

# Legislation may give RCMP ability to unionize

BY JANICE TIBBETTS, CANWEST NEWS SERVICE JUNE 16, 2010



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**Photograph by:** Ashley Fraser, The Ottawa Citizen

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OTTAWA — The Harper government is expected to table legislation Thursday that would ease a longstanding ban on collective bargaining in the RCMP, following a court ruling that concluded the prohibition on unionization was unconstitutional.

The April 2009 decision in Ontario Superior Court gave the government 18 months to change its law, which Justice Ian MacDonnell said was a violation of the Charter of Rights and Freedoms' guarantee of free expression.

"All I can say is the court indicated there is a charter right for the RCMP to decide whether or not they wish to unionize," Public Safety Minister Vic Toews said Wednesday when asked about the issue on Parliament Hill.

It was unclear how far the government's bill will go, but a source said he expects the proposed legislation would give the members of the national police force the leeway to decide among themselves how they would like to organize.

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The court ruling did not repeal a prohibition on the RCMP's right to strike, as Mounties provide an essential service.

An internal RCMP survey, released last month, showed that about half of the 6,000 officers who were surveyed favoured a revamped version of the current Staff Relations Representative Program.

The employer-employee committees were created more than 35 years ago, but union advocates say they are not independent associations formed or chosen by RCMP members.

Support for a union within the RCMP ranks divides largely along regional lines, with the strongest advocates living in British Columbia, Quebec and Ontario.

Brian Roach, a national representative for the staff relations programs, said he hopes the government's proposed legislation allows RCMP members to decide their own future, rather than having a union imposed on them.

"The members want the right to choose their representational model," said Roach.

"This was also supported by the courts. They have to be able to choose and not have something forced on them."

A separate survey of 1,000 people, conducted recently by Nanos Research for the Mounted Police Members' Legal Fund, found Canadians were divided on whether the force should unionize.

The court ruling last year was a victory for the Mounted Police Association of Ontario and the B.C. Mounted Professional Police Association, two organizations of rank-and-file members, that asserted a union could give members bargaining power to retire earlier, fight wage restraints and, among other things, give members a voice to challenge what they denounced as a top-down management style.

The court decision flew in the face of a September 1999 decision in the Supreme Court of Canada that upheld the ban on RCMP unionization.

MacDonnell, however, concluded that times have changed, notably as a result of a surprise Supreme Court ruling three years ago that found collective bargaining to be a constitutional right.

Liberal MP Dan McTeague, who introduced a private member's bill that would give the RCMP the right to collectively bargaining, said pending government legislation "is an idea whose time has come."