

As Australia's John Howard has shown, employees who don't want to join a union deserve as much protection as those who do

Protect all workers

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Starting today, Prime Minister Stephen Harper meets with Australian Prime Minister John Howard. Under Mr. Howard's leadership, Australia recently joined a number of developed nations that have significantly reformed their labour laws over the last 20 years. A common theme has been the advancement of all employee rights in dealing with unions. Canada now lags the world in terms of, for example, forced dues, forced membership, the ability of unions to discipline members who did not join voluntarily or who cross picket lines.

In recent weeks, this page has featured a clash over the proposed Workers' Bill of Rights that unions have asked Mr. Harper to endorse. Columnist Susan Martinuk opposed the bill; James Clancy, president of the National Union of Public and General Employees, then claimed Ms. Martinuk's comments were driven by ideology, not facts.

The facts are that this union-created bill will not advance employee rights.

A fundamental issue that underlies this debate is the bill's basic declaration that all employees have the right to form unions and bargain collectively.

Fair enough. But real rights rest on the broad principle of employee choice. Mr. Clancy's public-policy prescriptions and some union practices represent rights that benefit unions only and essentially abrogate the mirror side of employee rights.

For example, he claims the bill is based on the Charter right to freedom of association, yet neither he nor the Bill mention its complementary right to not associate.

In practical terms, this means that employees should have equal rights to seek a union and oppose it; to keep the union in a workplace and remove it; to bargain collectively and as individuals.

Without acknowledging both sides of Charter rights, these so-called "labour rights" can evolve into union rights -- at the expense of employee rights.

A second point that demands clarification is Mr. Clancy's response to Ms. Martinuk's remarks about union "bullying," as in the case of seven female bank workers in Lively, Ont., who were unionized against their will. Interestingly, his only basis for refuting her statement is to claim it's "laughable."

Mr. Clancy may find the issue of union bullying "laughable," but many employees don't. I wonder if he would be so glib if he had a wife or daughter on the receiving end of an unplanned home visit by two male union organizers on a dark December night? Especially if they refused to leave until a union card is signed.

He fails to mention that "the Lively Seven" issued formal complaints to the federal labour board about union tactics, including the following: "Two union organizers came to my home [and] informed me that ... I needed to sign a card and give them \$5. I repeated to them that I did not wish to be part of that organization and they continued to pressure me into signing... They would not leave my home, even after I told them I had to attend to my daughter. They finally left after 45 minutes."

Yet the board responded to this and other written complaints by stating that they stemmed from the women's "lack of knowledge about the unionization process" -- a response that hasn't been well accepted by the women. Nor should it be.

Mr. Clancy further claims that the Lively Seven had an opportunity "to vote for or against unionization." Having reviewed the facts and the relevant board decisions (posted on www.freethelivelyseven.org), it's clear that Mr. Clancy's comments are not accurate. There was no vote on joining the union -- only allegedly coercive home visits and card signing. Hardly a democratic process -- let alone a 'free vote.'

Employees need to be free of coercion and intimidation, whether by employers or unions. It's time to do away with the process of card signing for anything other than applying for a certification or decertification vote. All employees should be free to voluntarily support or oppose unionization, and that right should be protected by a democratic, secret-ballot vote.

Finally, I question Mr. Clancy's pondering of a relationship between the Lively Seven, the bank, the National Citizens Coalition and Mr. Harper (a former president of the NCC).

I'm not sure what conspiracy theories he may be trying to weave. It's no secret that the NCC is assisting the Lively Seven in their efforts to fight forced unionization and a labour board that appears, unfortunately, to have failed to consistently follow its own procedures. If he doesn't like the NCC standing up for employees, perhaps he should amend his Bill of Rights to set aside a percentage of union dues so that all unionized employees have access to legal representation -- even when challenging union practices. As for Mr. Harper, I can only surmise that he's listed as a co-conspirator because he "gets it."

Unlike the union-backed Workers' Bill of Rights, Mr. Howard's 2005 Work Choices Act protects all Australian employee rights. All Canadians need this choice, and this protection.

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