

UCCO-SACC-CSN Victory for the Right to Bargain

The Court recognizes the Right of Correctional Officers to negotiate their pension plan

OTTAWA, June 8, 2018 – The Union of Canadian Correctional Officers (UCCO-SACC-CSN) strongly welcomes the decision handed down by Quebec Superior Court Justice Thomas M. Davis in a case between the union and the Attorney General of Canada. The decision favoured UCCO-SACC-CSN with regard to the unconstitutionality of a paragraph of section 113 of the Federal Public Sector Labour Relations Act (FPSLRA), which prohibited federal public service bargaining agents from negotiating in due form about the pension plan and staffing.

“This is a major victory for Canadian correctional officers,” said Jason Godin, UCCO-SACC-CSN National President. “Since 2002, we have expressed our members’ desire to negotiate pensions and staffing during the renewal of our collective agreement with the Treasury Board.” In 2006 the Union obtained different pension provisions, allowing correctional officers to retire without penalty after 25 years of service, no matter how old they are.

“We have always maintained that the section of the FPSLRA, which prevented us from discussing with the Treasury Board these two issues of great importance to us, did not respect section 1 of the Canadian Charter of Rights and Freedoms.” Justice Davis’s decision is in fact supported by the guarantee of rights and freedoms and the protection of the freedom of association as prescribed by the Charter. “This decision just reconfirms what we have said all along that pensions should be a negotiable benefit and never imposed”

In rendering a paragraph of a section of a federal law null and void, the Davis judgment opens the door to appeals that can be brought by all other bargaining agents in the country. “UCCO-SACC-CSN is proud to have fought this battle to break down bargaining barriers,” said Mr. Godin. “Not only will correctional officers be able to benefit from this victory, but so will all federal public service employees.”

The CSN, which is affiliated with the Union of Canadian Correctional Officers, congratulated the members of UCCO-SACC-CSN on their tenacity, and emphasized the importance of this decision. “For two decades, the highest courts of the country have handed down a number of important decisions with regard to the freedom of association and the right to collective bargaining,” said Jacques Létourneau, CSN President. “Wednesday’s judgment confirms once again that workers’ rights cannot be violated by private employers or by the government, even if it acts as both employer and legislator.”

About the Union

The Union of Canadian Correctional Officers (UCCO-SACC-CSN) represents over 7400 members in the five major regions of Canada: the Pacific, the Prairies, Ontario, Quebec, and the Atlantic. UCCO-SACC-CSN represents correctional officers in 49 federal institutions.

SOURCE CSN