CUPE ON STRIKE, 1963-2004

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Workers have gone on strike to improve the conditions of and remuneration for their work, and to defend their rights to union protection. They have used the strike weapon to resist not only employer aggression but also regressive government policy. Undoubtedly Canadian workers have been militant. Human Resources and Social Development Canada (HRSDC) records 23,115 work stoppages between 1963 and 2004. The Canadian Union of Public Employees (CUPE) has been involved in 1502 strikes during this time which represents 6.5% of all strikes. *CUPE On Strike* offers a profile of CUPE strikes since the union's inception in 1963 until 2004. In addition to breakdowns by province and industry, it considers strike incidence over time, duration, size of strikes (number of workers involved), contract status, results, and the pattern of lockouts and rotating strikes.

CUPE was formed in 1963 by merging the National Union of Public Employees and the National Union of Public Service Employees.[1] In 2006, CUPE was Canada's largest union with almost 550,000 members, approximately 60% of whom are women.[2] CUPE represents workers in health care, education, municipalities, libraries, universities, social services, public utilities, transportation, emergency services and airlines. Over the past ten years, CUPE's percentage of part-time members has grown by 118 per cent, and today, CUPE represents 120,000 part-time workers. CUPE has a de-centralized structure. It is organized into about 2500 separate locals, each of which determines its own bargaining and workplace priorities. However, in each province, the hospital locals do some centralized or co-ordinated bargaining, and social service and education workers are increasingly adopting such practices.

This article is part of a larger project to develop a labour militancy perspective on the quantitative data on work stoppages as an alternative to the employer perspective on time lost, the government concern to measure the economic impact of stoppages, and the scholarly emphasis on strike determinants.

By and large, industrial relations scholars and state agencies have focused on aggregate and average data in order to measure "the relative degree of overall

strike activity in the economy" (Gunderson *et al* 2005: 348). They acknowledge that "the macroeconomic measurement of strikes as lost work time necessitates a view of strikes from an employer perspective" (353). In contrast, a labour militancy perspective on strikes highlights the experience from the point of view of workers on strike, and helps make visible the significance of such stoppages for workers, unions and communities (Briskin 2007). In this article, the strike profile of the largest union in Canada is explored.

THE WORK STOPPAGES DATA FROM HRSDC[3]

Data on every work stoppage[4] in Canada is currently collected by the Workplace Information Directorate of HRSDC. Work stoppages include both strikes and lockouts (although the variable for lockouts was only added in 1976) which are a minimum of half a day in length and involve ten or more person-days lost (PDL). Person-days lost (previously mandays[5] and sometimes referred to as time lost) are the duration in working days multiplied by the number of workers involved. Workers indirectly affected, such as those laid off as a result of a work stoppage, are not included in the data. The data in person-days are used to provide a common denominator to facilitate comparisons across jurisdiction, industry, sector, and even across countries.

In the current Work Stoppages manual, a strike is defined as "a concerted work stoppage, by one or more groups of workers, aimed at forcing an employer to acquiesce to the group's demands. Strikes are most commonly the result of a labour dispute between a group of employees and their employer" (Renaud *et al* 2005: 3). A lockout "is a work stoppage declared by an employer or group of employers where negotiations concerning wages or working conditions have not been able to bring about an agreement" (3). Although strikes and lockouts are coded differently in the HRSDC data and can be disaggregated, as a result of the permeability between strike and lockout and the difficulty distinguishing between them, the HRSDC coding for lockout is used "if the stoppage involved only a lockout or if both a strike and a lockout occurred." This means that strike and lockout are not mutually exclusive categories in the data.

Given this cross over, tables in this article include data on both strikes and lockouts, except where the focus is specifically on lockouts. In addition to information on the employer, location, union, number of workers and issues of each strike, the record for each stoppage of ten or more PDL contains a wealth of additional material: contract status, result, sector, province, metro/city, NAICS [North American Industrial Classification System] code, jurisdiction, affiliation, union status (various, single, unorganized), and information on lockouts and rotating strikes.[6] It is possible, then, to sort the statistical data for overview profiles, but also to examine the detail on individual strikes.

Neither employers nor unions are required to record information about work stoppages. Instead, HRSDC works with a correspondent in each provincial labour ministry who collects such information. Accessing information about the occurrence of a work stoppage depends on a variety of factors, not the least of which are the regulatory processes embedded in provincial labour relations acts. For those provinces, such as Ontario, where conciliation is mandatory and the Minister of Labour must issue a notice that no settlement could be effected and no Conciliation Board will be appointed prior to a strike, or Alberta where notice of strike or lockout must be given to its mediation services, or Prince Edward Island where parties must participate in conciliation prior to a strike/lockout, the correspondents work closely with the conciliation and mediation services (although the actual conciliator reports are confidential). In those provinces, such as British Columbia, where such a process is not mandatory, the correspondent relies on provincially-gathered media summaries and employer, union and/or financial web sites.

Interviews with the correspondents suggest that the data collection across Canada is less standardized than one might expect (Briskin 2007).[7] For example, unlike Ontario, Alberta does not collect data on what they consider illegal work stoppages.

> Alberta excludes any strike that does not conform to the definition of legal work stoppage as stated in the Labour Relations Code. A work stoppage can only legally occur when a collective agreement is expired, after a mediator has been appointed and after notice to strike or lockout has occurred [...] A wildcat strike would likely be handled by the parties themselves without us even being aware. If not handled by themselves, the Labour Relations Board would legislate them back to work (Alberta Correspondent).[8]

This may help to explain why the 1995 illegal strike by CUPE laundry workers in Calgary hospitals is not included in the data. In this strike, workers tried to stop their employer from contracting out their jobs to the lowest bidder. Their actions sparked a wildcat of thousands of other hospital workers. The data are also limited in other ways. For example, the illegal character of the 1981 strike by Ontario hospital workers is not apparent in the data. Although correctly coded as during "renegotiation of the agreement", what the statistical data cannot reflect is the fact that hospital workers at that time did not have the right to strike; disputes were supposed to be settled by an arbitrator.

