

A FEDERAL ANTI-SCAB LAW FOR CANADA? THE DEBATE OVER BILL C-257

Larry Savage
Assistant Professor,
Department of Political Science,
Brock University,
St. Catharines, Ontario,
Canada

Jonah Butovsky
Associate Professor,
Department of Sociology,
Brock University,
St. Catharines, Ontario,
Canada

“...there is a long tradition in Canada of labour legislation and policy designed for the promotion of the common well-being through the encouragement of free collective bargaining and the constructive settlement of disputes.”

- *Preamble to the Canada Labour Code*

There is a scene in the film *Billy Elliot* of replacement miners being bused in to work in Northern England while the striking workers pelt them with eggs and insults. The striking miners tell the replacement workers that they might as well be stealing the food they needed to feed their families. While images like these are rare in Canada today, picket line confrontations are no less tense. The fact that most businesses in Canada are allowed to hire people to do the jobs of striking workers is still very contentious among interested parties. This article reviews the arguments for and against adopting an anti-scab law and considers what impact such laws have on unions, businesses and individual workers. This article will then look at the constellation of players in today's debate: governments, political parties, labour organizations, and the business community. The article will focus on the Canadian Labour Congress' (CLC) unsuccessful campaign for a federal anti-scab law, in the form of bill C-257, to determine what, if anything, it says about labour politics and what lessons it provides for labour law reformers.

Labour relations cannot be isolated from the neoliberal globalized economy in which it operates. Neoliberal globalization has facilitated corporate outsourcing and trans-national capital mobility, thus undermining the power of nationally based labour movements. However, in pressing demands for labour law reform, the CLC, through its campaign for the adoption of bill C-257 demonstrated its acceptance of the dominant corporate framework by structuring labour's support for a federal anti-scab law around arguments which

highlighted themes of economic efficiency, economic prosperity, and cooperation between business and labour. In other words, rather than reject the exploitive premise upon which labour relations is built, unions have sought to simply modify the rules of the game. Although the CLC's decision to frame the debate in this way was the product of strategic considerations, it was also the product of the current neoliberal economic context, wherein unions have lost much of their political clout and economic power. In the long-run, a strategy of legitimizing, rather than rejecting, the corporate framework of labour relations in Canada, risks jeopardizing the relevance and viability of the labour movement as a part of a larger transformative political project.

THE HISTORICAL DEVELOPMENT OF ANTI-SCAB LAWS

Canada's first experience with a legislative ban on replacement workers came in the form of a provincial anti-scab law in the province of Quebec. In 1975, after a particularly bitter and violent 20-month strike at United Aircraft in Longueuil, Quebec, the Parti Québécois (PQ), led by René Lévesque, called for the introduction of an anti-scab law.

In the case of Quebec, the relationship between organized labour and the national question is key to explaining why sovereignist parties have enjoyed comparatively closer relations with the labour movement. While it is true that the sovereignist movement has both shaped and been shaped by important labour struggles, it is also true that organized labour has both shaped and been shaped by historic constitutional struggles related to language and culture (Savage 2008). On one hand, the PQ, in supporting a ban on replacement workers, was effectively nurturing a strong separatist undercurrent within the ranks of organized labour, which would eventually become linked to the Parti Québécois' proposal for sovereignty-association. On the other hand, the PQ's anti-scab law represented a corporatist legislative solution to an increasingly violent and polarized system of labour relations.

Indeed, violent strikes and lockouts were a common occurrence in Quebec during this period. In 1975-76, labour disputes in Quebec accounted for 41% of all strikes and lockouts in Canada (Saywell, 1977). The militancy of the Quebec unions and the labour movement's prolonged battle with United Aircraft had raised expectations for workers in Quebec who were furious at the way in which governments and employers were unwilling to accommodate their demands.

The October crisis, divisive debates concerning language policy (both inside and outside of the workplace), and the PQ's favourable disposition toward the labour movement all increased support for sovereignty among union members in Quebec (Guntzel, 2000). Indeed, the labour movement played a key role in the sovereignist coalition that propelled Lévesque and the PQ to power.

