

# Remarks on Freedom of Association v4

Rick Engel, Regina, SK.

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## 1. Into

- a. Thank Organizers – Daphne Taras, Rafael Gomez, Jacqui Strachan, Jeffery Sack, fellow winner, Brian Burkett
- b. Thank speakers – Justice Crystal Norbeck, Justice Dennis Ball & Ross Macnab
- c. GRJ - for nominating me
- d. Thank Rhonda Bell (Assistant for 25 years)
- e. Attendees (including Parents)

## 2. Adrienne Cottrell, my spouse

A random, chance meeting 25 years ago has taken on a sacred dimension and changed my life in every way.

These past 18 months, I have gone through intense cancer treatment. Adrienne, because of you, I have experienced an inexplicable joy of not being alone. It has allowed me to know we can meet these challenges together.

At every step of our marriage, you have approached our challenges and uncertainties with grace, generosity, wisdom and verve.

My love for you has grown immeasurably over each passing year.

2. My whole career & the Charter.

On April 17, 1982, while I was at Queen's, a bunch of my fellow students filled my car & we attended the official signing of the Charter in Ottawa by the Queen.

High hopes, but little did I know that I would be devoting a large part of my time to the jurisprudence of labour rights under the Charter.

3. In the SFL case, while at the SKCA, I felt strongly I needed to provide a convincing answer to this question:

- Why rely upon the Charter to protect the right to strike and what is unique about trade unions as a constitutional right?

Thanks to the unions I represented, I had the privilege of spending a good part of next 2 years to find my own answer.

2 parts:

1. WORK. Contrast Employment law at common law vs Labour law & collective action.

- In labour law, although there is a recognition of a critical INTRINSIC quality of work for each individual worker.
- At common law, the organizing principle of the workplace focuses upon the transactional component of the employment relationship. In the law of contracts, the only power the worker has is through her feet - chose a different job or decide to quit.
- The INTRINSIC quality can't be taken or given away.

It focuses upon self-motivation and personal development – It is interactive, builds confidence and enhances development of skills and expertise.

It creates a sense of belonging and fosters this sense of autonomy and responsibility.

Examples such as Judy McKenzie – a union leader who was a single mother of 3, ALWAYS believed the collective helped Everyone BUT ESPECIALLY those most vulnerable or in need of support.

- Freedom of Association gives employees the VOICE to participate in important decisions affecting their personal development.

2. Freedom of Association, so interpreted, aligns with the overall purpose and goals of the Charter.

Every provision is designed to protect the vulnerable in various situations to foster and develop this intrinsic quality of their own lives.

Section 15 (equality provision), Section 7 (life, liberty and security of the person) & Section 2 protect individuals from unequal treatment based upon extrinsic factors such as gender, race, orientation, religion, expression & in turn allows them to develop the intrinsic quality of their own lives.

4. As I think about the intrinsic quality of my own career, there are a couple of features I wish to emphasize.
  - a. Not about smarts, but Endurance, Stamina, a Focus on the long game. Paid off by having young colleagues during this past decade.
  - b. I have loved being an advocate on behalf of labour in Saskatchewan.
    - Motivated by union members, union leaders & union reps.

- The union bar in Canada – close knit & collegial. (CALL)
- Honoured to work against an extremely competent, honest and professional employer bar. Integrity first and a focus on the merits.
- Many outstanding judges, arbitrators and LRB adjudicators. Dennis Ball is the highest calibre. But many others have also made a significant contribution to labour law jurisprudence.

I am most proud of my colleagues at GRJ and am certain that as long as unions keep representing their members, we shall be there to keep up the good fight on their behalf.

Thank you.