
UNION STRATEGIES TO RE-REGULATE WORKING TIME

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The processes of economic restructuring that began in the early 1970s within many industrialized economies led to profound changes in the organization of work. These changes include rising unemployment, the collapse of income security policies, and an increased individualization of economic risks, creating what European sociologist Ulrich Beck (2000) defines as a 'political economy of insecurity'. Growing precariousness in job tenure, and increased 'flexibility' for employers to determine conditions of work, are key characteristics in this contemporary social context.

The organization of working time - time spent engaged in paid employment - figures prominently in these broader change processes. Working time is a central concern in today's labour market, as the conditions of 'time flexibility' that became familiar to Canadians during the 1990s - part-time work, more overtime, and a lack of control over work time - have had a negative effect on people's capacities to balance work and non-work responsibilities and activities (Duxbury *et al.* 2003). Recent research suggests that the economic and social impacts of working time re-regulation affect not only job quality and employment stability, but also gender equity and broader relations of social reproduction (Golden and Figart 2000). Yet, while there is a growing body of scholarly research that examines the nature of changes to the organization of working time in both Canadian and international contexts, there are relatively few studies of workers' responses to these processes. To what extent are efforts being made to address working time change in a manner that promotes a balance between work and non-work responsibilities, as well as greater employment security and workplace equity? What are the social and economic factors that promote and/or constrain such efforts? What are alternatives to the predominant forms of employer-oriented 'time flexibility'?

This article explores these questions through a study of union strategies to re-regulate working time. The article is based on a case study of the policies and strategies of four large unions, as well as a larger survey of working time provisions in major collective agreements. The four unions chosen for the study

are the Canadian Auto Workers (CAW), the Communications, Energy and Paperworkers (CEP), the United Steelworkers of America (USWA), and the Canadian Union of Public Employees (CUPE). Combined, these unions represent over 1.1 million workers in a wide range of manufacturing, natural resources, communications, and public and private service sector occupations. In recent years, all four have engaged in strategies to increase workers' capacities to better balance and control working time.

RECENT TRENDS IN WORKING TIME - A BRIEF OVERVIEW

The 'standard' 40-hour workweek was normalized during the postwar period of economic growth, though primarily for male workers in large manufacturing industries. Despite significant productivity gains during this period, weekly hours were not reduced below this norm, as such gains were translated into increased consumption, rather than increased leisure time (Schor 1991). In Canada, average weekly working hours across industries and occupations have remained in the 35-to-40 hour range since the mid-1960s (Shields 2000). In 2002, average weekly hours of work across all industries were 36.3, and across all occupations were 42.4. Overall, close to 60 percent of workers had usual hours of 35 to 40 per week, while only 9 percent worked over 50 hours per week and 19 percent worked under 30 hours (Statistics Canada 2003a).

TABLE I:
Average Hours, Main Job, 2002

Industry	Hours	Occupation	Hours
Agriculture	45.3	Occupations unique to primary industry	45.1
Construction	40.7	Management	42.4
Manufacturing	39.7	Trades, transport and equipment operators	40.9
Health care and social assistance	33.8	Processing, manufacturing and utilities	39.5
Education services	32.6	Health	33.8
Accommodation and food services	31.0	Sales and service	31.2

Source: Statistics Canada (2003a)

As Table I reveals, however, these averages mask an unequal distribution of working hours between industries and occupations. Long hours are more prevalent in goods-producing industries and managerial and professional occupations, while short hours are more common in service-producing industries, particularly accommodation and food services. Between 1976 and 1998, the proportion of employees working the 'standard workweek' of 35-40 hours declined, while the proportion of employees working either long (over 40 hours) or short (under 35 hours) workweeks grew (Hall 1999). This tendency produced a 'work hours polarization', which is segmented by industry and occupation.

