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**REDISCOVERING POLITICS:
ORGANIZED LABOUR, BUSINESS, AND
THE PROVINCIAL STATE IN QUEBEC, 1960-1985**

**by
A. Brian Tanguay**

**A dissertation submitted to the Faculty of
Graduate Studies and Research in partial fulfillment
of the requirements for the degree of
Doctor of Philosophy
Department of Political Science**

**Carleton University
OTTAWA, Ontario
June 1990**

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ISBN 0-315-60504-9

The undersigned hereby recommend to
the Faculty of Graduate Studies and Research
acceptance of the thesis,

**"REDISCOVERING POLITICS: ORGANIZED LABOUR,
BUSINESS, AND THE PROVINCIAL STATE
IN QUEBEC, 1960 - 1985**

submitted by

A. BRIAN TANGUAY, B.A., M.A.

in partial fulfilment of the requirements
for the degree of Doctor of Philosophy

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July 24, 1990

ABSTRACT

This study examines two propositions: first, that the state is able to formulate and act on its own preferences, which are not simply reflections of the demands of powerful social groups, and secondly, that political variables are at least as important as economic factors in the determination of state policy. The state is defined as a complex of institutions which exercises coercive power over a given territory. The political variables to which the second proposition refers comprise both short-term electoral considerations (the attempts by political parties to win or retain governmental power) as well as the efforts by political actors (parties, social movements, and the state) to mould communal symbols and values and thereby contribute to the formation of collective identities. More than any other institution in society, the state is in a position to manipulate the prevailing political discourse--the discourse of nationalism, for example--in order to overcome, or temporarily neutralize, the opposition of powerful social groups to its objectives.

Industrial relations is selected as the policy field in which to investigate these propositions because it is an area in which the power and influence of business can be expected to be very great. Industrial relations is not just any policy field; it concerns the place and power of the working class in capitalist society, as well as the rights and prerogatives of the owners of capital. If I can show that even in this policy sector the state has a certain real autonomy from capital, or that it is able to rely on a variety of autonomy-enhancing devices to neutralize opposition to its initiatives, then a strong case can be made for my claims about the importance of politics in the determination of state policy and the nature of state autonomy in capitalist society.

For the purposes of my analysis, industrial relations is divided into three subsectors: the private sector, the public sector, and the construction industry, which in Quebec is a quasi-public industry. For each of these subsectors, I examine the policies enacted by provincial governments to strengthen or hinder trade unions as organizations, on the assumption that a state's decision to grant or extend collective bargaining rights to various categories of workers provides the researcher with an ideal opportunity to explore the nature of state autonomy in capitalist society.

The study is organized along chronological lines, in order to allow me to interweave an analysis of the major policy developments in a given period with a consideration of the principal political and economic factors that have shaped these policies. After a rapid survey in chapter two of Quebec's economy and system of industrial relations from the turn of the century to the defeat of the Union Nationale in 1960, subsequent chapters examine the most important labour policies of the Lesage administration (1960-1966), the Union Nationale under Daniel Johnson and Jean-Jacques Bertrand (1966-1970), Robert Bourassa's Liberal government (1970-1976), and the Parti Québécois administration (1976-1985).

Two main conclusions emerge from my analysis. First of all, politics does matter in the determination of state policy. In all three policy subsectors, electoral considerations have had a marked impact on the timing and nature of industrial relations reforms. This is especially true in the public sector, where a series of governments made surprising eleventh-hour concessions to the Common Front unions in an attempt to purchase an agreement without widespread strife, so that their chances of re-election would not be harmed. It was also evident in the construction industry, where labour policy became entangled in the electoral machinations of the Bourassa regime: one of the union federations, FTQ-Construction, was literally employed by Bourassa and his political advisers as a private electoral army, charged

with the task of limiting as much as possible the chances for success of Parti Québécois candidates. In return, the FTQ elicited a number of important policy concessions from the Liberal government, which strengthened their organization vis-à-vis their rivals, the CSN.

As well, the political projects of state actors--the drive to modernize the provincial state apparatus, in the case of the Liberals under Jean Lesage, and the desire for an independent Quebec, in the case of the Parti Québécois--compelled certain governments to enact labour policies that were at times inimical to the interests of business. As examples, one could cite the PQ's anti-scab legislation, or its creation of a tripartite Commission de la santé et de la sécurité au travail to oversee occupational health and safety in the province. My analysis shows that these reforms were by no means trivial embellishments on the status quo.

The second main conclusion of my study is that the bureaucracy, or what I call the technostructure, has played an independent role in the formulation of labour policy in Quebec. One of the most important trends in labour relations during the period studied here was the inexorable centralization and politicization of bargaining in both the public sector and the construction industry. In both cases, I argue, these trends were the direct result of the technostructure's infatuation with efficiency and rationalization. Designed to increase governmental control over bargaining in these two sectors, centralization had a number of unanticipated consequences--strengthening of the labour movement, heightened industrial conflict, and increased organizational and material benefits for workers--that were neither desired by business nor beneficial to it.

ACKNOWLEDGEMENTS

In writing this dissertation I have benefited immeasurably from the encouragement, prodding, and thoughtful criticism of my supervisor, Jane Jenson. She is probably more experienced now in dealing with inordinately cautious authors than she would like to be, but I have certainly profited from the association. I am also grateful to the other two members of my committee, Maureen Molot and Gene Swimmer, for their helpful advice and criticism, which have made this study much better than it otherwise would have been. And I am deeply indebted to Khayyam Zev Paltiel, both for his encouragement in the initial stages of this undertaking, and for the countless hours during which we discussed Quebec politics and almost every other political topic imaginable. I can only regret that his untimely death prevented him from seeing this thesis to its completion. The financial support of the Social Sciences and Humanities Research Doctoral Fellowship Program is also gratefully acknowledged.

Archivists with the Quebec government and information officers with Quebec's trade unions and business associations have assisted me throughout my research, and this has greatly facilitated the writing of this dissertation. I am particularly grateful to Michel Gagné of the Quebec Ministry of Labour Library for his help in tracking down a number of hard-to-find documents.

A few words of thanks are no doubt insufficient compensation for the years of support, encouragement, and understanding that my wife, Nancy, has given me. No matter how inadequate this gesture may be, I would nonetheless like to dedicate this study to Nancy, and to our son, Eric, both of whom have given me a greater appreciation of what really matters in life.

CONTENTS

ACKNOWLEDGEMENTS	iii
ABSTRACT	iv
LIST OF TABLES AND FIGURES	xiii
LIST OF ABBREVIATIONS	xv
PART I: THEORETICAL CONSIDERATIONS	1
CHAPTER ONE: Politics, the State, and Industrial Relations: An Analytical Framework	2
I. Introduction	3
II. Paradigms of State-Society Relations and the Explanation of Public Policy	11
(i) Pluralism, Elite Theory, and Neo-Marxism	11
(ii) The Limits of Functional Explanation	18
III. Industrial Relations and the Autonomy of the Capitalist State	23
IV. The Theoretical Framework in Brief	35
(i) The Basic Assumptions of an 'Actor-Centred' Approach	35
(ii) A Note on Methodology	42
V. The Plan of the Dissertation	45
Chapter One Endnotes	48
PART II: FROM THE "GREAT DARKNESS" TO THE "QUIET REVOLUTION"	57
CHAPTER TWO: Quebec's Economy and Society On the Eve of the Quiet Revolution	58
I. Introduction	59
II. Industrialization, Working-Class Formation, and Business Organization in Quebec Prior to 1960	62

(i) The "Economic Backwardness" of Quebec	62
(ii) The Origins and Growth of Quebec's Labour Movement	66
(iii) Organizations of Business During the Duplessis Era .	81
III. The Legal Framework of Industrial Relations Before 1945 . . .	87
(i) Federal Sources of Quebec's Labour Law	88
(ii) The Corporatist Strand in Quebec's Labour Law	91
(iii) The Loi des relations ouvrières (1944)	93
IV. The Union Nationale, Labour Relations, and the Origins of the Quiet Revolution	98
V. Conclusion	104
Chapter Two Endnotes	107
 CHAPTER THREE: The Quiet Revolution and the Liberalization of Industrial Relations in Quebec 1960-1966	115
I. Introduction	116
II. The Demise of "Duplessisme" and the Liberal Victory of 1960	122
III. Organized Labour, Business, and the Lesage Government . .	130
(i) The Transformation of Quebec's Labour Movement . .	131
(ii) Business and the Quiet Revolution	136
IV. The Labour Code of 1964 and the Private Sector	142
V. The Labour Code, the Public Sector, and the Modernization of the Quebec State	155
VI. A Brief Note on Tripartite Consultation.	172
VII. Conclusion	173
Chapter Three Endnotes	176
 PART III: THE CYCLE OF MILITANCY AND REPRESSION, 1966-1976	184
 CHAPTER FOUR: The Union Nationale Interregnum, 1966-1970: Tentative Steps Toward Corporatism	185

I. The Golden Age of the Technocrats	186
II. The 1966 Provincial Election	196
III. The Union Nationale and Organized Producer Groups	201
(i) Business and the Drive Toward Organizational Unity	201
(ii) The Radicalization of the Labour Movement	205
IV. Construction Industry Labour Relations: From Chaos to Corporatism	213
(i) Background to Bill 290 (1966-1968)	213
(ii) Inter-Union Rivalries in the Construction Industry	218
(iii) Bill 290 (1968)	225
V. The Union Nationale and the Public Sector: The Demise of Free Collective Bargaining	239
(i) "Nationalizing" Quebec's Hospitals, 1966	243
(ii) The Crisis in Education, 1966-1967	246
(iii) Bill 1 and the Montreal Transit Workers' Strike, 1967	253
(iv) The "Politique Salariale," 1968-1969	256
VI. Conclusion	264
Chapter Four Endnotes	269
 CHAPTER FIVE: The Bourassa Government, the Construction Industry, and the Imperatives of "Profitable Federalism," 1970-1976	
I. "Profitable Federalism" and the Construction Industry, 1970-1976	281
II. The National Question and Labour Relations in Quebec	290
(i) Business and the Bourassa Regime: Standing Up to the Unions	290
(ii) The Anti-Capitalism of the Quebec Labour Movement	295
(iii) The Rise of the Parti Québécois and the "coup d'état fédéral" of 1970	299
III. The Malaise in Quebec's Construction Industry	304
(i) The Demise of Liberal Corporatism in Construction, 1970-74	307
(ii) The James Bay Fiasco, 1974-1975: "L'industrie de la construction au Québec ... est ... malade"	319

(iii) The Government's Response to the Cliche Report: The Drift Toward Authoritarian Corporatism	323
(iv) Incipient State Corporatism in Quebec's Construction Industry and the Limits of State Autonomy	332
IV. Conclusion	342
Chapter Five Endnotes	344
 CHAPTER SIX: Crisis and Confrontation in Quebec's Public Sector, 1970- 1976	354
I. Labour Relations in Quebec's Public Sector, 1970-1976: Centralization, Politicization, and Coercion	355
II. Changes in the Bargaining Regime, 1970-1976	365
III. The Common Front Versus Bourassa, Rounds One and Two	371
IV. Government Strategy During the Two Rounds: The Dialectic of Coercion and Concessions	384
V. Conclusion: Economic Crisis, the Public Sector, and State Autonomy	393
Chapter Six Endnotes	396
 PART IV: THE FAILURE OF LIBERAL CORPORATISM, 1976-1985	400
CHAPTER SEVEN: The Parti Québécois and Reform of the Labour Code: In Search of a "New Social Contract"	401
I. The Parti Québécois and Private-sector Labour Relations: The Two Faces of State Policy	402
II. The Independence Coalition and Labour Relations in Quebec	412
(i) The Parti Québécois: Origins, Ideology, Class Composition	414
(ii) The Parti Québécois: Anti-Capitalist Movement Or Instrument of the Francophone Bourgeoisie?	418
(iii) Organized Labour and the Parti Québécois: "La Main Tendue et L'Oeil Ouvert"	426
(iv) The Stakes of the 1976 Election and the Balance of Power in the First Lévesque Government	434

III. The Parti Québécois and the Construction Industry: A Stable System of Sectoral State Corporatism?	436
IV. Bill 45 and the Reform of the Labour Code: Towards "Syndicarchie"?	446
V. Conclusion	465
Chapter Seven Endnotes	468
 CHAPTER EIGHT: Regulatory Legislation and Concerted Action, 1976-1985: Building a "National Consciousness"	478
I. Introduction	479
II. Regulatory Legislation Under the Parti Québécois: The State as "Trade Union of the Population"	483
(i) Labour Standards Legislation: Bill 126 (1979)	483
(ii) Regulating Occupational Health and Safety: Bill 17 (1979)	490
III. Concerted Action Under the Parti Québécois: New Social Contract or Corporatist Window Dressing?	500
(i) Economic Summits in Quebec: Dialogue of the Deaf?	505
(ii) The Institut national de productivité and the Table national de l'emploi	512
(iii) The Beaudry Commission	518
IV. Conclusion	529
Chapter Eight Endnotes	532
 CHAPTER NINE: The Lévesque Government and the Common Front: The Failure of a Dream	540
I. Economic Crisis, the Referendum, and the Public Sector	541
II. The 1979 Round of Bargaining: Purchasing Social Peace	549
(i) The Martin-Bouchard Report and Its Aftermath (1978): Hypercentralization of Public-Sector Bargaining	549
(ii) Government and Union Strategies During the 1979 Round of Bargaining	558
(iii) Emergency Legislation, 1979-80: The PQ Plays the Nationalist Card	565

III. The PQ and the Common Front, Round Two: After the Referendum	578
(i) The 1981 Election and the "Union-Nationalization" of the Parti Québécois	578
(ii) La Raison d'Etat: Opening Up the Collective Agreements	592
(iii) Bill 111: The Fruits of 'Neo-Duplessisme'	597
(iv) Bill 37: The Retreat from Hypercentralization	607
IV. Conclusion	612
Chapter Nine Endnotes	615
PART V: SUMMARY AND CONCLUSIONS	624
CHAPTER TEN: Rediscovering Politics: Organized Labour, Business, and the Provincial State in Quebec	625
I. A Summing Up	626
II. Possible Criticisms of the Approach	645
Chapter Ten Endnotes	649
BIBLIOGRAPHY	651

LIST OF TABLES AND FIGURES

Table 1.1: Industrial Relations Policies in Quebec, 1960-1985	27
Table 1.2: Tripartite Institutions in Quebec's Industrial Relations Sector, 1960-1985	30
Table 2.1: Union Membership in Quebec by Federation, 1935-1959	75
Table 2.2: Union Density and Annual Growth Rate in Union Membership in Quebec, 1940-1960	97
Table 3.1: Vote Intention and Social Class in Quebec, 1960 and 1962	128
Table 3.2: The Evolution of Quebec's Labour Code, 1963-1964	147
Table 3.3: Average Annual Growth Rates in Employment in Quebec by Sector, 1951-1971	154
Table 3.4: Union Membership in Quebec by Federation, Union Density, and Annual Growth Rates in Membership, 1960-1966	169
Table 3.5: Strikes and Lockouts in Quebec by Sector, 1960-1966	169
Table 4.0: Labour Legislation in Quebec, 1966-1970	189
Table 4.1: Union Membership in Quebec's Public Sector by Federation, 1968. . .	212
Table 4.2: Hourly Wages in Construction and Manufacturing, Canada and Quebec, 1950-1970.	217
Table 4.3: Union Membership in Quebec's Construction Industry, By Federation and Region, 1968.	220
Table 4.4: Work Stoppages in the Construction Industry, Quebec and Ontario, 1935-1969.	224
Table 4.5: Work Stoppages in Quebec's Construction Industry, 1960-1970.	224
Table 4.6: Distribution of Quebec Government Expenditures, By Sector, 1960-1970.	240
Table 5.1: Labour Legislation in Quebec, 1970-1976	284
Table 5.2: Degree of Representativeness under Bill 9, 1972	316
Table 5.3: Work Stoppages in Quebec's Construction Industry, 1970-1985	341

Table 6.1: Membership in the 1972 Common Front, By Sector and Federation .	368
Table 6.2: Membership in the 1976 Common Front, By Sector and Federation .	369
Table 7.1: Labour Legislation in Quebec, 1976-1985	411
Table 7.2: Class Origins of PQ Candidates, 1970 and 1973 Elections	417
Table 7.3: Union Affiliation of Quebec Construction Workers, 1975-1985	443
Table 7.4: Impact of Anti-Scab Measures on Industrial Disputes	461
Table 8.1: Rate of Unionization in Quebec, 1976-84	519
Table 8.2: Union Membership in Quebec By Federation, 1976-1985	521
Figure 9.1: Timetable for Collective Bargaining in the Public Sector Proposed by the Martin-Bouchard Commission	554

LIST OF ABBREVIATIONS

ACRGTO	...	Association des constructeurs de routes et grands travaux du Québec
AECQ		Association des entrepreneurs en construction du Québec
ALN		Action libérale nationale
AMC		Association des manufacturiers canadiens (Division du Québec)
APCHQ		Association provinciale des constructeurs d'habitations du Québec
API		Association professionnelle des industriels
ASECQ		Association des sous-entrepreneurs en construction du Québec
CASIC		Comité des avantages sociaux de l'industrie de la construction
CAT		Commission des accidents du travail
CCL		Canadian Congress of Labour
CCPQ		Chambre de Commerce de la Province du Québec
CCT		Commission consultative sur le travail et la révision du Code du travail (Beaudry Commission)
CCTMO	...	Conseil consultatif du travail et de la main-d'oeuvre
CDE		Centre des dirigeants d'entreprise
CEELS		Commission d'enquête sur l'exercice de la liberté syndicale dans l'industrie de la construction (Cliche Commission)
CEGEP		Collège d'enseignement général et professionnel
CEQ		Centrale de l'enseignement du Québec
CERLIC		Comité d'étude et de révision de la Loi sur les relations du travail dans l'industrie de la construction
CHAQ		Conseil des hommes d'affaires québécois
CIC		Corporation des instituteurs et institutrices catholiques du Québec
COEQ		Conseil d'orientation économique du Québec
CPB		Comité protecteur des bénéficiaires
CPDQ		Conseil de planification et de développement du Québec

CPMC Conseil provincial des métiers de la construction (FTQ-Construction)
 CPQ Conseil du patronat du Québec
 CRO Commission des relations ouvrières
 CROP Centre de recherche sur l'opinion publique
 CRT Commission des relations de travail
 CSD Centrale des syndicats démocratiques
 CSN Confédération des syndicats nationaux
 CSST Commission de la santé et de la sécurité du travail
 CTCC Confédération des travailleurs catholiques du Canada
 CTM Commission de transport de Montréal
 CUPW Canadian Union of Postal Workers
 FAS Fédération des affaires sociales
 FCQ Fédération de la construction du Québec
 FNS Fédération nationale des services
 FPTQ Fédération provinciale du travail du Québec
 FTQ Fédération des travailleurs québécois
 FUIQ Fédération des unions industrielles du Québec
 IBEW International Brotherhood of Electrical Workers
 INP Institut national de productivité
 LQ Lois du Québec
 MSA Mouvement souveraineté-association
 MUCTC Montreal Urban Community Transit Commission
 OCQ Office de la construction du Québec
 OPDQ Office de planification et de développement du Québec
 OSE Opération solidarité économique
 PLQ Parti libéral du Québec

PME	Petites et moyennes entreprises
PQ	Parti québécois
PSAC	Public Service Alliance of Canada
RAQ	Régie des alcools du Québec
RIN	Rassemblement pour l'indépendance nationale
RN	Ralliement national
SAQ	Société des alcools du Québec
SCFP	Syndicat canadien de la fonction publique
SDBJ	Société de développement de la Baie James
SDI	Société de développement industriel
SEBJ	Société de l'énergie de la Baie James
SFPQ	Syndicat des fonctionnaires provinciaux du Québec
SGF	Société générale de financement
SIDBEC	Sidérurgie québécoise
SODEQ	Société de développement de l'entreprise du Québec
SPGQ	Syndicat des professionnels du Gouvernement du Québec
SQ	Statuts de Québec
TLC	Trades and Labour Congress of Canada
TNE	Table national de l'emploi
UN	Union nationale

To Nancy and Eric

PART I:

THEORETICAL CONSIDERATIONS

CHAPTER ONE:

Politics, the State, and Industrial Relations:

An Analytical Framework

(1) Intentional explanations of human actions, invoking beliefs and desires as reasons for acting, are necessary because of the peculiar kind of living organisms human beings are—in particular, because of the especial capacities they possess for consciously reflecting on and altering not merely their actions, but also their thoughts....

(2) Structures play an ineliminable role in social theory because they determine an important subset of human powers....In so far as their position in structures delimits the possibilities open to agents, they are also presented with the opportunity to pursue goals in particular directions.

Alex Callinicos, Making History (Ithaca NY: Cornell University Press, 1988), p.235.

I. INTRODUCTION

On February 17th 1983 the Parti Québécois government enacted emergency legislation to put an end to an illegal teachers' strike. Bill 111, one of the most draconian pieces of labour legislation in the province's history, set down stringent penalties for non-compliance: recalcitrant unions would be subject to heavy fines and the loss of their dues check-off, while non-compliant teachers would risk losing three years of their seniority for each day they remained off the job. Much to the consternation of some members of the PQ caucus and its executive council, and to the chagrin of civil liberties groups in the province, the law suspended the Quebec Bill of Rights and the federal Charter of Rights and Freedoms, and dispensed with the traditional presumption of innocence in the case of teachers who failed to return to their jobs. Although most teachers grudgingly returned to work within a few days of the passage of Bill 111, the political fallout from the legislation was damaging. Three members of the PQ's regional council resigned their posts in protest. A crowd of angry trade unionists hurled invective at PQ cabinet ministers attending a national council meeting, and a number of the ministers were actually roughed up during the

melée. In addition, PQ membership levels, which historically had been swollen by large numbers of teachers and other occupations making up the "new middle class," began to drop precipitously after this confrontation. As a kind of mordant aside, we might note that Lévesque, in the wake of the spring hostilities, welcomed the departure from his party of disaffected radicals, and boasted that this loss would be more than offset by the arrival of "normal, ordinary" citizens as new members.¹ Probably no more fitting epitaph for the erstwhile social democratic faction within the PQ could be found than the Premier's comments.

A number of observers have detected in Bill 111, and in the legislated rollbacks of public-sector wages that precipitated the confrontation between the PQ government and the Common Front,² the lineaments of a new state form, the "disciplinary state," which is alleged to be gradually superseding the Keynesian welfare state in all advanced capitalist societies. The "strategic mission" of this new state form, it is argued, is to regenerate the conditions for capital accumulation by altering the wage labour relationship that until the late 1960s had guaranteed remarkable levels of economic growth. The disciplinary state will be called upon to curtail the organizational power of the working class by reducing the right to unfettered collective bargaining and by placing legal restrictions on trade unions. For such observers, the era of free collective bargaining and of a political settlement between organized labour and the state is ended; the new era of "discretionary coercion" is dawning.³ Proponents of this argument can point to the Bennett administration's efforts in British Columbia to usher in the "new reality" by attacking established trade union rights and other civil liberties, and to the federal government's imposition of wage controls in the public service ("6 & 5," as well as its provincial analogues) as further evidence of the drift toward the disciplinary state.

Without disputing any of the evidence on which the disciplinary state thesis is based, and without downplaying the repugnant anti-democratic character of the Parti Québécois's or the Bennett government's labour relations policies, this dissertation rejects the functionalism inherent in the type of argument sketched above. For Carol Levasseur and others, the state in Quebec and elsewhere was compelled, by the changing nature of the capitalist system itself, to enact coercive labour policies in the 1970s and 1980s. In an era of increasing concentration—even monopolization—of capital, and declining profit rates, this argument runs, the welfare state and the protection of trade union rights are no longer functional for capitalism (that is, they can no longer guarantee the reproduction of the system), as they were during the long boom of the postwar period. Thus the disciplinary state is being born in order to cut away the obstacles to continued capital accumulation; the democratic rights of organized labour, the fruits of years of bitter struggle, will be among the first casualties of the new order.

I reject this functionalist logic for a number of reasons. Theoretical frameworks which focus exclusively on economic or systemic variables (the so-called "needs of capitalism," for instance) tend to overlook the independent role played by individual actors, both state and societal, in shaping the responses to systemic crisis. As well, they downplay the importance of politics, reducing what Aristotle once called the "master science" to a minor variation on the theme of capitalist reproduction. Building on an analysis of the Quebec state's attempts to shape the relation between organized labour and business in the province since 1960, this dissertation demonstrates the explanatory power of an actor-centred approach to public policy.⁴ The burden of my argument is that changes in Quebec's industrial relations policy have not merely been reflections of the evolving nature of capitalism in the province—increasing monopolization and concentration of capital, and declining rates

of profit, for example. Nor have these policies been solely or primarily in the interests (long-term, immediate, or "objective") of the province's capitalist class. Such perspectives are simply too reductionist, and transmute the state and politics into another expression of the class struggle. Politics and state actions are no doubt informed by class conflict, but in the analysis below, I also assign to political variables an independent, though never exclusive, explanatory role in elucidating these changes. Political variables, in my analysis, include such things as the historical pattern of representation and interest articulation, electoral competition, party structures and ideologies, the objectives of state managers, and the physiognomy of the state itself (that is, the interrelationships among the various institutions that make up the state).

Two related sets of questions then, form the theoretical backdrop to this dissertation. First of all, what is the nature and extent of state autonomy in capitalist society? Pluralists have argued that the state is a neutral arbiter standing above the clash of group or class interests in society. Elite theorists and instrumentalist Marxists, by contrast, have contended that the state is a tool acting at the behest of a dominant elite or ruling class. Structuralist Marxists have portrayed the capitalist state as being relatively autonomous, that is, sufficiently independent from the capitalist class to extract from it the concessions and compromises necessary to obtain the subordinate classes' acquiescence in the existing social order. In contrast to these societal-centred perspectives, however, is another view, which treats the state as an independent actor in its own right, not merely relatively autonomous but autonomous tout court, and thus capable of enacting policies that in certain situations might be inimical to the interests of the capitalist system. It is this last perspective that informs this study: I adopt what Theda Skocpol has labelled a "realist" view of the state, one that sees state policy as something more than the automatic by-product of the changing interests of capital or the result of the machinations of a demiurgic capitalist

class.⁵ The state's latitude in formulating its response to changing economic conditions is taken seriously, and not obscured by the ritualistic invocation of such phrases as "relative autonomy," a term which, as Fred Block rightly argues, is merely a "cosmetic modification of Marxism's tendency to reduce state power to class power."⁶

The second set of theoretical issues addressed in this dissertation centres on the relative importance of political and economic variables in determining state policy. By posing the question of the scope of state autonomy in capitalist society, one simultaneously poses the question of whether or not politics matters in the determination of state policy. The thrust of my argument is that most attempts to explain state policy betray an excessively sociological bias, ignoring or downplaying the role that political factors play in shaping state activity. Even when researchers do pay attention to politics (the so-called "politics matters" school), they tend to operate with an impoverished vision of this activity, reducing it to voting, elections, the distribution of parliamentary representation within a given geographical area, or the partisan composition of government.⁷ Politics certainly does comprise these activities, but it can be argued that the essence of politics is to be found in something much more fundamental. As Claus Offe contends, politics is concerned with the "working out of visions about the just order of social life, and the conflict among divergent visions of such order..."⁸ Choice, conflict, and the attempt to defend or impose on the rest of society a vision of the "good life": these are the essential features of politics. According to Foggi, "to constitute the collectivity, to impart to it the distinctiveness or sense of common destiny that politics ... is designed to safeguard--all this, surely, is political business of the highest order. The collectivity is not a datum. It is itself the product of politics, which must first create it and can only then defend it."⁹ It is

this aspect of politics, which should not be reduced to an epiphenomenon of the socioeconomic structure, that this study seeks to rehabilitate.

