



THE CANADIAN ARMED FORCES AND UNIONIZATION

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Exercise Solo Flight

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Introduction

"Only a fool would try to deprive working men and working women of their right to join the union of their choice."

- Dwight D. Eisenhower

The Canadian Armed Forces (CAF) plays a crucial role in protecting Canada's sovereignty, maintaining peacekeeping efforts globally, warfighting and supporting NATO warfighting efforts, and providing humanitarian aid in times of crisis. CAF members have an inherently challenging profession requiring hardships such as relocation, isolation, unlimited liability. and inherent risk for bodily harm. For members of the CAF, "the potential for serious physical and mental injuries is a reality."¹ Despite an aggressive recruiting campaign and a recent pay raise, the CAF is struggling to be an employer of choice in Canada.² In fact, as of March 2022, the CAF is roughly 7,600 regular force members short.³ Personnel retention has been an issue for 20 years in the CAF and is demonstrated by the 2002, 2006, and 2016 Auditor General (AG) reports.⁴ The reports show a steady increase in position vacancies within the CAF. The AG reports paint a picture of a systemic issue CAF wide that cannot directly be linked to one element or trade. Dr. Anthony Klotz recognized the global retention crisis and coined it "the great resignation.⁵" He observed a disproportionally large number of people are quitting their jobs and taking time to reflect on their lives to question if their professional occupations are helping or hindering their pursuit of happiness and meaning. The great resignation theory, may hold a clue to the CAF retention issues if people are dissatisfied with the CAF leadership culture because they do not have a voice or collective bargaining agreement to raise concerns to leadership leaving them without a sense of meaning.

Furthermore, it has been front-page news in Canada that the "...exposure of sexual misconduct in the CAF has shed light on a deeply deficient culture fostered by a rigid and

¹Government of Canada. Department of National Defence. Strong, Secure, Engaged: Canada's New Defence Policy. Ottawa, ON: DND, 2017, Exec Summary.

² Government of Canada, Office of the Auditor General of Canada. "Report 5-Canadian Armed Forces Recruitment and Retention-National Defence." Report 5-Canadian Armed Forces Recruitment and Retention-National Defence. Accessed August 31, 2022. https://www.oag-bvg.gc.ca/internet/english/parl_oag_201611_05_e_41834.html.

³ Ashley Burke, "Canadian Military Reports Sagging Recruitment as NATO Ramps up Deployment in Eastern Europe | CBC News," CBC news (CBC/Radio Canada, March 25, 2022),

https://www.cbc.ca/news/politics/canadian-armed-forces-staff-shortfall-1.6395131.

⁴ Government of Canada, Office of the Auditor General of Canada. "Report 5-Canadian Armed Forces Recruitment and Retention-National Defence." Report 5-Canadian Armed Forces Recruitment and Retention-National Defence. Accessed August 31, 2022. https://www.oag-bvg.gc.ca/internet/english/parl_oag_201611_05_e_41834.html.

⁵ Klotz, Anthony. "The Great Resignation Is Still Here, but Whether It Stays Is up to Leaders." The OECD Forum Network. Organisation for Economic Co-operation and Development, July 25, 2022. https://www.oecd-forum.org/posts/the-great-resignation-is-still-here-but-whether-it-stays-is-up-to-leaders.

outdated structure that did little to modernize it."⁶ The outdated structure referenced does not allow for a unified voice or collective bargaining to address the most current issues and hardships that CAF members are experiencing. Currently, the CAF is facing challenges with retaining personnel, recruiting members, as well as issues with its organizational culture.⁷ A useful tool to identify and enact change in organization is stakeholder engagement and this can be achieved through the very intuitive process of unionization with collective bargaining.

Admittedly, unionization is not without controversy. This paper will examine the potential benefits of unionization for the members of the CAF. The staffing and culture problems currently facing CAF leaders that have been outlined in this paper can be classified as wicked problems. Churchman describes wicked problems as "… social system problems which are ill-formulated, where the information is confusing, where there are many decision makers with conflicting values, and where the outcomes of the whole system are thoroughly confusing."⁸ There is no one solution to a wicked problem but increasing employee engagement through unionization may be a step in the right direction.

