

Moms sue over strike

Say cancellation of children's camps a violation of Charter of Rights

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From Saturday's Globe and Mail Last updated on Thursday, Jul. 23, 2009 09:03AM EDT

Two Toronto mothers have filed a legal challenge against the city and one of its striking unions, arguing the cancellation of camps and summer programs for children amounts to a violation of the Canadian Charter of Rights and Freedoms.

In an application filed Friday, the mothers, who can be identified only by their initials A.B. and E.F., are challenging the constitutionality of Ontario's Labour Relations Act, which permits the strike by the indoor workers. A strike that cancels children's camps is in violation of a child's Charter right "to liberty and security of the person," it argues.

"When deciding who can strike in our society, this application says you have to consider the interests of children," said Jeffery Wilson, a lawyer representing the women. "Not to say you can't strike, but that someone has to provide alternatives or some services for children while the strike is going on."

A.B., a 43-year-old mother of a 10-year-old boy and an eight-year-old girl, said the application is as much about future labour actions as this one. Her son is autistic, and the strike cancelled a tennis camp she enrolled him in, something she believes is essential for his development.

"Whatever this strike's doing, great, I guess, but I just feel they hurt my child. They're hurting children," the mother told The Globe and Mail. "It would be nice to say, 'next time you strike, can you put in a clause that protects our children?'" E.F. also has two children.

Mr. Wilson said a home run success of the application would be to have services for children reinstated.

"I'm not sure we're going to get to first base, but it's a first of it's kind," he said of the case.

Both the City of Toronto and the Canadian Union of Public Employees Local 79 are named as defendants. CUPE spokeswoman Pat Daley said last night she hadn't seen the lawsuit.

"I'd just say there is a democratic right to strike in this province, but as to any lawsuit, we'd have to see it first," before commenting, she said. The city didn't comment.