These introductory remarks account for the title of this dissertation: at the theoretical level, this study involves an attempt to "rediscover" politics and the state, to "bring them back in" to social scientific analysis after two or three decades of dominance by sociologically reductionist explanatory models. To assert that the state has real autonomy, and that politics is indeed a crucial determinant of state policy, however, does not mean that economic or structural factors are totally ignored or blithely dismissed as unimportant. Obviously, the state is constrained by and must respond to economic conditions; what is being claimed here is that political variables mediate the state's response to a given set of structural constraints. Both the intentions of particular political actors (human agency) and the economic conditions within which these actors are compelled to operate (structure), therefore, are necessary components of any adequate explanation of social change, as the quote from Callinicos cited at the head of this chapter suggests.¹⁰ The relative weights of each of these explanatory components, as well as the extent of state autonomy in a given society and in a particular policy area, are matters for empirical investigation; they cannot be determined a priori.¹¹ Through a case study of labour policy in Quebec between 1960 and 1985, I demonstrate the ways in which state actors have been able to use a variety of resources available to them--the manipulation of political symbols and definitions of the collectivity being one of the most important--in an attempt (not always successful, to be sure) to maintain a margin of autonomy from powerful social groups and prevailing economic circumstances. I therefore argue that on occasion, the provincial state in Quebec was able to formulate labour policies that responded primarily to its own interests, and not necessarily to those of business or organized labour.

The field of industrial relations affords the researcher an ideal opportunity to investigate the questions of state autonomy and the determinants of state policy because it is directly concerned with the place and power of the working class within the modern economy. As Dominic Strinati observed in his study of the British system of industrial relations:

Industrial relations and industrial conflict provide highly convenient areas whereby the state as a theoretical and historical problem can be further elucidated, for they are connected directly not only with class relations generally and have been inherent in the organisation and problems associated with capital accumulation and class conflicts in industry, but have taken a central place in the articulation of state intervention.¹²

Although one can find important studies of the industrial relations systems in Canada and Quebec which do seek to engage the current debate on the nature of the capitalist state (thereby combining theoretical relevance with empirical richness¹³), it is argued here that they all tend to treat the state as a dependent variable, and not as an independent actor in its own right. It is this analytical imbalance that this study seeks to redress.

Why study Quebec's system of industrial relations? Apart from the obvious and rather lame response that little work has been done--in English at any rate--on Quebec's system of labour relations, a number of features of the province's economy and society make it a particularly important object of analysis. The prominent role played by nationalism, for instance, both in shaping public policy and in structuring the relations between the government and the organizations of labour and business in the province, make Quebec an ideal candidate for a study of the impact of political variables on state policy. So too does the fact that Quebec, at least from the time of the Quiet Revolution, has often led the way in Canada in industrial relations reforms: anti-scab law, legislative imposition of the Rand formula, and hypercentralization of collective bargaining in both the construction industry and the public sector. Finally,

the labour movement in Quebec has been noticeably more militant than most of its counterparts in the other provinces, a militancy that has profoundly affected the state's strategy for dealing with organized labour.

By examining the Quebec state's interventions in labour relations since 1960—a time of deepening crisis in the world economy—I provide prima facie evidence for the assertion that political variables play an independent role in shaping state policy. The longitudinal nature of this study acts as a substitute for the more rigorous controls employed in cross-national comparative research or multivariate analysis: the impact of political factors on the determination of the Quebec state's industrial relations policy can be gauged from the divergent responses of different governments to broadly similar economic circumstances (for example, the contrasting policies of Robert Bourassa's Liberal government and those of the Parti Québécois in the mid- and late 1970s). Obviously, I cannot hope to provide a rigorous test of the various theories of the state (examined in the next section of the chapter) within the confines of a simple case study. Indeed, I would argue that the testing of rival paradigms—one-shot falsificationism—is impossible in the social sciences, since the kinds of questions asked and what counts as evidence vary drastically from one paradigm to another.¹⁴ My ambitions in the following case study are necessarily more modest. I hope to accomplish two things: first of all, to provide a reasonable justification for my rejection of both society-centred and functionalist approaches to the study of public policy, and secondly, to demonstrate the plausibility of an "actor-centred" approach to studying labour policy in Quebec between 1960 and 1985.

This introductory chapter has four sections:

- i) a brief discussion of the prevailing explanations of public policy and state autonomy and their theoretical shortcomings, in order to make clear the

reasons for which I adopt an actor-centred, anti-functionalist approach in this analysis;

- ii) a definition of what I mean by the term "industrial relations," and an indication of how the various models of the policy process discussed in the preceding section would account for industrial relations reforms;
- iii) a sketch of the analytical model I use in this study, in which I delineate the various strategies available to a state to enhance its autonomy vis-à-vis powerful social groups and provide it with a margin for manoeuvre in responding to a given set of socioeconomic conditions;
- iv) a short note on the methodology employed in this dissertation.

II. PARADIGMS OF STATE - SOCIETY RELATIONS AND THE EXPLANATION OF PUBLIC POLICY

(i) Pluralism, Elite Theory, and Neo-Marxism

Until quite recently virtually all of the dominant paradigms in the social sciences—pluralism, elite theory, and neo-Marxism in its various forms—radically circumscribed the scope of state autonomy. Adherents of these competing schools of thought have tended to view the state and its policies as mere reflections of deeper, more fundamental, socioeconomic forces. Pluralists, for instance, often speak of the state as an "arena," a "black box," or an "umpire" (and thus by implication not one of the major players in the political game); state policies are taken to be crude barometers of the balance of group interests in society at any given moment. As social and economic conditions change, in the pluralist view, the organizational

strength of different interest groups waxes or wanes, and the state's outputs are altered, reflecting the new situation.¹⁵

As a framework for the explanation of public policy, pluralism suffers from a number of debilitating theoretical defects, all of which have been abundantly documented in the recent literature on the modern state. In its classical versions (before the emergence of "neo-pluralism" in the mid-seventies¹⁶), pluralism makes some untenable assumptions about the ability of all legitimate interests in society to be organized and to exert some influence on the governmental decision-making process. Pluralist thinkers also assume that interest groups compete in a relatively free political market; in other words, it is argued that there is a rough equality among the various interests in this market, ensuring that government decisions are not systematically biased in favour of any one group. Finally, in order to gauge the balance of group forces in society at any one moment, pluralists consider it sufficient to examine the process leading up to the enactment of actual government policies, glossing over the fact that the power of certain entrenched interests in society (business, for example) might keep a number of issues off the political agenda entirely. Bachrach and Baratz, in their cogent critique of early pluralist theory, drew attention to the "mobilization of bias" and the process of "non decision-making" in liberal democracies, whereby those social groups with the biggest stake in the status quo use their influence to "limit the scope of actual decision-making to 'safe' issues."¹⁷

The chief defects in the pluralist paradigm, then, are its conceptualization of the modern state as a neutral arbiter standing above the clash of group interests in society, passively transforming the variegated demands of these groups into policy outputs, and its naive faith that all interests in society are potentially organizable. Moreover, as Theda Skocpol has remarked in her penetrating analysis of the politics of the New Deal,

...pluralists fail to offer (or seek) well-developed explanations of how economic and political institutions variously influence group formation and intergroup conflicts. Nor do they feel the need to go beyond vague, evolutionist schemes that posit institutional change in politics as an inevitable progression of ever-increasing democracy, governmental effectiveness, and the specialization of political arrangements...¹⁸

For the purposes of this study, it is Skocpol's first criticism of the pluralist framework that is by far the more telling of the two: theorists working within this paradigm do not bother to inquire into the ways in which the state and other political organizations seek to shape (sometimes successfully, sometimes not) the universe of group interests, to instill in the latter a particular vision of the political. In essence, then, the pluralist conceptualization of politics is a crabbed and stunted one, reducing it to an allocative process or, more accurately, the scrabbling by various groups for government "goodies," both material and symbolic.¹⁹

Elite theorists, as well as the adherents of an instrumentalist form of Marxism, have displayed an even more marked propensity toward sociological reductionism. Typically, these approaches regard the state as little more than the cat's-paw of a powerful, cohesive, and self-conscious ruling elite (or class, if the author styles himself or herself a Marxist). Common social origins and patterns of socialization among members of the economic and political elites are thought to ensure that state policies conform to the interests of the ruling elite/class. Elite power is further reinforced by the privileged access to government decision makers that the various elites enjoy, and by the superior economic and ideological resources at their disposal. All of these factors combine, it is argued, to guarantee that state policies, even those of a seemingly radical or reformist nature (such as the various welfare measures introduced in most Western societies in the late nineteenth and early twentieth centuries), will redound to the benefit of the ruling elite/class while simultaneously serving to weaken the position of the subordinate groups in society.²⁰

Instrumentalist theories of the state and public policy, whether of the elitist or Marxist variety, can be criticized on a number of grounds. In the first place, they assign excessive explanatory importance to the social origins of the members of the various elites, thereby assuming that policy would be less biased in favour of the dominant elite/class if recruitment to the elites were more open. If the elite were a random sample of the population, the elite theorist argues, then the distribution of power in society and the benefits of public policies would be broadly equitable. Leo Panitch, among others, has justifiably attacked this crudely "representative" notion of power: "there is no necessary link between someone who comes from a particular class or ethnic background and the behaviour he will exhibit as a member of the elite." Even a perfect meritocracy, Panitch cautions, would be characterized by a division of labour and authority--hence the possibility that the interests of the leaders and the led might diverge.²¹

A more fundamental criticism of elite theory centres on its assumption that power in society resides exclusively with the elite. In the normal course of events, then, politics and the public policy process faithfully reflect the preeminence of elite interests in society. Pressures from the subordinate social groups for policies that would promote their own interests and demands are generally thought to be ineffectual until such time as the ruling elite/class, or an enlightened vanguard within it, realizes that concessions are necessary to maintain social stability--and with it their dominance. Far-reaching social reforms, then, are not so much the product of struggles among various groups or classes as the concessions made by an enlightened, self-conscious, and cohesive ruling elite/class in order to salvage its hegemony. Thus one student of the Canadian welfare state has argued that this state form

was not constituted...to reduce the economic and political power of the business leaders. Indeed, the opposite is the case. It was devised by governments that wished to preserve the power of the ruling class but saw that power threatened by working-class militancy directed against

an economic system that seemed unable to provide jobs or security. The upsurge of radicalism in the working class first in the Great Depression and then during the war forced an important section of the bourgeoisie to rethink its strategy with regard to the role of the state.²¹

In order to prove this case, Alvin Finkel would have had to identify the enlightened section of the bourgeoisie; demonstrate that this section was aware that its continued predominance was contingent upon the adoption of the particular package of policies that was eventually promulgated; show that the preservation of the power of the ruling class was the overriding concern of the state when it enacted the reforms; and, finally, illustrate how the power of the ruling class was not reduced in any way by the reform policies. That Finkel fails to do this should not surprise us. The view of power that is the basis of the instrumentalist paradigm is absurdly one-sided and monolithic.²² It fails to capture the complexity of social change, which invariably is the outcome of struggles between a variety of groups and organizations in society (one of which is the state).

Other versions of Marxism, however, reject the contention that it is the social composition of the state's personnel that ensures a congruence between public policy and the interests of the dominant class. Theorists inspired by the writings of Nicos Poulantzas, for example, insist on the relative autonomy of the capitalist state. Recognizing that capital in the advanced capitalist social formation is fragmented, and that there exists a plurality of (possibly divergent) interests among the ruling class (often designated the "power bloc"), these theorists assert that one of the principal functions of the modern state is to extract from the disparate fractions of capital the necessary compromises and concessions to obtain the subordinate classes' acquiescence in the bourgeois order. In this way, it is hypothesized, the state acts as the guarantor of the long-term political interests of the power bloc as a whole, even if this function requires it to moderate or suppress the immediate demands of specific fractions of the capitalist class. As Rianne Mahon has put it, the "state's role as organizer of

hegemony means that its activity will reflect inter- and intra-class contradictions--contradictions which are likely, however, to be 'resolved' in such a manner that the 'general political interest' of the power bloc is maintained."²⁴

In her analysis of public policy formation in Canada, Mahon operationalizes the structuralist theories of Nicos Poulantzas and applies them to the Canadian case. According to Mahon, the apparently paradoxical nature of relative autonomy--whereby the state can curtail in certain instances the power of the dominant class yet simultaneously guarantee that contradictions are resolved in the "general political interest of the power bloc"--can be explained by the unequal structure of representation within the capitalist state. That is to say, within the administrative apparatus of advanced capitalist societies different interests are "represented" by different branches or organs of the state. But, as Mahon points out, not all representatives are equal: those of the dominant classes tend to play a strictly representative role, whereas those of the subordinate classes exercise a dual function of representation and regulation/discipline. Thus the representatives of the dominant class, such as the Departments of Finance and Industry, serve primarily to extract concessions "which enhance the ability of those they represent to perform their leading role in the economic and social spheres."²⁵ Agencies representing the interests of subordinate classes, on the other hand, such as the Department of Labour, are as much instruments of social control as they are representatives, indeed more so. According to Mahon,

The minister of labour is certainly not labour's spokesman in cabinet in the same way that the minister of industry...is spokesman for the manufacturing sector. Rather his task is to prevent 'industrial unrest' from disrupting 'our economic future' by mediating between capital and labour.²⁶

In short, the quality of representation within the capitalist state reflects the fundamental inequalities of power within society at large.

Although the structuralist-Marxist²⁷ theory of the relatively autonomous capitalist state represents a distinct advance over crudely instrumentalist explanations of public policy, it is not without its shortcomings. In Mahon's version, for instance, it seems reasonable to ask what, precisely, guarantees that state policies—even those that grant "real" concessions to the subordinate classes--will invariably maintain the general political interests of the power bloc. Is it merely the nature of the various classes' representatives within the state apparatus that ensures this favourable outcome for the dominant class(es)? If this is the case, then can we not say that the theory of the unequal structure of representation is really a sophisticated form of instrumentalism? Or are there deeper structural relations at work which "automatically determine...that state activities are the expression of the power of the dominant class"?²⁸ If the latter explanatory approach is taken, the implicit assumption seems to be that it is the needs of the system (or of capital) that ultimately determine the state's actions. In short, one resorts to a species of functional argument in order to account for the actions of a particular capitalist state. Adherents of this theoretical perspective argue that the state, by virtue of its function as the "factor of cohesion" in capitalist society, determines what compromises and concessions are necessary to protect the long-term interests of capital, and thus to ensure the continued reproduction of the system. A structuralist-Marxist account of the origins and development of the modern welfare state, to give but one example, would see this new state form as a functional response to the contradictions engendered by the increasing socialization of production. Only by underwriting some of the costs of the reproduction of labour-power could the state ensure the continued accumulation of capital. The various welfare reforms of the early twentieth century, in other words, were necessary to produce the type of workforce required by an increasingly monopolistic and technologically advanced capitalist economy.

Functionalist arguments of the type sketched above have been subjected to withering criticism on a number of grounds. In the first place, this sort of argument short-circuits political analysis by assuming that "politics always works optimally for capitalism and capitalists, leaving only the 'how' to be systematically explained."²⁹ Secondly, and more importantly, this mode of explanation betrays a teleological bias: it "looks back from the present and assumes that everything that has happened in the path to the present had to happen..."³⁰ In other words, the functionalist posits that changes in state policy occur because they are necessary to ensure that the needs of capital are met and that the system of capitalist social relations is reproduced. But, as a number of critics have pointed out,³¹ any attempt to explain a phenomenon (such as a particular public policy) by referring to the needs of the system is likely to founder on its inability to specify what the needs of the system actually are and what the various means of meeting these needs might be. Since these points are of crucial importance for an understanding of the explanatory framework adopted in this study, a short excursus on the pitfalls of functional explanation is in order.

(ii) The Limits of Functional Explanation

One of the most logically rigorous and innovative attempts to defend functional statements as a valid form of explanation has been made by G.A. Cohen.³² Cohen is at pains to distinguish functional explanation from functionalism. The former is any attempt to explain a phenomenon by referring to its effects: the superstructure in the capitalist mode of production, for example, has the character it does because, in virtue of that character, it confers stability on the production relations.³³ Or, to use another example proffered by Cohen: "...Protestantism arose when it did because it was a religion suited to stimulating capitalist enterprise and

enforcing labour discipline at a time when the capital/labour relation was pre-eminently apt to develop new productive potentials of society."³⁴ Functionalism, by contrast, is the doctrine that every social "item" or structure is as it is because of its contribution to the reinforcement of the social whole. The latter is inescapably conservative, Cohen avers, since it tends to view institutions as always acting to sustain existing society. If everything is considered to serve a useful purpose, then it becomes natural to conclude that everything is indispensable, and this leaves little room for desirable social change. Functional explanation proper, Cohen argues, does not fall victim to this conservative bias. In natural history, Darwin's theory of natural selection is cited as a valid form of functional explanation, and it is hardly an example of a static theory. In historical materialism, functional explanations, far from being conservative, are actually revolutionary in character, since they predict large-scale, violent social upheaval.³⁵

Ultimately, Cohen's defence of functional explanation is unconvincing, in part because he does not successfully counter Hempel's objections to this mode of argument. Using the example of the Hopi rain dance, which was alleged by the anthropologist A.R. Radcliffe-Brown to reinforce group cohesion, Hempel asks why the rain dance's potential should suffice for its performance, when other ceremonials with similar potential are not carried out. Similarly, one might ask why the Factory Acts of the late 1800s or the welfare reforms of the early 20th century should have been implemented when other policies could have had equivalent stabilizing effects on the capitalist economy. This is the problem of functional equivalents, the range of which for any one structure or process is in theory infinite. Cohen responds to this objection by saying that it is easy to overestimate the availability of substitutes for a given functional device—a tactic that seems to verge on sophistry.³⁶ He further claims that we can accept as functional explanations statements that do not specify the

means or mechanism whereby "the functional fact achieves an explanatory role....We are frequently certain that p explains q yet unclear how it explains it."³⁷ Cohen gives the example of the child who is certain that the striking of a match causes it to burst into flames, even though she may be unaware of the precise mechanism (friction, combustion) linking cause to effect.³⁸ Cohen claims that it is not trivial merely to say that item A exists in system S because of its effects on S, without specifying how A makes the contribution that it does or why A and not B makes the contribution. He freely acknowledges that functional explanations do not provide very good answers to the question of how a system (capitalism, for instance) can select certain structures that promote its stability or development."

This, it seems to me, is a very weak form of explanation, one that appears to equate correlation (virtually all advanced capitalist societies enacted some form of welfare state provisions in the early 20th century) with causation.⁴⁰ Cohen's rendition of functional explanation is also laden with teleological assumptions, as when he claims that in the class struggle the victorious class will inevitably be the one that "best meet[s] the demands of production," that best develops the productive forces.⁴¹ This appears to be more an article of faith among the believers in a secularized eschatology than a solid basis for social scientific explanation. In this dissertation, I reject the functional mode of explanation in favour of one that is not dependent on teleological assumptions, one that attempts instead to uncover the mechanism linking a given cause to its putative effect.

In addition to its teleological overtones, functional explanation suffers from another flaw that limits its utility as a framework for understanding the actions of the capitalist state. In the most extreme versions of functionalist analysis, all actors, collective and individual, are reduced to mere pawns or dupes of the system; they have no latitude for independent, effective action. To put it another way, functional

explanation allows no room whatsoever for human agency. To cite Poulantzas's revealing imagery,

social classes and the State [are] objective structures, and their relations [are] an objective system of regular connections, a structure and a system whose agents, 'men,' are in the words of Marx, 'bearers' of it—träger.⁴²

According to this perspective, individual actors fulfil the roles or functions assigned to them by the system; their intentions, desires, strategies, and actions are completely irrelevant to the functionalist researcher, who is interested only in the logical imperatives of the deep structures of the capitalist mode of production. In the analysis below, I reject this extreme determinism, and start from the assumption that political actors, individual and collective, do matter, as do their desires and strategies. Thus unions, political parties, and state managers, according to my perspective, affect historical outcomes; history is open-ended, and not pre-ordained, as Althusser and Poulantzas would have it.⁴³

To recapitulate: Pluralism, old and new, denies that the state can have interests separate and distinct from those of the most powerful groups in society. This approach also fails to consider that the state might manipulate social groups to serve its own objectives. For these reasons, I have rejected pluralism as a potential framework for explaining Quebec's labour policy between 1960 and 1985. Elite theory is also rejected, because of its crudely one-sided view of power—the elite is omnipotent, the masses are inert clay—and because it considers the actions of state actors to be exclusively determined by their socio-economic backgrounds. According to this perspective, the state cannot have any organizational interests of its own. Structuralist Marxist accounts of state behaviour constitute an important advance over other society-centred explanations. Indeed, in the analysis to follow, I will be engaging in a dialogue with the structuralist Marxists, more than with the pluralists

or elite theorists, since it is the former--theorists like Poulantzas, Mahon, and Panitch--who have demonstrated the greatest interest in the question of state autonomy. But the various schools of neo-Marxism have not provided a convincing explanation of the capitalist state's behaviour, in my view: the sort of functionalist argument on which Poulantzas and others rely is fundamentally inadequate because of its neglect of politics and individual actors, as well as its reliance on what can only be called a form of pseudo-explanation, one that is imbued with teleological assumptions.

An alternative explanatory framework, therefore, must do two things. First, it should assign a greater explanatory role to the intentions of political actors than have the functionalists, without abandoning altogether the need for structural explanation. Both explanatory "poles"--the subjective/political (human agency) and the objective/economic (structural)--are necessary components of any social theory, as Anthony Giddens has argued in his critique of contemporary historical materialism:

In diverging from functionalism...we need to be able to recognise both what might be called the theorem of 'knowledgeability'--that we are all purposeful, knowledgeable agents who have reasons for what we do--and that social processes at the same time work 'behind our backs', affecting what we do in ways of which we are unaware.⁴⁴

The analytical perspective adopted below, to paraphrase Marx's well-known aphorism, is that "people make their own history, but not under conditions of their own choosing."⁴⁵

Secondly, this alternative framework for the explanation of public policy must conceive of the modern capitalist state as an organization

claiming control over territories and people [which] may formulate and pursue goals that are not simply reflective of the demands or interests of social groups, classes, or society. This is what is usually meant by 'state autonomy.' Unless such independent goal formulation occurs, there is little need to talk about states as important actors.⁴⁶

Before beginning to delineate this alternative model, however, we must define what we mean by "industrial relations," and indicate how the theories of state-society relations discussed above would account for reforms in this particular policy sector.

III. INDUSTRIAL RELATIONS AND THE AUTONOMY OF THE CAPITALIST STATE

In its most general sense, the term industrial relations refers to the network of rules that govern employment relationships in industrial society. According to the Woods Task Force on Labour Relations (1968), industrial relations embrace "the complex of market and institutional arrangements, private and public, which society permits, encourages, or establishes to handle superior-subordinate relationships growing out of employment and related activities."⁴⁷ The student of industrial relations, therefore, is interested in the impact of the labour market on the terms and conditions of work for employees in various occupations; the employment practices pursued by different employers; the role of unions and management in the collective bargaining process; mechanisms for the regulation of industrial conflict; and employment-related legislation enacted by central and regional governments.⁴⁸ This employment-related legislation can generally take one of two forms: auxiliary legislation designed to "support collective bargaining by outlining who the participants will be in this process and what methods they are or are not permitted to employ" (laws bearing on the certification process, "unfair practices," picketing, the right to strike, and so on) or regulatory legislation, in which "the state supplants the collective bargaining process by directly overseeing the terms and conditions of employment..."⁴⁹ The latter category includes laws on minimum wages and labour standards

(conditions of work), occupational health and safety, unemployment insurance, and workers' compensation, for example.

The central focus of this study will be on the various policies employed by the state either to strengthen or hinder trade unions as organizations. Relying on a typology of state intervention in labour-capital relationships devised by Klaus von Beyme and later utilized by Stephen McBride,⁵⁰ we can categorize these state policies in the following manner:

1. Policies designed to facilitate (or impede) collective bargaining by
 - i) giving (or restricting) to workers the right to organize, negotiate collectively, and to strike;
 - ii) granting representational monopolies to officially recognized bargaining agents;
 - iii) specifying and prohibiting "unfair practices";
 - iv) imposing compulsory conciliation and/or mediation;
 - v) enshrining "collective contracts as binding between the parties, with damages and/or penalties for breach of same."⁵¹
2. Policies designed to police the internal affairs of the collective bargaining agents (primarily unions) by
 - i) supervising union elections;
 - ii) limiting the political activity of unions;
 - iii) placing restrictions on union office holders;
 - iv) requiring unions to register with a state agency and provide detailed accounts of their financial affairs.⁵²
3. Policies which seek to incorporate trade unions into the decision-making structures of government.

The first two policy areas listed above will necessitate an examination of specific pieces of legislation enacted by various Quebec governments; the third will involve a study of those state structures in the province that have had as their primary purpose the institutionalization of "dialogue" and consensus-building.

As for the study of the legal aspects of Quebec's industrial relations policy, I will be mainly concerned with so-called auxiliary legislation, since, as Stewart notes,

most regulatory initiatives have little positive impact on the organized sector of the work force....In fact, not only does organized labour derive little direct benefit from most regulatory industrial relations laws (workmen's compensation provides an obvious exception), but also in some instances it could be argued that such initiatives actually hamper the trade union movement by removing many of the economic incentives to organization.⁵³

Regulatory legislation will be studied only if it appears to have been adopted by a government in order to curb or rein in the power of organized labour. Such is arguably the case, for instance, with the Parti Québécois government's law on labour standards, which may have hindered the efforts of the province's trade unions to organize those sectors of the economy that have traditionally resisted unionization--restaurants, hotels, wholesale and retail trade, financial institutions, and small manufacturing, for example.⁵⁴

Tables 1.1 and 1.2 summarize the industrial relations policies--including both legislation and efforts at tripartite consensus-building--of successive Quebec governments since 1960. In effect, these two tables define the sample of industrial relations policies to be investigated in subsequent chapters. In Table 1.1, policies are broken down by occupational sector--private,⁵⁵ public (including the parapublic sectors of education, health, and social affairs), and construction. The reasons for this particular breakdown are as follows: in the past two decades, the private and public sectors have begun to diverge considerably in such areas as union growth, worker militancy, and political action. One of the propositions to be examined in this dissertation is whether or not the provincial state has sought in its industrial relations policies to favour one category of workers over another, to play one stratum off against another. The construction sector merits separate consideration inasmuch as the legal framework for collective bargaining in this industry is unlike that of any other jurisdiction in North America.⁵⁶ In fact, construction in Quebec in the 1960s and 1970s virtually became a quasi-public industry: although it remained in private

hands, the provincial state was the single largest source of construction spending. Governments therefore found it difficult to remain neutral in collective bargaining, especially since their political health was often directly related to the vitality and stability of the industry. These factors help to account for the extensive state regulation of the construction industry in Quebec, which will be examined in chapters four and five.

