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## FACTSHEET

October 21, 2005

Ministry of Attorney General

### **ORDER PREVENTING JOB ACTION THAT IMPEDES ACCESS TO COURTS**

- In 1983 during a labour dispute with the British Columbia Government Employees Union, Supreme Court of British Columbia Chief Justice Allan McEachern issued an order restraining anyone from the following:
  - Picketing at the entrances to the law courts of the Provincial, County, Supreme, or Appeal Courts or within the precincts of said courts; or,
  - Engaging in any activities calculated to interfere with the operations of any Court of Justice in the province or to restrict or limit access of all persons to the courts and their precincts.
- In 1985 the order was appealed to the British Columbia Court of Appeal (BCCA) which upheld Chief Justice McEachern's order.
- In 1988, the BCCA decision was appealed to the Supreme Court of Canada (SCOC) in *BCGEU v. British Columbia*. The SCOC upheld the BCCA ruling, and Chief Justice McEachern's order, that has now become part of the body of Canadian constitutional law, remains in effect today.
- The SCOC decision holds that interfering with a citizen's right to access the courts must not happen and these orders ensure that the citizens of British Columbia have safe and unimpeded access to justice.

For a full copy of the 1983 ruling by then Chief Justice Allan McEachern or a copy of the 1988 Supreme Court of Canada Ruling please follow the links below:

- [Order of Chief Justice Allan McEachern of November 1, 1983](#)
- [Supreme Court of Canada decision \*BCGEU v. British Columbia \(Attorney General\)\*](#)

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