

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Heidelberg Materials Canada Limited v. Lebec*,
2025 BCSC 1432

Date: 20250516
Docket: S253007
Registry: Vancouver

Between:

Heidelberg Materials Canada Limited

Plaintiff

And:

Norm Lebec and John Doe

Defendants

Before: The Honourable Justice Thomas

Oral Reasons for Judgment

In Chambers

Counsel for the Plaintiff:

E.A.B. Gilbride
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Place and Date of Hearing:

Vancouver, B.C.
May 14, 2025

Place and Date of Judgment:

Vancouver, B.C.
May 16, 2025

[1] **THE COURT:** This is an application for an injunction by Heidelberg Materials Canada Limited (the "Employer"). The injunction is sought against Mr. Lebec and the boilermakers union local lodge D227 (the "Union"). The Union

represents 75 members employed at the Employer's cement plant, including Mr. Lebec.

[2] The cement plant is a large facility where the employer manufactures and ships cement across the Pacific Northwest. The plant operates 24 hours a day, seven days a week. It has 105 employees, of whom 75 are union members.

[3] Most of the cement shipped from the plant is transported using large cement bulk trucks along Ross Road. The Union and employees are parties to a collective agreement that expired on April 30, 2024. Since August 2024, the Union and Employer have been attempting to negotiate a new collective agreement but have been unable to reach an agreement.

[4] On January 13, 2025, the Employer locked out the Union members from work. On the same day, the Union set up a picket line on Ross Road, on a section not owned by the Employer, which is accessible to the public and nearby businesses outside the plant.

[5] The picket line includes a tent and seating area that the Union has set up for members during picketing. The 75 Union members are divided into eight crews of six to eight people, rotating through four shifts per day.

[6] There is considerable vehicle traffic passing by or through the picket line. Approximately 40 to 50 large cement trucks, each towing a trailer that is approximately 30 feet long and 15 feet high, pass through the line each day. There are approximately ten delivery trucks and five buses that transport employees to the plant each weekday.

[7] The picketers are responsible for convincing people entering the plant not to cross the picket line. Most vehicle traffic is halted by the picketers. Usually, two picketers will step onto the road to stop each vehicle, while two others try to speak with the occupants to persuade them not to cross the line. These stops typically last between three and ten minutes. The Union has succeeded in convincing several individuals and businesses not to cross the picket line and conduct business with the employer.

[8] One group that has refused to cross the picket line are unionized cement truck drivers. The Employer hires private drivers at a significantly increased cost to

haul cement out of the plant to a location where unionized workers will haul the product from.

[9] The Employer is also transporting workers to the plant by bus. The buses have tinted windows. The Employer is permitted to utilize the 30 workers outside the bargaining unit. Most of these workers are office staff who are not allowed to work on "the tools" according to the collective agreement. The Union is unsure how the plant continues to produce cement at the current level without hiring additional workers or allowing the non-bargaining unit workers to use the tools.

[10] The Union is worried that the Employer is using illegal replacement workers under the *Labour Relations Code*, R.S.B.C. 1996, c. 244 [LRC]. There is no way for the Union to see into the plant to know who is working and what they are doing. Therefore, it has assigned members several strategies to identify the workers and ensure the Employer follows the LRC. These strategies include going to the off-site parking lot where workers board the bus to the plant, following workers after they leave the plant or bus, trying to stop the buses and enter them to identify the workers.

[11] The Employer has denied the Union's requests to board the bus and identify workers. Since the Union cannot get onto the bus, they have attempted to stop the bus and shine flashlights inside to identify the occupants, or stop the bus and use a ladder to look inside for anyone hiding on the floor. This has occurred at least once, possibly multiple times.

[12] When people approach the picket line, the Union tries to persuade individuals to respect it. This happens when trucks and buses used to transport employees to the plant, or delivery trucks making deliveries, approach the site. The persuasion includes using vulgar language and the word "scab." The length of the strike has taken an emotional toll on both the union workers and the plant employees. As a result, in my view, the persuasion tactics used by the picket line members have become more forceful and direct over time.

[13] This is reflected in affidavit #1 of Mr. Stevens at paras. 22-25, and in his references to Mr. Norm Lebec, one of the named defendants, at paras. 26-30. Mr. Lebec's conduct, as described in this affidavit is concerning. He provides a

response affidavit stating that on one occasion, when he apparently challenged people to a confrontation, his back was turned and his threats were not serious.

