2016 PEA Scholarship Essay

“The Conservative Government of Canada passed two bills, one that made it harder for unions to organize workers in Federal Jurisdictions (Bill C-525) and another that imposed stringent and unique public reporting requirements on trade unions in regard to their finances and expenditures (Bill C-377). The Conservatives’ official party policy book states, ‘We support right to work legislation to allow optional union membership including student unions.’ Discuss the implications of the introduction of a Federal right-to-work regime in Canada.”

Implications of a Federal Right-to-Work Regime in Canada

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Many of the rights enjoyed by workers across Canada have been won through the determination and hard work of labour unions. Through their advocacy, the Canadian labour landscape has significantly improved, helping foster a prosperous economic and social environment. The work of unions is continual, not intermittent, and an ongoing effort must be maintained to protect and improve the rights of all workers. However, the introduction of a Federal right-to-work regime through Bills C-525 and C-377 threatens to unravel the very fabric of Canada’s workforce by undermining the strength and capabilities of unions, leaving the safety and welfare of millions of Canadians on the line.

The advent of modern unions was catalyzed by the “Nine Hour Movement” in 1872,¹ which was an attempt by workers to establish shorter working days. Workers were expected to toil for as long as 12 hours, and a broad labour effort was organized in response to the growing dissatisfaction. The workers of the Toronto Typographical Union lobbied for shorter working hours through concerted strike action, which attracted a crowd of over 10,000 supporters. This prompted the Prime Minister, John A. Macdonald, to pass the pivotal Trade Union Act, which established the legal standing of labour organizations.² This was paramount to the development of unions, as union activity was no longer a criminal act under Canadian law.³ It demonstrated that workers were prepared to challenge unfair and unjust norms and confirmed that, through unions, positive change could occur.

The labour movement has won invaluable rights that have become prevalent in Canadian society. These include “minimum wages, overtime pay, workplace safety standards, maternity and

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parental leave, vacation pay, and protection from discrimination and harassment," and they originate from the painstaking fights and protests spearheaded by a multitude of unions around the country. Today, many of these rights are not only enjoyed by union members, but also have become ingrained in Canadian law, improving the quality of life for everyone. Minimum wage is perhaps the most immediate and tangible materialization of the power of unions in changing unjust policies. It embodies a departure from a period in history where employers were permitted to pay workers “as little as they wanted.” Today, over one million Canadians work at minimum wage, and all Canadians are able to work without fear of unreasonable pay. The compensation and work lives of employees, both unionized and non-unionized, have been substantially improved.

However, the strength of unions is being undermined by the Federal government’s decision to embrace an anti-union stance in their legislation. Through Bills C-377 and C-525, unions are unfairly targeted with burdensome financial reporting requirements and certification procedures, respectively. In a statement written in opposition to the bills, Justin Trudeau, Leader of the Liberal Party of Canada, declared that the bills were “ideological and highly partisan pieces of legislation which serve no demonstrable public good nor necessary policy objective” and that “these bills were designed as a direct attack on unions, meant to diminish and weaken the labour movement in our country.” If this prediction is accurate, this could have far-reaching and undesirable consequences.

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Bill C-377 is a controversial bill that has been described by Conservative Senator Hugh Segal as “immature, ill-conceived and small-minded.” It places unnecessary administrative burdens on unions, and intentionally avoids imposing similar rules on all other organizations in the country. It includes a meticulous reporting procedure, obliging unions, “including those with as few as one member, […] to submit at least 24 different detailed statements, including any cumulative transactions above $5,000, separately identifying the payer, payee, and the purpose and description of the transaction, including any legal services or health benefits paid for employees.” Compelling unions to release exhaustive reports of every transaction over $5,000 potentially infringes on the privacy of 12 million Canadians. This bill is discriminatory towards unions and reduces their capability to continue their work in protecting and improving workers’ rights. Union representatives would need to reallocate time to complete the required paperwork, lowering productivity. By miring unions with regulatory tape, the Federal government is not only ignoring the 31.6% of Canadian workers who are unionized, but also hindering potential improvements in Canadian workplace conditions resulting from the work of unions.

