

# Unions and the Workforce

## Lesson 2

# The Union Process

- Unions are created when a majority of workers choose to join together to bargain collectively. The largest hurdle in union organization is convincing workers to bring in a union.
- Under the law, employers cannot fire or discriminate against employees trying to organize a union as long as it is not done on company time.
- **Interfering with the employees' decision to join a union is considered an unfair labour practice.**

# The Certification Process

- While federal employees, Crown corporations, inter-provincial, or international industries are under the jurisdiction of the Canada Labour Code, ninety per cent of employees in Canada are covered by provincial employment standards legislation.

# Collective Bargaining

- Once a union is established, the union is responsible for negotiating a contract with the employer. Collective bargaining, the process of negotiating a contract between the union and the employer, is a complex procedure.
- **Each side is required to bargain in good faith, with the intent of reaching a collective agreement.**

## Industrial Action - Strikes, Lockouts, and Work to Rule

- Unions can also use other pressure tactics to settle a contract, such as **working to rule**. Working to rule means that workers follow the contract word-for-word and refuse to do any extras that they normally may volunteer to do.

In a lockout, the employer literally locks the employees out of the workplace. Both strikes and lockouts are prohibited during the length of the contract. The use of replacement workers during a strike is prohibited in many provinces. However, in 1995 the Progressive Conservatives restored the right for businesses to bring in replacement workers during a strike. While brought in to keep the business functioning, replacement workers, known as scabs by the unions, often create greater tension in the negotiating process.

# Essential Workers

- **Not all unions have the right to strike. Firefighters and police officers are a few of the workers who are “essential to society”, and therefore are unable to strike. The list of who is essential varies throughout Canada, since there are no clear criteria to define what is considered “essential”. Since workers in these professions cannot strike, binding arbitration is used to reach contractual agreements.**

# Globalization

- Another factor impeding unions is the ever increasing globalization of the marketplace. Since World War II, many new international trading agreements have been developed. The General Agreement on Tariffs and Trade (GATT), which came into effect in 1948, greatly altered labour and international trade. The World Trade Organization in 1994 replaced GATT. Canada's involvement in the Canada-United States Free Trade Agreement (FTA) in 1987, and subsequently the North American Free Trade Agreement (NAFTA), served to radically reduce trade restrictions within North America. Other economic unions, such as the European Union (EU), and the proposed Free Trade Agreement of the Americas (FTAA) are all examples of an increasing trend towards globalization.

# Questions

- 1. What is the true cost of a strike or lockout? (Hint. Think of not only the immediate participants, but the wider ramifications.) Do the costs outweigh the benefits?
- 2. “Women constitute a lower percentage of unionized workers.” Why do you think this gap between the genders still exists?