Interviews with many of the provincial correspondents who collect work stoppages information for HRSDC shed light on both the limits and possibilities of the data set. Certainly, understanding more about the source of the data and the collection process is a reminder of the hidden qualitative and subjective aspects of statistics. Examining the data in this light underscores the political

nature of data collection (what is seen to be germane and not), data presentation (what is made visible and what is not), and data sources (whose voices are heard) (Briskin 2007). Notwithstanding, the HRSDC work stoppage data offers rich possibilities for examining strikes from a labour militancy perspective.

CANADIAN STRIKE PROFILE

Industrial relations specialists identify the following trends in Canadian strike activity: moderate until the mid-1960s, extremely high from 1970 to 1981, moderate and declining throughout the 1980s, with a sharp drop in the 1990s and into the 2000s (Gunderson *et al* 2005: 348). The 1990s witnessed a relative decline in the number of working days lost, but the number of strikers varies more widely over the whole time period. The highest percentage of worker involvement in strikes was in 1976 when strikes involved 18% of all employees; this reflects the 830,000 workers involved in National Day of Protest against wage and price controls. Since 1999, only about 1% of employees have been on strike, although as Akyeampong (2006) notes, 2004 sees a moderate increase to 1.8%. This somewhat insignificant percentage, however, equals more than 250,000 workers.[9]

In the mid-1960s strike activity began to rise; in fact, although 1966 was not the year of the most strikes, it was the year which marked the beginning of a dramatic increase in person-days lost to the economy as a percentage of working time: .34% of working time compared to .17% of working time in 1965 (Peirce and Bentham 2007: 304). The mid-1960s also saw the beginnings of the gradual but significant rise in women's labour force participation, and women as a percentage of the total employed. In 1964, women made up 28% of the labour force; and by 2004, almost half (47%). In 1964, women's labour force participation was 30.5%; and by 2004, this figure had risen to 58%, including a sharp increase in the labour force participation of women with young children. Men's labour force participation declined from about 73% in 1976 to 68% in 2004 (Labour Canada 1975 and Statistics Canada 2006). The trajectory highlights the feminization of the workforce.

CUPE STRIKE PROFILE

STRIKE INCIDENCE

Between 1963 and 2004, CUPE was involved in 1502 strikes. The high points of strike incidence were between 1975 and 1979 (375 strikes and 25% of all CUPE strikes), and between 1980 and 1984 (310 strikes and 20.6% of all CUPE strikes). For more detail, see *Table 1: Strike Incidence, CUPE, 1963-2004*. Although strike incidence in Canada decreases in the 1990s, between 1999 and 2003, the

proportion of all strikes involving CUPE members was significantly higher than in other time periods: so 12.6% of all Canadian strikes involved CUPE during these years in contrast to an overall average of 6.5%. Despite the decline in strike incidence, when the number of workers involved in strikes is considered over time, the years 2000 to 2004 involved 20% of all CUPE workers on strike since 1963: 132,189 workers in total.

Table 1:
Strike Incidence, CUPE, 1963-2004

	Number of Strikes			
Year	**CUPE strikes**	**CUPE strikes as % of all years**	**All Strikes**	**CUPE strikes as % of total**
1963-1964	4	0.3%	645	0.6%
1965-1969	51	3.4%	2,685	1.9%
1970-1974	159	10.6%	3,457	4.6%
1975-1979	375	25.0%	4,755	7.9%
1980-1984	310	20.6%	3,735	8.3%
1985-1989	168	11.2%	3,049	5.5%
1990-1994	134	8.9%	1,906	7.0%
1995-1999	145	9.7%	1,507	9.6%
2000-2004	156	10.4%	1,376	11.3%
Total	1,502	100.0%	23,115	6.5%

Note: The Canadian Union of Public Employees was established in 1963. Source: Work Stoppage Data, Workplace Information Directorate, Human Resources and Social Development Canada.

PROVINCIAL BREAKDOWN[10]

Not surprisingly given population and union demographics, the majority of CUPE strikes are in Quebec (300 strikes and 20%), Ontario (479 strikes and 32%), and British Columbia (212 strikes and 14%). Although the percentage of all Canadian strikes involving CUPE members is 6.5%, in some provinces CUPE's share of strike activity is higher: in Nova Scotia and New Brunswick (about 13%), and in the prairie provinces (about 11%). For detailed breakdowns, see *Table 2: CUPE Strikes by Province, 1963-2004.*

Table 2:
CUPE Strikes by Province, 1963-2004

Province		**CUPE**		**Total**	
		#	**%**	**#**	**%**
Newfoundland	#	**60**	4.0	**814**	3.5
	%[1]	7.4		100.0	
Prince Edward Island	#	**1**	0.1	**49**	0.2
	%	2.0		100.0	
Nova Scotia	#	**130**	8.7	**998**	4.3
	%	13.0		100.0	
New Brunswick	#	**103**	6.9	**754**	3.3
	%	13.7		100.0	
Quebec	#	**300**	20.0	**7576**	32.8
	%	4.0		100.0	
Ontario	#	**479**	31.9	**8121**	35.1
	%	5.9		100.0	
Manitoba	#	**60**	4.0	**565**	2.4
	%	10.6		100.0	
Saskatchewan	#	**74**	4.9	**681**	2.9
	%	10.9		100.0	
Alberta	#	**78**	5.2	**668**	2.9
	%	11.7		100.0	
British Columbia	#	**212**	14.1	**2622**	11.3
	%	8.1		100.0	
Yukon Territory	#	**0**	0.0	**33**	0.1
	%	0.0		100.0	
North West Territories	#	**0**	0.0	**20**	0.1
	%	0.0		100.0	
Canada	#	**2**	0.1	**137**	0.6
	%	1.5		100.0	
Various	#	**3**	0.2	**77**	0.3
	%	3.9		100.0	
Total	#	**1502**	100.0	**23115**	100.0
	%	6.5		100.0	

[1] This row shows the percent of total stoppages in each province. Source: Work Stoppage Data, Workplace Information Directorate, Human Resources and Social Development Canada.

