

Trade Union Independence

The trade union as the representative body of workers is tasked with the responsibility of protecting and advancing the interests of its members in the workplace. Consequently, the trade union has to interface with the employer but is expected to remain independent of the employer.

The constitution in most countries gives the employee the right to associate and this invariably entitles the individual with the freedom to join a trade union. This obtains irrespective of the fact that the trade union may not be recognized by the employer. Legally, all trade unions are required to be registered. In Barbados, the Trade Union Act provides for the mandatory registration of trade unions.

The law in providing for the freedom of association, provides protection against an employer who refuses an individual employment or terminates him/her on the grounds of being a trade union member. The law also protects a worker from being selected for redundancy because of trade union membership. The law basically protects an employee from being discriminated against because of trade union membership or being engaged in trade union activity.

This brings into sharp focus the issue of the independence of trade unions. Should the trade union pander to the employer, or pursues any partisan political interest that can be considered as detrimental to the interest and cause of the workers, then it stands to be accused of compromising its independence.

The Trade Union and Labour Relations (Consolidation) Act 1992 of the United Kingdom, provides insights of what is meant by an independent trade union. In this Act an “independent trade union” means a trade union which:

(a) is not under the domination or control of an employer or group of employers or of one or more employers’ associations, and

(b) is not liable to interference by an employer or any such group or association (arising out of the provision of financial or material support or by any other means whatsoever) tending towards such control.”

Reverting to the scope of the British legislation, and based on the latitude of law in Britain, it makes for interesting study and discussion as it pertains to the independence of trade unions and the implications for the rights of the individual member. For example, the law provides for the trade union to express itself through its own or any political institution, and to give financial support to such an institution.

With respect the right of the individual member, it gets even more interesting, considering the provision that a trade union member should not be coerced into supporting funding for any

political organization if he/she does not want to do so. Moreover, under the legislation, the establishing of an agency shop is promoted, where it becomes mandatory to pay union dues. This is seemingly complicated and can potentially lead to differences of opinion on how independence is seen in the context of freedom of workers in the domain of the trade union.

It would appear that the trade unions which pursue a nonpartisan political agenda, maintains its independence and observes the constitutional rights and freedoms of the individual, will be less divided and avoid running the risk of trampling upon the rights and freedoms of the membership.

Trade unions as independent bodies are known to use organizing and lobbying as an effective means to influence decision making and change, and to do so without compromising their integrity and undermining the very cause of protecting and advancing the interest of their membership in the workplace. It therefore begs the question.... Is it necessary for a trade union to be involved in partisan politics or is partisan political inevitable?

In some trade unions there is what is known as a Political Action Committee. It is anticipated that the remit of this committee would be to study political developments and to advice and assisting the trade union leadership in responding to and strategizing on issues of interest to the labour movement. In the United States of America, Political Action Teams within trade union, solicit funds for donation to political campaigns. This has not been the practice in the English speaking Caribbean. It is best the islands of the English Speaking Caribbean maintain the status quo, if they are to remain truly independent when it comes to partisan politics. It is to be reiterated that the trade union Political Action Committee should remain steadfast to promulgating particular social, economic, or political beliefs or agendas that can advance the trade union cause, without being accused of being partisan.