



June 16, 2011

Prime Minister Stephen Harper
House of Commons
Ottawa, Ontario

VIA FAX: 613-941-6900

Dear Prime Minister Harper:

RE: Notice of Intention to file Back-to-Work Legislation

I write to you as President of the B.C. Civil Liberties Association, Canada's oldest and most active civil liberties group. The BCCLA is writing to urge you to refrain from introducing legislation that interferes with the right of workers at Air Canada and Canada Post to bargain freely with their employers over workplace issues.

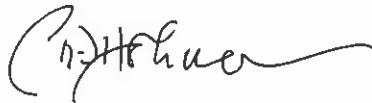
The Supreme Court of Canada has repeatedly affirmed that the freedom to bargain collectively with one's employer over workplace issues is protected by the *Charter of Rights and Freedoms*. In a landmark case involving B.C. health services, the Supreme Court explained the importance of this constitutional protection: "Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the *Charter*."

International human rights law also protects the right to collective bargaining. Article 22 of the *International Covenant on Civil and Political Rights* states, "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests." This law has been interpreted to encompass both the right to form a union and the right to collective bargaining. The International Labour Organization (ILO) *Convention No. 87* also protects the right to collective bargaining.

While we take no position on these particular labour disputes, we find it troubling that the federal government would act so swiftly, apparently without any regard to Canadians' fundamental rights. We see no sound justification for this proposed law, which would undermine the collective bargaining process and interfere with the freedom of parties to resolve their own issues in this situation – especially as there are no questions about essential services or situations where public health or safety is at risk as a result of a walk out or lock out.

We note that Canada's first Prime Minister, Sir John A. MacDonald, introduced Canada's first labour legislation in 1872. When doing so, he told the House of Commons that the purpose of the legislation was to protect "the spirit of the liberty of the individual." He added that he wanted to ensure that Canadian workers "would have the same freedom of action, and the same right to combine for the accomplishment of lawful objects, as they had in England." We encourage you and your government to respect that principle, now enshrined in Canada's constitution, and refrain from introducing this legislation.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Holmes", written in a cursive style.

Robert Holmes, Q.C.
President

cc. Mr. Jack Layton, Leader of the Official Opposition,
VIA FAX: (416) 405-8918

Mr. Bob Rae, Leader of the Federal Liberal Party,
VIA FAX: (416) 954-9649