

Ontario court declines to enforce union fines against scabs

OFL says unions need to look at other options

Ottawa (21 Oct. 2007) - The Ontario Superior Court has declined to enforce fines imposed by the Public Service Alliance of Canada (PSAC) on "scabs" who crossed picket lines during a 2004 federal public service strike.

The case arose after PSAC imposed fines on about 200 members out of approximately 125,000 workers affected by the dispute.

Justice Robert Smith ruled Oct. 17 that union fines were unenforceable by Ontario courts. The Canada Labour Code also protects the right of employees to work and there is no accurate way to assess union damages in such cases, he said.

As alternatives to fines, Smith suggested increasing strike pay and doing more to educate members about the harm caused by those who cross picket lines.

Wayne Samuelson, president of the Ontario Federation of Labour, said the decision may affect other unions.

"Ultimately if a decision like this stands in the courts ... I guess unions will be forced to deal with the fact that if they have the fines in there they can't enforce them," he said. "They will have to look at other options. I'm not sure what they would be. We would have to live by the law."

Samuelson added that the vast majority of union members respect picket lines and do not stoop to becoming scabs. PSAC began fining scabs following a major strike in 1991.

