

## Big labour's big lies over disclosure

*Bill C-377 at final stage in House of Commons*

**John Mortimer, Special to Financial Post - Dec 11, 2012**

Big Labour's well-funded spin machine continues in overdrive to stop federal financial disclosure legislation. Bill C-377 is at its final stage in the House of Commons this week. If passed it moves onto the Senate.

Prominent labour leaders have written and said things about C-377 and financial disclosure that are simply not true. Canada's opposition parties have been active participants in trying to help Big Labour thwart disclosure. What are they all trying to hide from Canadians?

Conservative MP Russ Hiebert's private member's bill, introduced over a year ago, amends the Income Tax Act. It requires online disclosure to the public of certain financial activities of both unions and umbrella labour organizations such as the Canadian Labour Congress and provincial federations of labour.

Their first falsehood is that unions already disclose publicly. In a joint column on this page, the presidents of two unions, the CAW and the CEP ("More open than you," Sept. 6), wrote: "Most jurisdictions in Canada require annual financial statements to be filed by all certified unions, where they can be inspected by the public." Canadian Labour Congress president Ken Georgetti stated during a radio interview: "We already provide all of this information by law and by our own practices to the provincial governments and the federal government and our members."

Not one of Canada's 14 tax jurisdictions (federal, provincial and territorial) has any such public disclosure. Further, not one requires a union to disclose anything to all of its dues payers. Eight of 14 have limited disclosure to actual union members only. Are our labour leaders really this incompetent? How can they not know the above reality? Or, are they too used to a labour relations system premised on posturing and falsehoods that the truth does not matter to them?

The answer can only be one or the other when it comes to such statements to the public and their members.

Further, a review of labour board cases underscores that major unions like the UFCW will disregard existing law until a labour board, backed up by the courts, force them into compliance. That is what it took for seven Safeway meat cutters (and union members) in the B.C. Hubner cases. In other cases, unions fought and won when labour boards relied on narrow technicalities to deny financials to union members.

The other false line of attack on C-377 is bogus privacy law claims. In this area unions and the opposition parties have been aided and abetted by the Canadian Bar Association and the Privacy Commissioner of Canada.

At finance committee hearings this fall, the Canadian Bar Association was represented by a lawyer from one of Canada's premier law firms for unions. The oral and written submissions suggested that C-377 violated Canada's privacy laws. What was stunning about the submissions was that not a single court ruling, no section of the Charter or any section of any statutory privacy law was mentioned.

Canada's Privacy Commissioner also made submissions. However, Jennifer Stoddart did so without telling MP's and any members of the public how Canada's federal privacy statute (PIPEDA) works. Like its provincial cousins, these privacy statutes typically have specific sections that expressly allow any other statute or regulation to mandate the collection, use and disclosure of information. In short, Bill C-377 cannot violate existing privacy statutes.

Starting in October, the sponsoring MP stated publicly that he had planned amendments. The key privacy amendment, now in front of the entire House, would prevent the online disclosure of pension and benefits payments to unionized employees. Unamended, this was arguably the only long-term legal risk under the Charter. So what did the NDP do? Filibuster the committee to prevent the amendment from being debated.

Now unions are occupying some Conservative MPs' riding offices. Add bullying to incompetence and falsehoods. Maybe unions should try reasoned, truthful dialogue if they want to stop their declining relevance in civil society.

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