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IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN)

BETWEEN:

THE GOVERNMENT OF SASKATCHEWAN, THE HONOURABLE
LORNE J. McLAREN, THE HONOURABLE LORNE H. HEPWORTH
and HIS HONOUR JUDGE ROBERT HARVIE ALLAN

Appellants
(Respondents)

- and -

THE RETAIL, WHOLESALE AND DEPARTMENT STORE UNION,
LOCALS 544, 496, 635 and 955

THE UNITED FOOD AND COMMERCIAL WORKERS
INTERNATIONAL UNION, LOCAL P-241-1, P-241-2,
P-241-3, P-241-4 and P-241-6

THE DAIRY AND PRODUCE WORKERS, LOCAL 834,
AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS
OF AMERICA, LOCAL 834

THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF AMERICA,
LOCAL 395

MAURICE HNIDY, DOUG HAROLD, RON OROBKO, RON BOHN,
DEAN SCHENDEL, JOHN KUKURUDZA, ALLAN GOYER, DON
DECK, DOUG LEITE, DAVID KLASSEN, REG COX, GORDON
FAIRBURN, ANDY STARIUALA, LANCE BROWNBRIDGE

Respondents
(Applicants)

FILED	COURT SUPREME DU CANADA
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FACTUM OF THE INTERVENANT
THE ATTORNEY GENERAL OF ONTARIO

PART I

STATEMENT OF FACTS

1. By Notice of Intention to Intervene dated July 11th, 1985, the Attorney General of Ontario intervened in this appeal.

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2. The Attorney General of Ontario makes no submissions as to the facts.

PART II

POINTS IN ISSUE

3. The points in issue in this appeal are set out in the constitutional questions stated by Dickson, D.J.C.:

- (1) Does The Dairyworkers (Maintenance of Operations) Act, S.S. 1984, c. D-1.1, or any part thereof, infringe or deny freedom of association guaranteed in s. 2(d) of the Canadian Charter of Rights and Freedoms?
- (2) If The Dairyworkers (Maintenance of Operations) Act, S.S. 1984, c. D-1.1, or any part thereof, infringe or deny freedom of association guaranteed in s. 2(d) of the Canadian Charter of Rights and Freedoms, is the Act, or such part, justified by s. 1 of the Canadian Charter of Rights and Freedoms and therefore not inconsistent with the Constitution Act, 1982?

4. The Attorney General of Ontario restricts his submissions to Question 1 and takes the position that Question 1 should be answered in the negative.

PART III

ARGUMENT

5. The Attorney General of Ontario respectfully adopts the argument on Question 1 in paragraphs 14 to 51 found in the Factum of the Attorney General of Saskatchewan.
6. The Attorney General of Ontario had made detailed submissions on the meaning and content of freedom of association in Charter section 2(d) in his Factum filed in Public Service Alliance of Canada v. Her Majesty the Queen in Right of Canada as represented by Treasury Board and The Attorney General of Canada, an appeal heard by this Honourable Court immediately preceding the appeal hearing in this case. The Attorney General of Ontario relies upon the submissions made in his Factum filed in the Public Service Alliance of Canada appeal.

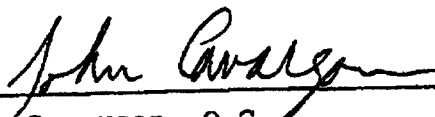
PART IV
ORDER SOUGHT

7. The Attorney General of Ontario submits that the first constitutional question should be answered in the negative.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.



Blenus Wright, Q.C.



John Cavarzan, Q.C.

Counsel for the Intervenant,
The Attorney General of Ontario