

Fining free riders

Financial Post

Saturday, November 10, 2007

Re: No Right to Fine, John Mortimer, Nov. 6

John Mortimer's latest tirade against the labour movement is not surprising. In his capacity as president of the Canadian Labour-Watch Association, he speaks for, and in the interest of, the business community in Canada and should never, for a moment, pretend otherwise. That is why he is highly selective of the cases he and his organization choose to comment on.

It so happens that on the same day (Oct. 17) that the Ontario Superior Court of Justice released the PSAC decision Mr. Mortimer celebrates, the Alberta Court of Appeal unanimously overturned a Labour Relations Board decision that allowed Finning International to bust a legitimate union, in violation of well-established successorship principles. Does Mr. Mortimer's silence on this important ruling mean that he is not willing to defend employee rights when they are violated by employers?

Mr. Mortimer conveniently appeals to the United Nations Declaration of Human Rights and the Canadian Charter of Rights only when it serves his union-busting agenda. Otherwise, he would have lauded the Alberta and other high-court decisions that unequivocally protect union members' right to collective bargaining. Instead, he claims that Saskatchewan "forces union membership on most unionized workers" and allows them to levy fines on strikebreakers in violation of the Charter of Rights. If this were the case, why have the courts not struck down the legislation? The fact is, the Supreme Court of Canada has upheld the right of mandatory membership and dues-checkoff in collective agreements, not only in Saskatchewan but across the country.

Levying fines on strikebreakers is one way of dealing with the "free-rider problem" and has nothing to do with human rights, as Mr. Mortimer would have us believe. Collectively, the workers benefit from the bargaining power obtained by withdrawing their labour during a strike. However, individuals have a personal financial incentive to cross the picket line, collect income by working during the strike, and still share in the future gains bargained through the efforts of other strikers. Of course, if too many workers cross the line, these future gains disappear and everyone is worse off. Everyone, except employers who force workers to go on strike in the first place.

Hassan Husseini, national representative, Canadian Labour Congress, Ottawa