Similarly, Bill C-525 is “designed to make it harder for unions to be certified and to make it easier for unions to be decertified.” The bill “eliminates automatic ‘card check’ certification” and “replaces card check with a two-stage process [that] adds a voting process in addition to card

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By amending the certification process to introduce complexities, emerging unions may be deterred from pursuing certification. Furthermore, requiring the government to supervise the voting process exposes potential dangers. For instance, if the government supervises the unionization vote of federal employees, its partisan interest in the outcome may interfere with the voting process. This is one salient reason why the card check process is critical, especially in these federal workplaces. Adding a secret ballot voting process also introduces an avenue for misuse. The proposed two-stage voting process prolongs the path to certification and removes power from workers. In the period before the secret ballot vote, employers could potentially intimidate workers and create unfavourable working environments, pressuring employees to vote against unionization. Bill C-525 also lowers the threshold for decertification from a majority (50% plus one) to a minority (40%).

Thus, the views of the majority are disregarded in favour of the views of the minority. This overlooks majority rule, which is a fundamental principle of democracy.

The government maintains that the bills increase transparency and accountability but, in reality, they weaken unions. They advance the political “right-to-work” agenda, curtailing unions in the name of prosperity. Right-to-work legislation enables employees to opt out of paying dues for union membership, decreasing a union’s weight in bargaining and discussions. As justification, politicians pursuing these policies argue that “numerous economic reports and academic studies confirm that such reforms boost economic performance.” But, as Maclean’s magazine succinctly

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writes, “similar laws have antagonized American unionists since 1943, and they yield a valuable lesson for Canada: they aren’t worth the trouble.”\textsuperscript{15}

It may appear that unions are an opposing force for employers but, in practice, unions can work in tandem to increase economic performance by increasing employee satisfaction. There is a direct link between Canada’s top ten rank in an international comparison of workers’ potential\textsuperscript{16} and the nation’s protection of its workers. The talent and productivity of a country’s labour force is of priceless significance to its economic success. The World Economic Forum writes that “a nation’s human capital endowment can be a more important determinant of its long-term economic success than virtually any other resource.”\textsuperscript{17} If companies are unable to hire their required human capital, their success will be severely hindered. The health of a nation’s workforce is also essential, as a healthy working environment is concomitant with increased productivity, creativity, and efficiency. Unions contribute to a positive employee experience because they guarantee better job security and safer working environments. This reduces stress, increasing employee performance\textsuperscript{18} and, in turn, company success.

The labour movement does not weaken nor damage the interest of employers; instead, it fosters a healthy environment for sustained economic growth. Unions simplify negotiations, as employers only need to negotiate with a union representative, instead of negotiating with a plethora of employees, one by one. They increase employee satisfaction with higher wages and better


benefits, encouraging increased dedication and more thorough work. This leads to higher productivity, and in turn, higher quality work. Unions also reduce turnover, as employees are less likely to leave their jobs. This saves valuable resources by reducing the need for recruitment and training of new employees. Furthermore, unions can partner with employers to expedite change by relaying information along to their members. By increasing awareness among the workforce, this bolsters a company’s chances to adapt to changes and stay at the forefront of their industry.

Without unions, the rights of workers are unprotected. They may earn less and toil longer hours, and this economic divide could potentially entail instability in society. Historically, unions have precipitated the emergence of a prosperous middle-class. Workers have increased productivity and better wages, which brings stronger consumer economic engagement. With free time and money, workers will increase their consumption of goods, which increases company profits and leads to a growing economy and job market. This is a virtuous cycle that drives society forward. However, by weakening unions, the Federal government is jeopardizing the safety and prosperity of working Canadians. Unions are distracted with administrative burdens, diverting valuable time away from protecting and improving workplace rights. Workers lose their voice in workplace decisions and lose “an avenue to equality, fair treatment and economic security.” If unions are suppressed, there is an inherent risk of weakening the framework that holds society together. Unions have played a critical role in advancing the working environment, growing the middle class, and improving the lives of millions of Canadians. The government should work in unison with unions to ensure that every Canadian has a fair and realistic opportunity for success.

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Works Cited


