- *Perceptions of unfairness often stem from the perceived differences in employment terms among individuals in similar types of jobs in the company.*
- *The "whys" for these differences can range from a unique or rare skill set that makes one person "indispensable" to petty opinions held by the supervisor regarding the worker's personality or habits*
- *The organizational climate in such circumstances is often characterized by a feeling of powerless for many serving in frontline, non-supervisory positions.*
- *Approximately 30 percent of the Canadian workforce is unionized*
- *Labour relations affect the costs, productivity and profitability of employers.*

also impacts the wages and working conditions of both union and non-union employees.

Defining Labour Relations, Industrial Relations and Employee Relations.

Industrial relations: is a broad interdisciplinary field of study and practice that encompasses all aspects of the employment relationship.

- ⇨ To academics and practitioners: include both union and non-union issues and workplaces.
- ⇨ Others define industrial relation narrowly: the scope of industrial relations is limited to unionized workplace only.
- ⇨ This book views labour relations as part of industrial relation.

Labour relation: is defined as the study of all aspects of the union–management relationship, including the establishment of union bargaining rights, the negotiation process, and the administration of a collective agreement.

Labour Relations Legislation: Law regulating union–management relations

Employee Relations: encompasses activities and processes aimed at maintaining a productive workplace while meeting the needs of employees.

- ⇨ Included: communication, workplace discipline, employee involvement, diversity management and employee rights.
- ⇨ Some authorities distinguish: non-union employee by using employee relation and unionized employee by labour relation.

Human Resources Management: a set of interrelated workplace programs and services that attract, retain and motivate the desired number of people at the right time, with the required knowledge, skills, abilities and other attributes in order to achieve an organization's goals and objectives.

- ⇨ Labour relations can be viewed as part of human resources management. In larger workplaces, there might be a dedicated human resources specialist or a separate labour relations department just as there are separate departments dealing with staffing or training.
- ⇨ HRM tend to view union as an external factor, which could be avoid through sound practices

- ⇨ Labour relations specialists are more inclined to think that employee interests and management interests are not the same and that employees may logically seek to protect their interests through a union.

Labour Relations Questions

Which of the following are true?

1. A non-union employee who has been wrongfully dismissed will be reinstated by the court.
2. A collective agreement provides that any work done on a Sunday will be paid at the overtime rate. A union might be required to waive this term of the agreement to meet its obligations under human rights legislation. That is, the union might be required to agree to an employee working on Sunday and not be paid overtime if the employee cannot work on Saturday because of his or her religious belief.
3. Some employers attempt to avoid unionization by paying non-union employees wages that are equivalent to the wages paid unionized employees.
4. Over the past 30 years, the percentage of employees who are represented by unions has dramatically declined in both Canada and the United States.
5. A government might pass special back-to-work legislation ordering an end to a strike in the public sector; however, strikes in the private sector cannot be ended by such legislation.
6. When a union attempts to organize employees, there is always a vote held to determine if the employees wish to be represented by the union.
7. Collective agreements can provide that employees are required to become union members. Accordingly, an employer could be forced to terminate an employee who refused to join the union.
8. In the course of negotiation of a collective agreement, the employer may be required to reveal information to the union even though the union has not requested it.
9. When a vote is held to authorize a strike, all employees in the group—both union members and employees—who would be on strike are entitled to vote.
10. When an employee takes a complaint to his or her union—for example, the employee alleges termination without cause—the union is required to pursue the matter with the employer.
11. Some public-sector employees have the right to strike provided that essential services are maintained for the public by having some employees continue to work.
12. Unions reduce productivity and profitability.

Employment Relationship in Non-union and Union Settings

The common law refers to rules of law that originate from the decisions of court judges.

