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Labour Left Out: Canada's Failure to Protect and Promote Collective Bargaining as a Human Right, by Roy J. ADAMS, Ottawa: Canadian Centre for Policy Alternatives, 2005, 152 pp., ISBN 0-88627-469-9.

par Harish C. Jain

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Part III focuses primarily on the notion of union-community alliances. For example, there is an overview of the Workers' Action Centre in Toronto and the Canadian Postal Workers Union's Workers Organizing and Resource Centre in Winnipeg. As well, an outline of the Steelworkers' efforts to organize a call centre in Sudbury, Ontario. An intriguing addition to this section is Natalie Mehra's look at the Ontario Health Coalition's campaign to defend public Medicare. Mehra stresses how this campaign transcended different distinctions – private and public sector unions; union members and the public. The unifying force was the implications for social and economic equality if Medicare was dismantled.

Part IV is dedicated to two critical appraisals of institutional efforts by British Columbia Federation of Labour and the Canadian Auto Workers. John Weir finds the BC Organizing Institute of the BC Federation of Labour has been successful, especially in regards to benefiting smaller organizations. This point is important as if the Institute was assessed merely by new member/certification numbers, then it would not be called a success. Still, Weir notes a key

benefit from this effort is its "impact on the culture of organizing." In the final article for this collection, Johanna Weststar (based on survey research and interviews) lauds the effort of the CAW with its Paid Education Leave (PEL) program, which is described as "a leadership training course" which focuses on, among other skills, encouraging critical analysis skills in leadership and promoting equity. Although Weststar notes that there are missed opportunities, such as the lack of outlets for graduates of the program to apply their new-found skills as well as the applicability of the courses to participants' own workplaces, she adds that it is encouraging the CAW has, since her report to them, endeavoured to address some of the concerns she has highlighted.

The editors write of their hope that this collection will stimulate "much-needed debate." And so, the contributions in this collection are framed more as points of discussion than guidelines for union renewal. This is timely collection offers a good variety of information in one source, thereby positioning itself as an important text in labour studies.

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Labour Left Out: Canada's Failure to Protect and Promote Collective Bargaining as a Human Right,

by Roy J. ADAMS, Ottawa: Canadian Centre for Policy Alternatives, 2005, 152 pp., ISBN 0-88627-469-9.

In this book, Adams presents a compelling case for collective bargaining as a human right to which all working people are entitled, whether through certification by labour relations boards across Canada or through free negotiations with an employer, without the assistance of a certified bargaining agent. Survey evidence indicates that while nearly all Canadian workers would like some form of independent collective representation, many are not comfortable with the process set in

motion by government certification. As Adams points out, "... there is no legal barrier to employees in uncertified units forming associations" but "Over time, the norms surrounding the certification process have come to obscure the existence of alternatives."

For a long time, free collective bargaining has been the formal policy of the federal government and most jurisdictions in Canada, but conventions have fallen in place that discourage workers from exercising their rights. The country

is a member of the International Labour Organization (ILO) and supported the ILO's 1998 Declaration of Fundamental Principles and Rights to Work which heralded collective bargaining as a human right. As a member of the ILO, Canada has an obligation to promote collective bargaining but it has not effectively done so. Instead, Adams argues, Canadian governments benignly neglect continuing decline of collective bargaining coverage in the private sector and actively offend international collective bargaining standards in the public sector.

As Adams notes, the Supreme Court of Canada, in its 2001 decision in *Dunmore v. Ontario*, declared that it is the Constitutional right of Canadian workers "to organize, to select leaders of their own choosing, to formulate a program for their advancement, and to make representations to their employers." This, according to Adams, puts the employers under a Constitutional obligation to recognize and deal with their employees' representative on issues of concern to them, even if only a minority of employees want to do that and even if they prefer not to seek certification as an exclusive agent. In addition to the labour relations statutes across Canada that provide legal rights to employees regarding certification of unions as an exclusive bargaining agent, employees have options of which, Adams argues, our governments should make them aware.

