
The Employer-Union Relationship

The types of relationships between an employer and a union can be as varied as the number of employers and unions out there.

“Every employer has their own approach to labour relations,” says Natalie Wiley, Senior Legal Counsel with the United Food and Commercial Workers (UFCW) Locals 175 and 633 in Ontario. The UFCW represents approximately 77,000 members in Ontario and deals with as many as 500 different employers, and they all have different ways of approaching labour relations. “Where some employers may work toward developing a working relationship with the union, others will not. Some are more conciliatory in their approach, while others are more aggressive,” says Wiley.

A number of employers and unions have adopted a more relationship-based approach to labour relations, says Michael Fitzgibbon, founder and partner at Watershed LLP, an Ontario law firm. “They’re trying to develop a good working relationship.” He adds, “While there’s no doubt that the adversarial relationship still exists with some unions and employers, there was, at least prior to the economic meltdown, some attempt to move away from a ‘scorched earth’ approach to labour relations. The recent economic crisis and stagnating or declining unionization rates have changed that somewhat, as unions flex their muscle while employers try to manage their business and make hard decisions in troubled times. We will see how the economic recovery changes this, if at all.” He goes on to say, “Unions are also looking at mergers, and it will be interesting to see what impact larger unions will have on the labour relations landscape.”

Fitzgibbon’s practice is devoted to the management side of labour relations. He represents private sector employers in a variety of industries, in situations involving statutory tribunals such as the Ontario Labour Relations Board and in grievance arbitrations. Fitzgibbon says that in Ontario the parties often resolve grievances and other disputes without going to a formal hearing. “This is part of the relationship-building,” he says. “And it recognizes the high cost of litigation and the impact that unresolved disputes in a union environment can have on the long-term relationship. Both sides are working to resolve things informally, where they can, and only fighting those cases where a resolution is not possible for one reason or another.”



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Wiley represents the UFCW in similar situations, and she too has observed some changes with respect to employer and union relations as a result of the downturn in the economy. “There are some employers who are willing to build a good working relationship with the union and who are being more mindful of the costs associated with arbitration,” she says. “These employers are willing to resolve issues during the grievance procedure or mediate a settlement on the first day of an arbitration hearing. However, there are still those employers who are aggressive and who are willing to proceed to a full arbitration hearing, which can be quite lengthy and costly.”

Overall, Wiley believes that unions have an important place in today’s workplace. “As the gap between rich and poor widens, and the gap between those with formal education and those without increases, the need for unions is even greater,” she says. “With the global economy driving markets to be more competitive, more is asked of employees and the need for union representation is increased.” She feels that the 2014 Ontario election and its Liberal majority result is a prime indicator of this. “Progressive Conservative leader Tim Hudak’s austerity measures, including right-to-work legislation, were a direct attack on unions and working people, unionized or not, in Ontario,” she says. “As such, Ontarians turned up in droves at polling stations throughout the province.”

An Introduction to Industrial Relations in Canada

objectives

In this chapter, we will introduce the subject of industrial relations, describe the legislative framework that Canadian industrial relations operate within, give a brief overview of various Canadian industrial relations facts, and provide an overview of the structure and content of this book. By the end of the chapter, you should be able to:

- identify the various terms used to describe union-management relationships
- describe how other academic subjects might address industrial relations issues
- identify the major pieces of legislation that regulate Canadian industrial relations and explain the common elements among these laws
- understand how other kinds of Canadian legislation affect industrial relations
- identify some of the major demographic and statistical features of Canadian union membership

INTRODUCTION

Many people believe that unions protect job characteristics such as fair pay rates and decent working conditions. However, others believe that unions serve only to preserve outdated privileges for an elite few. These conflicting views arise from a complex interaction of internal forces (such as job classification and worker training) and external elements (such as competitive product markets and labour markets) that affect both the individual and the organization. Gaining an understanding of these interactions and their effects is one of the major aims of the study of industrial relations. The two news stories later in this chapter illustrate these differing perspectives, which make industrial relations such an interesting topic of study.

The term “industrial relations” generally conjures up an image of greedy union members continually on strike for excessive salaries. Throughout this text, we will show that industrial relations encompasses much more than that. The scope of industrial relations as a topic of study includes fundamental issues of work control, the structure of work, the value of work, and the balance between the conflicting goals of workers and management. Understanding how industrial relations works is very important to anyone who participates in a workplace, whether as a worker or manager, or whether the workplace is unionized or non-unionized.

WHAT DOES THE TERM “INDUSTRIAL RELATIONS” MEAN?

The term “industrial relations” is generally used to refer to the relationship between a **union** (an organization run by and for workers) and the **employer** (the organization or organizations the workers in the union work for). The employer is also referred to as “management,” the “company,” or the “organization,” although “employer” is the most commonly used term, since

it reflects the employer-employee relationship that is the basis of the connection between the union and the company. As we will see in subsequent chapters, the union’s primary role in the workplace is to represent the workers or employees in interactions with the employer. The union is able to carry out this role because Canadian provincial and federal law gives it the formal power to negotiate mutually acceptable workplace rules and working conditions with the employer.

The term “labour relations” is sometimes used to describe the union-employer relationship. This term is derived from the definition of unions as organized labour—that is, as workers who have formally joined together to advocate for work-related issues. Legislation governing industrial relations is usually referred to as labour law or labour legislation. However, “industrial relations” is the preferred term for union-employer interactions in the Canadian context; it has been used by the Canadian federal



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Actors and miners both belong to unions, though “blue collar” workers like miners were the first ones to seek union representation, in the 19th century.

Courtesy British Columbia Ministry of Energy, Mines and Petroleum Resources

government since 1919, when the Royal Commission to Enquire into Industrial Relations in Canada issued its report. In our opinion, “industrial relations” is a more appropriate descriptor of the union-employer relationship than “labour relations,” since it emphasizes that there are two parties in the relationship and does not focus only on “labour.” It also indicates that the relationship exists within the context of an industry or workplace. Hence, we have chosen to use “industrial relations” as the primary descriptive term in this book.