Unionization could increase retention rates by providing service members with greater geographic stability and improving working conditions. Additionally, unionization could improve recruitment by making the CAF a more attractive career option for prospective service members. Finally, unionization could lead to improvements in the overall culture of the CAF, making it a more supportive and equitable workplace. These challenges may be an indication that military members are not staying employed by the CAF because they very little ability to influence senior leaders because of limited representation. Allowing CAF members representation through unionization and collective bargaining would give CAF members a voice to senior leadership and would lead to increased recruiting, improved culture, and higher retention levels.

Background

Currently, the CAF had no formal process for collective bargaining. Farley, Walker, and Mendoza state that, while there is no formal 'contract' between the CF and the government of Canada, an informal social contract which has seen the CAF receive similar raises as what is negotiated for the Public Service Alliance Canada (PSPC) has appeared to be successful in maintaining the status quo. This informal process only sees the CAF receive pay increases and not necessarily reap the other benefits negotiated by the collective bargaining process. Critics of the social contract argue that the agreement is one-sided.⁹ To address these challenges and the lack of representation or a unified voice, some articles in the media have proposed that CAF personnel would have a stronger voice though collective bargaining should they unionize. Bartle

⁶ Louise Arbour, "Report of the Independent External Comprehensive Review," Canada.ca (/ Gouvernement du Canada, June 10, 2022), https://www.canada.ca/en/department-national-defence/corporate/reports-publications/report-of-the-independent-external-comprehensive-review/part-iii.html, 34.

⁷ Louise Arbour, "Report of the Independent External Comprehensive Review," Canada.ca (/ Gouvernement du Canada, June 10, 2022), https://www.canada.ca/en/department-national-defence/corporate/reports-

publications/report-of-the-independent-external-comprehensive-review/part-iii.html, 34.

⁸ Churchman, C. West. "Guest editorial: Wicked problems." Management science (1967): B141-B142.

⁹ Kelly Farley, Rick Walker, and Dan Mendoza, "Freedom of association and the Canadian forces," in Military Unionism in the Post-Cold War Era, ed. Richard Bartle and Lindy Heinecken (New York: Routledge, 2006), 67.

and Heinecken argue that post cold war era western militaries are "smaller, more cost-effective forces, more geared towards meeting the obligations of expeditionary missions abroad."¹⁰ Bartle and Heinecken go on to argue that western militaries experience higher-tempo deployments on various types of missions and this operational tempo has started the discussion that a stronger unified voice may benefit the members of the military to articulate their needs to military leadership, government, and society through a trade organization such as a union.¹¹ Despite the challenges associated with unionization, the potential benefits for the CAF such as; retention, recruiting and culture change are significant and warrant further consideration.

Discussion - Recruiting

The CAF would be seen as a more desirable employer and have increased success recruiting new members if there was a unionized trade organization to represent the needs and wants of CAF personnel. Trade unions are inherently motivated to effectively recruit new members because their very existence and relevance in membership is dependent on their ability to grow membership size and membership fees. Mthethwa states, "the future strength of our trade unions hinges on their ability to prioritize organizing and recruitment processes."¹² The very structure of a dues-based trade organization forces the union to prioritize recruiting. Unions also attract long standing members that will commit to a cause or organization for long terms of service, which suits the CAF compensation model of defined benefits pension perfectly. Unions have adopted the renowned Snowflake model based on the work of Harvard professor Marshall Ganz. Ganz's model distributes power and responsibility and states that all members of an organization share the leadership responsibility. Specifically, Ganz's model states, "A movement's strength stems from its capacity and commitment to develop leadership and in the snowflake model, everyone is responsible for identifying, recruiting, and developing leaders."¹³ The snowflake model has the core tenets of people, power and change in mind. It divides the practice of organizing and recruiting into five practices which are: telling stories, building relationships, structuring teams, strategizing, and acting.¹⁴ The snowflake model explains the reason that people feel strong connections to their trade unions and often recruit family members and friends into the organization. An organization that empowers and encourages all of its members to recruit and tell the story of their union will be a powerful tool for recruitment. An organized labour union in the CAF would help to tell the story of the organization and empower CAF members to be effective recruiters to grow the union and CAF in strength.

¹⁰ Richard Bartle, and Lindy Heinecken, eds. *Military unionism in the post-Cold War era: a future reality?* Routledge, 2006, Intro.