Adams suggests that by failing to effectively counter employer opposition to unions, governments are allies to the "union free" ideology of Wal-Mart and other companies that deny the role of collective bargaining in securing democracy and human dignity. In this respect, it is interesting to note that Wal-Mart lost its appeal to prevent unionization of one of its Quebec stores in St. Hyacinthe, east of Montreal. In an April 6, 2006 decision, Quebec Superior Court Judge Nicole Morneau rejected Wal-

Mart's appeal against a decision by the Quebec Labour Relations Commission involving the certification of the United Food and Commercial Workers Union.

In illustrating the role of unions in protecting worker rights, Adams points to a recent case where workers at Stelco, the biggest steel company in Canada, recently declared bankruptcy. The workers received their pensions because of the negotiations and influence of the United Steel Workers of America, the biggest local (1005) of the USWA, and its effective representation of its members in the court proceedings.

It is also interesting to note that Frank Stronach, Chairman of Magna International, the world's third-largest and biggest automobile parts maker is interested in discussing "framework of fairness" with major unions (Norris, "He's a union man: Magna Chairman Frank Stronach does apparent about-face on labour," *Hamilton Spectator*, May 3, 2006, A15). Stronach is quoted as saying "Unions fulfill a very important function," and that they (unions) balance the naked profit making of corporations and promote social justice, fairness and the environment. This is interesting in view of the fact that unions have repeatedly failed in the past to organize in Magna plants.

According to Adams, "The challenge is to construct legislation capable of giving Canadian working people the choice of exclusive agent representation, if they prefer that, and informal, flexible and independent representation if that is their preference." The author suggests that Canadian governments may wish to institute Works Council legislation. As he suggests, Canada already has a limited purpose works council system in the form of health and safety committees.

Adams wrote to Labour Ministers across Canada as well as to the unions. The responses from governments indicated that while there is legislation for

most workers to make a choice to certify an exclusive agent, the only alternative they are now offered is surrendering complete control of the employment relationship to their employer. With regard to that choice, governments are neutral. They do not actively promote collective bargaining despite having promised to do that in the international arena.

Union responses varied. Most unions had not yet formulated a concrete policy but Adams found that two unions – United Food and Commercial Workers (UFCW) and National Union of Public and General Employees (NUPGE) – had initiated a “labour rights are human rights” campaign. They have now been joined by the Canadian Professional Police Association and the Canadian Teachers Federation. Adams also found that a few unions were concerned that a policy designed to encourage people

to organize either within or outside of the certification system would result in a proliferation of company unions. Adams recognized that as a possible problem, but argues that it is a controllable one. It is interesting to note, as Adams points out, that the Canadian Labour Congress (CLC) unanimously endorsed a set of labour rights resolutions put forth by NUPGE/UFCW and that New Democratic Party leader Jack Layton has agreed to put the “labour rights are human rights” message on the public agenda.

Adams has done a remarkable job of bringing to our attention a very important issue in labour policy and human rights. The book is short and worth reading by government policy makers, academics, graduate students and concerned business and labour union leaders.

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Workplace Justice without Unions,

by Hoyt N. WHEELER, Brian S. KLAAS, and Douglas M. MAHONY, Kalamazoo, Mich.: W.E. Upjohn Institute for Employment Research, 2004, xii + 229 pp., ISBN 0-88099-313-8.

This valuable book explores at an empirical level the status of job security protection available in the American workplace. The United States is unusual among advanced post-industrial countries in that it provides no comprehensive standard of protection against unfair or arbitrary dismissals. The American rule of employment-at-will remains in place, notwithstanding limited exceptions derived primarily from federal antidiscrimination statutes and recent developments in state tort and contract law. Unionized establishments address job security through “just cause” provisions negotiated in collective bargaining agreements, but the steep decline of unions has meant that this too is a limited option.

As the authors note, employers have rational economic grounds for wanting

to minimize the prospect of arbitrary or unfair dismissals: they include attracting and retaining productive employees, reducing litigation-related costs, and keeping unions at bay. The book focuses on various approaches employers have developed to provide some form of due process to employees facing termination. The authors seek to assess how these employer-designed processes of workplace justice measure up when compared with labour-management arbitrations, civil jury trials, and even labour court judgments in other countries.

These are important questions: workplace justice procedures in non-union firms encompass 92% of the private sector workforce. The most celebrated and controversial procedure developed