

# Union Espionage and Distortion Should Stop

by John Mortimer

In a recent unionization drive in Ontario, the shadowy side of organized labour was again laid bare. A group of warehouse workers were hit by a union drive, except it turned out the "employee" who led the drive was a professional union organizer. As such, he was likely being paid by his union at the same time as he drew a paycheque from the unaware employer.

That union organizer was engaged in what's known as "salting," and it's what the Alberta government is moving to curtail this year, at least in the construction sector. With "salting," Operatives go from business to business to unionize workplaces as a fake employee. Fortunately, the employees found out in this case. They found the union organizer's picture on a union website (!), he was exposed, and the gig was up.

When union organizers work under false pretences, they commit a fraud against employees. Such organizers often receive bonuses from their union per employee "signed up", and for a successful union drive. This happens more often than the employers the general public or most importantly; misled employees realize. After the job is done, the union quietly "strips" their undercover plant out and moves them on to the next target.

Such "salting" and "stripping" Is the union equivalent of false advertising and espionage. It's not only underhanded and particularly unfair to employees; it's unfair to employers.

Another manipulative union tactic facing reform in Alberta is the use of "MERFs" or "market enhancement recovery funds". This is where a union agrees to subsidize a bid by a unionized employer. This occurs so the union can win a particular job where a unionized employer bids against union-free workers at a non-union employer.

The use of MERFs is an attempt to make up for the "disadvantage" unionized workers and employers face when non-union contractors bid on construction jobs. But the problem is not union or non-union; the problem is the inflexibility of some unions.

Union-free contractors and employees rarely have hard-and-fast job roles the way unionized firms usually do. For example, a unionized electrician might be prevented, by his union's rules and collective agreement, from picking up a shovel to lengthen a trench so the electrical work can be finished; that's another unionized employee's job.

This archaic union practice increases costs and flies in the face of how most people now work, particularly if something immediate and minor needs attention.

The result is that union firms sometimes have a tougher time winning bids because the union-free companies and their employees are more flexible and efficient - there's less union-enforced downtime. But rather than showing more flexibility, unions and their firms use MERF funds made up of "deductions" from workers' pay to subsidize a job.

Critics say Alberta's new labour code amendments (passed in June but still not proclaimed into law) amount to "taking away a number of rights of working people in this province."

Wrong.

The amendments will outlaw fees from unionized construction contractors and most importantly will only allow union dues which employees expressly authorize to go into a MERF fund. The idea that unionized employees should have a say over what their dues can be used for is a precedent setting move - at least in Canada. How such voluntary employee authorizations will be achieved in practice is one potential pitfall that

remains. It also appears, unfortunately, that these amendments do not mean a union cannot do an end run by subsidizing the worker instead of the employer.

In the case of salting, the amendments require workers to have been employed for 30 days before they can participate in a unionization vote. They also give employees 90 days to reconsider a vote to unionize (e.g. should they learn there were covert union operatives in their midst).

That's helpful to long-term employees who have been hoodwinked. Contrary to criticism, the changes don't go far enough. When employers engage in behaviour remotely unsavoury, they can be hit hard by labour boards, while unions often get a slap on the wrist or nothing.

That has to change. Before the passed legislation is proclaimed, the Alberta government should add one more reform: ensure tougher penalties for unions who lie, exaggerate, mislead, and plant people in an effort to sign up employees. Finally, "salting" protection is needed for all Albertan workers, not just those in construction.

Also, the Alberta government should move down the road to greater freedom for employees, such as ending forced union membership and barring unions from fining union members who from time to time work for a non-union employer. As it is, Canada appears to be the only country left that has not moved to protect these human rights.

Further, in most countries, unionized workers only pay dues if they are also a voluntary union member. Some allow such workers to be forced to pay partial dues tied to the cost of bargaining, but not for politics and other non-bargaining activities. In most countries, unionized non-members pay no dues at all which ensures protection from abuse on specific types of dues being okay if they are "voluntary".

Ending salting, MERFs, and forced union membership, would give unionized workers and potential unionized workers more leverage over unions. Union leaders would need to act as if they were dealing with customers to be courted rather than pawns to be tricked.

Union organizing should be about attracting real employees in a transparent, honest way. It shouldn't be about planting fake ones and engaging in trickery and power games.

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