[14] Mr. Lebec also indicated that the language he used, as expressed in the affidavit, is commonly used at the plant, and at no time did the Employer advise him to modify his behaviour. Mr. Lebec also noted that he was under considerable financial and emotional pressure due to the strike, as he was supporting his family and a son who suffers from MS.

[15] In addition, picketers have targeted specific people working at the plant with signs naming them and also a sign written in Punjabi disparaging the mothers of Punjabi drivers.

[16] On April 14, the Union filed a Labour Board complaint, with a hearing scheduled for April 16, concerning, as I understand it, the use of illegal replacement workers.

[17] On April 15, the Employer served the Union with a draft application seeking this injunction. Due to scheduling issues with counsel, the matter could not be scheduled until May 2 and could not proceed due to a lack of judicial resources. The Union agreed to a temporary stay until this application could be heard. This application was heard before me on May 14, 2025.

[18] After receiving the materials, the Union president provided the following evidence of the steps that were taken:

82. Whenever Mr. Bouchard or someone from the Employer has brought an issue or concern about the conduct of the member at the Picket Line to my attention, I have always made efforts to immediately address and resolve them.

83. After receiving notice of the Employer's injunction materials on April 18, 2025, against Mr. Lebek, the Union's executive emailed a letter from me to the Union's membership on April 20, 2025, setting out the expectations and limitations in exercising our Charter protected right to seek to persuade anyone crossing the Picket Line to not do so. This included, among other things, not blocking vehicles seeking to cross who do not wish to engage, maintaining a certain level of civility in communications, refraining from posting or canying signs that use derogatory names directed at specific individuals, and desisting from directing threats of any type of physical abuse at individuals crossing (the "April 20th Letter"). Now produced and shown to me and attached as Exhibit "K" to this Affidavit is a true copy of my April 20, 2025 letter to the Union's membership:

Dear Brothers,

I am writing to make clear the expected conduct on the picket line, as we enter the 4th month of being locked out.

Delay of Vehicles

As you all know, to date the Company's security has been limiting our interactions with vehicles crossing the picket line and permitting delays of crossing up to 5 minutes, after which we are advised to move aside and let the vehicle through. By way of a recent Court filing, the Company has communicated that it will no longer be permitting this delay on the picket line.

While it is your Charter-protected right to seek to persuade anyone crossing the picket line not to do so, there are limits on what we are allowed to do.

Thus, going forward, we require everyone to comply with the following directions:

1. You may try to engage and speak to any individuals crossing the picket line, including those in a vehicle, but only for the reasonable time needed to effectively communicate any relevant information about the labour dispute, and why they should not cross the picket line;
2. If individuals crossing the picket line do not want to engage with you, you cannot block their access to the Plant. However, you can take a photo of the individual so the Union can inquire into any illegal use of replacement workers; and
3. Do not block any vehicles seeking to cross the picket line and access the Plant who choose to not engage with you.

Communications on the Picket Line

I also want to communicate that we expect our members to maintain a certain level of civility, including in communications with individuals who choose to support the Company in its lockout by crossing our picket line.

Over the 4 months that the Company has shown its willingness to harm its employees and their families, you have demonstrated astounding strength and solidarity and have generally done so in a civil and peaceful manner. However, tensions have risen on occasion, and it is important for us to remind each other of the acceptable standard of conduct that we expect of each of our brothers.

With this in mind we, we require that you refrain from the following:

1. Posting or carrying signs that are directed at specific individuals (managers, contractors, etc.) and that use derogatory names for those individuals or target those individuals for conduct unrelated to the labour dispute; and
2. Directing threats of any type of physical abuse at individuals crossing the picket line.

I want to reiterate that as a Union member, your expressive conduct on the picket line engages one of the highest constitutional values: freedom of expression, enshrined in s. 2(b) of the *Charter*. This means that you are certainly entitled to express your outrage at those who continue to do business with the Company.

However, we must be mindful of conduct on the picket line that goes too far and that could be used by the Company to seek to limit our *Charter*-protected right to picket.

For these reasons, your compliance with the above is of great importance, and will further our fight for fair collective agreement.

Finally, some of you have recently been subject to concerning and dangerous conduct by members of management and others crossing the picket line. It is important for us not to retaliate. Instead, please make a report of any and all instances of communications/actions intended at intimidating or endangering our members and their supporters while engaged in their legal right to picket, and provide that to me so that we can address it as quickly as possible.

The physical safety of all is and has always been a priority of our Union and it underlies much of what we fight for, including in the course of the current round of bargaining.

