

Constitutional Challenge to Harper's Budget Bill

Legislation enacting the latest budget tabled in Parliament on April 21, 2015 (Bill C-59) has finally received royal assent. One part of this omnibus legislation gives Treasury Board instantaneous power to impose whatever sick leave and short-term disability terms and conditions of employment it chooses on our members, including cutting sick days and erasing banked sick days. Measures that would normally be prohibited by the *Public Service Labour Relations Act* will now be allowed under a legislation that sanctions bad faith bargaining and does away with statutory freeze protection related to sick leave.

In our view, the portion of this legislation dealing with sick leave bargaining is unconstitutional. It fundamentally undermines the constitutionally protected process of collective bargaining and the right to strike. This violation of s. 2(d) of the Canadian *Charter of rights and freedoms* cannot be justified on any basis, and amounts to unfairly stacking the deck in Treasury Board's favour at the bargaining table.

Worse still, the President of Treasury Board has publicly stated that the time period for any sick leave discussions is extremely limited and that Treasury Board will not negotiate sick leave beyond the federal election date of October 19, 2015.

Federally regulated bargaining agents have joined forces to challenge this legislation before the courts. The Court documents related to this litigation can be viewed by clicking here.

[Notice of Application](#)

[Notice of Motion of the Applicants](#)