

October 6, 2026

Via Email

The Honourable Patty Hajdu
Minister of Jobs and Families
Employment and Social Development Canada

RE: Free collective bargaining and the right to strike

Dear Minister Hajdu,

We are writing with profound concerns with some of Bill C-39's proposed changes to the *Canada Labour Code*, which will considerably curtail workers' rights in this country and run afoul of international labour treaties to which Canada is a signatory.

The proposed amendments will bestow new powers to you, as the Minister responsible, and to future Ministers of Labour to intervene at the bargaining table and declare strikes illegal based on ambiguous grounds.

Employers will grow to expect government intervention on their behalf. This expectation will change bargaining behaviour, as well as ending free and fair collective bargaining for members of our union in the federally regulated private sector (FRPS).

Unifor is Canada's largest private sector union, with more than 320,000 members across the country, working in every major sector of the Canadian economy. We bargain more than 2,600 collective agreements. We have considerable experience bargaining across the federal sector. We understand how to reach agreements and we take a great deal of pride in our record at the bargaining table and in the advances we have made for our members and for all workers.

Our union represents 70,000 members in the FRPS, including 46,000 members across transportation industries, concentrated in federally regulated air (12,000), rail (11,000) and marine transportation (3,000). We have an additional concentration of membership in road transportation (20,000), operating under both federal and provincial regulations.

These members are employed by some of the largest firms in Canadian transportation, including Air Canada, Marine Atlantic, CN Rail, CPKC Rail, VIA Rail, and the St. Lawrence Seaway Management Corporation (SLSMC), among many others. Unifor members keep Canada's supply chains moving safely and efficiently. They maintain these high standards through collective bargaining, empowered by the right to strike.

Our experience with some of these large employers informs our position that these proposed changes will likely result in more conflict at a bargaining table and in workplaces, not less. If workers believe they do not have a fair system because the rules undermine their rights, their confidence in the system will be diminished.

The national interest and economic test will prioritize business interests, ensuring at least the expectation that government will intervene in negotiations to stop any job action. This will undermine the industrial peace the government says it is striving to create.

We disagree with the contention that the *Code* amendments in Bill C-39 somehow preserve the right to strike. In actuality, the federal government is giving itself something that never existed before: the explicit Ministerial power to override the right to strike, wherever the strike is having (or may have) an economic or social impact on the so-called "national interest."

To be clear, collective bargaining, supported by the right to strike itself, is in our country's interests. It is how we have lifted workers up for generations. It is how we have transformed working conditions and standards. It is the foundation of shared progress. The federal code has always been the preeminent labour legislation in the country, the standard for all jurisdictions.

Hard-won gains at federal bargaining tables, such as these large transportation employers, become industry standards, and are then often woven into our national employment standards. As such, collective bargaining is more than a story of past gains, it shapes the future of work. As a union that views collective bargaining through a transformational lens, rather than a transactional one, we know the difference fair and free collective bargaining makes not just for unionized workers, but for all workers. So many advances that we enjoy today, take for granted today, were first negotiated in a collective agreement because workers had the right to strike.

Strikes are where workers put down our tools as *part of a negotiation process*. They are by their very nature both disruptive to the employer's business and cause some level of disruption. A strike is a temporary irritant to single employers or industries, not a threat to supply chain resiliency itself.

Working people rely on the right to strike to force our employers to bargain, to actually negotiate, improvements to our working conditions. Without it, employers will simply not negotiate and will do anything to avoid facing their employees' concerns directly. We already face great resistance in some key sectors by employers. This resistance will be emboldened by the proposed changes and the federal Minister will face intense pressure from the employer lobby to always curb strikes.

Because of this, unions in Canada see the right to strike as existential to our mandate for democratic participation in the economy.

If the bill is enacted and applied as written, it will undoubtedly be found to violate Canadian workers' constitutionally protected right to strike, recognized by the Supreme Court of Canada as a vital component of meaningful collective bargaining and the constitutional freedom of association guarantee.

In addition, international labour lawyers have told us the wording allowing government intervention in a strike is much *too broad* and thus violates even the International Labour Organization (ILO) treaties that Canada is a signatory to. The ILO states strikes may be limited only where they would cause an "acute national crisis" which would endanger the ["normal living conditions of the population."](#)

As you are aware, unions and employers are already required to bargain [Maintenance of Activities agreements](#) that set out what work needs to continue in event of a strike or lockout to prevent ["immediate and serious danger to the health or safety of the public."](#) Our members' jobs in many federal sectors is safety, and they will never act to undermine that work.

To be clear, our objections are with two areas of the proposed *Code* amendments:

1. The concentrated power given to the Minister to interfere in collective bargaining and end a strike. This shields a decision which revokes the rights of Canadian workers from the scrutiny and public debate of the Parliamentary process.
2. The national interest test. There are already sufficient provisions in the *Code*, including in the Maintenance of Activities requirements, that require a balance between the right to strike and the safety of the public.

There are other parts of Bill C 39 that we are supportive of, especially around protections against contract flipping and first contract arbitration. These are essential policy responses to maintain union density at airports, which [support workers and ensure secure supply chains](#). First contract arbitration allows the full expression of the right to a union when workers choose that option. These are important advances for workers which our union has long advocated for.

We have amendments we would like to propose to the section modifying Section 107 to avoid unintended (and any intended) consequences which would undermine the right to strike, ensure that those amendments do not violate the constitution and international law, and will also secure resilient Canadian supply chains.

We remain available to discuss this issue and to answer any questions related to the other content of this letter.

Sincerely,



Lana Payne
National President



Daniel Cloutier
Québec Director

Cc: The Honourable John Zerucelli, Secretary of State for Labour
The Honourable Steven MacKinnon, Minister of Transport
Bea Bruske, President, Canadian Labour Congress

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