	Non-union workplaces	Unionized Workplaces
Legal basis for relationship	Individual contracts of employment	Collective agreement
Terms of employment negotiated	By individual employees	By the union
Nature of employment terms	Possibly unique for each employee	Identical for all employees in the same job class covered by the collective agreement
Dismissal where no cause or allegation of employee misconduct	Employer has obligation to give reasonable notice based on age, length of service and position held, subject to minimum provisions in employment standards legislation.	Employer must comply with notice and severance provisions of the collective agreement, subject to minimum provisions in employment standards legislation.
Dismissal where cause or employee misconduct is alleged	If employer establishes just cause, reasonable notice does not have to be provided. If employer fails	If employer establishes just cause, notice and severance provisions of collective agreement do not apply. If employer fails to establish just cause, reinstatement is possible.
Changes in terms of employment	Law regarding constructive dismissal prevents significant changes without consent	Constructive dismissal doctrine does not apply
Process to resolve disputes	Court action	Grievance and arbitration process provided in collective agreement.

Reasonable notice: the notice period employers are required to provide to employees on the basis of factors including age, position, length of service and the current employment market for similar positions.

- ⇨ required under the common law depends primarily upon factors such as the age, length of service, position held by the employee at the time of termination and the current employment market regarding similar employment opportunities.

Wrongful dismissal: the rule of employment law dealing with situations of dismissal without just cause wherein the employer violates its common law duty to provide reasonable notice of termination to the employee

- ⇨ In an unionized setting, the obligation to provide reasonable notice is eliminated. Instead, the employer must comply with the notice provisions of the collective agreement.
- ⇨ Some unions have been able to negotiate collective agreements that provide for significant notice in the event of termination
- ⇨ However, some collective agreements do not provide as much notice to employees as the common law would require pursuant to the reasonable notice requirement.

Just Cause: is where the employer alleges there was very serious employee misconduct (theft, assault, insubordination) that justifies dismissal without notice.

- ⇨ If non-union settings, no notice required. The non-union employee may decide to file a wrongful dismissal claim against the employer if he believes there is no just cause for terminating his employment. Even if the employer fails to establish just cause, it will have to provide reasonable notice of termination, but will not have to reinstate the employee in most jurisdictions
- ⇨ In a unionized setting, we will see that the union can challenge a dismissal. An arbitrator reviewing a union grievance on the matter of the employee's termination of employment may order the employer to reinstate the employee to their job. This means the employer's ability to terminate unionized employees is significantly reduced and offers job security that non-union employees do not have.

Constructive dismissal: a rule of employment law dealing with situations where the employer makes a fundamental breach of an employment contract that entitles the employee to consider herself dismissed and to sue the employer for wrongful dismissal.

- ⇨ The doctrine of constructive dismissal does not apply to unionized employees
- ⇨ The employer can make changes in the terms and conditions of employment that are provided for in the collective agreement.

- Unionization can significantly affect the wages, working conditions, job security and job satisfaction of employees.