One part of the debate over the appropriate usage of the term “industrial relations” questions whether the term should also be used to describe workplace relationships between employers and non-unionized workers. According to one widely used definition, “industrial relations” is “a broad, interdisciplinary field of study and practice that encompasses all aspects of the employment relationship.”¹ This definition clearly implies that the study of industrial relations includes both non-unionized and unionized workplaces, and, in fact, in recent years, the scope of industrial relations research has expanded to include studies of non-unionized workplaces. We would argue, however, that the term “industrial relations” is more appropriate as a descriptor of union-employer relationships than of employer-employee relationships in non-unionized workplaces. We offer three reasons for this contention:

1. The term “industrial relations” is generally used to refer to interactions in unionized rather than non-unionized workplaces.
2. The field of study of non-unionized workplaces is already clearly defined as “employment relations” or “human resource management” (although the latter field of study can, and does, include overviews of the main characteristics of unionized workplaces).
3. A considerable amount of industrial relations research on non-unionized workplaces focuses on how non-unionized organizations replicate or adopt structures found in unionized workplaces; therefore, non-union industrial relations research is still closely related to the study of unionized organizations.

Throughout this book, the focus will be on union-employer relationships, although, where appropriate, reference will be made to how employer-worker relationships are conducted in non-unionized workplaces.

Before proceeding, we should take a moment to examine how industrial relations differs from human resource management. This is an important issue because many post-secondary institutions do not have courses devoted solely to the study of industrial relations, and instead address the subject only in the context of human resource management courses, or in courses dealing with employment relationships. The simplest way to explain the difference between the terms “human resource management” and “industrial relations” is to say that the former has a broader range and is generally applied to employment-related issues of importance to all organizations. One Canadian human resource management textbook defines human resource management as “the policies, practices and systems that influence an employee’s behavior, attitude and performance in the attainment of organizational goals.”² This definition is applicable to both unionized and non-unionized workplaces, since human resource policies, practices, and systems occur in any

organization that has employees, regardless of whether those employees are unionized or not. This definition could even be applied to organizations whose “workers” may not be in an employment relationship with the organization (e.g., volunteers donating their time or labour to not-for-profit organizations).

Thus, the distinction between human resource management and industrial relations can be summed up as follows: “industrial relations,” as we have defined the term, deals primarily with employee-employer relationships in unionized organizations, while “human resource management” deals with employer-employee or organization-worker relationships in all types of organizations. The two fields certainly have issues in common, but the focus of industrial relations is more specific and less generalized than that of human resource management.

INDUSTRIAL RELATIONS AS AN ACADEMIC SUBJECT

In most academic settings, as elsewhere, “industrial relations” is the term used to refer to the study of union-employer relationships. As an academic subject, industrial relations draws on a number of different academic fields,³ because many of the topics of interest to industrial relations researchers have also been addressed in the context of other academic disciplines. Union-management relationships and, more broadly, conflicts between workers and employers are not new topics of interest. A quick examination of any database of academic publications will show that industrial relations topics have been and are addressed in many other academic fields. Here are some examples of how researchers in other academic areas could address industrial relations issues:

- A historian might be interested in the events that led to the formation of a union or to a particular industrial relations conflict.
- A psychologist might be interested in how individual attitudes toward unions or employers develop or change.
- An economist might be interested in how negotiated wage rates in a unionized organization affect wage rates in non-unionized organizations, or affect the cost of living in a particular geographic area.
- A political scientist might be interested in how or why a governing political party changes labour legislation.
- A lawyer might be interested in how the wording of labour legislation affects unions’ ability to represent their membership effectively.
- A sociologist might be interested in how group or cultural dynamics affect the actions of a union or an employer.

It is clear from this list that the field of industrial relations draws its ideas and theories from a broad spectrum of subjects. While industrial relations courses at colleges and universities are most commonly found in economics or business administration departments, this list demonstrates why they might also be found in several other academic areas.

It can be frustrating for new students of industrial relations to find that there is no single unifying theory or perspective underlying this field of study. How do we know what

is “right” when various disciplines offer multiple and sometimes conflicting theories to explain a single event? However, as is true in many other areas of study, it is unrealistic to expect to find one industrial relations theory that explains everything. Union-employer relationships involve complex human interactions, and these occur within many different types of work, work structures, and workplaces.⁴ Therefore, no single theory or solution could explain every possible situation. A more realistic approach is to recognize the rich contributions of different perspectives toward an understanding of the union-employer relationship, and to appreciate how these contributions create a broader, rather than narrower, understanding of that relationship.

WHY STUDY INDUSTRIAL RELATIONS?

As we have mentioned, many post-secondary institutions in Canada do not offer courses devoted specifically to industrial relations, but instead address industrial relations only as a secondary topic in another course, such as one on human resource management. Students enrolled in industrial relations courses or in broader courses that touch on the subject often argue that the study of industrial relations is irrelevant. This argument can take a number of different forms:

- “Unions have achieved everything they set out to do because workers are now treated fairly, so there is no reason for unions to exist and no reason to study them.”
- “Only part of the workforce in Canada is unionized, so I can go through my entire career working in non-unionized firms; there’s no point in learning about unions if I’m never going to have to join one.”
- “I personally don’t believe in unions and would never vote to join one, so I’m not interested in learning about them because I’m never going to be a union member.”

Many instructors of industrial relations have encountered these arguments from students of all ages and backgrounds. We acknowledge that there is a great deal of validity to each of these arguments. As we show in Chapter 2, unions emerged in response to working conditions that are almost unknown today, at least in most industrialized First World countries. In several chapters, we address the fact that only about 30 percent of the Canadian workforce is unionized, and much of that unionization is concentrated in a few sectors of the labour market. And we certainly would not argue against an individual’s right to hold the beliefs or attitudes he or she personally considers meaningful. However, let us present our arguments in favour of industrial relations as a relevant topic worthy of in-depth study.

First, in many unionized workplaces or occupations, union membership is a prerequisite to employment. Therefore, attaining a desired job or career may require joining a union, regardless of one’s own feelings about unions. If one has to belong to an organization, it is better to be informed about the organization’s purpose and operations than to run the risk of making mistakes out of ignorance or misunderstanding.

Second, even if only part of the Canadian workforce is unionized, people who are not union members sometimes have to interact with a unionized organization or with unionized workers. For example, during Air Canada's 2012 labour disputes, the direct conflict was between the unionized workers and their employer (Air Canada). However, the impact of that conflict was felt by many other parties, such as individuals whose travel plans were disrupted and businesses whose products or supplies were not delivered on time. Because of the likelihood of this sort of interaction occurring, it is important to have some understanding of unions and the activities unions might undertake, even if one is never personally involved in a union.

Third, in every jurisdiction in Canada, legislation makes unionization an option for workers who are dissatisfied with their treatment and want their employer to formally address their concerns. While the horrific working conditions described in Chapter 2 that motivated the formation of the first unions are relatively uncommon in modern Canada, not every workplace in Canada is a model of perfect employer-employee relationships. It is important to know about unions because Canadian law makes unionization an option for nearly every kind of worker, and because unions have the potential to influence employee satisfaction and working conditions.