Table 1.1: Industrial Relations Policies in Quebec, 1960-1985*

LEGISLATION	law is designed to		
	promote union security or centralize bargaining	limit right to strike	guarantee union democracy
1.Private Sector			
Bill 54, 1964. Labour Code.	X		
Bill 45, 1977. Anti-scab provisions, Rand Formula extended by law, first-contract arbitration, etc.	X		X
Bill 17, 1983. Tightens up anti-scab provisions by prohibiting contracting out.	X		
2.Public Sector			
Bill 55, 1965. Extends right to strike to most public-sector workers.	X		
Bill 25, 1967. Ends a teachers' strike and centralizes negotiations.	X	X	
Bill 19, 1972. Ends Common Front strike.		X	
Bill 73, 1972. Ends strike by Hydro-Québec workers.		X	
Bill 95, 1974. Deals with collective bargaining in the education, social affairs, and government agencies sectors.	X		
Bill 253, 1975. Defines essential services in the health and social services sectors.		X	
Bill 23, 1976. Ends a teachers' strike.		X	
Bill 61, 1976. Ends strikes in health and social services sectors.		X	
Bills 50, 55, and 59, 1978. Modify bargaining structure for public sector in light of Martin-Bouchard Commission recommendations. Further centralization of negotiations.	X		
Bill 62, 1979. Prevents a Common Front strike.		X	X
Bill 88, 1979. Ends strike by Hydro-Québec workers.		X	
Bill 113, 1980. Ends teachers' strike.		X	

Table 1.1: Industrial Relations Policies in Quebec, cont'd

LEGISLATION	law is designed to		
	promote union security or centralize bargaining	limit right to strike	guarantee union democracy
2.Public Sector, cont'd			
Bills 70 and 72, 1982. Roll back wages in public sector. Limit right to strike.		X	
Bill 105, 1982. Decreases working conditions and remuneration in public sector.		X	
Bill 111, 1983. Ends teachers' strike.		X	
Bill 37, 1985. Decentralizes bargaining in public sector and limits right to strike.		X	
3.Construction Industry			
Bill 290, 1968. Centralizes bargaining, protects freedom of association.	X		
Bill 38, 1970. Ends a province-wide construction strike.		X	
Bill 15, 1972. Amends construction industry labour law to forbid dual union membership.			X
Bill 58, 1972. Enacted after formation of CSD. Forbids anyone from exerting pressure on employees to prevent them from changing their union allegiance.			X
Bill 9, 1973. Determines "average representativeness" of unions and contractors' associations.	X		
Bill 14, 1973. Requires unions to keep a register and make monthly reports to Ministry of Labour.			X
Bill 43, 1974. Places certain union locals (affiliated to FTQ-Construction) under government trusteeship.			X
Bill 201, 1974. Cabinet may extend, repeal, or amend a decree without the consent of the parties to the collective agreement if the public interest so warrants. The law was passed in order to grant the construction unions—especially the FTQ—a COLA increase, after the so-called <u>bataille de l'indexation</u> .	X		

Table 1.1: Industrial Relations Policies in Quebec, cont'd

LEGISLATION	law is designed to		
	promote union security or centralize bargaining	limit right to strike	guarantee union democracy
3. Construction Industry, cont'd			
Bill 29, 1975. Places certain union locals under government trusteeship.			X
Bill 30, 1975. Persons found guilty of criminal acts disqualified from acting as union representatives. Special provisions concerning role and activities of job-site stewards.			X
Bill 47, 1975. Creates the <u>Office de la construction du Québec</u> . Designates one employers' association for labour relations, the Association of Building Contractors of Quebec (French acronym, AECQ).	X		X
Bill 110, 1979. Removes artisans from definition of construction industry. Exerts greater state control over internal affairs of AECQ.	X		
Bill 109, 1980. Compels a vote among members of FTQ-Construction and the <u>Conseil provincial des métiers de la construction</u> (the international building trades) to determine their union allegiance.			X

*the table includes only the highlights of the legislation in three sectors

Source: Government of Canada, Labour Canada, Legislative Review nos. 1-16 (June 1973 to 1983).

Gérard Hébert, Labour Relations in the Quebec Construction Industry (Ottawa: Economic Council of Canada, 1977).

Roch Denis, Luttes de classes et question nationale au Québec, 1948-1968 (Montréal and Paris: Presses socialistes internationales/Etudes et documentation internationales, 1979), pp.550-564.

Table 1.2: Tripartite Institutions in Quebec's Industrial Relations Sector, 1960-1985

Institution	Date Created	Function
Conseil d'orientation économique du Québec (COEQ)	1943	elaborate an economic development plan for Quebec
Conseil consultatif du travail et de la main-d'oeuvre (CCTMO)	1968	successor to <u>Conseil Supérieur du travail</u> ; conduct research on any subject within the purview of the Ministry of Labour and Manpower, and make recommendations to the Minister
Conseil de planification et de développement du Québec (CPDQ)	1968	successor to COEQ; foster the dialogue and consensus necessary for economic growth
Secrétariat permanent des conférences socio-économiques	1977	provide the leadership and expertise necessary for the smooth functioning of concerted action in Quebec; oversee the operation of the periodic economic "summit meetings"
Institut National de Productivité	1978	inform the population and the social "partners" of the meaning of productivity and foster the concerted action of these partners to raise productivity
Commission consultative sur le travail	1984	consult the social partners on the means of reforming labour relations in the province, especially in the private sector
Table Nationale de l'Emploi	1985	build the infrastructure for a tripartite full employment policy
Institut de recherche et d'information sur la rémunération	1985	inform the public and the government of the comparative evolution of salaries in the private and public sectors

Source: Clinton Archibald, Un Québec corporatiste? (Hull: Asticou, 1984), pp.221.

Stephen Brooks and A. Brian Tanguay, "Quebec's Caisse de dépôt et placement: Tool of Nationalism?", Canadian Public Administration 28:1 (Spring 1985), p.102.

Pierre Fournier, La concertation au Québec: étude de cas et perspectives (Québec: Commission consultative sur le travail et la révision du code du travail, 1986).

A. Brian Tanguay, "The Parti Québécois and the Politics of Concerted Action in Quebec: A New Corporatism?", M.A. thesis, Carleton University, 1980, pp.148, 150-51.

The assumption underlying my categorization of industrial relations policies is that a state's decision to extend collective bargaining rights (chiefly the rights to organize and to strike) to the working class provides an ideal opportunity to explore the nature of state autonomy in capitalist society. A pluralist might argue that the extension of collective bargaining was part of an ongoing, linear process of incorporation of the working class into modern industrial society. In this view, after first obtaining the legal and political rights enjoyed by the privileged social classes, the working class was able to utilize its newly found political voice in the early twentieth century to acquire such economic rights as the right to associate and to act collectively. The securing of legislation to facilitate collective bargaining, then, was more or less an inevitable by-product of the constitution of the working class as a political force (by means of the extension of the franchise). This theoretical approach would tend to view the granting of collective bargaining rights as an evolutionary and irreversible process—a recognition of the political and economic weight of labour in modern society.

An elite theorist, by contrast, would probably view the extension of the right to organize and to strike not so much as rights won by a politically influential working class as minimal concessions made to labour by a dominant elite desirous of maintaining its privileged position. This is Porter's position, for instance, in The Vertical Mosaic, when he discusses PC 1003 (1944), the federal legislation in Canada that for the first time legally entrenched the rights to associate and to strike:

The fact that the corporate elite hold important positions beyond the corporate world means that they are in a position to make their ideology pervade the entire society until it becomes identified with the common good. If they are forced at times to accept changes like labour legislation or health insurance it is not because of an opposing social movement based on class conflict, but because other elites, such as the political, are at work seeking to consolidate their power.⁵⁷

Thus for Porter, the "rights" to bargain collectively and to strike were not "won" by the working class in Canada; rather they were given to workers as part of the inter-elite struggle between business leaders and politicians, with the latter attempting to extend their influence at the former's expense.

A neo-Marxist writing from a structuralist perspective would argue that collective bargaining rights, though "real" concessions to the working class and demonstrably inimical to the interests of individual capitalists, in fact constituted the means whereby the state guaranteed the reproduction of the political-economic status quo. This position has been argued very forcefully by Christopher Tomlins in his study of American industrial relations legislation between 1935, when the Wagner Act was promulgated, and 1947, when the Taft-Hartley Act was passed. These two pieces of legislation, Tomlins writes, far from being diametrically opposed, as most observers have claimed, were actually two different sides of the same legislative coin. Both bills granted the American working class a "counterfeit liberty" in exchange for their recognition of the primacy of the "national interest" (as defined by the state, and necessarily reflecting the preeminence of business interests in society) in their collective bargaining behaviour. Trade unions, in other words, were strengthened as organizations by the Wagner Act (and to a lesser extent, by the Taft-Hartley Act as well), but they simultaneously became agencies of social control. The Wagner Act, Tomlins avers,

made collective bargaining a matter of public concern conducted by institutions with statutorily-defined rights and responsibilities within a framework shaped by state agencies. While this represented a major encouragement to collective bargaining, it also represented what was potentially a severe encroachment upon union autonomy.⁵⁸

The operation of the Wagner Act between 1935 and 1947, Tomlins continues, demonstrates that the legislation was more a means of bureaucratizing the working class and thereby hobbling its incipient radicalism than it was a fillip to labour's

self-organization. It therefore reflected the long-term interests of the capitalist class as a whole.

An argument similar to Tomlins's has been advanced by Panitch and Swartz to explain the trajectory of labour relations policy at the federal and provincial levels in Canada during the postwar period. With regard to Quebec specifically, the authors speak of a shift from the political "compromise" between the state and labour in the 1960s to an increasingly coercive relationship in the 1980s, one punctuated by ineffectual attempts on the part of the government to involve the unions in some form of tripartite arrangement.⁵⁹

The 1961 [sic] election victory of the Lesage Liberals formally broke the hold of the ancien régime on the Quebec state, and initiated a belated and rapid political modernization. For this, no less than in Canada at the close of World War II, a political settlement with labour was essential. The basis of this settlement was the extension of bargaining rights to Quebec's public sector workers in 1965.⁶⁰

This "political settlement" between the state and organized labour in Quebec at the time of the Quiet Revolution is contrasted with the growing reliance on state coercion--Bills 70, 105, and 111, enacted by the PQ government in 1982 and 1983, and briefly described in the introduction to this chapter. According to Panitch and Swartz, the unilateral rewriting of collective agreements and the abrogation of the right to strike for a three-year period mark the end of free collective bargaining in the province, and augur the beginning of a new era of discretionary coercion, or "permanent exceptionalism," in which the putative rights of organized labour are at best provisional, and subject to the whims of the legislature.⁶¹

While it would be either foolhardy or perverse (or both) to dispute the broad contours of Panitch and Swartz's argument, I would contend that it is in need of considerable nuancing. In the first place, it is necessary to flesh out the nature of the so-called political settlement between labour and the state in Quebec in the 1960s. In what sense was this entente a prerequisite to the province's economic modernization,

and what were the precise terms of this modus vivendi? Secondly, and perhaps of greater importance, Panitch and Swartz have drawn too stark a contrast between the era of "free" collective bargaining in Quebec and the present period of ad hoc coercion. Although Quebec led the way in Canada in the reform of public-sector bargaining (ignoring, for the moment, Saskatchewan's pioneering industrial relations legislation of the 1940s), the provincial state found it necessary to intervene in the negotiating process very early on. In 1967, for example, during the very first round of public-sector bargaining, emergency legislation (in the form of Bill 25) was necessary to put an end to a teachers' strike. Each successive round of negotiations, and especially those involving the "Common Front" of public-sector unions, has been concluded with some form of "exceptional" legislation. Finally, I would argue that the coercive legislation of 1983 cannot be understood in isolation from the pro-labour reforms of the 1976-1981 period (anti-scab law, raising of the minimum wage, abrogation of the anti-inflation board) and the extremely generous settlements obtained by the unions in the 1979-80 Common Front negotiations, which the government had deemed necessary for the cultivation of the proper referendum climate.

In essence, then, greater attention must be paid to political factors when attempting to explain the evolution of state-labour relations in Quebec. One of the weaknesses of Panitch and Swartz's analysis is its tendency to gloss over or actively downplay the divisions within the Quebec working class itself, particularly those between private-sector and public-sector workers. These tensions, and the symbolic importance of nationalist ideology in Quebec, enabled successive governments in the province to play one stratum of the working class off against the other, with varying degrees of success, as the following account will show.

IV. THE THEORETICAL FRAMEWORK IN BRIEF

(i) The Basic Assumptions of an 'Actor-Centred' Approach

In the preceding sections of this chapter I have discussed the theoretical inadequacies of existing society-centred paradigms—pluralism (both old and new), elite theory, instrumentalist Marxism, and structuralist Marxism—as frameworks for the explanation of the evolution of labour policy in Quebec between 1960 and 1985. The following analysis draws instead on an already large and growing body of literature that treats the state as something

more than the 'government.' It is the continuous administrative, legal, bureaucratic and coercive systems that attempt not only to structure relationships between civil society and public authority in a polity but also to structure many crucial relationships within civil society as well.⁶²

This approach calls attention to the ability of state actors to formulate and pursue their own objectives, which are not completely reducible to the demands or interests of powerful social groups—even if there is some degree of overlap between the two.⁶³

Merely to assert that the state has been ignored in most social scientific theories in the past few decades (being dissolved into the system, classes, interest groups, and so on), that it ought to be brought back into focus as an object of analysis, and that it can have goals that are independent of those of important social actors, however, is a far cry from formulating a systematic research program capable of generating testable propositions. To the questions of how we measure state autonomy and why it matters, proponents of the statist approach offer a number of decidedly different responses. Eric Nordlinger, for instance, proposes that we concentrate on the preferences of public officials in any explanation of public policy. He defines the state as a collection of individuals, rather than a set of institutional

arrangements, because only individuals, he claims, can have preferences. (Any perspective that assigns explanatory primacy to institutions, he says, is tainted with "Hegelianism.")⁶⁴ Public officials have at their disposal a number of "autonomy-enhancing capacities," ranging from propaganda, to deception, divide-and-conquer strategies of playing one organized interest off against another, and the use of the state's "plenary authority" (a euphemism for coercion). Any one of these strategies, or a combination of them, can be invoked in order to ensure that it is the preferences of the public officials that prevail over those of even the most powerful groups in society.⁶⁵

Nordlinger's model is not without its merits, and this is especially true of his notion of the state's autonomy-enhancing capacities, which will be incorporated into my own framework. As both Theda Skocpol and Stephen Krasner point out, however, Nordlinger's model seems to be a sophisticated variant of pluralist analysis, with public officials elevated to the privileged explanatory status previously reserved for other groups in the political marketplace assumed by pluralist thinkers. His approach ignores structures, and has little to say about the structural or institutional factors that constrain state actions.⁶⁶ Nordlinger therefore studiously avoids any reference to class and capitalism as potential influences or constraints on state behaviour. As the epigraph to this chapter makes clear, an adequate theory of state behaviour must include both the intentions of state actors and the structures within which they operate. Only this dual approach (actors/structures) will enable social science to escape from the twin traps of sociological reductionism and state reification.

Finally, Nordlinger seems to expand the notion of state autonomy in a way that strains his theory's credibility, by claiming that the state can be acting on its own preferences even when these preferences do not diverge from those of powerful social

actors. This is what he labels Type III autonomy, probably the most common form of state autonomy.⁶⁷ This formulation poses a number of intractable methodological problems--if the state's preferences converge with those of social groups, for instance, how does one determine which set of preferences is being implemented? If the state just happens to share business's preferences for low rates of social spending and generous tax benefits for corporations (and Nordlinger acknowledges that state-society convergence is most likely to occur on the "grand issues" of politics--the rights of property, the profit motive, and so on), and if it happens to implement policies that promote these objectives, is it acting autonomously? To argue that the state almost always acts on its own preferences, even when these largely coincide with those of powerful social actors, seems to me to guarantee that one will find state autonomy whenever one looks for it.

Alternative strategies for examining the nature and extent of state autonomy have been formulated by public choice theorists and proponents of what has been dubbed "neo-institutionalism." Public choice theory, in its explanation of state actions, calls attention to the symbiotic relationship between individual bureaucrats and politicians. Both groups are perceived to be rational, utility-maximizing actors: bureaucrats seek to maximize their power, wealth, status, and influence, mainly by formulating policies that will expand the budget of the particular agency for which they happen to be working. Politicians "consume" the policies formulated by the bureaucrats, in their search to maximize their share of the votes among the electorate. They are therefore reluctant to pare down the spending incurred by bureaucratic expansionism, since one or another vested interest in the electorate will undoubtedly benefit from a given program. As a result of this game between politicians and bureaucrats, government spending and the size of the bureaucracy expand virtually unchecked.⁶⁸

Although there is a certain "ruthless elegance"⁶⁹ to this microeconomic model of political life and state action, it too is not without its flaws. In particular, its view of politics is singularly narrow, reducing it to a grubbing for "goodies" by a welter of self-interested actors. It ignores the possibility that politicians might act for reasons other than vote maximization, that they might seek to mobilize support among social groups for their particular political project. Indeed, the very notion of a political vision is alien to this way of thinking.

A third variant of state-centred theory is the neo-institutional approach, of which Peter A. Hall's recent book on economic policy in Britain and France is a leading example. According to Hall, the neo-institutionalist approach allows the researcher to see

policy as more than the sum of countervailing pressure from social groups. That pressure is mediated by an organizational dynamic that imprints its own image on the outcome. Because policy-making in the modern state is always a collective process, the configuration of the institutions that aggregate the opinions of individual contributors into a set of policies can have its own effect on policy outputs.⁷⁰

For Hall, these institutional determinants of state policy are not to be found in the political system alone: the manner in which capital and labour are organized, for instance, also has a direct bearing on the pattern of economic policy.⁷¹

Hall's claim that an "organizational dynamic" leaves its imprint on the policy process, and mediates a state's response to a given set of socioeconomic conditions, bears more than a passing resemblance to Theda Skocpol's contention that a state's capacity to implement its preferences and policies is determined by a number of factors. In the first place, Skocpol argues, existing state structures (the extent to which the state is unified and centralized, for instance) and policy legacies limit a state's capacity to act on its own objectives.⁷² Secondly, a state may be unable to impose its preferences on society, either because it lacks sufficient political and economic resources or because its initial actions have unintended consequences.⁷³ In

some cases, the perverse effects of state action ensure that a policy or program does not at all lead to the realization of the state's initial objectives. For example, a policy initially designed to promote the interests of organized business, through a series of unforeseen developments, may in fact end up harming business and benefiting other groups in society (labour, for instance).

This dissertation builds on some of the key insights contained in the work of Hall and Skocpol in an attempt to explain the evolution of labour policy in Quebec between 1960 and 1985. I assume from the outset that the state is an organization composed of individuals who have objectives, both organizational (extension of bureaucratic influence) and political (implementation of a particular vision of the "good life"), that are distinct from those of other powerful social actors. But the state is not always capable of translating its objectives and preferences into favourable policies, since it is constrained by the power of other social actors (labour and capital, for example), by the structures of the state itself (the degree of centralization of the state apparatus, or the nature of the relationships among the various institutions comprising the state, to cite two such factors), and by the policy legacy it inherits from its predecessors.

In the struggle to impose their will on society, however, state actors have at their disposal a number of resources that set them apart from other organizations. First of all, the state can co-opt organized interests by means of strategic concessions, either of a material (financial inducements of one form or another) or an organizational nature. In the latter category, one could include a variety of corporatist initiatives that strengthen the organizations of labour or business, and give them privileged access to state decision-making structures in exchange for the target group's agreement to abide by state policies or its assistance in implementing them.⁷⁴ According to Cawson:

The relationship between corporatist associations and the state within 'liberal' or 'societal' corporatism comprises a process of political exchange, whereby bargains are struck in which favourable state policies are traded for compliance and reinforcement of those policies by the associations.⁷⁵

Organized labour is most often the primary target of these corporatist bargains, or strategies, since its cooperation is essential if the modern capitalist state is to be able to dampen wage inflation or moderate industrial conflict--the usual objectives of such "exchanges."⁷⁶ For labour, corporatism involves both advantages and drawbacks, "carrots" and "sticks": on the one hand, trade unions obtain greater access to the state's policy-making institutions and a certain measure of public status and legitimacy. They are thereby strengthened as organizations, and centralized, since this type of political exchange is impossible if the labour movement is weak and lacks a strong peak association. On the other hand, corporatist strategies may simply lead to the domestication, or cooptation of the trade union leadership, in which case the latter becomes "dependent on the state, rather than on union members ... This dependency accelerates the tendency for labor leadership to become an oligarchy less responsive to the needs of the workers than to the concerns of state agencies or the political elite with which the leaders interact."⁷⁷ The particular mix of inducements and constraints will vary from country to country, depending on a number of factors such as the relative strength of organized business and labour, the ideology of the dominant political elite, and so on.

Secondly, the state can pursue a divide-and-conquer strategy in order to limit the effectiveness of opposing social interests. This technique of playing one group off against another has been labelled a "displacement strategy" by David Held and Joel Kreiger, who contend that a state may enhance its margin for manoeuvre during an economic crisis by displacing "the effects of economic problems onto vulnerable groups, for instance, the elderly, consumers, the sick, non-unionized, non-white, and

so on..."⁷⁸ In the case of labour policy, a displacement strategy would possibly involve state interventions that systematically pitted one category of the working class against another—say private-sector workers against their public-sector counterparts, or unorganized, low-paid workers against the high-wage, highly skilled unionized workforce.

A third resource available to states seeking to increase their autonomy vis-à-vis powerful social groups is politics, in its broadest sense. More than any other social group, the state is in a position to manipulate the communal symbols and values of the prevailing political discourse in order to contribute to the formation of collective identities and thereby overcome, or temporarily neutralize, the opposition of powerful social groups (including business) to its projects. This accounts for the critical importance of nationalist ideology for any explanation of the trajectory of labour policy in Quebec during the past three decades. Nationalist symbols provided some Quebec governments—those of Lesage in the early 1960s and Lévesque in the late 1970s and early 1980s—with a tool for neutralizing organized interests that might otherwise have been opposed to their political objectives.

My basic contention in this dissertation is that functionalist explanations of state policy, which reduce the state to a virtual prisoner of changing economic conditions, are inadequate for understanding the evolution of labour policy in Quebec since 1960. Instead of seeing Quebec's labour policy between 1960 and 1985 as an inexorable movement from "voluntarism" (a situation in which trade unions are granted important organizational rights, and the state refrains from intervening in the day-to-day conduct of labour relations) to coercion (the "disciplinary state"), I argue that successive governments in the province have had much more room to manoeuvre during the deepening crisis of the post-OPEC period than functionalist models allow. Specifically, some provincial governments have been able to utilize one or a

combination of the "autonomy-enhancing" capacities discussed above to further their own objectives, which as we shall see, were not always shared by the major social groups in Quebec. While not denying that the Quebec state has been constrained by changing economic circumstances, I nevertheless assign to political variables a crucial role in mediating the impact of economic conditions. To reiterate an assertion I made earlier, a central contention of my analysis is that history is open-ended, and the actions of state managers, trade unions, business organizations, and political parties do matter."

The remainder of the dissertation examines the ways in which the provincial state has sought to define its objectives, and how it has endeavoured to implement them in a three-way struggle with organized labour and business. If I can show that state actors in Quebec have formulated labour relations policies to further their own political objectives—securing their hold on power, for instance, or articulating a collective project such as national independence, or expanding the state's sphere of influence vis-à-vis other powerful social groups—then I will have strong evidence to support the contention that states are autonomous and that politics does matter in the determination of state policy.

Before proceeding to this analysis, a brief word on the methodology employed in this study is in order.

(ii) A Note on Methodology

In an earlier section of this chapter I noted that conventional wisdom among empirical political scientists has it that relying on a case study to test the relations of a particular theory is an exceedingly risky enterprise. If the researcher is to be able to make causal inferences with any degree of confidence, or to generalize the findings

to a larger population, the prevailing opinion seems to be, then the larger the sample the better. Ian Stewart, for instance, affirms that the case study

has the undeniable virtue of permitting intensive analysis. Yet in most other aspects the case study is deficient. If the central purpose of political science is to generalize about political phenomena, then the epistemological foundations of the case study are tenuous. The validity of generalizations extracted from the experience of a single case is, needless to say, highly problematic.⁴⁰

These sentiments are echoed by a host of observers: case studies, in this conventional view, are at best helpful in exploratory research. They might assist in the generation of hypotheses, but they are of no use whatsoever in testing theoretical propositions. Case studies, in short, are pre-theoretical and not, properly speaking, scientific.

It would be difficult to find many dissenting voices from the conventional wisdom laid down in the standard canons of social science methodology. Harry Eckstein, Eric Nordlinger, Robert Yin, and Leslie Pal,⁴¹ however, are four such dissenters. All four have argued, quite convincingly to my mind, that case studies can be used to invalidate or lend tentative support to theoretical propositions. Yin, for example, maintains that the fear of drawing generalizations from a single case study is most often voiced by researchers who consider survey analysis the paradigmatic methodological technique in the social sciences. This fear is misguided, Yin claims, inasmuch as

case studies, like experiments, are generalizable to theoretical propositions and not to populations or universes. In this sense, the case study, like the experiment, does not represent a 'sample,' and the investigator's goal is to expand and generalize theories (analytic generalizations) and not to enumerate frequencies (statistical generalization).⁴²

In an observation that is of particular relevance to this dissertation, Nordlinger has written that a case study "that bears out a proposition is all the more telling to the extent that it is a least likely case; it can thus be claimed that it is borne out even under conditions or in circumstances that are decidedly inhospitable for its

confirmation..."⁴³ In my study, I am considering the propositions that the state can formulate and act on its own preferences and that politics does indeed matter in the determination of state policy, in the inhospitable environment of economic crisis and in a policy area, industrial relations, where the existing literature suggests that the power of business is at its greatest. Thus, to paraphrase Nordlinger, if these propositions can clear these fairly high theoretical hurdles, "in rough terrain, while carrying heavy weights, then [they are] surely deserving of a hardy dose of plausibility."⁴⁴

All social scientific research involves some sort of trade-off between the theoretical rigour and statistical sophistication that have traditionally been the hallmarks of multivariate designs and the in-depth analysis that the case study permits. In this study I have opted for the latter strategy, mindful of Robert Keohane's strictures against the modern science of economics: "Economics has achieved precision at the cost of narrowing its scope and becoming a somewhat 'thin science,' lacking contextual richness and depth in dealing with complicated problems."⁴⁵ It is hoped that whatever sacrifices I have made in quantitative precision will be more than offset by the contextual richness and depth that this case study brings to the exploration of the autonomy of a particular capitalist state.

I stated earlier that this dissertation is not intended to provide a "critical test" of rival paradigms, a test that would convincingly demonstrate the superiority of one approach over the other. My understanding of the philosophy of science leads me to believe that such an enterprise is doomed to failure. Instead, I am attempting to view the recent history of Quebec and the evolution of labour policy in the province through the prism of a theoretical framework that assigns equal explanatory weight to actors and structures. Through my historical analysis, I hope to be able to make a convincing case that the only adequate way to explain industrial relations in Quebec

is to treat the provincial state as an autonomous actor—capable of formulating its own objectives and, occasionally, of realizing these objectives—that is nonetheless constrained by overarching social relations.

