

SEIU Local 1 Ontario

Services Employees International Union Local 1.on is the largest SEIU local in Canada, with 40,000 members as of 2007. Local 1.on was officially granted status on January 8, 2004 and came from a merger of six of the remaining SEIU health care locals in Ontario (locals 183, 204, 268, 519ca, 532 and 777).

The merger was long coming, with the International offices of SEIU making it known to members as far back as 1998 that they would be merged together into one mega-local. In fact, it was the International's insistence on the merger over the objections of the executive bodies and membership of those locals that led to one of the greatest rifts in Canadian labor history. This rift eventually ended with over 14,000 members from 180 bargaining units leaving SEIU for the Canadian Auto Workers in 2000 and 2001.

BEFORE THE MERGER

It was clear to all parties that SEIU Canada was in trouble by the turn of the century. SEIU Canada itself described its state at the time as characterized by "internal problems" such as poor servicing and democratic shortcomings. One observer described member dissatisfaction as stemming from "huge unresponsive locals, crappy representation, employer-friendly deals and the promise of a dues hike and more bigness (the merger of the existing big locals into a great big regional undemocratic lump) on the horizon."

These shortcomings were evident to the Canadian labor movement as a whole. As far back as 1998, SEIU Canadian Vice-Presidents were receiving calls from CAW and the Canadian Union of Public Employees (CUPE) about merger possibilities. One instance involving CUPE and 9000-member strong SEIU local 298 resulted SEIU International President Andy Stern's direct intervention to stop a possible decertification and merger with the rival union.

Instead of merging with either CUPE or CAW, SEIU Canada leadership struck a committee to examine ways to address the problems it faced in November 1998. Dubbed "The November Group," the committee soon focused on rebuilding the Canadian structure of SEIU and redefining its relationship with the International.

But the reforms proposed by The November Group were not sufficient to convince the International to back down from its orders to merge all eight Ontario locals together. Backed by an SEIU International Constitution that permits the International to merge locals together as it sees fit, it seemed that the membership of the Canadian locals would not have a choice, nor would their wishes be respected.

This insistence on the part of the International stems from a belief that union locals must have massive memberships in order to effectively deal with employers or effect political change. International President Andy Stern has stated that locals with less than 100,000 members lack the power to effectively deal with employers or government. Stern believes that the goal of building up mega-locals of that size is worth nearly any cost, including sacrificing democracy.

"Workers want their lives to be changed. They want strength and a voice, not some purist, intellectual, historical, mythical democracy. Workers can win when they are united, and leaders

who stand in the way of change screaming "democracy" are failing to understand how workers exercise the limited power they have..." - Andy Stern

This decision on the part of the International reinforced what Canadian members had been complaining about all along. Many viewed this as yet another example of the democratic rights of members of SEIU Canada not being respected by the International. A forced merger was not appealing to members who already saw some of their locals as too big and unresponsive to their needs.

Canadian Vice President Ken Brown and the rest of the executive members of the Canadian SEIU locals found themselves faced with a tough choice: they could either accept that the International's plans should supersede the rights of the membership or they could look for a more democratic union to affiliate with.

RAIDING SEASON

On February 20, 2000, a meeting of executive committee members from the eight SEIU locals in Ontario was convened. At that meeting a unanimous decision was made to propose to the 30,000 members-at-large to leave SEIU altogether and join CAW. CAW President Buzz Hargrove later described the decision as arriving from frustration due to "dictatorial leadership from Washington, poor service, and a fundamental lack of control over their Canadian affairs."

The general membership would vote on the proposal on March 2, 2000. Ken Brown resigned as Canadian Vice President. The next day, stewards for all eight locals were summoned to a meeting where the proposal was formally announced.

The International responded by immediately placing all eight locals under trusteeship. All staff were dismissed, as were all members of the executive committees. A \$3.7 million lawsuit was launched by the International against Ken Brown and the executive committee members of the eight renegade locals. To replace Ken Brown, the International appointed Sharleen Stewart as the new Canadian VP. Although Stewart had never held elected office in Ontario, the fact that she was from local 333 in Saskatchewan, far away from the turmoil of the time, made her a safer bet for the International.

