

**Permanently Precarious?
Collective Bargaining and Health Benefits
For Permanent Part-Time Public Sector Workers**

by

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Abstract

This thesis examines the constraints and opportunities facing public sector labour unions in negotiating extended health benefits for workers in precarious employment relationships. It finds that there have been only incremental gains in achieving extended health benefits for this group of workers and those gains have been only in the largest bargaining units. The constraints of collective bargaining structures and a neoliberal political economic regime require political strategies in addition to collective bargaining ones if health benefit coverage for workers in precarious employment relationships is to be improved. It is argued that sectoral and class-based collective bargaining would provide the means to ameliorate the conditions of their members and create opportunities for organized workers to act as agents for transformative social change through a project of conscious class formation.

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Chapter One—Introduction and Chapter Outline

Introduction

The Canadian health care system is viewed by many as a defining aspect of our society, but the universal public part of the system does not pay for the costs of prescription drugs, ambulance transportation and other items necessary for a person's health. These costs must be borne either directly by individuals or through group insurance plans. The labour movement needs to be involved in political action to change Canada's health care policy so that it covers most of people's health needs. Unions¹ can also address this issue through collective bargaining by negotiating extended health coverage for their members. The question to be addressed in this thesis is whether the public sector unions, who have been more successful than private sector unions in this regard, are able to extend such coverage to the growing number of "precarious" workers who work in the public sector through collective bargaining.

Many part-time and temporary public sector workers do not have the same benefit coverage as full-time or permanent workers, despite high levels of unionization in comparison to workers in similar situations in the private sector. Many of these workers have no coverage.

This thesis is an investigation of negotiations regarding extended health benefits for a specific group of public sector workers: permanent part-time workers. It provides information and analysis of a collective bargaining issue that has broader class and societal impacts. Billions of dollars are spent every year on health care in Canada, with

¹ In this thesis, the terms unions and labour unions are used interchangeably to refer to workers' organizations set up for the purposes of collective bargaining.

private corporations eager to increase their share of the immense profits generated. The funding and delivery of health care in Canada is a central public policy issue and the labour union movement's involvement in campaigns and alliances with other social groups fighting to protect and expand public health care has been of strategic importance in terms of financial support and membership education. Labour unions are also involved in these policy deliberations through collective bargaining over medical costs not covered by the public system.

My research is based on the assumptions that class politics exist in capitalist societies, including Canada, however obscured those politics may be (Brodie and Jenson 1988), and that the relative power of classes is reflected in social policy. While labour unions are not the only organizations that represent workers, they are the ones that workers have organized for themselves around the social relations of production. Unions are both structures for the distribution of economic wealth and agents of class formation and social change.

In Canada, the collective bargaining regime, which is part of the structure that organizes the distribution of wealth, has roots in the corporatist model devised by MacKenzie-King. This model includes a complex system of conciliation and arbitration boards and other structures designed to contain and minimize class conflict. While labour unions operate within this constraining system, they also have the capacity to transcend these structures and act as agents of class formation and social transformation. They live the contradictions of capitalism under pressure (Wood 1982: 70) and confront capital on a regular basis over the rate of exploitation and subordination of labour through the production process, making them critical sites for class formation, class agency and social change. They mainly confront employers, including the state, through the negotiation of

collective agreements on behalf of their members, and I am interested in how labour unions can use the negotiating process to further class formation.

This thesis endeavors to answer the following research question. What constraints and opportunities face labour unions in negotiating extended health benefits for public sector workers in precarious employment relationships and is there evidence that the constraints can be overcome through strategic use of the opportunities?

It is through the capacity to analyse the constraints, opportunities, and contradictions within political and economic structures, and to act on that analysis that labour unions can be conscious agents of class formation. The seeming contradiction between collective bargaining and transformative social change can be partly resolved by viewing collective bargaining as part of a process of class formation through the use of strategic knowledge of structure gained through analysis and action. Structure includes processes and patterns of human relations as well as political and economic institutions. Labour unions are one aspect of the economic, political and social structures found in capitalist societies. They are also the agents in this case—collective agents formed by workers to improve their material conditions through collective bargaining.

The thesis examines both the conceptual and pragmatic issues arising out of the dialectical relationship between structure and agency. The conceptual problem of class formation can be made more pragmatic by posing it as a strategic question—how does the working class turn its structural position as a producer of wealth into organizational power? This allows for an investigation of possible solutions to the difficulties of collective bargaining regarding extended health benefits for a specific group of workers in a precarious employment relationship. It also allows for discussion of the opportunities for labour unions in general, and public sector unions specifically, to engage in a

conscious project of class formation and transformative change in the struggle for expanded universal health care. Class formation involves class solidarity with those in the working class who may not be union members or who may not even be employed at a given time.

Why This Issue?

Why focus on this group of workers and a seemingly narrow negotiation issue to examine the conceptual issues of class formation and the dialectical relationship between structure and agency?

First, this is a significant issue through which to explore the constraints and the strategic use of opportunities by labour unions in both pragmatic and conceptual contexts as it deals with inter-union solidarity, cross-union activity, and political action. The funding and delivery of health care in Canada is a central public policy issue and public sector negotiations and the union movement's involvement in campaigns to protect and expand public health care are of strategic importance. This study allows for an examination of theoretical concepts in the context of specific material conditions. Even if the research and conclusions may not be generalizable, the institutions, organizations and issues involved are of enough significance that a theoretical investigation is of research value (Seale 1999: 107) within the fields of class analysis, labour relations, and government policy.

Second, the state is a site of class struggle and conflict as well as serving to maintain the existing power relations between classes (Mahon 1977; Jessop 1982, 1990). This gives public sector labour negotiations an overt political character, making them an

important focus for the investigation of the role of labour unions as agents of class formation and social change.

Third, the Canadian Union of Public Employees (CUPE), the largest Canadian labour union, representing over half a million public sector workers, had noted two troubling trends—one in the labour market, the other at the bargaining table. I was offered the opportunity to do research into these trends. There had been a marked rise in part-time and other precarious employment where extended health benefits were inferior to benefits for permanent, full-time employees. Moreover, in bargaining, there was growing pressure from employers to cut back extended health care benefit plans to control rising costs.

CUPE initiated research on these issues through the Restructuring Work and Labour in the New Economy project at Centre for Research on Work and Society (CRWS) based at York University. The goal of the project "...is to direct new knowledge...toward changes in work structures and in policy-making in order to improve the quality and conditions of work and community life" (Pupo 2005). The project is an alliance of academic researchers and labour unions studying the social, political, and economic relationships associated with the neoliberal economy and is funded by the Social Sciences and Humanities Research Council (SSHRC) under its "Initiative on the New Economy."

I worked on the section of the project that studied the changing employment patterns and compensation for part-time and temporary workers in the public sector and

produced a paper for the Centre that eventually formed a major part of the qualitative and quantitative research used for this thesis (Clark 2006)².

Finally, I was an activist for over 25 years in a public sector union that included large numbers of part-time workers. This experience has generated many questions and some answers about the role of public sector labour unions in capitalist society.³ This thesis is part of the ongoing project of theorizing that experience.

Changing employment patterns.

During the 1980s and 1990s, there was a shift towards precarious employment relationships, which include both part-time and temporary employment. The public sector has not been immune to this trend (Ilcan et al. 2003). Although growth in this type of employment relationship has since leveled out, the percentage of workers in full-time permanent employment is less than it was 20 years ago (Ilcan et al. 2003; Langlois 2003; Vosko et al., 2003; Zeytinoglu and Cook 2004, 2005; Cross 2006). Lack of benefit coverage is one of the characteristics of precarious employment (Cranford and Vosko 2006).

In 1983, the federal government established the *Commission of Inquiry into Part-time Work*, known as the Wallace Commission, to "...enquire into improving the employment positions of part-time workers and to determine whether or not part-time workers are treated fairly in terms of pay, benefits and pension compared to full-time workers." (Wallace 1983) The Commission found that although permanent part-time

² Jane Stinson, Director of Research for CUPE when the project was initiated, and Rosemary Warskett of Carleton University were the primary researchers for the project.

³ During that time, I served 13 years on the National Executive of the Canadian Union of Postal Workers including a term as the National President.

workers had greater benefits than temporary part time workers, they received fewer benefits than permanent full time workers.⁴ This included those working in the public sector. Ten years later, another federal government appointed body, the Advisory Group on Working Time and the Distribution of Work (1994) recommended that governments enact legislation requiring employers to provide benefits to permanent part-time workers.

The Canadian Labour Congress (CLC), the largest labour union federation in Canada, has also called for access to benefits for part-time workers as a negotiating priority (CLC 2002). The Canadian Union of Public Employees (CUPE) has a policy that part-time workers should have equivalent benefits to those of full-time workers in collective agreements the union negotiates (CUPE 1995). Many other labour unions have similar policies. The union movement has also been involved in the campaigns to expand universal public health care to include coverage of drug costs and other health expenses.

Despite these recommendations and policies, extended health benefit coverage for permanent part-time workers lags behind that of their full-time counterparts. A neoliberal economic regime, which involves increased privatization including health care and restrictive collective bargaining structures within the public sector, creates constraints for labour unions as they struggle to expand extended health benefit coverage through collective bargaining. An emphasis on these structural elements, however, does not always explain outcome, as workers' struggles have been part of the dynamic that created the health care system (Frankel 1977; Swartz 1977) and the collective bargaining structures (Fudge and Tucker 2001) that are currently in place.

⁴ Special attention was given to permanent part-time workers in my research, as they are a core aspect of the public sector workforce and form the largest group of public sector workers in precarious employment relationships (Zeytinoglu and Cook 2005).

This thesis studies the extent and nature of extended health benefits in collective agreements that cover permanent part-time workers in the Canadian public sector from 1994 to 2004, with a particular emphasis on agreements negotiated by CUPE. It examines the constraints and opportunities that face public sector unions when negotiating these benefits for these workers. The goal of the research is to determine if there is evidence that unions can overcome these constraints through the strategic use of opportunities, and how collective bargaining can play a role in working class formation.

There are conceptual or theoretical ways to examine this puzzle, but it can also be examined through the following four pragmatic questions:

- Has progress been made in expanding benefit coverage for permanent part-time unionized public sector workers from 1994 to 2004?
- How will the trends in negotiations over benefits affect this group of workers?
- Have the strategies public sector unions are using to improve benefit coverage for this group of workers been effective?
- What further strategies and research questions could unions develop?

Chapter Outline

Chapter Two begins with a discussion of a theoretical approach to structure and agency as they relate to class formation. It is argued that structure and agency are in a dialectical relationship where structure can be understood and transformed through agency, which includes both analysis and action. Agency is also transformed through its relationship with structure. My approach is based on a critical realist epistemology, which holds that while empirical evidence is important, it is necessary to examine structures and processes

that underlie what is observable (Sayer 2000). The explanatory nature of class and class struggle and how the working class moves from being a class “in itself” (structure) to a class “for itself” (agency) are key components both conceptually and pragmatically. Gender and race intersect with class in terms of both structure and agency and are elements of my research; however, the focus is on collective bargaining and there was insufficient data readily available on racialized workers in the public sector to do a thorough analysis of this intersection. Nevertheless, class struggle is as much about the relationships within the working class as it is about relationships with other classes.

This conceptual framework requires an approach or methodology that will facilitate moving between the abstractions of class theory and the practice of collective bargaining. This link between the conceptual and the pragmatic is strategic relational analysis, which examines how agents develop the capacity for strategic learning (Jessop 1982, 1989, 1990).

Chapter Three provides an overview of the current political economic context as it relates to the public sector. Following the economic crises of the 1970s and 1980s and the corresponding move from Keynesian to neoliberal state policies, there has been an emphasis on privatization and a shift away from a norm of full-time permanent employment relationships in the public sector. Dual labour market and internal labour market theory with divisions of standard and non-standard employment relationships are no longer applicable, given the ubiquitous nature of what was once termed non-standard. The approach taken is to consider employment relationships that include temporary full-time and part-time work and permanent part-time work as precarious employment relationships, which recognizes the changing nature of the labour market while

emphasizing the experience of workers who are in this type of employment relationship (Cranford et al. 2003; Vosko 2000, 2006).

Labour unions have adapted to these structural changes in different ways, with mixed results. Pressure from women and other equity seeking groups within labour unions and a growing recognition that part-time employment relationships are becoming normalized have compelled unions to recognize the diversity among their members and have created an impetus for cultural and organizational changes within the union movement. This chapter will include an overview of the recent literature on the concept of union renewal, which refers to a wide range of views about unions. These include viewing unions as instruments of social change, as one movement among many, as potential representatives of working class interests, as institutions for workers to better themselves materially and socially, or only as vehicles for collective bargaining. While much of this literature deals with how unions organize the unorganized and with internal union democracy, this thesis focuses mainly on unions as collective bargaining agents.⁵ Organizing and union democracy are examined in that context.

Chapter Four begins with an examination of trends in public sector employment and unionization. The public sector continues to be a major source of employment, comprising approximately 18% of the total Canadian workforce (Statistics Canada 2005), and utilizes significant numbers of part-time workers. This chapter studies the levels of part-time employment in the various sub-sectors of the public sector and reviews their gendered, racialized and generational aspects through an examination of data from Statistics Canada's Labour Force Survey.

⁵ Bargaining agent refers to an organization that has the legal right and obligation to negotiate on behalf of a specific group of workers referred to as the bargaining unit

Chapter Four also provides an overview of the role of private extended health benefit insurance within the Canadian health care system, including an analysis of why some workers have extended coverage, and others do not. It continues with an examination of access to extended health benefits for unionized permanent part-time workers in the public sector from 1994 to 2004, including comparisons with the private sector, using data obtained from Human Resources and Skills Development Canada's Workplace Information Directorate (HRSDC) and CUPE's Collective Agreement Information Services (CUPE/CAIS) databases. A review of specific collective agreements and ancillary documents provided additional information.

Chapter Five analyzes recent developments in negotiations regarding extended health benefit coverage along with the policies and strategies that unions have developed to either expand coverage for part-time workers or financially compensate them for lack of coverage. It also examines changes in unions' policies and approaches to precarious employment. This information was obtained through a search of literature from the insurance industry, academic and union sources, and interviews with union representatives and researchers.

The chapter concludes with a summary of the constraints and opportunities facing public sector unions in light of the research.

Chapter Six presents the conclusions and links the conceptual question of class formation with the four pragmatic questions surrounding collective bargaining. It connects the data with an analysis of the developments in negotiating extended health benefits. The data shows that while there has been incremental progress in expanding coverage to permanent part-time public sector workers, the trends in negotiations and the current political economic climate place severe constraints on the capacity of unions to

improve benefit plans within the established collective bargaining structures. It discusses changes that unions have made or could make to approach collective bargaining in a restructured and complex economy where large numbers of workers are in precarious and varied employment relationships, including moving beyond the one employer and one union norm. The conclusion reached is that the specific strategies used will determine whether there is movement within the working class from a class within itself to a class for itself and thus the potential for transformative change as well as an amelioration of material conditions. The lack of benefit coverage for workers in precarious employment is both a political and a collective bargaining issue. The most effective strategies will link these two aspects.

Chapter Two—Theoretical and Methodological Framework

Structure and Agency

The analysis undertaken in this thesis is situated within a structure/agency problematic in order to clarify issues surrounding the role of the working class as agents of social change, in terms of both reform and radical transformation. A problematic helps to organize the field of phenomena, yields problems to be investigated, and is based on explicit theoretical assumptions (Abrams 1982: xv). It is what guides methodology in its broadest sense of being "... a coherent set of ideas about the philosophy, methods, and data that underlie the research process and the production of knowledge." (McCall 2005:1774). The theoretical and methodological framework that I have chosen to work within is based on a critical realist epistemology, which holds that there are structures and processes that may be hidden within what is empirically observable (Collier 1994; Sayer 2000). It involves analysis of the structural layers of political economy and attempts to overcome the dualism of structure and agency through an examination of the relation between the two (Hay 1995; Bhaskar and Lawson 1998; Sayer 2000). Critical realism does not endorse a specific substantive theory, but it does assert that social structures are dependent on human agency and are open to transformation through a critical analysis of the norms of human behavior (Lawson 1998).

The approach taken in this thesis is also historical materialist one. It is materialist, as it assumes that the social relations involved in the production of material goods and services, are a fundamental aspect of human social life. Organizations arising out of those relations are therefore important subjects for study, and the material basis for the

development of specific relations and organizations is an necessary part of that analysis (Clement 1988:31).

The approach is historical, as it assumes that structures change but not along some predetermined path, as history is “not a force in its own right” and to study history is to study the “process (that) is the link between agency and structure” (Abrams 1982:3). At this level of analysis, the structures referred to are those inherent in capitalist production and social relations. It assumes that the society of today is not the society of the past and will not be the same society in the future (Engels 1959; Giddens 1971:21) and that class conflict is a key factor in societal change.

Class conflict and class struggle do not always result in clear victories or defeats. Both are processes and relations, not events, and it is necessary to examine the specifics at the levels of both social theory and collective bargaining at particular historical conjunctures. The difficult task for collective agents such as unions and those studying them is to analyse the variable weight of structure and agency at any given time and look at the relation between the two. The approach taken in this regard follows Bob Jessop’s strategic-relational analysis (Jessop 1982, 1985, 1990). While similar to Anthony Giddens’s (1982 1995, 1999) theory of structuration, Bob Jessop’s strategic-relational approach, which is influenced by the critical realism, places greater emphasis on collective agents and collective reflexivity making it more appropriate for my research (Hay 1995). It allows for a deeper investigation into the possibility of transformative change than Giddens’s concept of structuration, which sees the link between structure and agency as a process by which classes and class relations become stable (Urry 1990:182).

Jessop’s focus is the state, but his strategic-relational approach is also applicable to the study of counter-hegemonic agents like labour unions and other social movements

(Jessop 1982: 241-247). A strategic-relational approach to the structure agency problematic examines how agents develop the capacity for strategic learning (Hay 1995; 198-201). It looks at structure as being understandable through analysis and action (Jessop 1985, 1990). The knowledge gained can then inform further action. It becomes strategy when it is intentionally oriented to a specific task (Hay 1994:190). A strategic-relational approach is especially appropriate to the study of labour unions and class formation as it is reflexive in the sense of creating group knowledge through an analysis of the effects of agency on structure.

Class Structure and Class Formation

The assumption behind this research is that while there often appears to be an absence of class conflict and class politics in modern capitalist societies. They are indeed present, however obscured they may be (Brodie and Jenson 1988). Class describes concrete social relationships as well as theoretical categories. While it is a description of those who are the bearers of a structural position, it is also an evolving relationship between humans. It is not simply a classification based on workers' lack of control over the process and lack of ownership of the means of production. Economics has a key role in determining class position but there are also ideological and political influences (Poulantzas 1975:156). Class refers to real people creating their own organizations and institutions, including unions, to defend and promote their interests. It can involve unions going beyond the constraints of collective bargaining and fighting for broader social issues in the name of class solidarity. This agency is an essential aspect of class formation. The problematic of how the working class "in itself" (structure) becomes a class "for itself" (agency) is best expressed in Marx's own words.