V. THE PLAN OF THE DISSERTATION

The remainder of the dissertation involves a historical study of the labour relations policies of successive governments in Quebec between 1960 and 1985. I have adopted a chronological approach in order to allow an interweaving of the analysis of the evolution of labour policy in Quebec with an account of the major political developments that have shaped the government's style of intervention in relations between capital and labour. For each time period, I sketch the configuration of group interests and demands which confronted state managers. As well, I outline the prevailing vision of politics, and then demonstrate how this vision shaped the government's labour policy—if indeed it did, for it is not my contention that the state is always completely autonomous from social groups or that it acts only on its own interests.

Part II consists of two chapters. Chapter two provides a rapid overview of the emergence and growth of labour and business as organizations, the legal framework of industrial relations in the province up to the time of Duplessis's death, and the traditional pattern of state intervention in the relations between labour and capital in Quebec. This sets the stage for the later analysis, by laying out the structural and institutional constraints within which all Quebec governments after 1960 had to operate, and by tracing the origins of the nationalist project which would have such a profound impact on the course of labour policy after the death of Duplessis.

Chapter three examines the modernization of labour relations in Quebec during the Quiet Revolution, and argues that the far-reaching concessions made to organized labour by the Lesage government were a quid pro quo for labour's support of its political project.

Part III is divided into three chapters. Chapter four discusses the labour policy of the Union Nationale administration between 1966 and 1970, a period when the state attempted to decelerate or halt the pace of social and economic reform that had been launched by the Quiet Revolution. During this period, the Quebec state had limited autonomy from business, yet nevertheless implemented policies in both the construction and public sectors that went against the wishes of the major business organizations in the province. The provincial state's refractory attitude toward the business community is explained by the Johnson and Bertrand governments' dependence on the policy advice of the technostructure installed during the Quiet Revolution. Chapters five and six deal with separate aspects of the Bourassa government's labour policy. The construction industry, a crucial component in the Bourassa government's project to promote economic renewal and to demonstrate the advantages of "profitable federalism" as a counterpoise to the nascent separatist movement, is the focus of chapter five. Public-sector labour relations between 1970 and 1976, which degenerated into a bitter political struggle between a militantly nationalist labour movement and an equally militant free-enterprise and federalist government, are the subject of chapter six.

Part IV, consisting of three chapters, turns to a consideration of various aspects of the Parti Québécois's labour policy. Chapter seven examines the PQ's reforms of the Labour Code, and in particular the introduction of a number of provisions for union security in 1977 (Bill 45 and its various amendments). I argue that these important concessions to organized labour were made largely because of the PQ's

desire to gain the labour movement's support for its independence project. Chapter eight discusses the Lévesque government's regulatory legislation—its reforms of the minimum wage laws and the welter of statutes governing occupational health and safety. These reforms, like Bill 45, point up the influence of political factors on the PQ's labour policy between 1976 and 1985. Although the reforms examined in chapters seven and eight affected workers in both the private and public sectors, it is argued that their greatest impact was on the private sector. This preoccupation with private-sector labour relations—which did not, however, extend to the implementation of measures demanded by the major union federations to increase the rate of unionization in the private sector—is one of the main distinguishing features of the Parti Québécois's labour policy. Finally, chapter nine explores the Lévesque government's relations with the public-sector unions: I show that despite its promise to "civilize" labour relations in this sector, the PQ was ultimately no more successful in its attempt than the Bourassa government had been. Nonetheless, the Lévesque administration was hardly the puppet of capital that certain functionalist critics of the regime have made it out to be.

Part V consists of a single chapter which summarizes and concludes the analysis. In chapter ten, I demonstrate the relevance of this study's findings for contemporary debates about the nature of state autonomy and the distribution of power in advanced capitalist societies. As well, I discuss future research agendas to which the present analysis points.

CHAPTER ONE ENDNOTES

¹This account relies heavily on issues of Le Devoir from that period. See especially Bernard Descôteaux, "Québec suspend la Charte des droits pour rouvrir les écoles et les collèges," Le Devoir, 16 February 1983, and Gilles Lesage, "Le conseil national du PQ appuie la loi 111 dans toute sa rigueur," 7 March 1983. For an excellent analysis of Bill 111 and the events leading to its promulgation, see Gérard Hébert, "Public Sector Bargaining in Quebec: A Case of Hypercentralization," in Mark Thompson and Gene Swimmer, eds., Conflict or Compromise (Montreal: Institute for Research on Public Policy, 1984), pp.269-275.

²This legislation (Bills 68 and 70, which received royal assent on the 23rd of June 1982; Bill 105, proclaimed on the 11th of December 1982) is described in Hébert, ibid., and in Raymond Hudon, "Polarization and Depolarization of Quebec Political Parties," in Alain G. Gagnon, ed., Quebec: State and Society (Toronto: Methuen, 1984), pp.322-23.

³Two of the best expressions of this type of argument are to be found in Leo Panitch and Donald Swartz, "Towards Permanent Exceptionalism: Coercion and Consent in Canadian Industrial Relations," Labour/Le Travail 13 (Spring 1984), pp.133-157; Leo Panitch and Donald Swartz, The Assault on Trade Union Freedoms (Toronto: Garamond Press, 1988); and Carol Levasseur, "De l'Etat-Providence à l'Etat-disciplinaire," in Gérard Bergeron and Réjean Pelletier, eds., L'Etat du Québec en devenir (Montreal: Boréal, 1980), pp.284-328.

⁴The time period, 1960 to 1985, is chosen to encompass both the boom years of the early 1960s and the bust, or crisis, of the mid-1970s on.

⁵Theda Skocpol, States and Social Revolutions (Cambridge: Cambridge University Press, 1979), p.31. Skocpol writes: "The perspective on the state advanced here might appropriately be labelled 'organizational' and 'realist.' In contrast to most (especially recent) Marxist theories, this view refuses to treat states as if they were analytic aspects of abstractly conceived modes of production, or even political aspects of concrete class relations and struggles. Rather, it insists that states are actual organizations controlling (or attempting to control) territories and people."

⁶Fred Block, "Beyond Relative Autonomy: State Managers as Historical Subjects," in Ralph Miliband and John Saville, eds., The Socialist Register 1980 (London: Merlin Press, 1980), pp.228-29.

⁷For a summary of the controversy over whether or not politics matters in the determination of public policy, see Thomas R. Dye, Understanding Public Policy, 5th ed. (Englewood Cliffs NJ: Prentice-Hall, 1984), ch.12. Dye downgrades the importance of political variables in the formulation of state policy. For an opposing viewpoint, see Stuart Rakoff and Guenther Schaefer, "Politics, Policy, and Political Science: Theoretical Alternatives," Politics and Society 1:1 (November 1970), pp.51-77.

⁸Claus Offe, Contradictions of the Welfare State, ed. John Keane (Cambridge MA: MIT press, 1984), p.173 (my emphasis). For similar definitions of the political, stressing this conflict between various visions of the "good life" and the state's attempts to define

and defend a particular social order, see Ralph Miliband's essay, "State Power and Class Interests," in Class Power and State Power (London: Verso, 1983), pp.72-75; and Ralph Miliband, "State Power and Capitalist Democracy", unpublished paper presented to the Carleton University Summer School in Political Economy, Ottawa, July 1984 pp.6-7; Gianfranco Poggi, The Development of the Modern State (Stanford CA: Stanford University Press, 1978), ch.1.

⁹Poggi, Development of the Modern State, p.11.

¹⁰A disclaimer is necessary here: although I find Callinicos's examination of the agency-structure debate to be illuminating and provocative, I by no means endorse all of the political implications he draws from his analysis.

¹¹There are certain similarities between my view of the mediatory role of the state and politics and the argument advanced by Dominic Strinati in Capitalism, the State and Industrial Relations (London: Croom Helm, 1982), p.17: "While accepting that the state is subject to limitations imposed by the structural constraints of capitalism and class power, I wish to argue that the state secures autonomy within these limits, and can even at times undermine such constraints, as a consequence of its mediatory role. This is meant to refer to the role of the state in exercising a mediating influence between the interests of the dominant classes and those of subordinate classes in giving effect to policies which sanction the interests of the former. In doing this, in mediating and forming class rule, the state possesses a genuine autonomy..." (emphasis added). It is difficult to see how Strinati can square his assertion of genuine state autonomy with the claim that the state only sanctions policies that are in the interests of the dominant classes. Strinati's treatment of the state, then, still seems to fall victim to the weaknesses of all functional explanations, to be examined later in this chapter.

¹²Ibid., p.28.

¹³See especially the studies by Levasseur and Panitch and Swartz cited in note 3 above.

¹⁴It is beyond the scope of this chapter to enter into the vexed questions of the commensurability of paradigms and the adequacy of Thomas Kuhn's model of scientific explanation. However, even if one rejects Kuhn's radical claim that adherents of different paradigms live in completely different worlds, and thus cannot evaluate their competing theories on the basis of rational criteria, it is highly unlikely that it is possible to devise critical experiments that would provide definitive tests of rival paradigms--or research programs, to use Imre Lakatos's terminology--and lead to the decisive rejection of one or another. As Lakatos himself has pointed out, substantial modifications in the "protective belt" (a set of ad hoc modifications and hypotheses protecting the fundamental assumptions, or "hard core," of the theory) of any research program can be made to deal with anomalies and counterexamples. For excellent discussions of these epistemological issues, see A.F. Chalmers, What Is This Thing Called Science?, 2nd ed. (St. Lucia, Australia: University of Queensland Press, 1982), chs.6-9, and 12; Terence Ball, "Is There Progress in Political Science?", in Terence Ball, ed., Idioms of Inquiry (Albany, NY: State University of New York Press, 1987), pp.13-44. See also Thomas S. Kuhn, The Structure of Scientific Revolutions, 2nd ed. (Chicago: University of Chicago Press, 1970) and Imre Lakatos, "Falsification and the Methodology of Scientific Research Programmes," in Imre Lakatos and Alan

Musgrave, eds., Criticism and the Growth of Knowledge (Cambridge: Cambridge University Press, 1970), pp.91-196.

¹⁵In his trenchant critique of pluralism's "vector-sum" theory of power, Robert Paul Wolff argues that this school conceives of the state as a "great weathervane" which swings aimlessly about "to meet the shifting winds of opinion." See his article, "Beyond Tolerance," in Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse, A Critique of Pure Tolerance (Boston: Beacon Press, 1969), pp.11-12.

¹⁶For a critical analysis of pluralism and neo-pluralism (or Pluralism I and Pluralism II), see John F. Manley, "Neo-pluralism: A Class Analysis of Pluralism I and Pluralism II," APSR 77:2 (June 1983), pp.368-83. Neo-pluralism, according to Manley, acknowledges the preponderant role played by business in the American polity, severely criticizes the performance of the American political system, and issues calls for major structural changes such as "redistribution of wealth and income and more government ownership of private enterprise..." (p.371) Manley dismisses the putative radicalism of the neo-pluralists--Robert Dahl and Charles Lindblom, most notably--as mere "incrementalism". Two of the seminal works of neo-pluralism are Charles Lindblom, Politics and Markets (New York: Basic Books, 1977) and Robert Dahl, Dilemmas of Pluralist Democracy (New Haven and London: Yale University Press, 1982).

¹⁷Peter Bachrach and Morton Baratz, "Two Faces of Power," in William Connolly, ed., The Bias of Pluralism (New York: Atherton Press, 1969), p.61. See also Eric Nordlinger, On the Autonomy of the Democratic State (Cambridge MA: Harvard University Press, 1981), pp.88-89 and Suzanne Berger, "Introduction," in Suzanne Berger, ed., Organizing Interests in Western Europe (Cambridge: Cambridge University Press, 1981), pp.4-11.

¹⁸Theda Skocpol, "Political Response to Capitalist Crisis: Neo-Marxist Theories of the State and the Case of the New Deal," Politics and Society 10:2 (1980), p.157.

¹⁹For similar critiques of the pluralist view of politics, see Poggi, Development of the Modern State, pp.2-4, 9-10.

²⁰For typical elitist views, see C.W. Mills, The Power Elite (New York: Oxford University Press, 1956); Wallace Clement, The Canadian Corporate Elite (Toronto: McClelland and Stewart, 1975); and Pierre Fournier, The Quebec Establishment, 2nd ed. (Montreal: Black Rose Books, 1978). For an expression of instrumentalist Marxism, see Ralph Miliband, The State in Capitalist Society (London: Quartet Books, [1969] 1973). Miliband, it should be noted, has considerably altered his views on state autonomy, to the point where he now assigns a much greater independent role to the state in capitalist society than would most other neo-Marxist theorists. See his "State Power and Class Interests," and "State Power and Capitalist Democracy," cited in n.8 above.

²¹Leo Panitch, "Elites, Classes, and Power in Canada," in M.S. Whittington and Glen Williams, eds., Canadian Politics in the 1980s, 2nd ed. (Toronto: Methuen, 1984), p.235. Cf. Pierre Fournier, The Quebec Establishment, 2nd ed. (Montreal: Black Rose Books, 1978), pp.221-222.

²²Alvin Finkel, "Origins of the Welfare State in Canada," in Leo Panitch, ed., The Canadian State: Political Economy and Political Power (Toronto: University of Toronto Press, 1977), p.345 (my emphasis).

²³For similar critiques of instrumentalist versions of Marxism (which are sometimes designated as theories of "corporate liberalism"), see Fred Block, "Beyond Corporate Liberalism," Social Problems 24:3 (Feb. 1977), pp.352-361 and Skocpol, "Neo-Marxist Theories of the State," pp.160-69.

²⁴Rianne Mahon, "Canadian Public Policy: The Unequal Structure of Representation," in Panitch, The Canadian State, p.170. See also Nicos Poulantzas, Political Power and Social Classes (London: NLB, [1968] 1973), pp.190-92. Poulantzas writes: "The capitalist state...does not directly represent the dominant classes' economic interests, but their political interests: it is the dominant classes' political power centre, as the organizing agent of their political struggle.....[T]he capitalist state has inscribed in its very structures a flexibility which concedes a certain guarantee to the economic interests of certain dominated classes, within the limits of the system." (Emphasis in the original).

²⁵Mahon, "Unequal Structure of Representation," p.171.

²⁶Ibid., p.187.

²⁷It is obvious that I am here conflating several distinct schools of neo-Marxism—capital-logic, regulation, Althusserian, and so on—and placing them all under the rubric of "structuralist-Marxism." I have also ignored so-called "class struggle" theories of Marxism, or what are sometimes called neo-Ricardian approaches (because they view state policies as outcomes of struggles over the distribution of income). The latter perspective is much closer (though not identical) to my own view. Claus Offe's "political" explanation of capitalist state behaviour also seems to accord to the state much greater autonomy than is customary in neo-Marxism. For good overviews of the controversies and divergent approaches within neo-Marxism, see Martin Carnoy, The State and Political Theory (Princeton NJ: Princeton University Press, 1984), chs.4,5,8,9; Bob Jessop, "Recent Theories of the Capitalist State," Cambridge Journal of Economics 1 (1977), pp.353-73; Bob Jessop, The Capitalist State (Oxford: Martin Robertson, 1982).

²⁸Leo Panitch, "The Role and Nature of the Canadian State," in Panitch, ed., The Canadian State, p.8 (my emphasis).

²⁹Skocpol, "Neo-Marxist Theories of the State," p.200.

³⁰Laurence Harris, "The State and the Economy: Some Theoretical Problems," in R. Miliband and J. Saville, eds., The Socialist Register 1980 (London: Merlin Press, 1980), p.248. See also Ian Gough, The Political Economy of the Welfare State (London: Macmillan, 1979), pp.7-9, 56, 155-157.

³¹Two trenchant critiques of functionalist arguments in the social sciences are Anthony Giddens, A Contemporary Critique of Historical Materialism (Berkeley and Los Angeles: University of California Press, 1981), pp.15-18 and John Goldthorpe, "The Development of Social Policy in England, 1800-1914," Transactions of the Fifth World Congress of Sociology 4 (1962), pp.53-56. The classic attempt to demolish functionalist

epistemology is Carl Hempel's "The Logic of Functional Analysis," in Llewelyn Gross, ed., Symposium on Social Theory (New York: Harper and Row, 1959), pp.271-307. Hempel assailed functional explanations in the biological and social sciences as "apt to be either meaningless or covertly tautologous or empirically false." (p.301) Nonetheless, he did acknowledge the heuristic role of functional analysis in the social sciences.

³²G.A. Cohen, Karl Marx's Theory of History: A Defence (Princeton NJ: Princeton University Press, 1978), chs.9,10. See also G.A. Cohen, "Marxism and Functional Explanation," in John Roemer, ed., Analytical Marxism (Cambridge and Paris: Cambridge University Press/Editions de la Maison des Sciences de l'Homme, 1986), pp.221-34.

³³Cohen, Karl Marx's Theory of History, p.249.

³⁴Cohen, "Marxism and Functional Explanation," p.222 (emphasis added). See also G.A. Cohen, "Forces and Relations of Production," in Roemer, ed., Analytical Marxism, pp.11-22, at p.16: "Legal structures rise and fall according as they sustain or frustrate forms of economy which ... advance the development of the productive forces."

³⁵Cohen, Karl Marx's Theory of History, pp.283-85.

³⁶For Hempel's objections, see ibid., pp.273-77.

³⁷Ibid., pp.266, 286 (emphasis in the original).

³⁸Cohen, "Forces and Relations of Production," p.17.

³⁹Ibid., pp.17, 22.

⁴⁰Peter Hall, in a critique of a neo-Marxist explanation of the emergence of economic planning in certain postwar European countries, has made a similar argument. The standard problem of functionalist analysis, he writes, is that the "factors linking the system and its associated functions to actual policies remain underspecified; and in their absence, a transitory empirical correlation between the existence of capitalism and planning is hypostatized into a causal connection." Governing the Economy (New York: Oxford University Press, 1986), p.7.

⁴¹"Marxism and Functional Explanation," p.233.

⁴²Nicos Poulantzas, "The Problem of the Capitalist State," in Robin Blackburn, ed., Ideology in Social Science (Glasgow: Fontana/Collins, 1972), p.242 (emphasis in the original).

⁴³For another forceful critique of Althusser's functionalism and determinism, see Susan James, "Louis Althusser," in Quentin Skinner, ed., The Return of Grand Theory in the Human Sciences (Cambridge: Cambridge University Press, 1985), pp.141-57. It should be noted that Poulantzas moved some distance away from this extreme functionalism in his later work, especially L'Etat, le Pouvoir, le Socialisme (Paris: PUF, 1978). See also the discussion in Carnoy, State and Political Theory, pp.108-127.

⁴⁴Giddens, Critique of Historical Materialism, p.16.

⁴⁶The exact quote runs as follows: "Men make their own history but not of their own free will; not under circumstances they themselves have chosen but under the given and inherited circumstances with which they are directly confronted." From The Eighteenth Brumaire of Louis Bonaparte, quoted in Ralph Miliband, "Political Action, Determinism, and Contingency," in Class Power and State Power (London: Verso, 1983), p.133.

⁴⁷Theda Skocpol, "Bringing the State Back In: Strategies of Analysis in Current Research," in Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, eds., Bringing the State Back In (Cambridge: Cambridge University Press, 1985), p.9.

⁴⁸Government of Canada, Privy Council Task Force on Labour Relations, Canadian Industrial Relations (Ottawa: Privy Council Office, 1968), p.9, cited in John Anderson and Morley Gunderson, "The Canadian Industrial Relations System," in John Anderson and Morley Gunderson, eds., Union-Management Relations in Canada (Don Mills: Addison-Wesley, 1982), p.2.

⁴⁹Ibid. See also Government of Canada, Labour Canada, Glossary of Industrial Terms (Ottawa: Minister of Supply and Services, 1984), p.13.

⁵⁰Ian H. Stewart, "Labour Parties, Labour Unions, and Labour Laws: A Comparative Analysis of British Columbia and Manitoba," unpublished Ph.D. dissertation, Queen's University, 1983, pp.69-70.

⁵¹Klaus von Beyme, Challenge to Power: Trade Unions and Industrial Relations in Capitalist Countries (Beverly Hills CA: Sage, 1980), ch.4; Stephen McBride, "Public Policy and Labour Movement Development: A Four Country Comparison," paper presented to the annual meeting of the Canadian Political Science Association, Vancouver, British Columbia, June 1983.

⁵²These sub-categories are basically the ones used by McBride in ibid., pp.4-10.

⁵³Ibid., pp.10-12.

⁵⁴Stewart, "Labour Parties, Labour Unions, and Labour Laws," p.96.

⁵⁵Québec, Assemblée nationale, 31^e législature, 4^e session, Loi sur les normes du travail (Bill 126, received royal assent on 22 June 1979). For a consideration of the possible deleterious effects a law on labour norms might have on the organizing efforts of trade unions in Quebec, see Leo Roback, La syndicalisation sectorielle (Montreal: Institut de recherche appliquée sur le travail, Bulletin no.10, 1977), and A. Brian Tanguay, "The Parti Québécois and the Politics of Concerted Action," ch.4.

⁵⁶Strictly speaking, the three pieces of legislation grouped under the heading of private-sector policies affected all sectors of the Quebec workforce. Nevertheless, as I will argue below, the greatest impact of these laws was felt in the private sector. One of the intriguing questions to be addressed below is why successive governments in Quebec seemingly chose to ignore the question of private-sector labour relations.

⁵⁷Jean Boivin, "Labour Relations in Quebec," p.446.

⁵⁸(Toronto: University of Toronto Press, 1965), pp.305-306.

³Christopher Tomlins, The State and the Unions: Labour Relations, Law and the Organized Labour Movement in America, 1880-1960 (New York: Cambridge University Press, 1985), p.101.

⁹Panitch and Swartz's concern with tripartite structures is reflected in my decision to include a third policy category--policies aimed at incorporating the trade unions into the decision-making structures of the state--in the following analysis of Quebec's labour relations system.

⁶Panitch and Swartz, "Towards Permanent Exceptionalism," p.142.

⁶Panitch and Swartz, Assault on Trade Union Freedoms, ch.3.

²Alfred Stepan, The State and Society: Peru in Comparative Perspective (Princeton NJ: Princeton University Press, 1978), p.12, as quoted in Skocpol, "Bringing the State Back In," p.7.

⁶Skocpol, "Bringing the State Back In," p.9. In addition to Skocpol's work, seminal contributions to the "state-centred" or "statist" approach include: Stephen Krasner, Defending the National Interest (Princeton NJ: Princeton University Press, 1978); Stephen Krasner, "Approaches to the State," Comparative Politics 16:2 (January 1984), pp.223-246; Nordlinger, On the Autonomy of the Democratic State; Stephen Skowronek, Building a New American State (Cambridge: Cambridge University Press, 1982); and Leslie A. Pal, State, Class, and bureaucracy (Kingston and Montreal: McGill-Queen's University Press, 1988).

⁶Nordlinger, On the Autonomy of the Democratic State, p.9.

⁶Ibid., chs.3-5.

⁶Skocpol, "Bringing the State Back In," p.31, n.9, and Krasner, "Approaches to the State," pp.231-32.

⁶Nordlinger, On the Autonomy of the Democratic State, ch.3, especially p.75.

⁶For a good summary and critique of the approach, see Robert Goodin, "Rational Politicians and Rational Bureaucrats in Washington and Whitehall," Public Administration 60 (Spring 1982), pp.23-41. The classic statement of the thesis is found in William Niskanen, Bureaucracy and Representative Government (Chicago: Aldine-Atherton Press, 1971).

⁶Hall, Governing the Economy, p.10.

⁷⁰Ibid., p.19.

⁷¹Ibid., pp.20-21, 263-66. In an application of the institutional model to the Canadian case, Pal has examined the effects of federalism--both as structure (divided constitutional authority over different policy areas) and as process (bargaining between different levels of government)--on the formulation and implementation of unemployment insurance. In Pal's view, these institutional variables have had a significant impact on the timing and nature of the various unemployment programs in Canada, although other factors, such as inter-bureaucratic conflict, are assigned

greater explanatory weight in Pal's model of the policy process. See his State, Class, and Bureaucracy, ch.6.

⁷²Skocpol, "Bringing the State Back In," pp.15-17. See also Margaret Weir and Theda Skocpol, "State Structures and the Possibilities for 'Keynesian' Responses to the Great Depression in Sweden, Britain, and the United States," in Evans, Rueschemeyer, and Skocpol, Bringing the State Back In, pp.107-163, especially pp.109, 117-19.

⁷³Skocpol, "Bringing the State Back In," p.16. See also Leslie Pal, "Relative Autonomy Revisited: The Origins of Canadian Unemployment Insurance," CJPS 19:1 (March 1986), p.74.

⁷⁴See, for example, Philippe Schmitter, "Neo-Corporatism and the State," in Wyn Grant, ed., The Political Economy of Corporatism (New York: St. Martin's Press, 1985), pp.32-62, especially pp.44-45 and 57-58. See also Wolfgang Streeck, "Neo-Corporatist Industrial Relations and the Economic Crisis in West Germany," in John Goldthorpe, ed., Order and Conflict in Contemporary Capitalism (Oxford: Oxford University Press, 1984), pp.291-314, especially p.292.

⁷⁵Alan Cawson, "Varieties of Corporatism the Importance of the Meso-Level of Interest Intermediation," in Alan Cawson, ed., Organized Interests and the State (Beverly Hills CA: Sage, 1985), p. 7 (my emphasis). Cawson distinguishes between state and societal corporatism, following the now widely accepted typology introduced by Philippe Schmitter in his article, "Still the Century of Corporatism?", The Review of Politics 36 1 (January 1974), pp. 103-125. The fundamental difference between these two subtypes consists in the amount of autonomy retained by the interest associations, ranging from almost none under state corporatism to a considerable amount in the case of social corporatism.

⁷⁶Evidently this applies to liberal or social corporatist societies only. Schmitter, in *ibid.*, p.108, suggests that the origins of state corporatism are to be found in the dependent capitalist state's need to curb the power of organized labour when the national bourgeoisie is weak and fragmented.

⁷⁷Ruth B. Collier and David Collier, "Inducements versus Constraints: Disaggregating 'Corporatism'", American Political Science Review 73:4 (December 1979), p.970. The authors contend that corporatism entails both inducements (policy concessions) and constraints (social control) for organized labour. Leo Panitch, in his various articles on corporatism, contends that whatever policy concessions, or "carrots", labour receives in exchange for its participation in corporatist political structures are outweighed by the limitations on trade union autonomy that are imposed as a *quid pro quo*. Corporatism, he argues, is above all a form of capitalist domination. See "Trade Unions and the Capitalist State," New Left Review 125 (Jan-Feb.1981), pp. 21-43; "Corporatism in Canada," Studies in Political Economy 1 (Spring 1979), pp. 43-92; "The Development of Corporatism in Liberal Democracies", Comparative Political Studies 10:1 (April 1977), pp. 61-90.

⁷⁸David Held and Joel Krieger, "Theories of the State: Some Competing Claims," in S. Bornstein, D. Held, and J. Krieger, eds., The State in Capitalist Europe: A Casebook (London: Allen and Unwin, 1984), pp.18-19.