INDUSTRY[11]

Although CUPE strikes are spread over numerous industries, CUPE has been involved in 50% of all public administration strikes in Canada. About 6% of all Canadian strikes were in this industry; however, 43% (650) of all CUPE strikes were in Public Administration. The other five industries in which CUPE strikes

occurred are Health Care and Social Assistance (19% of CUPE strikes and 286 strikes), Educational Services (17% and 252 strikes), Information, Culture and Recreation (6.5% and ninety-seven strikes), Transportation and Warehousing (5% and seventy-six strikes), and utilities (4% and sixty-four strikes). For a breakdown by the sixteen industries in the NAICS classification system, see *Table 3: CUPE strikes by Industry, 1963-2004*.

Table 3:
CUPE Strikes by Industry, 1963-2004

Industry		**CUPE**		**Total**	
		#	**%**	**#**	**%**
Agriculture [1100-1129, 1151-1152]	#	**0**	0.0	**32**	0.1
	%[1]	0.0		100.0	
Forestry,Fishing,mining,oil&gas [1131-1142, 1153, 2100-2131]	#	**1**	0.1	**1037**	4.5
	%	0.1		100.0	
Utilities [2211-2213]	#	**64**	4.3	**312**	1.3
	%	20.5		100.0	
Construction [2311-2329]	#	**3**	0.2	**2082**	9.0
	%	0.1		100.0	
Manufacturing [3111-3399]	#	**5**	0.3	**9923**	42.9
	%	0.1		100.0	
Trade [4111-4543]	#	**7**	0.5	**2140**	9.3
	%	0.3		100.0	
Transportation and warehousing [4811-4931]	#	**76**	5.1	**1674**	7.2
	%	4.5		100.0	
Finance, insurance, real estate and leasing [5211-5331]	#	**5**	0.3	**332**	1.4
	%	1.5		100.0	
Professional, scientific and technical services [5411-5419]	#	**5**	0.3	**93**	0.4
	%	5.4		100.0	
Mgmt of companies & admin & oth. Support services [5511-5629]	#	**15**	1.0	**237**	1.0
	%	6.3		100.0	
Educational services [6111-6117]	#	**252**	16.8	**1031**	4.5
	%	24.4		100.0	
Health care and social assistance [6211-6244]	#	**286**	19.0	**1088**	4.7
	%	26.3		100.0	
Information, culture and recreation [5111-5142, 7111-7139]	#	**97**	6.5	**800**	3.5
	%	12.1		100.0	
Accommodation and food services [7211-7224]	#	**18**	1.2	**592**	2.6
	%	3.0		100.0	
Other services [8111-8141]	#	**18**	1.2	**449**	1.9
	%	4.0		100.0	
Public administration [9110-9191]	#	**650**	43.3	**1292**	5.6
	%	50.3		100.0	
Total	#	**1502**	100.0	**23114**	100.0
	%	6.5		100.0	

[1] This row shows the percent of total stoppages in each industry. Source: Work Stoppage Data, Workplace Information Directorate, Human Resources and Social Development Canada.

STRIKE SIZE

Between 1963 and 2004 in Canada, 17% of all strikes involved nineteen or fewer workers, 22% of strikes between twenty and fifty workers, and 16% involved fifty-one to ninety-nine workers. This means that over this period, 55% of strikes involved less than 100 workers. The profile for CUPE strikes is similar: 16% of strikes involved nineteen or fewer workers, 23% of strikes between twenty and fifty workers, and 17% involved fifty-one to ninety-nine workers. This means that over this period, 56% of strikes involved less than 100 workers. For more detail on strike size, see *Table 4: CUPE Strikes by Size, 1963-2004.*[12]

Although it may be that large workplaces are more likely to have strikes (see Campolietti, Hebdon and Hyatt 2005, Godard 1992 and Gramm 1986), in Canada, the majority of strikes actually occur in small workplaces. In fact, in Canada, there is a proliferation of small and seemingly difficult-to-organize workplaces; in 2005, 33% of all workers were employed in workplaces with fewer than twenty employees (Akyeampong 2006a: 26). Commonsense views which suggest that women are clustered in such workplaces and that strikes happen in large workplaces make expressions of militancy in such firms/workplaces all the more relevant.[13] These data might be of strategic importance to unions in the context of new organizing campaigns to bolster dwindling membership.[14]

This is not to suggest that there have been no large scale strikes in CUPE. In fact, the data and other sources indicate that at least ten strikes involved 10,000 or more workers including the 1972 and 1985 Ontario Hydro strikes, the latter to prevent contracting out; the 1979 and 1989 strikes of Hydro-Quebec workers, the latter a rotating strike; the 1992 illegal strike of 20,000 government workers in New Brunswick;[15] the 1998 strike of Saskatchewan health workers; the 2000 strike of educational workers in British Columbia and of municipal workers in Toronto;[16] the 2001 strike of Saskatchewan health care workers and the province-wide strike of public sector workers in Newfoundland;[17] and the 2002 strike of over 20,000 Toronto municipal workers in CUPE Locals 79 and 416.[18]

Table 4:
CUPE Strikes by Size, 1963-2004

Number of Workers		**CUPE**		**Total**	
		#	**%**	**#**	**%**
1-19	#	**238**	15.8	**4023**	17.4
	%[1]	5.9		100.0	
20-50	#	**343**	22.8	**5099**	22.1
	%	6.7		100.0	
51-99	#	**261**	17.4	**3683**	15.9
	%	7.1		100.0	
100-250	#	**318**	21.2	**4986**	21.6
	%	6.4		100.0	
251-500	#	**152**	10.1	**2434**	10.5
	%	6.2		100.0	
501-1000	#	**93**	6.2	**1413**	6.1
	%	6.6		100.0	
1001-2500	#	**41**	2.7	**861**	3.7
	%	4.8		100.0	
2501-9999	#	**46**	3.1	**462**	2.0
	%	10.0		100.0	
10000+	#	**10**	0.7	**154**	0.7
	%	6.5		100.0	
Total	#	**1502**	100.0	**23115**	100.0
	%	6.5		100.0	

[1] This row shows the percentage of total stoppages by number of workers. Source: Work Stoppage Data, Workplace Information Directorate, Human Resources and Social Development Canada.

