

No. 21230

IN THE SUPREME COURT OF CANADA

**(On Appeal from the Court of Appeal
for the Northwest Territories)**

BETWEEN:

THE PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Appellant

- and -

THE COMMISSIONER OF THE NORTHWEST TERRITORIES

Respondent

- and -

THE NORTHWEST TERRITORIES PUBLIC SERVICE ASSOCIATION

Respondent

- and -

**THE ATTORNEY GENERAL OF CANADA
THE ATTORNEY GENERAL OF ONTARIO**

Intervenors

**FACTUM OF THE RESPONDENT
THE COMMISSIONER OF THE NORTHWEST TERRITORIES**

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PART I THE FACTS

1. The Respondent, The Commissioner of the Northwest Territories (the "GNWT"), agrees with Paragraphs 1 through 7 of the Statement of Facts of the Appellant, the Professional Institute of Public Service of Canada ("PIPSC").

10 2. The GNWT is not able to accept without qualification the remainder of the PIPSC Statement of Facts which intermingles argument and fact. The GNWT prefers the following version of the Facts, based upon the Statement of Facts set out in the GNWT's Court of Appeal Factum.

20 3. In 1967, the capital of the Northwest Territories was established in Yellowknife and the Federal Government began transferring program responsibilities from federal departments to the GNWT. Federal employees associated with these transferred programs were offered similar positions in the new territorial public service. At that time, the Public Service Alliance of Canada (hereinafter called "P.S.A.C.") represented two groups of federal employees organized for collective bargaining under federal collective bargaining legislation. One group was the Northwest Territories Teachers' Association, a P.S.A.C. affiliate whose legislative history and status is not in question in the present appeal. The other group was comprised of federal employees who were P.S.A.C. members. There was at that time no territorial labour legislation governing territorial employees and no mechanism whereby those
30 employees could engage in collective bargaining.

Case on Appeal, p.34 and p.46.

4. In 1969, after considerable discussion among the employees, the GNWT and P.S.A.C., the Public Service Act (or Ordinance as it then was) was amended to add provisions permitting collective agreements and allowing employees to bargain collectively through an employees' association. Those provisions remain substantively unchanged to date and are presently contained in sections 42 to 46 of the Public Service Act, R.S.N.W.T. 1974, c. P-13, as amended.

Case on Appeal, pp.34-36.

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5. Sections 42 to 46 of the Public Service Act gave authority to the GNWT to enter into collective bargaining with an "employees' association" (section 42(2)) and to conclude binding collective agreements (section 42(6)). An "employees' association" was defined as "an association of public service employees incorporated by an Ordinance empowering it to bargain collectively" (section 42(1)).

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6. In 1969, a territorial employees' association representing the majority of GNWT employees was organized. The Northwest Territories Public Service Association Act (or Ordinance as it then was) was enacted to incorporate the Northwest Territories Public Service Association (the "NWTPSA"), and to empower NWTPSA to bargain collectively on behalf of employees other than teachers and excluded employees.

Case on Appeal, pp.34-36.

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7. The most recent transfer of responsibility, delivery of health care services, is the subject of the present case. Prior to the transfer, nurses employed in the Public Service of Canada were represented for collective bargaining purposes by PIPSC. As part of the transfer, the nurses' employment was terminated by the federal government and they were offered new employment with the GNWT. As employees of the GNWT the nurses are eligible for membership in the NWTPSA. The NWTPSA is the collective bargaining agent for all non-teaching and non-excluded GNWT employees. Health care in the Baffin Region was "devolved" to the GNWT in 1986; health care in the rest of the Northwest Territories was devolved during and after the hearing of this application at trial and on appeal.

Case on Appeal, p.28;

Miller v. NWT (Commr.), [1988] 4 W.W.R. 456 (NWT.S.C.)
per de Weerd J. at 460 ff.

8. In 1982 PIPSC requested that it be empowered by territorial legislation to represent professional employees of the GNWT as their collective bargaining agent. The request was refused by the GNWT and PIPSC was informed that the GNWT would consider a review of this position in the event that, inter alia, employee support for PIPSC was sufficiently strong. No evidence of employee support for PIPSC was shown at that time or subsequently.