⁷There are certain similarities between the view of politics and the state that I have articulated and those of what has come to be known as the "regulation school." Alain Lipietz, one of the leading exponents of this theoretical approach, insists on the open-endedness of history and on the independent explanatory significance of politics: "...no one can say that there is something like historical progress, represented by the progress of productive forces, which will inevitably lead us along the various stages of capitalism to socialism. In each major crisis, there is a debate, and humankind searches out new relations, new compromises. At each major crisis the way is open, history is open." Alain Lipietz, "Rebel Sons: The Regulation School," interview by Jane Jenson, French Politics and Society 5:4 (1987), p.22 (emphasis in the original). Despite the similarities between my position and that of Lipietz on the open-endedness of history, we tend to diverge on the amount of emphasis we assign to the state as an organization with its own interests. Lipietz, it seems to me, is much more concerned with the manner in which social conflicts--especially class struggles--are translated into the state's actions; the state is still treated as a "dependent variable."

⁸Stewart, "Labour Parties, Labour Unions, and Labour Laws," p.6; see also Fred Kerlinger, Behavioral Research: A Conceptual Approach (New York: Holt, Rinehart, and Winston: 1979), pp.276-78.

⁹Harry Eckstein, "Case Study and Theory in Political Science," in Fred I. Greenstein and Nelson Polsby, eds., Handbook of Political Science: Strategies of Inquiry, vol. VII (Reading MA: Addison-Wesley, 1975), pp.79-138; Nordlinger, On the Autonomy of the Democratic State, p.146; Robert K. Yin, Case Study Research: Design and Methods, revised ed. (Newbury Park CA: Sage Publications, 1989), ch.1; Pal, State, Class, and Bureaucracy, pp.11-13.

¹⁰Case Study Research, p.21.

¹¹Nordlinger, On the Autonomy of the Democratic State, p.146.

¹²Ibid.

¹³Robert O. Keohane, "Economics, Inflation, and the Role of the State: Political Implications of the McCracken Report," World Politics 31:1 (Oct. 1978), p.125.

PART II:
FROM THE "GREAT DARKNESS"
TO THE "QUIET REVOLUTION"

CHAPTER TWO:

Quebec's Economy and Society

On the Eve of the Quiet Revolution

In our official ideology at that time [1930s and 40s] there was just no place for the working class. Factory workers were intruders in the scheme of things. They had the bad taste to exist. Wouldn't it have been easier for everyone if they had remained farmers, as in the beginning, out there in the countryside ... All through my childhood, in school and in church, I had listened ad nauseam to condemnations of city life--it was the source of all evil ... a laboratory culture of all the sins, starting with alcoholism. This preaching was so persistent that one ended up wondering why all those fools of manual labourers had left their country paradise for an urban hell. Was it stupidity on their part, or mischief?

Gérard Pelletier, Years of Impatience, 1950-1960,

trans. Alan Brown (Toronto: Methuen, 1984), p.36.

I. INTRODUCTION

In order to grasp the significance of the industrial relations reforms introduced by the Lesage government in Quebec in the mid-sixties, one must first understand the particularities of social and political development in the province during the Duplessis era (1936-39, 1944-59). During this period, the passage from a predominantly rural, agricultural economy to a modern industrialized one was completed, but there was no little in the way of modernization of prevailing ideologies or political practice. The provincial state remained rudimentary, especially in comparison with its counterparts elsewhere in English Canada and in Ottawa. Health and education were solidly in the grip of ecclesiastical bureaucracies, and the Duplessis government, wedded to an unalloyed laissez-faire economic doctrine, was fearful of trenching on the prerogatives of private business. The dominant, though by no means uncontested, ideology in the province was a mélange of Catholic corporatism and inward-looking nationalism which extolled the "spiritual" mission of French Canadians and preached a return to the land (colonization of Quebec's North) as the best way to preserve French-Canadian culture in the face of the corrosive influences of urbanization and

industrialization. The distaste of Quebec's traditional intellectuals for cities and factories—considered to be the incubators of the often fatal microbes of atheism and materialism—runs through numerous books and pamphlets written in the 1940s and 50s, and can even be found in what is probably the most cogent expression of traditional nationalism in the postwar period, the Report of the Royal Commission on Constitutional problems (the Tremblay Report).¹

This disjuncture between Quebec's economic situation and its political/ideological development in the postwar period led a number of social scientists and other intellectuals—those associated with the influential journal, Cité libre, for instance—to conclude that the preeminent task facing the Québécois was to bring the province up to date with other advanced industrial nations (le rattrapage).² Critics of the Duplessis regime allied themselves with the one force in Quebec society that they considered to be unequivocally committed to democracy and modernization: organized labour.³ The pivotal role played by labour in loosening the grip of Duplessis and the traditional nationalists on Quebec's political life in the 1950s helped to ensure that the ensuing "Quiet Revolution," in addition to modernizing the province's prevailing ideologies and its political institutions, would recast industrial relations as well.

This chapter examines the essential features of Quebec's economy and society during "the great darkness" (la grande noirceur, a common pejorative term for the Duplessis period), in order to place the far-reaching social and political transformations of the Quiet Revolution in their proper context. In terms of the theoretical framework set out in the previous chapter, this excursion into Quebec's historical development prior to the Quiet Revolution enables me to trace the origins of the nationalist project, which would have a profound influence on most aspects of labour relations policy after 1960. It also permits me to outline the autonomy-

enhancing capabilities at the disposal of the Quebec state--union pluralism, for instance--as well as the structural constraints which it would face in any attempt to act on its own preferences.

The first section of the chapter provides a rapid survey of the pattern of economic development in the province and its impact on the formation of the working class and the organization of business. The role of Catholic trade unions, and the comparatively rudimentary organization of business in Quebec before 1960 are emphasized. The second section of the chapter focusses on the legal framework of industrial relations in the province before 1945; the sources of Quebec labour law are briefly discussed. Section three deals with the politics of industrial relations in the immediate postwar period: the nature of the Union Nationale and the social bases of its support, the highly politicized and coercive relationship between the Duplessis government and organized labour, and the transformation of the labour movement, through a series of bitter strikes (Asbestos in 1949, Louiseville in 1952, and Murdochville in 1957, among others), from "a spineless movement more or less dominated by the clergy"⁴ into one of the main pillars of opposition to the Duplessis regime and a prime mover of the Quiet Revolution.

II. INDUSTRIALIZATION, WORKING-CLASS FORMATION, AND BUSINESS ORGANIZATION IN QUEBEC PRIOR TO 1960

(i) The "Economic Backwardness" of Quebec

During the first four decades of the twentieth century, the economic and social face of Quebec was irreversibly altered as the process of industrialization, which had begun fitfully in the latter half of the previous century, accelerated. Thousands of young French Canadians left the family farms and migrated to cities in Quebec and the Eastern United States in search of work in the factories. By the time of the First World War, a majority of Quebec's inhabitants lived in cities,⁵ and agricultural occupations were declining steadily in importance: by 1941, only one out of five Quebecers was employed in agriculture, as opposed to nearly two out five in 1901. Nearly as many people in the province were employed in manufacturing in 1941 as there were in agriculture.⁶ As an indicator of the vitality of the province's manufacturing sector, Armstrong notes that between 1900 and 1939, "Quebec's share in Canadian manufacturing value added per capita remained consistently above the Canadian provincial average....The overall composition of the manufacturing sector in Quebec and Ontario remained quite similar up to World War I ...".

Despite the impressive expansion of manufacturing activity in Quebec before 1945, there were serious structural weaknesses in the provincial economy that would later have an impact on the political strategies of organized labour and business in the 1950s and 60s, and that would help shape the government's economic policy during this period. These deficiencies have usually been subsumed under the label of "le retard du Québec."⁸ Quebec's economy in the 1930s and 40s seemed to perform much more poorly than that of Ontario (in contrast to its comparatively good

performance in the first three decades of the twentieth century). Wage rates, productivity, and personal income per capita were all lower in Quebec than in Ontario, and manufacturing in Quebec tended to be labour-intensive and small-scale. There was also a substantial technological gap between the two provinces: those industries requiring a sophisticated production technology tended to locate in Ontario rather than Quebec. Secondary iron and steel manufacturing, as well as the automobile, agricultural implements, machinery, and electrical goods industries all located primarily in Ontario. Quebec, meanwhile, became the principal site of such technologically less advanced industries as textiles, clothing, and shoes.⁹

By far the most important feature of Quebec's economic structure from the interwar period on was the heavy reliance on "foreign"—mainly American and English-Canadian—capital and technology to fuel economic development. French Canadians did not share fully in the benefits of economic growth in the province, nor did they have much control over the pace and direction of development, since decisions regarding these matters were generally taken elsewhere. André Raynauld's influential study, La propriété des entreprises au Québec,¹⁰ used data from the 1961 census to show that firms controlled by French Canadians accounted for only a small proportion of the value added in the manufacturing sector, that they were generally smaller and less productive than their foreign- and anglophone-controlled counterparts, and that they were oriented to the domestic market, leaving the export markets to the more dynamic foreign and English-Canadian firms. In effect, then, the manufacturing sector in Quebec prior to the Quiet Revolution was culturally segregated, with francophones occupying the least favourable positions.

There has been considerable debate over the possible causes of the economic "inferiority" of French Canadians that has been sketched by Raynauld and others. Before the Quiet Revolution, a cultural explanation had wide currency. Proponents

of this view laid the blame for the retarded development of the francophone-controlled sector of the economy on the presumed entrepreneurial deficiencies of French-Canadian businessmen which resulted from a combination of factors: socialization patterns that were inappropriate for a modern economy; the Church's domination of education and the resultant emphasis on careers in the liberal professions instead of in business; and, simply, the lack of a protestant ethic among francophones.¹¹ Other students of Quebec political economy have favoured a structural explanation of this phenomenon: Faucher and Lamontagne draw attention to Quebec's lack of coal deposits and its unfavourable location in relation to the hub of industrial activity in the midwestern United States as factors that favoured Ontario's manufacturing sector over that of Quebec.¹² McCallum cites the failure of Quebec's agricultural sector to produce an exportable staple, while Dales focusses on the province's reliance on hydroelectricity rather than thermal power--the former tends to attract light, consumer goods industries rather than heavy manufacturing.¹³ Bourque and Legaré, finally, argue that the persistence of quasi-feudal class structures in Quebec during the nineteenth century impeded the adoption of commercial agriculture and hence retarded the progress of industrialization.¹⁴

Whatever the correct explanation of "le retard du Québec" may be, the important point as far as this study is concerned is that those groups in the province which were critical of Duplessis and the clerico-petty bourgeois establishment made the demand for "catching up" (le rattrapage) one of the principal weapons in their ideological arsenal. Progressive nationalists such as André Laurendeau became convinced that an "activist and interventionist" provincial state was necessary to overcome French Canada's economic inferiority and make francophones the "economic as well as political masters in their own house--Maîtres chez nous had become the neo-nationalist motto..."¹⁵ Liberal intellectuals such as Pierre Trudeau and Gérard

Pelletier also came to believe "in the need for a dynamic, interventionist Quebec state, but only if such a development had as its prime objective the expansion and fulfilment of individual rights through increased political and social democracy."¹⁶ Important sections of the labour movement in Quebec rallied to one or the other of these philosophical positions, and by the early 1950s were incorporating the demand for le rattrapage, both economic and political, into their programs. This ideological prise de conscience by organized labour was one of the key factors in launching the Quiet Revolution, and will be explored in greater detail later in this chapter.

To the province's clerical and petty bourgeois elites, however, the visible signs of industrial "progress" in Quebec during the first four decades of this century--the spread of manufacturing and the hemorrhage of young francophones from the farms into the cities--were profoundly disturbing since they seemed to portend the imminent annihilation of the distinctive French Catholic culture in North America. This fear of the effects of industrialization, so eloquently expressed in the literature of the 1930s and 40s,¹⁷ elicited a defensive reaction from Quebec's traditional intelligentsia. The leading organs of traditional thought--Henri Bourassa's Le Devoir, and the Catholic and nationalist journal, L'Action nationale--championed a back to the land movement (the colonization of the remote northern regions of the province) as the only hope for the preservation of French Canadian culture. This agriculturalist ideology did very little to stem the tide of industrialization in the province, as Behiels observes:

The traditional mistrust and distaste for the urban way of life characterized by dependence, loose social controls, unhealthy environment, and a consumer society--the antithesis of traditional rural living--had, by the 1950s, all but vanished in most parts of the province. While the traditional values continued to be preached, social behaviour reflected the new urban values...¹⁸

(ii) The Origins and Growth of Quebec's Labour Movement

Another feature of the Quebec intelligentsia's defensive response to industrialization, much more relevant to the present study, was the creation of confessional unions in the province. If the flow of farmers into the cities could not be stanchd, then the next best solution, from the perspective of the Church hierarchy and the traditional elites, was to set up associations that would protect French Canadian workers from the pernicious influence of the international and Canadian unions. The latter, in the view of the Church, were infected with godless and revolutionary ideology, and could in no way serve as a bulwark of cultural defence against the forces of industrialization.

The origins of the Catholic union movement in Quebec can be traced back to an industrial dispute in the boot and shoe industry in Quebec City in 1900. At the request of both the employer and the unions involved, the dispute was submitted to the Archbishop of Quebec, Mgr Louis-Nazaire Bégin, for binding arbitration. Guided by the teachings of Pope Leo XIII, set down in his 1891 encyclical on labour relations, Rerum novarum, Bégin's award recognized the employees' right of association (which had been contested by the employers) and established a permanent dispute resolution process through joint labour-management committees. The Archbishop declared "that he had been inspired by the pontiff's hope that the rights and duties of employer and employee could be in harmony and that no conflict of interest [need] exist between them."¹⁹ Bégin also convinced the unions to accept a chaplain as interpreter of the Church's social doctrine and spiritual guide.

Bégin's hope was that once the proper dispute resolution machinery was established, and the workers had been alerted by the chaplain to the need for cooperation rather than conflict in their dealings with their employers, the

international unions would no longer be necessary. To the Archbishop's dismay, however, the workers involved "maintained their affiliations with the International Unions which [Bégin] believed to be improperly motivated..."²⁰ Thus the Archbishop's dream of a Catholic labour movement in Quebec had to be postponed for several years.

It was not until 1912 that a Catholic union was successfully organized in Quebec--La Fédération ouvrière mutuelle du Nord, based in Chicoutimi. The Fédération ouvrière du Chicoutimi, more of a study circle and mutual benefit society than an actual trade union, had been established by Mgr Eugène Lapointe in 1907.²¹ The birth of confessional unionism was helped along by the internecine feud within the Canadian labour movement over the question of "dual unionism." Throughout the 1890s, two rival union federations, each with its own distinct political vision and organizational structure, were locked in a bitter struggle to win the allegiance of Canadian workers. A parallel struggle had occurred in the United States, but the victor, the American Federation of Labor (AFL), had emerged much more quickly than in Canada. The Trades and Labour Congress (TLC), founded in 1886, was the first national union federation in Canada. Craft unions, jealous of their jurisdictional sanctity, dominated the TLC, which came increasingly under the sway of the AFL by the turn of the century. Both of these federations practised business unionism, incarnated in the philosophy of the AFL's first president, Samuel Gompers of the Cigarmakers' Union. The economic and political action of unions, according to this approach, should be aimed at securing the best deal for workers, in terms of wages and other benefits, within the existing system of production. The strike was considered to be labour's preeminent economic weapon, and neither the AFL nor the TLC exhibited much reluctance to use it. Tactical support for those political parties

that could offer organized labour specific concessions was preferred to direct intervention in politics.

The principal rivals of the AFL and TLC for the support of North American workers before 1900 were the Knights of Labor, created as a secret society along the lines of the Freemasons in 1869 in Philadelphia.²² The Knights, who experienced a spectacular rise in membership in the 1880s, grouped all workers, regardless of their craft or skill level, into local and general assemblies. Their political vision had strong utopian overtones: they called for the moral regeneration of work, emphasized the education of workers as the best solution to the social problems associated with industrialism, and generally eschewed the strike, preferring instead the compulsory arbitration of labour disputes. Their ultimate goal was the creation of a cooperative society, not through the revolutionary transformation of capitalism, but by means of moral suasion (and industrial action only when absolutely unavoidable).²³

Although the Knights went into rapid decline in the U.S. once the AFL was created (1886), they maintained their organizational foothold in Canada until the turn of the century, and actually managed to increase their membership in Quebec during this period.²⁴ Before 1902, the Knights and the TLC maintained a fragile modus vivendi, with the former sending delegates to the annual conventions of the Trades Congress. Since the Knights often organized workers in trades that the AFL leadership considered the rightful preserves of its own locals, the TLC came under increasing pressure from the American federation to do something about these "dual unions." This pressure culminated in the TLC's decision at its 1902 convention in Berlin, Ontario (now Kitchener), to bar "the Knights of Labor assemblies or any other union in Canada trespassing upon international union jurisdictional claims."²⁵ This resulted in the expulsion of twenty-three unions, with over 2200 members (about one-fifth of the TLC's membership). The overwhelming majority of these dual unions

were located in Quebec.²⁶ The decisions taken at Berlin sealed the TLC's future as a northern extension of the U.S. labour movement.

After their expulsion from the TLC, a number of the Canadian dual unions created a nationalist federation, the National Trades and Labour Congress (renamed the Canadian Federation of Labour in 1909).²⁷ Many of the Quebec-based unions, however, remained independent, and it is these unions that became the organizational nucleus of the Catholic labour movement in the province. The absorption of the former Knights of Labor assemblies into the confessional unions was made easier by the philosophical affinities between the two: both championed a moralistic view of working life (in contrast to the pragmatic materialism of the internationals), and both tended to rely on methods other than the strike to achieve their economic objectives.²⁸

From its birthplace in Chicoutimi, confessional unionism radiated slowly outward to other regions of the province: Hull, Thetford Mines, Trois-Rivières, and St.-Hyacinthe. The Catholic unions, however, did not make many inroads into Montreal, where the internationals were strongest. The bulk of the organizing activity took place between 1916 and 1921, when the number of Catholic locals rose dramatically from 23 to 120. Membership in the various Catholic unions totalled some 17,000 in 1921.²⁹ Most of these unions were established in the building trades, the service sector, pulp and paper, and steelworking. Two factors contributed to the success of the Catholic unions during and just after World War I: the internationals' failure to hire full-time bilingual organizers (because they blithely assumed that as the entire province of Quebec industrialized, it would come more and more to resemble Montreal, where they had always had great success) and the TLC's support, at the instance of the AFL, for conscription. As a result of this stance, many Quebec trade unionists "felt misunderstood, and even betrayed, by English Canadian trade union

leaders. The door was therefore open to union organizations with a nationalist appeal, be they pan-Canadian or French Canadian."³⁰

In 1921, the various Catholic unions in the Province held the founding convention of the Confédération des travailleurs catholiques du Canada (CTCC) at Hull. The new federation's constitution, which had received the imprimatur of the Church hierarchy, was informed by three philosophical principles: corporatism, Catholicism, and anti-Americanism. As for the corporatist strand in the CTCC's ideology, the constitution of the new federation recognized the rights and duties of both capital and labour, and called on the two to collaborate in setting up joint boards of conciliation and arbitration similar to those advocated by Mgr Bégin in his settlement of the 1901 dispute in Quebec City's boot and shoe industry. These joint committees would determine wages and working conditions and thereby ensure industrial peace and social stability. Although Quebec's employers were less than enthusiastic about these joint boards—a standard article of the corporatist faith—the doctrine of social partnership was successfully implanted in the Catholic unions during the first two decades of their existence by the tireless work of the union chaplains (aumôniers). The latter were regarded as guardians of the faith and protectors of the union constitution; the general chaplain of the CTCC (servicing the entire federation) was allowed to attend meetings of the executive (the Bureau confédéral), although he did not have the right to vote. The chaplain "could always demand that a resolution that 'questions Catholic morals or the teachings or directives of the Church be submitted to the religious authorities for approval before taking effect.'"³¹ One consequence of the preponderant role played by the chaplain in union affairs was the stifling of the CTCC's militancy (what there was of it): of the 507 official strikes called between 1915 and 1936 in Quebec, only nine were led by the Catholic federation.³²

A second strand in the CTCC ideology was its avowed Catholicism; the constitution declared that the federation was "frankly and openly a Catholic organization. It affiliates only Catholic associations; it adheres to all the doctrines of the Church, and it commits itself to following, fully and at all times, the direction of the Pope and the Catholic bishops."³³ This article inevitably raised the question of what to do about non-Catholic members of CTCC affiliates. In the early years of its existence, the CTCC was strongest in the building trades and service sector. Since a great deal of this kind of work was financed by the Church and the provincial government, the religious background of workers in these industries figured prominently in hiring decisions. Thus the number of non-Catholics admitted to the union was exceedingly small, and discrimination against this group could be practised with relative impunity (non-Catholics were admitted as adjunct members only and were barred from holding executive positions).³⁴ As the institution of collective bargaining became more widespread in the 1940s, however, CTCC affiliates were increasingly called upon to represent large numbers of non-Catholics, since Quebec labour law, modelled on British and American precedents, granted a representational monopoly to certified unions. Competition between the CTCC and the international unions to organize the rapidly multiplying numbers of industrial workers in the late 1930s also made it difficult to retain the constitutional discrimination against non-Catholics, since "industrial workers were generally hired with no concern for religion or ethnic background. Moreover, many of the new industries were in areas such as Montreal which [had] a substantial non-French Canadian population."³⁵ Beginning in 1928 and 1929, a number of union locals in the larger cities dropped the "Catholic" qualification from their name and granted full membership status to all members regardless of their religion. These tentative steps toward deconfessionalization accelerated throughout the 1940s and 50s, as the CTCC

leadership realized that in order to compete effectively in the North American labour market the federation would have to adopt a fully secular ideology and shed ecclesiastical domination of its organization. The need to purge the confessional elements from the CTCC's constitution became all the more apparent to the federation's leadership in the early 1940s, as its membership stagnated and even declined, while the international unions encountered greater success in organizing new categories of workers. Full deconfessionalization came in 1960, shortly after the election of Jean Lesage and the provincial Liberals, and will be studied in greater detail in chapter three.³⁶

Overt anti-Americanism was the final philosophical principle undergirding the CTCC's social vision. According to its constitution, the CTCC came into existence because the majority of Canadian workers were opposed to American domination of their unions:

La C.T.C.C. croit que c'est un non-sens, une faute économique, une abdication nationale et un danger politique que d'avoir au Canada des syndicats relevant d'un centre étranger qui n'a ni nos lois, ni nos coutumes, ni notre mentalité, ni les mêmes problèmes que nous. Elle croit que le travail syndiqué canadien doit être autonome, régler seul ses propres affaires...³⁷

The CTCC's nationalism was of a pan-Canadian variety, similar to that espoused by Henri Bourassa, although the federation did adopt several resolutions at its early conventions calling for the protection of the French language. Rouillard contends that this relatively militant bicultural nationalism enabled the CTCC to attract workers who were critical of the internationals, yet sceptical of confessional unionism.³⁸ The identification of the CTCC with nationalism, whether of a pan-Canadian or a more overtly indépendantiste variety, would be one of the federation's trump cards in the 1960s in its rivalry with the international unions to attract Quebec workers. Indeed, the CTCC's raids on the membership of the internationals during the 1960s were often

cloaked in the ideological raiment of nationalism, as subsequent chapters will demonstrate.

Before 1960, international unions in Quebec were represented by one of two federations, La Fédération provinciale du travail du Québec (FPTQ) and La Fédération des unions industrielles du Québec (FUIQ). In terms of its ideological orientation, the FPTQ was throughout its existence resolutely Gompersist and apolitical, seeking to protect the interests of its members through collective bargaining and lobbying of the two levels of government, and balking at any effort to form an independent workers' party in Quebec. The FPTQ was also staunchly anti-Communist, and this ideological stance fostered a certain amount of collusion between the federation and the Duplessis government. In 1954, for example, Duplessis introduced Bills 19 and 20 into the provincial legislature; the first provided for the decertification of any union in the province that tolerated "Communists" among its officers or organizers, while the second called for the automatic decertification of any public sector union that called a strike, or whose leaders publicly advocated a strike. Both laws were made retroactive to 1944, in order to give the government a legal pretext for decertifying the Alliance des professeurs de Montréal, which had staged a brief illegal strike in January 1949.³⁹ This draconian legislation succeeded in unifying the refractory elements of the provincial labour movement: the CTCC, the FUIQ, policemen and firefighters, and the Montreal teachers association all joined together in a mass demonstration against the proposed laws (which were passed despite the protests). Conspicuously absent from the labour common front, however, was the FPTQ, whose president, Roger Provost, met privately with Duplessis and his Minister of Labour, Antonio Barrette (a former member of the Machinists' Union [TLC]). Provost proposed several amendments to the two bills, all of which were roundly condemned by the other union federations. This cooperative attitude on the part of the FPTQ

won it not only "the warm praise of the Minister of Labour" but "preferential treatment from the government in jurisdictional disputes with unions affiliated with the [CTCC and FUIQ]" as well.⁴⁰

In contrast to the FPTQ's pragmatic Gomperism, the FUIQ brought to the Quebec labour scene the principles of militant industrial unionism and direct political action. Created in December 1952, the FUIQ was the offspring of the Congress of Industrial Organizations (CIO) in the United States. Expelled from the AFL in 1935 for encroaching on the jurisdiction of craft unions, the CIO endeavoured to organize all workers, regardless of their craft or skill level, in the new mass production industries--steel, automobiles, rubber, electrical equipment, chemicals, and aluminum, among others. The United Rubber Workers, the Steel Workers Organizing Committee (SWOC), and the United Auto Workers were all formed in 1935 and 1936, and they scored sensational victories in organizing workers at United States Steel, General Motors, Firestone, B.F. Goodrich, and Goodyear.⁴¹

The CIO began organizing workers in Montreal as early as 1936, and by the mid-1950s the FUIQ represented as many workers in the province as did the FPTQ (see Table 2.1). In the 1950s the FUIQ was probably the most progressive union federation in the province. It decried Quebec's relative economic underdevelopment and called on the provincial government to intervene aggressively in the economy in order to promote the twin objectives of rattrapage and democratic socialism. It denounced the Union Nationale's outmoded agriculturalist vision, its vicious anti-unionism, and its blatant disregard for civil liberties, symbolized by the 1937 "Padlock Law." This notorious law permitted the provincial Attorney-General to close (padlock) "any premises used for the purpose of 'propagating Communism or Bolshevism,'" without attempting to define these terms.⁴²

Table 2.1: Union Membership ('000) in Quebec by Federation, 1935-1959

	1935	1940	1945	1950	1955	1959
CTCC	38.0	46.3	61.7	83.1	97.2	95.2
TLC					130.0	} 250.0*
CCL					45.0	
FPTQ			11.8	30.0	33.8	} 98.1**
FUIQ					34.2	
CIC			7.8	11.0	6.7	16.2
TOTAL***	53.8	120.4	179.8	251.8	341.2	354.1

Legend:

CTCC: Confédération des travailleurs catholiques du Canada

TLC: Trades and Labour Congress of Canada

CCL: Canadian Congress of Labour

FPTQ: La Fédération provinciale du travail du Québec

FUIQ: La Fédération des unions industrielles du Québec

CIC: Corporation des instituteurs et institutrices catholiques du Québec

*in 1956, the TLC and CCL merged to form the CLC (Canadian Labour Congress).

