Court of Appeal for Ontario decided *Fraser*.

27. On April 3, 2009, the Supreme Court of Canada granted leave to appeal *Fraser*. A printout of the case information concerning *Fraser* from the Supreme Court’s web site is attached as Exhibit “●” to my affidavit.

28. On November 26, 2009, the Supreme Court of Canada granted the Legal Fund leave to intervene in *Fraser*. A true copy of the Supreme Court of Canada’s order granting the Legal Fund leave to intervene in *Fraser*, dated November 26, 2009, is attached as Exhibit “●” to my affidavit.

29. I understand from my review of the documents filed at the Supreme Court of Canada on behalf of the Legal Fund and from discussions with the Legal Fund’s lawyers, that the

Supreme Court granted the Legal Fund leave to intervene in *Fraser* so the Legal Fund could provide assistance concerning the nature of the RCMP labour relations regime, the scope of the section 2(d) right to a process of collective bargaining and the need for courts to take a fact-specific, contextual and deferential approach in this complex area, which involves socio-economic issues of human behaviour and economics, an area where governments have to mediate among conflicting interests.

30. The Supreme Court of Canada heard the *Fraser* appeal and the Legal Fund's submissions on December 17, 2009. Its decision remains under reserve.

#### **F. The Legal Fund and this appeal**

31. The Legal Fund has a real, substantial and identifiable interest in the appeal of *MPAO*.

32. The lawyers for the Legal Fund have advised me and I do believe that this Honourable Court's decision and reasons for judgment in this appeal will directly, and possibly adversely, impact the Legal Fund. In fact, this appeal will likely determine whether the Legal Fund will continue to exist in its current form, or at all. This would directly and significantly impact not only the Legal Fund as a legal entity, but also its 16,895 members that comprise 77% of all RCMP members. Consistent with its objectives, the Legal Fund seeks to intervene in this appeal because of the impact that the decision and reasons for judgment will have on its members, including their welfare and the continuum of benefits that the Legal Fund provides to them.

33. The Legal Fund's important and distinct perspective will be of assistance to this Honourable Court as it considers the RCMP labour relations regime and determines whether it passes muster under section 2(d) of the *Charter of Rights and Freedoms*.

34. Given that the officers and directors of the Legal Fund have also been Staff Relations Representatives involved in the SRRP, the Legal Fund has an intimate knowledge and understanding of the RCMP labour relations regime and is in a unique position to assist this Honourable Court by providing submissions that will help answer questions concerning the nature of the regime and how it should be characterized.

35. The Legal Fund has a well-informed perspective concerning what systems of labour relations can work and be respectful of employees' rights in an organization like the RCMP and other similar agencies that work with the RCMP, both federal and provincial. The Legal Fund's perspective will be of assistance to this Honourable Court when it considers the implications of its decision on labour relations regimes that are not based on the traditional adversarial union versus management models, such as the RCMP labour relations regime.

36. The RCMP engages in many sensitive activities, including front-line policing in all of Canada's provinces and territories except Quebec and Ontario, which have their own provincial police forces. In all of the provinces and territories, the RCMP activities include federal policing, security and protection of public officials, politicians and foreign dignitaries, national security, intelligence gathering, international peacekeeping, and anti-terrorism activities. These contexts will be the exclusive concern of the Legal Fund and will assist this Honourable Court in rendering a fully informed decision.

37. To my knowledge, the RCMP is not intervening in this appeal. The Respondent (Appellant in Appeal), the Attorney General of Canada, represents the wider interests of the Government of Canada, including all of its numerous and diverse agencies, political interests and other Crown interests. However, it does not have the deep "in the trenches" appreciation that the Legal Fund has of issues, concerns and problems that workers in the area of policing

and security encounter in the workplace. It also does not have the Legal Fund's appreciation of the actual day-to-day operation of the SRRP, or its important and distinct perspective concerning the structure, process, operation and workings of this unique labour relations regime. For these reasons, I believe that the submissions of the Legal Fund will be different from those of any other party and I shall instruct the Legal Fund's lawyers to take all reasonable steps to ensure that the Legal Fund:

- (a) restricts itself to explaining the nature of the RCMP labour relations regime;
- (b) makes all reasonable efforts to advance submissions that are different from those of any other party; and
- (c) does not supplement the evidentiary record.

**G. The Legal Fund's intended submissions**

38. If granted intervener status, the Legal Fund intends to submit that the Attorney General of Canada's appeal of *MPAO* should be allowed because:

- (a) governments' efforts in crafting labour relations solutions for unique workplaces are entitled to deference under the *Charter of Rights and Freedoms*;
- (b) section 2(d) of the *Charter of Rights and Freedoms* and the relevant jurisprudence do not dictate a specific model of collective bargaining;
- (c) courts must take a fact-specific, contextual and deferential approach in the complex area of labour relations, which involves socio-economic issues of

human behaviour and economics and governments' attempts to mediate among conflicting interests when determining the scope of the section 2(d) right to a process of collective bargaining; and

- (d) the RCMP labour relations regime, namely the SRRP, adequately protects the section 2(d) freedoms of RCMP members.

