

Supreme Court of Canada holds Québec’s exclusion of first-line managers from statutory collective bargaining regime constitutional

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In *Société des casinos du Québec inc. v Association des cadres de la Société des casinos du Québec*,¹ the Association des cadres de la Société des casinos du Québec (“Association”) sought to be certified under the Quebec *Labour Code* as a union representing first-level managers at a Montreal casino. Section 1(l)(1) of the *Labour Code* precludes managers from being represented in collective bargaining under Québec’s statutory labour relations regime, by excluding them from the definition of “employee.” The Association sought a ruling that this statutory exclusion unjustifiably infringed its members’ freedom of association under section 2(d) of the *Canadian Charter of Rights and Freedoms* (“Charter”) and section 3 of the *Quebec Charter of Human Rights and Freedoms*.

The Supreme Court held the statutory exclusion of first-level managers did not infringe the Association’s members’ freedom of association under either charter. The court accepted the purpose of the legislative exclusion was not to interfere with managers’ associational rights, but to:

- distinguish between management and operations in organizational hierarchies
- avoid placing managers in a conflict of interest between their role as employee in collective bargaining and their role as representative of the employer in their employment responsibilities, and
- give employers confidence that managers would represent their interests, while protecting the distinctive common interests of employees.

The decision affirms that the exclusion of persons who exercise managerial responsibility from statutory labour relations regimes in Canada is consistent with the *Charter*. The “managerial exclusion” has been a feature of Canadian labour relations for more than 70 years, designed to protect not only employer-interests, but also union-interests, and the interests of employees, both unionized and non-unionized.

To learn more or for assistance contact your Sherrard Kuzz LLP lawyer or info@sherrardkuzz.com.

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¹ [2024 SCC 13](#)