Ex. "B" to the Affidavit of Herbert Hunt of April 30, 1987;

Case on Appeal, p.95-96.

9. PIPSC renewed its request to be "certified" by legislative enactment in April, 1986. Before the request had been fully considered by the Government Leader, PIPSC commenced the proceedings which are the subject of the present appeal. After the commencement of these proceedings, and again with no evidence of employee support, the request was rejected.

Ex. "C" to the Affidavit of Herbert Hunt of April 30, 1987;
Case on Appeal, p.96.

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10. The relief sought by PIPSC in this action was a declaration that section 42(1) of the Public Service Act was of no force or effect. This section consists only of the definitions of "collective bargaining" and "employees' association".

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11. In its Originating Notice, PIPSC named the GNWT as the only Respondent. On its own motion, the NWTPSA was added as a Respondent. In a further unsuccessful motion, the NWTPSA moved to strike the proceeding, arguing that PIPSC had no standing to bring its Originating Notice.

Case on Appeal, p.3 and p.9.

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12. On the hearing of the Originating Notice, judgment was given declaring section 42(1) of the Public Service Act inconsistent with section 2(d) of the Canadian Charter of Rights and Freedoms.

Case on Appeal, p.11.

13. The Court of Appeal allowed the appeal and set aside the judgment of the Northwest Territories Supreme Court.

Case on Appeal, p.152B.

PART II POINTS IN ISSUE

14. Does section 42(1) of the Public Service Act infringe the freedom of association guaranteed by section 2(d) of the Canadian Charter of Rights and Freedoms?

15. If so, can it be justified under section 1 of the Canadian Charter of Rights and Freedoms?

PART III THE ARGUMENT

A. Does section 42(1) of the Public Service Act, infringe the freedom of association guaranteed by section 2(d) of the Charter?

16. It is submitted that section 42(1) of the Public Service Act R.S.N.W.T. 1974, c. P-13, does not infringe the freedom of association guaranteed by section 2(d) of the Canadian Charter of Rights and Freedoms.

10 17. The Respondent, the Commissioner of the Northwest Territories, submits that:

a) PIPSC does not have any constitutionally protected right or freedom with respect to activities in pursuit of its object of collective bargaining;

20 b) the freedom of association of employees in the territorial public service is not infringed by the Public Service Act at the stage of forming an organization, or otherwise.

PIPSC does not have constitutionally protected rights or freedoms arising from section 2(d) of the Charter

30 18. In defining "freedom of association" in section 2(d) of the Charter consideration must be given to all associations and organizations and their wide variety of objects and

activities. In this context the Court must weigh the implications of giving constitutional protection to an association's activity.

19. Collective bargaining is one of the objects and activities of a trade union. It involves correlative duties and obligations resting on trade unions and employers and cannot be said to be a fundamental right or freedom of either.

10 Reference Re Public Service Employee Relations Act,
(Alta.), [1987] 1 S.C.R. 313 per LeDain J. at 391;
McIntyre J. at 414 ff.;

Miller v. NWT (Commr.), [1988] 4 W.W.R 456 at 468 (NWT
S.C.).

20. Therefore, it has been held that freedom of association, although it advances group interests, is a freedom belonging to individuals and not to groups formed through its exercise.
- 20 This is especially true in the case of trade unions.

Reference Re Public Service Employee Relations Act,
(Alta.), supra., per McIntyre J. at 397.

21. The Supreme Court of Canada has held that the use of the word "everyone" in section 7 of the Charter precludes its application to corporate entities. Similar logic would exclude PIPSC from the meaning of "everyone" under section 2 of the Charter.
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Irwin Toy Ltd. v. A.G. Quebec, [1989] 1 S.C.R. 927, per
The Chief Justice at 1001 ff.

22. Nor does the term "association" in the phrase "freedom of association" embrace the relationship between parties engaged in collective bargaining. The parties in collective bargaining are adversarial and do not pursue common interests.

