

Prosecutors were also legislated

Conflict of interest if lawyers asked to sue teachers

By Jeff Hodson

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If criminal charges are brought against teachers, Crown counsel will be unable to prosecute, says the head of the professional organization that represents B.C.'s 400 prosecutors. The Criminal Justice Branch of the Ministry of the Attorney General yesterday appointed Vancouver lawyer Leonard Doust as an independent special prosecutor. Part of Doust's mandate will be to determine whether to initiate criminal contempt proceedings against illegally striking teachers. But, said Michael Van Klaveren, president of the B.C. Crown Council Association, "It is our position, right now, that prosecutors are in a conflict of interest position when it comes to prosecuting any teachers." On Friday, Van Klaveren advised the attorney general's office that there would be an apprehension of bias, or a perceived conflict of interest, "Given the striking parallels between the dispute between the teachers and the government and the prosecutors and the government." Over the past two years, the association representing B.C.'s 400 Crown prosecutors has been immersed in a labour dispute with Victoria. The association has twice won binding arbitration in relation to wages and working conditions. But in February, the provincial government introduced Bill 21. The bill threw out the binding arbitration; ordered prosecutors back to work; imposed a three-year contract and wage freeze; and stripped away their right to withdraw service, Van Klaveren said. Similarly, the passing of Bill 12 last Friday eliminated the teachers' right to job action and extended their expired contract until July. "As prosecutors we can not condone illegal strikes, but what is happening right now is ultimately the fault of the government," Van Klaveren said. He contends the government has acted in bad faith when dealing with a number of unions. "When they don't get what they want at the bargaining table they simply legislate. And in essence they are abusing their legislative authority."

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