¹¹ Richard Bartle, and Lindy Heinecken, eds. *Military unionism in the post-Cold War era: a future reality?* Routledge, 2006, Intro.

¹² George Mthethwa. "Recruiting Workers to the Trade Union: Tips for Organisers: Labour Research Service." Labour Research Service | A resource for worker representatives in South Africa., May 9, 2021.

https://www.lrs.org.za/2020/02/24/recruiting-workers-to-the-trade-union-tips-for-organisers/.

¹³ Marshall Ganz and Elizabeth McKenna. "Bringing leadership back in." The Wiley Blackwell companion to social movements (2018): 185-202.

¹⁴ Marshall Ganz and Elizabeth McKenna. "Bringing leadership back in." The Wiley Blackwell companion to social movements (2018): 185-202.

Discussion - Improving Culture

Unionizing the members of the CAF would address the current culture crisis the organization is experiencing by allowing another forcing function of culture change. The Arbour report outlines the sexual misconduct due to a deeply deficient culture within the CAF.¹⁵ Kass and Costigliola in their study of unionized work environments conclude that unions are longstanding advocates for women's equality and inclusion.¹⁶ An equitable and inclusive workplace is the goal of the current CAF push for a Gender Based Analysis (GBA+) approach to all aspects of policy and procurement. A union would have a greater voice to champion the CAF as an equitable and inclusive space for women, men, and all genders.

Labour unions also have formalized grievance and arbitration processes to "resolve disputes between employees and the union on the one side, and the employer on the other, in regards to matters covered by the Collective Agreement."¹⁷ There is a grievance process for CAF members now; however, the system is deeply flawed. The failures of the CAF grievance system have been outlined by former Supreme Court Judge Morris Fish stating, following a review of Canada's military justice system that was ordered by Parliament. He made sharp criticisms of the CAF grievance system, calling it "broken" and asserting that Canadian troops deserve better.¹⁸ Forming a labour union would undoubtedly streamline the grievance process, giving employees a voice to be heard and curtailing unrest and dissidence within the force. In their studies of unionized workforces, Mamun and Hasan state "developing systematic grievance settlement procedures leading to harmonious industrial relations. Trade unions can, thus, contribute to the improvements in level of production, productivity and discipline, thereby improving quality of work-life."¹⁹ Curbing and unrest and allowing the troops to be heard will improve the culture and provide a communication channel for every soldier, sailor, and aviator to raise concerns or issues.

Labour unions also promote initiatives such as work-life balance (WLB), which can lead to an improved organizational culture and employee satisfaction. WLB is a concept that means the pressures of a wide range of factors in people's life/work environment including: work; family; friends; health; and spirit/self.²⁰ Byrne concludes that, "A major driver of the trend towards achieving work-life balance is the fact that younger people are not prepared to work in the same way as their parents, wanting greater control, and a bigger say in the structure of their

¹⁵ Louise Arbour, "Report of the Independent External Comprehensive Review," Canada.ca (/ Gouvernement du Canada, June 10, 2022), https://www.canada.ca/en/department-national-defence/corporate/reports-publications/report-of-the-independent-external-comprehensive-review/part-iii.html, 34.

¹⁶ Jamie Kass, and Bozica Costigliola. 2004. "The Union Advantage in Child Care: How Unionization Can Help Recruitment and Retention". Just Labour 4 (June). https://doi.org/10.25071/1705-1436.153.

¹⁷ "The Grievance and Arbitration Process - Free Legal Information: Legal Line." FREE Legal Information | Legal Line, April 7, 2021. https://www.legalline.ca/legal-answers/the-grievance-and-arbitration-process/.

¹⁸ Chowdhury Abdullah Al Mamun and Md Nazmul Hasan. "Factors affecting employee turnover and sound retention strategies in business organization: A conceptual view." Problems and Perspectives in Management 15, Iss. 1 (2017): p. 69.

¹⁹ Chowdhury Abdullah Al Mamun and Md Nazmul Hasan. "Factors affecting..." *Problems and Perspectives in Management* 15, Iss. 1 (2017): p. 69.

