

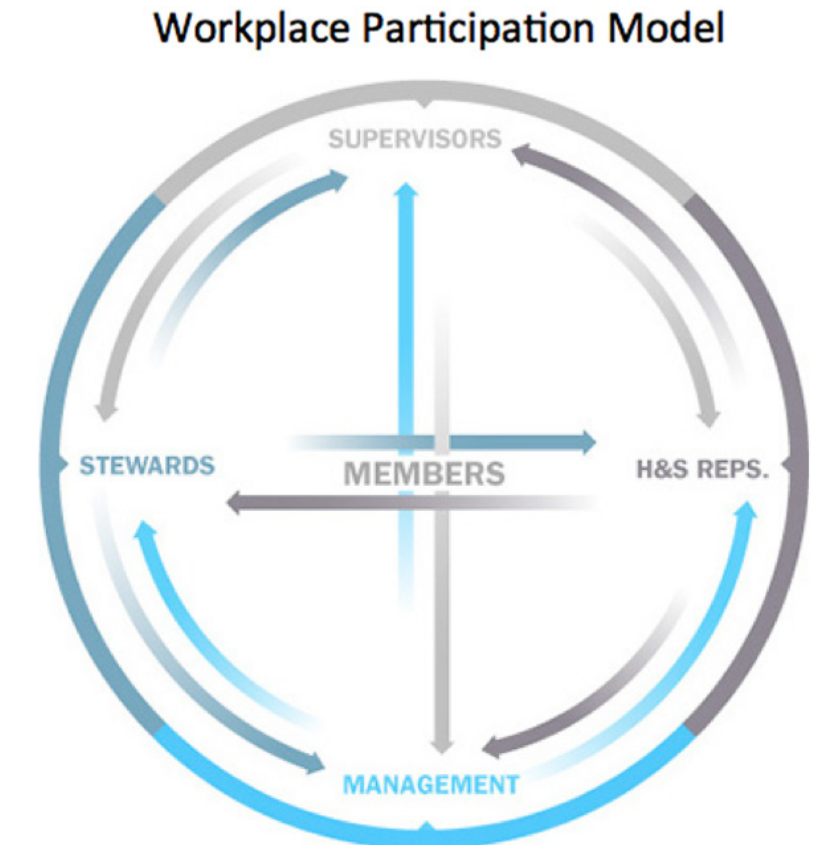


CUSW in the Workplace

When we set out to build CUSW back in 1999, we established some very clear goals. We wanted to create a union where the members would set the direction of the organization; we wanted to create a path to jobs; and we wanted to have a voice in the day to day operation of the workplace. To accomplish these goals we would need to build a new kind of union. We would need to define what a union could become in the 21st Century.

When we started on this path 15 years ago we looked very much like any other union in the construction industry. Most of the members who joined CUSW in the early years did not join because they wanted to participate in building a new modern Union in Canada. In fact most of the members joined CUSW to gain access to the jobs that flowed out of our closed shop collective agreement language. New applicants saw CUSW as a way to get to a job with good wages. Joining CUSW provided the door to a paycheque. The “business union” mentality of the American Parent unions prevailed in the industry and it was all that we had to measure against.

In the Old Economy workers conceded control of the workplace to the employers. We accepted the thinking that “management has the right to manage” as the gospel of the workplace. The focus of workers, union or non-union, was on the fight over wages and conditions. Workplace energy



was spent trying to force the employer to provide a safe and healthy workplace where the profits earned through our labour were shared with the workers. The employer’s energy was spent maintaining control over the bargaining power of the workforce. The result was a battle for the “hearts and minds of the workforce”. Employers would

try to convince workers that there was no need for a union. Unions would try to convince the workers that the “Union” was the path to better wages and conditions. In the end, workers were being pulled in opposite directions and the workplace culture broke down into an “us and them”

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CUSW and the WORKPLACE

struggle.

The conflicts that arose from 20th Century Labour Relations set the ground for the move in a new direction. With the Legislated recognition that workers had the right to bargain collectively, also came the concept of worker voice and a new legal framework called “Employment Law”. When workers recognize a union to represent them in their employment relationship, a transition in legal rights takes place for those workers that does not exist in a non-union workplace.

The distinction between Common Law and Employment Law are concepts that are not well understood in our society. Where there is no recognized union, the employment relationship between a worker and an employer is governed by Common Law and specifically the “Master and Servant Act”. In this relationship the worker takes direction from the employer and the employer retains the uncontested right to define the employment relationship. This includes the right to hire and fire, to set conditions for health and safety and to set employee compensation in accordance with legal standards. Individuals do have Common Law rights to challenge the actions of the employer but the right to challenge is limited to court action.

Employment Law redefines the employment relationship. The uncontested rights of the employers found under Common Law are “fettered” or tempered. When employees join together to form a union they are given a legal voice in the employment relationship. This legal right to voice does not exist in Common Law. By joining together through the union, the workers gain the right to have a voice in the terms and conditions that impact them in the workplace. This can be accomplished through col-

lective bargaining or other workplace committees as agreed to by the parties. By joining a union employees gain the right to negotiate over the policies that govern their workplace including Health and Safety, skills upgrading, harassment and Code of Conduct. This legal right to voice also allows workers to have the right to negotiate about the work activities that they participate in and contribute to every day in the workplace.

It is in this area that 20th Century Unions failed to make any significant progress. Back in 1999 we understood that it was time for unions to move past the “fight” and to exercise the rights that were won during the struggle. CUSW set this as one of our goals. With our emphasis on participation and the democratization at the Union level we have made great progress in implementing our goals of internal governance at the Committee and Unit levels. It is now time to move forward with the same approach in the Workplace. With the emergence of the New Economy there is now more opportunity than ever for participation in determining the way that work is organized. With our “voice” we can overcome the “us and them” mentality, contribute to the success of the employers and enrich the satisfaction of our members.

It is time to embrace the sense of worth and freedom that comes with joining a union. We have the Knowledge and we have the right to voice, we are no longer Servants. It is time to step up and accept our responsibility.

Definition: The master and servant relationship only arises when the tasks are performed by the servant under the direction and control of the master and are subject to the master’s knowledge and consent.

– Joe Mulhall