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## Judge slams Peel prison guards' job 'antics'

'Serious Affront'

Presented by



**Megan O'Toole, National Post**



A judge has harshly criticized a job action this month by Peel Region prison guards that caused substantial delays in bringing accused people to court, saying it constituted a "serious affront" to the legal system.

"The in-custody accused and the courts were effectively held hostage by the antics of OPSEU Local 234," Ontario Superior Court Justice Casey Hill stated in a decision this week. In his seven-page ruling, the judge blasted the job action as unconstitutional, saying it violated prisoners' Charter right of unfettered access to the courts.

"A constitutional crisis existed," the judge wrote in his decision.

Hoping to "leverage" their employer during negotiations on a contract issue, members of the Ontario Public Service Employees Union Local 234 working at the Maplehurst and Vanier correctional facilities launched the work slowdown in early May.

Their bargaining unit had recently ratified a new collective agreement, but was still embroiled in a dispute with the Corrections Ministry regarding compensation for overtime.

As negotiations continued, guards deliberately delayed the delivery of prisoners to the Peel Regional Police Service prisoner escort unit, en route to the Peel courthouse.

The guards' actions resulted in delayed proceedings, forced adjournments and inconvenience to counsel, witnesses and jurors, Judge Hill wrote.

Legal Aid Ontario also expressed concerns about thrown-away costs.

Delays ranged from one to five hours and affected between 50 and 120 inmates scheduled to appear before both the Superior Court of Justice and the Ontario Court of Justice.

On May 12, an inquiry was launched to determine the cause of the ongoing delays.

The Peel courthouse, which serves a population of more than 1.4 million, has become infamous for court delays and for more than three decades, the system's infrastructure has "struggled with inadequate courtrooms, judicial and support services," Judge Hill wrote.

"The actions of the correctional officers seriously obstructed and interfered with the due administration of criminal justice in the Peel and other courthouses," he stated.

"The deliberate and organized behaviour of the jail guards ... dramatically altered the normal operation of the jails."

In addition to breaching prisoners' Charter right to court access, he wrote, the guards' behaviour constituted criminal contempt of court.

Late last week, the Ontario Labour Relations Board declared that the prison guards' actions amounted to an illegal strike and ordered that it cease. Because the guards complied, the court will not take further action, Judge Hill wrote.

The head of the prison guards' union declined comment yesterday pending the resolution of a number of labour board issues.

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