



ROLE OF EMPLOYERS, UNION OFFICIALS AND PICKETERS IN LABOUR DISPUTES

Employers, union officials and picketers should be aware of their legal rights and responsibilities. These responsibilities include regulating the behavior of their respective members and representatives at labour disputes and maintaining peaceful picketing.

An employer may lawfully carry on business during a labour dispute. This may include the use of replacement workers.

LAWFUL PICKETING

Peaceful picketing on public property for the purpose of obtaining or communicating information is lawful. It is legal for a picketer to use peaceful persuasion toward persons about to enter or leave picketed premises. The use of force, threats, intimidation or blocking access to, or exit from, premises is illegal.

Where delays at picket lines are occurring, reasonable delay times may be negotiated between the parties to the labour dispute. An informal, non-binding agreement, often referred to as a protocol is a useful tool to establish understandings relating to picket line activities by which all parties to the dispute can abide. Protocols typically define picket line conduct, picket facilities and other picket-related issues. In cases where an agreement cannot be achieved to form a protocol, legal counsel should be consulted.

RESPONDING OFFICER'S INFORMATION

Name _____

Badge _____

Occurrence Number _____

LABOUR DISPUTES PAMPHLET



1-866-8POLICE (1-866-876-5423)
info@yrp.ca
yrp.ca

ROLE OF THE POLICE IN LABOUR DISPUTES

York Regional Police maintains a Labour Relations Unit. Its mandate is to:

- establish a liaison with members of organized labour and management
- advise and assist at labour disputes where possible
- ensure that all people involved in the dispute are able to exercise their lawful rights
- prevent breaches of the peace during times of labour disputes

York Regional Police operates on the premise that a labour dispute is a civil contractual dispute between management and labour and, providing no breach of the peace occurs, the police have no reason to intervene. Police officers are instructed to maintain a neutral presence in such disputes. This includes limiting their involvement to maintaining peace and order, preventing the commission of offences, enforcing the law and safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code*.

In the interest of public safety, it may become necessary for police officers at the scene to ensure the free and safe flow of pedestrians and vehicular traffic on the roadway and sidewalk and to remove any obstructions, according to the provisions of the *Highway Traffic Act* and the *Criminal Code of Canada*.

Where a breach of the law occurs during the course of a labour dispute, police will treat the situation as they would any other situation.

Police officers will not provide advice on possible civil remedies to the parties involved in a labour dispute.

FREQUENTLY ASKED QUESTIONS

What is the difference between public and private property?

In the context of a labour dispute, public property means property owned by the federal, provincial or municipal government or one of its agencies, divisions or entities. Public property includes parks, playgrounds, streets, sidewalks, schools, libraries and other property regularly used by the general public.

Private property refers to property owned by a private individual, corporation, group or other non-public entity. Owners of private property have exclusive legal rights to the property.

When should police be called?

Police should be called when it appears as though there is a risk to public safety, there has been, or there is about to be, a breach of the peace or a criminal offence has been committed. In an emergency, call 911. In non-emergency situations, contact 1-866-876-5423.

What is an injunction? Can police enforce an injunction?

An injunction is a civil court order that commands or prevents an action by a party to a dispute. Sherrifs generally enforce injunctions, however, police may assist them if necessary. The role of police in this regard is to keep the peace.

Can picketers use signage or barricades?

Signage may be used as a form of peaceful communication. Freedom of expression is protected by the *Canadian Charter of Rights and Freedoms*.

The use of barricades to isolate, close off, or surround a premise in order to obstruct the passage of vehicles or people from entering or exiting premises is illegal. This tactic is commonly referred to as "blocking". Blocking does not include reasonable delays caused by picketers in order to communicate information to individuals crossing the picket line, entering or exiting premises.

How can I obtain further information or assistance?

In any rights dispute relating to lawful picket activity or relating to an employer's right or ability to carry on business during a labour dispute, legal counsel or the Ontario Labour Relations Board may be of assistance. For further information contact the Ontario Labour Relations Board at 416-326-1260 or at www.olrb.gov.on.ca.