On March 2, 2000, the day that the proposed vote was to be held, the International obtained an injunction from the Ontario Superior Court of Justice rendering the vote non-binding. Nevertheless, the vote took place and about 11,000 members of the Ontario SEIU locals cast ballots. Of those, approximately 10,450 were in favor of leaving SEIU and joining CAW.

Because of the injunction and the trusteeships, the result of the vote was not binding and the International appeared to have successfully prevented the membership of the eight locals from leaving SEIU. However, even if it could legally thwart the democratic wishes of its membership as expressed in a single vote, some members would still be able to decertify their bargaining units in favor of joining CAW if they so choose. And so, just days after the vote and the granting of the injunction, CAW began raiding SEIU Ontario bargaining units. Between March 2000 and March 2001, CAW displaced SEIU at 180 different bargaining units, representing over 14,000 members. These decertification votes averaged about 95% of ballots cast in favor of CAW. CAW was found guilty of raiding SEIU and was sanctioned by the Canadian Labor Congress.

AFTER THE RAIDS

Once the raids had concluded and SEIU was able to hammer out a peace treaty of sorts with CAW, the Ontario locals had barely half their membership remaining. Clearly, SEIU International had been forced to act when the majority of its Canadian members were prepared to walk out and join a rival union. But in hindsight, respecting their autonomy and democratic rights would likely have led to a better outcome for SEIU than forcing an unwanted merger on the Canadian membership.

Nonetheless, the merger plan was not abandoned and the six remaining locals were forcibly merged into one mega-local. In March 2003, the International Executive Board held a hearing where the representatives it had appointed at the six Ontario locals agreed to merge into one mega-local. In October 2003, the remaining membership of the Ontario SEIU locals endorsed the merger with a 75% majority vote. The International issued a charter for SEIU Local 1.on on January 8, 2004 and approved the new local's constitution on March 26, 2004.

This whole process – putting several locals into trusteeship and then forcing them to merge together in one large local – is something that the International has done elsewhere to create mega-locals. The year before, members of San Francisco's SEIU local 87 were forced to merge with local 1877 when the International placed their local in trusteeship, dismissed all staff and removed their elected president. The end result was that just two years later, members of the defunct local 87 decertified from local 1877 and joined a new, independent union instead. Previous to this, SEIU local 14 was forcibly merged with local 1877 in similar fashion. In 2005, California health care locals were forcibly merged into SEIU local 250.

These examples underscore criticism of the International's conduct in Canada. Critics complained that by stubbornly forcing through the local 1.on merger, Stern only proved those dissident members of SEIU had been correct all along.

Stern's vision of Canada emulating the mega-local model he had developed in the U.S. would be forced upon the membership in Canada, regardless of the democratically-expressed desires of the membership, despite promises of Canadian autonomy and despite appointed Canadian VP Sharleen Stewart's public statements to the contrary.

The best response to both critics and the 14,000 newly-minted CAW members would have been for SEIU local 1.on to have strived to set new standards as a forthright local. By merging six locals together into one, 40,000-member local, those members should have expected to see improvements to the problems they had suffered previously as members of smaller locals.

THE PRESIDENCY OF SHARLEEN STEWART

Sharleen Stewart was president of SEIU local 333 in Saskatoon when she was appointed by Stern to become the acting Canadian vice-president of SEIU and, shortly thereafter, the president of the newly-formed SEIU Local 1.on in 2004. By appointing someone outside of the various Ontario factions, Stern hoped to end the acrimony and mistrust that still lingered after the events of 2000 and 2001.

The presidency of Local 1.on has never been voted on by its members. And because of the constitution adopted during the forced merger, it is unlikely that members of Local 1.on will

ever have the opportunity to elect a president in a fair and democratic vote. The constitution stipulates so many preconditions to running for president that literally only one or two people out of its 40,000 members are eligible to stand for the position. Those lucky few are invariably people who hold certain executive positions in Local1.on appointed by the president. In effect, no one may run for president without the approval of the president, making any vote for the presidency of the local a farce.

Add to this the fact that Stewart has never held an elected position in Ontario and the result is that the members of SEIU Local 1.on have a president they never voted for and whose eventual replacement will be largely determined by herself and herself alone.

What's more, the anti-democratic nature of the presidency of Local1.on has repercussions that extend nationwide. As the largest local in Canada by far, the presidency of Local 1.on begets with it the presidency of all of Canada by default.

