

## NEWS RELEASE

### Ontario court dismisses union attempts to fine its members

**Ottawa, ON (October 19, 2007)** - The Canadian LabourWatch Association welcomes yesterday's decision to protect union members who exercise their legal right to work during a strike. The Ontario Superior Court of Justice rejected attempts by the Public Service Alliance of Canada (PSAC) to collect fines in court from union members who chose to cross picket lines.

Calling the fines "very unfair," "extremely onerous" and "unconscionable in the circumstances," the Court dismissed PSAC's legal action against two of its members who worked during a 2004 strike, and issued an order preventing any Ontario court from enforcing the collection of PSAC fines.

LabourWatch President John Mortimer says Canada needs legislation to protect unionized Canadians from unions who refuse to respect their human rights. "PSAC continues to threaten and intimidate union members and non-members with fines and court action, knowing employees can't afford lawyers and that it has no legal right to collect in court," says Mortimer.

The ruling is consistent with a 2004 legal opinion PSAC obtained with union dues that prompted then-President Nycole Turmel to advise PSAC's Board to remove fining provisions from the Union's constitution. Instead PSAC pursued hundreds of employees and threatened others.

Quoting a 2002 Supreme Court of Canada decision (*Berry v. Pulley*), the Ontario court correctly noted the power imbalance between unions and their members saying PSAC had taken "undue advantage" of its power over its members who have "no bargaining power with the union."

Mortimer is pleased that Jeff Birch and April Luberti had the courage to stand up for the rights of millions of unionized Canadians. LabourWatch assisted them in finding legal counsel through the law firm Heenan Blaikie. Lawyers John Craig and Richard Sinclair did an exceptional job in defending Birch and Luberti at the March, 2007 hearing.

Although Justice Smith's decision was unequivocal in condemning PSAC's use of the courts to enforce fines against its members, PSAC could launch an appeal. The Telecommunications Workers Union continues its pursuit of hundreds of Telus employees who crossed picket lines in a 2005 strike. The United Steelworkers sued employees of IKO Industries for crossing a picket line; twice failed to appear in court for their own cases and for months have refused to pay the court-awarded costs to employees they sued. For more information: [www.labourwatch.com/fines/fines.php](http://www.labourwatch.com/fines/fines.php)

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*The Canadian LabourWatch Association is a non-profit organization dedicated to advancing human rights in labour relations - [www.labourwatch.com](http://www.labourwatch.com)*