

# Proposed legislation a boon to irresponsible

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If Members of Parliament need a new example of why Canada's union leaders don't need another weapon to help whip members into line, they just got it. An internal union-versus-union fight is underway in the Canadian National Railway dispute where 2,800 conductors and yard workers, represented by the United Transportation Union have been on strike since Feb. 10.

The fight is taking place while MPs mull a Bloc private member's bill, C-257 -- the "weapon" now in committee. Proponents claim it would help union members. In fact, C-257 would handicap unionized employees in their relationship with union leaders, a point made obvious in the CN strike. There, strangely, the international arm of the UTU has been the one to defend Canadian union members from Canadian union leaders, defend the rule of law and try to make sure UTU members in Canada don't unnecessarily lose pay.

For starters, the international UTU removed four Canadian union executives from the bargaining committee, after at least one Canadian union boss, Rex Beatty, violated the union's constitution, according to the UTU. The international parent says Beatty accepted \$660,000 from a former CN vice-president and placed more than \$250,000 of that money in a secret unauthorized bank account in Sault Ste. Marie -- only to "discover" the cash later.

UTU International president Paul Thompson has also accused Beatty and other leaders of ignoring the union constitution in the lead-up to the strike, fomenting it in order to create dissatisfaction and to decertify the UTU bargaining unit so as to re-certify the employees with the Teamsters.

## 'SHOCKINGLY APPARENT'

"It now is shockingly apparent," wrote Thompson that, "the Canadian UTU general chairpersons failed to follow the UTU constitution for the apparent purpose of launching an unauthorized strike that they knew would result in financial harm to their members."

In the wake of the shenanigans, hundreds of CN employees appear to be going back to work -- thereby crossing their own picket lines.

Federal Labour Minister Jean-Pierre Blackburn is scheduled to introduce back-to work legislation for the rest of CN's employees who remain on strike.

While Blackburn is at it, he might try to persuade some 20 Conservative MPs and reasonable members of the opposition parties to kill Bill C-257. If it passes, Canada's MPs would strip the right of unionized members to cross their own picket lines. That would make employees like those at CN even more subject to the internal politics and power games of their leaders.

If Bill C-257 were already law, CN's existing unionized employees -- repeat, existing unionized employees -- would have been banned from crossing, regardless of their own reasons: either to defy the parent union (which now, despite its earlier position, wants members to stay on the picket line) or because they think the strike was indeed unconstitutionally and deceptively begun by their local leaders.

For months, New Democrats and the Bloc Quebecois, as well as Canadian Labour Congress windup spokespeople, have portrayed Bill C-257 as one that will prevent replacement workers from taking the jobs of union members on strike. To support their case, they've blatantly fibbed about recent strikes. They claim replacement workers crossed the picket lines to perform the work of striking workers during the Telus strike in 2005 and at the Ekati diamond mine strike in 2006.

Those assertions are dead wrong. Unionized employees -- not external replacement workers -- crossed the Telus and Ekati picket lines. At Telus in 2005, Telecommunications Workers Union (TWU) leaders promised they wouldn't send employees out without another vote (one which passed with just 50.3 per cent), but did anyway.

## EVENTUALLY CROSSED

In response, 3,100 existing unionized Telus Alberta employees -- not replacement workers -- eventually crossed the picket lines to show their displeasure. In Ontario and Quebec, another 3,000 unionized Telus employees never went out on strike. The TWU was apparently unable to get picket lines staffed. Protesting their leader's actions with such a response was something TWU represented employees had every right to do under current federal legislation. It's a right they won't have if Bill C-257 becomes law.

As for Ekati, NDP MP Catherine Bell misled Parliament in September 2006, when she claimed that replacement workers were used during the strike at the Ekati diamond mine in the Northwest Territories. In fact, in May 2006, almost one-half of Ekati's 385 unionized employees -- and no replacement workers -- crossed the picket lines. Union members speak of concerns with how the PSAC union took over their association, as well as with strike-vote shenanigans driving their decisions to cross.

Clearly, both these strikes were ended, in part, not by back-to-work legislation, but by the justifiable breakdown in union solidarity on the picket line.

Surely federal Labour Minister Blackburn well knows that Bill C-257 would prevent unionized -- repeated, existing unionized employees -- from one of their most powerful tools for holding leaders accountable, in the manner they did at Telus, Ekati and now CN.

Unfortunately, Blackburn's speeches in the House and comments to the media (let alone the Liberals, Bloc and NDP) show no trace of understanding the billyclub Parliament might just hand over to irresponsible labour leaders of the sort recently in evidence in those three labour disputes.

John Mortimer is president of the Canadian Labour Watch Association, [www.labourwatch.com](http://www.labourwatch.com). This column first appeared in the Financial Post.

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