In addition to increased hours for some workers, working hours polarization has also been pushed by growth in service sector employment and nonstandard work arrangements, in particular part-time work, which is defined as working less than 30 hours per week. Between 1978 and 1998, part-time employment grew from 15 percent to 22 percent of the Canadian workforce. During those years, part-time employment grew at an average annual rate of 4.5 percent, while full-time employment grew by an average of only 1.2 percent per year (Statistics Canada 1999). Between 1989 and 1998, the number of part-time employees increased by 16.1 percent, while the number of full-time employees increased only 2.4 percent (de Wolff 2000). These trends continued in 2002 as part-time employment grew at a rate of 8.1 percent, compared to full-time employment at 2.7 percent (Bowlby 2003).

These trends are highly gendered. Consistent with other aspects of gender divisions within the labour market (see Armstrong and Armstrong 1994), there are pronounced gender differences in hours worked. While women's annual hours of work have increased significantly since the 1970s, and have contributed to an overall increase in average annual working hours, women's hours of work are approximately 71 percent of those of men (Heisz and LaRochelle-Cote 2003). In the mid-1990s, while only 7.1 percent of men worked fewer than 35 hours, approximately 30 percent of women worked shorter hours (Shields 2000). Conversely, 24 percent of men, as compared to 8.6 percent of women worked long hours. In 2002, average weekly hours for men were 38.2 compared to 32.7 for women (Statistics Canada 2003b). Overall, men are more likely to be employed in industries and occupations where longer hours of work are more prevalent, such as agriculture, construction and manufacturing (Statistics Canada, CANSIM II, table 282-0008, 2003-02-04). Average hours of work are noticeably lower in industries where women are more predominant, such as educational services, health care and social assistance, and accommodation and food services. Women are much more likely than men to be employed in forms of part-time work, comprising approximately 70 percent of the adult part-time workforce (Statistics Canada, CANSIM II, table 282-0002,

2003-02-04). These gender differences in working time reflect the intersection of gendered divisions in forms of employment, and gendered divisions in responsibilities for social reproduction. Clearly, while the labour market participation of women has increased dramatically in recent decades, equality in the distribution of working hours has not followed.

In summary, while average hours of work continue to range around the norm of the 40-hour workweek in many industries and occupations, patterns of hours polarization indicate that the organization of working time is much more complex. Further, working-time-related inequalities reflect gendered divisions of labour in both the labour market and the household. Combined, these factors create a multi-faceted challenge for the re-regulation strategies of Canadian unions. The remainder of this paper examines examples of these strategies, focusing in particular on strategies to (i) reduce hours of work, and (ii) promote 'employee-oriented flexibility'.

**TABLE II:
Union Policies and Strategies**

Union	Reducing Working Time	Employee-Oriented Flexibility
Canadian Auto Workers	<ul style="list-style-type: none"> -policy of reducing working time in order to save and to create jobs, and to provide time to participate in family and community activities - achieved through a combination of vacations, leaves, holidays and four-day weekends, and early retirement - 80 annual hours of SPA (Big Three) - 7.5 hour day (Chrysler) 	<ul style="list-style-type: none"> - Employee-initiated alternate work schedules (Alcan) - telecommuting arrangements where mutually acceptable (Northern Telecom) - limits on the proportion of part-timers in the bargaining unit (Canadian Airlines) - guaranteed hours for part-timers (retail sector) - up to one year of leave for 'good cause', including personal and family illness or accident (Chrysler) - shift trading arrangements (Air Canada and Windsor Casino)
Communications, Energy and Paperworkers	<ul style="list-style-type: none"> - goal of weekly hours below 40 and limits on overtime to combat job loss - Reduced Working Time Campaign in 2000 - 37 1/3 in energy, paper and chemical sectors - 36 hour week (Bell Canada) 	<ul style="list-style-type: none"> - flexible working hours arrangements (Pasteur Merieux Connaught) - telework arrangements (Pacific Press, Bell Canada) - pro-rated benefits that are equivalent to full-time employees (Manitoba Telecom, Toronto Star)

