

Unionized dishonesty

Labour runs anti-Tory attack ads that hide their funding

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Albertans for Change, a front group set up by union leaders, has been blasting away at Alberta's new Premier with union-funded television and radio attack ads. But at no time do the ads disclose their union connections. The misuse of union dues is the real issue arising from the recent launch of negative attack ads by this fake front group.

This new provincial election phenomenon began in Ontario, where in the recent election the "Working Families Coalition" ran attack ads -- also with no union connections disclosure.

It's fair ball for any organization, including unions, to run ads on whatever issue they choose.

What's not fair is how union leaders use the forced dues of unionized employees to engage in partisan politics, an unfairness exacerbated by failing to disclose who's really behind them. Who really knows how many unionized workers actually support such attacks?

This is true whether it is the 137,000 unionized employees "represented by" the Alberta Federation of Labour (AFL) or the 48,000 "represented" by Alberta Building Trades Council (ABTC). But whether they support or reject the partisan attack, their dues are being used by union leaders with their own agenda.

Of course, the leaders of the AFL and ABTC are entitled to their opinions, but not to put their mouths in place of those of Albertan workers just because their jobs are conditional on paying full union dues.

But regardless of whether unions or their fake front organizations run ads for or against any political party or policy, union leaders are abusing employees, first, when they force them to pay dues for non-bargaining purposes, and second, when such non-voluntary dues are funneled to attacks on people or policies some unionized employees support, let alone those who do not participate in partisan politics at all.

This practice is widespread in Canada, but on many labour issues, we're out of step with the rest of the world. Elsewhere, organized labour is prevented from forcing union membership on unionized workers, or from using the dues of unionized non-members for political purposes. Elsewhere, legislatures and courts protect unionized employees' freedom from forced association and ensure their freedom of expression.

For example, on the issue of union membership, in Young (1981) and Sorenson (2006), the European Court of Human Rights ruled that the requirement of union membership violated the human rights of unionized employees. In doing so, the court confirmed the United Nations view of "freedom of association." Unionized workers are still covered by a collective agreement, of course, but actual membership is now a guaranteed voluntary choice.

In essence, the European court banned forced union membership for unionized Europeans. With "membership" now voluntary, workers don't have to also become or remain a union member to apply for, obtain and maintain a job--as they often do in Canadian workplaces. Score one for employees against the power of union leaders.

Another European Human Rights Court example, and one which speaks to the labour movement's current and recent fleets of negative attack ads, is Evaldsson (2007). In that case, unionized Swedish construction workers objected to the fact that their dues, along with those of co-workers (who had voluntarily also become members of the union), might be used to finance the union's political and other non-bargaining activities.



In Sorenson, the court noted that it was fiction to say that unionized nonmembers of a union (who pay the same dues as members) are not in the end members. In short, that there cannot be a non-political membership. In Evaldsson, the union could not prove that the dues of unionized non-members went only to legitimate workplace bargaining activities. The European court found this breached the human rights of these Swedish workers. Score another one for employees against union leaders and their personal political agendas.

The AFL and ABTC are umbrella groups for individual unions, claiming to represent almost 190,000 workers between them. All are forced to pay dues. All are forced to be members of and fund the AFL and/or ABCT. Many are forced to also be members of their individual unions. It is illegitimate to claim that all 190,000 Albertans agree with the position taken by the union leaders' because many of these unionized workers must fund these unions simply to get and keep their jobs. If union leaders are so sure unionized workers support their partisan political agenda, they should ask for direct voluntary contributions rather than use their dues. Labour organizations should also be up front about who they are rather than hide behind a fake lobby group.

This month, two champions of employee rights, the Merit Contractors Association and the National Citizens Coalition, ran joint newspaper ads funded by voluntary monies challenging union tactics. The AFL responded by invoking the 1991 Supreme Court of Canada Lavigne ruling.

However, Lavigne was premised on voluntary, not forced, union membership. The international law that the 1991 ruling also relied upon has evolved substantially. Clearly the time for a 21st-century assessment of these issues is coming. Workers and their families need a change all right, from being forced to join a union as a condition of employment, and from their union dues being used for partisan political advocacy. One solution, demonstrated in New Zealand and Australia, is legislative, rather than waiting for European and U.S.-style judicial protections. Maybe this recent union action will unleash legislative reform.

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