Fourth, learning about the history of unionization in Canada helps one understand how the modern Canadian workplace, both unionized and non-unionized, has reached its current form. The influence of unions is apparent in the existence of legislation that affects every Canadian worker and workplace. Minimum wage legislation, occupational health and safety regulations, and the Labour Day statutory holiday are some obvious examples.

Fifth, for anyone considering human resource management as a career, a working knowledge of industrial relations is a definite asset. Aspiring human resource managers who are familiar with industrial relations issues are much more employable than those whose experience is only in non-unionized workplaces. Also, in many organizations, human resource management functions are no longer the sole responsibility of the human resource management department. Managers of all kinds and at all organizational levels may be expected to participate in human resource management activities such as disciplining workers, determining wage levels, appraising performance, and interviewing job candidates.⁵ Anyone considering managerial work of any sort should be familiar with how human resource management activities are conducted in both unionized and non-unionized firms.

Finally, an individual may be so opposed to unions that he or she wishes to actively resist their presence, either as an unwilling potential union member or as a manager or employer. Opposing a union is much easier if one has some knowledge about what a union is, what legal requirements underlie a union's existence, and what an employer or employee can or cannot legally do to counteract unionization.

By writing this textbook, we are not attempting to change the attitudes of individuals who are fundamentally opposed to unions. We also do not intend to try to convince people to join or support unions. And we do not want to present unions as perfect organizations that act appropriately in every situation. A union, like any organization, is the product of the individuals who belong to it—and individuals in unions, as in any organization, can make poor decisions or act unfairly. Unions are no more perfect

and no less flawed than other organizations. They do, however, influence the lives of most Canadians, directly or indirectly, and Canadian legislation enshrines the right of unions to exist and the right of employees to join unions if they so desire. Thus, we believe it is important to learn about union-employer relationships in order to be a better-informed worker or manager and, more generally, a better-informed member of Canadian society.

Collective Bargaining: Democracy in the Workplace

VANCOUVER—With a civic strike that has been needlessly prolonged in Vancouver, and a major stoppage in the forestry sector that seems destined to last even longer, British Columbians might ask why they have to be inconvenienced by labour disputes.

This question is best answered in the context of Canadian democracy.

The place of collective bargaining is debated in primarily economic terms. The parties focus on the costs of demands and concessions. Third parties estimate the financial losses caused by work stoppages. Economists study the wage benefits that unionized workers receive. Employers are concerned about the costs of restrictions on their right to manage.

Little attention is directed at the aspirations, frustrations, satisfactions or fears of workers represented in bargaining.

What recourse do they have if their employer wants to terminate them because it believes that a service can be delivered less expensively by an outside contractor?

How can they respond to a supervisor who treats them unfairly in a job they fundamentally enjoy? If workers are dissatisfied with their conditions, must they resign and start another career to obtain relief?

Democratic societies address these issues through collective bargaining.

Collective bargaining is our form of workplace democracy. Canadians rightly pride ourselves for our political freedoms. We can express our views, however unpopular, with little fear of official retribution.



Members of the Canadian Union of Public Employees Local 79, representing the city of Toronto's inside workers, line up to vote on the ratification of a new collective agreement.

The Globe and Mail—Deborah Balc/The Canadian Press

Citizens form groups to promote their political or social views. They lobby government and the media to persuade others to their opinions. The justice system protects them from abuses of authority.

For most Canadians, these freedoms end at the door to the workplace. The employer can restrict expressions of their views on working conditions or any other subject, with only modest limits imposed by the law. Management can impose terms and conditions of employment without effective challenge.

Collective bargaining introduces elements of democracy into the workplace. Workers form interest groups to advance their position and elect their representatives to meet with management. Worker organizations negotiate procedures to resolve disputes over the conduct of work through a neutral decision-maker.

Do Unions Still Matter?

TORONTO—The percentage of Canadian private-sector workers in unions fell from 26% in 1977 to 18% in 2003.

Canada's overall "union density" numbers remain high only because of our bloated public sector. Socialists regard this as a sign of Canada's superior "class consciousness," but what it really represents is the existence of a coterie of over-entitled, super-secure public servants whose position relative to the real-world worker (who pays for his master's generous pensions, conference trips, and stress leaves) grows even stronger.

Since the Canadian union movement is dominated by the public sector, most of its leaders are decades away from perceiving this as a problem. Those that do, if any, will say that the answer is to get serious about organizing the unorganized. (They'd never turn against their comfortable government comrades in the interests of the taxpayer.)

But the deep question is whether unions have any chance of regaining power in a world of

computerization and globalization. It's no coincidence that private-sector unions are strongest in classic industrial enterprises where trained people are needed in a particular place—those precise places where workers would enjoy the most leverage even without a union. It's also awfully hard to sell old-time class war in a world of broad middle-class stock ownership. And even the future of the traditional corporation—the despised twin on which the union's existence depends—is questionable in a world of emergent auctioneering, outsourcing, and modular self-employment.

So are unions capable of delivering real value to postmodern workers, or are they just gangs of conspiratorial spongers who smother the occasional business to death as a means of clinging to relevance? This is the question that has to be answered, credibly, for today's skeptical young worker. If it isn't, any effort to revive organized labour will be a sheer waste of energy.

Source: Cosh, Colby. "Do Unions Still Matter?" *National Post*, August 3, 2005, p. A16.

INDUSTRIAL RELATIONS LEGISLATION IN CANADA

To begin our introduction to the topic of industrial relations in Canada, we will review the legal framework that regulates the union-employer relationship. We will introduce the legal framework first in order to give students a general understanding of what laws in Canada affect industrial relations, and to provide some context for our subsequent discussions of the activities that these laws regulate. At this point, we will provide a general overview of the relevant legislation. The details of many of these pieces of legislation will be discussed in subsequent chapters, in relation to particular topics.

The Question of Jurisdiction

In Canada, legislation relating to labour relations is found in every province and territory, as well as at the federal level. The conflict over the division of **jurisdiction**, or legal responsibility for an issue, between federal and provincial legislatures has been ongoing throughout Canadian history. The question of jurisdiction over industrial relations arises because of the question of whether a union-employer relationship should be governed by federal or provincial labour relations legislation.

