

CUPW Challenges Back to Work Legislation in Court

Right to Strike Ruled a Charter Right in 2016 Ontario Superior Court Decision

For immediate release

Tuesday, December 11, 2018

Ottawa - The Canadian Union of Postal Workers (CUPW) will file a constitutional challenge today with the Ontario Superior Court after being legislated back to work by the Liberal government two weeks ago.

"You cannot legislate labour peace," says Mike Palecek, CUPW National President. "This law violates our right to free collective bargaining under the Charter of Rights and Freedoms."

Bill C-89 forced postal workers to return to work under their previous collective agreements on November 27th after five weeks of rotating strikes, which means that between then and Christmas:

- At least 315 disabling injuries will happen to postal workers;
- Rural and Suburban Mail Carriers (RSMC) will work roughly 250,000 hours without pay; and
- Urban postal workers will work thousands of hours of forced overtime.

In 2011, the Conservative government imposed back to work legislation after Canada Post locked out CUPW members for two weeks. It was later determined by Ontario Superior Court Justice Stephen Firestone that the legislation violated the rights to freedom of association and freedom of expression under the Canadian Charter of Right and Freedoms.

In 2015, the Supreme Court of Canada declared the right to strike to be fundamental and protected by the Constitution.

"The Liberal government's legislation, just like the previous Conservative's, unilaterally prohibits any lawful strike," says Paul Cavalluzzo, constitutional lawyer representing CUPW. "Canada Post created a false emergency, the supposed backlog of parcels, to get the government to intervene with back to work legislation. This legislation was enacted under circumstances that did not justify the interference of constitutional rights."

"Postal workers will continue to defend our right to negotiate fair settlements for all our members," adds Palecek. "We know that an arbitrated contract will only prolong our problems with injuries, inequality, and overwork."

-30-

For more information, please contact:

Paul Cavaluzzo – 416-964-1115

EN – Media, CUPW Communications, at 613-882-2742 or at media@cupw-sttp.org

FR – Lise-Lyne Gelineau, President, CUPW Montreal local, at 514-914-0350 or at lise-lyne.gelineau@sttpmtl.com