Economic conditions had first transformed the mass of the people of the country into workers. The domination of capital had created for this class a common situation, common interests. The mass is thus already a class against capital, but not yet for itself. In the struggle, of which we have noted only a few phases, the mass becomes united and constituted itself as a class for itself. The interests it defends become class interests.

(KarlMarx *The Poverty of Philosophy*)

The debate on class agency among those who work in the Marxist tradition has two poles. At one pole is the belief that the structural position of workers in capitalist society leads to spontaneous class conflict and the inevitable overthrow of capitalism. At the other pole, it is asserted that the previous position involves an overly deterministic of class struggle and that the agency of a political party is necessary to move the spontaneous conflict into a political form (Przeworski 1977: 349). This may oversimplify the debate into two opposing positions, but it suffices for clarifying my standpoint, which does not rest at either extreme. Class may come into being with those occupying a space in the production process, but that space was formed through human agency interacting with economic and political structures. E.P. Thompson (1978, 1980) is a well-known representative of this approach. This approach facilitates an investigation of the agency of workers in their interaction with economic and political structures and within the working class. Making the concept of class formation more concrete and posing it is a strategic question serves the purpose of this thesis. How does the working class turn its structural power into organizational power through becoming a conscious agent in its own emancipation?

A detailed examination of the debate between those who see the working class as potential revolutionary agents (Woods 1982, 1986, 1999; Panitch 2004) and those who have given up on the working class playing that role (Laclau and Mouffe 2001; Gorz 1982) is not necessary for this thesis. I, however, do follow the thinking of the former rather than the latter for the following reasons. The latter have argued that the working class has not fulfilled their emancipatory role; and therefore, will not in the future. This tautology is relatively easy to dismiss. Their second argument is that the changes in the capitalist society have meant that class is no longer an important area of study for social theorists. This requires more thoughtful rebuttal, as it questions the basis for much of socialist politics. In *Farewell to the Working Class*, Andre Gorz asserts that the “loss of the ability to identify with one’s work is tantamount to the disappearance of any sense of belonging to a class” (1982: 278). Laclau and Mouffe, in *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, argue that even attempts to identify the working class have no relevance, as there are too many diverse and contradictory positions among workers (2001: 84). Workers, however, can identify with the alienation and boredom shared with others without identifying with the work itself. Furthermore, diversity and contradiction are challenges rather than obstacles for working class analysis and class formation. Solidarity through diversity is an important element of class formation (Warskett 1992).

When Marx and Engels wrote the *Communist Manifesto* in the mid nineteenth century, they assumed that the development of capitalism would continue to create large industrial enterprises where socialized production was directly visible. They were writing a call to action for a proletariat that was building in size and political momentum. They underestimated, however, the power of capitalist structures to contain collectivism and

class struggle. They did not foresee the Keynesian welfare state and the Fordist compromise that have had the effect of obscuring class conflict. Class politics still exists as long as there are capitalist relations of production. Class relations, conflict and struggle, however, need to be examined within the current historical context.

The “New” Working Class

Ursula Huws’ *The Making of a Cybertariat: Virtual Work in a Real World* (2003) offers a broad view of class and expands on Braverman’s groundbreaking *Labor and Monopoly Capital* (1974). Both argue for expanding the scope of Marx’s nineteenth century view of the working class. Marx had predicted that society would eventually divide into two main classes, working class and capitalist, but he characterized the working class as industrial workers in the manufacturing sector who were predominately male. The modern working class includes much more than the male industrial proletariat.

Many of the old classification and stratification models that separated clerical workers and other “non-productive” workers from the working class are outmoded. New divisions of labour, privatization, an ever-increasing service sector, the proletarianization and degradation of knowledge work, and the increased level of women’s participation in the work force have necessitated expanded theoretical and political views of the working class. This is especially true in the public sector. In the past, white collar clerical workers did not see themselves as part of the working class, and many in the labour union movement agreed with them. (Jenson and Brodie 1988: 229), but is changing. There are close to three million public sector workers in Canada, which is approximately 18% of the total workforce (Statistics Canada 2005), and the unions representing those workers play an active role in the Canadian labour movement. Some teachers and nurses’

professional associations have transformed themselves into labour unions, and many have affiliated with the Canadian Labour Congress making common cause with other workers.

The public sector, however, also includes a multitude of blue collar and technical workers as well as clerical and professional employees, and social divisions of labour still divide the working class by gender, ethnicity, age, location of work, and sector, including within the public sector. Social connectedness is not the same as it was during the early formation of the working class in Europe where workers were predominately white and male and ever increasingly at work in large industrial operations. This means that all workers do not automatically see their interests as class interests or even if they do, they do not agree on what those interests are. As Leo Panitch points out, “The notion of solidarity would never have made any sense if the working class were homogenous to begin with.” (Panitch 2001:371)

The various identities of individuals and groups are an integral part of working class life and the need to acknowledge those identities and their struggle for recognition is necessary for class solidarity. Class is a valuable explanatory concept for the study of organizations whose *raison d’etre* is to represent workers’ interests as workers define them, although it is not the only one. Gender and race intersect with class and are political economic struggles in their own right (Vosko 2002 b: 65). Hierarchies in workplaces and unions are often structured by gendered and racialized practices. One of the problems I have faced in my research is how to analyse different forms of oppression and exploitation without reducing one to the other. Since entering academic studies after thirty years as a union activist, I have attempted to move beyond an instrumentalist approach to fighting oppression through class solidarity and building class solidarity through fighting oppression. I have recognized that it is beyond the reach of this thesis to

investigate thoroughly the intersections of class, gender and race. Therefore, I have decided to focus on class analysis, but with the understanding that the real world of class struggle and working class organizations is comprised of many “unruly categories”, where remedies may not behave and stay within analytical boundaries (Young 1997). If class analysis is undertaken in gender or race-neutral ways, however, it will be inadequate (Holmstrom 2002), and it is necessary to comprehend the differences within the working class without losing sight of the similarities (Warskett 1990). This is crucial to an understanding of unions and their members, especially when dealing with workers in precarious employment relationships where women and racialized minorities are overrepresented. There have been and continue to be struggles within unions about issues of racism and sexism and whether these issues should be subsumed by class issues.

As Adam Przeworski (1977) stated, “...class struggle is a struggle about class before it is a struggle among classes,” and a class only truly becomes a class when it is engaged in class struggle (Marx 1963: 173; Jessop 1985:15). Its methods of struggle and organization, and even composition, are determined by not only the economic and political structures such as employment relationships and the liberal pluralist political party system, but also by its own agency and struggles. The process of transforming its structural power into organizational power is not a smooth path of stages towards some idealized notion of class unity and power, but rather takes place within the contradictions and constraints of political and economic structures. These structures include labour unions, which have to defend workers’ immediate interests at the point of production and in the labour market while serving as vehicles for workers’ broader interests. The working class is constantly being reconstituted and reconstituting itself through the dialectical relationship of structure and agency. By seeing class formation as a process, it

is possible to transcend the false dichotomy between reformist and revolutionary struggles.

Labour Unions in Capitalist Society

Unions are not the only working class organizations, but they are the ones where workers have organized around the social relations of production. Some argue that unions either have outlived their usefulness or should only concern themselves with wages and working conditions. Among those who reject that view, there is a wide variety of opinions. These include conceiving unions as agents of radical social and economic change, as one movement among many, as potential representatives of working class interests, as institutions for workers to better themselves materially and socially, or as vehicles only for collective bargaining and protecting legal rights. Labour unions are all these things. However, there is a long tradition within socialist theory that argues that workers organized in unions cannot and will not move towards transformative change. Kautsky argued that a revolutionary party led by intellectuals was necessary. (Przeworski1977:352). Lenin expanded on this position by arguing that working class organizations, like unions, would always limit themselves to purely economic demands and would never come to a socialist conclusion without intellectuals in a vanguard party inculcating workers with socialist ideology (ibid. 349). One must place Kautsky's *Class Struggle* and Lenin's *What Is To Be Done?* written in 1891 and 1906 respectively, in an historic materialist context. The basis for their analysis was the working class and its organizations as existed in Germany and Russia at the turn of the last century. In this era, the working class had little access to education and was struggling to deal with excesses of early capitalism. Unions developed as defensive organizations and appeared to be

unable to see beyond the immediate situation workers were facing. This view of labour unions was expanded on by Gramsci (1977) who recognized the necessary role of unions, but argued that as their basis was the exchange relationship in capitalism, this limited their revolutionary potential. As unions represented workers as sellers of labour power as opposed to producers of wealth, they would always be limited to reformism (Gramsci 1977: 110). Gramsci saw a dialectical link between unions, however, which provided the necessary discipline for the struggle of the workers, and factory councils, which confront the authority of the employers (ibid: 116-117). Today's unions often play both roles.

Leo Panitch, writing 50 years later, when capitalism and the ruling class had established its hegemony in ways that Gramsci had predicted, recognized the importance of unions in achieving for workers the best deal for their labour power, but also questioned their ability to move beyond that role (1986:199). This is a very similar approach to Gramsci's. Both accept that unions play an important role in social change, but as unions consent to the capitalist exchange relationship, they can never be more than reformist. Both are working within a tradition that assumes a revolutionary party is necessary to instil revolutionary consciousness in the working class.

Their main argument is that labour unions cannot be revolutionary agents due to their role in the relationship of the exchange process and their consent to that role. Yet, as this consent is based on the coercion inherent in the production process (Hoffman 1984), working class organizations involved in this relationship could go beyond the limitations of this process through an understanding of its structure and acting on that knowledge in a strategic way, recognizing both the constraints and the opportunities inherent within the relationship. Coercion can be understood by those being coerced, even when there is the illusion of consent. It would be a fallacy to suppose that being

directly involved in a process or structure would not allow critical reflection of what underlies that process or structure. If not, why would other organizations, movements, individuals be they factory councils, rank and file movements, political parties or political theorists be able to transcend the capitalist social relations and class positions that they are involved in or occupy? To argue otherwise, is to privilege politics, revolutionary will and political theory over organic working class organizations involved in struggles at the heart of capitalist social relations.

Labour union struggles are political and putting too much emphasis on unions' economistic side is to fall into a false separation of economics and politics. Rosa Luxemburg, one of the leading revolutionaries of the late nineteenth and early twentieth centuries, argued that labour union struggles were important for their role in organizing workers as a class (Przeworski 1977:352). This does not mean that union struggles are automatically revolutionary. Unions can be reformist or make pragmatic compromises, depending on one's point of view, but they are still the only mass organizations organized on a class basis whose primary role is to defend and promote workers' interests defined by workers in opposition to the state and capital. They live the contradictions of "capitalism under pressure" and confront capital on a regular basis over the rate of exploitation and subordination of labour by the production process making them critical sites for class formation, class agency and social change (Wood 1982:70).

In addition, the very fact that unions are reflections of capitalist authority relations can make their members better placed to grasp the contradictions inherent in those relations. This is especially true at a historical conjuncture when traditional labour union approaches no longer are effective under a neoliberal political and economic regime. The state no longer relies on the consent of unions, especially in the public sector, in

collective bargaining, and has steadily moved to a more coercive approach (Panitch and Swartz 2003). Whether this sparks labour unions to move beyond a reformist role is as indeterminate as whether capitalism will collapse and socialism will rise from the ashes.

Another of Gramsci's contributions to socialist thought has been the need for the working class to make alliances in order to create a counter-hegemonic bloc large enough and powerful enough to challenge the hegemony of the dominant class (Gramsci 1971). Nevertheless, the working class must see itself as a class and act as one in order to make such alliances. The changes taking place within its key organizational form, labour unions, have the potential of moving it towards a consciously class position. These include recognition of the heterogeneous composition of the working class; an emphasis on organizing the unorganized, including those in precarious non-standard employment relationships and the ever-expanding service sector; coalitions with other social movements; increased militancy through membership mobilization and greater internal democracy (Moody 1997; Jackson, Kumar, Murray, Schenk, and Yates 2004; Kumar and Schenk 2006). This will be expanded on in the next chapter. For there to be class politics, there must be class organizations (Jenson and Brodie 1988:11) and labour union struggles are necessary for class organization (Przeworski 1985:352). How labour unions can move beyond reformism to overt class based politics is both a conceptual and pragmatic problem that needs to be worked through while debates continue about what political formation is necessary for transformative change. The next section will discuss the context in which public sector unions operate with this in mind.

Public Sector Unions and the State

There are several neo-Marxist formulations of the state. In the 1970s, the debate among left scholars was whether the state was instrumentalist or relatively autonomous, positions represented by Ralph Miliband (1969) and Nicos Poulantzas (1968). Their thoughts can be characterized as the former viewing the state as an instrument of capital in its domination of society and the latter viewing the state as requiring a “relative” autonomy in order to maintain the social cohesion necessary for the domination of capitalist social relations (Barrow 2002). For the purposes of this thesis, it is not necessary to resolve this issue and it has been argued by Leo Panitch that the positions are not necessarily incompatible (1995:13). He lists the main roles of the capitalist state as legitimation, coercions and accumulation (Panitch 1977). Which role has prominence is a question of capitalist and working class agency and relative class strength as is whether the state acts in an instrumental or relative autonomous fashion. The state is ultimately a social relation and as such, agency plays a major role in how it acts (Jessop 1990:256).

During the first half of the twentieth century in Canada, unions became legitimate, but to do so they had to be seen as responsible, both economically in their acceptance of private property and politically by only using strike action for economic purposes (Fudge and Tucker 2001:305). This established the right to collective bargaining, but forced unions to limit the range of demands to wages and working conditions. Their role as political actors was de-legitimized. This does not mean, however, that unions stopped being political. They have worked in coalitions with other groups and supported political parties. In addition, too much of an emphasis on the structures of legislated collective bargaining does not always explain outcome (Fudge and Tucker 2001: 5-6). Workers and their unions struggled to shape that structure partly through using “the political logic (of

the liberal state) to limit their commodification, pressing their democratic demands as citizens”(ibid). These struggles were part of the dynamic that resulted in the structures, and therefore, workers have the potential to alter those structures. Finally, public sector negotiations always have political undercurrents and implications despite bargaining structures that are designed to de-legitimize the unions’ political roles.

The Canadian state provides direction and support to private sector employers through its approach to negotiations with public sector workers. When it imposes wage freezes on public sector workers as it did in the 1980s and early 1990s, it not only reduces its labour costs, but it sends a chill over negotiations in the private sector. The same purposes are served when the state uses legislation to end strikes. It has increasingly moved in this direction as found by Panitch and Swartz (2003). These measures can serve to highlight the contradictions between the state’s roles of legitimation and coercion, at least in the eyes of public sector workers. Nicos Poulantzas (1975: 25) theorized that labour unions are part of the state. In a functional sense of being an element of the structure that sets compensation levels and provides for an orderly resolution of workplace disputes, he is correct. Public sector unions, however, are often in direct confrontation with the state. While there have been moves to integrate public sector unions into the Canadian state through tri-partism in the 1970s and other corporatist approaches, they have not had a long term effect. Even when they have been established, they tend to be unstable, as there are recurring struggles in liberal democracies about whether they are agents of the state or autonomous working class organizations (Panitch 1981:192).

As a result, in negotiations with public sector workers, the state has had to become very strategic and its coercive and accumulation roles often take the main stage. Rianne

Mahon's concept of unequal representation (1977), which analysed the power of the various components of the state and what class and/or class fraction they represent helps clarify one of the specific aspects of the state during public sector labour negotiations.

In public sector collective bargaining, Treasury Boards and other funding bodies are often referred to as the "invisible negotiator" or the "ghost at the table," as these bodies determine the scope of negotiations whether the negotiations are with workers employed directly by governments or by agencies funded by governments. Treasury Boards are extremely powerful branches of the state, due to their responsibility for public sector negotiations and their role in funding other state bodies. They tend to act both at the behest and on the behalf of other elements of the state and capital at the same time hence their increasingly coercive approach towards public sector unions (Panitch and Swartz 2003).

If the liberal state is becoming less a site for mediation of class interests, but ever increasingly a vehicle for imposition of the market imperative as argued by Judy Fudge and Eric Tucker (2001: 314-315), the strategic knowledge of that role of the state is also an increasing imperative for working class organizations. This is especially true for public workers who confront the state as an employer with considerable capacity for agency in relation to structure. It is through that strategic knowledge that unions can take advantage of possible opportunities in addition to being limited by the constraints of state power.

Methodology and Agency

Gibson and Graham ask, “Where is my lived project of socialist construction?” (1996: 251.) They contend that much of Marxist theory, which often focuses on the economic structure as an overwhelmingly powerful beast, can marginalize projects of class formation and sets up a false dichotomy between reform and revolution. The failure to develop knowledge of the opportunities and not just the constraints of current structures can create hopelessness about transformative change. This often results in either adventurism, which sees strategy and consequences as superfluous or conservative business unionism, which cannot imagine radical change.

A strategic-relational approach contains the possibility of hope as well as being methodologically appropriate for the research project.

In my graduate methodology class, one of the questions always asked of those presenting their research proposals was, “what is the point of your research?” In a socially engaged discipline like political economy, this is an important starting point. The creation of knowledge of structure, by looking at the constraints and opportunities for agency within a relational context, is a conceptual and pragmatic approach to both how research is conducted and how it is used. It involves looking within the problematic without presupposing the final answer, as it assumes that structure and agency are interdependent and have a dialectical relationship.

The following chapters explore both quantitative and qualitative aspects in a sequence that connects the data to the initial research questions, and ultimately to its conclusions. The quantitative aspect involves an analysis of public sector employment and collective agreements and ancillary documents relating to extended health benefits. The qualitative aspect is based mainly on interviews with public sector union

representatives and union documents. It is not action research, as the organizations that comprised the subject, public sector unions, did not determine the theoretical research question or finalize the analysis. The open-ended interviews with union researchers and representatives⁶ were, however, an effort to encourage and access collective reflection, which is a component of both action research (Carr and Kemmis 1986: 162) and a strategic-relational approach (Hay 1995). The interviews were scheduled for half an hour to enable those who agreed to be interviewed to fit their participation into their already busy schedules. They were asked to comment on their union's approach to the issue, what constraints and opportunities they saw, what strategies have been effective, and what other strategies should be considered. Some of the participants only provided brief answers to the questions and directed me to union and employer documents. Many spoke at length; however, and several provided more details after the initial interviews.⁷ The information and thoughtful reflection by those interviewed were invaluable in understanding the issues. Unions are grappling with the pragmatic problems of precarious employment and the financial and social costs to their members and other workers, and it is hoped that this research will assist in the development of union strategy and action.

This created some ethical research issues.⁸ It was expected that most union researchers and elected representatives would discuss freely and openly the topics involved, but there could be aspects of strategy that they did not wish divulged to either employers or other unions. In addition, some union representatives might not wish to be identified, as it could create difficulties for them if their views are not the same as their

⁶ See Appendices A, B and C.