STRIKE DURATION

The microdata distinguish between "calendar days lost" (based on the start and end day of the strike) and "working days lost". The former include weekends and holidays while working days are based on a five-day work week, that is, the days on which the establishment would normally be in operation, excluding holidays. "For work stoppages involving establishment in which the number of weekly working days exceeds the work week of individual employees [for example, from shift work], the duration in days … is adjusted by the appropriate ratio" (Renaud *et al* 2005: 9-10). Since HRSDC uses working days lost to calculate PDL (Renaud *et al* 2005), this paper also uses the working days measure. However, calendar days likely reflect more closely the experience of those on strike, especially those who do shift or weekend work which would certainly include many CUPE hospital workers. Further, although workers may not picket on a weekend, they would still experience themselves on strike. To

capture the sense of the time involved rather than the days lost, duration figures are also translated into weeks, so strikes lasting six to ten working days would be labelled as "more than one to two weeks".[19]

The HRSDC data show that 37% of CUPE strikes between 1963 and 2004 lasted between one and five days; in fact, 23% lasted only one to two working days.[20] These short stoppages include political walkouts such as the 1976 Day of Protest around wage and price controls which involved 100,000 CUPE members, and the 1996 and 1997 Days of Protest in Ontario. Equally interesting is the fact that 6% of strikes lasted seventeen to fifty-two weeks (eighty-four strikes) and 4% (thirteen strikes) more than one year. See *Chart 1: Snapshot of Some Very Long CUPE Strikes.*

Chart 1:
Snapshot of Some Very Long CUPE Strikes

- On 17 March 1977, fifty-two workers at the Parkland Nursing Home in Alberta went on strike for a first contract. They returned to work on 31 Dec 1978.
- On 5 September 1979, twenty-three school bus drivers in Digby, Nova Scotia walked off the job. The school board hired scabs at $152 per month more than CUPE members were earning and defied numerous labour board orders to resume bargaining in good faith. This strike lasted three-and-a-half years and was one of the longest and most difficult in CUPE's history.[21]
- On 30 January 1983, eight-three workers at the Keddy's Nursing Home in Nova Scotia went on strike for a first contract. Finally resolved on 7 July 1984 through special legislation, the strike saw breakthroughs in wages and job security.[22]
- On 11 March 2003, sixteen workers from the Municipalité de Saint-Jean-de-Matha and Municipalité de Ste-Béatrix in Quebec went on strike. They finally reached a settlement and returned to work on 6 Dec 2004.

Average Strike Duration

It is also revealing to look at patterns around average strike duration. Between 1963 and 2004, the average strike duration (calculated by dividing the number of strikes by the days lost) was about thirty-three working days in Canada. However, from 1990, the average number of days began to rise to over forty. For CUPE, the average over the whole period was about twenty-five days; however notably in the period 2000 to 2004, the average duration rose to forty-one days. See *Table 5: Average Strike Duration, CUPE, 1963-2004*.[23]

The disaggregated figures also show that strikes are taking longer to settle. Between 1963 and 2004, 37% of CUPE strikes lasted less than one work week; however, in the period 2000 to 2004, only 25% of strikes were resolved within five working days. And whereas over the whole period, only 14% of strikes lasted between seven and sixteen weeks, between 2000 and 2004, the

percentage had increased to 22%. These shifts are likely linked to an increase in employer aggression.

Table 5:
Average Strike Duration, CUPE, 1963-2004

	CUPE		All Strikes	
Year	Number of Strikes	Average Duration (Workdays)	Number of Strikes	Average Duration (Workdays)
1963-1964	4	31.3	645	25.2
1965-1969	51	15.7	2685	22.1
1970-1974	159	13.5	3457	25.3
1975-1979	375	23.6	4755	29.4
1980-1984	310	25.7	3735	36.3
1985-1989	168	22.3	3049	39.7
1990-1994	134	31.8	1906	44.4
1995-1999	145	28.8	1507	45.3
2000-2004	156	41.2	1376	41.1
Total	1502	25.6	23115	33.2

Note: HRSDC data indicate both calendar days and working days. Calendar days refers to the number of calendar days in the month, while "The days counted as working day are those on which the establishment involved would normally be in operation (five days per week)" From the Work Stoppage Master File. Source: Work Stoppage Data, Workplace Information Directorate, Human Resources and Social Development Canada.

Size and Duration

What patterns are visible when the data on duration and size are combined? In their study of 1363 strikes in Ontario between 1984 and 1992, Campolietti, Hebdon and Hyatt (2005) found a relation between duration and bargaining unit size: "Smaller bargaining units were slower to settle strikes than were bargaining units with 500 or more members" (621). This finding holds true for the 23,944 work stoppages between 1960 and 2004.

Of all CUPE strikes, 56% involved less than 100 workers. However, a disproportionate number of lengthy strikes involved less than 100 workers: 85% of the thirteen CUPE strikes which lasted more than one year involved under 100 workers. Similarly, 76% of the eighty-four strikes lasting between seventeen weeks and one year involved less than 100 workers. In contrast, although 31% of CUPE strikes involved 100-500 workers, 43% settled in one week or less. These numbers suggest that some leverage comes with large collectivities of workers,

although a full analysis would need to take into account many other factors (Campolietti, Hebdon and Hyatt 2005).

CONTRACT STATUS

HRSDC data record the contract status for each strike. The following options are available: negotiation of first agreement, renegotiation of agreement, during term of agreement (wildcats), in other circumstances, and no signed agreement. As shown by *Table 6: CUPE Strikes by Contract Status, 1963-2004,* compared to other unions, CUPE has had a larger percentage of its strikes occur during renegotiation of agreements (78% compared to 66% for other unions). It also has had fewer wildcats (13% compared to 18%) and fewer strikes for first contracts (8% compared to 13%). Notwithstanding, there were 121 strikes for first contracts (which involved 7755 workers and 6005 working days), and 192 wildcats (which involved 102,848 workers and 1294 working days).