**in 1957, the FPTQ and FUIQ merged to form the FTQ (Fédération des travailleurs du Québec).

***total union membership in Quebec, including independent unions (those not affiliated to a labour federation); note that the 250,000 members of the CLC in 1959 include those belonging to the FTQ (the 98,000 figure)—virtually all members of the FTQ simultaneously belonged to the CLC.

Source: Hélène David, "L'Etat des rapports de classe au Québec de 1955 à 1967," Sociologie et sociétés 7:2 (November 1975), Table 1, p.63.

Jacques Rouillard, Histoire du syndicalisme au Québec (Montreal: Boréal, 1989).

Despite the considerable ideological differences between the FPTQ and the FUIQ, the two federations merged in 1957 to form La Fédération des travailleurs du Québec (FTQ), one year after the TLC and CCL had joined together to create the Canadian Labour Congress (CLC).⁴³ With the merger of the FPTQ and FUIQ in Quebec, a new provincial federation of the CLC came into existence, representing over 90,000 workers (because the affiliation of CLC locals to the FTQ was voluntary, however, this constituted only slightly more than one-third of all CLC members in the province; see Table 2.1). The new federation's executive was dominated by former members of the FPTQ: nine of the fifteen positions were claimed by the FPTQ, including the presidency (Roger Provost). The ideological conflicts between the FPTQ and the FUIQ were papered over rather than melded together into a cohesive program. Louis-Marie Tremblay nevertheless contends that the FTQ slowly gravitated towards the militant unionism and social democracy of the FUIQ, and this movement leftward was accelerated in the aftermath of the protracted strike by mineworkers, represented by the United Steelworkers (les Métallos), at Murdochville in 1957. This violent confrontation over union recognition, inflamed by Noranda's use of strikebreakers and the provincial police's overt support for the employers (characteristic features of labour disputes during the Duplessis era), undeniably had a radicalizing effect on the FTQ's leadership.⁴⁴

One of the principal stumbling blocks to the merger of the FPTQ and the FUIQ in 1957 had been the demand by the nationalist faction of the latter organization that the Catholic unions be included in the new federation. Throughout the 1950s there had been a growing rapprochement between the progressive wing of the FUIQ and the CTCC, which was manifested in the programs and political actions of the two unions. Both federations adopted an increasingly nationalistic discourse, attacking the UN government for selling off the provincial economy to foreign capital and calling

for greater state intervention and policies that would favour the disadvantaged in society. Both were unshakably opposed to the Duplessis administration, and inchoate organizational links between the CTCC and FUIQ had been forged in 1954 during the struggle against Bills 19 and 20. To the militants in the FUIQ, the creation of a unified provincial labour federation made eminent sense, since the combined forces of the CTCC and the nationalists within the FUIQ would outweigh, or at least neutralize, the less dynamic elements in the FPTQ.⁴⁵ To the leaders of the CTCC, labour unity seemed to promise the creation of a force strong enough both to offset the power of massive corporations and to dislodge the odious Duplessis government from office. At the same time, the CTCC was leery of sacrificing its distinctive French Canadian character on the altar of union rationalization.

Negotiations between the CTCC and the TLC-CCL Unity Committee were initiated as soon as the latter two organizations announced their impending merger in 1955. The CTCC appointed a unity committee, chaired by Jean Marchand, the federation's Secretary-General, to study the question of affiliation with the TLC-CCL. In 1956, the CTCC convention pronounced itself in favour of the principle of merger, and in 1957 delegates to the thirty-sixth annual convention voted on a fourteen-point affiliation package worked out between Marchand's committee and the CLC.⁴⁶ This movement toward unity ultimately foundered on the CLC's insistence that the CTCC gradually abandon its distinctive Québécois identity and cede most of its political functions (lobbying, presentation of briefs, and so on) to the pan-Canadian organization.⁴⁷ These conditions were totally unacceptable to the increasingly nationalist rank and file in the CTCC, whose radicalism contrasted sharply with Jean Marchand's overtly federalist leanings. A unified provincial labour movement was thus the victim both of the surging neo-nationalism that was finding a home in the

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CTCC, and of the CLC's arrogant assumption that it would inevitably absorb the Catholic federation.⁴⁸

To complete this historical survey of organized labour in Quebec before 1960, it is necessary to examine briefly the nascent teachers' union. Perhaps nowhere was the unique character of Quebec prior to 1960 more evident than in the field of education, where ecclesiastical domination and minimal state involvement were the norm. No Ministry of Education existed in the province until 1964; before that time education was the responsibility of the Council of Public Instruction, which consisted of separate Protestant and Catholic committees. The latter was dominated by Quebec's bishops, and both the curriculum and the teaching personnel in the Catholic system reflected the Church's desire to safeguard the spiritual underpinnings of French Canadian culture. In the 1950s, approximately one-half of the teachers in the province were from the various religious orders (and they were obviously in no danger of succumbing to the danger of unionization!). The remainder were overwhelmingly women, whose salaries were pitifully inadequate, and who worked under appallingly precarious conditions.⁴⁹

Unionization of Quebec's lay teachers was belated and slow, despite the powerful inducement to defensive association provided by the horrific working conditions in this sector. Between 1936 and 1945, most of the province's non-religious teachers availed themselves of the legal protection offered by the Professional Syndicates Act (La loi des syndicats professionnels), which had been passed by the Taschereau government in 1924 at the urging of the CTCC. This law allowed occupational groups to incorporate themselves, much like businesses; the "corporations" formed thereby had a hybrid status, somewhere between a self-regulating profession and a trade union. Teachers initially organized themselves into rural and urban associations, which were eventually amalgamated into the Corporation des instituteurs

et institutrices catholiques du Québec (CIC; its name would change to Corporation des enseignants du Québec in 1967, and finally to Centrale de l'enseignement du Québec [CEQ] in 1974). The CIC was organized along confessional lines, much like the CTCC, and its official ideology was informed by the social teachings of the Church. It remained small (approximately 16,000 members in 1959; see Table 2.1), marginal and relatively docile throughout the Duplessis period.

The only noteworthy exception to the CIC's timidity was the six-day strike led by one of its affiliates, the Alliance des professeurs de Montréal, in 1949, primarily over the issue of pay discrepancies between Catholic and Protestant teachers. Since all strikes in the public sector at that time were illegal, the Alliance paid dearly for its militancy: it was decertified by the Commission des relations ouvrières (CRO), and its president, Léo Guindon, was fired for "insubordination." Duplessis seized on the strike to introduce Bill 60, a particularly harsh piece of legislation that empowered the government to lower arbitration awards to teachers in order to take into account the financial condition of the local school boards.⁵⁰ It would take a bitter ten-year legal battle before the Alliance would regain its certification, but this incident served ultimately to galvanize the teachers into a relatively cohesive, if small, labour union, conscious of the need for direct political action to overthrow the Duplessis regime.

In summary, two features of the Quebec labour movement discussed in this section are of particular relevance for understanding the evolution of industrial relations policy after 1960. First of all, labour in Quebec was fragmented by ideological and organizational rivalries, the principal division being between an increasingly nationalist CTCC and an officially "non-partisan" FPTQ, which practiced an unadulterated form of business unionism (to the point of collaborating with the viciously anti-union Duplessis regime). This labour pluralism would have a profound

impact on the nature of the relationship between the Lesage government and organized labour during the Quiet Revolution. Inter-union rivalries would enable the provincial state to play one federation off against the other, a ploy used with regularity after the Quiet Revolution had run its course, as subsequent chapters will attest.

The second important characteristic of Quebec's labour movement discussed in this historical section consists in the fact that certain segments of organized labour--the CTCC and the industrial unions affiliated to the FUIQ, most notably--came to view the creation of a dynamic, interventionist state as the necessary means of propelling Quebec out of the "Dark Ages" of Duplessisme. The CTCC, with its corporatist and social Catholic ideology, always had a tradition of relying on the state to achieve its policy objectives; its lobbying for a law on the extension of collective agreements during the 1930s, discussed below, was an obvious example of this statist impulse. And the FUIQ, with its faith in democratic socialism, supported the notion of a strong interventionist state as well, although union members and leaders alike differed on whether the federal or provincial governments should be assigned the lion's share of economic and social policy-making powers. The CTCC's and FUIQ's growing support for state intervention and rattrapage made these union federations rallying points for political opposition to the Duplessis regime. Behiels points out that during the 1950s a number of intellectuals associated with the journal Cité libre offered their social scientific expertise to the FUIQ and the CTCC. Pierre Trudeau, for example, served as the legal and technical adviser to the FUIQ, while a number of graduates of the Faculty of Social Sciences at Laval University (Jean Marchand, for instance) became high-ranking officials in the CTCC.⁵¹ When the provincial Liberal Party changed leaders and refurbished its program in the late 1950s, it naturally looked to the progressive and nationalist elements in the labour movement as allies

in its quest for political power. Union pluralism and the growth of nationalist and statist sentiment in certain segments of the labour movement therefore constituted resources which enabled the Liberals to translate their modernizing political vision into reality.

(iii) Organizations of Business During the Duplessis Era

Any overview of business organization in Quebec before 1960 will necessarily be shorter than a comparable survey of labour associations, simply because of the rudimentary nature of most business groups during this period. As Claus Offe has argued, the "associational efforts ... of capitalist firms who ... enter into formal organizations in order to promote some of their collective interests" constitute a defensive response to the prior organization of workers into trade unions.⁵² Workers, he contends, can only offset the power of capital by transcending their normal state of atomization through the creation of a collective voice, the trade union. Capital, on the other hand, has "at its command three different forms of collective action to define and defend its interests--the firm itself, informal cooperation, and the employers or business association ... "⁵³. When workers are divided or unorganized, therefore, as they were in Quebec in the early part of the twentieth century, there is little need for the defensive association of firms, especially when the public authorities are extremely solicitous of the interests and demands of the business world.

It is not surprising, then, that the first business groups in the province--the local and regional Chambers of Commerce, created in the late 1800s--were primarily social clubs where good business practices and other such topics were discussed. These groups had little formal contact with the provincial government.⁵⁴ Nor was there any great need for pressure group activity on the part of Quebec capitalists

before the Great Depression, since all provincial administrations were notoriously deferential to the "captains of industry." This was especially the case during Duplessis's tenure in power (1936-39, 1944-60): representatives of American and English-Canadian big business (with a few powerful Québécois business families, like the Simards and the Brillants, included in this circle of initiates) often negotiated personally with the Premier himself, especially on such matters as labour policy (highly oppressive towards the trade unions) and resource development (highly favourable to foreign investors). The Bronfmans, the Molson family, James Murdoch (president of Noranda Mines), and J.W. McConnell (publisher of the Montreal Star) to name just a few, all enjoyed a close personal relationship with the Union Nationale leader.⁵⁵

It was only with the outbreak of World War II that business organization in Quebec began to gather momentum. For the purposes of this dissertation, two features of business associations in the province during this period merit particular attention: the creation of a Catholic, corporatist organization in the early 1940s, to serve as an interlocutor with the CTCC, and the existence of an ethnic division of labour, which assigned to those francophones who had managed to overcome the educational and economic barriers to a business career a distinctly inferior position in the business world. Each of these features of Quebec business organization will be considered in turn.

Earlier in this chapter I argued that the Catholic Church's response to industrialization involved an attempt to "sacralize" or re-christianize the work world through the creation of confessional unions.⁵⁶ Organizations such as the CTCC, under the tutelage of the chaplains, would simultaneously preserve French-Canadian, Catholic culture and protect francophone workers from the noxious doctrines of liberalism and socialism that were propagated by the international unions and the Knights of Labor.

This, however, represented only one-half of the Church's corporatist formula for social stability. As the papal encyclicals Rerum novarum (1891) and Quadragesimo anno (1931)⁵⁷ made clear, employers were expected to organize themselves along confessional lines as well, and unite with workers in mixed corporations that would serve as laboratories for the new corporatist social order. Unfortunately for the Quebec episcopate's corporatist designs, however, business in the province was extremely reluctant to depart from the principles of economic liberalism, and its organizations remained relatively embryonic well into the 1950s: "The structure of employers' groups is far from being as well developed as that of the labour unions. This is due in large part to the employers' individualism ..."⁵⁸.

Some employers in Quebec--the small and medium-sized, mainly francophone firms known collectively as the PME (petites et moyennes entreprises)--did gradually overcome their reluctance to form associations, however, particularly after the passage of La loi relative à l'extension juridique des conventions collectives in 1934. This legislation, modelled on Belgian, German, and French practice, allowed the provincial government to extend, by decree, the provisions of a collective agreement to all workers in a given industrial sector, whether they belonged to unions or not. The terms of the decree were to be administered by joint employer-employee committees (les comités paritaires), and this necessitated some form of business organization in the sectors to which it applied, notably construction, trucking, furniture, and clothing (all dominated by large numbers of small- and medium-sized firms). According to Gérard Dion, the development of employers' associations dates from the passage of this law, a law that "was inspired by the social doctrine of the Church, was enacted at the request of the Catholic trade unions, and one could say that this result is attributable to the fertility of the papal teachings."⁵⁹

By 1956, approximately 300 employers' associations existed in Quebec; of these, the most important from the perspective of Catholic social doctrine was the Association professionnelle des industriels (API), created in 1943 to promote the Christian conception of industrial life.⁶⁰ According to Emile Bouvier, the Jesuit priest who founded the API:

'Le rôle principal d'une association comme la nôtre est de diriger les esprits, transformer la mentalité individualiste et égoïste de nos industriels, remplacer la méthode brutale et cassante de nos hommes d'affaires par la méthode chrétienne.'⁶¹

Despite its rhetorical commitment to the goal of melding Christian principles with entrepreneurial activity, this association fell far short of the Church's corporatist ideal: it made little effort to establish the mixed corporations of which Leo XIII and Pius XI had dreamed, and it was not at all enamoured of the various schemes--profit-sharing, codetermination--presented in the papal encyclicals as solutions to the defects of unregulated capitalism. It was nevertheless an energetic proponent of the doctrine of social partnership, and in its early years it managed to establish privileged links with the CTCC, whose rejection of the doctrine of class conflict it found particularly congenial. These soured quite quickly, however, when the formerly docile labour federation engaged in a series of controversial strikes in the late 1940s and early 1950s.⁶²

Almost exclusively francophone, and dominated by the PME, the API's far-reaching political influence has always belied its small stature. One of the API's primary concerns was to better the climate of industrial relations in Quebec, and it advocated a more humane style of management as one of the means to achieve this objective. Nevertheless, the API's professions of faith in the idea of social partnership were tempered by a strong desire to protect the rights of capital and to inculcate in the trade unions a sense of social responsibility. Not surprisingly, the API was also strongly supportive of the Duplessis regime, and especially its efforts to stem the tide

of collectivism which most of Quebec's employers considered to be a grave threat to the rights of property in the late 1950s.⁶³

In addition to the API, the dominant employers' associations in Quebec before 1960 were the Association des manufacturiers canadiens (AMC, Division du Québec) and the Chambre de Commerce de la Province du Québec (CCPQ), with its French and English affiliates in Montreal, La Chambre de Commerce du district de Montréal and the Montreal Board of Trade. None of these organizations took nearly as pronounced or public an interest in industrial relations as did the API. The AMC was the Quebec section of a pan-Canadian organization originally established at the turn of the century in order to lobby for a protective tariff against foreign imports of manufactured goods. In 1960 it represented over 1,500 manufacturing firms, most of them small or medium-sized (though it can be argued that it is the large firms that exercise a disproportionate weight in the organization's policy making). The AMC was generally opposed to any extension of unionization into unorganized sectors of the workforce, and in favour of stringent restrictions on the right to strike.⁶⁴

Like the API, the membership of the CCPQ came predominantly from small- and medium-sized firms, although the big business interests of Montreal and Quebec City effectively dominated the organization.⁶⁵ The CCPQ was militantly laissez-faire, committed to the defence of free enterprise and individual liberties. It was therefore a tireless critic of what it saw as the excessive powers of the trade unions and their unrepresentative nature.⁶⁶

In addition to the fragmented and rudimentary nature of business organizations in Quebec during the Duplessis era, another feature of the province's business community would have a profound impact on the course of labour policy during the Quiet Revolution—the existence of a "cultural division of labour" within Quebec's bourgeoisie. To put it simply, business in Quebec between 1930 and 1960

was ethnically stratified: American and English-Canadian entrepreneurs characteristically controlled the most profitable and dynamic sectors of the provincial economy--pulp and paper, iron and steel, heavy machinery, chemicals, transportation equipment, and so on--while francophones were relegated to the "traditional" sectors, such as leather goods and furniture making (see section II (i) of this chapter, above). The only important sectors of the provincial economy controlled by francophones in the 1950s were the forestry and construction industries; for the most part, francophone entrepreneurs were "bit players" in their own province, and they lacked the necessary investment capital to break out of their economic ghetto.⁶⁷ This ethnic segregation of the business world is of crucial importance for the analysis in subsequent chapters inasmuch as it led some elements in the traditionally *laissez-faire* entrepreneurial class to favour "a more positive role for the provincial government in promoting a greater role for French Canadians in Quebec's economy."⁶⁸ This in turn led to a growing rapprochement between the francophone section of the provincial bourgeoisie and the opposition Liberal Party, which by the late 1950s was increasingly being viewed as the primary vehicle of economic and political modernization, and a tool for the improvement of the material situation of francophones from all classes.

In summary, business in Quebec during the Duplessis era was less organizationally integrated than labour, though on the whole the range of ideological positions within the employers' groups was somewhat narrower than in the case of the trade union federations. The CCPQ and AMC were essentially *laissez-faire* in their orientation, although as I pointed out above in my discussion of the "cultural division of labour" within Quebec's bourgeoisie, by the 1950s certain elements in the Chamber of Commerce were beginning to see the merits in a more interventionist provincial state. As for the API, its allegiance to Catholic social doctrine made it less

suspicious of the state than most other business organizations in North America, and it played an active role in lobbying the provincial government for "innovative" (read anti-unionism under the guise of "social partnership") labour relations legislation.

The drive toward greater unity of employers would have to wait until the 1960s when, in response to the heightened class conflict spawned by the Quiet Revolution, the idea of creating a peak association of business began to gain acceptance. Part of the explanation of organized labour's increasing militancy in the 1950s and 60s, and of business's consequent drive toward greater unity, is to be found in the changing legal framework of industrial relations in the province, and it is to a consideration of this subject that I now turn. This examination will take place in two stages: first, a consideration of labour law in Quebec before 1945, and secondly, a look at Duplessis's efforts to undermine the legal bases of trade union security and collective bargaining.

III. THE LEGAL FRAMEWORK OF INDUSTRIAL RELATIONS BEFORE 1945

Quebec labour law in 1945 was the product of three distinct bodies of legislation, each of which reflected a different policy objective. The first source was federal legislation enacted before 1925, modelled on British, Australian, and New Zealand precedents, which was primarily concerned with the prevention of labour disputes in "public services" (broadly defined) by means of government sponsored conciliation and fact-finding. Much of this early legislation bore the unmistakable imprint of Mackenzie King's peculiar brand of liberal corporatist thinking, which was formulated during the future Prime Minister's tenure as Deputy Minister and Minister of Labour between 1900 and 1911. The U.S. Wagner Act, which promoted union

security and encouraged collective bargaining, was the second source of Canadian and Quebec labour legislation. The final legislative antecedent of Quebec's labour policy was European (especially French) law governing the incorporation of unions as civil entities and providing for the legal protection of collective agreements. This aspect of Quebec labour law, which drew its inspiration from Catholic social doctrine and early corporatist philosophy, was unique in North America.

The final product of these three distinct influences was a somewhat ungainly legislative hybrid, in which recognition of unions and encouragement of collective bargaining (viewed as one of the most effective guarantees of industrial peace) coexisted uneasily with multifarious restrictions on the right to strike. Indeed, what Adam Price has said of Canadian labour law is even more pertinent when applied to Quebec: "the procedural steps required by statute ... before a strike may legally occur are probably more time-consuming ... than in any other liberal-democratic country."⁶⁹

(i) Federal Sources of Quebec's Labour Law

The most important early labour legislation in Quebec, La loi des différends ouvriers (1901) was modelled on the federal government's Conciliation Act (1900) and Archbishop Bégin's arbitration award in his settlement of the dispute in Quebec City's boot and shoe industry. Like its federal counterpart, the Quebec law provided for voluntary conciliation in a dispute when one or both parties to the conflict requested it. If conciliation failed, the dispute could then be submitted to a Board of Arbitration, whose decisions were not binding unless both sides agreed in advance to accept the award. The complete absence of compulsion robbed this law of much of its effectiveness in preventing strikes and lockouts, and thus legislators searched for another solution to the problem of industrial strife.⁷⁰

Since the constitutional assignment of jurisdiction over labour relations was not settled before 1925, the federal government often took the lead in legislating for this area. One of the most important statutes governing employer-employee relations during this period was the Industrial Disputes Investigation Act, passed in 1907 (IDIA, often referred to as the Lemieux Act, after its sponsor, Postmaster-General Rodolphe Lemieux). This piece of legislation provided for compulsory investigation and conciliation by a tripartite board in the case of disputes in certain "public services," a term that encompassed both private and public undertakings—mines, transportation, communications, and public utilities. While the fact-finding mission was being carried out, no strike or lockout could occur; this "cooling-off" period was to allow the passions of the disputants to subside and cool reason to emerge. The conciliation board, consisting of two members, one nominated by each of the disputants, plus a chairman selected by these two (or by the government in the event of a disagreement), could compel testimony and the submission of evidence, and could make public its report, outlining who it thought was responsible for the conflict.⁷¹

This law contained in embryo the philosophy of the then Deputy Minister of Labour, Mackenzie King, which he would later set down in minute detail in his 1918 tome, Industry and Humanity.⁷² In essence, King believed that the conciliation board, by publicizing the facts of any labour dispute, could bring the force of public opinion to bear against the obduracy of workers and owners. Moreover, dissemination of the "facts" would inevitably impel labour and capital to recognize their fundamental interdependence and to abandon their maximalist positions. Given the proper attitudes on the part of the social partners, and adequate consultative machinery, strikes and lockouts could be relegated to the dustbin of history, or such was King's rather grandiose vision.⁷³

Although the IDIA was declared ultra vires in 1925 (Toronto Electric Commissioners v. Snider), it continued to serve as the basis for provincial initiatives in this field until the Second World War. In the wake of the Snider decision, all of the provinces except Prince Edward Island passed legislation to allow the application of the federal law within their jurisdictions.⁷⁴ In Quebec, this enabling legislation was adopted in 1932 (La loi des enquêtes en matière de différends industriels). Thus Mackenzie King's faith in the powers of public investigation, his belief in the fundamental interdependence of the "social partners," and his fixation with balancing the rights of the community against the sectional interests of labour and capital in any dispute in the "essential services," were the hallmarks of labour policy in Quebec until 1944, when they were finally grafted onto the principles of the Wagner Act in the Loi des relations ouvrières. Whether the compulsory conciliation and cooling-off procedures had the effect that King intended for them—peaceful resolution of industrial disputes—is doubtful, however. Jamieson contends that the cooling-off period often degenerated into a "hotting-up" period, as workers lost their patience with the interminable delays stipulated by the legislation.⁷⁵ Moreover, these provisions in Quebec and federal labour law often short-circuited the collective bargaining process, as the two sides adopted extreme positions and waited for the conciliator's report to get them off the hook. At the very least, compulsory conciliation delayed the onset of serious bargaining between the parties, as each would save "its main ammunition for the conciliation board, in the hope of getting a majority recommendation that [would] support its case against the other party."⁷⁶

(ii) The Corporatist Strand in Quebec's Labour Law

Unlike the other provinces and the federal government, Quebec did take some tentative, and, as it turned out, equivocal steps to encourage union security and promote collective bargaining before 1944, by enacting La loi des syndicats professionnels in 1924 and La loi relative à l'extension des conventions collectives in 1934. The first of these laws permitted persons employed in the same profession or occupation to form a union, which in turn could be incorporated as a "civil person" (personne civile). Such a union had the power to establish mutual benefit or pension funds, provide housing for its members, and set up cooperative societies, among other things. Collective agreements that were signed by such a union could be legally enforced like any other binding contract, although there was no obligation on the part of employers to negotiate with the unions incorporated under this law. This legislation, inspired by similar European laws governing professional corporations and syndicates, was viewed by the fledgling CTCC (formed only three years before the passage of the law) as an important victory:

It was normal, the CTCC claimed, that an organization like a trade union, which was called upon to play an important social role, should have a legal status. By playing up its image as an organization of order and stability, the CTCC hoped to attract the favours of both employers and the state.⁷⁷

Many Catholic unions relied on the Loi des syndicats professionnels for their legal existence; such was the case, as I noted earlier, with the nascent teachers' unions between 1936 and 1945. Although the law is still on the books today, its utility has been greatly reduced by the passage of stronger legislative guarantees of union security, such as the 1944 Loi des relations ouvrières and the 1964 Labour Code.⁷⁸

Despite the CTCC's enthusiasm for the 1924 legislation, there were potentially serious drawbacks to the law. For the obverse of the legal protection afforded unions

by the Loi des syndicats professionnels was dependence on the provincial state and liability to

whatever regulations the incorporating jurisdiction cared to impose, including the furnishing of information on the union's financial position, and its internal management. The incorporated union could be sued in the Courts not only for damages resulting from strikes, but by any disgruntled member over allegedly misallocated funds or improperly-conducted elections.⁷⁹

To the international unions, not surprisingly, this bill was one step down the slippery slope toward full state control of the organizations of labour, and they therefore made no effort to avail themselves of its protection.

Like the 1924 law regulating professional syndicates, the Loi relative à l'extension des conventions collectives, adopted in 1934 after four years of intensive lobbying by the CTCC, was inspired by corporatist ideology and practice in Europe. According to Rouillard, the idea for the law initially came from the Abbé Boileau, the chaplain for the Montreal affiliates of the CTCC, who wrote a thesis in 1931 on the subject while studying at a Belgian university (Belgium, Germany, and France passed similar laws during the 1930s). A resolution calling for the passage of a law permitting the judicial extension of the terms of collective agreements was adopted at the CTCC's 1931 convention, and the Catholic federation's campaign in favour of this sort of legislation was assisted by the appointment of Gérard Tremblay, the secretary of the CTCC's central council in Montreal, as deputy minister of labour in March 1931. Tremblay himself drafted the initial version of the legislation, and ultimately succeeded in convincing the Taschereau cabinet to enact the Loi relative à l'extension des conventions collectives, in spite of the vociferous opposition of the international unions and a number of business organizations.⁸⁰

The law empowered the government to extend, by decree, the provisions of a collective agreement to unorganized workers in the same industry. Terms of such decrees were to be administered by joint employer-employee committees, which the

CTCC hoped would act as the incubators of corporatist practice in Quebec. The ostensible purpose of the bill was to regulate competition in industries characterized by a large number of small firms, only some of which were unionized; in the absence of a decree, the non-unionized firms would have enjoyed a considerable cost advantage over their unionized counterparts. One of the side-effects of the legislation, however, was to place yet another obstacle in the way of unionization of those sectors to which it applied:

...à partir de 1944, les employeurs s'appuient sur la Loi ... pour s'en tenir aux «standards minimums» et refuser ainsi la négociation et la convention collective. Ils préfèrent attendre que, par extension, les conditions négociées «ailleurs» soient appliquées à leurs entreprises plutôt que d'avoir à reconnaître un syndicat et négocier localement avec lui.⁸¹

Currently, there are over fifty decrees in existence in Quebec, covering more than 150,000 workers in such industries as local trucking, furniture, clothing, and hairdressing. The 1934 law also serves as the basis of the unique system of industrial relations in Quebec's construction industry, to be examined in later chapters of this study.

