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International Centre for Trade Union Rights

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ICTUR was founded to
defend and extend trade union rights and
to raise awareness of these rights and their violations
around the world

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rights to freedom of peaceful assembly and of association
Patricia A. Hajdu, Minister of Employment, Workforce Development and
Labour
Carla Qualtrough, Minister of Public Services and Procurement and
Accessibility
Unions: CUPW, CLC, FTQ, USW, UNI Global Union

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Dear Prime Minister,

The International Centre for Trade Union Rights is seriously concerned
about the repression of trade union rights in Canada, in particular the use of
back to work legislation to prevent postal workers from striking.

ICTUR understands that postal workers were forced back to work at the
end of November 2018 after the Postal Services Resumption and
Continuation Act (Bill C-89) was passed by the Canadian parliament. The
Canadian Union of Postal Workers (CUPW), which represents 50,000
workers, had been in negotiations with Canada Post for nearly a year, when
its members began a series of rotating one-day strikes across the country.
The Act has effectively denied these workers their collective rights to
bargain and to strike, and threatens them, their union and union officers
with punitive fines of thousands of dollars for non-compliance. It is
reported that injunctions were issued against community pickets organised
by trade unionists in support of the CUPW members who were forced back
to work, and that six people were arrested on 2 December at one such
picket in Halifax.

ICTUR wishes to remind the government that the principles of freedom of association are enshrined in the International Labour Organisation Conventions 87 and 98, both of which Canada has ratified. As affirmed by the Canadian Supreme Court in 2015, the right to strike is also guaranteed under the Canadian Charter of Rights and Freedoms.

ICTUR understands that the federal government has previously legislated postal workers back to work five times between 1965 and 2011, including three cases of rotating strikes – actions that are devised to minimise service disruption for the public. The ILO’s Committee on Freedom of Association has examined the use of such legislation on three occasions. In the most recent case – which concerned the 2011 back to work legislation – the Committee clearly stated that postal services do not constitute essential services, and declared that such restrictions on the fundamental rights of freedom of association were unjustified. The Committee further urged the government to ‘make every effort in the future to avoid having recourse to back-to-work legislation in the postal sector and to limit its interventions to ensuring the observance of any agreed minimum service protocol’, and to promote ‘voluntary conciliation or arbitration under the authority of persons that have the confidence of the parties concerned’ (See Committee on Freedom of Association Case No 2894 (Canada); Report No 367, March 2013, paras. 335-9, 345).

While the government has seen fit to again intervene in a postal workers dispute with legislation denying the fundamental rights of workers, it is equally alarming that no action has been taken to resolve the lockout of over 1000 workers of the ABI aluminum smelter in Bécancour, Quebec, which recently entered its *second year*. Workers were abruptly forced out by security in January 2018 during negotiations between the company and the United Steelworkers union (Syndicat des Métallos), affiliated to the Quebec Federation of Labour. The lockout occurred after workers rejected an agreement with reduced pension benefits and more flexible job terms. The union alleges that management have in the meantime been unlawfully using replacement workers.

These cases raise very serious concerns about the state of trade union rights in Canada. In June 2017, Canada’s long overdue ratification of ILO Convention 98 was widely praised by trade unionists in Canada and internationally. The Minister of Employment, Workforce Development and Labour, Patricia Hajdu declared that the ratification demonstrated a ‘commitment to ensuring decent labour and employment conditions for workers, and respect for human rights and fundamental labour standards’. The November adoption of Bill C-89 denying postal workers their fundamental rights casts very strong doubts over the sincerity of those commitments.

ICTUR urges the government to heed the recommendations of the ILO’s Committee on Freedom of Association, to ensure that Canada Post return to negotiations with the union to reach an agreement that is fair and acceptable to workers, and to desist from further interventions which deny the fundamental rights of workers to take collective action in defence of their interests. ICTUR urges the government to respond to appeals to intervene in the ABI dispute in order to ensure that workers are able to return to their jobs and to continue to freely and collectively negotiate over the terms of their employment without threat of reprisal. ICTUR further calls on the government to take all measures necessary to protect and promote the trade union rights of workers in Canada, in accordance with

its commitments under the ILO Conventions and the guarantees of the Canadian constitution.

ICTUR will report these incidents in the journal *International Union Rights*, which was established in 1993, and which enjoys a readership in more than 100 countries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D. Blackburn', followed by a long horizontal line extending to the right.

Daniel Blackburn, Director