Table 6:
CUPE Strikes by Contract Status, 1963-2004

Contract Status		**CUPE**		**Other Union**		**Total**	
		#	%	**#**	%	**#**	%
During negotiation of first agreement	#	**121**	8.1	**2851**	13.2	**2972**	12.9
	%	4.1		95.9		100.0	
During renegotiation of agreement	#	**1172**	78.0	**14358**	66.4	**15530**	67.2
	%	7.5		92.5		100.0	
During term of agreement	#	**192**	12.8	**3894**	18.0	**4086**	17.7
	%	4.7		95.3		100.0	
In other circumstances	#	**0**	0.0	**294**	1.4	**294**	1.3
	%	0.0		100.0		100.0	
No signed agreement	#	**0**	0.0	**10**	0.0	**10**	0.0
	%	0.0		100.0		100.0	
No Answer	#	**17**	1.1	**206**	1.0	**223**	1.0
	%	7.6		92.4		100.0	
Total	#	**1502**	100.0	**21613**	100.0	**23115**	100.0
	%	6.5		93.5		100.0	

Source: Work Stoppage Data, Workplace Information Directorate, Human Resources and Social Development Canada

First Contract Strikes

Not surprisingly, given the industry profile of CUPE, 25% of the 192 first contract strikes occurred in Public Administration and 22% in Health Care and Social Assistance. For other unions, first contract strikes are clustered in

Manufacturing (40%) and Trade (18%). In Saskatchewan, 16% of all CUPE strikes were for first contracts, the highest proportion of any of the province. In Ontario, forty-three first contract strikes represent 35.5% of all Canadian first contract strikes, and in Quebec, forty such strikes represent 33% of the total. Other unions in these provinces faced a higher percentage of first contract strikes. A large cluster (39%) of first contract strikes occurred between 1974 and 1980: forty-seven of the 192.

Many of these heroic struggles for union recognition last a long time: 35% last more than seven weeks compared to only 19% of other CUPE strikes. Five of these forty-two strikes lasted more than one year. And 73% of these strikes involved less than fifty workers compared to 36% of other CUPE strikes. In almost 10% of first contract strikes, workers were locked out (11/121). First contract strikes, then, often involve small groups of workers struggling over long periods of time.

Wildcats

The HRSDC data on work stoppages include strikes during the term of the agreement, often called wildcats. Despite their illegality, they have occurred with some frequency, usually in response to egregious employer activity at the workplace such as worker suspensions or dismissals, health and safety concerns, or broader political issues. A decline in wildcats is coincident with the overall decline in strikes.

Gunderson et al (2005: 355) posit that the decline in wildcats "may be due to the emergence of new grievance arbitration procedures (for example, expedited arbitration and grievance mediation) and employment standards innovations (for example, health-and-safety committees and advance layoff notice) to deal with problems that arise during the term of the collective agreement." However, for the whole period between 1963 and 2004, the data record 3894 wildcat strikes – 18% of all stoppages. These wildcats involved 29% of all workers who took part in stoppages and represented more than 3% of all workdays lost.

A large cluster of CUPE wildcats occurred between 1974 and 1977: sixty-nine (and 36%) of the 192 wildcats. In fact, for all unions, this period was the height of wildcat strikes. In CUPE, 59% of all wildcats were in Public Administration and 20% in Health Care and Social Assistance. Although the most wildcats occurred in Quebec (17% and thirty-three wildcats) and in British Columbia (18% and thirty-four wildcats), a noteworthy pattern emerges for the Maritime provinces: 43% of all CUPE strikes in Newfoundland were wildcats, 22% in Nova Scotia and 24% in New Brunswick, compared to a CUPE average of 13%. Not surprisingly, wildcat strikes are shorter than other strikes: 83% lasted less than one week (compared to about 30% of other strikes). However several

wildcats lasted more than sixteen weeks: from 18 Oct 1976 to 18 Feb 1977, a sympathy strike of 600 workers at Université du Quebec; from 15 April 1977 to 21 Sept 1977, 131 workers at the Town of Boucherville in Quebec; and from 21 March 1979 to 17 Aug 1979, sixty workers at the City of North Battleford in Saskatchewan.

RESULTS (1976-2004)

The HRDC data on results (collected since 1976) have the following key coding options: return of workers, agreement reached, strike abandoned, firm closed, issues to be settled, court injunction, LR Board order, and special legislation [SL].[24] CUPE reached an agreement in just about 50% of strikes (compared to 43% for other unions); another 23% are coded 'return of workers'.[25] Only one strike was settled with a court injunction, eleven (eight of which were in Nova Scotia) with a LR Board order, and 22% through SL (in comparison to 30% for all other unions). It is noteworthy that the use of SL has been declining over time: between 1975 and 1984, 212 of the 266 CUPE incidents occurred.[26]

Although 20% of all CUPE strikes were in health care, only 14% were settled by SL. Not surprisingly, the use of special legislation was particularly acute in public administration [PA] strikes: 53% of all SL interventions occurred in PA strikes (although only 42% of strikes occurred in this industry). In fact, 28% of all PA strikes were settled in this way (140 out of 501 strikes). Special legislation has been used disproportionately in Quebec: 21.5% of CUPE strikes occurred in that province and 35.5% of these strikes were settled by SL. In Saskatchewan, 36% of all CUPE strikes involved SL. Ontario and British Columbia were less likely to use special legislation: in both cases only 19% of strikes were settled this way.

As reported above, a very large percentage of all strikes, including CUPE strikes, settle in less than five working days. Between 1976 and 2004, 35% of CUPE strikes settled in that time period. What is noteworthy is that 28% of all short strikes were settled through SL (44% of all SL incidents). Perhaps these strikes settled quickly because of legislative intervention. Counter intuitively, special legislation is disproportionately used in strikes of under fifty workers. Although 41% of all CUPE strikes involved less than fifty workers, 54% of all SL interventions involved these small groups. In fact, 143 of the 491 strikes of less than fifty workers involved SL (i.e., 29%). Finally, SL has been used in thirty of the eighty-seven CUPE strikes for first contacts between 1976 and 2004, that is, almost 35%; twenty-three of these interventions occurred between 1975 and 1984.