In his first term as Premier, Lévesque returned the favour by implementing a series of labour law reforms in 1977 which included a ban on replacement workers. The average number of working days lost to labour disputes dropped significantly as a result of the law, which has remained in place through several changes in government (Boivin and Deom, 1995).

British Columbia is the only other Canadian jurisdiction with an anti-scab law. The introduction of the law, which was implemented in the early 1990s, coincided with the New Democratic Party's (NDP) defeat of a fifteen year old Social Credit government. The Social Credit Party, which was an alliance of right-wing Conservatives and Liberals, had led a sustained assault on union rights which politicized the labour movement and provoked several bitter strikes, including a high-profile, but ultimately unsuccessful general strike in 1983 (Palmer, 1987). By the early 1990s, the Social Credit Party, internally divided and scandal-ridden, was turfed from office and replaced by the moderately left-wing and pro-labour NDP. In 1993, the NDP government passed an anti-scab law as part of an ambitious overhaul of the province's labour laws. The law remains in force today, despite the NDP's colossal defeat in the 2001 provincial election. The Ontario NDP government also introduced a ban on replacement workers in 1993. However, the short-lived law was repealed almost immediately after the election of the Mike Harris Conservatives in 1995.

In each case, the introduction of anti-scab laws was controversial. Both proponents and opponents of anti-scabs laws have relied on a variety of different arguments to make their respective case (Singh and Jain, 2001).

PICKET LINE VIOLENCE

In recent years, the debate over the implementation of a federal anti-scab law intensified as a result of a string of important labour disputes at Telus, Vidéotron, Sécur, the CBC, BHP Billington, and the Royal Oak Mine. In some of these labour disputes, the use of replacement workers triggered picket line violence and vandalism. The most extreme example came in 1992 when a striking miner, locked out for several months, planted an explosive device in the Royal Oak Mine in the Northwest Territories. The explosion resulted in the death of nine replacement workers.

Less extreme but equally compelling examples of violence occurred in Quebec, where federally regulated companies are exempt from the province's anti-scab law. Insecurities around corporate restructuring at Vidéotron, a federally-regulated Quebec-based cable operator, prompted roughly 2,200 cable company employees to walk off the job in May 2002 after a failed round of collective bargaining. Vidéotron hired replacement workers to perform the work of striking technicians and other employees during the 10-month strike. The length of the labour dispute, coupled with the use of replacement workers

provoked some of the strikers and their supporters to commit acts of vandalism against Vidéotron by slicing cable lines. Similar acts of vandalism were directed at Sécour, Quebec's largest valuables transport company. In July 2002, roughly 900 security guards walked off the job as part of a strike against Sécour, another federally regulated company exempt from the province's ban on replacement workers. When the company hired replacement workers to deliver cash to the 1,200 ATMs it services, some of the strikers and their supporters fought back in August 2002 by vandalizing several ATMs by spraying them with urethane foam, rendering them inoperable. Labour leaders condemned the acts of vandalism, but privately many union members sympathized with the actions of frustrated workers experiencing the neutralizing effect of scab labour.

In June 2002, Canadian Autoworkers Union (CAW) members working at Navistar in Chatham, Ontario walked off the job as part of a strike in response to the company's demand for contract concessions. The union established picket lines in an effort to halt production and force the employer back to the bargaining table. In response, Navistar hired security workers to bus replacement workers through the picket line to continue operating. During a particularly heated picket line confrontation a security worker drove through the crowd of striking workers, injuring several CAW members in the process. One of the picketers sustained serious injuries.

Proponents of anti-scab laws argue that these examples of picket line violence and vandalism would be seriously reduced, if not eliminated, with a ban on replacement workers. Opponents of anti-scab legislation certainly condemn picket line violence and vandalism, but believe that a ban on replacement workers is the wrong prescription. For them, anti-scab laws disrupt the balance between business and labour and impose further restrictions on what they perceive as inflexible labour relations laws.