	<ul style="list-style-type: none"> - limits on OT in the event of layoffs (Avesta Polarit; Norske Canada Lafarge) 	<ul style="list-style-type: none"> - Family Leave Days (Saskatchewan Telecommunications) - full reinstatement following maternity leave (Pacific Press) - a seniority-based bumping procedure into an equivalent position if the employee's original position has been abolished or substantially changed (IMC Kalium and Communications)
Canadian Union of Public Employees	<ul style="list-style-type: none"> - policy of bargaining, legislative change and enforcement, and coalition-based activism - 32 hour work week (Quebec hospital workers) - overtime hours banks and 'partial' leaves (Greater Victoria School Board; British Columbia Assessment) - grievable workload language (Catholic Children's Aid Society, Toronto) 	<ul style="list-style-type: none"> - individual flexible work hours (start and stop) (Government of Saskatchewan) - guaranteed hours of work for part-time and seasonal staff (City of Winnipeg) - limits on split shifts (Greater Victoria Board of School Trustees) - requirement that schedule changes to the regular work day or workweek be made through mutual agreement (Manitoba Hydro) - expanded parental leave of up to one additional year (unpaid) (City of Winnipeg) - Primary Care Leave and family emergency leaves (Air Canada, University of Victoria, Manitoba Hydro)
United Steelworkers	<ul style="list-style-type: none"> - policy to increase workers' control over working time, achieve hours of work that promote a balance between work and family, reduce annual hours of work without reducing annual income - voluntary overtime and overtime time banks (Fording Coal, Highland 	<ul style="list-style-type: none"> - provide educational materials to members to promote work-life balance provisions - personal emergency or family leave (CIBC) - full reinstatement or provision of equivalent alternate work following maternity leave (Fording Coal)

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Sources: CAW (2002); CUPE (1995); HRDC (2000), Jackson (1998); Spinks and Moore (2002); USWA (1995); http://www.cep.ca/swtime_e.html.

REDUCING WORKING TIME

Reduced working time was one of the earliest issues around which workers in Canada organized collectively. For example, the Nine-Hour Movement, which began in Hamilton in 1872, pushed for a reduction from 10 to nine hours of work per day to secure relief from overwork and work intensification, and to create time for 'moral, social and intellectual improvement' (Battye 1979; Kealey 1980). The movement soon spread out of Hamilton, with Nine-hour Leagues forming in a number of larger cities in Ontario and Quebec (Heron 1996). General strikes were to be used to create the pressure to win the nine-hour day. The Toronto Trades Assembly passed a nine-hour resolution and Toronto printers at *The Globe* struck to secure the nine-hour day in March 1872. Employers generally refused to negotiate over reduced work time, however, and while some strikes were undertaken between March and June 1872, the movement quickly dissipated as these strikes were settled with wage increases, rather than reductions in work time. Only small groups of workers – for example, skilled railway workers – actually achieved a nine-hour day during this period.

The post-World War II bargaining priorities of organized labour contributed to the normalization of the standard workweek, with additional compensation for overtime hours, primarily for unionized male workers. The structure of the labour market and the organization of working time have changed considerably in recent decades. As discussed, there is a polarization between growing numbers of workers in nonstandard jobs who have little employment security, and others who are pressured by longer hours. An employer-led offensive through the 1980s and 1990s to reorganize workplaces and work arrangements placed the labour movement on the defensive in general, and altered the context in which unions have sought to regulate working time. Nonetheless, the commitment to reduce working time remains a central policy goal within the labour movement. The broader labour movement, through the Canadian Labour Congress, has a general policy commitment to promoting reduced working time through reduced overtime and a shorter workweek (CLC 1999). Within the unions under consideration in this study, some progress has been made in reducing and/or controlling daily and/or weekly hours of work within the collective bargaining process (see also Jackson 1998; Hayden 1999:121-123). The CAW has achieved its greatest success in reducing working time in its collective agreements with the 'Big Three' automobile producers (Ford, General

Motors, Daimler-Chrysler). The first United Auto Workers agreement in Canada, which was negotiated with General Motors in the 1930s, reduced the standard workweek from 50 hours to 44 hours. The standard forty-hour workweek was generalized in automobile manufacturing during the postwar years. In more recent times, the CAW negotiated a 7.5-hour work day for eight hours of pay at the Chrysler minivan plant in Windsor, Ontario. In the 1970s, CEP predecessor unions negotiated a standard workweek of 37 and 1/3 hours in the energy, chemical, and paper sectors. By the mid-1990s, approximately 52,000 CEP members had a standard workweek of under 40 hours. Since its Shorter Work Time Campaign began, a number of CEP locals have reduced working time to below 40 hours per week.¹

