Top Court Imposes New Limits on Union's Right to Picket



Last June, Saskatchewan's highest court, the Court of Appeal, upheld an order banning union refinery workers from picketing. The lockout was eventually settled and the order became moot. But there was one piece of unfinished legal business remaining, namely, deciding for future cases whether the part of the order requiring the union to let people cross the picket lines without first having to hear its message violated the union's right to picket. The Court ruled that the limitation was legal and tossed the union's appeal. Union picketing and Charter rights must give way to the owner's right to access its property as well as the right of third parties traveling to the location not to be held temporarily captive and forced to listen. As a result, courts have the discretion to impose similar limitations in future picketing cases [*Unifor Canada Local 594 v Consumers' Co-Operative Refineries Limited*, 2021 SKCA 34 (CanLII), March 9, 2021].