WORKPLACE BALANCE

"Balance" in labour relations is a contested term. Capitalist economies embody inherent conflict between the economic interests of business and the economic interests of workers. The very nature of the employment relationship is authoritarian and exploitative and thus conducive to insecurity, distrust and class antagonism. The level to which these underlying conflicts manifest themselves in the workplace is uneven, but combined with broader social inequalities and precarious labour market opportunities, employers hold the upper hand, with or without anti-scab laws. The introduction of a formal regime of collective bargaining, the right to strike, minimum wages, and occupational health and safety laws were all accomplished by the struggles of the labour movement to move toward righting the imbalance.

Amendments to the Canada Labour Code in 1999 did prohibit the use of replacement workers if they were being used to undermine the union's representational capacity. However, this provision of the Code was ineffective in that it allowed employers to carry on business as usual with the help of scab labour as long as they kept up the façade of bargaining with the union.

Proponents of anti-scab laws argue that the right of workers to strike is more than counterbalanced by an employer's right to lock out, or ultimately dismiss workers. However, opponents of anti-scab laws argue that the right to strike, or withhold one's labour, is only truly counterbalanced by an employer's right to operate a struck business with the use of replacement workers. What is clear is that "balance" in labour relations cannot exist in a bubble. Although organized labour praises the effect of anti-scab laws, such laws have severe limitations in a neoliberal globalized economy. For example, the anti-scab law in Quebec does not restrict the ability of managers to perform the work of striking employees and even permits employers to outsource the work. These loopholes weaken the overall impact of anti-scab laws, including their influence on the length of labour disputes.

INCIDENCE AND LENGTH OF LABOUR DISPUTES

Supporters of anti-scab legislation argue that jurisdictions that use anti-scab laws have fewer work days lost through labour disputes. Plainly, when fewer work days are lost, business productivity is improved. This argument presents anti-scab laws as a win-win prospect for business and labour. However, opponents of anti-scab laws tend to argue that any labour law reform that is beneficial to unions has a detrimental effect on business productivity due to restrictions on market flexibility. In 1976, the year prior to the adoption of an anti-scab law in Quebec, 6.4 million worker/days were lost to strikes, in 1977 the number of days lost dropped to 1.2 million. Precipitous declines in the number of work stoppages also followed the implementation of anti-scab laws in British Columbia and Ontario. However, the relationship between anti-scab legislation and work stoppages is not so straightforward. Although it is accurate to suggest that work stoppages have declined in jurisdictions that use anti-scab laws, it is also generally true that work stoppages have also declined in jurisdictions that do not use anti-scab legislation. After a steep decline in the number of strikes and lockouts in Quebec following the implementation of an anti-scab law, the number of work stoppages climbed to 4 million in 1981. From 1990 to 2005 the numbers of days lost to strikes was well under 1 million per year. In 2006 only 156,000 worker/days were lost to strikes. This overall decline can largely be explained through insecurity due to neo-liberal restructuring and a general decline in union militancy, particularly in the private sector. The same uneven pattern is apparent in Ontario and British Columbia. This suggests that there

are many factors that influence the number of work stoppages and that anti-scab legislation, on its own, cannot account for large changes in the number of strikes or lockouts. Even sophisticated regression analyses of the impact of labour legislation on the length and frequency of strikes cannot include the full range of variables affecting these outcomes nor establish causality (See Gunderson, Kervin and Reid, 1989, Gunderson and Melino, 1990, and Budd, 1996).