⁷ See Appendix C

⁸ See Appendix A

organizations. As a former elected union representative, I was sensitive to these possible concerns, which highlighted another ethical issue as well as a methodological decision. My interest in this research question came from a desire to explore the theoretical concepts of structure and agency and to further knowledge within a movement that I had worked within for 30 years. My own views on negotiating benefits for part-time workers are influenced by the approach that my union, the Canadian Union of Postal Workers, has taken in regards to benefits for part-time workers. Therefore, I adopted a critically reflexive approach in the analysis of interviews and documents in order to identify and account for my own voice within the evidence (Mauthner and Doucet 2003), while recognizing that it was as valid as others were for research purposes (Seale 1999: 160).⁹ In the end, only a very few of those interviewed requested anonymity, and most urged me to discuss their views with other interviewees although they did not wish to be personally identified in some cases

In many ways, this thesis became about methodology, as it is concerned with how strategic knowledge is created by working class organizations for collective bargaining and social transformation.

⁹ In addition, my involvement in the union movement provided me with access to individuals and knowledge of the issue that facilitated an investigation not always possible for an “external” researcher.

Chapter Three—The Neoliberal Political Economy and Labour Unions' Response

This chapter provides the background for the analysis of the quantitative and qualitative data that follows and is an integral part of developing the argument that the contradictions between collective bargaining and transformative social change can be partly resolved through the use of strategic knowledge of structure gained through analysis and action. An understanding of the underlying political economic reasons for the increase in the cost of benefits and the reduction in public health services is necessary to develop strategy.

Neoliberalism and the Public Sector

Neoliberalism is both an ideology and a description of the current form of capitalist economy. As an ideology, neoliberalism stands for an elimination of restrictions on wealth accumulation and deregulation of capital, an aversion to wealth redistribution and a reduced role of government. As is the case in all advanced capitalist economies, it is typified by a concentration of wealth, and complex international chains of production, but with a greater reliance on the self-regulation by market forces. Both aspects of neoliberalism have had specific effects on the Canadian public sector and public sector workers.

De-regulation and the failure to use regulation to limit excess profits has increased the cost of health care and limited the ability of those without extended health plans to receive proper medical care. The weak regulation of the pharmaceutical industry has resulted in dramatic increases in the cost of prescription drugs (Canadian Institute for

Health Information 2004) and many Canadians are not purchasing medications prescribed by their physicians due to the cost (Canadian Drug Manufacturers Association 2000).

In addition, federal and provincial governments have accepted the neoliberal argument that deficit and tax reduction are priorities. This limits current and future spending on government services despite a surplus in federal government resources. All of these developments have put constraints on the ability of public sector unions to make gains for workers especially those in precarious employment relationships

Public sector workers have some protection from the trend under neoliberalism of shifting jobs to countries with lower labour cost, as, in most cases, the work needs to be conducted within Canada. Nevertheless, trade agreements have limited the ability of the Canadian state to operate enterprises where wealth could be channeled into social good and subject to public debate. This creates uncertainty for workers in the public sector and limits the possibilities of expansion. The last rounds of talks surrounding the General Agreement on Trades and Tariffs placed restrictions on the government's ability to enact legislation that would restrict foreign ownership or limit competition in areas that previous governments have deemed as in the public good (Grieshaber-Otto and Sinclair 2004).

Finally, neoliberal governments in Canada have made privatization of public institutions and services a priority and have introduced private sector principles of competition and wealth generation into labour processes. The public debate over how health care should be provided and funded reaches beyond the threat to the principle of universal public health insurance. In the health care sector, there is privatization by stealth through the contracting out of services such as cleaning and maintenance at many hospitals. Governments are also entering into partnerships to have hospitals built and

then operated by the private sector. These strategies transfer wealth to the private sector and increase the precariousness of workers in the health care sector. Private sector workers are less to have extended health benefits (Marshall 2003) and due to the increased precariousness and resulting stress, the health of workers forced into the private sector has been impinged on (Stinson, Pollack, and Cohen 2005).

What neoliberals have promoted as inevitable was the “product of political choice and agency,” which included governments and private sector employers adopting a strategy of confrontation with unions as opposed to co-option (Panitch, Leys, Zuege and Konings, 2004: 2-4). They have also made decisions that altered labour markets and changed the nature of employment (Veltneer and Sacouman 1998).

Labour Markets in a Neoliberal Society

Neo-classical political economy considered markets, including the labour market, to be governed by an “invisible hand’ that sets wages through the laws of supply and demand (Dobb 1973:43). This approach to labour markets is one of the ideological underpinnings of neoliberalism, whose proponents want to remove any restrictions on the “freedom” of the market, unless they maximize profit. It fails to take into account that this freedom is constrained by workers’ limited access to resources that is inherent in the structure of capitalist class relations. Capitalists own resources, the means of production, while workers only own their labour power, and while they are technically free to sell it to who they wish; they must sell it or starve. Their relationship as buyer and seller is preconditioned by their relationship as capitalist and worker (Marx 1976:1015), and wages are determined by the class conflict inherent in capitalism as opposed to free relations of individuals (Miliband 1977:17). The labour market is not composed of

individuals, but of groups whose freedom has both constraints and opportunities placed on it depending on the relative balance of class power and their class, gender and race.

It was not just Marx and those working in the Marxist tradition that have been critical of the neo-classical approach to the labour market. John Maynard Keynes also noted that neo-classical economics was weak in labour-market theory because of its failure to recognize the role of the structures of late capitalism (Seccareccia 1991: 44). While there still are some who adopt the neoclassical model, many economists have accepted that it is not just market forces that affect wages. There are also structural elements and complex intersections of industry and social relations. The views of those who look at the structural and relational aspects of labour market analysis range from reformist to radical, but what they have in common is an understanding that social relationships, which are multi-dimensional and intersect, are necessary to understanding labour markets and wages (Piore 1983; Gimble 1991).

Dual labour market theory focuses on the demand side and divides employers into primary and secondary markets. Firms employing high technology form the primary market, while labour intensive firms typify the latter. The supply side is divided into middle class, working class and lower class (Piore 1983; Gimble 1991). Theories about internal labour markets have also been developed to explain how in certain industries and sectors of the labor market, job allocation and pricing are governed by institutional rules and costs, which were only tenuously linked to rational behavior or to competitive market force: (Piore 1983:251). The federal civil service is an example of an internal labour market. The hospital sector in a region is another. Analysis that is more recent also divides the supply or labour side into standard and non-standard categories or non-contingent and contingent workforces (Krahn 1995; Polivka 1996).

The value of these approaches is that they look at the stratification of labour markets “as the people in these communities experienced them...” (Piore 1983: 250). The very “notion of labour market stratification emerged through ‘participant’ observation” (Piore *ibid*). This meant a focus on the problems as workers saw them, which for an analysis of collective agency is an important tool. There are limitations, however, to these formulations. One is that there is little weight given to class conflict (Fine 1998:124). More radical labour market economists, such as Gordon, Edwards and Reich (1982) have looked at social groups and their relations as opposed to individuals. In addition to their labour, workers bring their collective experience and sense of value into the labour market, which is often more important in the setting of wages than supply and demand (Seccareccia 1991: 45). Moreover, it is not only workers who have agency. The changing nature of employment and the shift to precarious work must be understood as strategic decisions on the part of employers, and the state as well as structural determinates (Veltneer and Sacouman 1998). This is the reality of neoliberalism, despite its trumpeting of free markets.

Precarious Employment and Neoliberalism

During the 1980s and 1990s, there was a shift towards increased part-time and temporary employment, including in the public sector.

Growth in this type of employment relationship has since leveled out, but the percentage of workers in full-time permanent employment relationships is smaller than it was 20 years ago (Ilcan et al. 2003; Langlois 2003; Vosko et al. 2003; Zeytinoglu and Cook 2004, 2005; Cross 2006).

Jobs that are not full-time or permanent have been categorized and defined in several different ways. They have been described as non-standard in Canadian research (Krahn 1995), while contingent was the term widely used in the United States (Polivka 1996). The most recent approach, and the one used here, is to consider employment relationships that include temporary full-time and part-time work and permanent part-time work as precarious. Precariousness recognizes the past division of standard and non-standard as no longer applicable, given the ubiquitous nature of what was once termed non-standard, while emphasizing the experience of workers who are in this type of employment relationship. All these workers experience precariousness, but there are differences in the levels of precariousness (Fudge 1997; Cranford et al. 2003a and c; Vosko 2000, 2006). For example, lack of benefit coverage is an indicator of precariousness (Cranford and Vosko 2006) and permanent part-time workers usually have lower benefits than permanent full time but have higher benefits than temporary workers (Zeytinoglu and Cook 2004, 2005).

From the standpoint of class formation and agency, looking at these employment relationships as precarious as opposed to being non-standard reflects an understanding that workers in these relationships are an integral part of the working class and the labour market.

Union Responses to Neoliberalism

As capitalist structures constantly reconfigure the working class, it has also been reconfiguring its own organizations, as “structure is the beginning, not the end of class formation”. (Wood 1982: 49) With the economic crises of the 1970s and 1980 and the shift from Keynesianism to neoliberalism, unions in Canada have faced many

difficulties—declining union density in many sectors, restrictions on labour union freedom, and internal stagnation. Globalization, deregulation, privatization, public sector cutbacks and casualization of employment all played a part in the decline in union density (Jackson 2004 c). The restrictions have come from a state that moved from “consent to coercion “(Panitch and Swartz 2003), and stagnation has come from the legacy of cooperation with capital in the post war years (McInnis 2002).

In some cases, these structural changes and the agency of union activists is resulting in what is being described as union renewal. The main characteristics of this renewal have been a move towards recognition of the heterogeneous composition of the working class; an emphasis on organizing the unorganized, including those in precarious non-standard employment relationships and the ever-expanding service sector; coalitions with other social movements; increased militancy through membership mobilization and greater internal democracy (Moody 1997; Jackson, Kumar, Murray, Schenk, and Yates 2004; Kumar and Schenk 2006).

As previously mentioned, some view unions as being constrained by structural forces without the capacity to challenge the basis of capitalist social relations due to their role in the exchange process (Gramsci 1977; Panitch 1986). The point taken in this thesis is that they also have traditions and structures that can create opportunities (Hyman 2002).

For example, public sector workers have traditions of service to the public making them well placed to engage and enter into coalitions with other members of the working class and other citizens around the role of the state in providing social services. In addition, since the 1970s, debates and struggles within the union movement around issues of recognition dealing with gender, race and sexual diversity have been prominent. These

struggles have increased the level of activism among members of equity seeking groups creating greater democratization of union structure. In the public sector, where there are a large numbers of women workers, the presidents of the three largest Canadian public sector unions are women.¹⁰ Furthermore, the proliferation of women's caucuses in the 1980s and 1990s have developed into formal committees in most public sector unions and are forcing changes in union policy and practices. Despite these changes, women are still underrepresented in union leadership. There has been even less progress made in the recognition of racialized workers and sexual diversity within the unions. The struggles within unions over how different groups of workers are represented have created space for recognition struggles, which has the potential for broader class solidarity while still recognizing differences (Warskett 1992). Nevertheless, several of those interviewed expressed concern that there has been a backlash, which may mean that past gains could be rolled back and future progress could be stalled.

Much of the discussion on the recent changes in approach has taken place within the context of how to bring more workers into the union movement. Low density means less financial resources for unions, decreased ability to protect wages and benefits from low-wage competition, and weakened political power (Jackson, Kumar, Murray, Yates, Schenk 2004; Chaison and Rose 2001). Even in the public sector, where density has been stable, the unions have moved into areas that are on the periphery of the public sector such as contracted out enterprises and ancillary services like security and call centres. Some of this has been in response to contracting out and down-loading of public services, but it has also been a strategic choice for unions representing direct government

¹⁰ This was the case at the start of this research. Currently, only one of these unions has a woman president and some have expressed concern that there has been a backlash to the prioritization of women's issues in the unions.

employees to move beyond their traditional membership base both because governments have reduced size and because they have adopted a wider view of the public sector.

The main purpose of organizing, however, is so that workers can bargain collectively. There are large numbers of public sector workers already represented by unions who do not have the same rights and benefits as others. As public sector unions expand their base into areas beyond their traditional ones, there will be even more members of these unions who have less benefits than others and work in a wider variety of occupations and industries. Collective bargaining in the public sector will have to change to meet these challenges.

Andrew Jackson (2004: 126) wants to “expand the range of collective bargaining for both pragmatic and ideological reasons”. Kim Moody (1999: 278) sees the task as harmonizing the demands of the union with the demands of the broader needs of the class. Gary Chaison and Joseph Rose (2001), however, argue that there is little likelihood of merging collective bargaining and political action given the split between politics and collective bargaining inherent in the current collective bargaining regime. Sam Gindin and Jim Stanford (2003: 425), while not discounting the potential to link collective bargaining and broader social issues, argue that although social unionism is often measured as the union movement’s ability to form an alliance with other social movements, there are significant differences among unions and “no class unity in the face of globalization.” In order to make class alliances, however, it is necessary for a working class that is conscious of it, and as previously stated, class struggle involves a struggle within the working class. It is equally important to find out what is the basis of unity as it is to determine what differences exist. Solidarity is a dialectical relationship between the two.

While socialist labour unionists are involved in the social unionism project, social unionism is not necessarily the same as socialist unionism. Social unionism's goal is to make the unions a more effective force within capitalism, not necessarily an anti-capitalist force. Nevertheless, there are specific aspects of public sector unionism that provide opportunities for the development of an anti-capitalist approach.

Public Sector Unionism

The potential for public sector unions to move beyond the constraints of the current collective bargaining regime depends on them acting on the specific ways in which they are different from private sector unions.

An important difference is that public sector unions have not had the same reduction in density as unions in the private sector. Union density in the private sector has declined from 29% to 19% and only 13% of part-time workers in the private sector are organized. For twenty-five years, unions have been able to maintain an overall density in the public sector of 75% and 69% density for part time workers (Jackson 2004 c). Another difference is the greater numbers of women in the public sector workforce and the unions have meant that these organizations have been forced to deal with issues of precariousness and gender equality as priorities. In addition, there are fewer unions involved than in the private sector, so there is the potential for less competition among them as they seek to expand, although their private sector counterparts, most notably the Canadian Auto Workers (CAW) have moved into the public sector and government restructuring has forced unions in competition with each other.¹¹ They are large unions

¹¹ Health sector restructuring in Ontario has placed workers who belong to several unions into single bargaining units. Another example is where the Canadian Labour Relations

and as such have considerable influence in labour movement policy and common interests in defending the public sector, as opposed to private sector unions representing workers in competing firms.

The neoliberal restructuring of the state also raises issues that directly affect public sector workers. It has meant trying to impose private sector norms of competition and in some cases, like Canada Post, a profit motive. This is a serious constraint; however, the traditions of the public sector contain motives based on societal needs and equality, which provide opportunities. Public sector negotiations are always politically charged and their success from a union point of view is often dependent on gaining public support through identifying their own struggle with those of the public. In addition, through negotiations they can direct public policy by negotiating issues of workload in the education and health sectors, service expansion at crown corporations like Canada Post, and improving service at government agencies.

Each labour union, including those in the public sector, exists to protect and advance its members' interests, not necessarily to carry on the struggle for fundamental social change. As mentioned above, their goal, including the ones involved in the social unionism project is to make their unions a more effective force within capitalism, not necessarily an anti-capitalist force. Nevertheless, social unionism can create a more explicitly class struggle form of unionism and public sector collective bargaining can play a role in that development. It is not a question of making a moral choice or of rational self-interest (Robinson 1993). It is a matter of understanding that gains in

Board amalgamated the bargaining units at Canada Post in 1989 sparking an inter-union battle for membership.

collective bargaining are limited by the constraints of structure and then making strategic decisions that have the potential to expand those limits.

Chapter Four—Public Sector Employment and Extended Health Benefit Coverage

As mentioned in the introduction, the state is a site of class struggle and conflict (Mahon 1977; Jessop 1982, 1990) giving public sector labour negotiations an overt political character. Strikes and settlements attract the public's attention, and the media often highlights the wages and benefits that public sector workers have in relation to the rest of the population. In addition, health care is an important and high profile issue in the eyes of the Canadian public. The goals of providing health benefits for more public sector workers and expanding public health care in general could appear to be in conflict. Therefore, prior to discussing strategies for either, it is necessary to examine the empirical evidence around both public sector employment and health benefits and the Canadian health care system.

Public Sector Employment

In 2004, public sector employment reached its highest mark since 1994 at close to three million workers or approximately 18% of the total workforce (Statistics Canada 2005). The public sector includes those working in public administration at the federal, provincial and municipal levels, Crown corporations, liquor control boards and government institutions such as schools, hospitals and public libraries. The data in this section is based on Canada Labour Force Surveys (LFS) of Statistics Canada unless otherwise noted.¹

¹ "The LFS is a monthly household survey of a sample of individuals who are representative of the civilian, non-institutionalised population 15 years of age or older in Canada's ten provinces. Specifically excluded from the survey's coverage are residents of the Yukon, Northwest Territories and Nunavut, persons living on Indian Reserves, full-

Four sub-sectors within the broader public sector will be examined—Public Administration, Health Care, Education and Social Services. These sub-sectors combined account for 84.2% of public sector employment, and they include the major sub-sectors where CUPE represent workers. Public Administration is direct government employment and makes up just over one-quarter of all the public sector jobs. It can be further broken down to the Federal (10.7%) the Provincial (7.8%), and at the Local levels (8. %).¹³ Health Care and Social Services combined account for 27.2% of public sector employment and Education accounts for 29.8%.

Nearly 25% of public sector workers are in precarious employment relationships, mostly due to a 42.8 % increase in temporary work since in the past decade. Permanent part-time positions are the largest group of workers precarious employment relationships in the public sector at 10.7% of the total public sector workforce. There are large numbers of permanent part-time workers in all the sub-sectors mentioned, especially in Health Care. There has been a shift to temporary work in the federal and provincial governments; however, permanent part-time relationships have remained the largest category of precarious employment in those levels of government.

While some workers choose to work part time for a variety of reasons, increasingly workers are in part time employment because they cannot find full time

time members of the Canadian Armed Forces and inmates of institutions. These groups together represent an exclusion of approximately 2% of the population aged 15 or over. The sample size is approximately 50,000.” (Statistics Canada b. 2004: 16). My examination of the LFS was assisted largely by Joy Harrison’s unpublished research paper “Casualization of Public Sector Labour” prepared in 2006 for the Centre for Research on Work and Society, York University as part of the Restructuring Work and Labour in the New Economy project.

¹³ The Local level includes regional and municipal governments.

jobs¹⁴. Between 1976 and 1997, the number of part-time workers who worked part-time because they could not find a full-time job increased from 11% to 32% (Canadian Labour Market and Productivity Centre 1997). The number has remained high at just over 31% for 2004. According to the manner in which Statistics Canada gathers and records data, working part-time is a preference for 28.9 % of part-time workers in the public sector. However, workers are considered to prefer working part-time if they have not looked for work in over four weeks, which inflates the figures.