Arlington Crane Service Ltd. v. Ontario (Minister of Labour) (1989), 67 O.R. (2d) 225 (H.C.J.) at 273.

10 The freedom of association of individuals is not infringed by section 42(1) of the Public Service Act

23. Modern rights to bargain collectively are the creation of legislation, involving a balance of competing interests. The legislature is the proper forum for balancing the competing interests inherent in collective bargaining.

Reference Re Public Service Employee Relations Act, (Alta.), supra., per McIntyre J. at 419-420.

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The Statutory Scheme for Collective Bargaining in the NWT

24. The Legislative Assembly of the Northwest Territories has enacted legislation to regulate labour relations between the territorial government and its public service employees.

Public Service Act, R.S.N.W.T. 1974, c. P-13, sections 42 to 46, as amended.

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25. Section 43(1) of the Public Service Act provides for collective bargaining between the Minister of Personnel and an employees' association as follows:

43.(1) The Minister or an employees' association on behalf of its members may, by written notice, require the other party to commence bargaining collectively with a view to the conclusion, renewal or revision of a collective agreement.

10 26. Section 42(1) defines the terms "collective agreement" and "employees' association":

42.(1) In sections 42 to 46

(a) "collective agreement" means an agreement in writing entered into pursuant to this section between the Commissioner and an employees' association respecting the terms and conditions of employment and related matters and shall be deemed to include any award made by an arbitrator;

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(b) "employees' association" means an association of public service employees incorporated by an Act empowering it to bargain collectively.

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27. The Public Service Act does not expressly provide for the determination of appropriate bargaining units in the territorial public service, nor does it expressly empower bargaining agents to bargain collectively. The Public Service Act contemplates that these matters are to be governed by other existing or future territorial legislation.

Section 42(1)(b) of the Public Service Act does not affect legislative action

28. The definition of "employees' association" in section 42(1)(b) of the Public Service Act contemplates additional legislation from the Legislative Assembly to provide for the establishment of bargaining units and to recognize bargaining agents.

Case on Appeal, p.71.

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29. A provision such as section 42(1) of the Public Service Act cannot be interpreted as a restriction on the jurisdiction of the Legislative Assembly to enact further legislation in respect of the same subject matter. Therefore, the definition of "employees' association" in section 42(1)(b) of the Public Service Act does not bind the Legislative Assembly to incorporate associations in order to recognize those associations as bargaining agents for distinct groups of employees.

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30. Notwithstanding section 42(1)(b) of the Public Service Act, the Legislative Assembly may recognize through legislation any employees' association, including one already incorporated, to bargain collectively for the purposes of sections 43 to 46 of the Public Service Act. For example, the Legislative Assembly could simply enact legislation deeming PIPSC, or any other corporation, to be an "employees' association" for the purposes of the Act.

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31. There is no issue before this Court with respect to any Act incorporating and empowering an employees' association to bargain collectively as referred to in section 42(1)(b) of the Public Service Act.

Effects of section 42(1) of the Public Service Act on union activities

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32. The statutory scheme described above does not operate to require PIPSC, in fact or in law, to "incorporate" an association before being permitted to seek the right to represent territorial employees, as contended in paragraph 31(1) of the Appellant's Factum.

33. PIPSC, which has not been incorporated by or under any territorial Act, has in fact been freely seeking to represent territorial employees since 1982.

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Appellant's Factum , para. 14;
Case on Appeal, p.95

34. PIPSC in its factum seeks some Charter protection for a right to have a bargaining unit designated for certain employees of the territorial government and to be recognized as the bargaining agent for that bargaining unit.

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Appellant's Factum, paras. 31(2), 43, 49 and 50.

35. The determination of appropriate bargaining units is a matter solely within the powers of the legislature.

"... the impact of the determination of the appropriate unit is too great to allow a union to have the final word; nor can that decision be left strictly to the choice of any particular group of employees."

Foisy, C.H. et al. Canada Labour Relations Board Policies and Procedures (1986) at 4:3000.

- 10 36. A legislature which confers a statutory right can also take it away again, or apply limitations in respect of the exercise of the right.

