



Case in Brief: **Canada Post Corp. v. Canadian Union of Postal Workers**

Judgment of December 20, 2019 | On appeal from the Federal Court of Appeal
Neutral citation: 2019 SCC 67

People delivering mail have a right to safe workplaces, but that doesn't mean mail routes have to be inspected every year, the Supreme Court has ruled.

Canada Post delivers mail across Canada. The Canadian Union of Postal Workers represents its workers. This includes letter carriers, the people who deliver the mail.

The federal government is responsible for mail under the Constitution. This means Canada Post has to follow federal labour laws. One of these laws is the *Canada Labour Code*. Part of that law deals with workplace health and safety. Its main purpose is to prevent accidents and injuries at work. The Code said there had to be a committee to find and fix dangers to workers' health and safety. The committee had both worker and employer members.

In 2012, the union filed a complaint about a mail depot in Burlington, Ontario. It said the committee there wasn't following the Code. It said the committee was supposed to inspect each part of the workplace at least once a year. The union said the workplace included all routes mail was carried on and all places it was delivered. While the complaint was only about Burlington, it could have had effects across Canada. Canada Post delivered mail to almost 9 million places along 72 million kilometres of routes.

A Health and Safety Officer looked into the complaint. She agreed with the union. But the Appeals Officer at the Occupational Health and Safety Tribunal agreed with Canada Post. He said the committee only had to inspect parts of the workplace Canada Post controlled. This meant the depot itself. It didn't include mail routes or places mail got delivered.

The union asked for "judicial review." (Judicial review is where a court looks at a decision by someone acting on behalf of the government.) The Federal Court let the Appeals Officer's decision stand. But the Federal Court of Appeal said the Appeals Officer made mistakes. It said the Health and Safety Officer's decision should stand. This meant Canada Post had to inspect all the routes and places mail was delivered.

The majority of judges at the Supreme Court said the Appeals Officer's decision should stand. This meant the committee didn't have to inspect the mail routes and places where mail was dropped off every year.

The majority said it was open to the Appeals Officer to make the decision he did. He had looked very closely at the wording, purpose, and context of the specific section of the Code dealing with inspections. He understood what the practical effects of his decision would be. He decided that some parts of the Code applied in general, to all places where workers had to be during the workday. But some parts applied only to places that the employer controlled. The section about inspections was one of these. That meant only places that Canada Post actually controlled had to be inspected every year.

Under the Code, Canada Post had to do what it could, in general, to keep workers safe. Workers could report issues on routes or at places they went to deliver mail. Laws like the Code should usually be interpreted broadly to help workers. But broad interpretations only help if they make sense. The purpose of the inspections was to find and fix dangers. Canada Post didn't control the mail routes or most of the places mail was delivered. Many of them were on private property. If there was a danger, Canada Post didn't have the power to fix or change it. Inspecting the routes and delivery places each year wouldn't make workers safer.

Courts have a role in looking at administrative decisions like the Appeals Officer's. This is called "judicial review". When doing judicial review, courts use a "standard of review" to decide if the original decision should stand. Between the time of the hearing and the decision for this case, the Supreme Court changed how courts look at administrative decisions. In this case, the Court applied the same standard of review ("reasonableness") under the new rules as the lower courts applied under the old ones.

Breakdown of the decision: *Majority:* Justice Malcolm [Rowe](#) allowed the appeal (Chief Justice [Wagner](#) and Justices [Moldaver](#), [Karakatsanis](#), [Gascon](#), [Côté](#), and [Brown](#) agreed) | *Dissenting:* Justice Rosalie Silberman [Abella](#) said limiting safety inspections to those routes under the employer's physical control ignored the preventive purposes of the law and left three-quarters of the letter-carrier routes unprotected; she would have dismissed the appeal (Justice [Martin](#) agreed)

More information (case # 37787): [Decision](#) | [Case information](#) | [Webcast of hearing](#)

Lower court rulings: administrative decision (Health and Safety Officer, not available online) | [administrative appeal](#) (Occupational Health and Safety Tribunal Canada) | [judicial review](#) (Federal Court of Canada) | [appeal](#) (Federal Court of Appeal)