40.1% of part-time workers gave a variety of circumstances such as caring for children, family and personal responsibilities, attending school, and illness or disability as the reasons for working part-time. The gender and age composition of the part-time work force must be considered when looking at these circumstances. For example, part-time public sector employment is highly gendered, with women comprising 80.4% of the part-time positions and 16.6 % of those women saying that caring for children was the reason they worked part-time. Age is also a factor in public sector part-time work, with younger (15-24) workers holding 16.6% of part-time jobs. 70% of those younger workers gave school attendance as the reason for their preference for part-time work. Almost one-third of part-time public sector workers are in this group, or are 55 and older. Youth, women, elderly workers and racialized workers are overrepresented in part-time positions in both the public and private sectors (Das Gupta 1996, 2006; Zeytinoglu and Muteshi 2000); however, there is not the same data available on the numbers of racialized workers in the public sector as for the other categories.

¹⁴ In this chapter, part-time refers to temporary and permanent part-time, unless noted, as the LFS does not differentiate between the two.

In summary, the public sector is a major source of employment, and it employs significant amounts of part-time workers, who are mostly unionized. While the numbers of temporary workers both full and part time is rising, the proportion of permanent part-time workers is relatively stable with high proportions in all the main sub-sectors. Nearly one third of public sector part-time workers are in part-time positions because they cannot find full-time work.

Despite high levels of unionization compared to workers in similar situations in the private sector, this group of workers does not have the same access to extended health benefits as their full-time counterparts. They have to rely on personal finances to pay for health care not covered by the public health care system.

The Canadian Health Care System

The Canadian health care system is a publicly funded universal system for basic medical care and treatments, including hospitalization. It had its origins in Saskatchewan in the early 1960s where the provincial government instituted public hospital insurance, later followed by coverage for other medical care and treatments. It became Canada wide in 1967, but it is still administered by the provinces and the delivery system includes both public and private aspects. Each province has different coverage within the parameters of the Canada Health Act (1985), and some provinces have at times instituted premiums, although the majority of the funding comes from general tax revenue, including equalization payments to the provinces from the federal government. The public system, however, does not cover many expenses that may be necessary for an individual's health,

including prescription drugs¹⁵, some delivery devices for medications, some aspects of psychiatric care in many jurisdictions, semi-private hospital rooms, and ambulance transportation in emergencies.

Private health care insurance predates both public health insurance and capitalism. Originally, trade guilds organized mutual aid societies, so people could pool their money to share the risks of incurring medical costs (Chan 2004:143). These historical arrangements and modern insurance plans are based on the assumption that the risk is shared and the risk is spread forward in time (Longhurst 2004). It was not until the 1920s that insurance deriving out of employer-worker relationships became widespread in some sectors of the economy (Chang 2004: 143). Inflation and high labour demand along with a stronger labour movement further expanded their implementation after the Second World War (Marshall 2003). They became part of the post-war compromise and Fordist system that provided workers with economic security. It was mostly reserved for those in what would be termed the primary sector in the dual labour market approach. Due to political pressure from the labour movement and other social movements, including the New Democratic Party, some aspects of health benefits became universal, although it has been alternatively argued that the ruling class and the state accepted them as a preventive measure to keep down unrest (Frankel 1977; Swartz 1977). Private insurance either purchased by individuals or available as a group plan through negotiations or other means remains an important part of the health care system, especially in relation to prescription drugs.

¹⁵ Quebec is an exception, as it has a prescription drug plan available to all residents.

Extended Health Benefit Coverage

Workers who are part-time, non-permanent, non-unionized, recent hires, and who work in the private sector or for small employers are less likely to have extended health benefits than those who are permanent, full-time, unionized, and who work for the public sector or for large employers (Social Development Canada 1998; Reesor and Lipsett 1998; Akyeampong 2002; Marshall 2003; Commission for Labor Cooperation 2004; Armstrong and Laxer 2006).

The discrepancy in extended health benefit coverage between public and private sector workers can be attributed to the differences in unionization rates and the prevalence of large employers, which results in relatively lower benefit costs per worker due to economies of scale, and not because the public sector is necessarily a more a generous employer, as is popularly thought (Akyeampong 1997; Social Development Canada 1998).

As this is a study of collective bargaining, union status as a determinate will be explored in more detail. Unionized workers in both the private and public sector are twice as likely to have extended health benefits as those who are non-unionized (Jackson 2004b). There is a large difference between union coverage in the public and private sector. In 2004, 75.1% of permanent part-time workers in the public sector workers had union coverage compared to only 19.0% of all private sector workers, including those working part-time (Jackson 2004c). As mentioned earlier, union density in the public sector is on the rise, as opposed to the private sector where it is on the decline.

Despite this higher union density, benefit coverage for permanent part-time workers still lags behind permanent full-time workers. Shifts in employment from full time permanent jobs in large public institutions, jobs where workers are more likely to

have benefits, to smaller, private organizations will continue to make it difficult to maintain or expand coverage benefits (Reesor and Lipsett 1998, Armstrong and Laxer 2006). The overrepresentation of women, youth, elderly workers and workers of colour in part-time employment means that lack of benefit coverage for part-time workers affects these groups disproportionately (Das Gupta 1996, 2006; Zeytinoglu and Muteshi 2000).

In addition, benefits plans are under attack by employers including governments and other public institutions, so public sector employment may lose some significance as a positive determinant of benefit coverage. Finally, the federal government has adopted the practice of following the private sector instead of being at the forefront of wage and benefit improvement, which may affect the policies of the other levels of government (Treasury Board 2003).

There have also been broader social changes that will increase both the cost of extended health benefits and the desire of workers to ensure that they have coverage, most notably the decrease in medicare coverage, an aging workforce, and increased drug use and costs

During the literature review, it was discovered that while there was a great deal of academic and union research about the nature of part-time work and about benefits,¹⁶ not much has been written specifically about benefit coverage for part-time workers in the public sector. Research has not kept up with the restructuring of employment relationships and benefits coverage in this sector, neither was the available data detailed enough to compare benefit coverage for part-time and temporary workers to that of full-time permanent workers

¹⁶ See Zeytinoglu and Cook 2005, Vosko 2006 (ed.) and CUPE at <http://www.cupe.ca/benefits> for recent overviews.

Initially, an attempt was made to obtain a detailed picture of the extent of benefit coverage and trends for different types of benefits plans (extended health care plans, drug benefits and pension plans) for a broad range of part-time workers (permanent part-time, casual, term, etc.) CUPE, who initiated this aspect of the research, had particular interest in knowing if benefit coverage for part-time workers was declining as costs of benefit plans rose. Sectoral, gender and racial differences were of interest in the analysis of data and trends. Union strategies to improve benefit coverage for part-timers were of particular interest to CUPE, including collective bargaining for union benefit plans and political strategies to improve publicly provided social programs. As the research progressed, this aspect became the most intriguing.

An initial assumption was that public sector employers were moving towards more part-time work as a way of reducing their overall labour costs since this growing group of workers had fewer benefits. The research showed a different trend. Permanent part-time work was not increasing and benefit coverage for these workers was rising albeit at low rates and not for small bargaining units. While benefit coverage had increased for this group of worker, it was still less than for permanent full-time workers. In addition, there is almost no data on the benefit coverage for temporary workers.¹⁷

¹⁷ Temporary workers do not appear to have extended health benefit coverage in most cases based on a review of the plans at the federal and provincial governments and discussion with union representatives and researchers.

Methodology and Data Collection

Two main sources for data were used: CUPE's Collective Agreement Information System (CUPE/CAIS) database and Human Resources and Skills Development Canada Workplace Information Directorate (HRSDC) database. There are other sources of information such as the Survey of Work Arrangements, Census, and Workplace and Worker Data available from Statistics Canada, but as the focus was on workers with collective agreements, CUPE/CAIS and HRSDC sources were deemed the most relevant. CUPE is the largest public sector union, and CUPE/CAIS is the latest version of its database that codes provisions in approximately 3,700 collective agreements (CUPE 2004c). HRSDC has tracked a sample of all collective agreements over 100 since 1999. Prior to that, only collective agreements covering over 500 workers were sampled. HRSDC gathers information on collective agreements through voluntary arrangements with unions and employers for just over 500 agreements for its database (Roy 2000). Research staff responsible for CUPE/CAIS and HRSDC's collective agreement databases and the Workplace Information Directorate were consulted extensively about the data that was available and helped me sift through the wealth of information to find what was available, as this type of study had not been done before.¹⁸ In addition, researchers from other public sector unions provided specific information about the collective agreements and benefit plans those unions have negotiated or directed me to where I could find the information.¹⁹

¹⁸ Brian Edgecombe, Senior Collective Agreement Analyst with Canadian Union of Public Employees, and Sandy Bergeron, Industrial Relations Information Consultant with the Labour Program-Workplace Information Directorate HRSDC.

¹⁹ See Appendices C and D.

It was possible to look at general trends in collective agreements of benefits coverage, but it was difficult to determine the specifics of the coverage for permanent part-time workers or compare it to the coverage received by permanent full-time workers other than in specific cases of some large bargaining units. It became clear during the data collection that there were significant problems in the way that the information was collected and presented.

The first major problem is that both databases only record what is written in collective agreements. This would appear to be a logical way to build a database about the entitlements of unionized workers, but in the case of health benefits, the provisions are not necessarily listed in the collective agreements, or are only noted and instead refer to benefit plan documents that are not part of the collective agreements. As a result, these benefit plans are not necessarily in the databases. For example, the HRSDC data significantly underreported the level of benefit coverage for permanent part-time workers in provincial governments. It showed that just fewer than 50% of collective agreements in 2004 provide benefit coverage for permanent part-time workers, while the figure is actually 100% (see Figure 4). HRSDC does attempt to gather details if they are aware that there is a plan and CUPE provides some data on agreements where coverage cannot be determined by examining ancillary documents, but this is inconsistent. Neither method ensures that the information recorded in these databases is a completely accurate reflection of the coverage for permanent part-time workers or even full-time workers.²⁰

²⁰ Definitions of part-time employment are also determined by the collective agreement, not the number of hours, so there were a wide range of what constituted part-time work. Neither database tracks benefit coverage for temporary part-time workers. Sandy Bergeron, e-mail message to author, October 5, 2005; Brian Edgecombe, e-mail message to author, March 15, 2005. This was one of the considerations in the decision to focus on permanent part-time workers

Another difficulty specific to HRSDC data is that only collective agreements that cover over 100 workers are surveyed.²¹ Prior to 1999, only agreements covering over 500 workers (over 200 for those under federal jurisdiction) were examined. This seriously limits the usefulness of HRSDC data, as many public sector bargaining units are smaller than these thresholds. For example, the majority of bargaining units represented by CUPE are comprised of fewer than 100 workers and many are comprised of less than 50 (CUPE 2005c). HRSDC recognized this problem and switched from a census approach that examined all collective agreements to a stratified sample in 1999 to take in the smaller units, but due to costs set the cut off point at 100 workers (Roy 2000). This still does not accurately reflect the reality of small units and the sample approach meant that some information regarding benefits was inaccurate. For example, in the Social Services sub-sector, the information provided by HRSDC for 2004 showed only one collective agreement where there was benefit coverage for permanent part-time workers. It also showed only one collective agreement in the Education Sector with coverage in 1999. Further investigation showed that neither was the case. HRSDC has since returned to a census methodology, but only for the units over 500 or over 200 for those under federal jurisdiction. Sample size was also a problem with CUPE data, as the sample size varied in the years that were examined.²²

The final problem is that neither HRSDC nor CUPE data collection systems allow for more than a generalized comparison of permanent part-time workers to full-time. HRSDC does not collect detailed data on benefits for part-time workers regarding type of benefits (extended health, drug plan, dental plan, STD and LTD insurance, vision plan,

²¹ Initially, it was planned to compare data from 1994 to 2004, but it was later decided to include data from 1999 due to the lack of data from 1994 from HRSDC.

²² 1994: 448 agreements; 1999:546 agreements; 2004:286 agreements.

hearing aid plan) or premiums and deductibles, but it does for full-time workers.²³ An examination of some specific agreements showed that it would be a mistake to assume that permanent part-time workers receive the same coverage as full-time workers. HRSDC stopped gathering data on pro-rated benefits for permanent part-time workers in 1998 and does not provide information regarding payments made in lieu of benefits. CUPE's data does identify if plans are pro-rated, the same as full-time, or if there is payment in lieu of benefits. It does not provide specifics about what are the elements of plans for permanent part-time workers. HRSDC and CUPE's lack of information on these issues hinders research into the difference between part-time and full-time workers' coverage. It also demonstrates that the government agency responsible for collecting data on employment benefits achieved through collective bargaining, and the largest public sector union in the country, to a somewhat lesser extent, have not updated their research methods to take into account the relative permanency of precarious employment.

Contact with the unions representing federal and provincial government workers and the Canadian Federation of Teachers (CFT) and the Canadian Federation of Nurses' Unions (CFNU) and examination of plans that were available provided information that has allowed some comparisons between permanent full-time and part-time coverage. Unions representing federal and provincial government workers have the advantage of access to government documents and fewer numbers of bargaining units and collective agreements. CFT and CFNU have recently done research on this issue and have to deal with relatively few benefit plans, as most of their plans are province wide. By

²³ HRSDC only provides the general category of Health Benefits for part-time worker entitlements.

comparison, CUPE administers over 3,700 different agreements—a much more difficult task.

The following section provides a generalized account of extended health benefit coverage for permanent part-time public sector workers due to the problems identified above with the available data. The conclusion will discuss the impacts of the problems in more detail.

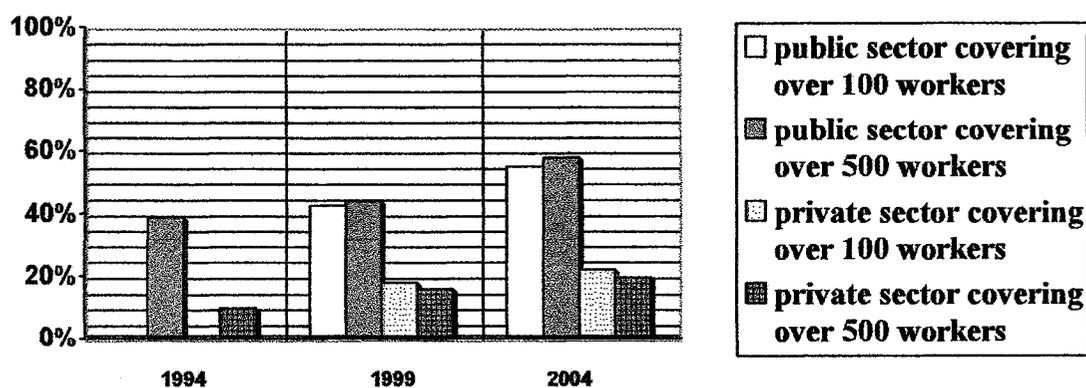
Health Benefit Coverage for Permanent Part-Time Workers

In 2004, more permanent part-time workers were entitled to health care benefits in collective agreements for bargaining units of over 500 workers in both the public sector and the private sector than they had ten years earlier. Extended health benefit coverage increased by just over 19 % in public sector collective agreements covering more than 500 workers and nearly 10 % for similar agreements in the private sector.

There have been improvements in both sectors, but there is still a large gap between public and private sector agreements in extended health benefit coverage. In 2004, almost 55% of public sector bargaining units of over 100 workers had extended health benefit coverage for permanent part-time workers compared to 29% in the private sector. The difference is even more dramatic in larger bargaining units. In 2004, nearly 58 % of collective agreements for units of over 500 workers in the public sector had health care coverage for permanent part-time workers as compared to 19.4 % in the private sector, a gap of over 38 %, which corresponds to the earlier mentioned positive determinant of public sector employment (Social Development Canada 1998; Reesor and Lipsett 1998; Akyeampong 2002; Marshall 2003; Commission for Labor Cooperation 2004). As shown in Figure 1, there is little difference in benefit coverage for permanent

part-time workers based on the size of the bargaining units within the public sector. Only 3% more of the large units in the public sector had higher coverage in 2004 compared to the total.

Figure 1: Health Benefits for Permanent Part-Time Workers in the Public and Private Sectors

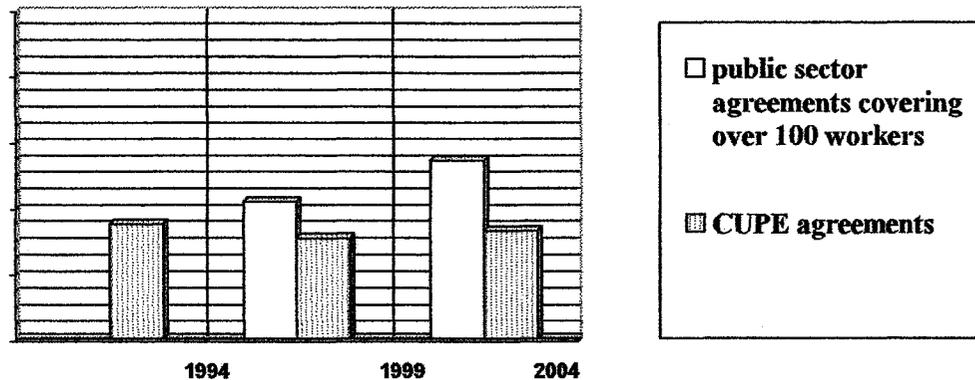


	1994	1999	2004
Public sector covering over 100 workers	na	42.4	54.9
Public sector covering over 500 workers	38.8	43.8	57.9
Private sector covering over 100 workers	na	17.8	21.9
Private sector covering over 500 workers	9.7	15.8	19.4

Source: Human Resources and Skills Development Canada, Workplace Information Directorate

In the private sector the difference was only 2.5%; however, in this case, the total units had more collective agreements with coverage. This does not mean that the previously mentioned determinant of employer size is invalid, as the differences are small and the figures do not include any units under 100. Figure 2, below, includes many smaller units represented by CUPE that are under 100 workers, and here the numbers of agreements without benefit coverage are much lower.

Figure 2: Benefits for Permanent Part-Time Workers in the Public Sector and CUPE



	1994	1999	2004
Public sector covering over 100 workers		42.40	54.90
CUPE agreements	35.49	31.30	33.56

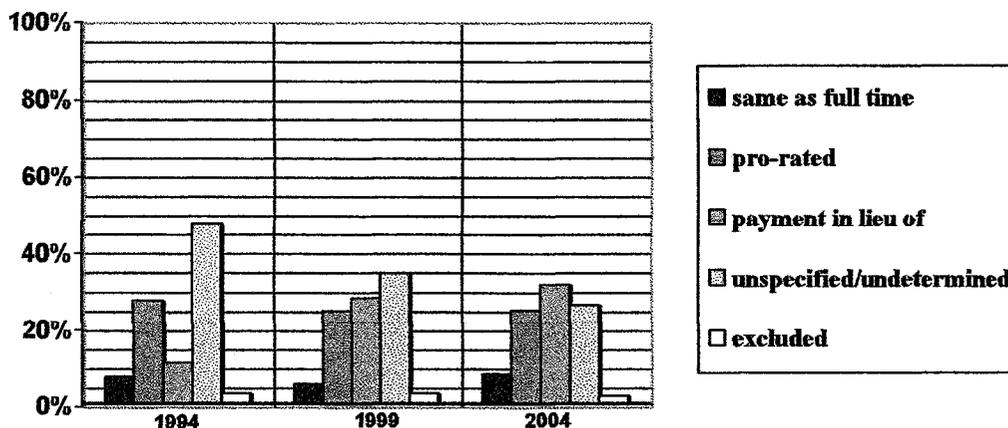
Sources: Human Resources and Skills Development Canada, Workplace Information Directorate; Canadian Union of Public Workers/Collective Agreement Information System

Note: CUPE data includes health, pension and other benefits. HRSDC data only includes extended health benefits.