(iii) The Loi des relations ouvrières (1944)

It was not until February 3, 1944, when La loi des relations ouvrières was enacted by the Liberal government of Adélard Godbout, that Quebec moved to enshrine in law the duty of employers to bargain in good faith with representative associations of their employees. Quebec's legislation preceded the federal government's wartime order-in-council, PC 1003, by two weeks, but was clearly modelled on the general labour policy for Canada enunciated at the Ottawa Conference of Labour Ministers in November 1943.⁸² The Canadian legislation, federal and provincial, drew its inspiration from the U.S. Wagner Act, which had been

adopted almost ten years earlier, but it was a much more timid and pragmatic version of the American law. Whereas the Wagner Act sought explicitly to shift the balance of bargaining power to give labour a more equitable share of national income, and endeavoured to institutionalize collective bargaining as a means of increasing the purchasing power of workers and preventing recurrent depressions,⁴³ the objectives of Canadian legislators were much more defensive. The desire to prevent strikes and maintain industrial stability remained uppermost in the minds of Canadian policy makers when they framed their labour legislation during the Second World War. The Mackenzie King government, confronted with a wave of strikes in crucial industries, many of them precipitated by struggles for union recognition, was finally convinced to guarantee union security and encourage collective bargaining in 1944, a commitment that was made easier by the growing electoral threat of the CCF. Nevertheless, King moved with his wonted caution, wedding the principle of free collective bargaining to the tradition of compulsory conciliation that had always been the hallmark of Canadian industrial relations legislation. The result was a peculiarly Canadian legislative hybrid.⁴⁴

In Quebec, strikes over union recognition also played a prominent role in the genesis of La loi des relations ouvrières. A particularly bitter dispute between an affiliate of the CTCC and two international paper workers unions at the Price Brothers pulp and paper mills in Jonquière, Kenogami, and Riverbend was the immediate progenitor of Quebec's legislation. Price Brothers had signed contracts with the internationals allowing closed shops at the three plants even though a majority of workers had joined the Catholic union. A provincial commission of inquiry into the ensuing strike recommended that the government take steps to guarantee freedom of association and to compel employers to refrain from certain unfair practices—discrimination against workers for union activity, and domination of

employees' associations, most notably.⁸⁵ Building on the commission's recommendations, La loi des relations ouvrières set up the Conseil des relations ouvrières (CRO), whose main task was to certify those unions which represented at least 60% of the workers in a given bargaining unit. Employers for the first time had a duty to bargain collectively with certified unions, and were to refrain from the unfair practices outlined above. In the event of a breakdown in negotiations over a collective agreement, the law stipulated that a two-stage conciliation and arbitration procedure had to be followed before any strike or lockout could occur (the arbitration "award," however, was not binding). Strikes and lockouts were not expressly forbidden during the lifetime of a collective agreement (this loophole would be closed by a 1961 amendment to the legislation), and so-called "rights disputes," involving the interpretation of a contract, were to be resolved by binding arbitration.⁸⁶

Although La loi des relations ouvrières did provide a stimulus to trade union growth in the years following its enactment (see Table 2.2), the increases were by no means as spectacular as those that followed the passage of the Wagner Act in the U.S.⁸⁷ Organized labour's enthusiasm for the legislation was also tempered by the simultaneous imposition of a highly restrictive bargaining regime in the so-called "public services." On the same day that Quebec's watered-down version of the Wagner Act was passed, the Godbout government introduced La loi des différends entre les services publics et leurs salariés, removing the right to strike from a broad spectrum of workers in essential services and imposing instead a system of compulsory arbitration. Teachers, firefighters, the police, municipal employees, truckers, workers involved in the generation and distribution of electricity and natural gas, communications workers, hospital employees, and civil servants were all covered by this legislation, which was even more restrictive than a similar law implemented four years earlier by the first Duplessis government.⁸⁸ Although these workers had

the right to form unions and to "negotiate" with their employers, they would not obtain the right to strike until the Quiet Revolution.

A second reason for organized labour's muted enthusiasm for the Godbout government's Loi des relations ouvrières was the structure of the Conseil des relations ouvrières. The membership of this board, unlike most other labour relations boards, provincial and federal, was composed of full-time civil servants, rather than nominees put forward by employers and employees. As Logan has pointed out, this meant that the CRO was almost entirely responsible to the state, rather than the "two parties to industry....Reference to the single authority leaves it peculiarly susceptible to interference and even to replacement of personnel, especially in view of the unstated term of office of its members."⁸⁹ Manipulation of the board, which occurred regularly under Duplessis between 1944 and 1959, was made easier by the arbitrary powers assigned to the CRO: it was empowered to withdraw a union's certification if it considered the association to be "unrepresentative," a ploy that was frequently used to decertify unions that were deemed too militant or tainted with Communism. The CRO did not have to make public the reasons for its administrative decisions; it often refused to accede to a union's request for certification, even when the union had signed the requisite number of employees at a bargaining unit. Finally, the CRO could drag out its conciliation procedures long enough to dissipate whatever solidarity a union might initially have had, and thereby swing the bargaining advantage to the employer. In the case of the strike at Dupuis Frères in 1952, for instance, it took fully nine months for the conciliation board's report to be handed down.⁹⁰

Table 2.2: Union Density and Annual Growth Rate in Union Membership in Quebec, 1940-1960

Year	Member- ship (⁰⁰⁰)	Union Density*	Annual Growth Rate in Member- ship
1940	120	18.8	+9.4
1941	127	16.7	+5.7
1942	159	17.7	+25.0
1943	198	22.9	+24.5
1944	185	20.5	-6.7
1945	180	19.6	-2.7
1946	219	26.3**	+21.8
1947	221	24.9	+0.8
1948	241	26.3	+9.0
1949	248	26.3	+3.0
1950	252	27.1	+1.4
1951	273	27.5	+8.4
1952	288	27.9	+5.6
1953	286	26.5	-0.7
1954	292	27.5	+1.8
1955	333	29.7	+14.0
1956	341	28.9	+2.6
1957	317	26.2	-7.2
1958	335	27.2	+5.9
1959	354	28.3	+5.9
1960	372	29.6	+5.1

*union density: union membership as a percentage of the paid nonagricultural workforce

**beginning in 1946, teachers are included in the calculation of membership and union density

Source: H David, "L'Etat des rapports de classe au Qu de 1945 1967," Table 1, p.63.

For Duplessis, even the limited fillips to trade union growth and security provided by La loi des relations ouvrières were excessive; in his view they made Quebec less attractive to the multinational corporations that were exploiting Quebec's abundant natural resources. In the brief concluding section of this chapter, I shall examine the various stratagems employed by the Duplessis administration to subvert the intention of the 1944 legislation, and the role that this politicization of labour relations played in launching the Quiet Revolution.

IV. THE UNION NATIONALE, LABOUR RELATIONS, AND THE ORIGINS OF THE QUIET REVOLUTION

The Union Nationale was formed in November 1935 from the merger of the old Parti conservateur, under the leadership of Maurice Duplessis, with the Action libérale nationale, a radical nationalist breakaway faction from the provincial Liberal party. The leader of the latter group was Paul Gouin, the son of a former premier of Quebec (Lomer Gouin, 1905-1920) and grandson of Honoré Mercier. At its foundation, the UN presented itself as a party of reform; its program was tinctured with the Catholic corporatism found in the papal encyclicals of Leo XIII and Pius XI. It called for, among other things, colonization of the north; destruction of the electricity trust and creation of a publicly owned hydroelectric facility; provision of workers with a fair wage, decent working conditions, and an income sufficient to purchase property; social welfare measures such as health insurance, old age pensions, and benefits for needy mothers; and abolition of Quebec's upper house, the Legislative Council, and its replacement by an economic council. The last institution, based on sundry proposals for functional representation advanced by various corporatist

thinkers at the time, would group together delegates from trade unions, professional associations, and employers' organizations, and would advise the National Assembly on all economic matters.⁹¹

Once in office (1936-39), the UN, with Duplessis as premier, made no attempt to implement its radical program. Dismayed by Duplessis's hidebound conservatism and his autocratic style of leadership, most of the radical nationalists resigned from the party during its first term in office. With the radicals gone, Duplessis moulded party policy in accordance with his own economic and social philosophy. The essential features of his ideology, put into practice between 1944 (when the UN returned to power after a five-year hiatus in opposition) and 1960, were: a vigorous defence of provincial autonomy (especially during the federal-provincial imbroglio over taxation powers immediately after the Second World War), promotion of the interests of the farm population, a demagogic anti-Communist crusade, unqualified reliance on private enterprise to develop the provincial economy, and a virulent anti-union attitude, manifested especially during strikes.⁹² It is the last three elements of Duplessis's philosophy that ultimately served to galvanize the labour movement into a cohesive and ideologically conscious critic of the UN regime, and thus they merit closer scrutiny.

A great deal has been written about Duplessis's incestuous relations with private industry: in return for absolute freedom to do as he pleased in the political realm, along with sizeable contributions from corporate coffers at election time, Duplessis gave English-Canadian and American firms virtually free rein to exploit the economy. This meant not only freedom from government regulation and the implementation of favourable taxation and royalty policies, but protection from the "aggressive" actions of militant trade unions as well.⁹³ Hence Duplessis's hostility to strikes of any sort, and his penchant for calling in the provincial police in major

industrial disputes in order to protect corporate property and provide safe passage for strikebreakers. According to Duplessis, "the strike is an evil, a necessary evil in some cases, but an intolerable one in other instances....I do not believe anyone can cite a single example of a strike that has yielded any profit."⁴

As I argued earlier in this chapter, the arbitrary and ill-defined powers assigned to the CRO afforded Duplessis the opportunity to meddle in the internal affairs of trade unions in the province and to hobble legitimate union activity. According to Logan,

The premier himself has interfered with the certification of a union in one case where there was no question of its having a majority. Various companies, sensing the government attitude, have defied the Act in its evident intention. In Coca-Cola v. Industrial Union in Soft Drinks (CCL affiliate), the company obtained an injunction against the appointment of a conciliation board applied for by the union. As a result no board was appointed and even the services of a conciliation officer were refused, although the union had been duly certified.⁵

As a result of this blatant political interference, the provisions of La loi des relations ouvrières regarding trade union security and the interdiction of unfair practices were under Duplessis nothing more than notional.

It was Duplessis's anti-Communist crusade, apparent as early as 1937 when his government enacted the infamous padlock Law, that most often served as the pretext for denying basic trade union freedoms. The earliest sustained effort by Duplessis to place legal restrictions on the certification of allegedly "Communist" unions occurred in 1949, when his government introduced Bill 5 to establish a provincial Labour Code. The proposed legislation was modelled on the Taft-Hartley Act in the United States, which had been promulgated in 1947 in an effort to soften some of the more pro-union provisions of the Wagner Act. Among other things, Bill 5 outlawed the closed and union shop; made unions and their officers liable to legal action; stipulated that a vote by secret ballot must be held among the employees of a given bargaining unit before a strike could be called; banned sympathy strikes and slowdowns; and

called for the decertification of any union that had among its officers or organizers any "Communists or Marxists." As Quinn sardonically notes,

This anti-Communist clause had serious implications for the whole trade union movement. It meant that if a union had even one Communist or Marxist on its executive the whole union would lose its bargaining rights. The threat which this clause constituted for organized labour was accentuated by the fact that Duplessis, and other members of the administration, tended to use the label 'Communist' very loosely and often applied it to trade union leaders who happened to be rather critical of governmental policies.*

This heavy-handed bill sparked an unprecedented furor in the province, and led to the creation of a common front of the three trade union federations to oppose the legislation. Perhaps most surprisingly, the Catholic Church, through its Commission d'études sociales, made clear its disapproval of the law, calling certain of its features "contrary to social justice."⁷ In the face of this concerted opposition, Duplessis was forced to retreat and withdraw the Bill. This victory for organized labour, however, was short-lived: Duplessis eventually succeeded in enacting piecemeal most of the provisions of the aborted Labour Code. Bills 19 and 20, implemented in 1954 over the vociferous opposition of much of the labour movement (with the significant exception of the FPTQ, which collaborated with the government), established the kind of restrictive labour relations regime that Duplessis had sought to create five years earlier.

In view of Duplessis's overt hostility to the trade union movement, it is somewhat surprising to discover that the UN consistently attracted a substantial proportion of working-class votes. Although the UN's core support came from rural constituencies—which were given undue prominence by the electoral system then in place—it managed to win a majority of the urban francophone ridings in each election between 1936 and 1956 (except for that of 1939, when it was defeated). The UN was especially strong in the so-called "regional capitals"—Chicoutimi, Hull, Trois Rivières, and Sherbrooke. On the basis of the admittedly sketchy aggregate data

available, Pinard affirms that "French Canadian workers [were] the strongest supporters of their more conservative provincial party, the Union Nationale."⁹⁸ This phenomenon, Pinard claims, defies the predictions of most theories of class voting; one would have expected working-class voters to support the most left-wing party available, in this case the Liberals. That this did not occur, he argues, was a reflection of the UN's success in presenting itself to working-class voters as the party of economic protest, which it had been in 1935 and 1936. The attachments formed between working-class voters—those most affected by the depression—and the UN in 1935-36, according to Pinard, persisted well into the 1950s.⁹⁹

McRoberts and Posgate, in a compelling critique of Pinard's analysis of the social bases of UN support, contend that no matter how important economic protest was in explaining the initial attraction of working-class voters to the UN, other factors must be adduced to account for the persistence of these ties into the 1950s. The UN's populist discourse (Duplessis's successful portrayal of himself as a defender of the "little man"), its skilful use of patronage, its manipulation of nationalist symbols, and its ability to play off some sections of the labour movement against the others (the international craft unions being the administration's strongest allies, while the industrial and Catholic unions were, to varying degrees, opposed to it) all contributed to the party's political longevity in general, and its success with working-class voters in particular.¹⁰⁰

Despite the Union Nationale's impressive string of electoral victories in the 1940s and 50s, based on a cross-class coalition of farmers, old petty bourgeoisie (small merchants, notaries, and so on), and significant sections of the working class, there was a widening rift between the party and the labour movement throughout the two decades. The gradual prise de conscience of labour leaders in the province can be attributed to a combination of two factors: a change in the leadership of the

previously tractable CTCC (and hence a change in ideology and tactics), and the impact of a series of bitter strikes on inter-union solidarity. As for the first of these, Gérard Picard, a journalist, replaced the more conservative Alfred Charpentier as president of the CTCC in 1946. In the same year, Jean Marchand, one of the first graduates of Père Lévesque's Faculty of Social Sciences at Laval University, became the federation's Secretary-General. By 1955, nearly all of the CTCC's executive members, and about twenty of its organizers were graduates of Laval.¹⁰¹ Partly as a result of this changing of the guard, the CTCC's philosophy underwent a subtle transformation. Still inspired by Catholic social doctrine and corporatism, the federation began to emphasize those elements of the papal encyclicals that were critical of unrestrained capitalism and that called for a greater voice for workers in corporate decision making (through profit sharing and codetermination, for example). The CTCC also began to shed its former reluctance to resort to strike action. This ideological transformation of the CTCC received the imprimatur of the Church in 1950, with the publication of a Joint Pastoral Letter on Le problème ouvrier en regard de la doctrine sociale de l'Eglise.¹⁰²

The metamorphosis of the CTCC and the forging of ties between the disparate labour organizations in the province were both helped along by several crucial strikes, the ultimate effect of which was to convince the union movement of the need for a thorough modernization of the provincial state. Louiseville (1952, textile workers) Dupuis Frères (1952, retail store workers), Murdochville (1957, copper workers), and Radio Canada (1959, television production workers, notably René Lévesque): all of these were signposts on the road to the Quiet Revolution. The one incident, however, that is celebrated in literature and in folklore as the first signal of the CTCC's coming of age and as a harbinger of the Quiet Revolution was the Asbestos strike of 1949. This strike (which was technically illegal, since the conciliation board's report had not

yet been handed down) elicited the sympathy and support not only of liberal intellectuals and progressive nationalists in the province but of the Church itself. Paradoxically, the strike marked the beginning of the end of ecclesiastical domination of Quebec's labour movement, and the first step in the slow transition to a more "liberal" regime of industrial relations.¹⁰³

V. CONCLUSION

This chapter has examined a number of important features of Quebec's economy and society in the first half of the twentieth century. Of particular relevance to this dissertation was the response of Quebec's traditional clerical and political elites to the ongoing processes of industrialization and urbanization between 1900 and 1930. Faced with the prospect of an exodus of young francophones to the cities and factories of Quebec and the northeastern United States, the Catholic Church launched an abortive attempt to retain the spiritual and agricultural flavour of French-Canadian life by fostering a back-to-the-land movement (colonization of the North). It also sought to "sacralize" the work world through the creation of confessional unions and business associations, and the propagation of a corporatist ideology that emphasized the interdependence of labour and capital, along with their mutual rights and obligations. This corporatist legacy was evident not only in the organizational make-up of business and labour in Quebec (the CTCC and API being impregnated with a vision of social partnership during the first decades of their existence) but in the legal framework of industrial relations as well. Quebec was one of the first jurisdictions in Canada to attribute a quasi-public status to trade unions when it passed two laws - the Loi des syndicats professionnels in 1924 and the Loi relative à l'extension des

conventions collectives in 1934--inspired by corporatist practice in Europe. This corporatist voice in Quebec's ideological conversation helps to account for the more prominent role played by the state in labour relations in this province than elsewhere in Canada: in Quebec, unlike most of the other provinces, there were at least segments of organized business and labour that were not afraid of looking to the state for legal and economic protection.

Paradoxically, this corporatist ideology and practice, though initially a drag on labour militancy, served as the basis for its later radicalization. This is because the doctrine of social Catholicism and corporatism that suffused the CTCC's program conceived of trade unionism as something more than the defensive, self-interested, and apolitical struggle for better wages and working conditions that the disciples of Gompers considered it to be. Though the Catholic unions were by no means unconcerned with these traditional objectives of trade union activity, they were also aware that organized labour had a role to play in creating a better society. Once freed from the dead hand of clerical domination, a secularized CTCC/CSN was rapidly transformed into the most radical labour union in North America, one with a vision of trade unionism as a social project.

A second feature of Quebec's political economy during the Duplessis period that is especially pertinent to the analysis in subsequent chapters is the rudimentary nature of the provincial state before the Quiet Revolution. As I have shown, an extensive division of labour existed during this period, with Anglo-Canadian and American capitalists virtually being ceded control over the most dynamic sectors of the economy and the Church being granted dominion over the administration of health, education, and social welfare. This left for the provincial state an extremely narrow ambit of influence: agricultural policy, the creation of a transportation infrastructure in order to promote economic development (and keep the voters of

outlying regions happy), protection of the Quebec's cultural heritage, operation of an extensive network of petty patronage, and so on. Although it is undeniable that the Duplessis government became increasingly involved in economic and social affairs as the demographic face of the province began to change in the wake of World War II, there was still a widespread perception among Québécois intellectuals and other groups (such as organized labour) that the province lagged far behind its neighbour, Ontario, in terms of social, economic, and political development. Hence the gradually swelling crescendo in favour of rattrapage during the 1950s, which would catapult the provincial Liberal Party to power in 1960.

Once the Liberals seized control of the underdeveloped state apparatus in 1960 and overcame their considerable internal tensions (discussed in the next chapter), they were able to profit from a number of the features of Quebec society that have been examined above to realize their political project of rattrapage. In particular, the Liberal government was able to exploit the divisions among the various representatives of organized labour, and forge a mutually beneficial alliance with the CTCC/CSN. It was also able to secure some support from among the francophone business community—especially among those who were calling for an interventionist provincial state to improve the lot of Quebec's indigenous entrepreneurs. Above all, it was able to tap into the burgeoning nationalist sentiment that attracted increasing numbers of Québécois from all walks of life in the 1960s. All of these factors would give the government of Jean Lesage after 1960 considerable autonomy to act on its political preferences, although these actions had a number of unintended consequences, which in some cases were contrary to the initial objectives.

CHAPTER TWO ENDNOTES

¹For an excellent summary of the philosophy underlying the Tremblay Report, see William D. Coleman, The Independence Movement in Quebec, 1945-1980 (Toronto: University of Toronto Press, 1984), ch.3, especially pp.83-87.

²This account of the genesis of the Quiet Revolution emphasizes the role played by a francophone new middle class, which emerged in the Church-run health, welfare, and educational bureaucracies, in modernizing the provincial state. The classic statement of this thesis is to be found in Hubert Guindon, "Social Unrest, Social Class, and Quebec's Bureaucratic Revolution," Queen's Quarterly 71:2 (1964), pp.150-62. For an insightful discussion of this and alternative explanations of the Quiet Revolution, see Kenneth McRoberts and Dale Posgate, Quebec: Social Change and Political Crisis, 2nd ed. (Toronto: McClelland and Stewart, 1980), ch. 6. In recent years, a revisionist interpretation of the origins of the Quiet Revolution has emerged, which focusses on the nascent francophone bourgeoisie as prime mover of this transformation, and argues that "the gap between the Quebec of Duplessis and the Quebec of Lesage and Johnson is much narrower than has been presumed." Coleman, Independence Movement in Quebec, p.11. The sources of my disagreement with this revisionist approach will become apparent in this and subsequent chapters.

³See Michael Behiels, Prelude to Quebec's Quiet Revolution (Kingston and Montreal: McGill-Queen's University Press, 1985), ch. 7.

⁴Gérard Pelletier, Years of Impatience, 1950-1960, trans. Alan Brown (Toronto: Methuen, 1983), p.10.

⁵See Stanley H. Hartt, "The Origins of the Labour Relations Policy of the Province of Quebec," unpublished paper, Montreal, 14 September 1965 (from federal Department of Labour Library, Hull, Quebec), Table II.

⁶Robert Armstrong, Structure and Change (Toronto: Gage, 1984), Table 15.1, p.248.

⁷Ibid., p.233.

⁸This is the title of a well-known book on Quebec's economic development: René Durocher and Paul-André Linteau, eds., Le retard du Québec et l'infériorité économique des Canadiens français (Montreal: Boréal Express, 1971).

⁹Armstrong, Structure and Change, pp.233-35.

¹⁰(Montreal: Les Presses de l'Université de Montréal, 1974), ch.3.

¹¹For useful summaries of the various explanations, cultural and otherwise, of Quebec's "retard," see Arnaud Sales, La bourgeoisie industrielle au Québec (Montreal: Les Presses de l'Université de Montréal: 1979), pp.138-54, and McRoberts and Posgate, Quebec, pp.8-15.

¹²Albert Faucher and Maurice Lamontagne, "Histoire de l'industrialisation," in Durocher and Linteau, eds., Le retard du Québec, pp. 25-42. It should be noted that this particular explanation can account for Quebec's lag behind Ontario, but not for the ethnic division of labour within Quebec.

¹³John McCallum, Unequal Beginnings (Toronto: University of Toronto Press, 1980); John Dales, Hydroelectricity and Industrial Development: Quebec, 1898-1940 (Cambridge MA: Harvard University Press, 1957).

¹⁴Gilles Bourque and Anne Legaré, Le Québec, la question nationale (Paris: Maspéro, 1979).

¹⁵Behiels, Prelude, p. 97.

¹⁶Ibid.

¹⁷See, for example, such novels as Félix-Antoine Savard's Menaud, maître-draveur (Montreal: Fides, 1927). Ringue's famous novel, Thirty Acres, trans. Felix and Dorothea Walker (Toronto: McClelland and Stewart, 1960 [1940]), chronicles the life of Euchariste Moisan, archetypal French-Canadian habitant. One of the severest blows that fate deals Euchariste is the loss of his favourite son, Ephrem, to the factories of the northeastern United States. There, he works with "people who gabble ... a foreign language" and who pay no attention to "the message of the skies or to God's commands." (p.150).

¹⁸Behiels, Prelude, p.12.

¹⁹Stanley H. Hartt, "The Origins of the Labour Relations Policy of the Province of Quebec," p.24. See also Paul Craven, 'An Impartial Umpire': Industrial Relations and the Canadian State, 1900-1911 (Toronto: University of Toronto Press, 1980), pp.152-53.

²⁰Hartt, "Origins of the Labour Relations Policy," p.24.

²¹Jacques Rouillard, Les syndicats nationaux au Québec de 1900 à 1930 (Quebec: Les Presses de l'Université Laval, 1979), pp.187-88.

²²Fernand Harvey, "Les Chevaliers du travail, les Etats-Unis et la société québécoise, 1882-1902," in Fernand Harvey, ed., Le mouvement ouvrier au Québec (Montreal: Boréal Express, 1980), p.71.

²³Ibid., pp.105-110. Harvey trenchantly observes that "l'utopie coopérative des Chevaliers du travail, en plus de proposer un projet d'avenir, laisse paraître une certaine nostalgie du passé. Un passé où l'artisan était maître de son travail. Cette utopie aura permis aux ouvriers bousculés par le changement technologique d'espérer une restauration de leur autonomie antérieure." (p.119)

²⁴Jean Boivin, "Labour Relations in Quebec," in John Anderson and Morley Gunderson, eds., Union-Management Relations in Canada (Don Mills: Addison-Wesley, 1982), p.426; Harvey, "Les Chevaliers du travail," p.124.

²⁵Robert H. Babcock, Gompers in Canada (Toronto: University of Toronto Press, 1974), p.87.

²⁶Ibid., p.90. Babcock states that "seventeen of the twenty-three unions expelled from the Trades and Labor Congress in 1902 were predominantly French Canadian." (p.124).

²⁷Ibid., pp.116-17. This federation maintained a precarious existence until 1927, when it joined with "the Canadian Brotherhood of Railway Employees, the remnants of the One Big Union, and a few other unaffiliated organizations ... to form the All-Canadian Congress of Labour (ACCL). The new congress expressed strongly nationalistic sentiments." Stuart Jamieson, Industrial Relations in Canada, 2nd ed. (Toronto: Macmillan, 1973), p.22. The ACCL became the Canadian Congress of Labour (CCL) in 1940, when it merged with the Canadian affiliates of the Congress of Industrial Organizations (CIO), which the TLC had expelled in 1939. See ibid., pp.23-4.

²⁸Harvey, "Les Chevaliers du travail," p.127. Louis-Marie Tremblay, Le syndicalisme québécois (Montreal: Les Presses de l'Université de Montréal, 1972), p.24n., writes that "l'idéologie initiale de la C.T.C.C. [Confédération des travailleurs catholiques du Canada] s'apparentait à celle des Chevaliers du travail ... [On] sait qu'un nombre imposant de leaders dans les premiers syndicats nationaux avaient milité auparavant au sein des Chevaliers du travail."

