

No Forced Union Membership or Dues for Politics: It's a Human Right



The European Experience

Unlike Canada, unionized European workers cannot be forced to obtain and maintain union Membership in order to get or keep a job. Free employee choice is a human right

In 2007 the European Court of Human Rights has now ruled that unions cannot take dues for political and other purposes not related to workplace needs from unionized employees who are not also union "Members".

This *Evaldsson* ruling builds on prior Court decisions *Sørensen and Rasmussen* (2006), *Sigurjónsson* (1993) and *Young* (1981) that have made forced union Membership and conditional employment illegal throughout the 27 countries of the European Union as well as the larger Council of Europe's 47 countries.

Jan Södergren is a Swedish human rights lawyer who represented the five unionized construction employees in the *Evaldsson* case. A graduate of the University of Stockholm, he is now a well-known speaker and the author of numerous legal articles related to constitutional and human rights cases. His excellent work in many high-profile cases has advanced the rights of employees and citizens throughout the European Union.

Canada is one of the last countries recognizing unions and collective bargaining to still allow government legislation and collective agreements to require unionized employees to be Members of a union as a condition of employment. In some provinces the rights of construction employees are even more abrogated. Given worldwide trends to ensure that union Membership and dues are a free choice, is it time for change in Canada?

Forced Membership means union "Members" are subject to union discipline putting them at a clear power imbalance with their union. Canadian workers have seen unions successfully force their employers to terminate them for loss of Membership. Some provinces do have some statutory limits on termination of employment for loss of membership. Most allow termination if dues are not paid, which is illegal in the Council of Europe nations.

In most major economies, such practices are either illegal (a violation of employee human rights) or banned by legislation. Increasingly, so is the use of union dues for political or other purposes not related to the workplace needs of unionized employees who are not union Members.

This fall, the Canadian LabourWatch Association has the privilege of bringing Mr. Södergren to Canada and the USA for a speaking tour.