In Solidarity,

Ryan Mountain, Local President

84. In addition, I communicated the April 20th Letter's expectations and limitations to every picket crew in person and I am satisfied that the members understand this.

85. I have also spoken directly and separately to Mr. Lebec about not engaging in any conduct or using language that could potentially be perceived by others as threatening or dangerous. I am satisfied that Mr. Lebec understands this.

86. After the issuance of the April 20th Letter, I attended the Picket Line and have witnessed members complying with the expectations and limitations laid out in the April 20th Letter. I have been advised by other members and picket captains, including Jason Rodonets, Dan Kerr, Kevin Elliott, Gord Mackinnon, Russ Moseley, Mike Weber, Trevor Moscrop, Troy Ready, and do verily believe that this compliance has continued even in my absence.

87. I have reviewed paragraphs 15-25 of the Affidavit of Mr. Stevens regarding the police attendance at the Picket Line. The Delta Police investigated various incidents reported by the Employer but has not laid any charges on any of the members at the Picket Line in relation to any of the Employer's allegations.

88. I have reviewed paragraphs 31-35 of the Affidavit of Mr. Stevens regarding the alleged tipping of a portable washroom by members. I was present the day that the Delta Police was on site to investigate this complaint, but they did not speak to myself or anyone on the Picket Line about this issue. The Delta Police did not lay charges on any of the members at the Picket Line in relation to this complaint.

[19] The Union attempted to introduce evidence at mediation on March 8, 2025, with a mediator present. Due to timing issues likely caused by limited judicial resources, full argumentation regarding the admissibility of this evidence could not be provided. Section 146(3) of the *LRC* appears to render this evidence inadmissible on its face.

[20] In my view, the confidentiality conditions contained in the *LRC* play a significant role in the collective bargaining process. I am not willing to admit this evidence into the record without full argument that would satisfy me that the confidentiality provisions do not apply to the situations. Therefore, I rule that this evidence is inadmissible.

Legal Principles

[21] I rely upon the legal test set out in *Lantic Inc. v. Public and Private Workers Canada Local 8*, 2023 BCSC 2072 at paras. 20-24 [*Lantic*] for the test of granting an interlocutory injunction and also the need and importance of respecting the need to protect the rights of workers to express themselves in labour disputes both generally and specifically within the context of interlocutory applications. *Lantic* notes:

A. The Test for Granting an Interlocutory Injunction

20 The power of the courts in British Columbia to grant injunctive relief is set out in section 39 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253. Generally, an interlocutory injunction will be issued where:

- a) there is a serious question to be tried and the moving party's case is neither frivolous nor vexatious;
- b) the moving party will suffer irreparable harm if injunctive relief is not issued; and
- c) the balance of convenience favours the granting of the injunction in that the moving party is likely to suffer greater harm if the injunction is refused than the responding party will suffer if the injunction is granted: *RJR-MacDonald Inc v. Canada (Attorney General)*, [1994] 1 S.C.R. 311, 1994 CanLII 117.

21 In British Columbia, the *RJR-MacDonald* test is treated as two-pronged, with the issue of irreparable harm being subsumed into the balance of convenience discussion, although this distinction has little if any material effect: *British Columbia (Attorney General) v. Wale*, [1986] B.C.J. No. 1395 (B.C.C.A.), 1986 CanLII 171, aff'd [1991] 1 S.C.R. 62, 1991 CanLII 109 (S.C.C.)

B. The Importance of the Right to Picket

22 The context of this interlocutory injunction application is important. Specifically, when a trade union is lawfully picketing as a result of a strike, injunctions should be issued with the greatest caution so as not to interfere with the union's right to legal picketing: *Great Canadian Railtour Company Ltd. v. Teamsters Local Union No. 31*, 2011 BCSC 973 at para. 5, aff'd 2012 BCCA 238.

23 The policy basis for this careful approach was explained by the Supreme Court of Canada in *R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, 2002 SCC 8 [*Pepsi-Cola*]:

[32] Picketing, however defined, always involves expressive action. As such, it engages one of the highest constitutional values: freedom of expression, enshrined in s. 2(b) of the *Charter*. This Court's jurisprudence establishes that both primary and secondary picketing are forms of expression, even when associated with tortious acts: *Dolphin Delivery*, supra. The Court, moreover, has repeatedly reaffirmed the importance of freedom of expression. It is the foundation of a democratic society (see *R. v. Sharpe*, [2001] 1 S.C.R. 45, 2001 SCC 2; *R. v. Keegstra*, 1990 CanLII 24 (SCC), [1990] 3 S.C.R. 697; *R. v. Butler*, 1992 CanLII 124 (SCC), [1992] 1 S.C.R. 452). The core values which free expression promotes include self-fulfilment, participation in social and political decision making, and the communal exchange of ideas. Free speech protects human dignity and the right to think and reflect freely on one's circumstances and condition. It allows a person to speak not only for the sake of expression itself, but also to advocate change, attempting to persuade others in the hope of improving one's life and perhaps the wider social, political, and economic environment.

