

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
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(APPLICANTS)

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IN THE SUPREME COURT OF CANADA

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PART I

FACTS

1. The Attorney General of Canada appears as an intervenor pursuant to the Order of the Right Honourable the Chief Justice of Canada dated July 2, 1985 fixing the constitutional question herein.

PART II

POINTS IN ISSUE

2. The questions stated by the Right Honourable the Chief Justice are:

1. Does The Dairy Workers (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 Dairy Workers (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?

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The Attorney General of Canada submits that the first question should be answered in the affirmative. If the Court should find it necessary to answer the second question he has no submissions to make with respect thereto.

PART III

ARGUMENT

3. The issue raised by the first question in this appeal is essentially that which is before this Honourable Court in Public Service Alliance of Canada v. The Queen. The Attorney General of Canada will therefore rely upon the submissions in paragraphs 3 to 28 of his factum filed in that appeal as being applicable to the first question.

4. The Attorney General has no submissions to make with respect to the second question.

PART IV

ORDER SOUGHT

5. It is submitted that the first question should be answered in the negative and that the appeal herein should be allowed and the Order of Sirois J. restored.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

A handwritten signature in dark ink, appearing to read 'Eric A. Bowie', with a horizontal line extending to the right.

Eric A. Bowie, Q.C.,
Counsel for the Attorney
General of Canada, Intervenor