Oil, Chemical and Atomic Workers International Union, Local 16-601 v. Imperial Oil Ltd. et al, [1963] S.C.R. 584 at 592.

- 20 37. Notwithstanding the power of the Legislative Assembly to do so, the Public Service Act does not limit the number of bargaining units that may be established in the territorial public service, nor the number of employees' associations that may be empowered to bargain collectively.

- 30 38. Two territorial Acts have, among other things, determined appropriate bargaining units in the territorial public service, one for teachers, and one for all other non-excluded employees. Each of these Acts also empowers an employees' association to bargain collectively on behalf of employees within that bargaining unit.

Teachers' Association Act S.N.W.T. 1976 (3rd), c.3, as amended;

Northwest Territories Public Service Association Act R.S.N.W.T. 1974, c. N-2; (renamed Union of Northern Workers Act by S.N.W.T. 1988 (1st), c.19).

- 10 39. Creating a process for recognition or certification of bargaining agents is also solely within the powers of the legislature. Certification or decertification of bargaining agents does not force employees to join or refrain from joining a union. Employees are free to associate as they please.

Re Nova Scotia Nurses Union (1989), 58 D.L.R. (4th) 225 (F.C.A.) at 232-233;

P.S.A.C. v. Canada, [1984] 2 F.C. 889 (F.C.A.) at 895.

- 20 40. The freedom of association guaranteed to individuals by the Charter includes the freedom not to associate. There is no evidence that territorial employees have chosen to take up membership in PIPSC. In spite of requests from the GNWT, PIPSC has provided no evidence of employee support for its demands for bargaining agent status.

Miller v. NWT (Commr.), supra., at 461;
Case on Appeal, pp. 28 and 96-97.

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41. The statutory scheme for collective bargaining established by the Legislative Assembly has resulted in collective agreements between the government and its employees. Section 42(6) of the

Public Service Act makes a collective agreement binding on the territorial government, the employees' association and the members of such association. The collective agreement between the territorial government and the Northwest Territories Public Service Association (now called the Union of Northern Workers) contains a "sole bargaining agent" clause.

Miller v. NWT (Commr.), supra, at 461 and 469.

- 10 42. In light of the contractual obligations arising from the collective agreement, and the lack of employee support for PIPSC, striking out section 42(1) of the Public Service Act will not advance the demand of PIPSC to be recognized as a bargaining agent.

Miller v. NWT (Commr.), supra, at 469.

- 20 43. A sole bargaining agent clause in a collective agreement does not limit or interfere with the freedom of individuals to associate with each other to pursue common interests such as opposing their union or seeking to have their union's bargaining rights terminated, or to join with others for such purposes.

Lavigne v. Ontario Public Service Employees Union (1989), 67 O.R. (2d) 536 (Ontario Court of Appeal) at 565-566; leave granted to S.C.C., June 8, 1989;

Miller v. NWT, supra, at 469.

Section 42(1) of the Public Service Act does not affect the formation of employees' organizations

44. At the trial of this case Mr. Justice Marshall, in obiter, acknowledged that the activities of an association in pursuit of its objects were not constitutionally protected. He stated that:

10 "Here, in contrast, the issue is not the activity of the Association but its recognized existence, or, to use the words of the impugned statute, "incorporation". [Case on Appeal, p.130]

He held that section 42(1) infringed the freedom of association because:

"the impugned legislation reaches a measure or stage further back, or once more removed, in the growth and development of operational alliance of individuals." [Case on Appeal, p.130]

20 No reasons were given in the judgment of Marshall J. for striking down the definition of "collective agreement" in section 42(1)(a) of the Public Service Act.

Case on Appeal, p.11-12.

30 45. The Northwest Territories Court of Appeal set aside the decision of Mr. Justice Marshall. Kerans J.A. for the Court stated that "the requirement that the proposed bargaining agent be incorporated by the Council might bear on freedom of

association"; however, the Court held that the word "incorporated" in section 42(1)(b) could be interpreted to include the words "or recognized".

Case on Appeal, p.151.