Linking the presence of anti-scab laws to the length of labour disputes can be tricky. Although it is true that, in some cases, employers benefit from prolonged labour disputes because they experience much lower labour costs (due to the lower salaries paid to replacement workers), it is also sometimes true that employers are forced to pay a premium for scab labour along with the associated costs of transporting them to work safely (Singh, Zinni and Jain, 2005). From labour's perspective the key issue must be whether strikes or the threat of an effective strike bring about better settlements in terms of wages, benefits, working conditions and job security. In a study of strike activity in Canada from 1967 to 1993, Crampton, Gunderson, and Tracy (1999) found that the presence of anti-scab laws resulted in wage settlements 4% greater than they would have been otherwise. However, in the same paper Crampton et al. find that wage settlements actually declined by 1% to 2% in Quebec after the enactment of an anti-scab law. Budd (1996) looked at wage settlements in manufacturing from 1965-1985 and found that anti-scab laws had no effect. In sum, the research on the effects of anti-scab laws on wage settlements is inconclusive.

During debate on the federal anti-scab bill, Minister of Labour Jean-Pierre Blackburn took issue with the argument that banning replacement workers reduces the length of labour disputes by citing several instances under Quebec's jurisdiction, where strikes have dragged on for several months.¹

These examples are likely exceptions to the rule. A more solid conclusion to draw from the numbers is that the introduction of anti-scab laws has not led to the creation of "strike-happy" unions run by unreasonable and irrational negotiators. One of the biggest fears of employer organizations was that a ban on replacement workers would render unions more militant and difficult at the bargaining table. However, there is little evidence to suggest that a strong relationship exists between jurisdictions using anti-scab legislation and increased wage demands or settlements. Unions are not interested in negotiating an employer out of business. For that reason, economic conditions rather than the presence of anti-scab laws, continue to dictate the tone and content of negotiated agreement.² That anti-scab laws may provide modest improvement in settlements should be a point of pride not shame for the labour movement.

ANTI-SCAB LAWS AND THE ECONOMY

Despite a number of studies, there is no consensus on the economic causes and effects of anti-scab laws. For example, business organizations like to use the argument that anti-scab laws drive away jobs and investment. However, in the short period of time in which anti-scab legislation was in effect in Ontario, investment and employment actually increased substantially. This is not to suggest that anti-scab laws encourage jobs and investment, but rather demonstrates the difficulty of assessing the impact of labour law reform on the economy. Labour law represents only one of many factors that have an impact on economic performance. Economic cycles, interest rates, and taxation all have a tremendous impact on the economy. Isolating the impact of just one of these factors is nearly impossible. Economists are only able to isolate factors based on the popular premise “all things being equal”. However, in reality, few things, if any, are equal in economics or politics.

If anti-scab laws severely impede economic growth and wreak havoc on labour relations, why then have newly elected governments in Quebec and British Columbia not repealed them? In both jurisdictions, the laws were implemented by left of centre governments. However, the laws have remained in place despite changes in government in both provinces. Although governments in British Columbia and Quebec have undertaken several comprehensive anti-union labour law reforms, anti-scab laws have never been threatened. One explanation for this is that that union density and the legitimacy of labour as a political force is comparatively strong in those provinces. As such these governments may fear the backlash from organized labour should anti-scab laws be repealed. Another explanation is that anti-scab laws have had a relatively benign impact on the balance of class forces in these provinces. Under this scenario, politicians can appear supportive of workers without alienating their corporate backers. The fact that anti-scab laws continue to enjoy broad support from politicians across the political spectrum goes a long way to diffuse the argument that a ban on replacement workers would cripple economic growth and drive away business, jobs and investment.

THE DEBATE TODAY

Since its creation in 1991, the parliamentary members of the Bloc Québécois (BQ) have, on ten separate occasions, used private members bills to initiate federal anti-scab legislation in Canada. For the first time ever, in October 2006, one such Private Members Bill (C-257), sponsored by Richard Nadeau, the BQ MP from Gatineau, won the support of enough Members of Parliament to pass second reading. The BQ and New Democratic Party (NDP) caucuses unanimously supported the bill along with most Liberals and a handful of

