

Notes from Dennis Ball
Nov 12, 2024

When Rick called to tell me he'd received the Bora Laskin Award and asked me to speak at tonight's ceremony, I knew the Award was Canada's most prestigious labour law recognition but I didn't know as much about it as I should. So I went to the Award website and what I found was that since its inception in 2003 there have only been 23 recipients of the Award, including Rick. He is the first labour law practitioner in Saskatchewan ever to receive the Award.

Portraits of all 23 recipients are on the website. They represent the history of labour law in Canada. The majority of the early recipients were people I had learned from, or worked with, or simply worshipped because of their knowledge and influence on labour law in Canada. It made me realize how quickly the years – maybe I should say how quickly the decades - have flown by. And it made me remember and appreciate how much the labour law community in Canada, and Saskatchewan, has meant to me.

I first met Rick about 40 years ago. At the time I was the Chair of the Saskatchewan Labour Relations Board. He appeared before the Board as a young lawyer. He wasn't with a large law firm. He wasn't well known. He looked like he might be a farm boy – one who had probably ridden horses and shot gophers. I'm just kidding about that. But I'm not kidding about this: from the very beginning there was something special about him – he exuded honesty, common sense, intelligence, knowledge and integrity. Put those together and it meant he had credibility.

I think Rick may have asked me to say something tonight, not because we've known each other for a long time, but because we were both involved in the SFL case – one about which the Lancaster House website says “no case has had a more significant and lasting effect on the rights of workers in the history of this country”. His role was a much larger one than mine – he put the whole thing together and successfully took it from pre-trial conferences with the then Chief Justice Bob Laing all the way to the Supreme Court of Canada.

I wrote the trial decision, that's true, but when I went to the Laskin Award website I realized that a number of the early recipients made a major contribution, directly or indirectly, to that decision. I'm going to briefly mention three or four of them.

I didn't know – never met – the very first person who received the Award, the Godfather of Canadian Labour Law, Harry Arthurs. There couldn't have been a more appropriate first award winner. He had a number of students who became well known in labour relations across Canada. One was the second person to receive the Award, his rockstar protégé, Paul Weiler. I didn't know him either, although I met him once in the early 1980's at a symposium in Vancouver. At the time he had already taken a sabbatical from his position at Harvard to write the BC Labour Code, then served for 5 years as the first Chair of the B C Labour Relations Board, then returned to his position at Harvard and, in 1980 published his book called Reconcilable Differences.

So what's any of that got to do with the SFL decision? His book *Reconcilable Differences* was like a bible to me – I quoted it whenever I could and, for that matter, so did the Supreme Court of Canada. And in the SFL trial decision, yesiree, there was a quote from *Reconcilable Differences* dealing with the nature of labour relations when dealing with essential services.

Okay, bear with me for a minute. I'm not finished with Paul Weiler yet. The year after he published the book he came up with the idea of the notwithstanding clause. It was what allowed the then Attorney Generals of Saskatchewan (Roy Romanow), Canada (Jean Chretien), and Ontario, (the late Roy McMurtry), to reach their kitchen accord in 1981 and that in turn allowed Canada's Constitution to be repatriated and the Charter of Rights and Freedoms to be enacted. And just to demonstrate how small our world is - tonight I'm sitting at a table with our second speaker Ross McNab who is married to, the Honorable Justice Janet McMurtry, my former colleague on the court who just happens to be Roy McMurtry's daughter.

And then there is the 10th recipient of the Bora Laskin Award. - a steelworker from Ontario who went to Vancouver and became a mediator and arbitrator. His name is Vince Ready a person who has been on the front lines of more high-profile labour disputes than anyone else anywhere. After I left the Labour Relations Board for private practice I spent the better part of eight years working with him in essential services disputes involving Police, Nurses and Teachers in Saskatchewan, all of whom were engaged

in strike action of one kind or another and one of whom struck province wide in defiance of back to work legislation and a court injunction. As you know Saskatchewan was the only Province in Canada without essential services legislation. Nobody understood better than Vince Ready the checks and balances and safety valves it took to keep society functioning in times like that. He as much as anyone contributed to my practical understanding of the principles that became part of the SFL trial decision.

Picture Number 5 on the Bora Laskin Award wall of fame is the Honourable Justice Warren Winkler. I came to know him after I'd been appointed to the Bench. We worked together on some multi-jurisdictional class action matters – one of which was the Indian Residential Schools Class Action Settlement. Like Vince Ready I came to see him as a street-smart person who, as a mediator, knew how to get a settlement. He had a lot in common with Rick: he too came from a small town in Western Canada - he was originally from Pincher Creek Alberta - where he probably rode horses and probably shot gophers. So what did he have to do with the SFL trial decision? When I had a draft of that trial judgment ready to go I really wanted someone with knowledge and experience who could and would give it a critical read. So I asked him to take a look at it. And he did. And he said it was just fine. And just to show you once again how small the world is Rick, I see that today Justice Winkler is a member of the Committee that chose you to receive the Bora Laskin award this evening.

And finally the 7th recipient of the Bora Laskin Award – again, a person from Ontario. My counterpart on the Ontario Labour Relations Board when I was the chair in Saskatchewan but who went on to bigger and better things. I've never met her Rick, but you have. She wrote the majority decision in the Supreme Courts SFL judgment. Her name is Rosie Abella.

And now you take your place in the Bora Laskin Award Hall of Fame. The Award could not go to a better person - a labour lawyer who is honest, sincere, intelligent, knowledgeable and respected by the entire legal community.

I have a grandson who thinks he's quite witty when he says to his grandma (and my wife) "I just can't stop luv'in' ya". That's the vibe in the room tonight Rick. They just can't stop luv'in' ya. You've come a long way from riding horses and shooting gophers. Congratulations. You deserve it.