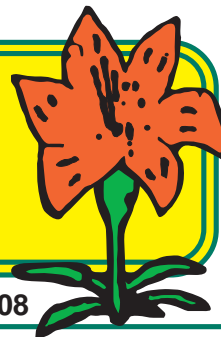


Seniors' Voice



Volume 16: No. 2

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Eternal Vigilance is the price of Liberty. Power is ever stealing from the many to the few.

July 2007: Labour Rights Recognized:

Supreme Court Rules That Labour Rights Are Charter Rights — By Duncan Cameron

Fundamental labour rights, pursued historically and recognized under international conventions, must be respected in Canada, according to the highest court in the land. In a judgment rendered June 8, the Supreme Court of Canada reversed itself and recognized that freedom of association includes the right to collective bargaining.

Collective bargaining complements and promotes the values expressed in the Canadian Charter of Rights and Freedoms, according to this major judgment affirming that the role of trade unions cannot be repressed "in a free and democratic society."

The Supreme Court decision struck down key provisions of Bill 29, introduced five years ago by the government of British Columbia as part of a plan to contract out and privatize that province's health services. The decision not only overturned lower court judgments, but, more importantly, it also re-wrote the Supreme Court's own jurisprudence on key issues of labour rights.

The Canadian labour movement can now look forward to a brighter future in pursuing collective bargaining rights on fundamental workplace issues. The Court states firmly that collective bargaining is necessary for workers "to influence the establishment of workplace rules and thereby gain some control over a major aspect of their lives, namely their work."

Section 2 of the Canadian Charter of Rights and Freedoms states: "Everyone has the following fundamental freedoms: a) freedom of conscience and religion; b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; c) freedom of peaceful assembly; and d) freedom of association."

However, in a crucial trilogy of labour cases decided by the Supreme Court in 1987, five years after the adoption of the Charter, freedom of association was severely limited. Justices argued that, through association, individuals could protect their rights as individuals, but did not gain any additional rights, such as the right to bargain collectively.

Choosing its words carefully, the Supreme Court in June overruled its labour trilogy's exclusion of collective bargaining as a necessary part of freedom of association: "None of the reasons provided by the majorities in those cases survive scrutiny."

The Justices cited the testimony of a former Liberal Minister of Justice, who admitted that the Charter's right of association had been intended to include the right to collective bargaining, even though it was not made explicit. The majority decision, six justices concurring and one partially dissenting draws upon the work of labour

"The price that good people pay, for their indifference to public affairs, is to be ruled by evil men." — Plato

historians, labour law specialists, and government commissions to outline the context for the Court's explicit recognition of collective bargaining as a fundamental freedom.

While the Hospital Employees' Union and the British Columbia Government Employees Union can celebrate a victory for all Canadian workers, the (mostly) women who lost salaries, benefits, severance pay, and jobs through layoffs were not offered remedies by the Court decision. Instead, the B.C. government was given one year to make illegal sections of its legislation comply with the court ruling.

This ruling has a legacy: it will imprint on the legal system, at every level and jurisdiction, the recognition of labour rights as fundamental rights. According to the Court: "Human dignity, equality, liberty, respect for the autonomy of the person, and the enhancement of democracy are among the values that underlie the Charter... All of these values are complemented and indeed, promoted, by the protection of collective bargaining in Section 2(d) of the Charter."

Contrary to the charge of "judicial activism" levelled by the B.C. government against the Supreme Court, its judgment created no new rights. In its ruling, the Court cited legal scholars Judy Fudge and Harry Glasbeek: the union right to bargain was recognized by the federal government in wartime, by order-in-council PC 1003, and subsequently incorporated into provincial legislation. The Court referred to an article by CUPE research officer John Calvert to show that only in the 1970s were collective bargaining rights extended to cover public sector workers.

The Court noted that, although labour organizations first appear in Canada at the end of the 18th century, "From the beginning, the law was used as a tool to limit workers' rights to unionize."

This judgment recognizes that labour rights are part of the values protected by the Charter; that

Canada has signed international conventions and has thus recognized labour rights under international law; that historically collective bargaining is integral to the right to association; and, finally, that the Supreme Court itself was wrong earlier not to admit that the guarantee of freedom of association extends to collective bargaining.

Section 1 of the Charter "guarantees the rights and freedoms set out in it are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

Since the Supreme Court decision recognizes labour rights as a part of a free and democratic society, any future restrictions on collective bargaining on workplace issues will be very difficult for lower courts to justify. ■

(Duncan Cameron is a political scientist, author of several books, a former president of the CCPA, and now a CCPA research associate.)