The Development of Unions and Labour Relations in Canada

Events in the Development of Labour Relations

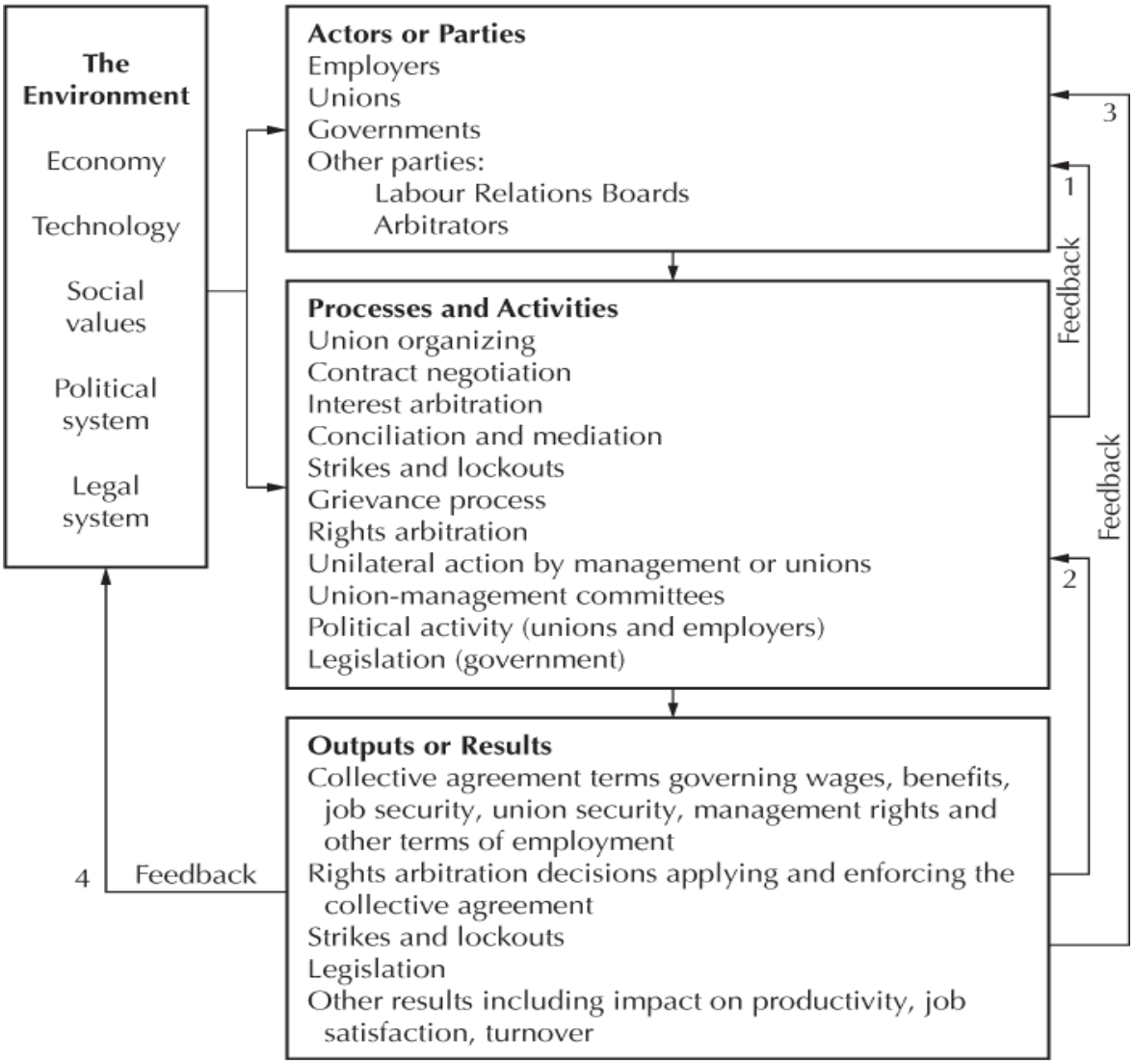
- 1812: First union locals of skilled craft workers established
- 1860: US-based unions begin organizing in Canada
- 1872: Union press for 9 hour work day
- 1886: American Federation of Labour (AFL) established in the United States and Trades and Labour Congress (TLC) established in Canada.
- 1900: Federal Conciliation Act provides for voluntary conciliation in labour disputes.
- 1907: Federal Industrial Disputes Investigation Act passed requiring conciliation in specified industries
- 1919: Winnipeg General Strike
- 1925: Toronto Electric Commissioners v.Snyder: federal Industrial Dispiutes Investigation Act found to be beyond federal jurisdiction.

- 1929: Start of Great Depression
- 1932: Co-operative Commonwealth Federation (CCF) political party established
- 1935: Wagner Act establishing collective bargaining rights passed in United States
- 1939: Industrial unions affiliated with Congress of Industrial Organization (CIO) expelled from TLC
- 1940: Canadian Congress of Labour (CCL) formed to pursue unionization of industrial employees
- 1944: Privy Council Order 1003 establishes collective bargaining rights in Canada
- 1947: TLC and CCL merge to establish the Canadian Labour Congress
- 1961: New Democratic Party established to succeed CCF
- 1967: Public Service Staff Relations Act establishes collective bargaining rights in federal public service; similar provincial legislation subsequently enacted
- 1975: Federal wage and price controls program introduced
- 1982: Charter of Rights and Freedoms contained in the federal Constitution Act becomes law
- 1985: Canadian division of United Automobile Workers breaks away from International federation and establishes Canadian Auto Workers.
- 1991: Federal government freezes public-sector wages; subsequently some provincial governments adopt similar restraint legislation
- 1994: Federal government extends collective agreements with public-service employees and suspends salary increments
- 2007: Supreme Court of Canada holds that the freedom of association provided in the *Charter* includes a procedural right to collective bargaining in the *Health Services* case
- 2013: National Automobile, Aerospace, Transportation and General Workers of Canada merges with the Communications, Energy and Paperworkers Union to form UNIFOR.
- 2015: Supreme Court of Canada strikes down a Saskatchewan law that prevents public-sector employees from striking, declaring such a prohibition to be unconstitutional

