



October 30, 2009

VIA EMAIL & FACSIMILE

Emond Harnden LLP
707 Bank Street
Ottawa, ON K1S 3V1

Attn: David K. Law

Dear Sir,

**Re: Public Service Alliance of Canada -and- Canadian Museum of
Civilization Corporation (Facebook issues etc.)**

I am legal counsel to Public Service Alliance of Canada (PSAC.) I write in response to your letter of October 28, 2009 and further to our conversation of October 29, 2009.

At the outset, I note that our conversation of yesterday's date preceded my and my client's becoming aware of the defamatory web posting broadcast by CMCC on October 29, and I note that the web posting in question has not fostered relations on this issue. You will now have my letter of today's date demanding the removal of that content.

Turning to PSAC's response to your letter of October 28, 2009 I can now advise as follows, having had an opportunity to review the facts and the law:

First, we consider the complaints of CMCC about the photographing of persons to be utterly disingenuous and absurd, given the ongoing aggressive filming and photographing of picketers by security agents of CMCC that are being conducted in a flagrant effort to intimidate picketers. I now advise you that those actions of CMCC's agents will very shortly become the subject of a complaint of unfair labour practice filed with the Canada Industrial Relations Board.

Second, PSAC has concluded that our website and the Facebook group do not contain any content that would stand in violation of the injunction order issued by the court in Gatineau on October 23, 2009. Those concerns are now disposed of in our view.

Third, PSAC considers that the content on the Facebook group is well within the permissible bounds of the law, on the basis of the principles enunciated in *Aubry v. Éditions Vice-Versa* [1998] 1 S.C.R. 591. Should CMCC disagree, PSAC welcomes the opportunity to engage with the *Charter* issues that will be raised in




any action initiated by CMCC with respect to the posting of photos of persons who stand in relation to the ongoing labour dispute, or other persons. These concerns of CMCC are now disposed of in our view.

Fourth, PSAC has not identified any content that we consider defamatory, but should there be specific content that is defamatory in the view of CMCC, I again invite you to provide me with the particulars of same and PSAC will review that content promptly and in good faith. However, we intend to take no action at this time.

Finally, PSAC wishes to express its strongest possible exception and objection to the attempts of the employer to censor online expression by Canadians. This conduct by CMCC, a public institution, is nothing short of scandalous in the view of PSAC and its members.

PSAC will be communicating as widely as possible our objections to this attempt at censorship by CMCC, which is merely the latest in an ongoing pattern of conduct that has seen CMCC seek to flagrantly interfere with and suppress the exercise of constitutionally protected rights and freedoms of expression by PSAC and its members. We have no doubt whatsoever that Canadians, and indeed persons world-wide, will find these efforts on the part of a public institution in a democratic state to be scandalous and unacceptable.

Sincerely,


for **Shannon Blatt**
Legal Officer,
Regional Offices Branch
PSAC

cc: client