As Chapter 3 describes, up until the mid-1920s, all Canadian industrial relations issues fell under federal labour relations legislation, and industrial relations was considered to be solely within the federal jurisdiction. This concentration of labour legislation in the federal jurisdiction reflected the strong federal focus of other Canadian legislation at the time. The concentration of Canadian legislative power at the federal level was a deliberate choice of the authors of the 1867 *British North America Act* (the act that established the first federal Canadian government); they had seen how the United States' system of decentralized "states' rights" had contributed to the American Civil War.⁶ However, the outcome of a 1925 legal case, *Snider v. Toronto Electrical Commission*, established that jurisdiction over industrial relations in Canada was mostly, but not completely, a provincial responsibility. As a result of this ruling, each province eventually developed its own labour relations legislation. However, there is still a federal labour relations act which governs employer-union relationships that are deemed to be under federal jurisdiction.

How, then, do we know whether a union-employer relationship is regulated by federal or provincial law? The answer is quite simple. If an employer's business has an **interprovincial component**—that is, if the employer's activities regularly cross provincial boundaries—then the union-employer relationship is federally regulated. This means that industries such as banking, telecommunications, broadcasting, and interprovincial transport, which all involve business transactions across provincial boundaries, are governed by federal labour relations legislation. Federal labour relations legislation also applies to employees of the federal government and some Crown corporations. But if most of an employer's activities take place within the boundaries of a single province or territory, the union-employer relationship is governed by the labour relations legislation of that province or territory. In practice, this means that approximately 90 percent of union-employer relationships in Canada are under provincial jurisdiction and approximately 10 percent are under federal jurisdiction.

In both federal and provincial jurisdictions, there are a number of pieces of legislation that affect industrial relations. The most obvious are the labour relations laws, but other laws also affect the union-employer relationship. We will outline each of these types of legislation in turn.

Labour Relations Laws

Table 1-1 lists the names of the major provincial and federal labour relations acts. These are the primary pieces of legislation that govern industrial relations in each Canadian jurisdiction. Although, as we will see, there are variations in the terms and conditions of



CN's business activities, such as transportation by rail, cross provincial boundaries, so its union-employer relationships are federally regulated.

TABLE 1-1: Labour Relations Laws in Canadian Jurisdictionsⁱ

Jurisdiction	Name of Primary Labour Relations Law
Federal	<i>Canada Labour Code</i>
Alberta	<i>Labour Relations Code</i>
British Columbia	<i>Labour Relations Code</i>
Manitoba	<i>Labour Relations Act</i>
Ontario	<i>Labour Relations Act</i>
New Brunswick	<i>Industrial Relations Act</i>
Newfoundland and Labrador	<i>Labour Relations Act</i>
Nova Scotia	<i>Trade Union Act</i>
Prince Edward Island	<i>Labour Act</i>
Quebec	<i>Labour Code/Code du travail</i>
Saskatchewan	<i>Saskatchewan Employment Act</i>

ⁱ The Northwest Territories, Yukon, and Nunavut do not yet have their own laws governing industrial relations in the private sector. Instead, the federal *Canada Labour Code* is considered the applicable private sector labour relations law in these jurisdictions.

these different acts, they also have common characteristics.⁷ Every one of these pieces of legislation includes:

- The establishment of a procedure to legally recognize the union as the workplace representative for the employees. This procedure is called certification and is discussed in detail in Chapter 5.
- A requirement that collective agreements between the union and the employer have a minimum term. In most Canadian jurisdictions, this term is one year.
- The establishment of procedures that must be followed for a legal strike or lockout to take place. Most jurisdictions also have some regulations governing activity that might take place during a strike or lockout, such as picketing or the use of replacement workers. These procedures are discussed in detail in Chapter 9.
- The establishment of procedures that must be followed to resolve disputes while the collective agreement is in effect. These procedures are usually referred to as grievance resolution procedures. Some jurisdictions simply require that collective agreements contain a grievance resolution procedure, while others detail the terms that must be contained in these procedures. These procedures are discussed in detail in Chapter 11.
- The definition of legal behaviour by union and management in situations such as a campaign for certification. Usually, these definitions take the form of identifying

so-called unfair labour practices. These practices are discussed in more detail in Chapter 6.

- The establishment of a **labour relations board** to administer and enforce labour relations legislation. The specific name of the board varies by jurisdiction, but its purpose is similar in all jurisdictions. It resolves disputes relating to the application of the labour relations legislation and also provides specific services, such as assistance in resolving grievances. The labour relations board has a **quasi-judicial** status; like a civil or criminal court, it rules on cases brought before it and issues interpretations of the law. In addition, like a civil or criminal court, the government funds the costs of running a labour relations board, but the board operates independent of government influence or control. However, a labour relations board does not have the same legal status as a civil or criminal court, since it has the option of suggesting remedies as well as imposing solutions. It also has slightly broader guidelines than civil or criminal courts regarding what evidence can be submitted when a case is heard.

In most jurisdictions, the labour relations board is composed of an equal number of union and employer representatives. These appointed representatives are then selected to sit on panels to make decisions on specific cases. Usually, a panel consists of one union representative, one employer representative, and a third party chosen by the first two parties, although in most jurisdictions a panel can also consist of a single member. Most labour relations boards have a chair and a number of vice-chairs who are appointed by the government, as well as staff members who assist the board members in their work and provide other services to unions, employers, and the public.

Public Sector Labour Relations Legislation

Most Canadian jurisdictions have separate labour relations acts to govern **public sector** employees—employees of the government itself or of organizations affiliated with the government, such as Crown corporations. Some jurisdictions also have separate labour legislation for **para-public** or **quasi-public sector** employees—employees who work for organizations funded by the government but who are not directly employed by the government. Examples of para-public sector employees are court workers, health care workers, and employees of colleges, technical institutes, and universities.

There are several reasons for having separate labour legislation for these types of employees. One is that the government and its employees have a unique employment relationship. The government is the employer, but it is also the body that sets the rules under which all employees and employers operate. Separate public sector labour legislation is intended to recognize that the government holds considerably more power than an ordinary employer. Thus, public sector labour legislation may contain terms and conditions designed to address this larger-than-usual power imbalance between employer and employee. Another reason for this separate labour legislation is that public and para-public sector employees often provide services that are needed for communities and provinces to function effectively, such as fire protection, social services, and health care. Public sector labour legislation recognizes this reality by, for example, stipulating

specific conditions under which public sector employees may strike or otherwise withdraw their services, or by implementing dispute-resolution procedures that minimize or avoid service disruptions.