39. Further, the Legal Fund intends to submit that the cross appeal of the Applicants (Respondents in Appeal) should be dismissed because there was an insufficient factual foundation before the Ontario Superior Court of Justice to examine the constitutionality of section 41 of the *Royal Canadian Mounted Police Regulations* or, alternatively, that it does not infringe the section 2(b) freedoms of RCMP members. The Legal Fund also intends to submit that section 2(1)(d) of the *Public Service Labour Relations Act* does not infringe section 2(d) of the *Charter of Rights and Freedoms* because the exclusion of RCMP members from that Act does not prevent them from establishing an independent employee association, such as the Legal Fund.

SWORN BEFORE ME at the City of  
Ottawa, in the Province of Ontario, this  
● day of January, 2010.

\_\_\_\_\_  
Commissioner for Taking Affidavits

\_\_\_\_\_  
MURRAY E. BROWN

MOUNTED POLICE ASSOCIATION OF  
ONTARIO / ASSOCIATION DE LA POLICE  
MONTÉE DE L'ONTARIO *ET AL.*  
Applicants (Respondents in Appeal)

and

THE ATTORNEY GENERAL OF CANADA  
Respondent (Appellant in Appeal)

Court File No: C50475

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PROCEEDING COMMENCED AT TORONTO

**AFFIDAVIT OF MURRAY E. BROWN**  
**(SWORN JANUARY ●, 2010)**

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Lawyers for the Moving Party,  
The Mounted Police Members' Legal Fund /  
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Applicants (Respondents in Appeal)

- and -

**THE ATTORNEY GENERAL OF CANADA**

Respondent (Appellant in Appeal)

- and -

**CANADIAN POLICE ASSOCIATION and ASSOCIATION DES MEMBRES DE LA  
POLICE MONTÉE DU QUÉBEC INC.**

Intervenors (Intervenors in the Ontario Superior Court of Justice)

**CONSENT**

THE PARTIES HERETO, by their lawyers, consent to an order in the form attached as Schedule "A" granting leave to the Mounted Police Members' Legal Fund / Fonds de Recours Juridique des Membres de la Gendarmerie to intervene in this appeal and certify that the order being consented to does not affect the rights of any person under any legal disability.

Date: \_\_\_\_\_

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Date: \_\_\_\_\_

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Lawyers for the Respondents (Applicants in the  
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Association of Ontario *et al.*

Date: \_\_\_\_\_

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MOUNTED POLICE ASSOCIATION *ET AL.*  
Applicants (Respondents in Appeal)

and

THE ATTORNEY GENERAL OF CANADA  
Respondent (Appellant in Appeal)

Court File No: C50475

**COURT OF APPEAL FOR ONTARIO**  
PROCEEDING COMMENCED AT TORONTO

**CONSENT**

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COURT OF APPEAL FOR ONTARIO

**THIS HONOURABLE** ) **DAY, THE**  
 )  
**JUSTICE** ) **DAY OF JANUARY, 2010**

B E T W E E N :

MOUNTED POLICE ASSOCIATION OF ONTARIO / ASSOCIATION DE LA POLICE  
MONTÉE DE L'ONTARIO and B.C. MOUNTED POLICE PROFESSIONAL  
ASSOCIATION on their own behalf and on behalf of ALL MEMBERS AND EMPLOYEES  
OF THE ROYAL CANADIAN MOUNTED POLICE

Applicants (Respondents in Appeal)

- and -

THE ATTORNEY GENERAL OF CANADA

Respondent (Appellant in Appeal)

**ORDER**

**THIS MOTION**, made by the Mounted Police Members' Legal Fund / Fonds de Recours Juridique des Membres de la Gendarmerie (the "Legal Fund"), on consent of all parties, for an order granting it leave to intervene was heard by me this day at Toronto, Ontario.

**ON READING** the Legal Fund's notice of motion, the affidavit of Murray E. Brown, and the consents of the parties, filed,

1. **THIS COURT ORDERS** that the leave is granted to the Legal Fund to intervene in this appeal.
2. **THIS COURT FURTHER ORDERS** that the title of proceedings shall be amended to reflect paragraph one of this order.
3. **THIS COURT FURTHER ORDERS** that the Legal Fund shall serve its factum no later than thirty days after this order granting it intervention in this appeal.

4. **THIS COURT FURTHER ORDERS** that costs shall not be awarded in favour of or against the Legal Fund in this appeal.
  5. **THIS COURT FURTHER ORDERS** that there shall be no costs on this motion.
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MOUNTED POLICE ASSOCIATION ET AL.  
Applicants (Respondents in Appeal)

and

THE ATTORNEY GENERAL OF CANADA  
Respondent (Appellant in Appeal)

Court File No: C50475

**COURT OF APPEAL FOR ONTARIO**  
PROCEEDING COMMENCED AT TORONTO

**ORDER**

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