[33] Free expression is particularly critical in the labour context. As Cory J. observed for the Court in *U.F.C.W., Local 1518 v. KMart Canada Ltd.*, 1999 CanLII 650 (SCC), [1999] 2 S.C.R. 1083, "[f]or employees, freedom of expression becomes not only an important but an essential component of labour relations" (para. 25). The values associated with free expression relate directly to one's work. A person's employment, and the conditions of their workplace, inform one's identity, emotional health, and sense of self-worth: ...

[34] ... Moreover, the imbalance between the employer's economic power and the relative vulnerability of the individual worker informs virtually all aspects of the employment relationship ... Free expression in the labour context thus plays a significant role in redressing or alleviating this imbalance. It is through free expression that employees are able to define and articulate their common interests and, in the event of a labour dispute, elicit the support of the general public in the furtherance of their cause: *KMart*, supra. As Cory J. noted in *KMart*, supra, at para. 46: "it is often the weight of public opinion which will determine the outcome of the dispute".

24 In *Fletcher Challenge Canada Ltd. (McKenzie Pulp Division) v. C.E.P. Local, 1092*, [1998] 9 W.W.R. 144, 1998 CanLII 6528 (B.C.C.A), our Court of Appeal also explained this restrictive approach to injunction orders in the context of legal picketing:

[9] The parties are engaged in an economic struggle. The Union and its members have only two lawful weapons, the withdrawal of labour and picketing. Having exercised their right to picket peacefully, they should not have to operate with the sword of contempt over their heads. In my opinion, orders of this kind should be confined by the use of specific language to the very matter at issue and should avoid casting a broad net.

Serious Question to be Tried

[22] For purposes of this application, the employer agreed with the union that the threshold under the first prong of the *RJR-MacDonald Inc. v. Canada (Attorney General)*, 1994 CanLII 117 (SCC), [1994] 1 S.C.R. 311, test requires them to show a strong *prima facie* case. Employers' counsel noted that the applicable test may not yet be decided, I agree. The employer pleads that the union is criminally and tortiously impeding vehicles from entering the plant and intimidating people from entering the plant.

Impeding Vehicles Entering the Plant

[23] Picketers are not permitted to physically obstruct ingress or egress from an employer's premises during a lawful strike. For this proposition, I refer to *Pacific Coast Terminals Co. Ltd. v. ILWU - Canada*, 2023 BCSC 1432 at paras. 12-13 [*Pacific Coast Terminals*].

[24] I accept that this is the law and conclude that the Union, by impeding or delaying the entry of vehicles into the plant, is acting in an unlawful and tortious manner. I find that the employer has established and, in fact, the union has conceded on the evidence that this is established as a strong *prima facie* case.

Intimidation

[25] In *R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, 2002 SCC 8, the Supreme Court of Canada recognized that the tort of intimidation can constitute a wrongful act which constitutes unlawful picketing. I rely on the principles set out in *Lantic* at paras. 48-50.

48 If a person intimidates another person, through unlawful threats, into doing or obstructing them from doing something that they would otherwise have a right to do, they commit tortious intimidation: see *Circuit Graphics Ltd. v. Canadian Association of Industrial Mechanical and Allied Workers, Local 1*, [1981] B.C.J. No. 1956 [*Circuit Graphics*] at para. 9 and the authorities cited therein.

49 In the context of an application for an interlocutory injunction, the plaintiff does not need to establish that any individual was, in fact, coerced as a result of the defendant's conduct: *Vancouver Museums and Planetarium Association v. Vancouver Municipal and Regional Employees' Union*, (1981), 27 B.C.L.R. 73 [*Vancouver Museums*] at para. 8, 1981 CanLII 424 (B.C.C.A.). In *Vancouver Museums*, the Court of Appeal found that using illegal means, like obstructing access to premises and causing disturbances, shouting, or insulting others and using obscene language, can be sufficient grounds to order an interlocutory injunction.

