

# What is the Benefit of Being a Union Member?



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In the previous article published in the June MAHCP Newsletter I talked a little about what protection a union can offer an employee where the employer unilaterally decides to terminate the employment contract. Although this is one of the most important rights of employees in a union, the right not to be terminated without cause, it is just one of many rights that union membership affords.

## **One of the most important benefits union membership affords is a written employment agreement.**

This seems so basic that it is often not even recognized as a benefit. Most non-union employment contracts are never written down. They consist of a mutual exchange of promises, the employee that she will attend at work and the employer that it will pay for attendance and performance at work.

When the terms of a contract are written down, they confirm the obligation on the parties to govern themselves according to its terms. Where the terms are not written down, one party can much more easily renege from his verbal commitments. It is often said that a verbal contract is simply worth the paper it's not written on.

Another benefit of a written contract is the ability of each individual member to quickly access their rights. The Association provides each member with a bound copy of the contract and has posted all of its individual contracts with each employer in the province on its website at: [http://www.mahcp.ca/htmlfiles/MEMBER\\_SERVICES/collective\\_agreements.asp](http://www.mahcp.ca/htmlfiles/MEMBER_SERVICES/collective_agreements.asp)

This easy access empowers members in situations where they may feel that their employment rights are being violated.

The union benefit that goes hand in hand with the access to the terms of the agreement is access to experience labour relations officers well versed in the contract rights and easily accessible by telephone.

The fact that the employment contract has been negotiated over many years by professional negotiators also provides a benefit to the union employee. The collective agreement is like a catalogue of all the

employment rights that have accrued during the course of every round of collective bargaining in the history of the employment relationship between the union and employer. The rights contained in the contract are in most cases much older and well established than the employment history of the employee accessing the right.

A non-union employee is often faced with a much weaker bargaining position than the employer. Employees are many, employers much fewer and usually wealthier. Wealth equals power. An employee who has to negotiate a contract on their own will not be able to enforce a lot of concessions from an employer. The union provides strength in the bargaining relationship so as to force a fair deal.



The union employee also is protected by the contract itself from the employer who may try to draw concessions or to intimidate the employee into taking less than the employee is entitled by directly negotiating with the employee. The employer is not allowed to bargain directly with the employee regarding a term of the employment contract. Where a right is given up by an employee without representation by the union, an arbitrator can “undue” the change through the application of Article 1. This provision gives the union exclusive rights to bargain the employment contract on behalf of its members.

It is a known fact that union positions are usually compensated at a higher rate of pay than non-union positions. The reason for this is again that a union gives its membership

stronger bargaining rights. The higher rate is achieved through the efforts of professional negotiators with the strength of the membership at their backs demanding reasonable pay commensurate with the job being performed.

### **In the non-union employment landscape employees get paid when they work and if they're sick and unable to work, an employee gets nothing.**

There is no statutory right to paid sick leave. The union has long recognized the hardship this creates for employees. The union has fought for and won the right for employees to build sick credits so they can continue to receive a salary when they most need it.

Pension plans are a rare creature in the non-union employment contract. Yet they are what so many employees count on to sustain them when they reach the age when they are no longer able to actively earn an income. Ask any senior citizen how they feel after working hard all of their adult lives and at the end of life having to rely on a meager income from Canada Pension or Old Age Security? Union members can often enjoy the fruits of their pension by enjoying a decent income even after they retire. This would simply be impossible without the union negotiating this on their behalf.

Dental coverage is not normally a part of a benefit package in a non-unionized workplace. As we get older, this becomes increasingly expensive and difficult to pay for. Without help from the insurance proffered from a unionized workplace, the health of an employee faced with high dental and other healthcare costs is sacrificed.

The union contract places parameters around management's rights to administer the workplace. Management has to act in a "consistent, equitable and non-discriminatory manner" when dealing with unionized employees. Failure to follow this stricture can result in damages being awarded to employees.

In a non-unionized workplace there is often no recognition of seniority rights. Employers can lay off the most senior employee first in situations where there is a shortage of work. A union contract recognizes seniority as something that is built through length of service. Seniority is something to be protected and respected in the union workplace.

An employer can promote whomever they choose in a non-union workplace. In a unionized workplace, all things being relatively equal, the

most senior employee is entitled to the promotion.

In a non-union workplace the most vacation an employee is entitled to by statute is 3 weeks. Employees in a unionized workplace can, depending on their service, earn up to 7 weeks of paid vacation annually. This again is because to the benefit of years of professional representation and work done on behalf of union members by its employees.

There are many, many examples of benefits available to union membership that have developed through the years. It is too long a list to include them all in this short discussion. Sometimes it is worth taking stock of those benefits. It is only through the maintenance of a strong union and committed membership support that these benefits can be preserved in the future.

### **Choosing the Attorney**

As you know, Inkster Christie Hughes LLP offers a legal assistance program to the members of MAHCP. Under this plan you receive reduced rates on a number of specific legal matters such as the purchase or sale of a home, Wills, Powers of Attorney, Health Care Directives, separation agreements, divorces as well as a reduction on general legal rates.

*This paper is intended as an introduction to the topic and not as legal advice. If you require specific advice with respect to your situation, you should contact a lawyer.*

**This series of articles will continue in future editions of the MAHCP News. If there is a topic that you would be interested in, please contact Wendy at 772-0425.**