

Top-down unionism

Mark Milke
Financial Post

Thursday, June 08, 2006

Out-of-town friends and relatives are great as summer guests, provided you first invite them. Surprise visitors and cranky Uncle Harry who insulted your spouse last time he was in town don't count as pleasant dinnertime companions.

That unpleasant predicament is the situation 400 non-union workers find themselves in at the Johnson Controls International (JCI) plant in Orangeville, Ont. The employees, who manufacture car seats for Daimler-Chrysler, have continually resisted attempts by the Canadian Autoworkers Union to invite themselves in courtesy of the employer. It's not clear whether the CAW, resisted again in late May, will finally give up or once again show up to the employees' "dinner."

The problem for Orangeville employees started last September when a unionized sister plant in Whitby almost went on strike. To prevent that, JCI's head office in Milwaukee cut a deal with the union to designate the Orangeville plant as "union." It was, the CAW first claimed to employees, a "voluntary recognition agreement," as in voluntarily recognized by the company and the union only, but binding on employees.

In early September, employees were forced to show up to a paid, captive audience session to listen to union representatives. There, they were told by the CAW's Hemi Metic that if they didn't back his union, he would "personally see to it" that Orangeville employees would never get another contract with Daimler-Chrysler.

Question for the Ontario Labour Relations Board and the union-biased Dalton McGuinty Liberals: What's the difference between an employer threatening closure (if employees unionize) or if the union threatens closure (if employees don't unionize)? Answer: Companies can be automatically certified by the OLRB in the first scenario while in the second, unions can try again some other day.

Despite the Metic threat, some employees collected enough signatures to decertify the imposed union. At an OLRB hearing in October, only then were they told that the agreement was not, in fact, a "binding voluntary recognition agreement."

Contrary to initial union and company propaganda, only if employees voted for a CAW-negotiated contract could their plant then be unionized. (After nine months, staff have yet to see the CAW-employer agreement.) Orangeville staff had not already been automatically unionized, as would have occurred under a voluntary recognition agreement and as employees had been led to believe.

Between last September's "hint" from the CAW's Metic and the first vote this past February, Johnson Controls gave the CAW's bargaining committee members two days off the line with pay to drum up support for the agreement. Such a privilege was not offered to those who opposed forced unionization.

One employee who recently spoke with me told me that scare tactics were also employed. Workers were told by bargaining committee members that if the union wasn't certified, their car seats might be damaged

by CAW employees at the destination Chrysler plant in Bramalea. They were also informed no other wage increases would be forthcoming from the company if the CAW contract wasn't approved.

That employee notes that in eight years of non-union employment, she's seen wage increases of \$11 per hour and other benefits, such as reimbursed gym memberships and an open-door policy. The CAW-negotiated contract would provide for a 1% wage increase, which would amount to a wash after \$672 in new union dues were taken off employee's paycheques. Many employees would see a net decrease in their take-home pay.

But if most employees would end up with less than if they received the same wage increase without the union presence, the union's bargaining committee has its own stake in Orangeville's unionization. The first proposed contract included a super seniority clause where, in the event of layoffs, bargaining committee members would be the last to go, even if they were very recent hires, which some are.

In late February, the Orangeville workers rejected the CAW contract with 163 votes against it, 154 in favour and 83 abstentions. In late March, some union supporters revoked their cards, signifying what should have been the end of the company-union-OLRB imposed forced affiliation affair.

But like creepy house guests who won't take the hint, the union's negotiating committee demanded a second vote this month and the labour board approved. The vote was to take place in late May until Orangeville's non-union supporters got wind of it. They then organized against the newest top-down attempt and the CAW has temporarily cancelled the vote. But given union persistence, Orangeville employees can likely expect another effort foisted on them without warning.

CAW president Buzz Hargrove often muses on how democratic the CAW is. He has also denied his union ever practises top-down tactics. He should tell it to the JCI employees in Orangeville, triangulated as they were (and are) by the CAW, their U.S.-based employer and the labour board.

The problem of forced unionization persists because Ontario's labour legislation (as in other provinces) allows organized labour and companies to treat employees as mere pawns in their political chess games. Employees not interested in unionization must fight against the company, the CAW and their usual phalanx of activists and lawyers. It's hardly a fair fight. (In the case of Orangeville employees, the CAW was also given a list of all the employees' personal information, such as addresses and phone numbers. So much for privacy.)

Insofar as Ontario's current labour law allows top-down organizing, it is undemocratic. It is also anything but respectful of worker's privacy, autonomy or labour rights.