



Dougald Lamont

MLA St. Boniface / Député Saint-Boniface
Leader of the Manitoba Liberal Party / Chef du parti Libéral du Manitoba

Manitoba Liberal Caucus 169-450 Broadway Ave R3C 0V8

Bea Bruske, President of the Canadian Labour Congress,
Kevin Rebeck, Manitoba Federation of Labour
Patty Coates & Chandra-Li Paul, Ontario Federation of Labour
Jan Simpson, National President and the National Executive Committee of the CUPW
Hon. Minister Seamus O'Regan

Wednesday November 9, 2022

To Minister O'Regan, and Leaders in Labour in Manitoba and Ontario,

I am writing today on two important matters of workers' rights. First, we offer our congratulations that the Progressive Conservative Government of Ontario is reversing its unprecedented assault on the fundamental constitutional rights of collective bargaining through their illegitimate use of the notwithstanding clause.

Manitoba Liberals have been outspoken critics of similar anti-worker far-right measures enacted under the Manitoba PCs, especially under my leadership. In addition, I have been a rank-and-file union member with CUPE, MGEU and others.

We say this to make our position clear. Manitoba Liberals will always support and defend workers constitutional rights', and we will always speak up for justice.

This brings us to our second issue of worker's rights. Workers are being silenced from disclosing how they have been hurt and treated at work with the use of NDAs and non-disparagement agreements, and the employers are often unions.

We want to be very clear about this, because some will certainly say this is an attack on unions. It is not. We have been contacted, or learned of individuals who have been traumatized by their experiences and have been silenced in ways that no one should tolerate.

While others may put loyalty before justice, Manitoba Liberals put justice before loyalty. That is a core liberal value, and it is the reason Manitoba Liberals emphasize the rights of the individual ahead of the rights of the collective – is because every individual must be free to truthfully report

wrongdoing and harm without fear of retribution. This is essential to holding people to account in a democracy.

Putting loyalty or solidarity before justice only means justice will never be done. We stand in solidarity with workers, we stand with workers against injustice, and no one is above the law. “No rats” is toxic solidarity that protects wrongdoing, not workers.

This is also the reason for another core liberal value - that everyone is equal in the eyes of the law - the rules and the law must apply to everyone for justice to be done.

Last week at a legislative committee, we learned of the case of Aalya Ahmad, who has suffered a grave injustice that must be made right. Her case is one of many, but hers deserves special attention.

The Case of Aalya Ahmad

On Nov 2, 2022, at a committee of the Manitoba Legislature we had hearings on Bill 225, legislation I introduced to reform the use of Non-Disclosure Agreements in Manitoba. The purpose of the bill is to limit NDAs to their original purpose - protecting ideas, not covering up bad or illegal behaviour.

During those hearings, presenters had Parliamentary privilege, and were free to speak without fear of reprisal. One witness was Aalya Ahmad, a former communications staff member for the Canadian Union of Postal Workers (CUPW), who testified that after filing a human rights complaint about an extended campaign of harassment and abuse at work, she faced reprisals including withholding of benefits, and threats of lawsuits. She eventually signed a release that she did not realize included a one-sided non-disparagement agreement.

Her testimony was extremely disturbing, and we have no reason to disbelieve her, because her treatment is true to the pattern of the ways in which whistleblowers are treated.

Ms Ahmad stated:

"The moral injury that I suffered from having my rights as a worker violated by an organization that I firmly believed had to uphold rights is very real.

I continue to live with a documented diagnosis of post-traumatic stress disorder from those years of bullying and harassment.

What made this worse was that my disability was deliberately used against me to pressure me into signing a one sided non-disparagement clause, thereby preventing me from speaking out about my mistreatment.

Following my public resignation in 2018, facing questions from their membership CUPW leaders at first attempted to silence me with two notices of libel for speaking about bullying and harassment I had experienced. Still struggling with full blown PTSD symptoms. I faced a steady barrage of reprisals from CUPW, including financial intimidation in the form of withholding benefits owed to me.

CUPW Leaders received many medical letters from my doctors and took full advantage of my vulnerable condition to wage a relentless campaign of ongoing bullying and character assassination. Even though they knew the impact their actions were having on me... I told the arbitrator I would not consent to be gagged and that my intention was to try to help other survivors and make things better for all union members by making it safer to share experience of abuse in our movement and demand accountability from abusers.

However, I agreed eventually to temporarily refrain from engaging in any disparaging social media posts until my human rights complaint was resolved.

I thought the truth would come out at that point, and I badly needed a break. That's what I thought I was getting when I signed the non-disparagement clause, some respite and an end to this campaign against me. I thought I still had the freedom to speak the truth and I was wrong.