Elements of Dunlop's IR Systems Model

ACTORS OR PARTIES	Employers, unions representing workers and government and its agencies
CONTEXT	Forces that influenced the demands on, and interactions between, the actors. Examples here include technology (e.g., automation and its impact on the size of the labour force), the product and factor markets (e.g., the extent of the market held by the employer) and the power balance between the actors (e.g., the ability of unions to influence changes to labour legislation).
WEB OF RULES	There were three sets of rules that applied to labour relations: rules determined by the employer (e.g., workplace policies), rules created within the negotiated collective agreement (e.g., work schedules) and rules created by government and its agencies (e.g., labour legislation and arbitration decisions).
BINDING IDEOLOGY	In Canada and the United States, this ideology includes an agreed-to general acceptance by the actors of capitalism and of unions as legitimate representatives of employees.

Framework of Labour Relations:



The Environment (1st component of framework)

Economic Environment: refers to the economy of the nation and the competitive position of a firm in a particular industry. For example, if there is an increase in inflation or new competitors in an industry, the union and the employer will be affected when considering pay rates for bargaining unit members.

Social Environment: refers to the values and beliefs of Canadians relating to work, unions and employers. These values and beliefs may make communities more or less inclined to join or support unions. This is seen in variations in union density across provincial jurisdictions in Canada: for example, 24.5 percent in Alberta compared to 37.3 percent in Newfoundland and Labrador.

Technological Environment: refers to developments in knowledge that lead to new products and services that could influence, for example, methods of production. Technological developments can also affect union and employer objectives in a number of areas, including job security, training and health and safety.

Political Environment: refers to the Canadian political system and the effect it has on labour relations. The political system directly affects the legislation that regulates unions and employers. In November 2017, the Ontario government passed back-to-work legislation ending a five-week strike by community college faculty, librarians and counsellors. Public pressure on the Liberal government to end the strike, affecting some 500,000 students, contributed to this action.

Legal Environment: refers to all of the law that affects employees, unions and employers. In later chapters, we will see that unions and employers are heavily regulated by labour relations legislation, which governs matters such as how a union organizes employees and how employers are allowed to respond. Human rights legislation is playing an important role in the administration of collective agreements. For example, addiction to alcohol or drugs is considered a disability under human rights legislation, requiring employers to reasonably accommodate employees in such circumstances.

Actors and Parties (2nd element of framework)

3 main parties: Employer / Unions / Government (concerned with objectives, value and power of each) => turn affect the processes or activities they undertake in the next element of the framework. For example, if unions perceive that job security is threatened, their objective will be to attempt to negotiate provisions such as increased layoff notice. If governments think that inflation is a problem, they could enact legislation that puts limits on wage increases.

- ⇨ Labour relations boards are critical to the system because they administer legislation that governs unions and employers.

Processes and Activities (3rd elements of framework)

Refers to the various processes and activities the parties or actors might engage in. It should be noted that the parties do much more than negotiate collective agreements. The list of activities also includes unilateral action by management and unions.

- ⇨ Union–management committees are another important process involving these parties. Some collective agreements establish various committees relating to job classifications, health and safety and other issues. In some workplaces, the employer and the union may establish other union–management task groups not referred to in the collective agreement. In these cases, unions are looked at as one of many stakeholder groups asked to contribute to a particular organizational outcome.