Beyond negotiated reductions in daily or weekly hours, a variety of strategies have been undertaken to reduce working time, including vacations, leaves, holidays, early retirement, and overtime reductions. A Big Three CAW member with between 10 and 14 years of seniority is entitled to a total of 360 hours, or nine weeks, of paid time off per year.² Full (mandatory) utilization of negotiated time off was incorporated into the Ford collective agreement in the 1990s. The CEP's Shorter Work Time Campaign includes a goal of reducing overtime hours, including the use of overtime refusals to combat layoffs, and educational campaigns to encourage members to reduce overtime hours. Voluntary overtime, a condition in the CAW's Big Three agreements for hours beyond 48, and in some USWA agreements, provides some means to reduce management control over extra hours. Other strategies to reduce working time include overtime hours banks, whereby overtime hours are banked and then taken as time off at a later date, extended or sabbatical leaves, and in CUPE's case, grievable workload language in the form of caseload caps.³

These strategies vary considerably in terms of their capacities to actually limit hours of work. For example, voluntary overtime is the least intrusive strategy, in that it neither places a limit on hours of work, nor provides incentives or protection for workers who refuse overtime. Overtime banks are a somewhat more intrusive strategy, in that they ensure that extra hours of work are balanced with some time off, rather than simply paid for in extra wages. Strategies to explicitly reduce daily, weekly and/or annual working hours are the most intrusive in the scheduling of working time, and the most effective form of regulation, in that they create pre-determined limits to working time. Thus, these strategies may also be the most difficult to negotiate.

Despite the general policy commitment and the diverse collection of gains listed above, however, reduced daily or weekly working hours has not been widely established across the broader labour movement. Table III reveals that approximately only one quarter of collective agreements stipulate a full-time workweek under 40 hours. Blue collar workers are much more likely to have a

provision regulating a standard 40 hour workweek than are those in white collar bargaining units. A very clear majority of collective agreements have no provision limiting the use of overtime. Much more common are forms of working time reduction through additional time off. A clear majority of agreements include a provision for ten or more statutory holidays, which exceeds general legislative norms. Similarly, a large number of agreements provide four or more weeks of vacation for long service employees. Some form of early retirement, a popular form of lifetime working hours reduction, is also common. While the concept of working time reduction is most often associated with the reduction in daily or weekly options, both the union-specific examples, as well as the survey of collective agreements, reveal a diversity of approaches. A commonality is present, however, in the general paucity of provisions that directly reduce daily or weekly hours.

**TABLE III:
Provisions in Collective Agreements⁴**

Collective Agreement Provision	% of Agreements with Provision, 2002
Normal Hours of Work, White Collar	35 hours - 9.6 37.5 hours - 8 40 hours - 3.2
Normal Hours of Work, Blue Collar	35 hours- 2.5 37.5 hours - 4.7 40 hours - 47.7
Clause Limiting the Use of Overtime	24.2
Paid Holidays, 10 days or more	71
Annual Vacation, 4 weeks	69.9
Early Retirement	48.6
Flextime	WC - 9 BC - 3.5
Compressed Work Week	WC - 12.1 BC - 24.4
Telework	WC - 0.4 BC - 0.4
Work Sharing - Reduction in Hours to Avoid Layoffs	3.2

EMPLOYEE-ORIENTED FLEXIBILITY

The organization of working time has been dramatically affected by employer-oriented flexibility strategies. Flexibility arrangements are often designed to meet employers' productivity and profitability demands, rather than employee needs to balance work and non-work responsibilities. However, work arrangements can be organized to promote forms of flexibility that benefit employees, in particular by providing scheduling options that allow full-time workers to meet family and non-work responsibilities (Clement 2001). Examples of such arrangements include mutually agreeable flexible work schedules, limits on split shifts, and requirements that changes to the regular work day or workweek be made through mutual agreement.