Overall, public sector unions have been more successful in expanding extended health benefit coverage for part-time workers in bargaining units with over 100 workers. Their rate of increase was nearly double that of the private sector. Possible reasons could include higher unionization rates in the public sector, which would tend to push all the numbers up and very large units in the federal and provincial governments. Almost half of the largest (over 500) public sector units, however, do not have extended health benefits for permanent part-time workers in their collective agreements. There is considerable room for improvement.

CUPE totals have remained relative constant with an average of slightly more than 33% of the agreements having benefit coverage for permanent part-time workers. The numbers dropped slightly (2%) from 1994 to 2004 but this may be due to different sample sizes. Permanent part-time benefit coverage for the total public sector, which includes CUPE, has risen by 12.5% over the same period and is much higher (54.9% in 2004) than the CUPE totals. The CUPE data includes many smaller collective agreements, which means the lack of improvement is consistent with the trend noted elsewhere.

Figure 3: Benefits for Permanent Part-Time Workers in CUPE Collective Agreements



	1994	1999	2004
Same as full time	7.81	6.04	8.39
Pro-rated	27.68	25.09	25.17
Payment in lieu of	11.37	28.35	31.83
Unspecified/undetermined	47.55	34.80	26.58
Excluded	3.57	3.48	2.8

Source: Canadian Union of Public Workers/Collective Agreement Information System

There has been little gain in achieving the same coverage for part-time workers as exists for permanent full-time workers over the past ten years in CUPE collective agreements. Coverage for permanent part-time workers was still only at 8.39% in 2004, which less than 1% higher than in 1994. Pro-rated benefits are down slightly (27.68% to

25.17%). Payment in lieu of benefits nearly doubled from 1994 to 2004 (11.33% to 31.83%) with the biggest gains happening between 1994 and 1999 (28.35%).²⁴

Government Administration

Government administration was further broken down into municipal, provincial and federal levels. The data from HRSDC for federal and provincial levels was incomplete; however, direct contact with provincial and federal government unions and employers provided information on benefits plans for these levels. For municipal government and the other sectors, all information relates to CUPE unless noted.

Most permanent part-time workers in the federal and provincial public service have some form of benefit coverage (see Figure 4). Size appears to be a major determining factor in coverage, with the federal government being the largest and the provinces, also being large employers, with 100% coverage of permanent part-time workers, compared to most local governments with only 28.07% coverage of permanent part-time workers.²⁵

²⁴ There are significant differences between provinces in the percentage of collective agreements that provide coverage, as well as differences regarding whether coverage is rising or falling. Other than in the territories, where most of the public sector workers are covered by collective agreements and benefit plans that the Public Service Alliance of Canada negotiates with the federal government, coverage is higher in Quebec for both the very large units and all units over 100 workers. Coverage has risen in approximately half the cases and has fallen in approximately half without any discernible pattern. This could be dependent on the various collective bargaining and political contexts, but that analysis was beyond the scope of this project. The differences could also be due to the problems with HRSDC sampling as discussed previously.

²⁵ Large cities may be an exception in the local category

Figure 4: Extended health benefits for Permanent Part-time Federal and Provincial Government Workers

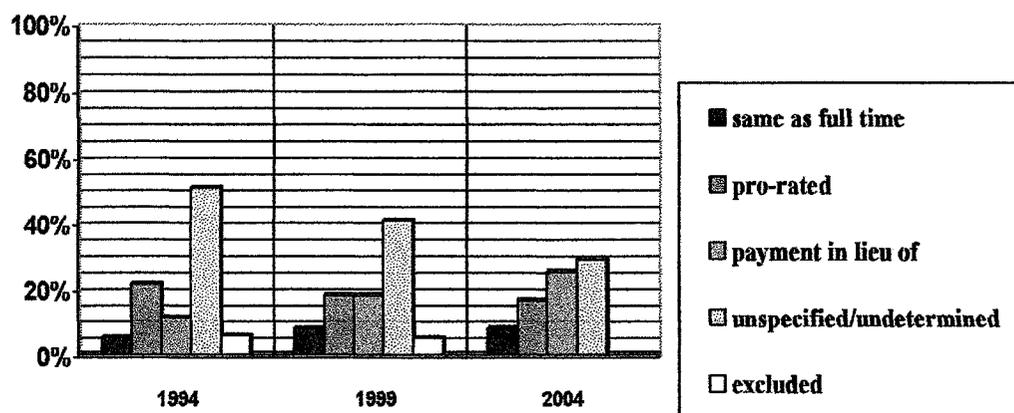
Government	Coverage for Part-time Workers	Notes
Federal	yes	Employer pays premiums ²⁶
British Columbia	yes	Employer pays premiums. Any reduction in premium costs for employer put into improved benefits
Alberta	yes	Employer pays 50% of premiums permanent part-time workers are covered if working 40% or more of the hours of a full-time position
Saskatchewan	yes	Permanent part-time workers are covered if working 37.55% or more of the hours of a full-time position.
Manitoba	yes	workers pay all premiums, plan is voluntary
Ontario	yes	Employer pays 80% of premiums for RFT and a decreasing sliding scale for permanent part-time workers based on hours worked
Quebec	yes	There is a provincial drug plan covering all residents. Other coverage varies depending on department.
Nova Scotia	yes	Employer pays 65% of premiums for all workers
New Brunswick	yes	Permanent Part-time workers are covered if working 33.33% of a full-time position. Employer pays 75% of the premiums.
Prince Edward Island	yes	Employer pays 50% of premiums
Newfoundland and Labrador	yes	Permanent part-time workers are covered if working at least 50% of full time hours. Premiums are paid by the employer

Sources: See Appendix D

²⁶ This includes government departments, territorial governments of Nunavut and the Northwest Territories, and most crown corporations and government agencies. An exception is Canada Post workers represented by the Canadian Union of Postal Workers (CUPW) who have bargained their own plan with added entitlements and premiums set at 5% of the costs of the extended health care plan (CUPW 2005c). In addition, CUPW now represents a group of rural delivery drivers, many of whom are part-time, who are covered by the hearing and vision plan, but not the extended health care plan.

Federal government workers and those in the provinces of British Columbia and Newfoundland and Labrador have premiums that are 100% paid by the employer for all workers. Manitoba is an anomaly as the plan is voluntary for all workers and workers pay for the total premium. The remainder of the provincial governments range between these two extremes. Other than in Ontario, the premiums are the same for full-time and part-time work. There does not appear to be a correlation between the parties in power at the provincial level and benefit coverage for provincial government workers.

Figure 5: Benefit Coverage for Permanent Part-Time Local Government Workers (CUPE)



	1994	1999	2004
Same as full time	5.85	8.57	8.65
Pro-rated	22.22	18.86	17.31
Payment in lieu of	12.25	18.87	26.00
Unspecified/undetermined	51.46	41.52	29.81
Excluded	6.43	5.71	not significant

Source: Canadian Union of Public Employees/Collective Agreement Information System

The reasons for the discrepancy between the local government and federal and provincial governments could be attributed to the larger size of the bargaining units and the greater tax base and resulting spending power of the latter.

The overall public sector workforce includes much more than government. There are also many agencies either controlled or funded by the various levels of government

especially in the Health and Social Services and Education sub-sectors, which despite some shifts to the private sector, are still mostly in the public sector at 54.6% and 92.9% respectively (Statistics Canada 2004). As previously mentioned, HRSDC data does not provide an accurate picture of these sectors, therefore what follows is based mainly on CUPE collective agreements with additional information received from the Canadian Federation of Nurses' Unions and the Canadian Teachers' Federation.

Health Care

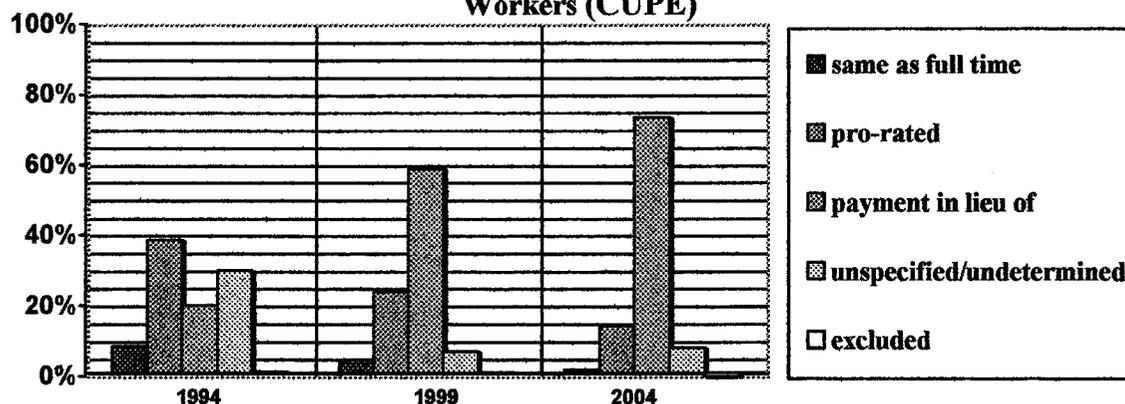
In CUPE's Health Care sector agreements, there appears to have been a decline in both part-time and full benefits with a shift to payment in lieu of benefits.²⁷ The data for 2004 does show a significant number of collective agreements (73.46%) with payment in lieu of benefits compared to the 26% of all CUPE agreements.²⁸ Collective agreements covering permanent part-time nurses represented by unions affiliated with the Canadian Federation of Nurses mostly fare much better than other part-time workers in health care. Of the eight provincial collective agreements where data was available, five have full benefits for part time nurses, two have pro-rated benefits, and one has no benefits. (Manitoba Nurses Union 2006) In the last case, which is Ontario, part-time nurses receive payment in lieu of benefits and can join the plan if they pay the full premiums.²⁹ (*Ontario Hospital Central Agreement: "the hospital" and the Ontario Nurses' Association*. February 21, 2006).

²⁷ This may be the result of problems with data migration and coding changes due to a change in database systems according to discussion with CUPE research staff.

²⁸ The question of payment in lieu of benefits will be discussed in detail later in the paper (see Figure 10).

²⁹ Few part-time nurses have availed themselves of this option. (ONA representative, e-mail message to author, April 13, 2006)

Figure 6: Benefit Coverage for Permanent Part-Time Health Care Workers (CUPE)



	1994	1999	2004
Same as full time	8.57	3.8	2.04
Pro-rated	38.57	24.05	14.29
Payment in lieu of	20.01	58.87	73.46
Unspecified/undetermined	30.00	6.96	8.16
Excluded	1.43	1.27	0

Source: Canadian Union of Public Workers/Collective Agreement Information System

Education

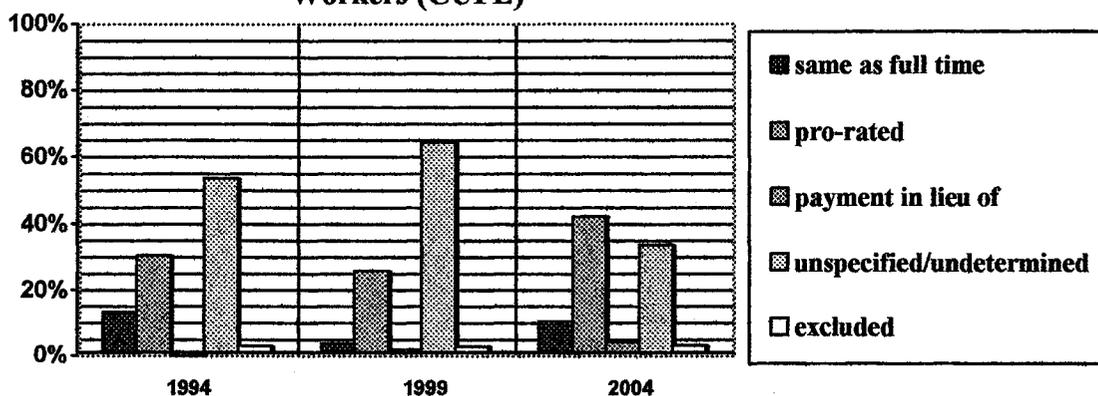
In Education, there has been a 12 % increase in pro-rated benefits, which at 42% is high compared to the rest of the sub-sectors for part-time workers receiving the same benefits as full time or pro-rated benefits. As mentioned previously, this may be a result of problems with data migration and coding in the change to a new database system

While most of the workers in these CUPE collective agreements are support staff, there are also university teaching assistants who, at least in Ontario, mostly have some form of benefit coverage. (McCarthy 2003) There is another large group of Education workers, comprised of teaching staff, who are mostly represented unions other than CUPE.³⁰ Teachers in elementary and secondary schools who work on a continuous part-time basis typically have access to all of the benefits of full-time teachers on a pro-rated basis.³¹ They are largest group in the sector, which may be the reason that percentage of pro-rated benefits is high for other workers in education, as they have been able to achieve parity with teachers in some cases.

³⁰ Information was not available for college instructors and university professors, although the Canadian Association of University Teachers is in the process of gathering information through a survey. (Larry Dufay. e-mail message to author, December 15, 2005)

³¹ John Staples, e-mail message to author, April 12 2006.

Figure 7: Benefits for Permanent Part-Time Education Workers (CUPE)



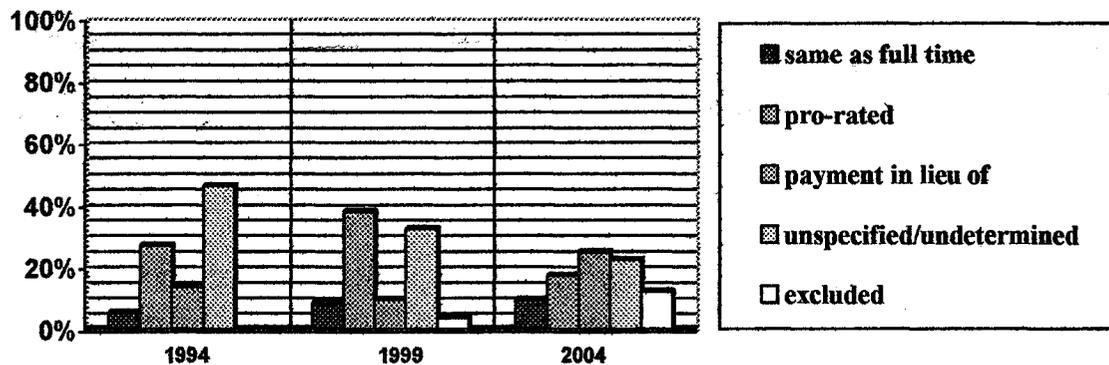
	1994	1999	2004
Same as full time	13.04	3.67	10.53
Pro-rated	30.43	25.69	42.11
Payment in lieu of	0	1.84	4.21
Unspecified/undetermined	53.62	64.22	33.69
Excluded	2.9	2.75	3.16

Source: Canadian Union of Public Workers/Collective Agreement Information System

Social Services

This is the only sub sector within CUPE where there has been an increase in permanent part-time workers receiving the same benefits as full time workers, although it was still low at just over 10% in 2004. There has been a decrease in pro-rated benefits and an increase in payment in lieu of benefits.

Figure 8: Benefits for Permanent Part-Time Social Services Workers (CUPE)



	1994	1999	2004
Same as full time	6.02	9.09	10.26
Pro-rated	27.70	38.60	17.95
Payment in lieu of	14.43	10.23	25.64
Unspecified/undetermined	46.99	32.95	23.08
Excluded		4.55	12.82

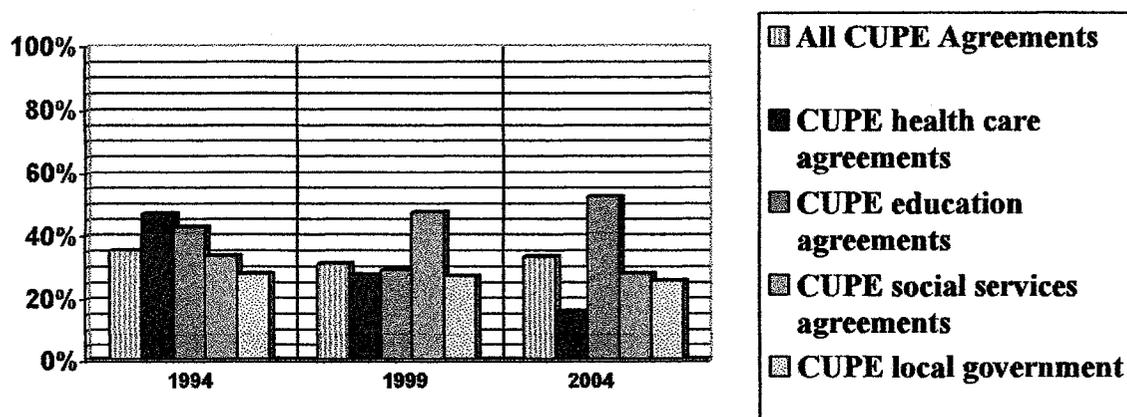
Source: Canadian Union of Public Workers/Collective Agreement Information System

Summary of Benefit Coverage

In the public sector as a whole, at least for bargaining units of over 100 workers, there has been a 12.5% increase in agreements with some form of coverage for permanent part-time workers since 1999. In 2004, over 50% of these agreements provided coverage, and almost 60% of bargaining units with over 500 workers had coverage for permanent part-time workers as opposed to only 33.5% of CUPE agreements, which is within 2% of

what existed in 1999.³² While some of this difference may be due to problems with the sample size and data collection, it is likely that the difference is due to the size of the units. As mentioned earlier, most of the CUPE units have less than 100 workers in them.

Figure 9: Benefit Coverage for Permanent Part-Time Workers (CUPE) by Sectors



	1994	1999	2004
All CUPE Agreements	35.49	31.3	33.56
CUPE health care agreements	47.27	27.85	16.33
CUPE education agreements	43.00	29.36	52.64
CUPE social services agreements	33.73	47.73	28.21
CUPE local government	28.07	27.43	25.96

Source: Canadian Union of Public Workers/Collective Agreement Information System

Note: Includes same as full-time and pro-rated schemes

Between 1994 and 2004, benefit coverage for permanent part-time workers in CUPE agreements has remained relatively constant, with the exception of the Health Care

³² This number is from a different data set, so is not strictly comparable. The previous data is from HRSDC, but this data is from CUPE/CAIS where almost three-quarters of the agreements are comprised of less than 100 workers. This provides an indication of the lack of coverage for smaller units as compared to larger ones.

sector where there has been a decline of slightly over 30%. There has been an increase of 53% in payment in lieu of benefits in this sector with 73.4% of the units surveyed have this provision. Again, this may be a result of problems with data migration and coding in the change to a new database system.³³ In all the sub-sectors, CUPE has made gains in ensuring that benefits form some part of the collective agreements despite the variations between those with the same coverage as full-time workers or a form of d scheme and those with a payment in lieu of benefits. This should make data collection easier in the future and highlights the agency of unions for workers by making it clear that benefits are negotiated the same as wages.