ROTATING STRIKES (1967-2004) [27]

CUPE used the strategy of rotating strikes in 3% of strikes (compared to 2% for other unions). In total, from 1967 when HRSDC first included this variable until 2004, CUPE organized forty-seven rotating strikes. Not surprisingly 45% of these strikes were in Public Administration. Interestingly, the tactic of the rotating strike is used much more frequently in Quebec (43% of all rotating strikes although only 19% of strikes in this period), and British Columbia (28% of rotating strikes although only 14% of strikes). In contrast, Ontario saw only 11% of rotating strikes despite the fact that 32% of CUPE strikes occurred in this province.[28] In 1991 alone, CUPE organized seven rotating strikes (six in Quebec) which represented 23% of all strikes in that year, and 15% of all rotating strikes from 1967-2004. The two longest running rotating strikes were the 1972 Ontario Hydro strike which lasted eighty-one work days, and the strike of the E-Comm Emergency 911 Dispatchers in British Columbia which lasted 113 workdays. Noteworthy also is the 2002 rotating wildcat strike over pay equity at the Saskatoon Library which involved 260 workers from 25 Sept to the 28 Nov.

LOCKOUTS (1976-2004)

HRSDC began collecting lockout data in 1976. From 1976 to 2004, 1839 lockouts – 13% of all stoppages – involved more than 7% of all workers who engaged in stoppages, and represented almost 20% of workdays lost. The high point for lockouts was the period from 1983 to 1986. Lockouts tend to be longer than strikes. Between 1976 and 2004, 34% of all strikes lasted less than one week compared to only 16% of lockouts. And despite the relatively small number of lockouts overall, more than 30% of all stoppages lasting longer than one year (84/276) were lockouts.

CUPE has faced proportionally fewer lockouts than other unions: 6% of stoppages (75 lockouts) compared to 13% for all other unions. These lockouts have involved 10,183 workers and 4332 working days. The majority of them (53%) occurred in Public Administration but noteworthy were the 15% in Health Care and Social Assistance, and the 13% in Information, Culture and Recreation. In other unions, 46% were in Manufacturing. Although 21% of CUPE strikes in this period were in Quebec, 45% of lockouts were in that province. In Ontario, where 32% of strikes occurred, 28% of lockouts happened. Almost 15% of lockouts involved first contract strikes. The most lockouts in any single year occurred in 1983: eight lockouts which represented 11% of all lockouts and 28% of CUPE stoppages in that year. Similar to the profile for all lockouts, CUPE lockouts took longer to settle than strikes: only 17% of lockouts settled in one week or less compared to 36% of strikes. And 21% of all lockouts lasted more than sixteen weeks compared to only 6.5% of CUPE strikes. For all unions,

lockouts involve fewer workers and this is also the case for CUPE: 75% of lockouts involved less than 100 workers compared to 56% of strikes. Three CUPE lockouts lasted over 300 working days, and more than one year. See *Chart 2: The Longest CUPE Lockouts.*

Chart 2:
The Longest CUPE Lockouts

- From 19 November 1991 to 24 February 1993, 340 workers were locked out from Nationair. An agreement was finally reached.
- From 4 September 1992 until 31 Dec 1993, four workers were locked out by Kelly's Ambulance Service in Nova Scotia. This was a struggle for a first contract and it was finally abandoned.
- From 2 May 2002 until 10 June 2003, five workers were locked out from the Southern Kings Group Home in Prince Edward Island. An agreement was finally reached.

To fully understand labour militancies, they need to be set against patterns of employer aggression, that is, pro-active initiatives on the part of employers to undermine and often prevent the functioning of the union-management relationship. Lockouts are one form of employer aggression, especially when employers operate with replacement workers.[29] Interestingly, the 2006 *Industrial Relations Outlook* from the Conference Board of Canada reports: "Employers, faced with an onslaught of global competition, are exhibiting new militancy in collective bargaining, including resorting to lockouts, to achieve wage and benefit concessions" (Hallamore: 6). The data tentatively suggest that Canada may be moving into another period of intensified employer aggression, reflected in an increase in lockouts. Lockouts represent 12% of all stoppages between 1976 and 2004; however, between 2002 and 2004, a period of declining strike frequency, lockouts represent 19% of stoppages. In CUPE, 16% of all lockouts (twelve) occurred between 2002 and 2004.

PUBLIC SECTOR MILITANCY

The larger research project, of which this article is a part, maps the shift toward public sector militancy in Canada (Briskin 2007a), what some have called the tertiarisation of industrial conflict (Bordogna and Cella 2002). The roots of this change are complex but certainly include the shift in union membership demographics toward the public sector, and the militant response to sustained attacks on the public sector which have included wage freezes and rollbacks, downsizing, contracting out and privatization, and assaults on public sector bargaining rights (Panitch and Swartz 2003). Despite the fact that many public sector workers are deemed essential, denied the right to strike, and possibly legislated back to work, between 1995 and 2004, 27% of all stoppages (787) were in the public sector (the highest percentage since public sector unionization).

Furthermore, in this period, almost 20% of work days lost were in public sector, and involved more than 71% of all workers on strike. This suggests the beginning of a reversal in the long-standing dominance of private sector militancy. The fact that CUPE strikes are largely in the public sector (90% compared to only 15% for all other unions)[30] suggests that CUPE will be an increasingly significant player in the strike patterns in Canada.

Bordogna and Cella (2002) speak of the distinct profile of public sector strikes in what they call "the geography of industrial conflict", and point to the particular nature, logic, strategies, impact, and pattern of such strikes. However, they do not address the relevance of gender in the tertiarisation of conflict, yet the public sector in Canada is dominated by women workers. In this new landscape of industrial conflict, I argue that gender is increasingly significant (Briskin 2006 and 2007a). Undoubtedly, a significant number of major Canadian strikes have involved mainly women workers in the public sector: strikes of teachers and school support staff, nurses, communications workers, and federal public sector workers, for example. Statistics are not available that demonstrate the exact proportion of women and men involved in any particular strike. However, the growth and feminization of the public sector, especially in health and education, the importance of public sector workers to union density, and the significance of strikes in this sector support the general claim for the feminization of labour militancy. Since most workers in the strike-prone industries of the public sector are women, it is fair to assume that most strikers are women.[31]

CONCLUSION

CUPE On Strike offers a profile of CUPE strikes since the union's inception in 1963 until 2004. In addition to breakdowns by province and industry, it considers strike incidence over time, duration, size of strikes, contract status, results, and the pattern of lockouts and rotating strikes. Like the overall Canadian strike profile, a majority of strikes are in small workplaces and are settled relatively quickly. Not surprisingly, CUPE strikes are clustered in Public Administration, and Health Care and Social Assistance, a demographic which might help to explain the fact that CUPE has been involved in fewer wildcats, lockouts and strikes for first contracts than other unions. Although the overall trend for Canada since the 1990s has been a decrease in strikes, a modest shift in the last five years is evident in the data. For CUPE, this means more workers on strike, longer strikes, and more lockouts, all of which suggest an elevation in employer aggression. The data which highlight increasing public sector militancy, and the feminization of that militancy, suggest that CUPE will be a key player in the map of Canadian labour militancy in the future.

