



DEAR COLLEAGUES – We are pleased to be able to write to you today to provide you with some important information about the future of employment relations for members of the force. As many of you are no doubt aware, just being able to establish a constructive dialogue with all members of our organization is the beginning of what we hope will be a positive transformation within the RCMP itself. We have been working towards obtaining a choice for members, a choice that could lead to greater representation, better promotion of your interests, and, of course, the ability to engage in collective bargaining over our terms and conditions of work through an independent professional association of RCMP members. Please take the time to read the following to understand the opportunity that we expect will soon be available to the membership.

WHO WE ARE: As you may know, provincial associations of RCMP members based in Ontario (Mounted Police Association of Ontario), British Columbia (British Columbia Mounted Police Professional Association) and Quebec (Association des Membres de la Police Montee du Quebec) have been established for years. These associations are not-for-profit organizations operated by your fellow members. While we have worked to assist members in various ways, our primary agenda is simple. We believe that the men and women of the force deserve the opportunity to form an independent association for the purposes of collective bargaining. We believe that we should be entitled to participate in setting the terms and conditions of our employment through active, good faith negotiations with our employer. We believe that as hard-working, professional police officers and civilian members, we should have the same rights and opportunities for self-determination as all other members of police forces in Canada. When given a choice, police choose to work together in independent professional associations. We believe that when members of the RCMP are given that choice, they will do the same.

We are already members of, and working closely with, the Canadian Police Association, which is an umbrella organization for various police associations across Canada, representing 43,000 police personnel in 160 police services from small towns to large municipalities and provinces.

JUST THE FACTS:

- We want all members of the RCMP to have the same opportunity that all other police forces in Canada have had, and have taken advantage of – to form an independent professional association of members for the purposes of engaging in collective bargaining on terms and conditions of employment.

- As members of the force, we are all aware of how demanding it can be to deliver the services needed on the resources available. This force asks a lot of its members, and it is time the members themselves enjoy the opportunity to define their own priorities, and determine how their needs can be met in return.
- We do not advocate strikes or work actions. We are all professional members of the force. We believe that mutually satisfying outcomes can best be reached when RCMP management accords the members the dignity and respect of being able to determine their own agendas and work towards achieving them through good faith negotiations between parties with equal bargaining power.
- We cannot achieve these goals with the SRR Program in place. That program is imposed by management to set the terms upon which it will consult with members. SRRs have no power to insist on outcomes for members. The commissioner has the final say on most issues, and Treasury Board decides the rest. We deserve better.
- Many of you are members of the Legal Fund, joined for the purpose of ensuring that a resource would be available to you in the event that you required a lawyer. Most association members are likewise Legal Fund members, who joined for the same purpose. Unfortunately, the Legal Fund, which is controlled exclusively by SRRS, has been actively opposing our efforts to bring members the choice of independent representation. The Legal Fund has intervened in the appeal in support of the government, arguing that the SRR Program is good enough, and that members should not have the choice of an independent association. The Legal Fund even paid for a poll of Canadians to support the argument that Canadians think it is ok for us not to have an independent employee association. We believe that it is wrong of the Legal Fund to use our collective resources to try to deny us our association rights, and that members should voice their concerns to the Legal Fund.
- Certain members of the SRR Program are also actively working to preserve the program. As “our representatives” they have been lobbying politicians and government officials to deny us our right to choose an independent association, telling those politicians and officials that we do not want an independent association. We believe that the SRRs who are doing that are abusing our collective trust and are not representing the interests of members. We also think it is important to recall not all SRRs are trying to maintain the SRR Program in force. Many SRRs are looking forward to being able to represent members properly, through an independent association, and without the difficulties and limitations imposed by the SRR Program.
- While we are all loyal and hardworking members of the force who believe strongly in the RCMP and the importance of the services we deliver, we are also men and women who have families and personal lives. As individuals, we have multiple priorities and what is best for the RCMP is not always what is best for us personally. We need a voice that is independent of the institution, and capable of advancing our collective agenda. That agenda includes the delivery of superior police services, but it also includes a need to ensure our own personal health, safety and comfort in carrying out our duties and a respect for our lives outside of the

force. That is our perspective as members, and it is a perspective that we cannot rely upon RCMP management to recognize, adopt or advance without an ability to negotiate.

- The SRRs have recently indicated that they have proposed to government an alternative to Bill C-43 to try to save the SRR Program. They want the government to pay for the SRR Program to continue with a limited form of collective bargaining through Pay Council, using the External Review Committee to adjudicate disputes. This proposal trades off your full association rights to provide a limited process of negotiation without any true independence for your representatives. Under Bill C-43, and under statutory labour regimes more generally, the employer is not permitted to participate in the formation or administration of the employee's association in a way that undermines its ability to independently represent those employees. We believe that financing the association which purports to be independent would undermine an organization's ability to represent members. We also wonder why the government would agree to such a proposal (it has not agreed and there is no indication that it will agree), unless it obtained a benefit from doing so, such as limiting associational rights. Finally, it seems inevitable that such an association would be vulnerable to the changing will of government. We all recall how salary increases set by Treasury Board were unilaterally rolled back, all without warning.
- We recognize that some of you may be concerned about paying dues for an independent professional association, but you are already paying indirectly, without the benefit of representation choice. We believe that such dues are a necessary investment in our future. It is up to us to fund our association and create our own independence. We need that independence from government to be able to meet government and bargain as equals. Our colleagues in every other major police force across Canada have made this choice, and we believe we in the RCMP should do the same.

