

## MEDIA RELEASE

### FORMAL ARGUMENT NOW SUBMITTED TO LRB, AS BC GOVERNMENT'S OWN IN-HOUSE LAWYERS SEEK THE RIGHT TO BARGAIN THEIR OWN CONTRACT

*The BC Government Lawyers Association represents the very lawyers who wrote BC's new legislation that makes it easier for everyone in the province to unionize – but the government has said “no” to these same lawyers who just want the right to bargain for themselves*

**Victoria, B.C. (January 9, 2023):** The BC Government Lawyers Association (BCGLA) has filed its [argument](#) with the BC Labour Relations Board (LRB) for certification as the union representing all civil Legal Counsel working for the provincial government.

Some 350 civil lawyers represent the government in court, provide it with legal advice, and draft the legislation we all live by. The BCGLA has been their association for 30 years and has sought recognition as a union from the government for the past decade. Approximately 75 per cent have now signed up with the BCGLA in a card campaign. This is well above the 55 per cent threshold for automatic certification as spelled out in Bill 10, which the NDP government passed earlier this year to make it easier to unionize.

But the government is arguing before the Labour Relations Board that its civil lawyers - including those who advised on and wrote Bill 10 itself - cannot take advantage of it, citing the *Public Service Labour Relations Act* passed in 1973 by the government of Dave Barrett to recognize collective bargaining for the majority of civil servants.

The BCGLA argues that there is nothing in the *Public Service Labour Act* that stops workers excluded from it from being unionized under the general laws applying to everyone else. The BCGLA points to the recognition by the Supreme Court of Canada in 2015 that access to collective bargaining is a fundamental freedom recognized by the *Charter of Rights*.

"This isn't just our fight. It is about the right of *all* workers to organize and choose a union", said Gareth Morley, President of the BCGLA. "The *Labour Code* guarantees that right. And so does the *Charter*. It is unfortunate that an NDP government is making a technical argument against the rights of workers. But we are confident in our case with the Labour Board."

The exclusion of government lawyers from collective bargaining is something the BCGLA has been trying to change since 2013 and is at the centre of a separate legal action.

(more)

“At the centre of our LRB submission is the simple argument that we deserve to be able to negotiate with our employer just like other government employees,” said Morley.

"It is important for the rule of law that lawyers working for government have representation and can have an independent process for resolving disagreements with the government as employer", said Margo Foster, Secretary of the BCGLA. "Our job requires us to say what the law requires, even if those in power do not want to hear it. Civil lawyers in most federal and provincial governments have unions that protect them from arbitrary decisions. It should be the same here."

*The BCGLA formal argument submitted to the BC Labour Relations Board may be seen [HERE](#).*

### **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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