

unionizing-the-military-might-address-some-culture-issues-but-it-comes-at-a-potential-cost-experts

NEWS

Unionizing the military might address some culture issues but it comes at a potential cost: experts

By ALICE CHEN (/AUTHOR/ALICE-CHEN) MARCH 30, 2022

As seen with the police, unionizing may not address problems of sexism or racism in the military's culture, says Prof. David Camfield, while other say it could 'counterbalance' the power scale.



Culture change within the Armed Forces is a 'must have,' rather than a 'nice to have,' for current and future members, says Lieutenant-General Jennie Carignan, the CAF's chief of professional conduct and culture. *DND photograph by Pvt. Hugo Montpetit*

As the Canadian Armed Forces grapples with ways to improve its culture, some experts say unionization could be a potential benefit, particularly in solving long-standing issues with grievance processes, but others say it could create more problems.

Asked if Canada's military should be unionized, Michel Drapeau, an adjunct law professor at the University of Ottawa and retired Army colonel, said "the short reason is yes."

In particular, he pointed towards an existing grievance process, which he said was flawed and difficult for those with less power to use.

During a March 23 media briefing about the organization's cultural issues, Canadian Armed Forces (CAF) officials noted that currently the military faces dual issues of understaffing and difficulty recruiting.

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"A lack of inclusion is a major barrier to both retention and recruitment," said Lieutenant-General Jennie Carignan, the CAF's chief of professional conduct and culture.

"Culture change is a 'must have,' rather than a 'nice to have,' and not only for our current, but also for our future defence team members."

What this entails then, according to officials, is a focus on building a retention strategy, as well as the launch of recruitment campaigns aimed at women and Indigenous applicants. A gender-neutral dress code will also be unveiled soon.

Last year, the Armed Forces saw an explosion of sexual misconduct cases, with major figures, including retired former chief of the defence staff General Jonathan Vance and vaccine rollout chief Major-General Dany Fortin, accused of sexual misconduct and facing other charges in civilian court — allegations which they deny. Global News (<https://globalnews.ca/news/7883717/canadian-forces-sexual-misconduct-timeline/>) broke the stories of misconduct in January 2021, with a wave of victims and survivors coming forward afterward.



R. Douglas Elliott, lead counsel in the LGBT Purge class action suit against the government speaks to reporters in Centre Block following the prime minister's apology to LGBTQ2 communities on Nov. 28, 2017. *The Hill Times* photograph by Andrew Meade

Historically, the Forces have struggled with LGBTQ2S issues, with a purge targeting queer people in the military, RCMP, and public service starting in the 1950s (<https://lgbtpurge.com/about-lgbt-purge/>) and stretching on for decades before eventually reaching a settlement deal in 2018 (<https://nationalpost.com/news/canada/canada-to-compensate-718-gay-purge-victims-in-class-action-settlement>).

Having a union in place, according to Drapeau, would provide protection on these grounds of individual rights.

He said he doesn't see a problem with military pay, calling those who serve "very, very looked after," nor did he see issues with telling members how to dress or limiting their ability to act in a political domain.

The problem, he said, lies in a grievance system that blocks victims from going to court, and forces them to go through a process that is both slow and lacking in teeth, with the Office of the National Defence and Canadian Armed Forces Ombudsman unable to enforce anything beyond trying to persuade senior staff to be more "docile."

"Although the grievance process that was created seems to be sound, the way that it has operated is not," former Supreme Court chief justice Antonio Lamer said in a 2003 report (<https://www.canada.ca/content/dam/canada/military-grievances-external-review/migration/documents/lamer-eng.pdf>). "Grievances still caught in the process after 10 and even 12 years are not unheard of, and those of two or more years at the level of the Chief of Defence Staff seem to be the norm. Further, many grievors complained to me that they were not advised as to the reasons for delays or where their grievances were at in the grievance process."

What can be done then, Drapeau said, is to "give them a union that counterbalances the power scale."

"They know that they have no choice for a soldier but to come and file grievances with them, and they also know they can drag their feet and nothing happens."