HOW WE GOT HERE: Many of you will know that two of the provincial associations, the Mounted Police Association of Ontario and the British Columbia Mounted Police Professional Association, challenged the laws that prevented RCMP members from engaging in collective bargaining. The Association des Membres de la Police Montee du Quebec intervened in support of Ontario and BC. On April 6, 2009, the Ontario Superior Court held that the Regulation imposing the Staff Relations Program as the exclusive program of employee representation was contrary to the *Charter*. Included in the freedom to associate is the right to engage in the process of collective bargaining. The court found the SRR Program to be problematic because it is not independent – it is a program within the RCMP set up by the employer, and because it provides a process of limited consultation, not collective bargaining. Since RCMP management would only discuss employment matters through the limited opportunities provided by their program, the program was held to be contrary to our *Charter* freedoms.

The government has appealed the Ontario Superior Court Decision.

As part of the court order, the declaration of constitutional invalidity was suspended for 18 months to allow the government to determine how to respond. It was anticipated that the government would want to pass legislation that would give RCMP members access to a statute to regulate certification of bargaining agents and provide ground rules for collective bargaining. Although the government has introduced Bill C-43, which would provide a statutory framework, that Bill has not been passed, and there is no indication as to when it will be passed. The government recently asked the court for a stay of the declaration, and a temporary stay was granted on certain conditions. The court granted the associations the right to communicate with the RCMP membership via email, post information on the RCMP intranet, and within RCMP offices, as well as to conduct meetings on RCMP property during off-duty hours, all without interference from the RCMP, including the SRR Program. It is because of this court order that we are able to reach out to you today, and explain to you directly who we are and what we are trying to accomplish.

The court challenge is not our first effort in advocacy. For years, the associations have worked with the Canadian Police Association to lobby government in favour of police priorities. Our associations were instrumental in obtaining payment of the bilingualism bonus (the *Gingras* decision), working to ensure members received the additional pay, plus interest for those who had been denied. We fought against legislation that would have removed the Mounted Police from coverage under the *Canada Labour Code* as far as occupational health and safety were concerned. We were instrumental in lobbying with the BC Federation of Police Officers in getting the Auxiliary Policing issue addressed in B.C., where auxiliaries were being used inappropriately to cover manpower shortages in most detachments throughout the province. These are only a few of the examples of the efforts we have undertaken on behalf of the interests of all members of the RCMP.

OUR WAY FORWARD: The court has given the government a stay until the Supreme Court's decision in another freedom of association case, *Fraser v. AG*, is rendered. The government hopes that Supreme Court decision will support its argument that the SRR Program is "constitutionally adequate" and will assist the government to be successful on its appeal in this case. We think that outcome is very unlikely. The Supreme Court has already said that freedom of association includes the process of collective bargaining, and as a Treasury Board witness recently said of RCMP terms and conditions of employment, they do not negotiate, they set the terms unilaterally.

The provincial associations are working together under a national association, the Mounted Police Professional Association of Canada, to prepare for the coming opportunity when the government will no longer have a choice, and will have to recognize and negotiate with an independent association of RCMP members. We believe this change in how the RCMP does business is a change that is inevitable, and will be here soon. We are seeking the support of the membership now, so that we can collectively take advantage of this change as soon as possible.

WHERE TO GO FROM HERE: The debate that begins today is not about the SRR Program against our Associations, it is ultimately about you, and about the future of those of us who make the RCMP what it is. We look forward to this dialogue, and we look forward to working with you to improve representation and conditions for our own members in collective bargaining, education and training, equipment, health and safety, all while protecting members' rights.

The court imposed conditions on the government's stay because it recognized the need for members to hear directly from the associations, given the information that was being disseminated under the SRR Program and by the Legal Fund. Those conditions gave our associations the right to reach out to members directly using Rossmail, to meet in the workplace in off-duty hours, and to place posters in our offices and on the intranet. We plan to communicate with members regularly, and we welcome member response. We ask that all members consider supporting the associations by joining and participating with us to build the associations into the organization you want to represent your interests. We also wish to thank all of the supporters who have already joined and helped to bring us to this point.

Understand that those of us who are behind this cause believe it is an essential step in securing our respect and dignity within the workplace. The force has been undergoing change, and for good reason. It can be made into a better organization, a better policing agency and a better place to work. But for that to happen, RCMP management has to bring the members in as partners, accord us dignity and earn our trust. Recognizing and respecting the interests of members is a necessary part of rebuilding this organization into one trusted and respected by Canadians, and regarded as honourable and fair by all. That is what we seek for ourselves and for our colleagues.

Sincerely,

The directors and members of the Mounted Police Professional Association of Canada.

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