



Association of Justice Counsel
Association des Juristes de Justice

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November 23rd, 2011

The Honourable Tony Clement
President of the Treasury Board and
Minister for the Federal Economic Development Initiative for Northern Ontario
Treasury Board of Canada Secretariat
L'Esplanade Laurier, 9th Floor, East Tower
140 O'Connor Street
Ottawa, Ontario
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Dear Minister,

Re: Meeting with the Association of Justice Counsel

I am enclosing herewith two previous letters addressed to you, but for which I have not received any response.

The first is dated June 1st, 2011, whereupon I offered congratulations on your current Cabinet appointment, and requested a meeting. The second is dated June 29th, 2011, where I forwarded you a recent poll showing that justice and community safety are ranked first as a long term priority for Canadians. In the same connection, I took this occasion to emphasize that further austerity measures imposed on the Department of Justice and Public Prosecution Service of Canada would be at odds with the Government's law and order agenda (especially Bill C-10), and reiterated our request for a meeting. I have written the Attorney General of Canada along these lines as well.

I am also enclosing for your review a copy of *Association of Justice Counsel v. Attorney General of Canada*, 2011 ONSC 6435. This ruling was released by the Ontario Superior Court of Justice on November 1st, 2011. The central issue in our case was whether the *Expenditure Restraint Act*, S.C. 2009, c. 2, s. 39 ("ERA") substantially interfered with the AJC's constitutional right to negotiate a first collective agreement for 2800 federal government lawyers and prosecutors.

In granting the Association's challenge, the Court concluded that wage controls retroactively applying to 2006 under the *ERA* had violated the fundamental rights of the AJC's members, as guaranteed under s.2(d) of the *Canadian Charter of Rights and Freedoms*. Further, the Court held that the infringement could not be reasonably justified under s.1 of the *Charter*.

The thrust of this decision is, we believe, a signal from the Courts that Treasury Board must take a principled and fair approach in its dealings with the AJC. It therefore behooves us to use this as an opportunity to open a fresh dialogue with a view to reconciling key outstanding issues at the bargaining table in a constructive manner.

Certainly, meeting with us would instill life and sincerity to public remarks given by you just yesterday, when you said:

"I want to help create a government workplace that allows public servants to thrive. This means building an environment that will make workers of the future consider the Public Service as a viable, long-term career choice."

Let's seize upon this moment so that your words hold real meaning with my members. In so doing, we will have taken a step in the right direction that will benefit the administration of justice and all Canadians.

Yours truly,



Marco Mendicino
President

Enclosures.

Copied to:

Minister of Justice and Attorney General of Canada
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