

RIGHT TO WORK IS WRONG

AN ATTACK ON THE RAND FORMULA

It seems that the Conservative government's attack on organized labour in Canada has only just begun. There are now rumours Harper will go straight for the jugular by proposing legislation to rescind or alter the Rand Formula.

As if Harper's abuse of back-to-work legislation in the past several years wasn't enough, his government then snuck through Bill C-377. Disguised as a "private member's bill", the government stifled debate in the House and quickly passed it through third reading. Bill C-377 is unnecessary, bureaucratic red tape that will be very expensive for government to administer, will intrude on individual privacy and is unconstitutional. It's only purpose is to force unions to disclose financial information in an effort to control how and where we allocate our resources.

This latest rumoured attack on the labour movement would be the most severe to date and would set workers' rights back by decades.

WHAT IS THE RAND FORMULA?

The Rand Formula requires an employer to deduct a portion of the salaries of all employees within a bargaining unit, union members or not, to go to the union as union dues (check-off).

The formula was a landmark arbitration ruling by Supreme Court Justice Ivan Rand on January 29, 1946, following a 100-day strike by Ford auto workers. Rand ruled that Ford workers weren't required to join the union, but must pay dues to "shoulder their portion of the burden of expense for administering the law of their employment." The ruling also included check-off.

In exchange, the union was required to renounce wildcat strikes—those that happen within the term of a collective agreement—and to discipline members who took part in them. Failure to abide meant the company could withhold dues collected.

HOW WILL THIS ATTACK AFFECT WORKERS?

The Rand Formula balances the rights of employers and employees and has been adopted as a model in jurisdictions across Canada and beyond, including the United States. Nothing would do more damage to labour relations in Canada than to abolish it.

This type of attack on workers is nothing new in the United States. Currently, 24 of 50 American states have enacted legislation claiming to be "pro-worker" with the inaccurate label of "right-to-work". A similar concept has been discussed by Tim Hudak, leader of the Progressive Conservative Party of Ontario.

In Saskatchewan, Brad Wall is championing Bill 85, which would merge almost all of the province's existing labour laws into a single piece of legislation. The bill rolls back decades of protections and would be the most regressive labour legislation in Canada. Wall may not have touched the Rand Formula with Bill 85, but it's only a matter of time.

This is a very real threat to the Canadian labour movement and anyone who cares about fairness in the workplace should be concerned. If lost, millions of workers will be the losers for generations to come.



EXCERPTS FROM THE RAND DECISION

“I consider it entirely equitable then that all employees should be required to shoulder their portion of the burden of expense for administering the law of their employment, the union contract; that they must take the burden along with the benefit.”

“Those who control capital are scarcely in a position to complain of the power of money in the hands of labour.”

“Union security is simply security in the maintenance of the strength and integrity of the union.”

““ The organization of labour must in a civilized manner be elaborated and strengthened for its essential function in an economy of private enterprise. ””

“It may be argued that it is unjust to compel non-members of a union to contribute funds.... the argument is really one for a weak union.”