This profile of the strike activities of CUPE, the largest union in Canada, makes visible the experience of strikes from the point of view of workers and

their unions. Not only does it contribute to a labour militancy perspective on the quantitative data on work stoppages from HRSDC, it also demonstrates the potential of the work stoppage data to enrich our understanding of worker militancies.

ACKNOWLEDGEMENTS

I would like to thank Kristine Klement whose work on the HRSDC data has been invaluable. I would also like to thank Morna Ballantyne from CUPE and the anonymous reviewer for helpful comments on a previous draft. I am grateful for the financial support for this project from the Social Sciences and Humanities Research Council of Canada (SSHRC) Research Alliance on "Restructuring Work and Labour in the New Economy", Initiative on the New Economy (INE), housed in the Centre for Research on Work and Study (CRWS), York University.

NOTES

1. Unless otherwise noted, the source for information on CUPE is its website <www.cupe.ca>. See in particular, the overview of CUPE's history at <http://www.cupe.ca/about/BE4819>, and important dates in CUPE's history at <http://www.cupe.ca/history/timelines>.
2. As the anonymous reviewer pointed out, this is an estimated but widely used figure in CUPE. CUPE does not require local unions to report on gender, and since the demise of the CALURA (Corporations and Labour Unions Reporting Act), the law no longer requires such reporting.
3. I have negotiated full access to the records of each Canadian stoppage from 1946-2004. I wish to thank the Workplace Information Directorate of Human Resources and Social Development Canada, especially Manon Henry and Suzanne Payette for providing the microdata. All HRSDC data quoted in this paper are from the work stoppage data set unless otherwise specified. HRSDC was previously Human Resources and Skills Development Canada and previously Human Resources Development Canada (HRDC) and prior to that, Labour Canada. HRSDC publishes the *Workplace Bulletin* which includes a list of current settlements, current stoppages and upcoming negotiations. Information includes the employer, location, union, number of workers and issues. Available from the main page of the Workplace Information Directorate <http://www.hrsdc.gc.ca/en/lp/wid/info.shtml>.
4. It would be technically correct to use the term work stoppages in reference to HRSDC data since it is the terminology chosen to highlight the inclusion of both strikes and lockouts; however, given that it is not a widely used in other contexts, this paper will refer to strikes except when specifically discussing lockouts.
5. The HRSDC shift from the terminology of mandays was likely a recognition that women work and are involved in stoppages.
6. For an introduction to the HRSDC data, see Briskin (2005) which unpacks the definitions embedded in "work stoppage", considers how to group strikes by number of workers and duration, comments on the contract status and result variables, and discusses how strike issues are coded.
7. The author had contact with correspondents from eight provinces: British Columbia, Alberta, Manitoba, Saskatchewan, Ontario, New Brunswick, Newfoundland, and Prince Edward Island and appreciates the time they spent on this project. Many of them were very reluctant to speak to the author; some were stopped by their supervisors. The most informative respondent had recently retired. Correspondents filled out a survey questionnaire; in some cases, they participated in a telephone interview. In all cases, the correspondents requested anonymity. All quotations are from these interviews. Since HRSDC would not provide the list of correspondents, each provincial ministry was called by a research assistant.

8. Given this definitive guideline, it is curious that during the period 1960 to 2004, data are recorded for eighty wildcat strikes in Alberta. In correspondence with HRSDC (email 25 June 2004), HRSDC indicated that this information comes from the province. To check that this anomaly was not due to a change in reporting practices, the distribution of strikes during the term of agreement over the years 1960 to 2004 was examined. No particular logic emerged: the years with the most such strikes were 1966, 1974 and 1976. In recent years such strikes have been reported in 1997, 1998 and 2000. However, the 2005 Training Manual (Renaud *et al*) also indicates that HRSDC analysts "must obtain as much information as possible on work stoppages" and points not only to provincial correspondents but also newspapers and labour organization websites (7).
9. Akyeampong (2006: 20) also notes the increase in person-days lost from 1.7 million in 2003 to 4.1 million in 2005.
10. A number of the provinces regularly report their own work stoppage data on their websites. For example, see Ontario, see <http://www.labour.gov.on.ca/english/lr/highlights/cbh2006-03_tc.html> and Alberta at http://www.hre.gov.ab.ca/cps/rde/xchg/hre/hs.xsl/3239.html>.
11. As used in Canada, NAICS breaks out sixteen industry groupings: Agriculture; Forestry, Fishing, Mining, Oil and Gas; Utilities; Construction; Manufacturing; Trade; Transportation and Warehousing; Finance, Insurance, Real Estate and Leasing; Professional Scientific and Technical Services; Management of Companies and Administration and other support services; Educational Services; Health Care and Social Assistance; Information, Culture and Recreation; Accommodation and Food Services; Other Services; and Public Administration. For more information on NAICS, see <http://www.statcan.ca/english/concepts/industry.htm>.
12. Multiple CUPE locals might be involved in any particular strike, sometimes starting on the same day, and sometimes joining a strike once it has begun. Since the data list each local separately, the experienced size of the strike or the solidarity among different groups of workers is not reflected in the HRSDC data on number of workers. The list of all CUPE strikes shows numerous such incidents, for example, the four 1990 sympathy wildcats in Nova Scotia of those employed by the Nova Scotia Assn of Health Organizations which all occurred between 14 Aug and 16 Aug and involved a total of 203 workers are listed separately, and the 1999 strike (from 1 March to 15 March) at the Toronto District School Board which is listed as three separate strikes of 3500 instructors, 7000 Clerical Technical and Food Services workers, and 3500 Caretakers. For other examples, see endnotes #13 to 16.
13. Statistics Canada data show that, in 2005, 30.6% of men and 34.6% of women were employed in workplaces with fewer than twenty workers (Akyeampong, 2006a: 27-28). Only in these small workplaces was union density higher for men than for women: 16.4% compared to 13%. For all other workplace sizes, union density was higher for women.
14. James and Mackenize (2005: 8) point out that in Ontario most newly organized units tend to be comparatively small workplaces. In 2000-2001, 64% of the total certification applications involved units of less than forty employees and 26% applied to units of less than ten employees.
15. The data include three strikes, all beginning on 1 June 1992 and ending respectively on 5 June, 7 June and 8 June: the first of 1138 workers in various cities, towns and villages; the second of 2291 workers employed by New Brunswick Assn of Nursing Homes, and the third of 14955 Government of New Brunswick workers.
16. The Local 79 strike of municipal workers in 2000 does not appear in the data as a strike of over 10,000 workers. This is because it is recorded as three separate strikes: 9000 inside workers, 6750 Parks and Recreation workers and 900 office workers. All three strike entries have the same start and end dates: 31 March to 11 April.
17. The province-wide character of this strike is hidden in the data since it is listed as multiple smaller strikes.
18. In the data, this 2002 strike is listed as four separate strikes: 5220 outside workers from 26 June to 12 July 2002, and the 8338 inside workers, 1361 part time workers and 4318 Parks and Recreation workers on strike from 4 to 12 July.
19. In a comparison of the breakdown of CUPE strikes using the working days and calendar days measure, the most significant difference in profile regards strikes settled in one week or less. With the working days measure, 37% of strikes are settled within "one week" (one to five days); with calendar days, only 32% are settled in "one week" (one to seven days).