Table III reveals that there is a wide range of flexible scheduling options currently present in collective agreements. White collar workers are more likely to have some form of 'flexitime', while blue collar workers are more likely to have other forms of flexibility in scheduling, such as provisions that cover compressed workweeks, where regular hours are worked over a shorter number of days. The table also reveals, however, that there are very few collective agreements that actually include these various provisions. Similarly, very few blue or white collar collective agreements include a provision for telework, or for work sharing in order to avoid lay-offs.

As discussed above, one of the key recent working time trends has been growth in part-time work. In response, some unions have sought to establish collective agreement provisions that provide part-time workers with employee benefits and some measure of job security. Notable examples listed in Table IV include guaranteed hours of work and pro-rated benefits. Some unions, such as the CAW, also attempt to limit the proportion of part-timers in a total bargaining unit in order to prevent the erosion of working conditions through the increased use of part-timers. While there are a range of provisions that have been negotiated for part-time workers, however, Table IV reveals that their application is limited. For example, very few agreements provide for a minimum number of guaranteed hours, and fewer than one-third include provisions for holidays, vacations, sick leave, health and welfare benefits, a pension plan, or seniority. This data clearly indicates that in collective bargaining priority must be given to improving the overall working conditions of part-time workers. As well, due to the over-representation of women in part-time employment, this data indicates that such efforts are essential to more general efforts towards gender equity.

**TABLE IV:
Provisions for Part-Time Workers**

Collective Agreement Provision	% of Agreements with Provision, 2002
Minimum Guaranteed Hours	8.8
Holiday	28.6
Vacation	30.4
Sick Leave	22.5
Health and Welfare Benefits	28.3
Pension Plan	16.6
Seniority	30.5

On this last point, women's increased labour market participation, the gendered inequities in the organization of working time, growing concerns over 'work-life conflict', and women's organizing within the labour movement have all contributed to a broadening of the working time agenda. Strategies to promote 'employee-oriented flexibility' thus include strategies to provide specific benefits through time off for family care/social reproduction. As maternity and paternity leave have recently been expanded through the federal Employment Insurance program and provincial labour standards legislation, collective bargaining plays a role in supporting and supplementing these benefits. These include forms of leave such as extended parental leave, compassionate leave, bereavement leave, adoption leave, and child and elder care leave, as well as supplementary income top-ups for those on maternity leave. Shorter-term forms of 'family leave' have been negotiated in order to assist employees with meeting daily and emergency family responsibilities. Shift trading arrangements provide employees with the ability to address circumstances that may require attention during regular working time. Finally, provisions that protect seniority and preserve benefits ensure that employees are not penalized for taking maternity leave. These benefits are often preserved through reinstatement clauses that ensure an employee of their right to return to their original position, or an alternate equivalent position, with no loss in salary, seniority or benefits. The existence of these provisions illustrates the impact of the feminization of the labour market on the collective bargaining process, and signifies union efforts to connect working time regulation to strategies for gender equity.

As with other areas of working time re-regulation, however, these benefits remain provisional. For example, while forms of short-term family care leave became much more common through the 1990s, this time off is most often in the form of unpaid time (HRDC 2000). As well, fewer than 10 percent of

agreements provide leave for care of a child or parent, or extend leaves to same-sex spouses. While these benefits focus specifically on social reproduction, they are essential to a broader strategy of re-regulating working time in order to promote balance, security, and stability in a more generalized manner. As the above analysis indicates, these goals have yet to be achieved.

CONCLUSION

In the contemporary context, the labour movement's historic goal of reducing daily and weekly hours has been supplemented with a much broader strategy based on regulating lifetime hours and promoting employee-oriented flexibility. There is no central, coordinated, or common strategy to re-regulate working time within this broader framework, however. The diversity of approaches reflects the diversity of the labour movement itself in terms of individual union priorities, histories, and memberships. Even within the unions, other than specific examples from within the CAW and CEP, there is little centralization, as all four union strategies are premised upon promoting and supporting initiatives at more localized levels. The variation in approaches to work time regulation also reflects the diverse character of the labour market with respect to work organization, in that some strategies to re-regulate time are to some extent industry- or occupationally-specific. For example, a strategy such as flextime is more easily implemented in occupations where the work itself does not require a rigid, collective shift schedule. Similarly, the approach taken to work time reduction – whether through daily, weekly, or annual reductions in hours – may be determined by industry-specific shift and production schedules.