In some Canadian jurisdictions, disputes over the interpretation or application of public sector labour relations legislation are taken to the labour relations board that administers all labour legislation. In other Canadian jurisdictions, the public sector labour relations legislation establishes a public sector labour relations board. While this board is similar in structure and function to the “regular” labour relations board, its mandate is limited to the administration and enforcement of public sector labour laws.

Occupation-Specific Labour Relations Legislation

Some Canadian jurisdictions have additional labour relations legislation that applies only to particular occupations or industries. This type of legislation usually exists to address specific conditions in an occupation or industry that would not be adequately covered under the regular labour relations legislation. Table 1-2 provides examples of public sector, para-public sector, and occupation-specific labour relations legislation in Canada.

TABLE 1-2: Examples of Public Sector, Para-Public Sector, and Occupation-Specific Labour Relations Laws in Canadian Jurisdictions

Jurisdiction	Names of Laws
Federal	<i>Public Sector Staff Relations Act</i>
Alberta	<i>Public Service Employee Relations Act, Police Officers Collective Bargaining Act</i>
British Columbia	<i>Public Sector Labour Relations Act, Fire and Police Services Collective Bargaining Act</i>
Manitoba	<i>Civil Service Act, Firefighters and Paramedics Arbitration Act</i>
Ontario	<i>Crown Employees Collective Bargaining Act, Hospital Labour Disputes Arbitration Act, Colleges Collective Bargaining Act</i>
New Brunswick	<i>Public Service Labour Relations Act</i>
Newfoundland and Labrador	<i>Public Service Collective Bargaining Act, Fishing Industry Collective Bargaining Act, Teachers' Collective Bargaining Act</i>
Northwest Territories	<i>Public Service Act</i>
Nova Scotia	<i>Public Service Act, Teachers' Collective Bargaining Act, Highway Workers Collective Bargaining Act</i>
Nunavut	<i>Public Service Act</i>
Prince Edward Island	<i>Civil Service Act</i>
Quebec	<i>Public Service Act/Loi de la fonction publique</i>
Saskatchewan	<i>Public Service Act, Construction Industry Labour Relations Act</i>
Yukon	<i>Public Services Labour Relations Act</i>

The types of legislation that will be discussed next are not usually identified as labour relations legislation, but are included in this section because their contents can directly or indirectly affect workplace conditions or the relationship between unions and employers.

Employment Standards Legislation

In every Canadian jurisdiction, there is an employment standards act or code that establishes minimum standards for working conditions in all workplaces. Employment standards legislation usually covers such matters as working hours, minimum wage rates, holiday time, and the minimum time needed for a notice of termination or layoff to be legal.

Employment standards legislation applies to all workplaces, whether unionized or non-unionized. Its terms and conditions are important to unions and management because their mutually negotiated collective agreements must not contain terms that are inferior to those outlined in employment standards legislation. It would, for example, usually be illegal for a collective agreement to include wage rates that are less than those in the relevant employment standards law, even if the union and the employer had agreed to those rates.

Human Rights Legislation

Every Canadian jurisdiction has some form of human rights legislation that forbids discrimination against individuals on the basis of personal attributes such as gender, ethnic origin, or sexual orientation. Discrimination in the context of these laws is defined as the refusal to grant someone access to accommodation, contracts, goods and services, or employment opportunities because they possess one of the identified personal attributes (called **protected grounds** or **prohibited grounds** in the legislation).⁸ It would be illegal, for example, for a landlord to refuse to rent an apartment to anyone who is Aboriginal, or for an employer to deny a woman a job promotion because the employer believes that all women eventually quit work to take care of their children. However, if there is an important part of a job that requires the exclusion of members of a particular group, refusing to hire members of that group would not be considered discrimination. For example, it might be inappropriate to hire male correctional officers for a women's prison, since officers might have to conduct full-body searches of the prisoners. Thus, it would likely be considered acceptable for a job advertisement or hiring committee to recruit only female candidates for correctional officer jobs in women's prisons.

It is important to note that Canadian human rights legislation identifies two kinds of discrimination. One is **intentional discrimination**; this type of discrimination involves direct and deliberate refusal based on the prohibited grounds. The other is **systemic discrimination** (also called unintentional, constructive, or adverse impact discrimination); this type of discrimination occurs when an organization or individual uses policies or practices that have the effect of discriminating against groups of individuals. Systemic discrimination can occur even if the individual or organization, when adopting the policy or practices, did not intend to discriminate. An example of systemic discrimination would be a policy that required applicants for a job to be a minimum height—say, five feet, eight inches (or 173 centimetres) tall. If it were not essential for the individual to be that height or taller to perform the job successfully, such a requirement would be systemic discrimination, because it would exclude many women and also individuals from ethnic groups whose average heights are shorter than the Canadian norm.

Human rights legislation has two major implications for unions and employers. The first is that collective agreements must not contain any terms that intentionally or systematically discriminate (unless, as noted above, certain restrictions are imposed because of legitimate job requirements). The second is that unions and employers, as organizations in and of themselves, must not act in a discriminatory fashion. A union, for example, could not refuse to support an employee in a complaint against the employer simply because the employee was of Asian origin.

If an individual feels that he or she has been discriminated against on the basis of one or more of the protected grounds, he or she can file a complaint with the relevant human rights commission. A human rights commission is similar to a labour relations board in structure and function; however, its mandate is to administer and enforce only human rights legislation. The human rights commission will investigate the complaint and suggest or impose a remedy if the complaint is substantiated. In addition, employees who feel their union has discriminated against them can file a complaint with a labour relations board, alleging that the union has breached its “duty of fair representation.” The concept of duty of fair representation is discussed in more detail in Chapter 11.

The Charter of Rights and Freedoms

The *Charter of Rights and Freedoms* is contained in the federal *Constitution Act*, which became law in 1982. It guarantees certain basic rights and freedoms to all Canadians, and is considered to take precedence over all other laws, with two exceptions. The first exception is laws that “can be demonstrably justified as reasonable limits in a ‘free and democratic society.’”⁹ An example of the use of these limits is when the Supreme Court of Canada decided to uphold mandatory retirement laws in several provinces. The reasoning behind the court’s decision was that, while mandatory retirement was clearly discrimination on the basis of age (individuals were forced to retire when they reached a certain age, regardless of whether they were still capable of performing their job satisfactorily), the objectives of mandatory retirement were “of sufficient significance” to justify such discrimination.¹⁰ The second exception is laws that provincial legislatures pass by invoking the so-called “notwithstanding” provision. This provision prevents the challenge of a law passed by a provincial legislature if the basis for the challenge is the law’s perceived infringement of Charter rights. The purpose of this provision is to permit individual provinces some flexibility in applying the Charter to conditions in their particular jurisdiction.

