

UNION OFFICER FREE SPEECH

ADVICE FROM THE PUBLIC SERVICE ALLIANCE OF CANADA

Union Officers are entitled to speak freely on issues that are important to the Union and its members. It is a right that is protected under labour legislation and paragraph 2(b) of the *Charter of Rights and Freedoms* which guarantees the right to freedom of expression. So no matter where you work, you can and must speak out.

This right is fundamental to our work as Union activists. It allows us to:

- Openly challenge the employer on matters of interest to our members and, much as the employer would like you to believe otherwise, Union Officer free speech is not limited to our work on grievances, collective bargaining or union-management consultation meetings; and
- Speak in the public domain, not just with the employer, on issues that are important to us.

The Supreme Court of Canada has said that protecting this right to free speech is key to our ability to identify and defend workers' common interests, to encourage the open debate of ideas, and to seek to gain public support for our issues. The Court said that Union Officer free speech benefits society as a whole because the public is made aware of issues that are important to workers and this, itself, has broad social benefits that deserve strong legal protection.

What will not be protected as free speech? A statement that is malicious or recklessly false, or constitutes a campaign to harass an individual(s), or openly encourages breaking the law (such as an unlawful strike) is not protected.

In exercising our right to free speech, we may be told by the employer that we are walking along the razor's edge of insubordination or violating a duty of loyalty or ethics as employees. Nothing could be further from the truth.

Stick to the issues, speak your mind without personal animosity and based on your honest belief of the facts. Any employer that tries to discipline or silence you will quickly learn about our union solidarity and will begin to give our Union's voice the respect and space it deserves in our workplaces and communities.