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March 3, 2017

Via email: clcpresident@clc-ctc.ca

Hassan Yussuff, President
Canadian Labour Congress
2841 Riverside Drive
Ottawa, Ontario K1V 8X7

Dear Hassan:

We are very concerned that the situation involving ATU Local 113 is developing into a significant crisis of unity within the labour movement, and a crisis of confidence regarding the sanctity of the CLC's Constitution, particularly Article IV.

There are three interrelated threads to this crisis.

It appears from statements of public record that an affiliate of the Congress has openly interfered with the established collective bargaining relationship of another affiliate. That is a matter that must be raised with the CLC by the offended affiliate, but once raised, it must be treated very seriously, especially when this has all played out in such a public manner.

The second thread is that the President of an affiliate of the Congress has been in open violation of Article IV, Section 7, which provides that "No affiliate shall circulate any information designed to publicly discredit another affiliate..." This will have to be dealt with as a serious issue by the CLC.

But underpinning all this is the justification process spoken to in Article IV, which is being referred to and relied on as relevant to the ATU Local 113 situation.

Article IV as a whole is of huge importance to the affiliates of the CLC. Many of us fought long and hard for an effective set of rules within the CLC that would prevent raiding, while allowing for an orderly transfer of membership under particular circumstances.

We feel that the validity and the credibility of the justification provisions are being seriously undermined by the current ATU situation.

An application for justification can only be made by "a group of workers." That is a definitive requirement. There is no other way that an application for justification can be made legitimately.

It has become more and more evident that this basic requirement was not met in the ATU case.

A single individual applied. He was the President of a Local but that does not eliminate the requirements for a legitimate justification application. The applicant has publicly admitted that he



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did not have the authority of either his governing board or his members. He has put forward reasons for that failure to comply with the requirement – but that's not at issue. The constitution does not say *a group of workers may apply except when this that or the other is alleged*. It says that only a group of workers may apply. The President arguably can be one of the group, but clearly cannot act on his own.

This is a very slippery slope. How can one person, with no authority to do so, trigger a justification application when the CLC Constitution does not allow that to happen?

If a justification application is made that is on the face of it not compliant with the rules, it cannot then be rectified later on. It is fatally flawed and cannot be corrected during the process – because the process should not have been commenced.

It is a matter of public record that the President who originated the application is now, several weeks later, going to try to rectify his mistake by asking for support for his actions at a membership meeting. That is not acceptable. There is no action that can retroactively make the original fatally flawed application now legitimate.

There are other concerns. Article IV requires the CLC to first encourage disgruntled members to work "within the constitutional provisions and policies of their own union." We don't see any evidence that this requirement was followed.

Article IV also requires that "when an affiliate is made aware of workers wanting to join another union that affiliate has the obligation to immediately inform the ranking officer of the union that currently represents the members, and the President of the CLC." That requirement doesn't appear to have been followed.

The CLC has appointed an investigator in the current case. The CLC Constitution says the investigation process is "to deal with instances when workers indicate they wish to change unions." There was absolutely no evidence presented to the effect that members of Local 113 wish to change unions, prior to the investigator being appointed - except for the untested and admittedly unsupported statement of one individual. There is no basis in the CLC Constitution for the investigator to be appointed in the ATU matter.

There are a number of deeply concerning issues raised by this case. For example, can a disgruntled minority, clearly in the minority, trigger a justification application that will be

given weight by the CLC processes? Can that process be used by a minority to deflect the attention of the union away from serving their members by requiring them to devote time and effort to a CLC-initiated process?



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The legitimacy of Article IV, the legitimacy of the justification process, the moral authority of the Congress, all hang in the balance here.

We repeat: this justification process regarding ATU Local 113 was not based on a legitimate application under the clear wording of Article IV.

The President of Local 113, after an overwhelming vote of non-confidence by his Board, is using the CLC's justification process as a tool for continuing his campaign of opposition to his union.

We must insist that the CLC immediately indicate that, after further information has come to light, the original application for justification has been determined to be null and void, and that any investigation that is ongoing will focus instead on the actions of another affiliate that are in violation of 2 key sections of Article IV.

We make this point with a sense of real urgency.

All of us,

Larry Brown
National President,
National Union of Public and
General Employees

Mark Hancock
National President,
Canadian Union of Public
Employees

Ken Neumann
National Director for Canada
United Steelworkers

Stanley Pickthall
Canadian General Vice President,
International Association of Machinists

Paul Meinema
National President,
United Food and Commercial Workers Canada

The following unions endorse this letter in addition to the above listed signatories:

- Unite Here
- International Brotherhood of Electrical Workers (IBEW)
- Services Employees International Union Healthcare (SEIU Healthcare)
- United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada (UA)