

## Make the unions accountable

Russ Hiebert, National Post | 13/07/17

While the recent cabinet shuffle has drawn some of the media's attention away from the Senate, the attention of the public, can, and should, return to our parliament's Upper Chamber and the role it plays in overseeing legislation. Some in the media have praised the Senate for showing "sober second thought" when it gutted my private members' bill, C-377, which would require financial transparency from labour organizations. Even the federal New Democrats, who would abolish the Senate altogether, for a moment forgot their abolitionist tendencies to praise the work of my colleagues in the Red Chamber.

Conservatives in the Senate have suggested they're willing to sit deep into the summer — maybe as late as July — to help push through a backlog of legislation.

One of the bills they're considering is a contentious private members' bill requiring unions to disclose salaries and finances, which could then be publicly posted.

Bill C-377 has had many critics, including Sen. Hugh Segal, who launched a stirring oration in February declaring the bill to be unfair, punitive, too expensive and un-Torylike.

It was, he said, "bad legislation, bad public policy and a diminution of both the order and the freedom that should exist in any democratic, pluralist and mixed-market society."

The media, and the opposition, have a right to their opinions. But in their haste to praise the Senate for its fundamental revising of my bill, they have overlooked what the bill was seeking to achieve.

In their efforts to avoid transparency and accountability, some union leaders, along with their allies in Parliament and the media disparaged C-377 as "flawed," "unconstitutional" or even threatening the privacy of individual's pension payments or health-care records. None of the critics, however, dared to offer an argument against the fundamental premise behind C-377: that labour organizations receive tremendous benefits from the taxpaying public in the form of tax deductions — along with the legal authority to compel members to pay dues — and they have a corresponding duty to the public to explain how they use those public benefits.

Indeed, a closer look at C-377 reveals the critics to be ill-informed, at best.

First, Bill C-377 contains a clause that specifically excludes the reporting and publication of data about pension/disability plans, health-care schemes and other registered benefits. No one's individual privacy will be affected by C-377.



The Senate claims the bill demanding financial disclosure from labour organizations was 'flawed,' writes Russ Hiebert. It was drafted by Parliament's own lawyers. ~ Brent Lewin/National Pos

Second, despite the claim from critics, including some labour-backed provincial governments, that the bill somehow intrudes on provincial jurisdiction, a former Supreme Court of Canada Justice, the Hon. Michel Bastarache, gave his legal opinion that the bill is indeed constitutional. Indeed, he clearly noted that C-377 “merely provides for disclosure of financial information by labour organizations; it does not attempt to regulate the activities of such organizations or affect how their money is spent.”

Further, contrary to the misinformation spread by some Senators, Canadian charities have been reporting their financials publicly for the past 36 years; and labour organizations will only need to provide detailed disclosure on their political or lobbying activities, not on core functions like administration, overhead or labour relations activities. In fact, because all Canadian labour organizations headquartered in the U.S. have been required to publicly disclose this same information on the U.S. Department of Labour website for more than a decade, they can hardly oppose providing the same kind of transparency at home.

Finally, claims the bill is “flawed” are designed to distract from the main issue. One critic even quibbled over the absence of a comma. If C-377 was so flawed, then why were the amendments the Senate of “sober second thought” passed focused on excluding all but a handful of unions from reporting, rather than correcting the supposed flaws? All private members’ bills are drafted by expert Parliamentary lawyers, and C-377 was no exception. Its purpose and impact are clear and unambiguous.

While the media has focused on the complaints of a few union leaders who don’t want to report on their spending, it is important to remember that the vast majority of Canadians, including unionized Canadians, certainly want them to. According to the 2011 Nanos Labour Day Survey, 83% of the public and fully 86% of unionized Canadians want public disclosure of union finances.

Fortunately, C-377 is not dead. In the fall, the House of Commons will be able to revisit the bill and I am confident my elected colleagues will reject the Senate amendments and send a clear message that transparency is long-overdue in labour organizations.

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