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[28] If an injunction is not granted, GM Canada will suffer irreparable harm as discussed above, probably including permanent loss of business and jobs. Although this is not strictly a *Charter* case, in this case I believe that it is incumbent on the court to consider more than just the harm to parties. Over 15,000 people are employed by GM Canada in Oshawa. Additionally, there are many businesses whose owners and their families are dependent for their livelihood on continuation of business with GM Canada. If no injunction is granted, the irreparable harm suffered by those people would be tremendous.

[29] As discussed earlier, GM Canada does not come to court with clean hands which is a factor that lessens the weight to be given to GM Canada's claim when considering the balance of convenience. A party should not be rewarded for improper conduct. To do so, would send a message to others that if you are powerful or important enough, you can act in an improper manner, cause a myriad of problems, and still rely on the court to protect your interests. As described above, GM Corp has acted in such a manner and its Canadian operation, GM Canada, now seeks relief from problems caused by that improper conduct of GM Corp.

[30] After considering all of the factors discussed above, I am satisfied that the balance of convenience favours the granting of an injunction. But, the injunction should be in a form that allows the CAW to continue to be able to exercise its *Charter* right of freedom of expression. Further, so that GM Canada is not rewarded for GM Corp's improper conduct, the injunction should be of a form that allows the union to impose some, but not crippling or irreparable, financial pressure on the employer.

[31] During argument of the motion, CAW counsel submitted that the CAW wanted the ruling to be "all or nothing." With respect, the onus was on GM Canada, as the moving party, to satisfy me as to what relief should be granted. For the reasons set out above, I am not satisfied that GM Canada is entitled to the relief claimed without modification.

Summary

[32] It was not disputed that this matter arises out of a labour dispute as defined in section 102(1) of the *Courts of Justice Act*. Notwithstanding reasonable efforts of GM Canada, on the evidence, including efforts to engage the assistance of Sergeant Grimley, a duty sergeant, and by letters to and from Police Chief Ewles, I am satisfied as specified by s. 102(3) of the *Courts of Justice Act* that the police have not provided assistance, protection, or taken action to allow safe egress and ingress to GM Canada's head office premises.

[33] The parties conceded that this is a serious issue. As set above, GM Canada has satisfied me that it will suffer irreparable harm if an injunction is not granted and that the balance of convenience favours the granting of an injunction, albeit not wholly in the form requested by GM Canada.