

Wal-Mart wins at Supreme Court

Last Updated: Friday, November 27, 2009 | 3:46 PM ET [Comments 1092](#)[Recommend 276](#)

[CBC News](#)



Canada's top court has ruled that Wal-Mart Canada Corp. had the right to shut down a store in Quebec that had been unionized seven months earlier. (CBC)

The Supreme Court of Canada ruled Friday that Wal-Mart Canada Corp. was within its rights when it shut down a store in Jonquière, Que., that had been unionized seven months earlier.

"As of now, the highest court in the land has looked at this, as have other courts, and have said that as unfortunate as the situation was, Wal-Mart was not in the wrong to do what it did," said Andrew Pelletier, vice-president of corporate affairs for Wal-Mart Canada.

In two related decisions, the country's top court split 6-3 both times in favour of the company.

In September 2004, the United Food and Commercial Workers Union, Local 503, was certified to represent employees of the Wal-Mart store in Jonquière. However, attempts to reach a collective agreement failed.

On Feb. 9, 2005, the contract issue was sent to arbitration, but that same day, Wal-Mart told the workers it was closing the store. The store eventually closed on April 29, 2005, putting approximately 190 employees out of work.

The company said the store wasn't profitable, but appellants said the employer shut it down in response to the labour dispute.

In the case of Gaétan Plourde against the company, he had argued that he lost his job at the store because of his union activities. However, the Supreme Court concurred with earlier decisions by Quebec's *Commission des relations du travail* (CRT), the Quebec Superior Court and the Quebec Court of Appeal in ruling in favour of the company.

In the case of Johanne Desbiens, Ingrid Ratté and Claudine Beaumont against the company, the majority of the Supreme Court justices found that the Quebec Court of Appeal erred when it overturned a decision of the *Commission des relations du travail*.

However, as Justice William Binnie wrote in the majority Supreme Court opinion, as a practical matter it would be a waste of the parties' time and money to send the case back to the CRT.

"The outcome would not be in doubt," Binnie wrote. "The Jonquière store is closed and there is no possibility of reinstatement of the employees."

Bernard Phillion, a Montreal lawyer who pled the case for some former Wal-Mart employees, said the court's ruling is disappointing for his clients. But he said some employees do plan on arguing their case under other provisions in the labour law in Quebec's Superior Court.

"They have other recourses pending and I think that this decision gives them great possibilities," he said.

Louis Bolduc of the United Food and Commercial Workers Union also said the top court's decision opened a door because a labour board will now be able to investigate the reasons for store closures.

"If we can prove the reasons are anti-union then we can sue for damages," he said in a Montreal interview.

With files from The Canadian Press

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[angysdad](#) wrote:Posted 2009/11/30

at 6:13 PM ETWho is paying for the lawyers?

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[E M Nackers](#) wrote:Posted 2009/11/30

at 1:54 PM ETAnd that is exactly why I do not shop at Walmart.

I recommend watching Big Box Mart at www.jibjab.com, it explains it all in a very funny way. Enjoy!

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[lennyfromtherock](#) wrote:Posted 2009/11/30

at 12:43 PM ETBiff, enjoy your time in China. When they have enough of your knowledge, you will be tossed to the curb post haste. Who knows, mabey the work will last you 10 or 20 years. Regardless of the time, like the proverbial sheep, you will likely come home wagging your tail behind you. You will again avail of our social programs, like our health care, and Canada pension and such. (Of which, you will have contributed vey little to.) Those of us who will have worked and paid to maintain all of the countries infrastructure and programs won't ask you to give up any of your strange beliefs. After all, such freedom to think and choose as you see fit is the Canadian way. Enjoy.

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[Ideal Realist](#) wrote:Posted 2009/11/30

at 12:21 PM ETBiff the Spiff wrote:

Posted 2009/11/30

at 9:20 AM ET

It was the WW2 generation who really built Canada, and only because America at that time was industrious. With the advent of the internet and opportunity to leave Canada, more and more people will not stay around and "pay Harpers' taxes' to fund a boomers retirement.

I was born to parents who were both a part of the WW2 effort. Both worked hard and passed this work ethic onto my siblings and I, but they also taught us the importance of community, of caring and doing for others and giving back, and

not just thinking of our own prosperity and how much we can get for ourselves.

With my expatriate wage, I buy stock in companies, all around the world and increase my precious metal holdings. Rather than complain about greedy companies, pick a side. Be a winner or a complainer and loser. When Harper wants to tax me, I won't be there to tax; so it will be a smaller tax pool, and those of us who understand how the game is played will win. The rest will lose.

There is more to life than playing the game and accumulating wealth, but I suspect living and working in China hasn't provided you with many reminders of this thinking, China being so geared to commerce and exploiting whatever markets they can get their goods into. One day perhaps you will realize the importance of where you came from, of your country and that it is much more than the sum of taxes that we all must pay, if only to pass this on to your future children. Hopefully you'll learn this as the result of a new understanding and not because your capitalist approach has come back to bite you in the butt.

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[fran sendbuehler](#) wrote: Posted 2009/11/30

at 11:05 AM ET Biff needs a better understanding of his own historical background -- and to stop reading Ayn Rand.

If anyone thinks they got their two degrees and enough food to eat to fuel their neurons sufficiently to do that by existing in an individualistic vacuum, I suggest strongly that you think again.

We, humans, are community based animals. We succeed and thrive by cooperation. Having a crap job is also living within the community, as is having a job in China - you depend on the existence of other beings in order to have a job, and if your work no longer offers a benefit, the job ends. In a basic sense, of course.

There are all kinds of complications to this model : unionism, capitalism, etc.

Capitalism, while not invented recently, was strongly marketed post WWII; unionism was aligned with communism = bad (thanks, McCarthy). Ayn Rand put her two cents in as a response to Roosevelt's New Deal, and individualistic greed won the day, or tries to-- it hasn't quite understood, yet, that their logic doesn't quite work, and we're all the worse for it.

The democratic socialism of the New Deal would have been a more egalitarian model for the US; Canada took and used parts of that model (though not all), which people like Biff unwittingly benefit from and then dismiss as a "stupid" model. I'm guessing he hasn't yet experienced what happens when someone takes away all his toys.

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