

Why Signing Up Members Matters

The Rand Formula

In Canadian labour law, the **Rand formula** (also referred to as automatic check-off) makes the payment of union dues mandatory for every worker who is covered by a collective agreement. This formula is designed to ensure that no employee will opt out of the union simply to avoid dues, yet reap the benefits of the union's accomplishments (such as negotiating higher wages, better job security or other benefits). [Supreme Court of Canada Justice Ivan Rand](#) made this ruling in 1946 as an arbitration decision ending the [Ford strike of 1945](#) in [Windsor, Ontario](#). The Rand Formula is a compromise. It requires workers who benefit from a union to have dues deducted from their paycheck. But it does not require them to sign up and become a member of the union. That is their choice.

The Ontario Labour Relations Act - Deduction and remittance of union dues

47. (1) Where a trade union that is the bargaining agent for employees in a bargaining unit so requests, there shall be included in the collective agreement between the trade union and the employer of the employees a provision requiring the employer to deduct from the wages of each employee in the unit affected by the collective agreement, whether or not the employee is a member of the union, the amount of the regular union dues and to remit the amount to the trade union, forthwith.

What difference does it make to the worker?

Non-Member (who has not signed a union membership application) has the right to:

- be free from discrimination, interference, restriction, coercion, harassment and intimidation
- file a grievance and be represented
- vote on the collective agreement affecting him/her

Member (who has signed a union membership application) has the right to:

- be free from discrimination, interference, restriction, coercion, harassment and intimidation
- file a grievance and be represented
- put forward demands for bargaining and vote on priorities
- vote on the collective agreement affecting him/her
- be nominated for and hold one or more offices in the union
- participate in union business at the local level, vote for delegates and alternates to convention
- attend union events, union education, be trained as a union facilitator or elected representative, participate in union committees
- make a formal presentation to executive board
- attend any meeting of the executive board
- receive a copy of the constitution of the union, be advised of amendments to it, and receive updates of constitution
- collect strike pay if doing strike duty
- access Regional Hardship Fund to help members in good standing
- eligible to apply and be considered for union staff jobs

What difference does it make to the Local?

Non-Members (bargaining unit employees who have not signed a union membership application)

- **Rebates** are calculated on number of bargaining unit employees, whether signed up or not

Signed up Members (bargaining unit employees who have signed a membership application)

- **Rebates** are calculated on the number of bargaining unit employees, whether signed up or not
- **Convention delegates** – only members in good standing shall be counted to determine a local's delegate entitlement
- **Hold local office** – the local can draw only on the skills of signed-up members to develop a representative leadership
- **Representing the local** – the local can only draw on signed up members to represent it at meetings outside the local
- **Education** – the local can only spend union money to develop those bargaining unit employees who are union members
- **Local Time-Off Fund or 80/20 Fund** – convention 2001 approved a budget which allows OPSEU locals access to additional funds for booking member time- off. Local entitlements for this fund are calculated on the number of signed-up members in good standing.



Helpful Resources

- Supplies of OPSEU membership cards are available through your OPSEU regional office or by calling the OPSEU resource centre at 1-800-268-7376
- The OPSEU constitution is available through OPSEU resource centre, your OPSEU regional office or online at the following link: <http://www.opseu.org/constitution/Constitution2008version.pdf>
- New member booklet “As a new member of OPSEU you want to know” – is available at your OPSEU regional office
- Check out “Your Home in OPSEU” publication which is available to you by calling the OPSEU resource centre, your OPSEU regional office or you can download a copy at: <http://www.opseu.org/yourhomeinOPSEU/YourhomeinOPSEUwithcolourcoversOct2709.pdf>
- A copy of the Ontario Labour Relations Act is available on line at e-laws or by clicking on this link: http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_95l01_e.htm