50 In *Hertz Canada Ltd. v. Canadian Office and Professional Employees Union, Local 378*, 2010 BCSC 678 [*Hertz*], the plaintiff sought an order restraining the defendants from a number of activities, including using obscene and threatening language and obscene gestures towards Hertz personnel. Specifically, various persons, particularly female ones, were being subject to verbal abuse. The court accepted that the use of foul, sexual, and threatening language constituted the tort of intimidation.

[26] In my view, the use of the word "scab," profanity, shouting, and insulting comments by themselves do not constitute intimidation. The context of these words must be considered to determine if they meet the legal test for intimidation. However, in this case, profanity and the use of the word "scab," along with shouting and insulting comments, are used in conjunction with stopping vehicles and directly confronting people in the vehicles while they are blocked by other Union workers.

[27] When considering the emotions of the Union workers and those working in the plant, along with the off-site activity, the need to identify individuals and the off-site identification techniques used by the Union suggest, in my view, a strong *prima facie* case of intimidation.

[28] Stopping or slowing vehicles is clearly tortious conduct. When a strong *prima facie* case of tortious conduct has been made out, it is open to the judge to enjoin not only the tort but also related conduct, which although it may not be tortious on its own, forms part of or contributes to the commission of the tort. See *Great Canadian Railtour Company Ltd. v. Teamsters Local Union No. 31*, 2012 BCCA 238, at para. 52.

[29] In this case, the conduct of Mr. Lebec is noteworthy. In my view, the numerous incidents involving him clearly fall within the context of a strong *prima facie* case of intimidating behaviour. For just one example of Mr. Lebec's typical behaviour, I refer to his conduct on May 5, 2025, set out in Mr. Stevens' affidavit:

I witnessed the events captured in this audio clip. Mr. Lebec yells at the Heidelberg employee: "Hey, you fucking scab. You fucking proud of yourself for the bullshit you're pulling off in there? Have you given any fucking thought to the fact that you have to work with people in front of you? Have you? You fucking dumb ass mother fucker. You can fucking eat shit you fucking cunt. Fucking scab. You got to be one of the worst fucking scabs I've seen in my fucking life. You just gonna take it? You gonna accept it? You know you're a fucking scab, don't you? You go home and talk to your family about it? Hi, honey, I am a fucking scab. Look at me I am fucking proud to be a fucking scab. Fuck those fucking union guys. You fucking scabby little fucking cock sucker.

[30] It appears that Mr. Lebec's conduct is an outlier and not generally reflective of the behaviour of the rest of the workers on the picket line.

[31] I also have concerns about incidents where individuals are specifically named and identified through messages and signage, especially when combined with following people as they cross the picket line after leaving the plant. In the overall circumstances of this case, I am concerned that this aspect of the union's behaviour clearly establishes a strong prima facie case of intimidating the identified individuals.

Irreparable Harm

[32] In this case, the evidence of irreparable harm comes from the financial evidence set out by Mr. Bouchard in his second affidavit at para. 6:

In my first affidavit sworn April 17, 2025, I noted that there has been significant financial cost to Heidelberg as a result of the delays since January 13, 2025 (see paras. 17, 20). I did not include all costs arising from the labour dispute in that affidavit and rather was identifying costs largely attributable to the picketers delaying trucks coming and going from the plant. Devin Clarke, logistics manager at Heidelberg, estimates, and I verily believe him, that total additional shipping costs arising from the labour dispute are approximately \$5.35 million, arising largely from truck and rail freight expenses and railcar repositioning. Of this \$5.35 million, approximately \$1.075 million, identified in my first affidavit is largely attributable to the delays caused by the picketers, arising from adjusting the payment method to the truck drivers to pay them per hour rather than per volume, given the delays they were experiencing caused by the picketers. It is not possible to break out delays specifically caused by the obstruction within this amount, but it is a substantial sum.

[33] I do not accept that the shift to paying trucks on an hourly rate is because of the traffic stoppage caused by the Union. In my opinion, it is due to the presence of a picket line. However, I do accept Mr. Bouchard's evidence that the employer

has lost a significant amount of money because of the practice of stopping vehicles briefly before they enter the plant. How this is calculated is more a matter of weight than admissibility.

[34] The Union takes the position that no irreparable harm will be caused. I say it will be caused because the Union says that the Employer did not complain about stopping vehicles or intimidation, and that once they were advised that their conduct was improper, they promptly stopped. Therefore, there is no irreparable harm because the harm will not continue.

