

Newsletters

LabourWatch Informs Debate On "Workers' Bill Of Rights"

Volume 5, Issue 4, May 24, 2006 - Extra Edition

By John Mortimer

In the National Post, LabourWatch joined a debate on the UFCW-NUPGE Workers' Bill of Rights between columnist Susan Martinuk and NUPGE President James Clancy. John Mortimer challenged key union claims, and pointed to significant 2005 Australian labour law reforms that appear to significantly advance the rights of all employees by reducing the traditional imbalance that favoured unions and employees who support unionization.

NUPGE and the UFCW succeeded in getting all federal leaders except Stephen Harper to sign their Worker's Bill of Rights, endorsing it as a basis for reforming Canada's labour laws. LabourWatch President John Mortimer joined the debate to challenge Clancy's claims that the union Bill supports employee rights, citing common union practices that deny employee's basic rights, such as the right to non-association and to democratic, secret ballot votes. What are the facts about the "Workers' Bill of Rights?" [Click here to read our National Post column.](#)

We also suggested that the employee-friendly labour reforms in Australia's 2005 [Work Choices Act](#) would serve as a much better basis for Canada's labour law reform. This legislation reduces the traditional legal imbalance that favours unions and employees who favour unionization by clearly guaranteeing all employees the right to not associate with a union without facing any form of discrimination or union discipline. Readers should also look at LabourWatch's eleven [Guiding Principles](#) for labour law reform, noting that they truly advance all employee rights -- not just some employee rights as per the Workers' Bill of Rights.

We also took Clancy to task for his claim that the idea of union bullying was "laughable," referring to the real-life experiences of [The Lively Seven](#). This point was reinforced two days later when the Post published a [Letter to the Editor](#) that described the union intimidation that occurred during a recent union ratification vote in BC. This letter reinforces the need for LabourWatch [Guiding Principle #3](#), that all strike and ratification votes should be administered by a neutral party, not union officials only.

LabourWatch Informs Ekati Miners Courts Have Not Enforced Union Fines

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PSAC continues to threaten to fine employees who attend work to do their jobs during a strike; most recently it has threatened the employees at the Ekati diamond mine in the Northwest Territories. As regular readers of our Newsletter know, the law of fines was recently debated in published columns by LabourWatch President John Mortimer and former PSAC president Nycole Turmel. [Click here to read these April 2006 columns.](#)

Since then, an internal 2004 PSAC memo on fines has been forwarded to LabourWatch in which then-president Turmel advised PSAC's Board of Directors that PSAC had a legal opinion clearly stating that the union could not use Canada's courts to enforce the payment of fines from those who worked during a strike. [Click here to read the September 17, 2004, PSAC memo.](#)

LabourWatch believes Ekati miners have the right to know that Canada's higher courts have, so far, not acted as a collection agency for union fines. We submitted an opinion column to the Yellowknifer newspaper and Northern New Services.

When following up a week later, we were told the column wouldn't be published as it was not of interest to the public.

We asked how could it not be in the public interest for miners and the public to know what PSAC knows about Canada's common law on union fines? Shouldn't they know that PSAC continues to use its member's dues to prosecute its members in the Ottawa area (for fines that PSAC's own legal opinion has said cannot be collected in higher courts)? And that PSAC is now threatening Ekati diamond mine employees with similar fines and court proceedings (that Canadian courts have already said they will not enforce)? The commentary never ran, but the news service included some of Mortimer's column in an unrelated news item in the Yellowknifer. To read the news story in full, [click here](#)