



Monday, December 9, 2013

Mr. Bob Ward,
President and CEO of Legal Aid Ontario
Atrium on Bay
40 Dundas Street West, Suite 200
Toronto, Ontario M5G 2H1

Dear Mr. Ward,

As President of the Association of Justice Counsel (AJC), I feel compelled to set the record straight when it comes to lawyers and unions.

In reaction to the unionization efforts by Legal Aid Ontario (LAO) lawyers, you recently suggested that the hard-working members of the organization you lead are seeking a relationship no other group in the legal field currently has. We at the AJC were quite surprised because this could not be further from the truth.

The very existence of the AJC, for one thing, proves that this statement is false. The AJC is a union. We are the sole bargaining agent for 2,700 lawyers employed by the government of Canada (Federal Crown Counsel), who work for the Department of Justice (DOJ), the Public Prosecution Service of Canada (PPSC), and provide in-house legal services to various federal agencies, tribunals and courts across the country.

Historically, Federal Crown lawyers were excluded from collective bargaining under statute. Throughout the 1990s Federal Crown counsel, like other public servants, were subject to a series of wage freezes, diminished promotional opportunities, and increasing staff departures. In this context, support grew for an independent body that would advocate for the interests of non-managerial Federal Crown counsel. The AJC was formed in July 2001, following a national referendum of counsel, in which nearly 90 % of the ballots cast were in favour of its creation.

On April 1, 2005, the *Public Service Labour Relations Act* (PSLRA) came into force. The PSLRA allowed Federal Crown lawyers to unionize for the first time, and the AJC applied to become the certified bargaining agent for all eligible Federal Crown counsel on the day that the PSLRA came into effect.

The AJC was officially certified on April 28, 2006. Except for a small number of lawyers who had previously been represented by another union, this marked the first time that Federal Crown counsel were able to bargain collectively.

We do recognize that, generally, the public doesn't usually associate lawyers with unions. But make no mistake, the AJC is a union.

You are also no doubt fully aware that in Saskatchewan, legal aid lawyers are part of the Canadian Union of Public Employees (CUPE). In Quebec, lawyers with the Association des juristes de l'État (AJE), on the Civil side, are part of a union, as well as lawyers with the Association des procureurs aux poursuites criminelles et pénales (APPCP), on the Criminal side.

British Columbia and Alberta legal aid lawyers also have recognized collective bargaining rights.

We, at the AJC, believe legal aid lawyers in Ontario should have the right to free association and should have collective bargaining rights as stated under the *Charter of Rights and Freedoms*. LAO Lawyers should also have the right to choose their representative (the Society of Energy Professionals).

We see so many parallels between what we went through in the 1990's and what LAO lawyers are now forced to endure.

Eighty percent of Ontario's 250 Legal Aid Lawyers have clearly expressed their support to achieve collective bargaining rights and recognition for their Charter right of freedom of association. They deserve respect, nothing less.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Blais". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Lisa Blais
President, Association of Justice Counsel
