

Canadian Labour Reporter

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FACE OFF

We pit 2 heavyweight players against each other to gain insight on hot-bed labour issues. Ontario Federation of Labour president Sid Ryan takes on Labour Watch's leader, John Mortimer, to debate the validity of right-to-work laws.

Con: Sid Ryan

The old and ugly notion of "right to work," is back again. It's an idea imported from the post-Second World War era when elites in the segregationist U.S. South feared the threat posed by African-Americans and whites working and joining together.

Its most recent incarnation is being touted as a long-overdue economic tool that will help spur growth and "modernize" labour relations; and its misleading name suggests it's a democratic reform designed to assist workers.

Beguiling phrases such as "worker choice" and "right to work," are meant to lure the workforce into co-operating in their own undoing. U.S. President Barack Obama warned the endeavour should more rightly be called "the right to work for less." In Canada, the real prize is the Rand Formula, the system of labour relations that has been in place for decades and from which flows the basis of workers' and unions' democratic rights in the workplace.

Upending it, by allowing workers in unionized workplaces to opt out of paying union dues, even while they receive all of the wages, benefits and representation resulting from a union negotiation on behalf of all employees, is tantamount to a declaration of war.

Does anyone really believe that pitting workers against each other is a recipe for productivity and peace in the workplace?

We foresee that conflict and disruption are the inevitable outcomes as employers grab even more for themselves by driving down wage rates and standards for their employees.

Predictably, significantly lower unionization results in lower wages. Average annual wages were US\$5,766 lower in right-to-work states than in the rest of the U.S., based on 2012 Bureau of Labour Statistics data. Poverty rates are higher in those states and the rate of workplace accidents and deaths are higher as well.

Are these really the social conditions and society that we wish to see?

We believe there are decent employers who care about the health and vitality of their communities and who believe in the equitable treatment of the workforce.

This is the moment for them to speak up and be counted. Weighing in against these merciless imported ideas will go a long way in shaping a better future for all generations.



Sid Ryan, president of the Ontario Federation of Labour

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Pro: John Mortimer

Globally, there are three components to right-to-work policies.

First, an employee seeking, or currently working a unionized job, cannot be forced to become, or remain, a union member as a condition of employment. Further, unionized employees can resign or lose that membership, but keep their jobs.

Many nations never allowed collective agreements requiring unionized employees to join a union. It now appears that any who did have ended such coercive powers by judicial ruling or statute law. Only Canada's unionized federal government employees are protected.

The second component is whether or not a worker must be represented. Labour-friendly politicians in other nations don't think so. Former Australian Prime Minister Julia Gillard recently wrote about her Fair Work Act, saying it protects freedom of association including the right to not be a member of a union and not to be represented by it.

No Canadians currently experience this.

Union dues are the third component. Who does and does not pay? And, if dues must be paid, are they full or partial? An employee who chooses to not be a member nor be represented — doesn't pay any dues.

In turn, the union neither represents nor pursues their grievances.

An employee who chooses to be represented and be a union member pays full dues that can be used not only for bargaining purposes but also non-bargaining purposes. Think political parties, political causes and other initiatives at home or abroad. Employees choosing to be represented, but to not join the union, pay a lower rate of dues that can only be used for bargaining purposes.

The intellectual and practical weakness of the American approach is that in some states, unions have to represent employees who pay no dues. And those employees have no way to opt out of being represented or covered.

It now appears that in all other nations, no unionized employee can be required to pay any union dues for non-bargaining purposes — except Canada. Protection in 47 European nations flows from the European Convention on Human Rights. Other nations use statute law.

Canada seems to now be offside of the legal reality in all other countries and on the wrong side of our international human rights obligations. The United Nations Universal Declaration of Human Rights Article 20(2) reads, "No one may be compelled to belong to an association."

This international obligation of Canada's was referenced by our Supreme Court, when it found that our Charter's freedom of association includes a related right to not associate. No provincial government has removed sections from their labour codes allowing employers and unions to agree that unionized employees must be union members as a condition of employment.

Canadian union leaders will be even more responsive to workers with the accountability that will flow from laws that guarantee the human right to work.



John Mortimer, president of Labour Watch

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