

MEDIA RELEASE

**BC GOVERNMENT LAWYERS WANT SAME UNION RIGHTS AVAILABLE
TO FIVE MILLION BRITISH COLUMBIANS**

“We wrote the legislation that made joining a union easier for everyone in B.C., but we’re excluded. We just want the government to treat its own employees the way it requires other employers to do.”

— Gareth Morley, BC Government Lawyers Association

Victoria, B.C. (November 21, 2022): The irony was not lost on the provincial government’s lawyers, who worked on and drafted Bill 10.

The new law makes it easier for British Columbians to unionize by requiring employers to recognize those unions if 55 per cent of their employees sign cards. But the drafters and advisers — part of a group that has been fighting the government for collective bargaining rights for a decade — cannot take advantage of it.

The provincial government’s 350 lawyers who write legislation, advise the government whether its actions are legal, and represent it in civil litigation, are ready to go to court to challenge that exclusion, after more than 75 per cent of them signed cards in accordance with the procedures set out in Bill 10.

“Five million British Columbians have the choice to join or create a union, but we do not,” explained Gareth Morley, President of the BC Government Lawyers Association (BCGLA), a voluntary organization created by provincial government lawyers 30 years ago. “In other provinces and at the federal level, government lawyers already have bargaining rights, which is what we want here in British Columbia too. In addition, 450 Crown Counsel in B.C. have bargained collectively with the government for 30 years. We just want the same.”

The government lawyers want to negotiate their own contract, pay and working conditions like any other union. They are prevented from doing so by a provision of the *Public Service Labour Relations Act* originally passed in 1973. The BCGLA says that is unfair and denies government lawyers their right of freedom of association, as guaranteed by the *Charter of Rights and Freedoms*.

The BCGLA has already well-exceeded the 55 per cent threshold established in Bill 10, so if the government were any other employer, it would be legally compelled to negotiate. But, the government won’t do that for its own lawyers, even though a separate group of government-employed lawyers represented by the BC Crown Counsel Association negotiates its own contracts as a bargaining unit with the same employer. Legal Aid lawyers in B.C. were also able to choose the union that represents them.

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"Federally, in Ontario, Quebec and most other provinces and territories, government lawyers' unions are recognized by the government. So are unions representing Crown prosecutors. But we've been denied that," Morley says. "We just want the same right to organize and bargain collectively as other British Columbians. The employer cannot decide who bargains for us.

"Our job is to fearlessly give advice about the legality of government action, even when it is not popular with those in power. British Columbians should be concerned that government lawyers can be dismissed without cause."

The *Public Service Labour Relations Act* prohibits collective bargaining by government-employed lawyers. The continued exclusion of civil lawyers is something the BCGLA has been trying to change since 2013, culminating in a legal action commenced in 2019 and set for hearing in February 2023.

"The employer responded to that by reducing our salaries relative to Crown Counsel. We are a diverse and predominantly female group of employees, yet we are paid less and have less job security than our Crown Counsel peers," Margo Foster, Secretary of the BCGLA said.

"It's also about job protection for the lawyers who work to ensure government decisions comply with laws passed in the legislature, rights under the Charter, and the rights of Indigenous peoples, and who represent the taxpayers' interest in court. It's a little-known fact that we can be simply fired at any time without cause. We should be able to do our job without fear of reprisal. If the employer says we aren't doing our jobs properly, that should be decided by an independent arbitrator if necessary. More than ever, government lawyers deserve a seat at the bargaining table to negotiate the terms and conditions of our employment."

As the organizing drive continues, the BCGLA will also continue preparing for its legal action against the provincial government to become a bargaining unit, just like workers in other fields all over B.C., scheduled to be heard in February.

About the BCGLA

The BC Government Lawyers Association advocates for 350 government civil lawyers in matters of remuneration, benefits, conditions of employment and matters of professional interest relating to employment.

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Media contact:
Trevor Pancoust
tpancoust@pacegroup.com
778.386.0843