

## Facts about flight attendants' strike.

- Section 107 was invoked by Minister Hajdu less than 12 hours after the labour dispute began.

## Since 2024, section 107 of the Canada Labour Code has been invoked at unprecedented rates, undermining Canadians' ability to negotiate fairly with their employers.

- In summer 2024, the Liberals adopted the position that section 107 permits a single Minister (in this case the Minister of Jobs and Families, Patty Hadju) to override the rest of the Canada Labour Code, including the right to strike, by emailing the Canadian Industrial Relations Board (CIRB).
- Since the adoption of section 107 into Code in 1984, no other government, Liberal or Conservative, has interpreted the Code this way.
- Section 7 has been invoked **eight times since June 2024**.
- Before 2024, section 7 had **only been used a handful of times**, according to the Canadian Labour Congress, "including four times between 1995 and 2002. In 2011, it said, then-labour minister Lisa Raitt used Section 107 after flight attendants rejected two tentative agreements, though the parties ultimately voluntarily agreed to send their dispute to binding arbitration. The organization said it was used one other time between 2011 and 2024."
- According to the CBC, "[Air Canada had been asking the minister to stop the strike for days, pointing to recent government interventions in other labour disputes.](#)"
  - **Potential messaging:**
    - Air Canada's asking Minister Hajdu to end the strike while pointing to recent government interventions demonstrates that employers recognize the government's use of section 7 as a tool to use against organized labour. It is impossible to enter into fair negotiations between unions and employers so long as employers understand that government will undermine Canadians constitutionally protected right to strike.
  - **Potential messaging:**
    - As a union member, I recognize that section 107 is being used to undermine my constitutionally protected right to freedom of association, i.e. to strike, and further use of the section 107 will be met with disobedience and non-compliance.
- Sources and further reading: [here https://lawofwork.ca/14112-2/](https://lawofwork.ca/14112-2/) and,
- [here https://lawofwork.ca/the-mysterious-and-all-powerful-section-107-of-the-canada-labour-code-a-liberal-love-story/](https://lawofwork.ca/the-mysterious-and-all-powerful-section-107-of-the-canada-labour-code-a-liberal-love-story/)

## **The right to strike is protected under the *Canadian Charter of Rights and Freedoms*.**

- In 2015, the Supreme Court of Canada recognized that a union's right to strike is an "indispensable component" of collective bargaining and therefore is protected the *Canadian Charter of Rights and Freedoms* (*Saskatchewan Federation of Labour v Saskatchewan*).
- 
- Striking was ruled to be protected under section 2(d) of the *Canadian Charter of Rights and Freedoms*, which guarantees freedom of association, which now includes the right to strike.
- 
- The ruling was over a piece of provincial legislation in Saskatchewan, *The Public Service Essential Services Act*, which prevented public sector employees designated as "essential" from participating in strike action – the legislation put in no meaningful alternative mechanism for resolving a labour impasse.
- Analysis: Saskatchewan overstepped with their *Act*, opening the door for the Supreme Court to enshrine the right to strike, which the court had been hesitant to do in the past. The recent over-use of Section 107 of the Canadian Labour Code likely puts the federal government at risk of acting unconstitutionally by restricting Canadian workers' rights to freedom of association, which includes striking.

Further reading and sources: [Here](#)

<https://www.constitutionalstudies.ca/2015/04/charters-freedom-of-association-now-includes-the-right-to-strike-a-decision-28-years-in-the-making-may-profoundly-alter-labour-relations-in-canada/>