

## ROLE OF CTF

- To continue to work toward the withdrawal or defeat of this legislation.
- To monitor the progress of the Bill as it moves back to the House of Commons and then back to the Senate.
- To liaise with the CLC regarding lobby efforts.
- To articulate our opposition in media interviews and public speeches.

## PURPOSES OF CTF ADVOCACY

- To develop CTF's advocacy profile, in accordance with the direction given by the Board of Directors.
- To continue to work to preserve the idea of labour rights as a human right.
- To continue to preserve the strength of the union movement and the balance in employer-employee relations.

## KEY MESSAGES

- Accountability for labour organization spending rest with the members of the organization. Each has an opportunity to review and approve budgets and audited financial statements.
- The public interest in the internal financial arrangements of a labour organization is a separate issue from the potential public interest created by tax credits for dues paid and if this issue is to be dealt with then these types of requirements must be extended to all organizations whose members receive a tax credit for fees they pay. **(Note: this is provided for in the Segal/Ruth amendment)**
- Bill C-377 is un-constitutional.

“For the reasons given above, it is my opinion that, if it were to be enacted in its current form, Bill C-377 would be vulnerable to challenge on the ground that it exceeds Parliament's legislative jurisdiction under s. 91 of the CA Act, 1867. In fact, it is my view that Bill C-377 is clearly beyond federal legislative jurisdiction, and would be struck down by the courts on that ground as “of no force or effect” pursuant to s.52(1) of the Constitution Act, 1982” –Robin Elliot, Q. C.

- A host of privacy rights would be violated under Bill C-377. Provisions of the Bill appear to conflict with the Privacy Act and the Personal Information Protection and Electronic Documents Act (PIPEDA) with respect to personal information and commercial activity.
- There would be a significant cost to unions – affecting over 25,000 labour organizations in Canada – and an infrastructure cost to support this Bill in the tens or even hundreds of millions of dollars. This would entail developing the regulations needed to enact the legislation; developing and preparing all of the forms and instruction booklets required; developing the software programs to file, receive and process the information including the need to employ auditors, accountants, lawyers and administrative workers for this purpose; and developing a massive online searchable database. Such an enormous outlay of public funds cannot be justified. **(Note: some of this has been addressed in the amendments. The amended Bill now affects only larger organizations and larger purchases)**

## CURRENT CTF ACTIVITIES ON THIS FILE

- ✓ Continuing to liaise with CLC
- ✓ Monitoring legislative agenda
- ✓ Interviews with the media
- ✓ Speeches and presentations

## CTF POLICY ON THIS TOPIC

### Policy Section 1, subsection 3

- 3.6. CTF will support its Members and Affiliate Members in affirming and advocating: (1987, 2005)
- 3.6.1. those principles and strategies designed to achieve equality rights as guaranteed by the Canadian Charter of Rights and Freedoms; (1987, 1991)
- 3.6.2. the right to full negotiation of all matters affecting professional and economic welfare; (1982, 1991)
- 3.6.3. the right to free exercise of options of strike action or other sanctions in support of collective bargaining; and (1982, 1991)



3.6.4. opposition to the abuse of legislative power to resolve labour disputes. (1982, 1991)

#### Policy Section 6, subsection 4

4.2. CTF supports the principles affirmed in the Freedom of Association and Protection of the Right to Organize Convention, 1948; the Right to Organize and Collective Bargaining Convention, 1949; the Worker's Representatives Convention and Recommendation, 1971; and the Labour Relations (Public Service) Convention, 1978. Furthermore, CTF supports the principles affirmed in the International Covenant on Economic, Social and Cultural Rights and in the International Covenant on Civil and Political Rights. CTF will support the efforts of teachers and their organizations to make applicable to them the principles contained therein. (1983, 1988)

#### Policy Section 6, subsection 9

9.4. Ratification of International Labour Organization (ILO) Conventions

9.4.1. CTF believes that labour rights are human rights and therefore:

- a) The federal government has a responsibility and an obligation to recognize and protect international labour rights and standards;
- b) The federal government has a responsibility to act to protect all workers and those covered under international agreements. (2013)

9.5. CTF believes in and actively supports the implementation of the ILO conventions, including two fundamental conventions and four others recognizing labour rights, yet unsigned by the Government of Canada:

9.5.1. 98 Fundamental Convention on the Right to Organize and Collective Bargaining (since 1949);

9.5.2. 138 Fundamental Convention on Minimum Age for Work (since 1973);

9.5.3. C135 Workers Representatives Convention (since 1971);

9.5.4. C151 Labour Relations (Public Service) Convention (since 1978);

9.5.5. C154 Collective Bargaining Convention (since 1981);

9.5.6. C97 Convention on Migrants Rights (since 1949);

9.5.7. C143 Convention on Migrants Rights (since 1975). (2013)

## SUPPORTING DOCUMENTATION

*Canadian Teachers' Federation Brief to the Senate Standing Committee On Banking, Trade And Commerce: Bill C-377, An Act To Amend The Income Tax Act (Requirements For Labour Organizations), June 2013*

Elliott, Robin Q.C. *Legal Opinion on the Vulnerability to Constitutional Challenge of Bill C-377 on Federalism Grounds*, April 28, 2013

## REFERENCES

Senator Segal's address to the Senate

[http://www.parl.gc.ca/Content/Sen/Chamber/411/Debates/138db\\_2013-02-14-e.htm#41](http://www.parl.gc.ca/Content/Sen/Chamber/411/Debates/138db_2013-02-14-e.htm#41)

Final Senate debate and amendments

[http://www.parl.gc.ca/Content/Sen/Chamber/411/Debates/181db\\_2013-06-26-e.htm?Language=E#22](http://www.parl.gc.ca/Content/Sen/Chamber/411/Debates/181db_2013-06-26-e.htm?Language=E#22)