

## Postal workers and the right to strike

December 20, 2018

### **THE RIGHT TO STRIKE:**

### **POSTAL WORKERS LEGISLATED BACK TO WORK, CONSTITUTIONAL CHALLENGE LAUNCHED**

*The Report, December 2018*

In a disturbing turn of events, Bill C-89 was passed on Nov. 26 in the Canadian Senate, forcing postal workers to return to work after five weeks of rotating strikes. The emergency bill was rushed through the House of Commons the week earlier, with the Minister of Labour, Patty Hajdu, citing concerns for businesses and consumers in the wake of the Christmas season.

Postal workers across the country voted in favour of launching rotating strikes when the union's appeals for improved job security, better health and safety, an end to forced overtime, and equality for rural and suburban mail carriers were ignored at the bargaining table.

On Dec. 11, the Canadian Union of Postal Workers (CUPW) filed a constitutional challenge with the Ontario Superior Court because B C-89 violates postal workers' rights to free collective bargaining under the *Charter of Rights and Freedoms*, according to the union.

Bill C-89 undermines union rights, and sends a bleak message to unionized workers across sectors that the democratic choice to withhold labour during collective bargaining negotiations is not respected by the federal government when business profits are impacted.

This is not the first time CUPW members have been legislated back to work. In 2011, the Harper government imposed back-to-work legislation following a lock-out by Canada Post. The Ontario Superior Court later found that the legislation violated rights to freedom of association and freedom of expression under the Charter.

In the 2015 Supreme Court case *Saskatchewan Federation of Labour v. Saskatchewan*, the Supreme Court of Canada ruled that the right to strike was constitutionally protected. The court stated that the right was essential to levelling the playing field between employers and employees.

With the recent legislation, postal workers are now required to work under a contract that has expired, under provisions they had sought to amend at the bargaining table in the face of serious concerns.

According to a CUPW press release, from the date postal workers returned to work to Christmas Day, "At least 315 disabling injuries will happen to postal workers, rural and suburban mail carriers will work roughly 250,000 hours without pay, and urban postal workers will work thousands of hours of forced overtime."

In response to Bill C-89, community picket lines went up outside mail processing plants in areas including Ottawa, Hamilton, Kingston, and Halifax.

Demonstrations in support of postal workers' rights to strike have been organized across B.C. and the rest of Canada. On Dec. 2, six peaceful protesters were arrested outside the Halifax Mail Processing Plant in a heavy-handed response to protest by Halifax Regional Police.

A Go Fund Me campaign has been launched to support the legal fees of the Halifax 6. To donate, visit: [www.gofundme.com/support-the-halifax-6](http://www.gofundme.com/support-the-halifax-6).

## **The right to strike**

A strike is when workers withhold their labour in order to obtain better working conditions and wages. Collective agreements often contain provisions that prevent a union from taking strike action during the course of the contract. However, when a contract expires, the right to strike becomes an essential component of free collective bargaining. This right is upheld in the *Canadian Charter of Rights and Freedoms* and in the Canadian Constitution.

In the face of often powerful employers, an employee's right to strike remains one of the most effective tools available to level the playing field and exercise leverage during contract negotiations.

A strike can be difficult for workers – it means having a reduced income and walking picket lines for often long hours in sometimes harsh weather conditions. But when workers vote to take collective action and strike, they can win gains not just for themselves, not just for future employees, but for workers everywhere. Gains made through a labour strike can raise industry standards and spawn economic prosperity across communities.

These are some of the reasons so many allies have stepped up to form community picket lines in solidarity with postal workers who have been legislated back to work.

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