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# Labour and Employment

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## WAL-MART WINS THIS ROUND

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In a decision released on Friday, the Supreme Court of Canada found that Wal-Mart did not act improperly when it closed its Jonquiere store after it was unionized. The Jonquiere store was found to have been genuinely closed in 2005 and this was held to be a "good and sufficient reason" for terminating the employment of the 190+ employees who worked at that store. The Court suggested that the employee had brought the claim under the wrong section of the Quebec Labour Code, which leaves open the possibility of a different result had the complaint been filed under the proper section.

Despite this victory, Wal-Mart is currently not entirely in the clear. The U.F.C.W. Local 1400 in Saskatchewan filed a complaint alleging that Wal-Mart closed the Jonquiere store to intimidate Wal-Mart employees in other provinces into remaining non-unionized. The Court of Queen's Bench in Saskatchewan recently refused judicial review of the Saskatchewan Labour Relations Board's preliminary finding that it had jurisdiction to hear the union's complaint. A hearing into the substance of the complaint has not yet been held.

Also, on September 18, 2009 an arbitrator in Quebec held that the closing of the Jonquiere store violated a prohibition in the Quebec Labour Code against "changing the conditions of employment" of employees after an application for certification is filed.

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