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A PIPELINE THROUGH A TROUBLED LAND:

Afghanistan, Canada, and The New Great Energy Game — By John Foster

Summary:

The proposed Turkmenistan-Afghanistan-Pakistan-India (TAPI) pipeline will transport approximately 33 billion cubic meters per year of natural gas 1.680 kilometers from the Dauletabad gas field in southeast Turkmenistan through southern Afghanistan, to Pakistan, terminating in Fazilka, India. India and Pakistan will share the output equally, and a small percentage will be used by Afghanistan.

A Gas Pipeline Framework Agreement, signed by representatives of the four participating nations on April 25, 2008, commits the partners to initiating construction in 2010, supplying gas by 2015. The Asian Development Bank (ADB) is sponsoring the project.

While the pipeline project holds promise for economic development and regional cooperation, the ongoing conflict in Afghanistan has contributed to construction delays. The estimated cost has doubled since 2002 to \$7.6 billion.

U.S. regional ambitions and rivalries with Russia and China include geopolitical maneuvering for control of energy, into which Canada has been drawn.

The impact of the TAPI pipeline on Canadian Forces must be assessed, given that the proposed pipeline route traverses the most conflict-ridden areas of Afghanistan, crossing through Kandahar province where Canadian Forces are attempting to provide security and defeat insurgents.

Construction of the pipeline could provide important economic development opportunities to the region. But if the project proceeds without a peace agreement that will end the insurgency, the pipeline could exacerbate the ongoing

conflict and take the Canadian forces away from other priorities to Defend the pipeline.

Fulfilling the recommendation of the Manley Panel's final report, the Canadian government should provide parliamentary politicians and the public with more information about the proposed TAPI pipeline and its impact on Canadian policy.

Introduction:

— By Steven Staples, CCPA Research Associate and President of the Rideau Institute

Afghanistan has become the central focus of Canadian defense, aid and foreign policy since Canada joined the invasion to topple the Taliban government and rout al Qaeda from the country following the terrorist attacks of September 11, 2001.

With Canada's involvement in the country approaching its eighth year, with casualties mounting and the cost still climbing, the government has been trying to reassure Canadians that Canada's goals are noble and worth the sacrifice.

In 2007, Prime Minister Harper used the Speech from the Throne to articulate Canada's ambitions. "Nowhere is Canada making a difference more clearly than in Afghanistan. Canada has joined the United Nation-sanctioned mission in Afghanistan because it is noble and necessary," said Governor General Michaëlle Jean on behalf of the government. "Canadians understand that development and security go hand in hand.

Without security, there can be no humanitarian aid, no reconstruction and no democratic development. Progress will be slow, but our efforts are bearing fruit. There is no better measure of this progress than the four million Afghan boys and two million girls who can dream of a better future because they now go to school."

Discussions of Canada's role in Afghanistan have ignored the history of the region, which is littered with the failed ambitions of foreign states. Afghanistan has been a frequent battleground between nations and empires vying for dominance of the region. In efforts to conquer Afghanistan, foreign powers have expended great sums in blood and treasure. Today, the Great Game is a quest for control of energy export routes. Afghanistan is an energy bridge to bring natural gas from Turkmenistan to Pakistan and India.

The search for reliable sources of oil, gas and electricity is a top priority of many national capitals, not the least of which is Washington, D.C. In the post-Cold War world, the future economic and military power of old superpowers and emerging powers alike depends on reliable supplies of energy. The United States, the world's greatest power, is also the most dependent upon energy imports. This dependence is a vulnerability to the U.S. in maintaining its global status.

In the halls of NATO, energy security and national security have become intertwined. As a traditional ally of the United States and member of NATO,

Canada is drawn into the global chess match. At the 2008 Summit in Bucharest, NATO leaders pledged: "The Alliance will continue to consult on the most immediate risks in the field of energy security." The final communique went on to say that "NATO will engage in ... supporting the protection of critical energy infrastructure".

Afghanistan's role as an energy bridge is recognized at donor meetings and discussed in Asian newspapers, yet Canada's decision makers and opinion leaders have remained silent. Why? What impact do energy issues have on Canada's Afghanistan policy? Canadian Members of Parliament and officials have participated in regional energy meetings; but in government speeches and media reports, it's as if no meetings have ever taken place.

This study is an important contribution to the public debate over Canada's policy regarding our involvement in Afghanistan. International energy economist John Foster lays out the case that Canadians may be unwittingly dragged into the New Great Game for control of energy. It is essential that Canadians consider these issues when determining our nation's role in Afghanistan and NATO. ■ — *Steven Staples*

Proposed Central Asian Gas Pipelines

1. TAPI (to India)
2. Arabian Sea (to export)
3. China
4. Russian
5. Turkey



Leave a “Memo” to Your Family and Friends

Many of us are pretty good about looking after the “big picture” in estate planning: who gets the house, the cottage, the term deposits, etc. But we’re often not so good at looking after the “small picture”: who gets the pictures, the china, the silverware, etc. And an experienced estate lawyer or planner can tell you that when it comes to estate administration, “the devil is in the details”. It is often disagreement over who gets the smaller, sentimental personal effects that cause the greatest strife among our heirs.

