



For immediate release

PROFESSIONAL UNIONS LAUNCH CONSTITUTIONAL CHALLENGE

OTTAWA, May 5, 2008 – The Professional Institute of the Public Service (PIPSC) and the Canadian Association of Professional Employees (CAPE) are launching a constitutional challenge which seeks to invalidate provisions contained in the *Public Service Labour Relations Act* prohibiting federal employees from negotiating protections and improvements in a variety of areas, including pensions, employee classifications and staffing.

“This is a long overdue right which has been denied our members,” stated Michèle Demers, President of the Professional Institute. “Federal employees should have the right – as do their private sector counterparts, and most other public service workers – to bargain all of their terms and conditions of employment.”

The challenge is based upon a landmark Supreme Court of Canada decision rendered in June 2007, which reversed 20 years of prior case law, that collective bargaining is a constitutionally protected freedom under the freedom of association guarantee set out in Section 2(d) of the *Canadian Charter of Rights and Freedoms*. In that case, known as the B.C. Health Services case, the Court struck down restrictions on the scope of collective bargaining limiting the right of health care workers in British Columbia to negotiate key job security protections.

In light of the Supreme Court’s recognition of the fundamental importance of the right to collective bargaining, the legislative restrictions preventing PIPSC and CAPE members from bargaining a wide range of critical workplace issues including classifications, pensions, and staffing, can no longer stand.

Added CAPE President José Aggrey, “The federal legislative restrictions have caused serious labour relations problems by preventing meaningful negotiations on issues of fundamental concern to our members, such as staffing, pensions and the classification structure.”

The unions are represented in this legal action by Steven Barrett of Sack Goldblatt Mitchell LLP, who also acted as counsel for the Canadian Labour Congress in the B.C. Health Services case, where the Court first recognized a constitutional right to bargain collectively.

"This is a historic moment for federal public service employees", added Mr. Aggrey, "With this Charter challenge, the Association is putting the employer on notice."

Concluded Ms. Demers, "This is a concrete issue for us, right now at the bargaining table. We would rather spend our time at the table, than in court. Given the clear interference with the constitutionally protected collective bargaining rights of our members, we are calling upon the federal government to immediately instruct its negotiators to bargain with PIPSC over these matters. These restrictions are contrary to the Canadian Charter and to International Law. They should be repealed immediately".

The Professional Institute of the Public Service of Canada is a national union representing 55,000 public sector professionals across Canada, of whom more than 40,000 work directly in the federal public service. The union represents IT professionals, scientists, engineers, architects, auditors, doctors, nurses, and others, employed by the federal and some provincial governments.

CAPE is the third largest federal government bargaining agent, representing over 11,000 professional employees in the federal government. CAPE represents economists, statisticians, sociologists, translators, interpreters and terminologists.

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