The union working time agenda has been in many ways shaped by the 'political economy of insecurity'. Employers remain resistant to negotiating 'work-life balance' provisions and working time 'flexibility' has generally been defined through employer-led restructuring efforts (Spinks and Moore 2002; Zeytinoglu 1999). These initiatives, which occurred alongside government attacks on trade unions and the intensification of competitive pressures felt by Canadian workers due to globalization (Panitch and Swartz 2003; Broad 2000), have placed the labour movement largely on the defensive. In this context, gains in the area of working time may take the form of simply resisting employer pressures to increase hours of work. Further, working time issues have in some cases been traded off in order to prevent monetary concessions.⁵ Thus, employer resistance and concessionary bargaining limit the extent to which working time gains can be made.

Related to the broader context of changing employment relationships is the lack of representation in many of the most 'flexible' areas of work. As nonstandard forms of employment continue to grow, there remains a pressing

need to organize part-time and nonstandard workers and to increase their bargaining strength (DuRivage *et al.* 2000). While the labour movement has made significant progress on gender equity in recent years, the need for further progress in the areas of benefits for part-time workers, as well as in the area of social reproduction, reflects the persistence of gendered inequalities, even in the collective bargaining context.

The lack of centralized bargaining around working time also limits the gains that can be made. Research on working time in Western Europe has found that working time is lowest where centralized collective bargaining is strongest (Lehndorff 2000). Canada's highly decentralized collective bargaining system places structural limits on the generalization of progress made by individual unions. Further progress on working time issues may thus be aided by broader-based approaches to collective bargaining.

Finally, the prioritization of monetary gains over gains in working time reflects an uneasy approach to reduced working time within the labour movement, policy goals notwithstanding (Hayden 1999), as growing economic insecurity may also negatively affect the desire of union memberships to support reduced working time. Developing an approach to working time in the contemporary context requires unions to address wide ranging concerns of economic security, work quality, and workplace equity, concerns that at times may be perceived to be in competition with one another.

Working time changes are central to broader patterns of change in the organization of work that began several decades ago. These changes are contested by union strategies that provide some means to address growing forms of work-life conflict, place greater control over working time in employees' hands, and that may contribute to greater labour market equity by incorporating social reproduction and security for part-time workers into bargaining agendas. However, for the reasons discussed above, such practices are still not widespread within the Canadian labour market. Developing a strategy for working-time re-regulation that promotes the goals of balance, equity, and control remains a key challenge for the labour movement in the 'new economy'.

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NOTES

- ¹ CEP Shorter Work Time Campaign, www.cep.ca/swtime_e.html. Retrieved July 11, 2003. CEP petro-chemical workers in Sarnia, Ontario, CEP members at SaskTel and at Papier Masson in Quebec, and CEP Local 76, mill workers for Norske Canada, all work 37-and-1/3 hours workweek or less. See also White (2002).
- ² CAW, "CAW Collective Bargaining Gains", Union Awareness Course Notes, No Date. This includes 100 hours of vacation, 56 hours of Christmas holidays, 72 hours in other annual holidays, 52 hours of Personal/Earned Absence Allowance, and 80 hours of Scheduled Personal Absence (SPA) per year.
- ³ See HRDC (2000) for specific examples of such provisions. For the CUPE example, see It's Time to Declare Workplace Freedom Day, February 7, 2001, <http://www.cupe.ca/www/WorkloadStories/4073> . Retrieved June 9, 2003
- ⁴ The data from Tables III and IV are from a sample of 1034 collective agreements covering 2,048,351 employees in both large (over 500 employees) and small bargaining units collected by the Workplace Information Directorate of the Labour Program of Human Resources Development Canada.
- ⁵ This was the case in recent bargaining between Air Canada and the CAW in order to prevent the airline's bankruptcy. Virginia Galt, "CAW Standing Firm on Wage Rollbacks", *The Globe and Mail*, August 20, 2003, B2

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