



REALITY CHECK – Bill C-39 and the Right to Strike

CLAIM: The minister's power is tightly constrained.

REALITY: Bill C-39 explicitly writes the power to end a legal strike into the *Canada Labour Code*. The central constraint on that power is the minister's own opinion.

There is no independent decision-maker who must agree. There is no vote in Parliament. There is no requirement to prove that the existing legal threshold for restricting a strike has been met, such as an immediate and serious danger to public health or safety.

CLAIM: The special mediator is an independent check on the minister.

REALITY: The mediator provides advice. The minister retains the power.

Before intervening, the minister must consider a report from a special mediator.

But the minister appoints that mediator. And critically, the minister is required to consider the report; there is no requirement to follow its recommendations.

The mediator cannot prevent the minister from ending a strike.

That is a step in the process, not a limit on the minister's power.

CLAIM: The government is “strengthening” workers’ rights.

REALITY: Bill C-39 tells the minister to *consider* the constitutional right to strike, then gives the minister the power to override it.

The legislation identifies freedom of association as something the minister must consider.

But after considering that right, the minister can still order workers back to work and impose a binding process to settle their dispute.

A meaningful safeguard would constrain when government can override workers’ bargaining rights. Simply requiring the minister to think about those rights before overriding them does not do that.

CLAIM: Economic and social impacts create a high threshold for intervention.

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REALITY: Economic impact is the point of a strike.

A strike creates pressure because withholding labour has consequences. That pressure is what gives workers leverage to get an employer to compromise.

Under Bill C-39, significant economic impacts or serious social disruption can become reasons for government intervention.

That creates a fundamental problem: the more effective a strike becomes, the stronger the potential case for ending it.

A right to strike cannot be meaningful if workers can exercise it only until it becomes consequential.

CLAIM: Bill C-39 will create more labour peace.

REALITY: Restricting legal strikes risks creating more labour disruption.

Canada's largest union has already said it will defy the law if these restrictions pass.

CUPE's National Executive Board has unanimously committed to defying Bill C-39 if it passes unamended.

That should be a warning to Parliament. Taking away the legal right to strike does not make a labour dispute disappear. It risks pushing workers toward wildcat strikes, defiance of government orders, and more labour disruption.