Given the troubled history of member dissatisfaction and abandonment that Stewart was inheriting in Ontario, one would think that some of her first steps would be to set a new standard for ethics within the union. Instead, she immediately got full-time jobs within the union for members of her family. Her youngest daughter, Richelle Stewart, began as an administrator at the SEIU Canada National office shortly after her mother's appointment to the presidency. After Richelle Stewart began filing a series of unfounded grievances and complaints against her co-workers, she was "promoted" to the position of National Organizer, despite lacking qualifications for the position. In 2004, a three-member "National Youth Council" was created. Richelle was appointed "National Youth Chair" and has held the position ever since.

Richelle was soon joined in the National Organizing department by her uncle Ken Evett, brother of President Sharleen Stewart, as well as Susan Stevens, a friend of the Stewart family. Like Richelle, neither Evett nor Stevens possessed qualifications for their new positions. Evett and Stevens were assigned to work with the three SEIU locals in Saskatchewan. By summer 2006, with no organizing successes under their belts and with growing complaints against them, both were forced to leave Saskatchewan when all three locals refused to have them working in their territory.

Faced with this expulsion, it was arranged that Evett and Stevens would be permanently assigned to the Local 1.on organizing department. Each of them were put up in furnished luxury condominiums on Toronto's waterfront at the expense of SEIU members, to the tune of several thousand dollars per month. , Neither have ever been compelled to move out of these condominiums and find their own accommodations in Toronto. As of this writing, they continue to live rent-free in luxury accommodations paid for by SEIU Local 1.on members.

In 2006, Richelle Stewart left the National Organizing department and transferred to the organizing department at Local 1.on, quickly gaining a promotion there. If this weren't enough, during March Break in 2007 Sharleen Stewart's youngest son was fortunate enough to receive a paid position at Local 1.on. No doubt that when he graduates from high school a full-time position at Local 1.on will be waiting for him.

People who need to get in touch with Sharleen Stewart know that the best place to do that on Fridays is on the golf course, where her and her assistant Manny Carvalho can be found every week during golf season.

LOCAL 1.ON SERVICING

Despite losing 14,000 members a few years ago, servicing does not appear to have improved greatly at SEIU Local 1.on, nor does there appear to be any attempt to systematically improve the situation.

A good measure of members' dissatisfaction with the servicing they receive from their union might well be the number of actions members attempt to take against their own unions through the Labor Board. Under the Ontario Labor Relations Act, union members may file charges against their unions if they feel that their union has not fairly represented their interests. Union members may also attempt to decertify their union's representation rights at their workplace by applying to do so with the Ontario Labor Relations Board. In either case, this would demonstrate that members were so unhappy with their own union that they took legal action to remedy the situation. This means that union lawyers must get involved, at great expense to the union as a whole. Union members filing charges against or attempting to decertify from their union is costly both in reputation and in dollars for the union in question.

In the four years prior to the formation of Local 1.on, the locals that would merge together in 2004 to form Local 1.on averaged over 13 charges brought against them by their own members each year. In addition, an average of five bargaining units in each of those years attempted to decertify (nearly all were successful). This is a deplorable record that placed SEIU among some of the worst unions in Ontario at the time. But since even official SEIU statements acknowledged problems with its Ontario locals, one would assume that the merger and creation of Local 1.on would be designed as a remedy and that subsequent years would demonstrate an improvement.

Instead, things appear virtually unchanged. From 2004 on, SEIU Local 1.on still averaged 13 charges per year brought against them by their own members. Even worse, the number of charges have been increasing with each year since the merger took place.

While the number of decertification attempts has gone down to about three per year, they have doubled each year from 2004 – 2006 and appear to continue to do so in 2007. Taken together with the charges levied by the membership and these figures still place SEIU Local 1.on as one of the five or ten union locals in Ontario with the worst servicing records.

LOCAL 1.ON ORGANIZING

SEIU has gone to great lengths to brand itself as an "organizing union" and Local 1.on is one of the strongest proponents of organizing. Local 1.on's organizing department has ten full-time organizers on staff and an annual budget exceeding one million dollars. With those kinds of resources at its disposal, one would expect that Local 1.on would be out-organizing other locals disproportionately. Yet both the number of bargaining units Local 1.on organizes each year and the number of members in those bargaining units remains comparable with locals elsewhere in Canada with less than half the staff or budget of Local 1.on's organizing department. It would

appear that the other SEIU locals in Canada are able to marshal their resources more efficiently than Local 1.on. In fact, Local 1.on consistently spends 50% more than other locals to organize roughly the same number of workers.