Conservative MPs. In an October 18, 2006 speech to the House of Commons, Nadeau argued that the aim of an anti-scab law “is to encourage civilized negotiations during labour disputes – during strikes or lockouts – and to reduce picket line violence and the social and psychological problems caused by the stress of labour disputes.” (Nadeau, 2006) He went on to argue that a ban on replacement workers “would diminish the resentment that employees feel upon returning to work and foster a just balance and greater transparency in the negotiations between employers and employees.” In the end, under pressure from the business community, a number of Liberal and Conservative MPs who had supported the bill on first and second reading withdrew their support for the anti-scab law. As a result, the federal anti-scab initiative was defeated at third reading by a vote of 177 to 122 on March 21st, 2007.

Canada’s system of labour relations is fractured by the country’s constitutional division of powers, which divides responsibility for labour between the federal and provincial governments. This constitutional arrangement has resulted in uneven labour laws and employment standards across Canada. In essence, workplaces that fall under federal jurisdiction, like banks and airports, are governed by federal labour laws, which cover roughly ten per cent of the Canadian workforce. The other ninety per cent are employed in workplaces that fall under provincial jurisdiction, like schools and hospitals and are governed by the corresponding provincial labour legislation. Despite these divisions, the collective bargaining process is very similar for workers throughout the country who have the benefit of the right to strike.

The BQ’s push for a federal anti-scab law was strongly influenced by the existence of a longstanding provincial anti-scab law in Quebec. To be sure, the BQ’s activism around anti-scab legislation should be understood as part of a broader political strategy designed to strengthen the alliance between organized labour and the sovereignist movement in Quebec.

THE CLC’S ANTI-SCAB CAMPAIGN

As part of CLC’s campaign in support of bill C-257, the Congress organized a massive lobby effort, through its community-based labour councils at the constituency level. This initial campaign lobby phase, which also included distribution of a glossy CLC brochure on the importance of bill C-257 to union members and their families, was followed by a second concentrated lobby effort in Ottawa. This second lobby phase was carried out by dozens of union leaders and activists visiting MPs in their Ottawa offices in the days preceding the vote on 2nd reading of bill C-257.

During the initial lobby phase, at the local level, many MPs were bombarded with messages from constituents in support of anti-scab legislation.

In addition to phone, FAX, and e-mail campaigns, the constituency lobby effort consisted of meeting with MPs and reporting the results to CLC staff in Ottawa who compiled information on how individual MPs intended to vote. The campaign was driven primarily by the CAW, the Public Service Alliance of Canada (PSAC), the United Steelworkers (USW), and the Communications, Energy and Paperworkers Union (CEP) – all unions that have been directly impacted in recent years by the absence of an anti-scab law.

Working to alter the legal and legislative framework for labour relations is clearly a central role for the CLC, and in that regard the initial local lobby phase of the campaign in favour of bill C-257 should be seen as a relative success. Indeed, at 2nd reading, 167 MPs voted in favour of the bill and only 101 voted against. However the language used by the CLC to pitch the bill tells a story of consensus building and points to the deradicalized agenda of the organization. In particular the bill was promoted as decreasing the length of strikes, making them less likely to be violent, and making the case that strikes in the federal sector are very rare. In a brief to a parliamentary committee, Ken Geogetti of the CLC calls replacement workers “bad for working families, bad for business and bad for Canada” (December 5, 2006). Later in the presentation Geogetti reassures the business community by noting that the short-lived Ontario anti-scab law, led to only “moderate trade union demands at the bargaining table”. This speaks to a conciliatory/consensus based position for labour. Why not make it clear that this is about strengthening workers’ power and increasing union power vis-à-vis business? The CLC was likely worried that an argument that highlighted the potential strength, rather than the contemporary weakness, of the labour movement would solidify opposition to the bill. Notwithstanding the CLC’s approach to the bill, opposition to the passage of an anti-scab law did eventually solidify. Shortly after 2nd reading, the corporate lobby responded with a campaign of its own targeted at its traditional allies in the Liberal and Conservatives parties.

