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[22] But for an endeavour as large as GM Canada, I am satisfied that it will be very difficult, near impossible, for the vast majority of its workers to continue working from home, or on their laptops, or at off-site locations without the company suffering significant business problems. Daniel O'Neill, director of vehicle marketing for GM Canada, filed an affidavit in which he set out the problems caused by the blockade and, to a lesser extent, by the motorcade, which are causing or will cause irreparable harm to GM Canada.⁶ Having considered that affidavit together with the other evidence and findings, I am satisfied that GM Canada will suffer irreparable harm, probably permanent loss of business and jobs, if an injunction is not granted.

[23] Chris Buckley, president of CAW Local 222, testified that the CAW would allow other office workers through the blockade to carry on the work that was necessary to prevent legal, computer, supplier payment, marketing, sales, and international affiliate order problems. However, GM Canada is a huge operation and the blockade causes it many other problems. To address all of the problems caused by the blockade would necessitate allowing a tremendous number of people through the blockade. Based on the extremely small number of persons who, to date, have been allowed through the blockade, and the intensity of bad feelings between GM Canada and the CAW, I am not satisfied that enough people would be allowed through the blockade to address the problems and prevent irreparable harm.

[24] For, these reasons, I find that if the blockade continues in its present form, GM Canada will suffer irreparable harm.

The Balance of Convenience

[25] GM Canada requested an injunction and must satisfy the court that it will suffer greater harm if an injunction is not granted than will be suffered by the CAW if an injunction is ordered.⁷

[26] If an injunction is granted, the CAW will lose a very strong bargaining tool that creates economic pressure on GM Canada and generates a large amount of media attention about CAW's plight. However, I am not satisfied that, ultimately, the dismissal of GM Canada's injunction application would likely change the final outcome of this dispute between GM Canada and the CAW. At best, CAW can only force GM Canada to rescind the Oshawa truck plant closure decision and enter into sincere discussions as discussed above. In the end, following those discussions, it still remains that GM Canada alone will decide whether the plant will be closed and the jobs will be lost in any event. For those reasons, I am not satisfied that the irreparable harm caused to CAW by granting an injunction, namely the loss of 2,600 jobs, would be resolved if GM Canada's application were dismissed.

[27] An injunction also causes harm to the CAW and its members by restricting their *Charter* right of freedom of expression. That right is fundamental and cannot be treated lightly. However, a properly crafted injunction can attempt to balance that right against other harm suffered by the parties.

⁶ O'Neill Affidavit, applicant's Motion Record, at 14 – 16, paras. 34 – 38.

⁷ *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311