

**MEDIA RELEASE**

**UNIONIZATION BID BY GOVERNMENT'S IN-HOUSE LAWYERS  
"CUT OFF AT KNEES" BY PROVINCIAL GOVERNMENT**

**Government legislation introduced Thursday breaks promise and subverts LRB process**

**Victoria, B.C. (February 10, 2023):** Bill 5, introduced yesterday by Minister of Finance Katrine Conroy, forces most of the government's in-house civil lawyers into a union they did not choose and prevents all of them from forming the one they do want. The province's 350 civil lawyers write government legislation and advise the government as its own legal counsel.

The BC Government Lawyers Association (BCGLA) has been in existence for 30 years. In November, the BCGLA submitted cards to the Labour Relations Board (LRB) showing it had the support of more than 70% of the government's legal counsel.

The LRB has received arguments from both sides now. The BCGLA says the *Labour Relations Code* and the *Charter of Rights* both guarantee it a right to unionize if it has the support of its members. The government admitted to the board that the BCGLA would have a right to unionize under the regular law but said it should be denied.

Before the LRB could finish hearing arguments though, the government decided to upend the whole process. Once passed into law, Bill 5 would force most BC government lawyers into the Professional Employees Association (PEA), a union they have never voted for. It would also deny the people who draft the laws – including the *Labour Relations Code* itself – any right to unionize at all.

"No employer in the province could do what the government is doing," said BCGLA President Gareth Morley. "If the LRB tells other employers they have to bargain in good faith with the chosen representatives of their work force, then that is what they do. But the NDP government has decided it wants to rewrite the rules in the middle of the game."

"In a free society, workers choose their unions, not employers and not governments", added BCGLA Secretary, Margo Foster. "We will do whatever we can to stop this blatantly unconstitutional attack on freedom of association. In 2018, the John Horgan government said they would not force us into a union picked by government. That promise has been broken."

"This is not about unions vs. unions. The Professional Employees Association (PEA) has always told the government they support our right to choose our own bargaining agent. The government is just trying to create a smoke screen", Foster said.

Morley said he had earlier been advised the government was planning a mysterious policy “project” affecting the BCGLA and its members and that details would only be available if he agreed to a non-disclosure agreement, which would prevent him from discussing the details with BCGLA members or the broader public. Morley declined, saying it was important he be transparent with his members.

“Any legislation interfering with the LRB’s process for recognizing unions should be of concern to all British Columbians,” added Morley. “Because government doubted its ability to win at the LRB, they simply opted to change the rules. Whatever you think of unions, that has to cause every British Columbian concern about the power of a government that wants its own way – even if it goes against the rule of law or its own principles.”

Debate on Bill 5 is expected next week.

*(See Timeline Backgrounder attached)*

### **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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## BACKGROUND – TIMELINE

The BC Government Lawyers Association (BCGLA) has gone to the BC Labour Relations Board (LRB) after obtaining the support of more than 70 per cent of civil lawyers working in government in a card sign-up campaign. The result is well above the 55 per cent threshold for automatic certification as spelled out in Bill 10, which was passed by the NDP government last year in order to make it easier for workers to unionize.

But the government is arguing before the LRB that the 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. The matter has evolved as follows.

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1973 - *Public Service Labour Relations Act (PSLRA)* is passed by the NDP government under Premier Dave Barrett. **The legislation prohibits the government's own civil lawyers (but not Crown prosecutors) from joining a union.**

(Fast forward to today: **this is being challenged at the LRB by BCGLA as unconstitutional** – a denial of their right to freedom of association, as guaranteed by the *Charter of Rights and Freedoms*.)

1991 – BCGLA is formed. Over the following years, the BCGLA's repeated overtures to government to be the collective bargaining agent for the civil lawyers are consistently rejected by the Attorney General.

2013 –**The BCGLA begins legal action against the employer which takes nearly a decade to be scheduled in court (late 2022).**

2017 – NDP government replaces BC Liberal government in the general election

2018 - **Ongoing discussions with the employer lead to an assurance that the government has no intention of imposing any legislation against the will of its civil lawyers.**

The employer did offer to loosen the PSLRA enough to **allow BCGLA members be represented by the Professional Employees Association** – a bargaining unit of the employer's choice, not the BCGLA's. **The civil lawyers refuse. They want their own association to bargain for them.**

SUMMER 2022 – **The NDP government passes Bill 10** which makes it easier for groups of employees in BC to **join a union by simply collecting support cards from 55 per cent or more** of the workforce.

NOVEMBER 2022 – **BCGLA collects cards of support from more than 70 per cent of its members and submits them to the BC Labour Relations Board (LRB)** as part of an action challenging the 1973 PSLRA as unconstitutional.

JANUARY 2023 – **Lawyers for the BCGLA formally submit arguments to the LRB.** Lawyers for the BC government must respond by February 6, 2023 and are expected to oppose the BCGLA's arguments. Meanwhile, a February 2023 court hearing scheduled for the separate legal action, almost 10 years in the making, is stayed as the matter is now before the LRB.

MID-JANUARY 2023 – Three other government unions announce their support for the BCGLA in its bid to bargain for themselves: BCGEU, BC Crown Counsel Association and the Professional Employees Association (PEA) itself.

LATE JANUARY 2023 – The BCGLA receives correspondence suggesting the employer is about to change the rules of the game, possibly with new rush legislation while the LRB hearing is underway. If so, it would be an unprecedented legal move.

The employer invited the BCGLA president to a special meeting on January 27<sup>th</sup> where a **“project” that may affect BCGLA members will be discussed.** The employer insists that a confidentiality agreement be signed preventing the BCGLA president from discussing the meeting's subject matter with anyone else, including BCGLA executive and members. The BCGLA refused to sign.

**FEBRUARY 9, 2023 – The provincial government introduced Bill 5 for first reading** a mere three days after the government responded with its own written arguments in the ongoing LRB hearing.