- 10 46. It is unnecessary to interpret the word "incorporated" in section 42(1)(b) to include the words "or recognized". The word "incorporated" in no way limits the jurisdiction of the Legislative Assembly to recognize an incorporated or unincorporated employees' association to bargain collectively for purposes of sections 43 to 46 of the Public Service Act, or otherwise.
- 20 47. The word "incorporated" in section 42(1)(b) has no bearing on the ability of public service employees to establish an organization either as an incorporated or unincorporated entity pursuant to the common law or valid federal or territorial legislation.
- 30 48. Section 42(1)(b) only serves to identify certain existing employees' associations with which the Minister of Personnel is authorized to commence bargaining collectively. These associations can also compel the Minister to engage in collective bargaining in accordance with section 43(1) of the Public Service Act.
49. It is therefore submitted that no provision of the Public Service Act or any other territorial Act restricts the right of territorial government employees to associate, or to take

up membership in PIPSC or in any other trade union. Nor does section 42(1) of the Act interfere with the formation of employees' associations or with the legal status or capacity of such associations.

Other points raised in Appellant's Factum

- 10 50. A corporation has no "rights" recognized in law which would entitle it to an opportunity to influence the legislative process, as contended in paragraph 36(c) of the Factum of PIPSC.
- 20 51. Current definitions of a "trade union" which might exist at common law or in statute law have not been elevated to the status of constitutional law by the words "freedom of association" in the Charter. Affording constitutional protection to a trade union's objects or activities, which PIPSC says at paragraph 48 of its Factum include "the regulation of relations between employers and employees", would be tantamount to putting a trade union on the same level as the legislature.
- 30 52. Canada's ratification of international conventions is not an argument for incorporating international standards into the Constitution of Canada. The interpretation given to "freedom of association" in the labour context by international bodies or foreign courts should not be determinative of "freedom of association" in the Charter, which embraces "association" in more than the labour context.

Reference Re Public Service Employee Relations Act,
(1985), 16 D.L.R. (4th) 359 per Kerans J.A. at 372-374;
[1987] 1 S.C.R. 313.

B. Section 42(1) of the Public Service Act is justifiable under section 1 of the Charter

10 53. If this Court determines that section 42(1) of the Public Service Act infringes section 2(d) of the Charter, it is submitted that section 42(1) can be justified under section 1 of the Charter.

54. Marshall J. in the Supreme Court of the Northwest Territories held without reasons that section 42(1) of the Public Service Act could not be justified under section 1.

Case on Appeal, p. 133.

20 55. Kerans J. for the Court of Appeal of the Northwest Territories held that section 1 was not engaged in this case because no constitutional right or freedom was infringed by section 42(1) of the Public Service Act.

Case on Appeal, p.150.

30 56. In applying section 1 the Court must determine whether the purpose, means and effects of the impugned provision are reasonably and demonstrably justified. A test was set out in R. v. Oakes [1986] 1 S.C.R. 103 at 138 ff., and refined in subsequent decisions.

57. Section 1 should be applied using a contextual rather than an abstract approach. Any limitation on the freedom of association of government employees must be considered in relation to the pressing and substantial concerns faced by the GNWT to ensure both stability and flexibility during the rapid development of a resident public service after 1967.

Supra., para. 3 to 7.

10 58. Prior to the enactment of section 42(1) of the Public Service Act there was lengthy discussion between the GNWT, territorial employees and union representatives to ensure that territorial government employees could bargain collectively, to provide continuity with the association which had previously represented the employees and to provide a system commensurate with the size and nature of the territorial public service.

Case on Appeal, p. 34.

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59. The GNWT's objective of orderly and representative collective bargaining was recognized by the court in the trial of this case, but Marshall J. suggested that better means were available to achieve this objective:

"There is no evidence that the government's objective of orderly and representative collective bargaining could not be achieved by a system of independent certification based on objective criteria..."

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Case on Appeal, p.13.

60. Transfers of broad program responsibilities, as in the present case, result in sudden changes in the size and composition of the public service. The Legislative Assembly is the rational entity to provide appropriate means to secure harmonious labour relations in this developmental context. The appropriateness of the legislative scheme in the Northwest Territories cannot be determined by a comparison with other jurisdictions with larger and more established departmental and administrative structures.