Has progress been made in expanding benefit coverage for permanent part-time unionized public sector workers from 1994 to 2004? That answer is a qualified yes, as there have been incremental gains, but the reasons are not clear. As the positive determinants of public sector and unionization are constant, size appears to be the major factor. This could be due to increased bargaining power or better economies of scale for benefit plans or both. In addition, the federal and provincial governments, where coverage is substantially better, have greater control over revenues, due to their ability to set income, sales and other taxes. While municipalities collect property tax, they are constrained by provincial legislation. Other elements of the public sector, such as hospitals and education systems are dependent on funding from provincial governments.

In conclusion, while there have been incremental gains, the trends in negotiations on benefit plans do not create an environment where unions will find it easy to expand benefit coverage to permanent part-time workers. This is the focus of the next chapter.

³³ CUPE collective agreement analysts are still investigating the issue.

Chapter Five—Trends, Policies and Strategies

The purpose of this chapter is to examine the factors that public sector unions are considering when developing strategy. It is as necessary to analyse the underlying political and economic reasons for the difficulties unions are having in achieving collective agreements that benefit coverage to workers in precarious positions. This chapter looks at the strategies of both public sector employers and unions in this context.

Trends in Benefit Negotiations¹

How will the trends in negotiations over benefits affect permanent part-time public sector workers who are already disadvantaged compared to their full-time counterparts?

Part-time workers face many uncertainties, including their ability to provide for their basic household needs, due to the precarious nature of their employment (Lewchuk et al., 2003). This is fundamental to understanding how the trends in benefit negotiations and the lack of benefit coverage affect part-time workers. It would be a mistake to view health coverage as a “fringe” benefit of part-time public sector employment. It is part of the wage package, and public sector unions often have negotiated improved benefits at times when governments and public sector agencies wanted to appear to be holding the line on wages. Low inflation rates, increased government intransigence at negotiations

¹In addition to the specific citations, the information in this section is from interviews and correspondence with union researchers and representatives that took place from September 2005 to August 2006 (See Appendices A, B and C), CUPE website <http://www.cupe.ca/benefits>, and my personal experience as a union negotiator in the public sector.

and a willingness to use legislation to reduce costs have made it more difficult for public sector workers to achieve wage gains. As a result, workers are demanding improved and expanded benefits, and while benefit coverage or payment in lieu of coverage has been gradually increasing for permanent part-time workers, there are now increased demands from many employers to reduce costs and cut benefit coverage. Benefit costs doubled between 1990 and 2004 due to demutualization of the major insurance companies, increased drug costs, and increased usage of plans (CUPE 2004a).

Health care is worth over seventy five billion dollars every year in Canada and private corporations are eager to increase their share of this market (CUPE 2005a). There has also been increased pressure on the public sector to act like the private sector, especially in terms of labour relations and labour costs (Swimmer 1995; Treasury Board 2002) In addition, there has been pressure on publicly funded healthcare, which means that costs have been downloaded onto private plans or workers without plans. Even for those who already have coverage, there are increased costs as insurance companies want to maintain their profits and employers do not wish to add to their labour costs. All of these are factors influence the ability of unions to expand benefit coverage to more part-time workers.

In the late 1990s, five of the largest insurance companies in Canada underwent a process of demutualization, which tilted the balance towards increased profits and away from the concepts of group insurance and mutual aid.³⁵ Demutualization changed the

³⁵ Mutual Life Assurance Company of Canada, Manufacturers Life Insurance Company, Sun Life Assurance Company of Canada, Canada Life Insurance Company, Industrial-Alliance Life Insurance. The insurance companies offered policyholders, which in most cases were employers, shares in the company or cash. This led to the payment of large cash sums to employers, which is the subject of a legal challenge (CUPE Research and Legal Strategy Update December 1999).

ownership structure so that instead of policyholders being co-owners, shares became publicly traded on the stock market. It was designed to transfer resources to investors in the form of profits, instead of remaining with those covered by plans or being used to expand coverage.

Rising drug costs are one of the main factors driving up the cost of benefits. The total amount spent by Canadians on prescription drugs reached \$18 billion in 2004. Prescription drug costs rose 62.3% between 1994 and 2004 (Canadian Institute for Health Information 2004). For many workers without plans, the only solution to rising costs is not to fill prescriptions. In 2000, the Canadian Drug Manufacturers Association, whose members arguably have contributed to this problem, admitted that one in ten Canadians did not fill a prescription due to the cost (Canadian Drug Manufacturers Association 2000).

A management-consulting firm recognizes the problem and frames it from an employers' perspective: "It's time for employers to address the shifting burden of prescription drug costs." (Mercer June 2005). The problem for workers is that employers want to shift that burden to them. This has a negative impact on expanding benefit coverage as unions are placed in the defensive situation of fighting against rollbacks. What is often missing from the discussion is scrutiny of the massive profits made by drug companies, and of how they have successfully lobbied both governments and doctors to maintain and increase those profits. Some examples include patent legislation, which protects new drugs from generic competition for 20 years and drug companies increasing

influence over doctors with free trips, company sponsored studies and free samples³⁶ (CUPE BC Research 2004).

There is increased use of drug plans for a number of reasons. The working population is aging, and older workers tend to require drugs and other benefits more frequently. The threat of contracting out has meant increased pressure on individuals who are worried about their jobs, and hiring freezes have required them to work harder. This has added considerable stress to workers, which has a negative impact on health, especially for workers who are already suffering from employment stress due to the precarious nature of their employment (Krahn 1991; Pupo and Duffy 2000; Duxbury and Higgins 2001; Lewchuk et al. 2003, 2006).

Reductions in coverage by public health insurance also have an impact (Armstrong and Armstrong 1996:181). Some examples include the elimination of chiropractic and physiotherapy treatments in Ontario and podiatry and massage in British Columbia from the list of reimbursed services. These puts more pressure on negotiated health plans, as do shorter hospital stays and the shifting of treatment to outpatient procedures (French and Weinerm 2005; CUPE 2005b).

Employers want to reduce costs within the plans and/or transfer them to workers. New or increased deductibles, higher premiums, and co-insurance are the simplest and most obvious methods, which have a greater impact on part-time workers due to income differences. In 2003, 58% of employers in the private and public sectors raised deductibles and 20% plan major overhauls such as introducing flexible benefits (Conference Board of Canada 2003). Reduced coverage and new or lowered caps on

³⁶ Bill C-91 was passed in 1992 by the Conservative government and extended the protection of brand name drugs from generic competitors from 3 years to 20 years.

coverage are a direct form of benefit rollback and permanent part-time workers are more vulnerable than full-time to any move to decrease coverage for the same reason. This environment is not conducive to expanding coverage to the large numbers of permanent part-time workers who do not have benefit coverage.

Some changes that employers and insurance companies are proposing are rollbacks in a less obvious sense, obvious rollbacks. They also have a greater effect on part-time workers than full-time if implemented, again due to the income differences. Employers have proposed some alternatives to expanding existing coverage to part-time employees. Most of these proposals, however, involve transferring risk and cost onto individuals, as opposed to following the principle of group plans, wherein the risk and cost is shared collectively (CUPE 1996). Flexible benefit plans, health savings accounts (HSA) and cafeteria plans are not really group plans, but individual plans being sold as offering more "choice" while reducing cost. The savings are to the policy holders, who are usually employers. These sorts of plans are set up to allow workers to select from a menu or a group of benefits. A closer look shows that employers and insurance companies have devised these plans to force workers to choose between limited options, rather than offering protection for a wide variety of unforeseen circumstances.

Employers argue that these types of plans help workers become aware of the cost of benefits; the lack of which they contend is one of the reasons for the increased costs. Employers also argue it would be to the advantage of workers, as they would not have to pay for benefits they likely would never use. The result is eventual deterioration of benefits packages, as it leads to some benefits not being covered. Premiums would also likely increase, as it becomes more expensive to fund aspects of plans when some workers choose to not insure themselves for those aspects (CUPE 2000). These schemes

discriminate against those requiring higher levels of specialized medical coverage.

Workers who have ongoing medical difficulties may not be able to afford the amount of coverage needed. For part-time workers with limited income, this problem is exacerbated.

Health spending accounts(HSA) are similar to flexible plans and are used to market reduced coverage by convincing workers that they should not have to pay for certain services, as they never use them. Again, this places the risk and costs onto individuals, which defeats the advantage of group plans and leads to higher costs. With an HSA, employers provide a flat amount, or percentage of wages, to a spending account for each worker. They are attractive to small employers because their costs are fixed and not tied to increases in the costs of benefit plans. HSAs are more common in the United States; however, they are starting to show up in Canada. For example, Alberta school boards are proposing them to CUPE locals, and some locals have already agreed (Beggs, interview, March 15, 2006). Even more so than flex plans, HSA's push responsibility for health care expenditures onto individuals, who have to decide which services to use and if the HSA runs out, they have to purchase other insurance or forgo the benefit. For part-time workers, the latter may be the only option.

In flex benefit plans and HSA schemes, workers are often given the option of taking pay in lieu of purchasing benefits. This is especially disadvantageous to lower paid workers, if the pay out is based on a percentage of earnings and is linked to payment in lieu of benefits, which is the norm for permanent part-time workers in many collective agreements, especially in health care (see Figure 6). Payouts and payment in lieu of benefits can be attractive to employers, as they are not tied to increasing costs to provide benefits.

This creates several problems for workers, especially for those with lower wages like part-time workers. Workers who are receiving cash instead of participating in a plan will often not have adequate protection if they suffer major and/or expensive health problems, due to the difficulties in purchasing an individual plan or not being able to use the cash received for health care as it has formed part of the basic wage. While this problem exists for full-time workers who receive money instead of a plan, it is likely more detrimental to part time-workers due to income differences (Lewchuk et al. 2003, 2006). Even if part-time workers tried to purchase individual coverage, the cost is considerable and likely beyond the means of most (Akyeampong and Sussman 2003, Marshall 2003). Even with a non-profit benefit broker like Blue Cross, an individual plan will cost upwards of \$145 a month.³⁷

Rising benefit costs and employer proposals for cost reduction make it difficult for unions to make gains, especially in a neoliberal regime where the public service is threatened by governments that want to transfer assets to the private sector. Reductions in what is covered under the public plans mean that costs are downloaded onto the private plans or workers without plans. Employers want to reduce costs and insurance companies want to maintain their profits. The answer to the question of how these trends in negotiations over benefits will affect permanent part-time workers in the public sector is not positive. They have pushed the focus of benefit negotiations to maintaining existing coverage, not on expanding it to workers not already covered, despite the growing numbers of workers in precarious employment.

³⁷ Quote received from Ontario Blue Cross on June 6, 2006 for their minimum basic health plan for a single male.

Union Responses and Strategies

In response to the shift to more part-time workers, some unions developed policies and strategies to deal with the growing numbers of part-time workers and their compensation. Most strategies were designed to do two things—limit the use of part-time work and ensure protection for the existing part-time workers; however, the focus was on trying to reduce any employer advantage to use more part-time labour.

As long as there are large numbers of part-time workers who would prefer full-time work, this approach may still have some merit. It has not been successful in shifting the trend away from part-time work, although it may be part of the reason for the stabilization of the trend in the public sector. Nevertheless, as there are those who prefer to work part-time or are forced to because of material and structural conditions, there is a growing recognition that this group of workers must have protection separate from the reasons of equal costs to employers. Equal costs to employers do not always result in equality for workers. Simply paying part-time workers the same amount that it costs employers to provide benefit coverage for full-time workers, does not provide sufficient funds for part-time workers to acquire the same benefits.

The Canadian Labour Congress has called for access to benefits for part-time workers (CLC 2002). Certain individual unions have similar policies. CUPE, the largest union in the public sector, adopted a policy that part-time workers should have equivalent benefits to those provided to full-time workers (CUPE 1995). In the predominately private-sector based Canadian Autoworkers Union, the 2005 bargaining conference

prioritized extension of the same benefit package that full-time workers have to part-time workers³⁸ (CAW 2005).

Some unions have proposed d benefits as a minimum goal. In 1983, the Wallace Commission surveyed 41 unions and found that most supported benefits for permanent part-time workers on a d basis (Zeytinoglu and Cooke 2005). Policy 6 of the Public Service Alliance of Canada states, "...that all collective agreements should contain at least proportionally equal benefits for all workers covered by the agreement." (PSAC undated). The Canadian Union of Postal Workers policy A-12 directs the union to ensure "that part-time members will have completely d benefits to full-timers in every area, if proven beneficial." (CUPW 2002). Union policies can guide negotiations, but they only set the framework for developing strategies.³⁹ For example, a union may have a policy that commits it to strive for full or d benefits, but it may decide to accept a payment in lieu of benefits in order to move towards wage equality, as CUPE did in the 1980s. In 1980, CUPE laid out the following strategy:

While it is preferable to have d benefits rather than no benefits, the long-term objective should be to ensure that part-time workers received full coverage of benefits not restricted by legislation...in addition to extending benefit coverage wherever possible, it is vital that employers be made to compensate part-time workers in the form of a cash payment on top of their permanent rates (CUPE *The Facts November 1980*).

These policies raise an important question: can pro-rated benefits or payment in lieu of benefits lay the groundwork for gaining the same benefits as full-time workers?

³⁸ The CAW also represents workers in the public sector.

³⁹For example, in CUPE, locals normally hold the bargaining unit certificate, which means that they have a degree of independence in collective bargaining matters.

There is opposition from employers and from some workers to moving away from payment in lieu of benefits but for different reasons. Some employers like the fact that their benefit costs are fixed similar to the situation with HSAs. In many cases, employers are not willing to provide full coverage for part-time workers but propose some form of pro-rated plan instead as benefit costs are greater per hours worked for permanent part-time workers than for full-time workers (Leflau and Buchmueler 1999). Pro-rating can be accomplished by several means. Employers have demanded that permanent part-time workers make greater premium contributions to their plans, offered less generous coverage to part-time workers, or proposed a combination of the two (Chan 2004).

As the data shows, unions have accepted d benefits, and sometimes they have managed to eliminate them and gain full coverage for permanent part-time workers through negotiations. Some unions have opposed them, such as two of the large unions representing workers in Ontario health care, the Ontario Council of Hospital Unions/Canadian Union of Public Employees (OCHU/CUPE) and the Service Employees' International Union (SEIU). In this specific case, permanent part-time workers would have had to pay at least 50% of the premiums before the employer would agree to have them as part of the plan. Many permanent part-time workers cannot afford the extra cost and rely on the payment in lieu of benefits as part of their wage.⁴⁰ Other

⁴⁰OCHU/CUPE's last general membership bargaining survey asked the following question: "Would you like to be covered by the insured benefit and sick leave/LTD plans knowing you would have to give up your percentage in lieu of benefits?" 43.6% of the respondents answered "yes, but they were not asked for a response if the premiums would be d (OCHU 2004)).

One possible scenario for a d plan would be, if a full-time worker pays 25% of their dental coverage, and a PT worker wanted to be covered and they only worked two shifts a week or .4 of a week, then the employer would have to pay only .75 of .4 of the premium cost. If the family premium for dental coverage was \$100/month., then the employer would only have to pay \$30 and the part-time worker would end up paying a \$70 a month

reasons could include that some are already covered by spousal benefits or by parental benefits in the case of students (Leflau, and Buchmueler 1999, ONA). These assumptions are based on the outdated standard employment relationship model of a single male wage earner in a household and further research is needed to focus on these issues. When this issue of benefits last went to arbitration, in the 1980s, OCHU/CUPE took the position that any pro-rated benefit plan that could be achieved would be inferior to the existing 14% in lieu, because the premium costs for permanent part-time workers would be higher than the in lieu payment. As shown in Figure 10, however, not all CUPE collective agreements have 14% in lieu of benefits. In 2004, nearly 40% had lieu payments of less than 10%, although it should be noted that some include payment in lieu of pensions, like the OCHU/CUPE agreement with the hospitals, and others do not.

Figure 10: Payment in Lieu of Benefits in CUPE Agreements for Permanent Part-Time Workers

Payment in Lieu of Benefits in CUPE Collective Agreements	1994 % of agreements	1999 % of agreements	2004 % of agreements
0-9% of pay	23.7	17.4	38.5
10-15% of pay	66.0	69.2	52.6
Over 15% of pay	6.7	1.5	3.5
Uncertain	4.6	11.9	5.4

Source: Canadian Union of Public Workers/Collective Agreement Information System

premium, vs. a FT worker who would be paying \$25 a month premium. This makes the premium unaffordable for part-timers who are truly part-timers (Margaret Evans, e-mail message to author, January 14, 2006).

In addition, as costs rise, in lieu payments must also keep pace and there is evidence to show that the opposite has happened (see Figure 10).

In the absence of an employer-paid benefit plan for all workers, it has been argued that a percentage in lieu of benefits that approximates the cost to employers of the benefit program for full time workers is the next best thing (CUPE 1980). As mentioned previously, however, equal costs to the employer for full-time or part-time labour does not equate to equal treatment for part-time workers, because the amount may fall far short of the actual cost for workers to get benefit coverage.⁴¹

In answer to the question—can pro-rated benefits or payment in lieu of benefits lay the groundwork for gaining the same benefits as full-time workers?—the incremental gains in coverage are not sufficient to demonstrate that this strategy has been effective. It may have, however, an impact on stabilizing the ratio of part-time to full-time employment, and it does provide some financial compensation for part-time workers.

Cost Reduction

Cost reduction is another strategy, but it is only effective if any reduced costs or savings are reinvested in expanding benefits to those who are not covered. Unless unions negotiate this provision and ensure it is in the collective agreement, any of the savings accumulate to employers, as they are usually the policyholder. This provision is essential to ensure that there is funding to expand benefits to part-time workers. One of the hurdles

⁴¹ Arbitrators in disputes between the Ontario hospitals and the hospital unions have said that the payment of money in lieu of benefits is an imperfect solution (*Participating Hospitals vs. CUPE*, 1989 1990, *Quinte Health care Corporations vs. SEIU* 2002, *Ontario Hospital Association vs. OPSEU* 2003).

unions must overcome to expand benefits is that, unlike pension funds, the money has to be available up front for health plans

Joint benefits review committees are one vehicle for reducing costs to make it more affordable to expand coverage to part-time workers. CUPW, the Nova Scotia Government and General Workers Union and some CUPE locals have joint committees that are working on cost reduction. Unions can also negotiate the details directly at the bargaining table.