[35] I accept the legal foundation of this proposition. See *Tele-Mobile Company, a Partnership v. Bell Mobility Inc.*, 2006 BCSC 161 at paras. 23-25. However, I do not accept that this applies in this case. I am of the view that the union was aware that their conduct was improper prior to receiving the application for injunction in April. I say this for three reasons.

- a) Initially, the Union workers believed that they could legally stop vehicles for five minutes. Yet, they repeatedly stopped vehicles for more than five minutes.
- b) The Union then continued to stop vehicles after the police advised the union members at the picket line and gave them a letter specifically stating that they could not legally stop the vehicles and that to do so was a criminal act; and
- c) Mr. Lebec's conduct was clearly inappropriate, yet tolerated by the union. In my view, the union condoned and allowed this conduct. This is inconsistent with a desire to picket in a legal manner.

[36] I adopt the comments with respect to irreparable harm set out in *Pacific Coast Terminals* at paras. 19-21.

[19] Satisfaction of the second part of the test, whether irreparable harm will be suffered, is accomplished where a refusal to grant relief could so adversely affect the applicant's own interests that the harm could not be remedied if the eventual decision on the merits does not accord with the results of the interlocutory application. However, the law with respect to irreparable harm does not require substantial evidence that the harm that is occurring is irreparable.

[20] Where illegal picketing activity has been established on a prima facie basis, the courts are less concerned about irreparable harm. This

was noted in *SWA Vancouver Limited Partnership v. Unite Here, Local 40*, 2019 BCSC 1806, at para. 47:

[47] ... I agree that irreparable harm is quite a lesser concern in terms of whether the injunction should be granted. The [critical] point is that the Union has no right to impede ingress or egress to the Hotels' premises, period.

[21] I also rely on *Teal Cedar Products Ltd. v. Rainforest Flying Squad*, 2021 BCSC 605, at para. 39 where Justice Verhoeven notes:

[39] Interference with a business as a going concern is regarded as amounting to irreparable harm: *Interfor v. Kern*, 2000 BCSC 1141 [*Kern*], at para. 33.

[37] In my view, the activity at issue is interfering with the operation of the plant and within the context of the torts in question, that it is sufficient to establish irreparable harm.

Balance of Convenience

[38] The balance-of-convenience analysis requires the court to consider which party will suffer greater harm from the granting or refusal of the injunction. Interlocutory injunctions are regularly granted where union members engage in unlawful activity on the picket line, such as obstructing access to their employer's premises. In those circumstances, as in this case, there is no prejudice to the respondents in granting the interlocutory injunction with respect to blocking or obstructing in my way for any period of time persons and/or vehicles entering the plant.

[39] The reason for this is that the Union can fully participate in legal picketing activities. The only effective branch of the injunction would be prohibiting unlawful conduct. Conversely, I have found that prejudice exists to the Employer on the basis of unlawful activity and also by the affidavit evidence presented, which indicates that their workers cannot enter the plant in an unimpeded fashion.

[40] The issue is more complex concerning intimidation. To a large extent, intimidation is mainly associated with the stopping of vehicles. The exception to this is Mr. Lebec's conduct and the specific targeting of individuals. In my view, when considering the need to protect the right to lawful protest and workers' ability to express themselves, the circumstances do not justify an injunction against intimidation, since I have already issued an injunction to prevent the stopping or obstruction of vehicles.

[41] Therefore, I order:

- a) An injunction prohibiting the stopping or obstruction of vehicles entering the plant;
- b) An injunction for intimidating and/or threatening in any manner persons entering or exiting the plant against Mr. Lebec, along with an injunction against anyone aiding, assisting in any manner whatsoever, directly or indirectly, Mr. Lebec in intimidating and/or threatening such persons; and
- c) An injunction prohibiting the posting or carrying signs that are directed at specific individuals working in the plant and that the use of derogatory names for those individuals or a targeting of those individuals crossing the picket line.

[42] The last order in my view, is consistent with the language used by the Union president in his letter to members. However, I would ask that counsel review the wording of this injunction carefully, and if they wish to make submissions with respect to the language of this, or the other injunctions they are invited to do so.

[43] I have concerns about the duration of the order and am of the view that the order should be limited to a specified and definable event. It is difficult to craft such an order within the context of this dispute. I would propose that the injunction last as long as the employer maintains the lockout against the workers, but I would welcome submissions from counsel to address this concern.

[44] I will remain seized of this matter for the duration of the order.

[45] Finally, I would like to thank counsel for their very helpful submissions and professional conduct throughout. It was only through the cooperation of counsel that we were able to hear this application in a timely manner.

“Thomas J.”