CONSERVATIVE SUPPORT FOR BILL C-257

While only 21 out of 125 Conservative MPs voted for the anti-scab bill on its second reading, we might wonder why even this share would support an ostensibly pro-labour bill. Maybe they found the arguments made by the CLC – that the bill would be good for business because of fewer labour disruptions – persuasive. A disproportionate number of Conservative MPs from BC (5 out of 21) supported the bill perhaps because its provincial counterpart had benign consequences for business. Maybe they were responding to their local constituents. A good number of Conservative MPs who supported the legislation represented ridings with relatively high levels of union density. Whatever the particular reason for Conservative support, most of which disappeared on 3rd

reading at the behest of a powerful corporate lobby, it causes us to pause and consider the progressive potential of this legislation.

LIBERALS FLIP ON BILL C-257

Although a substantial number of Liberals voted for the bill on second reading, enough members of the Liberal caucus were either absent from the final reading, or voted against the bill at final reading, to defeat the bill. Liberal Party leader Stéphane Dion reasoned that he wanted essential services to be excluded from the bill, but essential services were never threatened by bill C-257, largely because the Canada Labour Code gives the Canadian Industrial Relations board the power to order back to work legislation and binding arbitration in federally-regulated industries. The more strategic explanation for the Liberal Party's turnaround was that Dion did not want the Bloc to get credit for an effective piece of legislation that would show that, in fact, the Bloc can be a constructive influence on government beyond the national question. However, dislike for the sovereigntist politics of the BQ cannot explain why the majority of Liberals supported the Bloc initiative on 1st and 2nd reading of the bill. It is clear that while several political forces were at play, the corporate lobby played an important role in reversing the Liberal caucus' support for bill C-257. At the behest of corporate Canada, Don Boudria, former Liberal house leader turned corporate lobbyist, joined forces with former Ontario Liberal cabinet minister Gerard Kennedy to successfully convince the majority of Liberal MPs to not support the bill at 3rd reading (Harden, 2007).

BUSINESS OPPOSITION

The CLC's particular approach to framing the anti-scab debate did little to curb criticisms from the business community, including a strong rebuke from Matthew Coon Come, CEO of Cree C3 Management Corporation and former national chief of the Assembly of First Nations. Coon Come painted a doomsday scenario in an editorial in the *National Post* in which he claimed an anti-scab law had the alarming potential to cut off food and medical services to remote aboriginal communities who rely on air transport (Coon Come, 2006). Although essential services legislation, already contained within the Canada Labour Code, would have prevented Coon Come's scenario from ever unfolding, his arguments reinforced Liberal leader Stéphane Dion's arguments against bill C-257. This last-minute argument against the proposed law came after intense lobbying from business organizations who argued that bill C-257 would be bad for productivity and bad for the economy. For example, the Canadian Federation of Independent Business argued that bill C-257 would give unions too much power and "would make Canada less competitive and would threaten the

survival of small businesses and communities who rely on federally regulated services like Canada Post, transportation, railways, and telecommunications” (CFIB, 2006). A position paper written by the corporate funded Montreal Economic Institute calls anti-scab laws an “attack on the property rights of business owners, notably the right to operate a business freely contracting workers who agree to the conditions offered” (Montreal Economic Institute, 2005).