10 Goldenberg, S.B. "Public-Sector Labor Relations in Canada", in Public-Sector Bargaining (1979) 254 at 289.

61. Section 42(1) of the Public Service Act meets the test of proportionality established in the Oakes case. The objective of an orderly and representative system of collective bargaining is met in the present case by a responsive and flexible approach to labour relations in the rapidly evolving territorial public service. The statutory scheme leaves employees free to associate and to organize for purposes of seeking statutory rights relating to collective bargaining. Any deleterious effect is outweighed by the necessity of ensuring orderly and representative collective bargaining in the territorial public service.

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62. Section 42(1) of the Public Service Act impairs "as little as possible" the rights of territorial government employees. As in more complex systems of labour relations a prospective employees' association is required to demonstrate employee support. In the present case, PIPSC has not produced evidence

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of significant employee support. The vast majority of public employees are members of NWTPSA which represents these employees for purposes of collective bargaining.

Miller v. NWT (Commr.), supra, at 461;

Case on Appeal, pp.96-97 and Ex. "B" to the Affidavit of Herbert Hunt of April 30, 1987.

10 63. In assessing the effects of the legislation on individuals it is submitted that the Court must consider the fact that a collective agreement has been reached which covers the vast majority of territorial employees. The collective agreement creates contractual obligations under which the GNWT is bound to recognize the NWTPSA as the sole bargaining agent for the employees which PIPSC seeks to represent.

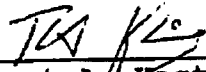
20 64. In a case such as this where the legislature plays a direct role in the system which extends rights of collective bargaining to public service employees, the Court should not consider what legislation might be the most desirable.

PART IV NATURE OF ORDER SOUGHT

The Government requests that this appeal be dismissed with costs.

Yellowknife, N.W.T.
January 26, 1990

All of which is respectfully
submitted



Robert A. Kasting



Bernard W. Funston

Counsel for the Respondent
The Commissioner of the
Northwest Territories

PART V TABLE OF AUTHORITIES

A. Cases Cited:		Pages Referred to:
1.	<u>Arlington Crane Service Ltd v. Ontario (Minister of Labour)</u> (1989), 67 O.R. (2d) 255 (H.C.J.)	9
2.	<u>Irwin Toy Ltd v. A.G. Quebec</u> , [1989] 1 S.C.R. 927	8
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5.	<u>Oil, Chemical and Atomic Workers International Union, Local 16-601 v. Imperial Oil Ltd. et al</u> , [1963] S.C.R. 584	13
6.	<u>P.S.A.C. v. Canada</u> , [1984] 2 F.C. 889 (F.C.A.)	14
7.	<u>R. v. Oakes</u> , [1986] 1 S.C.R. 103	19
8.	<u>Re Nova Scotia Nurses</u> (1989), 58 D.L.R. (4th) 225 (F.C.A.)	14
9.	<u>Reference Re Public Service Employee Relations Act, (Alta.)</u> , [1987] 1 S.C.R. 313	8, 9, 19
10.	<u>Reference Re Public Service Employee Relations Act, (Alta.)</u> (1985), 16 D.L.R. (4th) 359 (Alta. C.A.)	19
B. Statutes Cited:		Pages Referred to:
11.	<u>Canadian Charter of Rights and Freedoms</u>	4, 6, 7, 8, 12, 18, 19
12.	<u>Northwest Territories Public Service Association Act</u> , R.S.N.W.T. 1974, c. N-2	2, 14

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| 13. | <u>Teachers' Association Act</u> , S.N.W.T. 1976
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16, 17, 19,
20, 21 |

C. Authors Cited:

P a g e s
Referred to:

- | | | |
|-----|---|----|
| 15. | Foisy, C.H. et al. <u>Canada Labour Relations Board Policies and Procedures</u> (1986) | 13 |
| 16. | Goldenberg, S.B. "Public-Sector Labor Relations in Canada", in <u>Public-Sector Bargaining</u> (1979) 254 | 21 |