The *Charter of Rights and Freedoms* defines a number of fundamental rights. Because these rights are broadly defined, without much specific guidance on their practical application, numerous court cases have tested the applicability of these rights in certain situations. To date, the following rights have been the subject of major cases involving industrial relations issues:

- freedom of association
- freedom of peaceful assembly
- freedom of thought, belief, opinion, and expression

Three early “Charter cases” involving these issues have important implications for industrial relations, and each will be briefly described here.¹¹ In the first, the

1982 *Dolphin Delivery case*,¹² employees involved in a dispute with their employer wanted to set up a picket line at a company that did business with the employer but was not directly involved in the dispute. The company successfully applied for a court injunction to stop the picket line, and the union appealed the injunction on the grounds that the inability to picket restricted the union members' freedoms of expression, association, and assembly. The Supreme Court of Canada ruled in this case that a court order like an injunction could not be considered "the type of government action that would attract the application of the Charter."¹³ In other words, the Charter provisions were not considered applicable to court orders resolving common-law-based disputes between private parties.

The second set of cases occurred in 1987 and is referred to as the "labour trilogy."¹⁴ A decision in a subsequent case in 1990 reinforced the general direction of the judgements in this set of cases.¹⁵ The basic question in each of these cases was whether the Charter provisions outlining the rights to freedom of association also protected the right to bargain collectively and strike. The Supreme Court of Canada ruled in these cases that the rights to establish, belong to, and maintain an association, along with the right to participate in the association's lawful activities, were protected under the Charter. However, the rights to strike and to participate in collective bargaining were, in the court's view, rights created by law and not fundamental freedoms protected by the Charter.

The third Charter case is the 1991 *Lavigne case*.¹⁶ A college instructor claimed that the mandatory union dues he had to pay as part of his employment contract violated his freedom of association. His complaint was not primarily about the mandatory dues payment, but more about his union spending part of his dues to support organizations that he personally objected to and would not voluntarily donate money to. The question in this case, then, was whether freedom of association also implied the freedom not to associate. The Supreme Court of Canada narrowly ruled that mandatory dues payment did not violate the provisions of the Charter, since all individuals in the workplace benefited from the union's representation of their interests and that unions had the right to spend dues in support of political and social causes. The reasoning behind this decision was that distribution of funding raised through dues payment would be determined by the wishes of the membership, and that each member of the union had the opportunity to influence the distribution of those funds through voting or other participation in union activities.

Three later cases also have important implications for the union-employer relationship in Canada. In many Canadian jurisdictions, specific groups of workers are not permitted to unionize for a variety of reasons. In Ontario in 1995, the provincial government repealed a law that permitted agricultural workers to unionize. The government



Prime Minister Pierre Elliott Trudeau watches Queen Elizabeth II sign the *Constitution Act* in Ottawa in 1982. The *Constitution Act* contains the *Charter of Rights and Freedoms*.

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excluded farm workers from the jurisdiction of labour law by arguing that unionization of these workers would cause excessive labour costs for small family farms, many of which were already experiencing financial difficulty. This decision was appealed in a series of court cases, and the issue eventually reached the Supreme Court of Canada in the case of *Dunmore v. Ontario (Attorney-General)*.¹⁷ The Supreme Court ruled that the right to freedom of association was violated if an entire class of workers was excluded from protection under labour legislation. Steven Barrett, a lawyer who represented labour organizations in the case, predicted that this ruling would encourage other groups currently excluded from collective bargaining (such as domestic workers, professionals, and some classifications of public servants) to undertake similar challenges to the laws excluding them from participating in this activity.¹⁸ The Ontario government responded to the *Dunmore* decision by passing a law that allowed agricultural workers to unionize but not to engage in collective bargaining. This subsequent law was the subject of another legal challenge that reached the Supreme Court; in that case (*Ontario (Attorney General) v. Fraser*), the court ruled that the Ontario law was constitutional, and dismissed the challenge.¹⁹

Another significant Supreme Court decision resulted from the 2007 case of *Health Services and Support—Facilities Subsector Bargaining Assn. v. British Columbia*. In this case several British Columbia health care unions challenged the legality of Bill 29, a British Columbia law. The collective agreement between these unions and the British Columbia government specified that the government could not end unionized jobs and assign the work to non-unionized subcontractors. Bill 29 removed those parts of the collective agreement, and also stated that these conditions would not be reinstated in future negotiations. The unions argued that collective agreements could not be changed by one party without consulting the other party. The government argued that the changes were necessary to improve the delivery of health care services. The Supreme Court ruled that Bill 29 was unconstitutional, on the basis that the right to collective bargaining was part of the freedom of association guaranteed by the Charter. The court gave the British Columbia government and the unions one year to renegotiate their collective agreements, which eventually resulted in the government agreeing to pay \$85 million to retrain employees who had lost their jobs as a result of the legislation.²⁰ One commentator on this decision explained that it was important because “labour’s hard-won collective bargaining rights are now considered worthy of constitutional protection . . . [which] provides a halo of much needed legitimacy to one of organized labour’s core activities.”²¹

In another case, the former employees of a Walmart in Jonquière, Quebec, brought a case to the Supreme Court in 2009 arguing that they had lost their jobs as a result of union activity, and that this affected their right to freedom of association. The employees at the store unionized in 2004 and were not able to reach a collective agreement with their employer. The Quebec minister of labour notified the union and the employer in early 2005 that the bargaining dispute would be sent to a third party for a decision. On the day this information was communicated, the employer announced that it would be permanently closing the store because the store was not profitable. The Supreme Court ruled that the employer was within its rights to close the store, and dismissed the workers’ complaints. However, the workers re-filed their complaint under a different section of Quebec’s labour code, alleging that the closing of the store was a change in their working conditions while negotiations were in progress. In 2014, the Supreme Court ruled in

favour of the workers, on the basis that Walmart did not adequately prove that the store was unprofitable, and ordered the company to pay compensation to the workers.²² In another 2014 case, the court ruled that, within the restrictions of privacy regulations, federally regulated employers were obligated to provide unions with employees' contact information so that unions could conduct their regular business with their members;²³ however, it is not yet clear if this ruling would apply to other situations, such as organizing campaigns, or in other types of unionized workplaces.