The reason these issues are often overlooked is simply because the “details” are so extensive. It is not unusual for us to accumulate hundreds of items over a lifetime that need to be distributed at death and the prospect of putting hundreds of little bequests in one’s Will just seems ridiculous. Of course, you could tape a little “sticky note” to each item to note who you want to receive it (your son, daughter, niece, friend, etc.) but this would not be legally binding and would not guarantee that your wishes would be carried out.

There is a simple alternative: a *Memorandum*. A memorandum is simply a list of your assets (usually just personal items like china, silverware, furniture, artworks, etc.) with the name of the intended recipient noted beside each item. The Memorandum instructs your executor, and lets your heirs know, about your wishes with regard to your personal effects.

A Memorandum that is referred to in the Will and was executed prior to, or at the same time as, the will is called a *legal* Memorandum and is binding on the executor and the heirs of the estate. It has the same status as if had been written into the will itself.

A Memorandum that is not referred to in the Will is not legally binding upon the executor or the heirs of the estate. It is merely an expression of the wishes of the author as to how items referred to in the Memorandum are to be distributed after death. In law such a document is called a *precatory* Memorandum. If practical, of course, the executor usually tries to carry out the wishes of the testator, but this may not be possible if the terms of the Memorandum are at odds with the terms of the will; in which case the Will must be followed. Or if one or more of the heirs do not agree to the distribution set out in a precatory Memorandum the executor may be forced to sell the items in question and distribute the cash according to the terms of the will, instead.

So don’t leave it up to chance to see that your most precious personal effects are distributed properly among friends and family, leave your heirs a Memorandum. ■

Submitted by Dar Ruecker CFP FMA CSA
Certified Senior Advisor, Conexus Credit
Union.



Never despair about getting older. It is a privilege denied to many.

The Bushes and Hitler's Appeasement

By Robert Parry (May 18, 2008)

The irony of George W. Bush going before the Israeli Knesset and mocking the late Sen. William Borah for expressing surprise at Adolf Hitler's 1939 invasion of Poland is that Bush's own family played a much bigger role assisting the Nazis.

If Borah, an isolationist Republican from Idaho, sounded naïve saying "Lord, if only I could have talked to Hitler, all of this might have been avoided," then what should be said about Bush's grandfather and other members of his family providing banking and industrial assistance to the Nazis as they built their war machine in the 1930s?

The archival evidence is now clear that Prescott Bush, the president's grandfather, was a director and shareholder of companies that profited from and collaborated with key financial backers of Nazi Germany.

That business relationship continued after Hitler invaded Poland in 1939 and even after Germany declared war on the United States following Japan's bombing of Pearl Harbor in December 1941. It stopped only when the U.S. government seized assets of Bush-connected companies in late 1942 under the "Trading with the Enemy Act."

So, perhaps instead of holding up Sen. Borah to ridicule, Bush might have acknowledged in his May 15 speech that his forebears also were blind to the dangers of Hitler.

Bush might have noted that his family's wealth, which fueled his own political rise,

was partly derived from Nazi collaboration and possibly from slave labor provided by Auschwitz and other concentration camps.

A more honest speech before the Israeli Knesset — on the 60th anniversary of Israel's founding — might have contained an apology to the Jewish people from a leading son of the Bush family for letting its greed contribute to Nazi power and to the horrors of the Holocaust. Instead, there was just the jab at Sen. Borah, who died in 1940.

President Bush apparently saw no reason to remind the world of a dark chapter from the family history. After all, those ugly facts mostly disappeared from public consciousness soon after World War II.

Protected by layers of well-connected friends, Prescott Bush brushed aside the Nazi scandal and won a U.S. Senate seat from Connecticut, which enabled him to start laying the foundation for the family's political dynasty.

In recent years, however, the archival records from the pre-war era have been assembled, drawing from the Harriman family papers at the Library of Congress, documents at the National Archives, and records from war-crimes trials after Germany's surrender.