²⁰ Una Byrne. (2005). Work-life balance: Why are we talking about it at all? Business Information Review, 22(1), 53–59. https://doi.org/10.1177/0266382105052268, Abstract.

jobs."²¹ A unionized CAF would allow the workforce a greater say in their work structure through collective bargaining. Research has shown that, "unions in industrialized countries are actively involved in campaigning and bargaining around work-life balance (WLB) issues, as part of a modernization agenda linked to feminization and to 'positive flexibility'"²² WLB is an important aspect of organizational culture and is becoming more important as the workforce is more predominately millennials. Studies have shown that "Compared with previous generations, millennials emphasize much more on balancing work with their personal goals and passion."23 In the past, the CAF has not been a flexible employer and undervalued the importance of WLB in creating and fostering an inclusive and positive culture and workplace. Furthermore, research by Rife and Hall have shown that WLB is created through a strong organizational support system, which develops through organizational culture.²⁴ Additionally, Lipow states that military unionization will clearly enhance social welfare."²⁵ Increased social welfare of the members equals increased support to members and families and ultimate helps with the dichotomy of challenges to WLB. The culture of an organization is extremely important for all members of the organization and for the ultimate success of the organization. Labour unions can allow a unified voice to advocate for greater WLB leading to a positive organizational culture.

Discussion - Increasing Retention

Huddleston has described the current issues with retention as, "The CAF has a retention problem and this problem is wicked."²⁶ One possible solution to the CAF retention problems is to form a labour union. A great deal of scholarly research has been conducted on the advantages of labour unions, and one of those common themes is less employee turnover.²⁷ Al Mamun and Hasan argue that trade unions have a hierarchy and union fees associated with their membership. They pointedly argue that it, "is quite probable that employees will not leave their jobs as frequently if they are the members of labor union." Al Mamun and Hasan explain the loyalty to one's union "...is that they have to pay dues to be a part of the union, and they typically do not want to lose their position in the organization. Labor unions are organizations where employees bond together to create a collective voice for negotiations with employers."²⁸ To further cement the argument that trade unions result in lower turnover. Ferguson and Ferguson studied the unionized nursing profession and suggest that labor unions are able to provide a safe and better working environment by the negotiations between labor and management, resulting in lower

²¹ Una Byrne. (2005). Work-life balance: Why are we talking about it at all? Business Information Review, 22(1), 53–59. https://doi.org/10.1177/0266382105052268, Abstract.

²² Abigail Gregory and Susan Milner. "Trade unions and work-life balance: Changing times in France and the UK?" British Journal of Industrial Relations 47, no. 1 (2009): Abstract.

 ²³Nivedita Jha, Puja Sareen, and Gupta Potnuru Rama Krishna. "Employee Engagement for Millennials: Considering Technology as an Enabler." Development and Learning in Organizations 33, no. 1 (2019): 9-11.
²⁴ Alison Rife and Rosalie J. Hall. "Work-life balance." Society for Industrial and Organizational Psychology 4 (2015).

²⁵ Jonathan Lipow, Yosef Mealem & Yossef Tobol (2009) SHOULD MILITARY UNIFORMS CARRY THE UNION LABEL?, Defence and Peace Economics, 20:1, 11-19, DOI: 10.1080/10242690801962262, intro.

²⁶ Huddleston, Amanda. "Canadian Armed Forces retention: a wicked problem?" Master's thesis, 2020, 106.

²⁷ Chowdhury Abdullah Al Mamun and Md Nazmul Hasan. "Factors affecting...." *Problems and Perspectives in Management* 15, Iss. 1 (2017): p. 69.

²⁸ Chowdhury Abdullah Al Mamun and Md Nazmul Hasan. "Factors affecting..." *Problems and Perspectives in Management* 15, Iss. 1 (2017): 69.

turnover.²⁹ Labour unions facilitate a dialogue through collective bargaining which lowers employee turnover rate thereby increasing retention.

Additionally, the CAF is a unique employer and includes many trades that have high operational tempos and include a great deal of time away from family and friends but can provide a high level of employee satisfaction. It is important to provide a workplace that is supportive to members and inclusive for all members to retain personnel. Kass and Costigliola examined unionized versus non-unionized workplaces and conclude that "unions support a model of professionalism and workplace relationships that is inclusive, democratic and collective."³⁰ A professional and inclusive workplace leads to a higher level of job satisfaction and a higher employee retention rate. Mamun and Hasan state that employees of a labour union have a high level of employee satisfaction because "they have a voice to speak to the employer and get higher wages on average and fringe benefits packages. Therefore, labor unions help in reducing the rate of labour turnover.³¹ The next generation of employees seek more input into the workplace and have a strong desire to voice their decisions. Research has demonstrated that "millennials seek importance in their workplace. Opportunity to voice their decisions related to their work creates a sense of belonging with the organization."³² Forming a labour union would give CAF members a collective voice to leadership and government, resulting in higher employee satisfaction and ultimately tackling the wicked problem of CAF retention.