The rulings in these cases give some idea of how the general principles expressed in the Charter may have practical applications in the workplace. However, it is still difficult to specify the implications of the Charter provisions for union-employer relationships at the workplace level, since many issues remain untested by court challenges. The identified fundamental freedoms have the potential for very broad application, but the extent of many practical applications of those freedoms will not be clarified until cases involving particular situations are addressed by the Supreme Court of Canada. In the meantime, unions and employers should be aware of the Charter's provisions and keep in mind the applications that the Supreme Court has outlined to date.

THE UNIONIZED WORKPLACE IN CANADA

To conclude our introductory overview of Canadian industrial relations, we will provide statistics in Tables 1-3, 1-4, and 1-5 that outline the characteristics of the unionized workplace in Canada. From these statistics, we can observe a number of distinctive

TABLE 1-3: Unionization Rates by Province, 2013

Province	Number of Unionized Workers (in thousands)	Number of Workers Covered by a Collective Agreement as Percentage of Total Provincial Workforce¹
Alberta	391	22.8
British Columbia	564	31.5
Manitoba	186	36.0
New Brunswick	87	29.4
Newfoundland and Labrador	79	39.8
Nova Scotia	113	30.4
Ontario	1,629	28.0
Prince Edward Island	21	34.8
Quebec	1,268	39.5
Saskatchewan	148	34.8

¹ This figure includes union members and workers who are not union members but who are covered by the terms of a collective agreement.

Source: Adapted from CANSIM Table 282-0220.

TABLE 1-4: Demographic Indicators of Union Membership in Canada, 2013

Gender	Total Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
Male	2,104	30.0
Female	2,294	32.6
Work Status	Total Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
Full time	3,765	32.7
Part time	633	24.7
Age	Total Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
15 to 24	318	15.2
25 to 44	2,004	32.0
45 to 54	1,243	38.2
55 and over	833	35.5
Education	Total Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
No degree, certificate or diploma	288	21.6
High school graduation, some post-secondary education	965	25.0
Post-secondary certificate or diploma	1,807	35.6
University degree	1,334	35.2

* These percentages include workers who are not union members but who are covered by the terms of a collective agreement.

Source: Adapted from CANSIM Tables 282-0220 and 282-0224.

TABLE 1-5: Sectoral, Industrial, Occupational, and Workplace Union Coverage in Canada, 2009

Sector	Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
Public	2,588	74.6
Private	1,810	17.5

TABLE 1-5: Continued

Industry	Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
Goods producing	852.7	28.6
Service producing	3,546.0	32.0
Occupation	Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
Management	76.1	10.9
Business, finance, and administrative	687.5	25.6
Natural and applied sciences	270.0	24.8
Health	636.0	63.8
Social science, education, government service, and religion	824.5	58.3
Art, culture, sport, and recreation	90.7	26.4
Sales and service	781.0	21.6
Trades, transport, and equipment operators	762.3	36.6
Unique to primary industries	42.7	16.0
Unique to processing, manufacturing, and utilities	236.8	33.2
Workplace Size	Number of Union Members (in thousands)	Union Coverage as a Percentage of Total National Workforce in This Category*
Under 20 employees	678	14.9
20 to 99 employees	1,486	31.4
100 to 500 employees	1,232	42.5
Over 500 employees	1,006	55.8

* These percentages include union members as well as workers who are not union members but who are covered by a collective agreement.

Source: Adapted from CANSIM Tables 282-0222, 282-0223, and 282-0224.

characteristics of unionized workplaces in Canada. Unionized workplaces are more likely to be in the public sector and to be relatively large in size. The rates of unionization are quite similar across broad industrial categories, but there are wide variations in unionization rates across different occupations. Certain demographic characteristics also distinguish Canadian union members. Union membership is slightly higher among

women than among men and higher among older workers than among younger workers. Union members are relatively well educated, and they usually hold full-time rather than part-time jobs.

We will revisit these statistics throughout the book and discuss in more depth some of the reasons behind the characteristics of Canadian unionization. In Chapter 13, we will assess what these statistics indicate for future workplace trends in Canada.

AN OVERVIEW OF THE BOOK

After surveying the legislation that forms the framework for Canadian industrial relations and outlining some of the statistics that describe unionization in Canada, we now turn to a description of the framework of this book. We have placed the material in an order that replicates as closely as possible the process that a union and employer would go through in starting a relationship, carrying out their mandated duties and roles once the relationship is established, and altering that relationship in response to internal or external forces.

In this first chapter, we have introduced some theoretical and historical background to explain how modern Canadian workplaces and legislation have evolved into their present form. We also reviewed the legislation that provides a framework for union-employer relations in Canada, and presented some current data on unionized workers and workplaces in Canada. In Chapter 2, we explain the reasons for the creation of unions and how unions' purposes have changed over time. The emergence of craft guilds, the significant shifts in work and production that occurred with the Industrial Revolution, and the development of the first modern trade unions are described. We then examine the origins of the modern trade union, the functions of unions, and the future challenges unions may face.

In Chapter 3, we focus on the events and forces that have created the unique circumstances of Canadian labour relations. We begin with an overview of some of the characteristics of Canada that have affected the history of unions. We then discuss the early years of the Canadian union movement in the 1800s, the industrial age in the early 1900s, and the advent of the First World War. We describe the forces that led to increased unionization before and during the Second World War and the start of modern-day federal and provincial labour legislation. We outline the growth of unionization in the public sector, the effects of unemployment and inflation in the 1970s, and more recent events such as changes in labour legislation and the effects of globalization on Canadian workplaces.

In Chapter 4, we describe the structure of Canadian unions, which roughly parallels the three levels of government in Canada. At the federal level, the Canadian Labour Congress (CLC) and several other bodies represent organized labour nationally. In each of the provinces and territories, the federations of labour are the coordinating bodies for the labour movement. At the municipal level, the labour movement operates through labour councils. Finally, the local union is the base level for the regional, national, or international unions. We describe the structure of local unions and the activities that they engage in.

After examining the structure of unions, we turn in Chapter 5 to a discussion of why employees may or may not wish to join a union. After looking at the personal, work-place, economic, and societal factors that explain why employees do or do not support a union, we consider the dynamics of an organizing campaign itself. To succeed, an organizing campaign requires the support of a specific number of employees. We explore the definitions of “employee,” “trade union,” and “employer,” and describe the criteria that are used to determine the bargaining unit that the union wishes to represent. The outcome of a successful organizing campaign is the establishment of the union’s status as the employee’s exclusive bargaining agent.