A number of options to reduce cost are available. Generic drugs could be used whenever possible. Preferred provider arrangement could be agreed upon whereby plan members are encouraged to use a designated dentist or pharmacist, and there could be coordination with other benefit plans where a plan member's spouse or parent is covered by another plan. The committee could also re-evaluate the present carriers to see if other carriers can provide better service or do so less expensively. In particular, a non-profit carrier such as Blue Cross or government agencies set up for this purpose could be considered. The goal of any cost reduction should be to reduce the profits of the third parties, the insurance and drug companies, so that benefits can be expanded. If not, unions are helping employers push down the expectations and ultimately the benefits of workers. Joint committees serve other purposes in addition to cost reduction. They provide union access to information and can be a means of involving part-workers in decisions over benefits. They are not the same as joint trusteeship where the union and the employer have equal control over the plans and share the risk.

Broadening the Base

As mentioned previously, there are some key determinants influencing the likelihood of workers having extended health benefits. Workers who have permanent, full-time, unionized, positions working for the public sector or for large employers are more likely to have benefit coverage than those who are not (Social Development Canada 1998, Reesor and Lipsett 1998, Akyeampong 2002, Marshall 2003, Commission for Labor Cooperation 2004). The workers in this study are all permanent, unionized and in the public sector, which are positive determinants. The other positive determinant is size of the employer, which would appear to be a fixed structural element, although unions can negotiate and campaign for work to be contracted in and services expanded.

Increasing the size of the group covered by a benefit plan in order to pool the risks and keep the costs of benefit lower is an option that is not limited by the size of an employer. This is especially important for very small bargaining units, which often do not have sufficient numbers for a plan to be cost effective enough to include part-time workers, as there must always be sufficient number of employees to fund the risk (Chan 2004). This can be accomplished in a number of ways. The first is through ensuring that different bargaining units with the same employer are in the same benefit plan. The federal and provincial government benefit plans are examples

The second is through sectoral bargaining, Sectoral bargaining occurs when a union or a group of unions bargain with all or some of the employers in a given sector. Sectoral bargaining for extended health benefits has been implemented in the British Columbia health sector, the public school system, some municipalities and is being discussed in Nova Scotia in the health and education sectors. It also exists in a limited

form within the Ontario hospital sector, where each union bargains with a group of employers, as opposed to a group of unions bargaining with all the hospitals.

The following examples will highlight differences in the two provincial education sub-sectors. One was a success and the other is still in progress. In 1999, the provincial government in British Columbia proposed a series of policy accords within sectors where the government either was the employer or provided significant funding.⁴² The government asked that the largest union, which was CUPE, to come forward with proposals. This meant that negotiations were taking place with the government directly. CUPE proposed, and the government accepted, a plan administered by a joint trusteeship of equal union and management representatives to provide benefits for all school boards as opposed to negotiating with each school board separately. The union was successful in coming to an agreement with the government, but the school boards fought the proposal. The government eventually enacted legislation and an Industrial Inquiry Commissioner finally forced the issue to be resolved in the unions and government's favour.

In Nova Scotia, CUPE, the Service Employees International Union, and the Nova Scotia Government Employees Union are promoting a similar approach.⁴³ The only government involvement was a decision to amalgamate twenty-one school boards into eight. In 2002, the school boards began having discussions without union involvement to manage the multitude of plans. The majority of the terms of these plans had not been negotiated. Often, only the mention of a plan and the cost sharing formula was in the collective agreement, without specifying any of details, which were left up to negotiations between the employer and the insurer. There are ongoing negotiations, but the only result

⁴² Gary Johnson, e-mail message to author, August 8 and 9, 2006

⁴³ Robert Chisholm, interview, August 2, 2005.

has been the establishment of a joint committee to study the issue. The unions have proposed the provincial government employees' plan as the model, which includes part-time workers, albeit paying the same share of premiums as full-time. The employers have rejected this proposal as too expensive. It is important to note that this is not collective bargaining in the legal sense, as it is a consultation process without official bargaining status for either the unions as combined or the employer's association. However, both the unions and the employers have ratified the approach and discussions are ongoing. The unions are still looking at ways to achieve province wide bargaining. The sectoral approach is also being promoted in Nova Scotia by CUPE, the Nova Scotia Nurses Union, the Canadian Autoworkers' Union and Nova Scotia Government and General Employees' Union in negotiations with the Nova Scotia Association of Health Organizations (Jeffrey 2006). Sectoral bargaining also gives the union(s) involved more bargaining power. It is not possible for unions to decide on their own to bargain sectorally. The labour relations structures at the federal level and in each province mandate government appointed labour relations boards to determine what constitutes a bargaining unit and who the bargaining agent will be. Both unions and employers can make representations to these boards, but the boards make the final decisions.

A third approach is for unions to set up joint trusteeship plans that small employers and unions can buy into, such as the Ontario Public Service Employees' Union (OPSEU) Joint Trusteed Benefit Fund.⁴⁴ This allows small bargaining units to join with others to share the risk without having to bargain together.

Joint trusteeship plans like the OPSEU plan and the British Columbia school board plan raise the question of unions taking on risks and responsibilities that in the case

⁴⁴ OPSEU <http://www.ojtbfc.ca/>

of employer run plans remain with the employer. CAW has adopted the position that the risk should stay with the employer, rather than the union sharing some of that risk.⁴⁵ In the Ontario hospital sector, this has meant the unions have not been able to agree on a common approach to negotiations with the employers.⁴⁶ In addition to differences in approach, there are logistical concerns when there are multiple bargaining units, as employers have to agree and different unions have different internal bargaining structures and procedures. Another difficulty is that the Canadian norm is for health plans to be with single employers (Chan 2004 b). This norm and the differences and concerns should be seen as hurdles to get over not as barriers that limit action, as there has been a massive restructuring in employment relationships and the labour market, and some of the norms of collective bargaining and union differences no longer serve the interests of workers. The latter should not be minimized, as each union has its own historical experience and has developed policies and strategies out of that experience.

Another issue that unions need to address is the large number of collective agreements that have either no or very little reference to benefit plans in them. This hides the fact that benefits are something the union negotiates as opposed to being provided by a benevolent employer. It hides the agency of unions and inhibits the development of union consciousness. It also poses serious problems for research, as mentioned before, and it is difficult to develop effective strategies without knowing what is currently in place and what the trends are.

Unions have recognized this problem and there have been improvements made in including more information about benefits in collective agreements (see Figures 2, 3 and

⁴⁵ Corey Vermeij, interview. April 27 2006.

⁴⁶ Michael Hurley, interview. July 26, 2006

12), but it is difficult to mobilize members around issues such as including something in the collective agreement that they may already have. In addition, collective agreements in the public sector are not always freely negotiated due to both the threat and/or implementation of legislation that imposes either collective agreements or binding arbitration. It is difficult to convince an arbitrator to break new ground in expanding benefits or adding new items to the collective agreement if there is no agreement between the parties. Many union representatives and researchers interviewed recognized that the lack of inclusion of benefit plans in collective agreements was a concern but that the constraints made it difficult to have it become a priority.

Constraints and Opportunities

In this chapter, a number of opportunities and constraints have been noted. They bear repeating before moving to the next question—what further strategies and research questions could unions develop?

A recurring challenge for the liberal state is to institutionalize and contain the inherent class conflict within the labour market (Fudge and Tucker 2001: 6).

Some aspects of how the state institutionalizes and contains class conflict are hidden from plain view but have become the norm. The limitation of collective bargaining to economic and workload improvements from a single employer is the basis of the state sanctioned collective bargaining regime.⁴⁷ For many public sector workers, a

⁴⁷Provincial or federal labour boards determine bargaining units and employers, so any grouping of either unions or employers requires a decision of appropriate labour board to be legally constituted.

compulsory system of conciliation and mediation minimizes and conceals class conflict and sets up hurdles and barriers to collective action by workers. Similar legislation exists for private sector workers, but it is not as restrictive. Legislation also prohibits public sector workers from negotiating certain matters such as pensions in the case of federal government workers. In some cases, such as the hospital sector in Ontario, workers do not have the legal right to strike and unresolved disputes are decided through binding arbitration. The federal government, as an employer, has the right to declare large numbers of workers as essential, taking away their right to strike through unilateral decisions (Swimmer 1995). Some workers are denied the right to collective bargaining completely.⁴⁸

The state also can act in a more direct and draconian manner to contain class conflict, especially in the case of the public sector. The federal government imposed wage controls on all public sector workers from October 1975 to October 1978 and extended all collective agreements with federal public sector workers for two years in June 1982. In 1991, the federal government legislated an end to a strike by the Public Service Alliance and forestalled strike action by the Canadian Union of Postal Workers, imposing a contract on the former and appointing an arbitrator to impose a contract on the latter.

Provincial governments also have used their legislative power to impose rollbacks on provincial government workers, including Ontario in 1993 and British Columbia in 2002. In 2004, the provincial government in British Columbia legislated workers back to

⁴⁸ The Royal Canadian Mounted Police is one example. Rural delivery drivers working for Canada Post were also in this situation although it changed in 2003, when the Canadian Union of Postal Workers negotiated a change in their employment status in spite of the legal restrictions (Pollack 2004).

work in the health sector and imposed a contract with wages cuts and less job security in the health sector.

The state, as an employer, has increasingly turned to coercion when the consent of public sector workers to engage in even a restricted form of collective bargaining is deemed to be too challenging to the interests of the state in either its role of enabling wealth accumulation or more direct challenges to its monopoly on coercion (Panitch and Swartz 2003). While the state may be relatively autonomous in many matters, when it acts as an employer, it is very much a conscious agent acting in its own interests as an employer or in the interests of capital by setting a tone for negotiations in the private sector. It makes decisions based on what it determines are the relative balance of class forces and the needs of capital. This does not mean that there are not contradictions within the state apparatus. Different government departments and agencies represent different interests, which can cause conflict within the state. As previously mentioned, collective bargaining in the public sector is highly politicized.

The high profits of insurance and drug companies also limit unions' capacity to make other than incremental improvements in coverage for workers in precarious employment relationships. These profits and the threats and cutbacks to public health care have dramatically increased the cost of health benefits and public sector employers are trying to shift those costs onto workers. Coupled with the unions' priorities of preserving the public sector as a source of employment and maintaining the health benefit coverage for full-time workers constrains mean that gains for precarious workers are not always a priority.

Unions are also constrained by their own structures and traditions. The majority of the membership in the public sector unions still is in full-time permanent employment

relationships and their interests and needs tend to dominate collective bargaining priorities. Despite changes in attitudes, sexism and racism still are prevalent in the union movement, and the overrepresentation of women and racialized groups in precarious employment relationship means that issues affecting these workers can be overlooked or ignored.

Unions have made progress in response to the changing nature of employment relationships, the new configurations of the working class and pressure from within, but as the ongoing discussions around union renewal within the unions demonstrate, union activists recognize that there is much more work to do. There are also structural reasons for why there is less focus on the needs of precarious workers. Given the nature of their employment, many of these workers have to work at more than one job. Societal norms still place a disproportionate burden on women within the sphere of social reproduction. These are constraints that make it difficult for many of the workers in precarious employment to be active in their union, especially in time-consuming roles with unpredictable hours, such as collective bargaining committees or teams.⁴⁹ These factors limit their exercise of agency within unions, which affects negotiation priorities.

There is not a clear division between constraints and opportunities for public sector workers. For example, a politicized negotiation environment can be both a constraint and an opportunity. Public sector unions often try to link their own struggles with those of the public, especially around issues of workload in the education and health sectors, and service expansion and improvement at crown corporations like Canada Post and other government agencies. This can result in pressure on elected government

⁴⁹ The norm in collective bargaining often involves late nights, erratic scheduling, and protracted waiting. There is discussion about the difficulties this creates for all the participants, but I am unaware of any concerted effort to find a solution.

officials to intervene on the public's behalf, if not the union's, during negotiation. It may be more difficult to link the struggle for health benefits for public sector workers to the fight for expanded public health insurance. Nevertheless, the recent Commission on the Future of Health Care in Canada (Romanow 2002) has highlighted some of the problems that face the public system including high drug costs and lack of funding. This has provided another platform for the union movement to argue for regulation of the pharmaceutical industry profit and increased funding for the public system (Wiggins 2003). It is unclear, however, how long Roy Romanow's limited recommendations for increased regulation of the drug prices and increased funding can remain part of the public debate.

There are also opportunities. As most state services still need to be provided within the boundaries of the nation state, corporate globalization is not the same threat for public sector workers as it is for private sector workers. A majority of workers in the public sector already have extended benefit coverage, which provides a base to expand the coverage for others. The public sector is highly unionized and there are many large employers, which have been shown as positive determinants of benefit coverage. In addition, there are opportunities for having multi-employer and multi-union negotiations on a sectoral basis, as the funding comes from higher levels of government in many sub-sectors, such as health care and some aspects of education. There is an opportunity to use government's desire to reduce funding to these sub-sectors, as has occurred in the British Columbia education system.

Finally, there are the changes taking place within the union movement under the rubric of union renewal or social unionism. As discussed in Chapter Three, unions are adopting different approaches because of changes in the political economic climate and

the agency of workers within unions. There have been moves towards recognition of the heterogeneous composition of the working class and more emphasis on organizing the unorganized, including those in precarious non-standard employment relationships and the ever-expanding service sector. There is a need, however, to focus on organizing and bargaining sectorally, especially in areas with large numbers of workers in precarious situations (Jackson 2006).

While coalitions with other social movements have not been as prevalent as they were in the 1980s and 1990s, they still exist around the issues of childcare and public health insurance and unions representing workers in these sectors have played leadership roles. Public sector unions representing workers in all aspects of the public sector participate in health care coalitions around protecting medicare and creating a pharmacare system.⁵⁰ The Canadian Labour Congress (CLC) has repeatedly called for universal national pharmacare and increased health care funding for the public system by the federal government (CLC 1999, 2005).

The CLC president, Ken Georgetti, wrote in the *National Post* in April of 2006 when speaking about the move towards private health care:

If we move in this direction, we will see a lot of pressure at the bargaining table to increase benefits coverage. It is not the best option, but unionized workers are not going to just sit idly by and watch corporate executives and the wealthy jump the queue to faster or better care (Ken Georgetti 2006).

⁵⁰ Canadian Autoworkers Union; Canadian Federation of Nurses' Unions; Canadian Labour Congress; Canadian Union of Public Employees; Canadian Union of Postal Workers; Communication, Energy and Paperworkers; National Union of Provincial and Government Employees.

In order to harness demands of the unions with the demands of the broader needs of the working class, it is necessary to resolve the contradictions between collective bargaining and social change. It is yet to be determined if alliances can be made that link the expansion of public health insurance and negotiating the expansion of health benefits to more precarious public sector workers. It may be possible if collective bargaining is approached as part of a process of class formation as well as a means to ameliorate the material conditions of organized workers.

Chapter Six—Conclusions

There are many constraints on the ability of public sector unions to improve and expand health benefit coverage for workers in precarious employment relationships. There are also opportunities. The goal of this thesis was to determine if there is evidence that unions can overcome these constraints through the strategic use of opportunities, and if the contradiction between collective bargaining and social change can be partly resolved by viewing collective bargaining as part of a process of class formation.

This presented both conceptual and pragmatic issues to examine. While the conceptual and the pragmatic could be isolated for initial research purposes, at this point they have to be brought together. As discussed at the beginning of this thesis, the conceptual problem of class formation is made more pragmatic when posed as a strategic question—how does the working class turn its structural position into organizational power? Viewing the question this way allows for discussion of possible solutions to both the problem of collective bargaining regarding extended health benefits for permanent part-time public sector workers and the issue of class formation.

Negotiations regarding extended health benefits for permanent part-time public sector workers provide an example of a collective bargaining issue that has broader class and societal impacts. The debate on health care in Canada has been a central policy issue for decades. The union movement has been involved in that debate through campaigns and alliances with other social groups and through collective bargaining to gain insurance coverage for costs not covered by the public system.

Four specific questions were identified to examine the collective bargaining aspects and to provide concrete data and analysis for the conceptual aspect of the research

question. What are the constraints and opportunities facing labour unions in negotiating extended health benefits for workers in precarious employment relationships in the Canadian public sector, specifically in a neoliberal economic and political regime, and is there evidence that the constraints can be overcome through strategic use of the opportunities?

The first of these questions was: Has progress been made in expanding benefit coverage for permanent part-time unionized public sector workers from 1994 to 2004? The data shows only incremental progress. Coverage rose by over 12% from 1999 to 2004 for just over half of the bargaining units representing 100 workers or more having coverage for those in permanent part-time employment relationships. The larger the bargaining unit, the more likely there was to be coverage. In bargaining units of over 500 workers, almost 60% have coverage for permanent part-time workers. Many of these units had coverage for permanent part-time workers prior to 1994, and they are largely composed of direct employees of federal and provincial governments.

In smaller bargaining units, only slightly over one-third of collective agreements have coverage for this group of workers as of 2004. This has not changed significantly since 1994.

Private sector workers fare much worse. Less than a quarter of collective agreements covering units covering over 100 workers have coverage for permanent part-time workers.

In summary, permanent part-time workers in large public sector bargaining units are more likely to have extended health benefit coverage than those in the private sector or in small public sector bargaining units. In either case, they still are less likely to have coverage than their full-time counterparts.

The second question examined how the trends in negotiations over benefits will affect this group of workers. The answer here is even less positive. Benefit costs are rising due to factors such as the demutualization of the major insurance companies, increased drug costs, increased usage of plans and cutbacks to publicly funded health care. Employers are responding to these developments by attempting to reduce costs through proposals to increase premiums and deductibles and seeking to introduce schemes like flexible benefits and Health Savings Accounts that cloak a reduction in coverage with rhetoric about offering workers greater choice. The research found that when unions engaged in discussions and negotiations with employers in efforts to reduce costs, the focus for the union was usually to maintain existing benefit coverage, not to expand coverage to permanent part-time workers.

The third question asked if the strategies unions are using to improve benefit coverage for this group of workers have been effective. That there have been incremental gains for units of over 100 workers and no significant gains for smaller units does not provide evidence of effective strategies. The research shows that unions have developed three main strategies to deal with the lack of benefits for precarious workers. The first has been to bargain plans or payment in lieu of benefits, the second has been to try to reduce costs, and the third has been to work towards broader based plans through increasing the size of the group covered by a benefit plan.

The first strategy developed out of the argument that a pro-rated plan or a percentage in lieu of benefits that approximates the cost to employers of the benefit program for full time workers is the next best alternative to full coverage. Payment in lieu of benefits has its roots in attempts to limit the advantages for employers to substitute part-time workers for full-time ones due to the cost savings. It was also seen as the

beginning step in a transition to providing at least pro-rated plans to part time workers. As mentioned previously, equal cost to the employer for full-time or part-time labour does not necessarily equate to equal treatment for part-time workers, because pro-rated plans often are not cost effective from the workers' perspective, and the amount paid in lieu of benefits will fall far short of the actual cost for workers to get benefit coverage on their own. The incremental gains in coverage identified in the research are not sufficient to demonstrate that the strategy of negotiating either payment in lieu of benefits or pro-rated plans is effective in moving towards full coverage.

