

Case In Point

Leave to Appeal Sought in Freedom of Association Case

Date: September 11, 2012

The Mounted Police Association is seeking leave to appeal from the decision of the Ontario Court of Appeal in [*Mounted Police Association of Ontario v. Canada \(Attorney General\)*](#), which found that a separate labour relations regime established for members of the RCMP did not violate the freedom of association guarantee in section 2(d) of the *Canadian Charter of Rights and Freedoms*.

While it remains to be seen whether leave to appeal will be granted in this case, courts have grappled with the scope of section 2(d) as it applies to collective bargaining since the seminal decision of the Supreme Court of Canada in B.C. *Health Services* and its subsequent decision in *Fraser*. A discussion of these decisions is found our [FTR Now of May 3, 2011](#).

For a concise overview of the *Charter* and collective bargaining, see as well our Summer 2012 *FTR Quarterly* article "[Freedom of Association under the Charter: Snake or Tree?](#)" and our recent blog post "[Federal Wage Restraint Legislation Does Not Infringe Section 2\(d\) of Charter.](#)"