

No Forced Union Dues, Especially for Politics: It's a Human Right

The European Experience

Unionized workers in Europe who do not voluntarily become Members of the union cannot be lawfully compelled to pay any dues that fund political activities. In practice now, non-Members typically pay no dues at all. Further, European employees can no longer be forced to obtain and maintain union Membership in order to get or keep a job as a human right. Employees can still be compelled to accept union monopoly bargaining but closed shop collective agreements in any form are illegal.



The European Court of Human Rights 2007 [Evaldsson](#) judgment concerning union dues builds on prior decisions: [Sørensen and Rasmussen](#) (2006), [Sigurjónsson](#) (1993) and [Young](#) (1981) that made forced union Membership and conditional employment illegal throughout the 27 countries of the European Union as well as the larger Council of Europe's 47 countries.

In Europe, unions have rarely tried to collect dues from non-Members. [Evaldsson](#) ended a collective agreement scheme in Sweden of union dues for non-Members. The Court found a violation of the employees' property rights due to a lack of transparency on the union's part towards the employees.

Jan Södergren is a Swedish human rights lawyer who represented the five unionized construction employees in the [Evaldsson](#) case. A graduate of the University of Stockholm, he is now a well-known speaker and the author of numerous legal articles related to constitutional and human rights cases. His excellent work in many high-profile cases has advanced the rights of employees and citizens throughout the European Union.

By comparison, in 1954, the United States Supreme Court ruled that under federal labor statutes compulsory unionism agreements may not be used "for any purpose other than to compel payment of union dues and fees," that is, that employees may not be required to be formal union Members and abide by internal union rules to keep their jobs - [Radio Officers](#).

Later, a series of U.S. Supreme Court decisions held that unions cannot lawfully take dues or fees from objecting unionized employees who are not also union "Members" for political and other purposes not related to collective bargaining and contract administration. [Abood](#) (1977) public employees; [Ellis](#) (1984) railroad and airline employees; [Beck](#) (1988) other private sector workers. However, unless employees in America are protected by a Right to Work law or work under collective bargaining agreements that do not impose forced union dues, they may be lawfully compelled as a condition of employment to pay for these bargaining related costs whether or not they want the union's "representation."

From a legislative perspective, twenty-two of fifty US states have Right to Work Laws which prohibit all requirements that workers join or pay any money to labor organizations.

Full details will be found on the LabourWatch website regarding Mr. Södergren's visit to Washington DC on Friday, October 5, 2007 – www.labourwatch.com

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