Counter Argument

Despite CAF members working alongside unionized militaries such as the Danish, German, and French militaries, and the aforementioned benefits of unionization for members of the CAF, there are many arguments against forming labour unions in military institutions. Firstly, it is prohibited for members of the CAF to form a union through the Queen's Regulations and Orders (QR&Os). Under Article 19.10, members shall not "combine with other members for the purpose of bringing about alterations in existing regulations for the Canadian [Armed] Forces"³³ or "sign with other members memorials, petitions or applications relating to the Canadian [Armed] Forces."³⁴ These regulations also extend to attempts to promote the organization of members from resources internal to the CAF, such access to global email address databases and networks.

²⁹ Ferguson, G.H., & Ferguson, W.F. (1986). Distinguishing Voluntary from Involuntary Nurse Turnover. Nursing management, 17 (12), 44.

³⁰ Jamie Kass, and Bozica Costigliola. 2004. "The Union Advantage in Child Care: How Unionization Can Help Recruitment and Retention ."*Just Labour* 4 (June). https://doi.org/10.25071/1705-1436.153.

³¹ Chowdhury Abdullah Al Mamun and Md Nazmul Hasan. "Factors affecting..." *Problems and Perspectives in Management* 15, Iss. 1 (2017): p. 69.

³² Jha, Nivedita, Puja Sareen, and Gupta Potnuru Rama Krishna. "Employee Engagement for Millennials: Considering Technology as an Enabler." Development and Learning in Organizations 33, no. 1 (2019): 9.

³³ National Defence and the Canadian Armed Forces, "QR&Os: Volume 1- Chapter 19 Conduct and Discipline," last modified 31 August 2015, http://www.forces.gc.ca/en/about-policies-standards-queens regulations-orders-vol-01/ch-19.page#cha-019-10.

³⁴ National Defence and the Canadian Armed Forces, "QR&Os: Volume 1- Chapter 19 Conduct and Discipline," last modified 31 August 2015, http://www.forces.gc.ca/en/about-policies-standards-queensregulations-orders-vol-01/ch-19.page#cha-019-10.

The second major hurdle hindering the discussion of unionization for CAF members is the notion that unionization will hinder the raison d'etre of the CAF applying a spectrum of violence under the auspice of unlimited liability. Furthermore, there is a misconception that unionization will lead to a refusal of work or strikes and create issues of deployment management. Smol states that "military unionization is never intended to give military personnel the right to refuse a lawful operational combat order."³⁵ To strike or disobey a lawful combat order would be a crime under the National Defence Act. Also, Smol points out that refusing a lawful order would, "defeat the whole purpose of a military union, which is to work within, and not against, the operational objectives of the organization. Unionized firefighters are not opposed to fighting fires. Unionized police are not opposed to fighting crime."³⁶ Forming a labour union within the CAF will not make the military ineffective but more research must be done to ensure operational requirements would be met and policy would be in place to ensure CAF effectiveness including unlimited liability and operational capability.

Recommendation

Many European militaries are unionized and maintain their operational effectiveness. For example, there are, "34 different military unions and labor associations from 22 countries are affiliated with Euromil [sic], the umbrella organization for Europe's military unions, and a total of 500,000 soldiers are represented by its constituent organizations."³⁷ This NATO nations with similar values as the CAF such as Austria, Belgium, Denmark, Finland, Germany, Hungary, Ireland, Norway, Romania, Sweden, Switzerland and The Netherlands.³⁸ Many of the bargaining organizations of these nations belong to the European Organization of Military Associations (EUROMIL). EUROMIL promotes the philosophy of a "citizen in uniform," enforcing the belief that those members of a state that chose to enter the military service should be recognized and afforded the commensurate rights and privileges of their society.³⁹ EUROMIL performs many functions such as advocating for rights and freedoms, promoting equal application of social policy for military personnel and facilitating information sharing and collaboration between member organizations.⁴⁰ The EUROMIL structure proves that forming a union is not totally inimical to the functioning of the CAF but on the contrary would benefit CAF members.

