

Union fights for casual workers right to organize

In late July 2008, the Nova Scotia Union of Public and Private Employees (NSUPE) filed an application with The Nova Scotia Labour Relations Board (LRB) asking that approximately one hundred casual custodians at the Halifax Regional School Board be included in the bargaining unit with full time and part time custodians and caretakers.

The union is arguing that the employer works the majority of the casuals with significant regularity so they should be classified as part time employees and be subject to the provisions and benefits of collective bargaining

The LRB has in the past taken the position that casual workers are not to be considered employees for the purpose of collective bargaining. It is the union's position that not to consider casuals as employees violates their Canadian Charter of Rights and Freedoms freedom of association.

It is the union's belief that recent decisions of the Supreme Court of Canada have made it unconstitutional for government to exclude this employee group from the scope of collective bargaining.

The employer has intervened and is challenging NSUPE's application. There is a potential that many other unions and employers may want to present arguments to the LRB on this matter as it may have a bearing on the legal status of casual employees in all of Nova Scotia and potentially all of Canada with regard to their freedom of association.

NSUPE will continue to defend the right to associate and the right to collective bargaining for all Canadian workers.