In Chapter 6, we explain how a labour relations board assesses a certification application. This explanation includes a description of a representation vote and the circumstances under which a labour relations board may hold a hearing into a certification application. We also explore special circumstances of certification, such as a certification application for a previously unionized workplace. As a final consideration in the certification process, we discuss various “bars” to certification. These bars determine when and under what circumstances an application for certification may be filed. We then outline unfair labour practices and the legislative provisions used to balance the rights of the various parties involved in the certification process. We end this chapter with a description of the remedies for unfair labour practices.

Once a certification order is issued, the union and the employer are compelled to commence collective bargaining. In Chapter 7, we discuss the effects of a certification order. As well as directing the parties to start bargaining, the certification order also implements provisions requiring all union members to pay union dues and provisions for union dues check-off. We also examine the concept of a “union shop.” We then discuss the actual structure of collective bargaining. The simplest bargaining structure is a single union negotiating with a single employer at a single location. We also review more complex structures, including structures in which groups of unions or groups of employers bargain as a single unit. Next, we discuss the individuals who participate in collective bargaining on behalf of the union and of the employer. We conclude by outlining what the parties can bargain for and what is implied by the expectation of bargaining in good faith.

In Chapter 8, we outline the stages in union-management negotiations, subprocesses, strategies, and tactics in collective bargaining. We discuss the four stages that can be observed in the bargaining process and identify the subprocesses within each stage that influence the parties’ behaviour. We also outline the strategies and tactics used in each subprocess and discuss the factors that affect how much power each side might hold or be perceived to hold at any time. Finally, we explore two alternative models of union-management negotiations.

If the parties are unable to reach a collective agreement, or if collective bargaining breaks down, a strike or lockout may occur. In Chapter 9, we define strikes and lockouts and describe their use as part of the collective bargaining process. We also review some of the factors and motivators that would lead unions or employers to consider striking or locking out. Canadian labour legislation specifies several conditions that must exist before

a strike or lockout can be considered legal, and we examine these preconditions in this chapter. If a strike or lockout occurs, two major factors affect how it will proceed: picketing and the use of replacement workers. We explore the major functions of picketing and whether the employer should be permitted to use or hire replacement workers. Finally, we examine the ways a lockout or strike can end and, if a collective agreement results, the ratification process. We conclude Chapter 9 with a comparison of Canada's strike record to that of other industrialized countries.

In Chapter 10, we examine the use of third-party intervention in collective bargaining. These interventions can help the parties to resolve their differences without having to resort to a strike or lockout. The main types of third-party intervention are conciliation, mediation, and arbitration. To conclude Chapter 10, we discuss the advantages and disadvantages of using mediation/arbitration as a form of third-party dispute resolution, differences between disputes in the private sector and public sector, and other methods of resolving bargaining disputes.

Once a collective agreement is achieved, Canadian labour legislation provides for a method of settling disputes between the employer and the union during the term of a collective agreement. In Chapter 11, we discuss the grievance arbitration process. The term "grievance" is defined and the various types of grievances are explained. We describe the steps in the grievance procedure as well as procedural issues such as timelines, and we also provide an explanation of who is involved at the various steps in the procedure. A union's duty of fair representation is defined and explained.

The remainder of Chapter 11 focuses on the arbitration process. We begin by discussing the appointment of an arbitrator and how an arbitration hearing is arranged. We then discuss the arbitration procedure itself, including issues such as preliminary steps, procedural onus, standard of proof, order of proceeding, and issuing of the award. We then turn to alternatives to the traditional arbitration process, first examining the complaints about the arbitration process and then exploring the processes of expedited arbitration, grievance mediation, and mediation/arbitration.

In Chapter 12, we discuss the changes that may take place during the life of the collective agreement and that can affect the status of the union-employer relationship. Successorship usually involves some form of change of employer, while raiding and union mergers may change the union that represents the employees. Decertification significantly changes the union-employer relationship by removing the union from the workplace. Finally, both technological change and workplace restructuring may cause changes to work structure or content that need to be addressed by the union, the employer, or both.

In Chapter 13, we address some recent trends that are changing the Canadian workplace and look at their implications for unions and employers. Changes in workplace demographics have caused unions to examine their certification and representation strategies in order to maintain membership levels. Changes in work arrangements, such as telecommuting, involve new structures of work that do not always lend themselves to the standard model of union-employer relationships; the same issue arises with changes to organizational structures that are characterized by flatter hierarchies and fewer distinctions between workers and employers. We discuss some of the actions that unions and

employers have taken in response to these trends. We also outline some of the recent Canadian industrial relations trends and discuss their implications for the future of union-employer relationships.

SUMMARY

In this chapter, we have presented some reasons why industrial relations is an exciting and relevant subject. Understanding industrial relations is essential to understanding how the Canadian workplace has evolved and how it currently operates. To begin that process of

understanding, we have outlined the major components of Canadian labour legislation and presented some statistics on Canadian unionization rates. Finally, we have presented an overview of the rest of the textbook to convey some sense of the discussion that is yet to come.

Key Terms for Chapter 1

employer (p. 4)

intentional discrimination (p. 15)

interprovincial component (p. 11)

jurisdiction (p. 10)

labour relations board (p. 13)

para-public/quasi-public sector (p. 13)

protected/prohibited grounds (p. 15)

public sector (p. 13)

quasi-judicial (p. 13)

systemic discrimination (p. 15)

union (p. 4)

Discussion Questions for Chapter 1

1. What are some of the arguments for and against using the term “industrial relations” to describe union-management relationships?
2. Why could the field of industrial relations be characterized as multidisciplinary? Do you see this characteristic as a positive or a negative attribute?
3. Distinguish between industrial relations and human resource management.
4. Outline the common features of the different pieces of Canadian labour legislation.
5. What is the importance of the “interprovincial component”?
6. Describe some of the characteristics of Canadian union members and unionized workplaces. Choose at least one of these characteristics and explain what you think are the reasons for this characteristic (e.g., why more women than men are union members).

Exercises for Chapter 1

1. Describe your experiences with unions, either as a member or as a non-member. Have your experiences been positive or negative? How have your experiences affected your attitudes toward unions and toward industrial relations in general? Compare your experiences and attitudes with those of other students in your class to see if there are similarities or differences. If differences exist, try to identify the reasons why.

2. Explain what you, at this point in the course, see as the benefits and drawbacks of a unionized workplace, both for the workers and for the employer. As in the previous exercise, compare your explanation with those of other students in the class to see if there are similarities or differences. If differences exist, try to identify the reasons why.

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