20. The high incidence of very short strikes may have been missed in some other research. For example although Ondrich and Schnell (1993) focus on strike duration, their shortest duration category is one to thirty days. Even in their relatively small sample of 320 US strikes from 1975 to 1980, about 30% of strikes fell in this short category; however, without disaggregation, it is not possible to know how many lasted five days or less.
21. From the CUPE website and the HRSDC data base.
22. From the CUPE website and the HRSDC data base.
23. See Gunderson *et al.* (2005). Although their discussion of average strike duration uses calendar rather than work days, a similar profile of increasing duration is demonstrated.
24. HRSDC indicates that "special legislation" includes arbitration, special legislation or back-to-work legislation. In the case of the negotiation of a first agreement, it refers to both "First Agreement Arbitration Process" requested by one party or "Voluntary arbitration" requested by both parties. Email correspondence, Oct 2005. I am also grateful to Judy Fudge and Chris Roberts for their clarification about these various interventions.
25. Michel Hébert from HRSDC clarified the difference between "Agreement Reached" and "Return of Workers": "They don't mean the same thing. Just in the last few weeks, I noticed three bargaining situations in Quebec where work stoppages were suspended without any agreement having been reached (i.e. Société de l'assurance automobile du Québec, Centres de la petite enfance and Quebec primary and secondary education). In each case, the union has indicated that the strike will resume" (Email correspondence, July 2005).
26. Gunderson *et al.* (2005: 5) note that "the public sector had a substantial proportion of contracts settled through direct legislative intervention (22.4% during the 1990-98 period). In some cases, legislation takes place after a strike occurred; in others, legislation suspended collective bargaining and imposed collective agreements. Furthermore, arbitrated settlements are much more common in the public sector. Combining arbitrated collective agreements with agreements achieved after strike or through legislation would show that between 1990 and 1998, public-sector collective agreements were achieved by the parties themselves (or through the assistance of a mediator or conciliator) only about 70% of the time. By comparison, private sector negotiations successfully produced collective agreements 88% of the time."
27. "The rotating work stoppages calculation of the number of workers and the number of days not worked is the same as for other stoppages where only workers on strike are counted. In a workplace of 5000 where 500 workers are out on any given day, the number on strike would be registered as 500 per day." Email correspondence from HRSDC, 21 July 2005.
28. Since the data on rotating strikes is only available from 1967, the provincial profiles in this section differ slightly from those for the whole period of 1964-2004.
29. Although "employer militancy" is a commonly-used terminology, I differentiate labour "militancies" from employer "aggression". Militancies are understood as part of the continuum of activities which seeks to transform societies in the interests of equity, inclusivity and justice. As such, they are not solely about resistance to employer and state attacks but also about the pro-active envisioning of alternatives. Such militancies contrast sharply with forms of employer aggression which pursue profits regardless of the effects on workers, families, communities, and countries; sabotage the functioning of the union-management relationship; limit worker input into and control over the labour process; and increase employment instability by undermining standard and secure jobs in favour of more precariousness (Briskin 2006 and 2007). In Briskin (2005), I differentiate employer resistance to the introduction of a union, what Ewing, Moore and Wood (2003) call "union avoidance" from employer aggression. The HRSDC data on strike issues related to employer aggression (contract violation, disciplinary action, failure to negotiate, delay in negotiations, etc) are examined.
30. Public-private distinctions are complex, and Canada's statistical agency has changed its definitions over the years. "Prior to January 1999, 'ownership' rules were used as the basis for classification of health care institutions and universities to the public sector […] Since January 1999, 'funding' rules are used. As a result, any institution which was privately owned (many hospitals in Canada are like this), but publicly funded (all hospitals received their funding from a government source), are now counted as 'public' sector, rather than 'private' under the old rules" (Statistics Canada 2006a).
31. Women represented 39% of all employees but 45% of public sector employees in 1976–79, rising to more than 49% of all employees and 60% of public sector employees in 2000–04. Second, in 1993 (the

earliest available data), about 56% of unionized public sector workers were women; 62% by 2003. A consideration of two key public sector industries enhances this picture. In Educational Services, women made up 54% of the workforce in 1976 and 64% in 2003; in Health Care and Social Assistance, the respective figures were 76% and 82%. In 1987, 29% of all unionized workers were in Health and Education, rising to 36% by 2003. Data from Labour Force Survey (LFS). Documentation available from:<http://www.statcan.ca/english/Dli/Data/Ftp/lfs.htm>.

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