

Unions ignore workers' rights

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Labour Day is supposedly a celebration of organized labour's accomplishments for workers. But these celebrations are rich in irony because certain powers gained by union leaders have come at the expense of the rights and freedoms of unionized Canadians.

Canada is the last country (with independent unions and collective bargaining) to still allow forced union membership and full forced union dues from non-members as conditions of employment.

Mr. Stanford's Canadian Auto Workers union has a long record of demanding collective agreements that require unionized workers to also become and remain full dues-paying union members as a condition of employment. This funds union bureaucracies and their political activities, but denies unionized workers their Charter and international human rights. It also creates an uneven relationship where unions carry all the power and employees have all the fear. ("Do this if you want a job.")

This is contrary to international law. Article 20(2) of the UN's 1948 Declaration of Human Rights ("No one may be compelled to belong to an association") is widely-held to include the right to freely choose or reject union membership. Yet 60 years after signing the declaration, Canada is still not in compliance.

It's also contrary to worldwide trends. Unionized employees in the 47-nation Council of Europe have a free choice regarding union membership due to human-rights rulings, while workers in Australia, New Zealand and the United States owe their free choice mostly to legislation.

In Canada, eight of nine Supreme Court justices confirmed that a worker's Charter freedom of association includes a right to not associate (*Advance Cutting and Coring*, 2001). Yet our highest court justified the Quebec legislation that violated this right (5-4), saying it was appropriate given "the violence of labour relations" and "abuses like bribery" occurring primarily between and within unions.

The 1946 Rand arbitration ruling gave birth to forced union dues for non-members. Ironically, it also rejected the request (of the CAW's predecessor) for forced membership stating it would "deny individual Canadians the right to seek work and to work independently of personal association with any organized group." The forced dues remain, but Justice Rand's denial of forced membership has long been forgotten.

Some Canadian laws and unions do respect the Charter. Our federal civil-service labour laws have always been interpreted to bar forced union membership. Therefore, federal civil-service unions are based on voluntary membership.

So why is it necessary for the CAW and others to force workers into membership to get and keep their jobs?

Unions labour under a shibboleth of internal democracy and accountability, but their insistence on forced membership and dues renders these claims impossible. Similarly, while unions promote the Charter right of free association, forced membership reveals that they refuse to accept its necessary corollary - workers have a Charter right to decline the membership portion of this association.

Clearly, Canadian workers need legislatures to protect their Charter rights by aligning labour codes with international law and the Charter.

Labour Day celebrations of union progress only tell half the story. The other half - the unions' failure to acknowledge the rights of workers - is hardly worth celebrating.

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