However, the evidence from dusty archives suggests that the Bush family went way beyond appeasement of Adolf Hitler to aiding and abetting the Nazis. ■

Robert Parry broke many of the Iran-Contra stories in the 1980s for the Associated Press and Newsweek. His latest book, *Neck Deep: The Disastrous Presidency of George W. Bush*, was written with two of his sons, Sam and Nat, and can be ordered at neckdeepbook.com. His two previous books, *Secrecy & Privilege: The Rise of the Bush Dynasty from Watergate to Iraq* and *Lost History: Contras, Cocaine, the Press & 'Project Truth'* are also available there. Or go to Amazon.com.

Dallaire Blasts Ottawa, U.S. Over Handling of Khadr Case

Liberal senator says allowing Guantanamo trial puts governments on the same level as terrorists.

— By Michelle Shephard — National security reporter — May 14, 2008

Ottawa – Liberal Senator Roméo Dallaire says the U.S. and Canada have descended to the level of the terrorists they pursue by flouting international law and allowing Omar Khadr to be prosecuted for war crimes at Guantanamo Bay.

“They are operating on a law of their own,” Dallaire told the House of Commons foreign affairs human rights committee yesterday. “The (trial in Guantanamo) is flawed, it is illegal, and we’re letting it happen.” ...

... “You are not allowed to go against (international) conventions and if you do, you’re going down the same road as those who absolutely don’t believe (in the law)”.

Dallaire testified yesterday as a witness alongside David Crane, former U.S. chief prosecutor for Sierra Leone’s war crimes trials, as part of the committee’s probe into the Khadr case and the Canadian government’s lack of intervention...

... Liberal Leader Stéphane Dion said he disagreed with Dallaire’s choice of words but agreed that Khadr should be repatriated.

“I would express that in my own way. I would say that Canada should do like the other countries and ask the government of the United States to bring this Canadian home to be prosecuted in Canada.”

Khadr was 15 when he was shot and captured by U.S. Special Forces in Afghanistan on July 27, 2002.

Now 21, he is on trial for five war crimes, including murder for the death of Delta Force soldier Sgt. Christopher Speer, who was fatally wounded by a grenade the Pentagon alleges Khadr threw.

Both Crane and Dallaire –whose experience throughout Africa have made them advocates for the rights of child soldiers – told the committee that international law demands that children under the age of 18 who are caught in armed conflict be rehabilitated, not prosecuted.

A military judge recently rejected a request to dismiss Khadr’s charges because of his age. The U.S. Army does not have a minimum age.

Khadr is the only Western detainee still held at Guantanamo, Cuba. Other Western countries have demanded repatriation of their citizens. ■



A Way to Beat the High Cost of Funerals

Not much needs to be said about the high cost of funerals. Without asking too many people, one quickly learns that a family, to honour and lay a loved one to rest using a traditional funeral home, easily spends \$10,000. Some families don't mind spending this amount of money; others would rather pay less and leave more of their savings to benefit family or favorite charity than to plump up the bottom line of a corporation and benefit its shareholders.

Prairie Lily Funeral Co-operative was formed to remove the corporate profit from funeral services available to families in the Regina area. By using the co-operative model of pooled resources and member control, a funeral co-operative can promise to provide a full range of funeral services and options at the lowest possible price. Can this be true? Well, yes. There are 26 funeral co-operatives in Quebec with 140,000 members. The Quebec co-operatives provide funeral services at 37% lower cost than the average funeral in Saskatchewan. (source: Federation of Funeral Co-operatives of Quebec 2004)

The success of the funeral co-ops is based in their ability to operate a traditional full service funeral home, offering what the public wants, and guaranteeing a not-for-profit business model. Their facilities are modern, dignified and esthetically pleasing.

The vision of a co-operative funeral home in the Regina area is on the verge of becoming a reality. Your membership is required.

The initial offering of membership in Prairie Lily Funeral Co-operative is now underway. The key

to success is the ability of this community to join forces and create the pool of capital resources that is required to make the dream come true.

The purchase of a \$200 membership will be applied to the building fund established to open and operate a full service licensed funeral home serving Regina and surrounding communities. The strength of the community response will determine the rate of progress towards opening day. Our current target date is before the end of 2008.

The membership fee will provide each member with access to the best funeral prices possible; the return of the fee at the time of the member's funeral and a guarantee of freedom from sales pressure. Promises of assistance with pre-planning will be just that, not opportunities for marketing and contract sales.

The hard-working volunteer Board of Directors of the Prairie Lily Funeral Co-op have done their part. They've had a feasibility study done; they've developed their business plan and their membership drive strategy. Their confidence is in their vision of the not-for profit business model in the provision of funeral services. This is your opportunity to be counted in as a founding member of a truly worthwhile community service co-operative.

For brochure and membership application, please visit the website at www.plfc.ca or email us at plfc@accesscomm.ca. For those who wish to have an in person conversation please call 306-779-4007 or write us at Box 33058 Regina S4T 7X2. ■