



July 25, 2024

## Judge Dismisses CUPW Constitutional Challenge Case Regarding 2018 Back-to-Work Legislation

The Ontario Superior Court of Justice has dismissed CUPW's constitutional challenge against the 2018 back-to-work legislation that ended rotating strikes and imposed interest arbitration on members of our two largest bargaining units – Urban Operations and Rural and Suburban Mail Carriers.

The Court's primary reason for dismissing the challenge was that it was moot, with Justice E.M. Morgan writing that "there is nothing left to consider, nothing left to remedy."

The dismissal comes after months of hearings where CUPW leaders, activists, and our legal counsels provided evidence and arguments that the back-to-work legislation was a violation of our rights under section 2(d) of the Canadian Charter of Rights and Freedoms. We're disappointed that the Court disagrees and that our case was dismissed.

Justice Morgan provided further analysis in his decision explaining that had the case not been dismissed for its mootness, it would have been dismissed based on its merits. While he agrees that the law violated section 2(d), he writes that it would have been justified under section 1 of the Charter because it provided for fair and effective arbitration.

We have given the mandate to our legal councils to file an appeal of the decision from Justice E.M. Morgan with the Ontario Court of Appeal. We will keep you informed of the developments in these proceedings.

In Solidarity!

Carl Girouard  
National Grievance Officer

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