The strategies of cost reduction or seeking broader based plans were not designed specifically to expand coverage to precarious workers. These strategies are part of an overall approach to maintain and improve coverage given rising benefit costs. Many of those interviewed felt, however, that unless the costs could be reduced, it would be difficult to achieve an expansion of coverage to those currently not covered by plans. The focus has been on reducing the costs of prescription drugs through the implementation of drug formularies and encouraging the use of less expensive generic drugs. Whether this has been negotiated at the bargaining table or occurred through joint union and employer committees, it can constrain unions through pressure to prioritize reducing costs to employers.

Unions have developed several ways to broaden the base of plans, which have made it possible to include part-time workers in some instances. In 2002, the Canadian Union of Postal Workers brought previously unorganized part-time rural route mail couriers into a larger bargaining unit where coverage was already in place. This added six thousand workers to a benefit plan that already had over sixty thousand participants. This scale made it relatively inexpensive to include coverage for the new group.

Nevertheless, it was the less costly vision and hearing care that the union achieved, rather than the more expensive drug plan. A second example occurred in British Columbia in 1999 when the unions in the public education system worked with the provincial government to bring multiple bargaining units into one plan in order to save costs. This resulted in the expansion of coverage to part-time workers in those units that did not already have coverage. These cases must be viewed as exceptions. Most gains have been slight overall and practically non-existent for the smaller bargaining units. The other option for unions, seeking to create a broader base, has been to come to agreements with small employers to participate in pooled plans with other unions and employers such as the OPSEU plan. In these instances, the goal was to create an ability to fund plans in general, which do not necessarily include part-time workers.

The third strategy, sectoral bargaining, has been difficult to achieve. As mentioned in Chapter Five, labour boards determine bargaining units. This is not a simple matter and becomes more complex if there is more than one union involved. Unions have been able to overcome the difficulties in some cases and not in others. In the Ontario hospital sector, unions have not been able to agree on a common approach to benefit plans. In the Nova Scotia education sector, the employers have been willing to discuss the pooling of health plans, but not within the collective bargaining regime. The central labour body structure is not set up to encourage sectoral bargaining, although its constitution urges affiliated unions to strive to coordinate bargaining (CLC 2005). Much more energy at the CLC has been put into attempting to resolve disputes about which union will represent a group of workers, than in encouraging sectoral bargaining. This is partly a result of the CLC structure, where most of the power and resources reside with the affiliated unions. Nevertheless, sectoral bargaining is being discussed, and union

representatives interviewed felt that benefit negotiations are one place where there are opportunities for sectoral bargaining, as there was a growing understanding that individual union bargaining could not make gains in this area.

The fourth question concerned what further strategies and research questions unions could develop and links these pragmatic questions to the issue of how the working class turns its structural position into organizational power.

In order to develop a bargaining strategy, unions must have accurate and reliable data. A strategic relational approach advocates a cycle of analysis and action to create knowledge that can then inform further action. Actions become strategy when they are intentionally oriented to a specific task, in this case achieving extended health benefits for permanent part-time public sector workers. While action is an important component of this approach, it must be informed action. Currently, the categories for data analysis and methods for data collection have not kept up with the trends to relative permanence of precarious employment in the public sector or the shift from large government institutions to smaller agencies. The currently available data from HRDSC also does not allow a comparison of the details of coverage for part-time workers to that of full-time workers nor does it provide information on whether plans are pro-rated or there is payment in lieu of benefits. The data from CUPE/CAIS does list whether plans are pro-rated or if there is payment in lieu of coverage, allowing for some comparisons to full-time workers, but comparisons cannot be made in a detailed manner. HRSDC's practice of only sampling collective agreements that cover over one hundred workers excludes a large portion of public sector employment. CUPE/CAIS does include all of its units, comprised mostly of units representing fewer than one hundred workers. The large public sector unions representing those who work directly for governments generally have detailed

information about which workers are covered, but these are not always picked up by HRSDC's sampling methodology.

Finally, as benefit coverage is not always detailed or even referred to in the collective agreements, HRSDC and the unions must move beyond looking at collective agreements as the primary data source for this issue. In addition, not having the details in collective agreements hides the agency that unions have in negotiating benefits.

There is also very little information available on how permanent part-time workers define their own needs and set their priorities. Both Statistics Canada's Labour Force Survey and the qualitative data gathered through interview process for this research drew attention to the varied life circumstances of part-time public sector workers. These workers are likely to be searching for full-time employment or working more than one job and/or one with irregular hours. They may rely on the income that comes as payment in lieu of benefits to provide for some of their basic needs. The range of these circumstances, combined with the overrepresentation of women and racialized groups in part-time employment and the varying ages of part-time workers impact on what the priorities are for these workers to achieve benefit coverage relative to their other needs. These factors influence the opportunities and constraints they have for agency within their unions. OCHU/CUPE's survey of part-time workers and CUPW's specific process for setting demands for rural route couriers appear to be exceptions. In most cases, all the members of the bargaining units set demands together, which means that part-time workers could have their priorities absorbed into a larger process less representative of their concerns. In order to counteract this dynamic, unions need to involve part-time workers directly, as permanent part-time workers are not a homogenous group and this group of workers is often underrepresented in union leadership and on negotiating

committees. While only one union representative interviewed suggested that part-time workers did not want to have extended health benefit coverage, it was not clear how much of a priority it was for this group of workers.

Even with detailed data and more direct involvement by permanent part-time workers in setting negotiation priorities, there is a risk that rising costs for benefit coverage due to the demutualization of the major insurance companies, increased drug costs, increased usage of plans and cut backs in publicly funded health care may continue to stall other than incremental gains in coverage for part-time workers. Neoliberal economic policies and the trend for government policy to move from “consent to coercion” in labour negotiations will continue to make it difficult for unionized public sector workers to maintain their relatively advantageous position in regards to health benefits *vis a vis* the rest of the working class. Unions are also constrained if they remain locked into using past structures of collective bargaining in the restructured economy with large numbers of workers in precarious and varied employment relationships. The Canadian Labour Congress noted in a 2002 policy statement that,

The increase in the contingent work force — more part-time, casual and temporary employment — means increased complexity for unions in bargaining for job security, access to benefits and equal treatment of workers in these jobs, many of whom are forced to hold two or three jobs with different employers (CLC 2000).

This complexity means that bargaining, especially over benefits, must move beyond the one employer and one union model and the norm of negotiating only non-political issues. An emphasis on constraints of the legalized structural elements of collective bargaining does not always explain outcome, given that workers struggled to shape that structure partly through using “the political logic (of the liberal state) to limit

their commodification, pressing their democratic demands as citizens” (Fudge and Tucker 2001: 5-6). These struggles are part of the dynamic that resulted in the structures, and therefore, workers have the potential to alter those structures.

Sectoral bargaining has enough advantages both pragmatically and conceptually that unions need to consider it a serious and perhaps necessary option to initiate these changes. Sectoral bargaining provides the opportunity to broaden the pool of workers, making it more likely to maintain existing coverage and expand coverage to precarious workers. Sectoral bargaining also has the potential to broaden the solidarity of workers and increase their collective bargaining power.

Sectoral bargaining also provides an opportunity for unions to put those responsible for negotiations on the employer’s side more directly in the frame. Instead of trying to negotiate benefit plans with a variety of small social welfare agencies that are funded by a provincial government, the unions could focus can be on the commonality of these small employers—where they get their funding. This focus has two advantages. The first is that negotiations are more explicitly between the union and the actual employer, the government. The second is that negotiations can become more overtly political. The need for negotiating extended health benefits is due to the lack of full coverage under the public plan. Revealing this lack through the agency of unions involved in collective bargaining can open up strategic opportunities. Unions can make the argument in negotiations with smaller public sector agencies that if public health insurance were expanded, there would be less financial pressure on these agencies to pay for the gaps in coverage. If unions are successful in expanding and improving benefit coverage through negotiations they may make more of these agencies see the advantage of public health insurance system that covers all medical needs.

The limits of labour unions under neoliberalism cannot be known without testing those limits. How far can sectoral bargaining go? Can it include the entire public sector? This could open up the possibilities for the union movement to bargaining on behalf of the working class. While this does not directly challenge the nature of capitalist employment relationship, it would be a step forward in class formation. Taking this stance would shift the view of bargaining and put more emphasis on looking beyond a single employer relationship and at employers in general and the state. It is not a matter of wanting to move to a class based position, it is a necessity as the constraints of the current collective bargaining regime and a neoliberal political economic climate preclude anything other than incremental gains through the existing collective bargaining norms.

Expansion of what is covered by universal public health care health, which would cover all workers, is the most equitable solution and requires political change in order to be achieved. Unions in both the public and private sectors are involved in this campaign. In the meantime, unions must continue to represent their members at the negotiating table. The higher rate of unionization of the public sector provides permanent part-time public sector workers with some lessening of the precariousness experienced by those in the private sector. However, as Reesor and Lipsett (1998) noted changes in the nature of public sector employment due to downsizing, downsizing and contracting out suggest that public sector workers could lose this relative advantage in the future..

As the state in liberal democracies like Canada is becoming less a site for mediation of class interests, but ever increasingly a vehicle for imposition of the market imperative (Fudge and Tucker 2001: 314-315), and the state relies more on coercion than consent in its negotiations with public sector workers, public sector unions are constrained in both extending benefit coverage and maintaining current coverage.

Nevertheless, there are still opportunities. Since the 1970s, unions have developed more democratic, inclusionary internal practices and structures and a deeper, more critical analysis of society. In response to these internal pressures, deeper analysis, and the sharpening of contradictions in society as a whole, unions have built alliances with other social groups, albeit often only on a formal and/or issue specific level. Unions must recognize that the relatively privileged position of organized workers is precarious in the current economic situations. There is a need for the working class to make alliances in order to create a “social bloc” large enough and powerful enough to challenge the hegemony of the dominant class (Gramsci 1971). The working class, in its organizational form of labour unions, however, must see itself as a leading fraction of a class with broader class interests than cannot be achieved through negotiations by union with one employer. In order to harness demands of the unions with the demands of the broader needs of the working class, it is necessary to resolve the contradictions between collective bargaining and social transformation. This may be possible if unions approach collective bargaining as part of a process of class formation as well as a means to ameliorate the material conditions of organized workers. This could begin with a sectoral approach to collective bargaining. It is the specific strategies used rather than having a strategy of involvement in the structures of collective bargaining that will determine whether there is movement within the working class from a “class in itself to a class for itself” and thus the potential for transformative change as well as an amelioration of material conditions.

Even if sectoral bargaining and ultimately bargaining on behalf of the working class become accepted strategies, achieving them is not on the immediate horizon. Unions still have to negotiate with employers in the meantime and reducing the cost of benefit plans is already on the table.

An immediate or interim strategy of trying to reduce costs of coverage with a view to focus on the profits of drug and insurance companies could create opportunities for public sector unions to work with some public sector employers, including governments, to challenge the profits of these corporations. Most public sector unions are already involved in campaigns to expand the public health system specifically in regards to drug costs. It may be possible to put nationalization of the pharmaceutical industry on the agenda. If public sector unions begin to bargain as if they were bargaining on behalf of the working class and included the demand that the profits of the drug companies be regulated or that the government be directly involved in the manufacture and distribution of prescription drugs, the debate on health care could include more transformative options.

Does class based bargaining lead to more transformative change or will it just lead to moving traditional collective bargaining into a corporatist model? While there are dangers of co-option, it is less likely than in previous decades when public sector unions were under pressure in the labour movement to be involved in tri-partite approaches. However, corporatism is not been the main agenda of the state for some time (Jenson and Mahon 1993) making this less of a concern. Co-option is always a risk, but without broader class based organizations with more political influence, discussions about corporatism remain speculative. Assuming that more overtly class based politics is a step forward, the risks of co-option have to be taken.

Public sector negotiations always have a political nature. Social bargaining and bringing political issues to the table to make government and other public sector employers understand and act on the link between their costs and the dismantling of medicare and expansion of the private sector makes that political nature more explicit.

There is no indication that unions will stop trying to negotiate improvement in coverage or stop engaging in the broader political struggle to maintain and/or expand the public health system. Without continuing to negotiate on behalf of their members under the existing regime, unions run the risk of losing the support of their members, making it difficult for the unions to act politically.

While the gains may be incremental for this group of workers as a whole, they are not incremental for the workers that received the benefits. The cost of non-publicly funded healthcare, especially prescription drugs, has risen dramatically. Many individuals simply do not have prescriptions filled due to costs. The difference between having extended medical coverage or not is a crucial quality of life factor, especially for someone on a low income. The lack of benefit coverage makes life even more insecure for someone in a precarious work situation.

It is yet to be determined if alliances can be made that link the expansion of public health insurance and challenging the profits of those involved in the health care industry with negotiating the expansion of health benefits to precarious public sector workers. It is widely accepted that union gains set trends and tend to push up the wages and benefits of other workers. While this study only looked at the public sector, it is sector where the majority of workers are represented by unions, and those unions can play a leadership role in setting trends that put pressure on the private sector. Taking advantage and articulating this tendency may be the answer to the question of how unions can link collective bargaining with gains for the broader working class.

The conclusion reached is that the specific strategies used will determine whether there is movement within the working class from a class within itself to a class for itself and thus the potential for transformative change as well as an amelioration of material

conditions. The highly politicized system of collective bargaining in the public sector has both constraints and opportunities depending on the relative strength of the working class. The lack of benefit coverage for workers in precarious employment is both a political and a collective bargaining issue. The most effective strategies will link these two aspects.

Appendix A: Telephone Script: Information on Project and Oral Consent

I am doing research for my Masters of Arts thesis in Political Economy at Carleton University.

My research topic is “What are the constraints and opportunities facing unions in negotiating extended health benefits for workers in precarious employment relationships in the Canadian public sector, specifically in a neoliberal economic and political regime, and is there evidence that the constraints can be overcome through strategic use of the opportunities”

I am looking specifically at benefit coverage for permanent part-time public sector workers and am contacting unions that represent this group of workers.

I would like to interview you about your union’s approach to this issue and your views about the opportunities and constraints facing unions in expanding health benefit coverage to this group of workers. I am looking for information on both access to coverage and negotiating strategies.

The interview will take approximately half an hour.

I hope that the knowledge created by this research will have a long-term benefit by providing the unions involved with information on benefit coverage for permanent part-time workers in the public sector and ideas on strategies for expanding benefit coverage to this group of workers.

However, there may be aspects of your unions’ strategies that you may not wish to become known to either employers or other unions. As you may know, I used to work with the Canadian Union of Postal Workers and was the National President of that organization until my retirement in 2002. In addition, some of your views may not be the

same as your organization's views, which may create problems for you within your union. You have the option of having some or all of your responses attributed or not to you and/or your organization. You also have the option of not responding or commenting on any question. If you wish, I will keep your responses confidential and will be the only one with access to your responses. I will store the transcripts of the interviews indefinitely, unless you wish them destroyed at the end of the project. I may use them for other projects, but will not do so unless you consent at the time of the other project

The interview will be open-ended, and you have the right to end the interview at any time or refuse to answer any questions.

The Carleton University Research Ethics Committee has approved this interview, and you can contact the Chair of the committee, Professor Antonio Gualtieri, if you have any questions about the ethics of the project at 613-520-2517 or by e-mail at ethics@carleton.ca.

You can also contact my thesis supervisor, Professor Rosemary Warskett at 613-520-2600 or by e-mail at rosemary_warskett@carleton.ca

The completed thesis will be available through Carleton University Library and the Library of Canada.

Do you have any questions?

Do you wish to proceed with the interview?

Appendix B: Interview Questions

What has been your union's approach to the issue of extended health benefits for part-time workers?

What do you see as the opportunities and constraints facing unions in negotiating extended health benefit coverage to this group of workers?

What strategies have been effective?

What strategies should be considered?

Do you have any other comments?

Appendix C: Interviews and Personal Communications

Brian Edgecombe Senior Collective Agreement Analyst Canadian Union of Public Employees	March 15, 16, 29, 2005 May 23, 2006
Sandy Bergeron Industrial Relations Information Consultant Labour Program-Workplace Information Directorate Human Resources and Skills Development Canada	October 5, 23, 2005 March 16, 17, 2006 May 2, 2006
Geoff Bickerton Director of Research Canadian Union of Postal Workers	October 11, 12, 2005
Larry Dufay Senior Research Officer Canadian Association of University Teachers	December 15, 2005
Michael F. McNamara Negotiator Collective Bargaining Branch Public Service Alliance of Canada	January 12, 20, 2006
David Orfald Senior Research Officer, Negotiations Collective Bargaining Branch Public Service Alliance of Canada	January 18, 2006
Jim Petrie Union Representative Alberta Union of Public Employees	January 26, 2006
Russ Tychonick Research Officer Manitoba Government Employees' Union	January 26, 27, 2006
Marcelle Goldenberg Director of Research Executive Vice-President Service Employees International Union Local 1	February 7, 2006 March 13, 2006

Judy Snow Communications Newfoundland and Labrador Association of Public and Private Employees	April 4, 2006
John Staple Director Economic & Member Services Canadian Teachers' Federation	April 12, 2006
Paul Atkinson Labour Relations Prince Edward Island Union of Public Sector Employees	May 18, 2006
Keiren Tompkins Director of Negotiations and Servicing Nova Scotia Government and General Employees Union	January 4, 2006
Margaret Evans Senior Research Officer Canadian Union of Public Employees	January 17, 24, 2006 April 24, 2006
Darcie Beggs Senior Research Officer Canadian Union of Public Employees	January 2, 2006 March 15, 2006
Anonymous Public Relations Department Ontario Nurses Association	April 13, 2006 May 19, 2006
Andrew Jackson National Director, Social and Economic Policy Canadian Labour Congress	April 20, 2006
Corey Vermeij National Representative CAW-TCA Canada	April 27, 2006
Susan Attenborough Senior Research Officer Canadian Union of Public Employees	April 28, 2006
Mike Robichaud Labour Relations Officer New Brunswick Union of Public and Private Employees	May 19, 2006

Anonymous
National Union Representative
Canadian Union of Public Employees

May 30, 2006

Anonymous
National Executive Board member
Public Service Alliance of Canada

July 27, 2006

Robert Chisholm
National Union Representative
Canadian Union of Public Employees

August 2, 2005

Michael Hurley
President
Ontario Council of Hospital Unions
Canadian Union of Public Employees

August 3, 2006

Gary Johnson
National Union Representative
Canadian Union of Public Employees

August 8, 9, 2006

Deborah Bourque
National President
Canadian Union of Postal Workers

August 10, 2006

Appendix D: Sources on Benefit Plans for Federal and Provincial Government Workers

Federal

Treasury Board of Canada. 2005. *Public Service Health Care Plan - Benefits Coverage and Plan Provisions*

http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_862/pshcpb-rssfpp
accessed on December 17, 2006

British Columbia

Thirteenth Master Agreement Between The Government of the Province of British Columbia represented by the Public Service Employee Relations Commission and the B.C. Government and Service Employees' Union (BCGEU). May 23, 2001.

Alberta

Master Agreement: The Government of the Province of Alberta and the Alberta Union of Provincial Employees. November 27, 2001.

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