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## MEDIA ADVISORY

### Forced union membership and dues: things of the past?

**If forced union membership violates Canada's Charter of Rights and Freedoms then why is it mandatory for so many unionized provincial civil servants and private sector employees across Canada to also become a union "Member" or be fired?**

In the 27 countries of the European Union and the 47 countries of the larger Council of Europe, forced union membership as a condition of employment is an illegal violation of human rights. So is taking dues from unionized employees who do not join the union that represents them and using them for political purposes. This is the result of 26 years of human rights litigation culminating in judgments in 2006 and 2007 from the European Court of Human Rights.

The fact is that Canada is the last country recognizing free collective bargaining and independent unions that has legislation and collective agreements requiring unionized employees to be members in good standing of a union or be fired.

In most major economies such practices are either illegal - a violation of employee human rights or banned by legislation. Increasingly, so are requirements that non-Members pay dues; clearly the use of their dues for political purposes is illegal in the countries of the European Council.

Given these international trends a prior Supreme Court of Canada decision (*Advance Cutting and Coring*) is even more troubling. While this decision acknowledged the freedom to not associate, in part based on the UN Human Rights Declaration, the Court still upheld forced membership in the Quebec construction industry. The legislation before the Court was held to be a justifiable way of addressing the history of violence in Quebec's construction sector."

Leading Canadian labour relations commentator John Mortimer has been quoted as saying, "With its' decision, Canada's highest court, tasked with being the guardian of the rule of law, limited the rights of its own citizens because those tasked with enforcing the law – the police, lower courts and the Ministers in the governments of the day, had not enforced the criminal code of Canada". Mr. Mortimer is President of the Canadian LabourWatch Association.

Jan Södergren is a Swedish human rights lawyer who has been a leading advocate in European court battles that have brought about some European reforms. He is a well-known speaker and author of numerous legal articles related to constitutional and human rights cases. His work has advanced the rights of employees and citizens throughout the European Union.



Jan Södergren is coming to Canada for a speaking tour and will be available for interviews. He is an excellent speaker, a leading authority in his field, and a fascinating interview who will burst Canadian misconceptions about “socialist” Sweden.

Questions your audience needs answered by Mr. Södergren include:

- Are Canada’s laws and Supreme Court rulings in step with Canada’s international obligations when compared to the decisions being made in European courtrooms that are based on those same international obligations?
- What happens to unions when they have to rely on voluntary membership and union dues? Do they become more or less responsive? Do they survive or die?
- What is Europe’s thinking about human rights and what is Canada thinking with unionized Canadians forced to obtain and maintain union membership; pay dues for political purposes or lose their job?
- Why is this basic human right trampled on in many jurisdictions including employment with provincial and federal governments?

Jan Södergren’s Canadian speaking tour is being sponsored by the Canadian LabourWatch Association.

### **About the Canadian LabourWatch Association**

LabourWatch advances employee rights in labour relations. They provide employees with free resources on unionization in order to help employees make informed choices. More information on LabourWatch is available at: <http://www.labourwatch.com>.

More details about Jan Södergren and the situation in Europe is available at: <http://www.labourwatch.com/speakers/sodergren.php>