

INTERNATIONAL TRADE UNION CONFEDERATION

Canada's Supreme Court Backs Right to Strike

Brussels, 4 February 2015 (ITUC OnLine): In a landmark ruling, Canada's Supreme Court has affirmed that the right to strike is an essential part of a meaningful collective bargaining process and is protected in the Canadian constitution. The Court found that a law which denied the right to strike for a number of public sector workers, with no alternative mechanism, was unconstitutional. In reaching its decision, the Court reaffirmed that the right to strike is protected by ILO Convention 87 on Freedom of Association as well as other international treaties. Employers' organisations at the ILO have been trying to change decades of ILO jurisprudence confirming that Convention 87 does provide the right to strike.

Sharan Burrow, ITUC General Secretary, said "Canada's highest court has handed down a decision that is not only correct, but also a timely reminder that employers at the ILO have got it completely wrong. The right of workers to withdraw their labour is a cornerstone of any democracy and a fundamental part of the rule of law. Employers should stop attacking this right or at the very least accept that the International Court of Justice should settle the issue."

Responding to the decision, Canadian Labour Congress President Hassan Yussuff said that it "... levels the playing field for workers by placing checks on the power of governments, as employers, to legislate unfair essential services arrangements that tip the scales in management's favour."

The Court's decision on 30 January follows just two weeks after it found that Canada's "Mountie" police have the right to form their own associations, rather than having to accept management controlled "representative" groups. In that decision, the Court said that "Individual employees typically lack the power to bargain and pursue workplace goals with their more powerful employers. Only by banding together in collective bargaining associations, thus strengthening their bargaining power with their employer, can they meaningfully pursue their workplace goals."

For more information:

<http://www.canadianlabour.ca/national/news/supreme-court-affirms-essential-role-right-strike-collective-bargaining>

<http://www.canadianlabour.ca/national/news/supreme-court-vindicates-right-meaningful-collective-bargaining>

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