Part of the explanation may lie in how the organizing department spends its money. There have been numerous grumblings from the membership concerning how their dues money is wasted by Local 1.on's organizing department. Examples of SEIU doo-dads and gadgets created for the organizing department have included a \$40,000 "action van" (which spends most of its time sitting in a parking lot), SEIU-branded radios, flashlights, every conceivable item of clothing and even chewing gum.

Another possible reason may be the number of organizers assigned to any given campaign. It takes Local 1.on five or six organizers to accomplish what another union locals in Canada would do with just one or two. Organizers from other unions have commented that Local 1.on appears to either be overstaffed or lacking the ambition to match the number of organizers at their disposal.

Today, SEIU Local 1.on brags about being a "40,000 member strong union." What is interesting is that it was a 40,000 member strong union when it was created in 2004. Clearly then, for the last three years the organizing department has been unable to organize enough new members to grow Local 1.on beyond the number of members it started with.

THE STRIKE OF 2007

The 50 field staff at Local 1.on are represented by the Teamsters Local 879. Local 879 entered into contract negotiations with SEIU Local 1.on in 2006. In January 2007, Local 879 received a "final offer" from Sharleen Stewart and SEIU Local 1.on management that included clauses allowing Local 1.on to force service reps to permanently move anywhere in the province at any given time and clauses permitting the employment of scabs. The staff voted to reject the offer and sanctioned a strike. Management refused to negotiate further and SEIU staff went out on picket lines.

During the strike, several SEIU staff members crossed the picket lines to scab. The strike lasted less than two weeks, with management quickly capitulating to most of the strikers' demands. However, immediately after the strike, management fired or suspended virtually all of the strikers in retribution. What's more, those who had chosen to scab not only escaped punishment, some received promotions. The Teamsters filed several charges against SEIU on behalf of the unjustly-fired staff members. Although those charges remain outstanding, it is evident that the firing of strikers will end up costing SEIU Local 1.on members tens of thousands of dollars in unnecessary legal expenses.

CONCLUSION

The dawn of the new millennium presented SEIU with an opportunity in Ontario to respect and enhance the autonomy and democratic rights of its members and to rectify the problems of corruption and dissatisfaction afflicting several of its locals by strengthening local democracy and accountability. Instead, decisions were made that ran contrary to the expressed desires of the membership and a merger was forced through, creating the Frankenstein that is SEIU

Local1.on. The price of this new mega-local was the loss of 14,000 members and the curtailing of democratic decision-making.

Instead of enhancing union democracy, the members of Local 1.on have never been able to elect their own president; nor is it likely that they ever will. Instead of addressing the complaints of corruption and poor servicing, the priorities of SEIU Local 1.on's President appear to be securing jobs for her friends and family while complaints about servicing grow in numbers. Instead of abiding by the very principals of unionism that they espouse, the powers-that-be in SEIU Local 1.on chose to force their own staff to go on strike, exacting revenge upon them when they returned and rewarding those who scabbed.

Clearly, the problems that had led the membership in Ontario to attempt to leave SEIU in the first place have not been resolved and, in some respects, those problems have only grown worse since the merger. SEIU Local 1.on appears to be an organization that exemplifies the corruption, lack of autonomy, disrespect for union democracy and demonstrable contempt for the very principles of unionism that spurred 14,000 Canadian members to leave SEIU in 2001.

If International President Andy Stern is right about the need for mega-locals of 100,000+ members in order to wield the required bargaining and political power, the lessons of Local 1.on demonstrates that such power comes at a heavy cost. The members of Local 1.on have seen no improvements in servicing or organizing and have largely sacrificed democratic control of their union in the bargain. SEIU Local 1.on may appear to have superior bargaining and political power when compared with the six smaller locals that comprise it, but the situation begs the question of who gets to wield that power and to what ends. By minimizing union autonomy and democracy, and by failing to address any of the issues that led to the CAW raids in the first place, one can only expect history to repeat itself.