



Union Security: Who benefits?

The Constitution of CUSW is built to provide for the direct involvement of the Members in the operation of the organization.

When we built this structure it was with the understanding that we needed to bridge the gap between the “Union” as an Institution and the “Union” that is the members.

The Laws that emerged from the struggle of Workers in the 20th Century – to gain recognition for the right to bargain collectively – were built to fit into the legal framework of Common Law and eventually Labour Law.

Unions are legal entities that can be held accountable under the Laws of Canada and the Provinces. When members of a Union violate provisions of the Labour Law such as the “no strike” provision in the Labour Relations Act, the Employers and Government can take legal action against the Union as an “Institution” to correct this violation.

The very nature of the Laws that emerged to allow for the recognition of the right to bargain collectively also set the stage for a real or at least perceived division between the interests of the legal entity called the “Union” and the interests of the

“Members” of the Union.

The Constitution of CUSW is designed to overcome this divide. The CUSW Constitution recognizes our legal obligations and the fact that these responsibilities must be serviced. At the same time the Constitution recognizes that the members carry out these responsibilities.

Employers and other political interests have been successful in exploiting the divide between the interests of Members and the interests of Unions.

Members often make reference to the “Union” as something other than themselves. A third party, out there somewhere.

We often hear voices saying “the Union did this or the Union did not do that”. These voices are usually connected with people who do not believe that their interests are being represented in the activities of the Union and that they are powerless to cause change.

At CUSW we have responded to this sense of division by providing members with the opportunity to engage directly in our Union at every level. Participation provides members the opportunity to directly influence the future of all of us.

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In the workplace we have experienced this same type of divisive behaviour. The classic argument of Employers that dominated 20th Century labour-management relations centered on the battle for the “Hearts and Minds” of the workforce.

Workers had won the right to bargain collectively, however Employers continued the fight to preserve their absolute Common Law Rights to manage the workplace. With the right to bargain enshrined in the Law, the battle line for Workers shifted to ensuring that Employers recognized member rights to participate in the Union at the workplace level.

Through legal challenges and collective bargaining, Workers expanded their involvement from activities outside the workplace to include recognition of employee’s rights at work. Workers were eventually able to negotiate language in their collective agreements to guarantee members the right to join a Union without fear of repercussions from the Employers. These clauses are called Union Security Clauses.

A union security clause is a provision where employees must join the Union and remain as a member in good standing for the duration of the agreement. These clauses protect the member right to participate in the Union. Employer coercion used

to influence employees not to join Unions is neutralized by the mandatory provision.

The campaign of those that support the demise of the “trade union” and the right to bargain collectively has had some success in using the hard fought right to Union Security Clauses and compulsory dues deduction in driving a wedge between the members and the “unions” that represent them.

They tap into the separation of interests between the Union and the members: “Why pay them? They do nothing for you.”

The structure of CUSW is designed to counter this divisive strategy. Union Representatives elected by their peers at the workplace level are in the position to bring forward the issues that respond to the needs of the members.

Employer efforts to play one off against the other fail as the interests of the members and their

elected representatives are aligned.

We have the right to participate and the support needed to do so.

Make it work!!

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– Joe Mulhall