

This Writer refers to [This Vancouver Sun Article](#) written by John Mortimer on September 5, 2006

From: jade valley [mailto:jadevalley@hotmail.com]
Sent: Tuesday, September 05, 2006 8:42 PM
To: john@labourwatch.com
Subject: union monopoly over membership

Dear Mr Mortimer,

I read your article in today's Sun with interest and personal recognition in that it seems the interests of ordinary workers are left out of the equation in struggles between a powerful union officialdom and employers. I recall Bob Dylan saying about fifteen years ago that the 'union movement was a good idea gone bad'.

The salaried union official caste has become a special interest group in its own right quite separate from the interests of the ordinary workers it exists ostensibly to serve. As a political-bureaucratic caste, they manifest all the characteristics of self-serving empire building that such castes always do. Their particular cash cow is their base of union members, whether they want to be that or not.

My experience has been that when you are a union member, you hand over to the union 'sole representation rights', which means the Labour Code is effectively pre-empted by the union, along with a member's constitutional rights etc to legal representation as a Canadian citizen. In theory, this is not so; in practice it is, to wit:

A legal contract must conform to the minimum standards of the Labour Code, but when you join a union, the sole enforcer of contract becomes the union, and to the degree the union decides not to enforce it for political reasons or sloth or mistakes, to that degree a worker finds that even the Labour Code no longer applies because of the individual humans rights restrictions imposed by union membership. That is, by virtue of being a union member, a worker can find himself not even protected by the minimum standards of the labour code that all non-union members enjoy, when union officials decide autocratically that for this worker, these standards shall not apply.

An examination of the Section 12 files of the LRB in BC will yield a mine of such cases- however, these files will not contain the information of what actually transpired, as the complaint rules restrict full documentation of union official activity against members. For this information, the workers shafted by their unions causing them to file a section 12 complaint need to be contacted.

Employer representatives are reluctant to investigate or concern themselves with union malfeasance against their own members, and so anyone filing a section 12 complaint has already fallen between the cracks. Yet, if employers want to effect a political counterthrust against the false union bombast-rhetoric and the monopoly representation rights enjoyed by union officials, then the section 12 files could lead to a legacy of information that lays bare union malfeasance limiting the most basic human rights of the workers whose human rights they now own as their own autocratic preserve, under the 'sole representation rights' clause.

In my case, I hired my own lawyer to represent me in my complaint against the union under section 12. He promptly received a letter from the Union's high profile lawyer (the union went outside its usual staff lawyers to hire a Georgia St Lawyer), warning my lawyer off the case as the union maintained sole representation rights, and so he left the case. I was told by other lawyers that to challenge this would cost a hundred grand to the Supreme Court, and that this Court would be reluctant to make a judgment against the union.

My case was a clear case of 7 clauses of contract broken, but the manager and the then union local president had lived together for several years as a male couple, and so maintained a close 'special interest-identity group' friendship. Hence 30 years of paying union dues were rendered worthless, and also, the union became my chief adversary.

Some twenty years ago teachers who were not of the left wanted the right to establish a separate 'association' as an alternative to union membership, and I think this basic human right would ensure that a union officialdom remains honest in its fiduciary duties. No monopoly, no captive membership, is best served under such conditions where union officials collect money without competition from other representative organizations to keep them honest. Leftists are quick to decry 'monopoly' in business, yet, when it comes to the business of the union official caste in BC, monopoly seems to suit them just fine.

Best regards, ET-M

Some typos have been edited