SUMMARY

This article has examined arguments for and against anti-scab laws with a view to determining the public policy impact a ban on replacement workers has on labour relations. Opponents of anti-scab laws argue that such laws needlessly disrupt the balance between business and labour by giving an unfair advantage to unions in labour disputes. Proponents of anti-scab laws counter that the employment relationship has never been characterized by “balance” but that a ban on replacement workers would certainly be a good first step. Anti-scab laws do give some power to workers, but by no means do they tip the balance in their favour. Anti-scab laws, it is argued, also reduce instances of picket line violence and promote an atmosphere of more cooperative labour relations. However, opponents of anti-scab laws argue that such laws drive away business and investment, frustrate management’s ability to control the workplace, and prevent individual employees from breaking ranks with their union by crossing a picket line to work in the event of a strike. Although it is true that a ban on replacement workers restricts an individual employee’s decision to cross a picket line, there is little hard evidence to suggest that anti-scab laws carry dire economic consequences for business. In fact, the decision of right-wing governments in Quebec and British Columbia to maintain anti-scab laws may suggest that economic restructuring, increased capital mobility, and declining union density in the private sector, have reduced the pro-labour impact of anti-scab laws. Despite assertions from unions that anti-scab laws lead to fewer and shorter work stoppages, the data tends to be suggestive, but inconclusive on this point. Finally, the underlying sources of conflict that form the basis of the employment relationship are at the heart of anti-scab laws. Debates concerning public policy proposals that would strengthen the authority of managers or the collective capacity of unions are fundamentally debates about power and who wields it. That is why the existence of anti-scab laws not only matter to workers and bosses, but also to anyone concerned about the growth of corporate power and its consequences for democracy.

That is also why it is important to highlight the CLC’s sheepish approach to selling the legislation as good for everyone including business, rather than a

necessary piece of pro-labour legislation. Overall, it would be fair to question the potential effectiveness of this bill apart from a comprehensive package of labour law reforms. Indeed, in some industries that rely heavily on highly skilled workers to maintain production or deliver services, anti-scab legislation is superfluous.

If there is a silver lining for labour in the defeat of bill C-257, it is certainly the CLC's attempt to build the political capacities of its own members to launch campaigns and influence political actors. That said, we cannot lose sight of the fact that the CLC's local lobby effort ultimately failed to deliver the goods. Part of this failure is related to the inflexible nature of parliamentary party discipline (which is not immune, but is certainly resistant to diffuse grassroots forms of lobbying – especially when the lobbying is being carried out by an organization that is affiliated with one particular party). However, an argument about the ineffectiveness of labour-driven lobby efforts should not be confused with a disavowal of organized labour's role in politics. Indeed the labour movement has a tremendously important role to play in developing a transformative political project that would directly challenge the power of corporate Canada. However, in pushing for a federal anti-scab law, the CLC was not laying the groundwork to propose any sort of alternate vision for society. Admittedly, the CLC has seldom articulated a well-developed class analysis of contemporary Canadian society. However, in the case of bill C-257, the CLC seemed to jettison any sort of class analysis in favour of a more accommodationist approach. This approach seems like the quickest path to irrelevance for a labour movement that continues to tread water in an era of neoliberal globalization. As Bonacich (2008) recently remarked, “unless the labour movement raises an alternative vision of society, the logic of capitalism will inevitably drive it down”.

NOTES

- ¹ For example, in June 2002, five hundred unionized Noranda workers in Quebec went on strike for eleven months and in November 2004, unionized Liquor store workers in Quebec went on strike for three months.
- ² According to Human Resources and Social Development Canada, average wage settlements in Ontario declined for three years after an anti-scab law was passed. Wage settlements dropped from 2.4% in 1992 to just 0.3% in 1994. In British Columbia, average wage settlements dropped from 3.5% in 1992 to just 0.6% in 1996. In Québec, average wage settlements hit record lows between 1992 and 1995. Info gathered from “Chronological Perspective on Work Stoppages in Canada (Quebec, British Columbia, and Ontario) www.hrsdc.gc.ca.

