



April 5, 2018

Grievance N00-10-00001: The Saga Continues

This is to give you an update on legal disputes that arose from the 2011 round of negotiations, when the employer changed certain working conditions which prompted the Union to file National Grievance N00-10-00001.

As you know, the Harper government then passed draconian and unjust back-to-work legislation (Bill C-6) after the Canada Post Corporation had declared a general lockout.

Arbitrator Bergeron's Decision

On October 30, 2014, arbitrator Bergeron rendered a decision that was largely in favour of the Union and its members. The arbitrator's decision relied in part on a provision of the back-to-work legislation that extended the collective agreement "... beginning on February 1st, 2011 and extending on the day on which a new collective agreement between the employer and the union comes into effect."

The parties went on to conclude a new collective agreement dated December 21, 2012.

Ontario Superior Court of Justice

CUPW then challenged the validity of the back-to-work legislation before the Ontario Superior Court of Justice, alleging that the legislation violated the *Canadian Charter of Rights and Freedoms*. Justice Firestone of the Ontario Superior Court of Justice ruled in favour of the Union, stating the following in paragraph 250 of his decision: "*The act is declared to have been unconstitutional and of no force or effect. Such declaration of invalidity is to be applied retroactively.*"

Superior Court of Quebec

The Canada Post Corporation then applied to the Superior Court of Quebec for a judicial review of both of arbitrator Bergeron's decisions.

In a decision rendered on February 2, 2018, the Honourable Justice Claude Champagne dismissed the CPC's application on all of the alleged grounds, and stated that he was not bound by the decision of Justice Firestone from the Ontario Superior Court of Justice.

Quebec Court of Appeal

The Canada Post Corporation is now challenging Justice Champagne's ruling before the Quebec Court of Appeal. The hearing was scheduled for April 12, 2018, but had to be postponed due to a conflict of interest between the judge who was seized of the case and the legal firm representing the employer.

We will keep you informed of developments regarding CPC's challenge before the Quebec Court of Appeal.

The struggles continues.

In solidarity,



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