On LGBTQ2S issues, a hypothetical union would be able to intervene and make comment and propose procedures for change for the "collective membership" at large.

However, not everyone agrees with the idea of a union.

Describing pay, treatment, pensions, and accommodation as "first-rate," Michael Boire, adjunct professor at the Royal Military College of Canada, said there was no resentment off which to build a union.

More importantly, he questioned whether the public would want heavily armed, well-trained military personnel to have the potential for labour action or "downright mutiny."

Asked whether a union would address culture issues, he said "what's happening now, a lot of the sins of the past—and they were sins—they're being made right insofar as they can be made right, with diversity and compensating people."

"The union wouldn't create any advantage that we don't already have. Members' lives would not be improved," he said. "Within the Armed Forces today, there is a rapid transformation of the culture of leadership. Abuse doesn't happen when an organization is well led, it wasn't well led in the past. A sense of immunity that senior officers can do whatever they want, that has been curtailed, that won't happen again."



Michel Drapeau is a strong advocate for a military union, having previously drafted up a petition to form a Military Professional Association of Canada. *Photograph courtesy of Michel Drapeau*



Defence Minister Anita Anand has said her 'priority is to address the crisis of culture and confidence in the Canadian Armed Forces.' *The Hill Times photograph by Andrew Meade*

There is an unfairness to the “unlimited liability,” under which service people enter, said David Bercuson, professor of history at the University of Calgary. In joining the military, he said, you’re telling the country and its government that you are willing to go so far to do your job that you will, if necessary, give up your life.

At the same time, he said, the government doesn’t reciprocate the same obligation to the people in the military.

For instance, Bercuson pointed to issues with veterans’ pensions, like an alleged miscalculation of benefits to be paid out (<https://vetspensionerror.ca/>) that is still mired in a legal battle.

“I don’t think it’s fair that if Jane Doe joins the Canadian Army and she’s promising the government and the Army that she’ll put her on the line, the government’s responsibility to her is not so unlimited,” Bercuson said.

Like the police, however, unionizing may not address problems of sexism or racism in the military’s culture, said David Camfield, associate professor of labour studies and sociology at the University of Manitoba.

“You have to look at the role of policing in society and how it’s about reproducing the social order—and if that social order is racist and sexist and so on, policing will perpetuate that.”

By analogy then, he said, in the military, if a union were to be formed “you would find that that might well be used to perpetuate certain aspects of the culture and practice, that even if the top people at the top of the military for their own purposes wanted less racism, less sexism, and so on, within the Forces the problems would deepen.”

But the resources a union could provide could make a difference in terms of supporting LGBTQ2S members and victims of harassment, said Bob Bussel, a union and labour classes historian.

“They can give people ... experienced advocates, people with legal expertise, maybe access to psychologists, people that could be real resources ... to workers of members of the military that are dealing with these types of issues, whereas as an individual you’re more on your own.”

Military union wouldn’t be allowed to strike, experts say, among other restrictions



Irish troops return home following a six-month deployment to South Lebanon. The Irish Army is unionized. Photograph courtesy of Irish Defence Forces

In a 2019 *Ottawa Citizen* op-ed (<https://ottawacitizen.com/opinion/columnists/smol-is-it-time-for-canadas-military-to-unionize>), former Canadian Armed Forces member Robert Smol described how such a military union would work.

“First and foremost, a professional military association does not, never has, and absolutely never will be about our military having the right to strike. (Critics and skeptics, please read the previous sentence again.) As with our uniformed police fire and border services, a unionized military would have to instead move to mediation and arbitration if contract negotiations reached an impasse.”

The process then, barring safeguards around bargaining and what can be negotiated, Bussel said would be the same as forming any other union.

What this would involve, Camfield said, is getting people to file union cards before going to the Federal Industrial Relations Board to apply, which would be followed up by determining the scope of the bargaining unit, what percentage would have to file union cards, and a final vote of whether or not the union’s projected members accept this representation.

“Certainly, most data that I’m familiar with indicates that people that have unions and a direct voice and formal mechanisms of bargaining do better than those that don’t have that voice,” Bussel said.

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