REFERENCES

- Boivin, Jean and Esther Deom. 1995. "Labour-Management Relations in Quebec" in *Union-Management Relations in Canada*. Morley Gunderson and Allen Ponak ed. Toronto: Addison-Wesley.
- Bonacich, Edna. 2008. "Class and Race Under Neoliberal Globalization: Whither (or Wither) the Labor Movement?" *Contemporary Sociology* Volume 37, No. 1.
- Budd, John. 1996. "Canadian Strike Replacement Legislation and Collective Bargaining: Lessons for the United States". *Industrial Relations*. Vol. 35. No. 2.
- Canadian Federation of Independent Business. 2006. "Small Business Ready To Fight Big Union Bill C-257" Press Release, November 28, 2006.
- Canadian Labour Congress. 2006. "Bill C-257: Balance, Fairness, and the Rights of Working Families". Submission to the Standing Committee on Human Resources, Social Development, and the Status of Persons with Disabilities. December 5, 2006.
- Coon Come, Matthew. 2006. "Bill C-257 Will Hurt Canada's Natives. *National Post* March 7th, 2007. Retrieved from:
<http://www.nationalpost.com/news/story.html?id=9e8367c7-51bf-42cd-893b-ad3531ac5899&p=2> (January 30, 2008)
- Crampton, Peter, Gunderson, Morley and Joseph Tracy. 1999. "The effect of collective bargaining legislation on strikes and wages". *The Review of Economics and Statistics*. Vol. 81, No. 3
- Georgetti, Ken. 2007. "Coon Come's New Voice Not Welcome". *National Post* March 9, 2007. Retrieved from:
<http://www.nationalpost.com/news/story.html?id=41e7e988-5236-49b7-afb0-ec3b51cd6905> (January 30, 2008)
- Gunderson, Morley and Angelo Melino. 1990. "The Effects of Public Policy on Strike Duration". *Journal of Labor Economics*. Vol. 8, No. 3.
- Gunderson, Morley, John Kervin and Frank Reid. 1989. "The Effect of Labour Relations Legislation on Strike Incidence". *Canadian Journal of Economics* Vol. 22, No. 4.
- Guntzel, Ralph P. 2000. "'Rapprocher les lieux du pouvoir': The Quebec Labour Movement and Quebec Sovereignism, 1960-2000". *Labour/Le Travail*, Vol 46.
- Harden, Joel Davidson. 2007. "Union Lessons from Bill C-257" *Canadian Dimension* (May 2007). Retrieved from:
<http://canadiandimension.com/articles/2007/05/23/1118/> (February 13, 2009)

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- Hopkinson, Gary. 1996. "Holding the Line: A Defence of Anti-Scab Laws". *Canadian Labour and Employment Law Journal*. Vol. 4.
- Milkman, Ruth. 2006. *LA Story: Immigrant workers and the Future of the US Labor Movement*. New York: Russell Sage.
- Minchin, Timothy J. 2006. "Labor's Empty Gun: Permanent Replacements and the International Paper Company Strike of 1987-88". *Labor History*. Vol. 47, No. 1.
- Lemay, Guy and Norma Kozhaya. 2005. "The Perverse Effects of Anti-Scab Measures?". Montreal Economic Institute. Retrieved from: http://www.iedm.org/uploaded/pdf/janv05_en.pdf (February 7, 2008)
- Nadeau, Richard. 2006. In Canada. Parliament. House of Commons. 39th Parliament 1st session (October 16, 2006). Retrieved from: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&Parl=39&Ses=1&DocId=2411161#OOB-1704239> (January 30, 2008)
- Palmer, Bryan D. *Solidarity: The Rise and Fall of an Opposition in British Columbia*. Vancouver: New Star Books, 1987.
- Savage, Larry. 2008. "From Centralization to Sovereignty-Association: The Canadian Labour Congress and the Constitutional Question". *Review of Constitutional Studies*, Vol. 13, No. 2.
- Saywell, John. 1977. *The Rise of the Parti Québécois, 1967-1976*. Toronto: University of Toronto Press.
- Singh, Parbudyal, Deborah M. Zinni, and Harish C. Jain. 2005. "The Effects of the Use of Striker Replacement Workers In Canada: An Analysis of Four Cases". *Labor Studies Journal*. Vol. 30, No. 2.
- Singh, Parbudyal and Harish C. Jain. 2001. "Striker Replacements in the United States, Canada, and Mexico: A Review of the Law and Empirical Research". *Industrial Relations*. Vol. 40, No. 1.