My union rep and I, in my exhausted, traumatized and sedated condition, failed to catch that this non-disparagement clause was only for me, not for CUPW leaders.

A few days later, while I was still recovering from the ordeal, I received a call from a concerned member who informed me that the National Executive Board of CUPW had issued a lengthy statement about me to all of its locals and regional bodies across the country and published it on social media.

The statement falsely claimed that I had taken money from the union and refused to pay it back.

It stated that I had been found to be a harasser, and it's important to note that this refers to the means they originally used to drive me from the workplace in early 2017, with a weaponized investigation instigated by my abusers.

It's important to note that the report from that investigation was withheld from me for many years until my lawyer finally obtained it and we were able to see that, the investigator noted I had never had the opportunity to tell my side, so CUPW leaders pressured me into signing a one sided non-disparagement clause in the naive hope their hostilities would stop, then turned around and viciously and publicly smeared me in a way that did me further grave psychological harm.

Firstly, because the claims were so damaging and untrue, and secondly, because, having signed the non-disparagement clause, I could not speak out to defend myself against their smear campaign without additional litigation.

It's very difficult for me to convey to this committee and I feel for the people who have come before me and named it, what, full blown, active PTSD feels like on and off for years, continually being activated and reactivated every time I had to deal with these aggressions while this was going on, I was dissociating.

I was suicidal. This character assassination was coming from a union that I had loved, believed in and served for years. The statement confused many postal workers who respected my work and were upset that I resigned. They were being told now by their leaders I was a thief and harasser. The smear campaign against me intensified up to the eve of the convention where my abusers were running for election.”

When asked about the challenge in speaking out within a union environment, Ms Ahmad had this to say:

“For union members and people who, you know, were sort of mission oriented in the labor movement, there's a real chilling effect on trying to speak out and name these things because you are then considered outside the circle of solidarity, right?”

You're attacking unions. So I would say that it's maybe one of the last bastions of where it's really not okay to call out your sisters and brothers for abuses. And I'd like that to change."

This must change. This is not a partisan political issue. It is issue of morality and basic decency, and behaviour that we should not tolerate in our society, period.

There is no justification for treating another human being this way, in any context, ever. It should not be tolerated under any circumstances, and no argument or reason can justify it.

Not solidarity, not loyalty, not fear that the threat of misbehaviour will be used by an employer in bargaining.

We also know, because we heard again and again at committee, that this kind of abuse is widespread, and unless it is challenged and actively rooted out, it will not stop.

In cases of libel, the truth is an absolute defense. With the non-disparagement clause, it meant that meant that Ms. Ahmad could not even speak the truth if it were perceived as critical of CUPW. She could not defend herself against false claims about her character or behaviour.

NDA's, non-disparagement clauses and power imbalances mean that people who, when they see something wrong, do the right thing by speak up, they are punished, while the wrongdoers are protected or promoted. If a public or private sector employer abused and sought to strip unionized workers like this, unions would strike - they just did.

I am writing today to ask Minister O'Regan, the Ontario Federation of Labour and the Manitoba Federation of Labour to join me in considering three urgent requests of CUPW and the Canadian Labour Congress. We ask:

1. That CUPW immediately revoke the non-disparagement clause that is silencing Ms. Ahmad. If CUPW is truly confident that they can prove their case based on the facts, then there is no need to silence Ms. Ahmad.
2. That the Canadian Labour Congress (CLC) launch a new, impartial and independent investigation into Ms. Ahmad's case - bearing in mind that efforts must be made not to retraumatize her.

3. That the Federal Government, provinces and territories and organizations agree to cease using NDAs in this fashion and move to enact legislation, with all due speed, to render non-disparagement clauses unenforceable and to immediately reform the use of NDAs in all cases of harassment and sexual assault, for which there is no justification. NDAs must be strictly limited to the protection of intellectual property. As Kelly Donovan, a former police officer and whistleblower noted, if people know they cannot turn to NDAs to silence people, it could help drive a change in culture.

Ms Ahmad was one of many witnesses at committee. We have attached the hansard, and as Jan Wong of the Globe and Mail remarked, when people pay a settlement, it is because a perpetrator is compensating a complainant for harm done - not for their silence.

We are all paying for this, financially and morally. Union members' own dues are being used to silence, threaten and intimidate rank and file members, and Canadians are footing the bill for financing payouts, cover-ups, gag orders, legal fees and the salaries of almost everyone involved.

Taxpayers are on the hook for lawyers, courts, hearings and settlements that they are not allowed to know about.

People's lives and mental health as well as their capacity to work and support themselves have been ruined. All we are asking is that unions - and Canadians - live their stated values.

Respectfully,



Dougald Lamont, MLA St. Boniface

Leader, Manitoba Liberal Party

CC :

Senator McPhedran, Senator Osler, Julie Macfarlane