Specifically, the Danish military has multiple unions to represent different ranks and trades.⁴¹ Their model relies on the close partnership between their professional organizations to

³⁵ Robert Smol. "Smol: Is It Time for Canada's Military to Unionize?" Ottawa Citizen, January 11, 2019. https://ottawacitizen.com/opinion/columnists/smol-is-it-time-for-canadas-military-to-unionize/.

³⁶Robert Smol: "Smol: Is It Time for Canada's Military to Unionize?" Ottawa Citizen, January 11, 2019. https://ottawacitizen.com/opinion/columnists/smol-is-it-time-for-canadas-military-to-unionize/.

³⁷ Jonathan Lipow, Yosef Mealem & Yossef Tobol (2009) SHOULD MILITARY UNIFORMS CARRY THE UNION LABEL?, Defence and Peace Economics, 20:1, 11-19, DOI: 10.1080/10242690801962262.

³⁸ Michel Drapeau and Joshua M. Juneau, "Coexistence & Convergence: The lawful formation of a Military Professional Association." Esprit de Corps, 20, no. 8 (Fall 2013): 37.

³⁹ European Organisation of Military Associations, "About Us," last accessed 16 April 2023, http://euromil.org/who-we-are/.

⁴⁰European Organisation of Military Associations, "About Us," last accessed 16 April 2023, http://euromil.org/who-we-are/.

⁴¹Jesper Hansen. "Denmark's Armed Forces Union Chief: 90% of Employees ... - the Scotsman," July 7, 2019. https://www.scotsman.com/news/opinion/columnists/denmarks-armed-forces-union-chief-90-employees-defenceare-part-professional-organisation-1413820.

negotiate with strength and scale to ensure negotiations are serious and equitable.⁴² This model works well in Denmark because of their strong cultural connections to trade and labour organizations. However, the same model of multiple different unions could cause difficulties within the CAF and create multiple voices to government versus a unified front. Unionization would be challenging throughout the CAF but all organizational change is challenging. It is beyond the scope of this paper, but from the Danish example, at least a partial labour organization should be examined and could be beneficial to the rank-in-file of the CAF. Without a question, forming a union or unions within the CAF would be a challenge, but the benefits of a labour union may outweigh the cons. At the very least, the discussion should be had at the leadership levels as to the possibility of tackling the wicked problems of the CAF through an organized union with a strong employee and stakeholder engagement within the government of Canada.

Conclusion

Unionization of the CAF and collective bargaining will lead to improvements in the overall organizational culture, increase recruiting, and improve retention, all of which benefit the members of the CAF. The military leadership of the CAF has made repeated and valiant attempts to improve the organizational culture, retention, and increase recruiting numbers. However, the leadership's use of punitive military measures to address cultural concerns and retention from the top down has not worked. Operation Honour, which was the CAFs first attempt at culture change was primarily a punitive measure thrust and was deemed unsuccessful at culture change and terminated by the CDS.⁴³ Multiple independent reports have been completed outlining the persistent sexualized culture of the CAF, and the Auditor Generals' retention reports do not lie. The problems of culture and retention are wicked problems and by the very definition have no one clearly defined solution. However, the formation of one or more labour unions to represent the interests of the members of the CAF to the government, leadership, and society could develop greater stakeholder engagement through a unified voice to fight the crisis facing the organization today and tomorrow. A union is a trusted partner of the government and CAF leadership that can help provide and implement solutions to a wide variety of issues today and in the future. The time is now for the CAF to adopt change and hear the concerns and desires of its members

⁴²Jesper Hansen. "Denmark's Armed Forces Union Chief: 90% of Employees ... - the Scotsman," July 7, 2019. https://www.scotsman.com/news/opinion/columnists/denmarks-armed-forces-union-chief-90-employees-defenceare-part-professional-organisation-1413820.

⁴³ Canada. Department of National Defence. CDS Directive for the Termination of Operation Honour - Canada.ca. / Gouvernement du Canada, May 24, 2022.

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