Derek Fudge and John Brewin. (2005). *Collective Bargaining in Canada: Human Right or Canadian Illusion?* Ottawa, Canada. Published by NUPGE and UFCW.

This useful book documents the far-reaching assault on the right to collective bargaining in Canada. The right to organise trade unions that could bargain effectively with employers was hard-won and, for most workers, did not arrive until after World War II. For many public sector workers it came much later than that. Derek Fudge (National Director of Policy Development and liaison with the National Union of Public and General Employees) and John Brewin (of the law firm Ryder, Wright Blair and Doyle) have compiled an inventory of the legislative attacks on these rights since the 1970s. The story is pitched at activists; for those wanting greater academic substantiation of the general argument there are a variety of sources, some of which are footnoted in this review. The great virtue of this book lies in its brief put powerful overview of the legislative trend and the exhaustive and up-to-date listing of the measures governments have taken to weaken the power of labour.

Fudge and Brewin begin by presenting the arguments *for* collective bargaining. These are partly derived from the fundamental human right to freedom of association and partly from pragmatic considerations that where these rights exist conditions are better for working people. Where there is no freedom of association societies are controlled and dominated by self-interested elites. They argue that unions' ability to protect workers interests should be embedded in a legal framework that is not susceptible to change at the whim of governments. They trace international acceptance of freedom of association as a fundamental human right (including the right to strike) as far back as the establishment of the International Labour Organisation in 1919. These principles were further endorsed by the United Nations Declaration of Human Rights in 1948 and officially endorsed by Canada.

They then turn to a brief overview of the development of trade union legislation, starting with the 1872 Trade Union Act, then the Industrial Disputes Investigation Act of 1907 and PC 1003 (sometimes referred to Canada's version of the U.S. Wagner Act, in 1944)[1] followed by the gradual extension of bargaining rights to public sector employees. By 1983, a kind of "high water mark" had been achieved notwithstanding remaining problems – a majority of workers remained unorganised and not represented by collective agreements; the legislative framework permitted but hardly encouraged organisation, nor was the negotiation of first agreements easy; courts and legislation tended to favour employers, and greater restrictiveness applied to the public sector workers.

[1] Readers wanting more detailed analysis of the legislation and the way it operated should consult Judy Fudge and Eric Tucker, Labour Before the Law (Oxford University Press 2001); Bob Russell, Back to Work? (Nelson Canada 1990); and Cy Gonick, Paul Phillips, Jesse Vorst eds. Labour Gains, Labour Pains: 50 Years of PC 1003 (Society for Socialist Studies 1995)

Since 1983, Fudge and Brewin argue, and convincingly demonstrate, that trade unionism and collective bargaining have been under "unrelenting attack" at every level.[2] This, together with the effects of globalization and industrial restructuring that resulted in declining job numbers in heavily unionized sectors like forestry and manufacturing, has diminished union density in the private sector from around 25 percent to less than 20 percent. A substantial portion of the book consists of listing and providing brief summaries of the legislation that has attacked labour. This is organised by period (1980s/1990s) and by type of legislation (for example, back-to-work, wage controls or freezes etc.). The authors note that in the earlier period the chief rationale for these measures was the need to control inflation (according to the "wage push" theory of inflation curtailing the rights of unions would curtail wage pressures); more recently, the goal of deficit control was used to rationalize attacks on public sector bargaining rights. The sheer volume of the legislation and its often draconian contents make it clear that rolling back the power of labour (in reality never all that strong) has been a major, if not the major, purpose of neoliberalism in action.

To further substantiate Canada's appalling record of labour legislation Fudge and Brewin review complaints made to the International Labour Organisation. They find that Canada has more complaints against it than any other country (in the period since 1982) and in three quarters of these Canada was found in violation of ILO freedom of association principles. The response of Canadian governments, federal and provincial, has been to ignore these adverse decisions. Unions have also brought cases under the Charter right of freedom of association – mostly with disappointing results since the courts have not inferred a "right to strike" from the principle of freedom of association.

Nothwithstanding these setbacks, Fudge and Brewin see international standards and court challenges as essential strategies in counteracting the assault on labour rights. Clearly these can play a role; but the extent to which these rights were ever recognised by employers or by the state was contingent on the strength of working class organisations and ideology. Absent that strength, the rights are withdrawn or whittled away. While the authors mention power and class struggle (collective action) from time to time, their emphasis in this book is on the legal route including a proposed *Workers Bill of Rights*. It would have been useful to see more on how this strategy might be underpinned by power without which declarations of human rights ring hollow.

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[2] For a more detailed analysis see Leo Panitch and Donald Swartz, From Consent to Coercion: The Assault on Trade Union Freedoms (3rd ed. Garamond, 2003)