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Court grants union members hearing to protest use of dues for political purposes

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The open shop contractors association in B.C. is supporting a legal challenge by two union members who believe their charter rights were violated when their dues were used to back a political cause.

The ICBA (Independent Businesses and Contractors Association) is supporting the workers, who won a bid to be heard in B.C. Supreme Court.

Gloria Laurence is a special education assistant and a member of the Canadian Union of Public Employees (CUPE) and Wendy Weis is an integrated support teacher and a member of the BC Teachers Federation (BCTF).

They took issue with how four B.C. unions spent nearly \$3 million trying to get the NDP elected in the 2005 provincial election.

"The issue for us is workplace democracy," said Philip Hochstein, president of the ICBA.

"Individuals are forced to join unions as a condition of their job. Once they become a member of the union, they are forced to pay dues. The union then uses these mandatory dues to fight political battles they don't support. This is a violation of the charter of rights and the freedom of association."

He argued that union members pay their dues for collective bargaining purposes, not to pay for the battles of union bosses or to finance a political agenda.

However, a union representative argued that unions have the right to spend money any way they like once that decision goes through the democratic process.

"In our union any expenditure of any kind is passed or addressed at monthly general membership meetings," said Mark Olsen, business manager for the Construction and Specialized Workers Union.

"We have about 50 of these meetings around the province a year. We usually get about two members out of hundreds and hundreds that express concern about getting involved in politics or supporting a political party. So, about one-tenth of one percent of our members are concerned about this issue."

Hochstein doesn't agree with Olsen's views on politics and the democratic process.

"Absolutely, unions should get involved in the political process, but individual union members should not be forced to pay," he said.

"The will of the majority should only apply to collective bargaining. They are not a country or a sovereign state."

According to Olsen, by definition democratic means that not every one is happy about particular decisions.

He used the last federal election as an example, where the government was elected by 38 per cent of the

voters.

"For our union it is a non-factor because the members know we need to be involved politically," he said.

"Our members are well informed with the issues that affect them, their union and the stand of each party. They know we have to get involved because the government sets the rules."

In a related development, seven unions have launched a legal challenge in B.C. Supreme Court against Bill 42, which puts a cap on how much groups can spend on election advertising in the 60 days before the start of an election campaign.

The proposed bill also limits spending during the 28-day campaign.

A Statement of Claim filed on July 24 alleges that Bill 42 violates constitutionally-protected rights to freedom of expression, by restricting political discourse and by preventing groups from communicating their positions on election issues before and during an election campaign.

The legal challenge is being prepared on behalf of: CUPE (B.C. division), BCTF, Canadian Office and Professional Employees Union 378, BC Nurses' Union, BC Government and Service Employees' Union, Federation of Post Secondary Educators, and the Hospital Employees' Union.

These groups have called Bill 42 a gag law that Gordon Campbell's Liberal government is using in an attempt to silence critics and control the airwaves for months before the next election.

In the last Alberta provincial election, questions arose after a coalition of unions spent an estimated \$1 million for prime-time TV spots and full-page newspaper ads to question Conservative Premier Ed Stelmach's leadership and economic plan.

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