²⁹Rouillard, Les syndicats nationaux, Tables 8, 10-12 (pp.119, 233-35).

³⁰Armstrong, Structure and Change, p.257. On the internationals' reluctance to hire full-time bilingual organizers, see Babcock, Gompers in Canada, pp.124-32.

³¹Rouillard, Les syndicats nationaux, p.230.

³²Carla Lipsig-Mummé, "Quebec Unions and the State: Conflict and Dependence," Studies in Political Economy 3 (Spring 1980), p.127. Rouillard, Les syndicats nationaux, p.230, writes: "Prisonnière d'une idéologie qui valorisait la communauté d'intérêts et la complémentarité des fonctions entre employeurs et employés, la CTCC, au niveau des principes du moins, rejetait la grève comme moyen approprié de résoudre les conflits ouvriers. La grève avait une odeur de lutte de classes; elle contrevenait à l'esprit même qui avait donné naissance au syndicalisme catholique."

³³Excerpt from CTCC constitution, cited in Tremblay, Le syndicalisme québécois, p.26 (my translation).

³⁴Rouillard, Les syndicats nationaux, p.231; Samuel H. Barnes, "The Evolution of Christian Trade Unionism in Quebec," in A.E. Kovacs, ed., Readings in Canadian Labour Economics (Toronto: McGraw-Hill Co., 1961), pp.61-2.

³⁵Barnes, "Evolution of Christian Trade Unionism," p.62.

³⁶See Roger Chartier, "Chronologie de l'évolution confessionnelle de la CTCC (CSN)," Relations industrielles 16:1 (January 1961), pp.102-118.

³⁷Cited in Tremblay, Le syndicalisme québécois, p.26.

³⁸Rouillard, Les syndicats nationaux, pp.223-27.

³⁹On Bills 19 and 20, see H.A. Logan, State Intervention and Assistance in Collective Bargaining (Toronto: University of Toronto Press, 1956), pp.71-2, and Herbert F. Quinn, The Union Nationale, 2nd ed. (Toronto: University of Toronto Press, 1979), p.94. The Alliance was finally recertified in 1959, after a lengthy court battle.

⁴⁰Quinn, The Union Nationale, pp.121-22. The FPTQ's anti-Communist zeal had been demonstrated two years earlier, in 1952, at the time of a strike at the Dominion Textile plant in Valleyfield. The strike leaders, Kent Rowley and Madeleine Parent, were expelled from the United Textile Workers of America by the international secretary-general, whose actions were applauded by Roger Provost and Claude Jodoin (the latter being the Vice-president of the CLC). See Jean Hamelin and Fernand Harvey, directeurs de recherche, Les travailleurs québécois, 1941-1971 (Quebec: Université Laval, Institut supérieur des sciences humaines, 1976), p.316.

⁴¹The CIO's organizing drives in the late 1930s were encouraged and aided by the passage of the Wagner Act in 1935. See Irving Bernstein, "Americans in Depression and War," in R.B. Morris, ed., A History of the American Worker (Princeton, NJ: Princeton University Press, 1983), pp.160-68.

⁴²Quinn, Union Nationale, p.126.; Tremblay, Le syndicalisme québécois, p.133. In 1957, the Supreme Court of Canada ruled the Padlock Law unconstitutional. See Histoire du mouvement ouvrier au Québec: 150 ans de luttes (Montreal and Quebec: une coédition CSN-CEQ, 1984), p.143.

⁴³This trend toward labour unity had originated in the United States, where the AFL and CIO had overcome their philosophical differences to create one unified federation, the AFL-CIO, in 1955. The fusion of these two previously antagonistic bodies was largely a defensive manoeuvre on the part of organized labour, designed to counter the increasingly hostile legal environment of industrial relations in which they had to operate, principally because of the passage of the extremely restrictive Taft-Hartley Act in 1947. See Jack Barbash, "Unions and Rights in the Space Age," in Morris, ed., A History of the American Worker, pp.189-93.

⁴⁴Tremblay, Le syndicalisme québécois, p.144; Histoire du mouvement ouvrier, pp.194-95; Quinn, Union Nationale, pp.158-60.

⁴⁵Tremblay, Le syndicalisme québécois, p.140.

⁴⁶Barnes, "Evolution of Christian Trade Unionism," p.72.

⁴⁷Behiels, Prelude, p.140.

⁴⁸Ibid.; see also Barnes, "Evolution of Christian Trade Unionism," p.73.

⁴⁹Annual firings without appeal were permitted under Article 232 of the Code scolaire, and were quite commonplace. Many of the teachers who were fired were then rehired at the beginning of the next school term, at lower salaries. See Histoire du mouvement ouvrier, pp.156-57. The salaries of women lay teachers in Quebec were probably the lowest in the country, and there were huge discrepancies in the amounts received by men and women, Catholics and Protestants. A female Catholic teacher earned approximately one-third of what a male Protestant teacher received. See

Behiels, Prelude, p.158 and Pierre Dionne, "Analyse historique de la Corporation des enseignants du Québec, 1836-1968," Thèse de maîtrise, Université Laval, 1969, pp.50-53.

⁵⁰Histoire du mouvement ouvrier, p.199.

⁵¹Behiels, Prelude, pp.69, 118-19, 201.

⁵²Claus Offe, "Two Logics of Collective Action," in Disorganized Capitalism, ed. John Keane (Cambridge MA: MIT Press, 1985), p.178. This essay originally appeared in M. Zeitlin, ed., Political Power and Social Theory 1 (1980), and was co-authored with Helmut Wiesensthal.

⁵³Ibid., p.179.

⁵⁴Michel Sarra-Bournet, "Les associations patronales comme groupes de pression dans la Révolution tranquille," paper prepared for Democracy with Justice, a conference in honour of Khayyam Zev Paltiel, Carleton University, Ottawa, 9 February 1990, p.3.

⁵⁵See Gérard Boismenu, Le Duplessisme (Montreal: Presses de l'Université de Montréal, 1981), pp.325-26 and Conrad Black, Duplessis (Toronto: McClelland and Stewart, 1977), ch.18.

⁵⁶The phrase "sacralisation du monde industriel" is used to describe the essence of confessional unionism in Louis Maheu, "Problème social et naissance du syndicalisme catholique," Sociologie et sociétés 1:1 (May 1969), pp.69-88.

⁵⁷Written by Pius XI on the occasion of the fortieth anniversary of Leo XIII's encyclical.

⁵⁸Gérard Dion, "L'action patronale catholique au Canada français," Relations industrielles 12:4 (October 1957), p.350.

⁵⁹Ibid., p.352. According to Jean-Réal Cardin, L'Influence du syndicalisme national catholique sur le droit syndical québécois (Montreal: Institut social populaire, 1957), p.43, the law "points us toward the organic form of economic society, since its joint committees are today the embryos of corporations, something that is moreover completely in agreement with the CTCC's ideal" (my translation).

⁶⁰Laurent Belanger, Evolution du patronat et ses répercussions sur les attitudes et pratiques patronales dans la province du Québec (Ottawa: Privy Council Task Force on Labour Relations, 1970), pp.4,10. The API changed its name to the Centre des dirigeants d'entreprise (CDE) in 1966. See also Jean-Louis Roy, La marche des Québécois: le temps des ruptures (1945-1960) (Montreal: Léméac, 1976), pp.164-65.

⁶¹Quoted in Engelbert St. Laurent, "Les milieux d'affaires et les travailleurs: Exploration des courants," in Hamelin and Harvey, Les travailleurs québécois, p.517.

⁶²Ibid., pp.533-34.

⁶³Ibid., p.521. On the attitude of the API towards industrial relations, see Bélanger, Evolution du patronat, pp.26-30. Cf. Julien Bauer, "Patrons et patronat au Québec," CJPS 9:3 (Sept. 1976), p.480.

⁶⁴Bélanger, Evolution du patronat, pp.38-43.

⁶⁵Boismenu, Le Duplessisme, p.324.

⁶⁶Sarra-Bournet, "Les associations patronales," pp. 5-6, 8; see also Monique Odstrcil, "La Chambre de commerce de la Province du Québec, 1935-1970: Etude d'un groupe de pression," M.A. Thesis, Carleton University, 1974, p.115.

⁶⁷See in particular Yves Bélanger and Pierre Fournier, L'Entreprise québécoise (Montreal: Hurtubise HMH, 1987), ch.4.

⁶⁸Coleman, Independence Movement, p.96.

⁶⁹Adam Price, "Back-to-Work Legislation: An Analysis of the Federal and Ontario Government's Increased Propensity to End Strikes by Ad Hoc Laws, 1950-1978," M.A. Thesis, Queen's University, 1980, p.57.

⁷⁰Jean Boivin and Jacques Guilbault, Les relations patronales-syndicales au Québec (Chicoutimi: Gaëtan Morin Editeur, 1982), p.139.

⁷¹Jamieson, Industrial Relations in Canada, pp.118-19.

⁷²William Lyon Mackenzie King, Industry and Humanity (Toronto: University of Toronto Press, [1918] 1973).

⁷³See Craven, 'An Impartial Umpire', pp.3-6, 85-6, 287-97, for an excellent exposition of the philosophical underpinnings of IDIA.

⁷⁴Jamieson, Industrial Relations in Canada, p.120.

⁷⁵Ibid., p.126.

⁷⁶Ibid., p.127.

⁷⁷Jacques Rouillard, Histoire du syndicalisme au Québec (Montreal: Boréal, 1989), p.170 (my translation).

⁷⁸Boivin and Guilbault, Les relations patronales-syndicales au Québec, p.141.

⁷⁹Hartt, "Origins of the Labour Relations Policy," p.30.

⁸⁰Rouillard, Histoire du syndicalisme au Québec, p.171. Rouillard does not specify the nature of business opposition to the law, and since no records of legislative debates from the Duplessis era are available, I have not been able to provide this information. It seems reasonable to surmise, however, that it was small and medium-sized employers that were most exercised by the law, since the legislation was designed to deal with the problem of non-union firms undercutting unionized operations in industries with a large number of small firms.

⁸¹Denis, Luttes de classes et question nationale, p.75.

⁸²Logan, State Intervention and Assistance in Collective Bargaining, p.69.

- ⁸³Christopher Tomlins, The State and the Unions: Labor Relations, Law, and the Organized Labor Movement in America, 1880-1960 (New York: Cambridge University Press, 1985), ch.4. Tomlins provides a revisionist perspective on the Wagner Act, arguing that its drawbacks—constraints on union autonomy, forced bureaucratization of the labour movement—far outweighed whatever benefits it might have brought the unions in security and membership growth. Tomlins' work is a valuable contribution to labour historiography, but it seems to me to rest on certain tenuous, counterfactual assumptions, namely that organized labour in the U.S. would have developed in the direction of a self-conscious, cohesive, and revolutionary force in the absence of state intervention. This overestimates the strength and margin for manoeuvre of the labour movement in the 1920s and 1930s.
- ⁸⁴Jamieson, Industrial Relations in Canada, pp.90-1.
- ⁸⁵Hartt, "Origins of the Labour Relations Policy," pp.41-44.
- ⁸⁶Ibid., p.46; Boivin and Guilbault, Les relations patronales-syndicales au Québec, pp.146-47.
- ⁸⁷Union membership in the U.S. almost doubled between 1933 and 1939, from 3.5 million to 6.5 million, and nearly doubled again between 1939 and 1945, from 6.5 million to 12.2 million. Leo Troy, "The Rise and Fall of American Trade Unions: The Labor Movement from FDR to RR," in Seymour Martin Lipset, ed., Unions in Transition (San Francisco CA: ICS Press, 1986), Table 2, p.81.
- ⁸⁸Histoire du mouvement ouvrier au Québec, p.155. In 1939, the Duplessis government implemented La loi relative à l'arbitrage des différends entre certaines institutions de charité et leurs employés, which was the first law to remove permanently the right to strike from certain categories of public employees. See Boivin and Guilbault, Les relations patronales-syndicales au Québec, p.147.
- ⁸⁹Logan, State Intervention and Assistance in Collective Bargaining, p.70.
- ⁹⁰Boivin and Guilbault, Les relations patronales-syndicales au Québec, pp.148-51; Logan, State Intervention and Assistance in Collective Bargaining, pp.70-1.
- ⁹¹See Quinn, Union Nationale, pp.53-62 for an analysis of the UN's ideology.
- ⁹²Ibid., pp.76-86.
- ⁹³McRoberts and Posgate, Quebec, p.74. Probably the most notorious instance of the UN's favouritism towards foreign corporations was the royalty it placed on iron ore extracted by American companies (Iron Ore Co. among them) in northern Quebec: approximately 1¢ a ton, in contrast to the 33¢ royalty levied by the Newfoundland government on ore from Labrador. See Quinn, Union Nationale, pp.82-3.
- ⁹⁴Cited in Roy, La marche des Québécois, p.176.
- ⁹⁵Logan, State Intervention and Assistance in Collective Bargaining, p.70.
- ⁹⁶Quinn, Union Nationale, p.93.

⁹⁷Ibid.; Histoire du mouvement ouvrier, pp.182-83.

⁹⁸Maurice Pinard, "Working Class Politics: An Interpretation of the Quebec Case," Canadian Review of Sociology and Anthropology 7:2 (1970), p.87. See also Quinn, Union Nationale, pp.99-101 and McRoberts and Posgate, Quebec, pp.80-5.

⁹⁹Pinard, "Working Class Politics," pp.102-106.

¹⁰⁰McRoberts and Posgate, Quebec, pp.83-5, 93.

¹⁰¹Barnes, "Evolution of Christian Trade Unionism," p.63n.

¹⁰²Samuel H. Barnes, "Quebec Catholicism and Social Change," The Review of Politics 23:1 (Jan. 1961), pp.67-72. Coleman, Independence Movement in Quebec, pp.97-8.

¹⁰³An excellent interpretation of the social significance of the Asbestos strike is Hélène David, "La grève et le bon Dieu," in Fernand Harvey, ed., Le mouvement ouvrier au Québec (Montreal: Boréal Express, 1980), pp.163-84. The best-known, and still cogent, analysis of the strike is Pierre Elliott Trudeau, ed., The Asbestos Strike, trans. James Boake (Toronto: James Lewis & Samuel, 1974).

CHAPTER THREE:

The Quiet Revolution and the Liberalization of Industrial Relations in Quebec 1960-1966

As for the rise of trade unions, it was ... in 1964 that we not only went farther than everyone else but maybe even a little beyond the limit. Hospital employees, teachers, and then civil servants under the new Labour Code got the right to collective bargaining and the right to strike.

In another of those grandiloquent statements that he had to swallow afterwards, Lesage had begun by proclaiming majestically: 'The Queen does not negotiate with her subjects!'

I must confess, I have wondered more than once whether the poor sovereign shouldn't have made them sing a bit longer for their supper, particularly her 'hospital subjects' whose subsequent behaviour was little short of barbarous.

René Lévesque, *Memoirs*, trans. Philip Stratford
(Toronto: McClelland and Stewart, 1986), pp.185-86

I. INTRODUCTION

The Quiet Revolution, in the words of René Lévesque, was "a period when the people of Quebec set their clocks to the time of the twentieth century...[B]etween 1960 and 1964 Quebec lived through the most exalting and fruitful aggiornamento."¹ Although the transformations in Quebec's economic and social life during this brief period were hardly revolutionary in the normal sense of the word, the pace of change was dizzying when contrasted with the stagnation of the Duplessis years. The provincial state, which throughout the twentieth century had been a mere cipher in economic affairs, rapidly became a powerful engine of economic development and an instrument for the "decolonization" of Quebec. Health services and education were secularized, after more than a century of clerical domination. Politics, which had long been considered by the province's intelligentsia as venal, corrupt, and the domain of squalid patronage, was ventilated by the spirit of reform: the civil service was revitalized and shielded from political tampering, and greater emphasis was placed on citizen participation in government decision making.

Reform of Quebec's system of industrial relations was an important feature of the province's modernization in the early 1960s. For the first time since Quebec had

become an industrialized economy, labour policy was based on an unequivocal acceptance of trade unions as normal and indispensable institutions in a modern, democratic society. This principle had as its corollary the belief that collective bargaining was beneficial to the provincial economy, and that the state should refrain from interfering in this process as much as possible. The importance of this shift in governmental attitudes and policy has been underlined by H.D. Woods:

Canadian law never accepted the principle that it was in the public interest to have collective bargaining. But recently there has been a change, at least in the province of Quebec. The Quebec Minister of Labour is on record as stating that "The government believes that the collective agreement is the cornerstone of employer-employee relations. It wishes to allow all possible latitude for the definition of rights and obligations..." [I]t appears that Quebec has accepted unionism and collective bargaining as desirable and in the public interest.²

This change in the government's labour policy was all the more remarkable when contrasted with Duplessis's use of the provincial police and various legal subterfuges to undermine trade union security and hamstring collective bargaining.

Enacted in 1964, the Labour Code extended the right to associate to virtually all occupational categories (including the chartered professions), bolstered the financial security of unions by guaranteeing the right to a voluntary, revocable dues check-off, and significantly reduced the number of hurdles that a union had to clear before it was in a legal position to strike. By far the most innovative feature of the new Labour Code and its companion legislation, the Civil Service Act of 1965, was the transposition of the private-sector model of industrial relations to the public sector. Teachers, hospital workers, municipal employees, and civil servants were all granted the right to bargain collectively and (subject to certain limitations) to strike. In the space of two years, "public policy with respect to labour relations in Quebec was transformed from one of the most restrictive in the country to one of the most permissive."³ Organized labour's newly won legitimacy was also reflected in the Lesage government's efforts to co-opt the trade union leadership into a number of

tripartite consultative institutions-- the Conseil supérieur de travail and the Conseil d'orientation économique du Québec (COEQ) being the most important--that the Duplessis government had systematically ignored.

I argue in this chapter that the timing and nature of the labour relations reforms described above were largely determined by the Quebec state's own political objectives during the Quiet Revolution. In a certain sense these reforms were extremely limited, almost timid. This is especially true of those provisions in the new Labour Code that pertained to private-sector unions. Here, the government more or less confirmed the status quo, and refrained from any bold legislative innovations. While it is true that the new Labour Code did bring substantial improvements to the lot of private-sector unions, particularly by sheltering them from the kind of arbitrary political meddling that had characterized industrial relations during the Duplessis era, on the whole their situation did not improve dramatically. Certainly, no upsurge in unionization took place in this sector after 1964. The reason for the timorous nature of the Lesage administration's private-sector labour policy, I argue, lies in the fact that the government did not require the support of the entire labour movement in order to implement its objective of political and economic modernization. Discretion was thus the better part of valour, and the government eschewed any radical departures from prevailing labour relations practice that might have unduly antagonized the business community, whose support it also required if it was to succeed in realizing its dream of a modernized Quebec.

It was in the realm of public-sector labour relations that the state's objectives, and its autonomy from powerful social groups (in this case business) were most apparent. As I noted in the previous chapter, by the late 1950s the Liberal Party, the labour movement, and sections of the francophone business community (represented by the CCPQ and the API) all shared a desire for rattrapage, for the economic and

political modernization of Quebec. Each group, however, had different priorities. For labour, the creation of an economic and political environment in which trade unions were recognized as essential components of a modern industrial and democratic society was the most pressing priority of the new regime. For the API and the Chamber of Commerce, it was the promotion of indigenous capitalists that most concerned them: the state was urged to use its powers of intervention, which had atrophied during the long years of Duplessis's reign, in order to carve out greater economic space for francophones. Finally, for the Liberal government, it was the creation of a modern state apparatus that mattered the most, although it was obviously also concerned with the demands of business and labour.

In order to cast off the oppressive weight of ecclesiastical domination in the educational and social welfare sectors, and to revitalize the state's economic functions, the Liberal administration required new kinds of workers for the public sector. It could no longer rely on the sort of patronage-based appointments that had been rife during the "Great Darkness," and chose instead to emphasize the professional qualifications (such as education) of potential employees and adopt rational hiring criteria. The unions, and especially the CSN, which enjoyed a privileged relationship with the Lesage government, successfully argued that the government's project of modernizing the state apparatus could only succeed if full trade union rights were bestowed on public-sector workers. This proposal corresponded with the wishes of the increasingly powerful technocrats (members of the ascendant new middle class) within the provincial state. Thus the Lesage government was ultimately convinced to go much further in granting trade union rights, including the right to strike, to government employees than it had initially been--the Premier himself was adamantly opposed to such a move--or than the trade union leaders themselves had originally demanded.⁴ The major business associations in the province, although they were

virulently opposed to the transposition of the private-sector model of industrial relations to the public sector, were unable to prevent such a move. In this sense, then, the Lesage government exhibited much greater autonomy than had ever been the case with the Duplessis regime.

It has been argued that the primary objective of the Lesage government's labour policy was to mitigate class conflict and foster the conditions for successful capital accumulation. This is the claim of Dorval Brunelle and a number of other revisionist interpreters of the Quiet Revolution.⁵ But to argue, as Brunelle does, that the industrial relations reforms implemented in the mid-1960s were merely a means of consolidating the position of the Quebec-based bourgeoisie at the expense of the working class is to ignore the very real limitations on the power of capital that these legislative changes entailed. Brunelle's capital-centric explanation also downplays the unyielding opposition of virtually all the major employers' associations to any liberalization of bargaining rights or strengthening of trade union organization.

It could be claimed that the provincial government considered the risk of alienating the business community an acceptable one, inasmuch as concessions to labour were deemed necessary to ensure continued capital accumulation. In other words, the state was compelled to sacrifice the immediate interests of individual capitalists to the long-term needs of the capitalist system. Such a view, however, attributes an improbable degree of foresight to the province's policy makers.⁶ Given the unforeseen results of the new labour policy--heightened industrial militancy that contributed to the defeat of the Liberals in the 1966 election--it is not likely that the Lesage government possessed the kind of prescience that Brunelle's capital-centric argument ascribes to it. In fact, in attempting to achieve its own objectives of state modernization by granting public-sector workers significant organizational privileges, the Lesage government unwittingly unleashed a "monster." It created the conditions

for the radicalization of its employees and their unions, once the latter were confronted by the obstinacy of the state and the tendency of any government, no matter what its ideological or partisan stripe, to behave like any other employer. This in turn led to the remarkable politicization of collective bargaining in Quebec's public sector, to an extent unparalleled elsewhere in North America.

It is not my contention in this chapter that the labour policy promulgated during the Quiet Revolution represented an unalloyed victory for organized labour. As the quotation cited at the outset of the chapter indicates, the government quickly had second thoughts about extending full bargaining rights to public-sector workers. The wave of strikes that engulfed the province in 1965 and 1966 was particularly galling to the Liberal government, and it immediately set about trying to find new ways of stuffing the genie of union militancy back into the bottle of restrictive labour legislation. Efforts to rein in public-sector workers were redoubled after 1966, when the Union Nationale returned to power (thanks largely to the idiosyncracies of the province's electoral system). It is for this reason that the Quiet Revolution ought to be viewed as a brief liberal interlude between two periods characterized by a more coercive style of industrial relations.

The remainder of this chapter examines the nature of the Liberal Party's project of state-building, its alliances with other groups in Quebec society, the nature of its electoral support in the early 1960s, and the ideological currents within it. With this as the political backdrop, the analysis then proceeds to a consideration of the three principal elements of the Lesage government's labour policy: increased (though still fairly timid) support for unionization and union rights in the private sector, the extension of virtually full bargaining rights to the public sector, and institutionalized tripartism. The chapter concludes with an exploration of the contradictory nature of the Quiet Revolution reforms.

II. THE DEMISE OF "DUPLESSISME" AND THE LIBERAL VICTORY OF 1960

In September 1959 the Union Nationale appeared poised to extend its domination of provincial politics into the 1960s. Although Maurice Duplessis had died of a stroke at the beginning of the month, his successor, Paul Sauvé, seemed to have successfully married the tenets of Duplessisme--faith in private enterprise, bonne entente with the Church, and commitment to Quebec's autonomy within Confederation--to a limited reformism in order to produce a formula for further political longevity. During its initial months in office, the new administration made "désormais" (henceforth) its watchword: much-needed administrative reforms were to be carried out, and the moral tenor of political life improved. A hospital insurance program would finally be established, the educational system improved (without specifying the means to achieve this objective), and a healthier industrial relations climate achieved by amending the Loi des relations ouvrières. Media pundits predicted that Sauvé and the UN would handily defeat the Liberals in the upcoming provincial election, and even organized labour seemed impressed by the government's commitment to reform. The CTCC, for the first time in three years, presented a legislative brief to the government; it had not bothered to do so in the latter years of the Duplessis regime because of the apparent futility of such an exercise.⁷

Premier Sauvé suffered a fatal heart attack on January 2 1960, scarcely one hundred days after assuming office and long before his government had had sufficient time to flesh out its "politique du désormais." Although it is certainly true that Sauvé's brief tenure in power prefigured the coming Quiet Revolution, it is impossible to say just how far and how quickly his government would have gone in modernizing and secularizing Quebec politics and society. This is especially true in

view of the Premier's need to retain support among the UN's core electoral constituency--rural voters and members of the traditional petty bourgeoisie--who stood to lose the most in any intensive program of state-building. It is probably correct to argue, as does Dorval Brunelle, that conventional interpretations of the Quiet Revolution have given undue weight to the election of 1960, have focussed inordinately on the mere succession of governments while ignoring other, more fundamental social transformations, and have been far too "dithyrambic" in their assessment of the role played by the Liberal "équipe du tonnerre" (loosely, "terrific team") in spearheading the transformation.⁸ But to imply, as Brunelle does, that the only thing that prevented a UN-led Quiet Revolution was Sauvé's death is to ignore the social bases of support for that particular political formation.

Sauvé's death precipitated a leadership crisis in the Union Nationale from which it never really recovered (despite its narrow victory in 1966). Reformists in the party, led by Jean-Jacques Bertrand, wanted to democratize the UN and make it a fully modern political organization, while the party's "old guard," whose leader was Daniel Johnson, wished to hew as closely as possible to Duplessis's patronage-based and personal style of leadership.⁹ In 1960, neither of these factions was powerful enough to place its preferred candidate in the leadership post, and so they compromised by selecting Antonio Barrette, the somewhat lacklustre and pedestrian former Minister of Labour, to replace Sauvé. Although Barrette had the undeniable advantage of being acceptable to the warring factions in the party, he was hobbled by the backroom machinations of the party's chief organizer and treasurer, who sought to undermine his authority. He was also tainted by his involvement in the "natural gas scandal" of 1957. In that year, the Duplessis government had authorized the sale of Hydro-Québec's natural gas distribution network to the Quebec Natural Gas Corporation. Barrette and a number of other members of the Duplessis Cabinet,

including Paul Sauvé and Daniel Johnson, purchased large numbers of shares in the private company, and were alleged to have taken advantage of their office to obtain advance information on the sale.¹⁰ Barrette's feckless leadership, the natural gas scandal, and the UN's well-earned reputation for dispensing sordid patronage were important factors contributing to the party's defeat in the provincial election of June 22 1960.

At the same time that the foundations of the UN's remarkable political longevity were crumbling, the provincial Liberal party was succeeding in presenting itself to the electorate as the only suitable vehicle of social change, a dynamic team with fresh new ideas. Georges-Emile Lapalme, leader of the party between 1950 and 1958, had played a prominent role in shifting the Liberals to the left on economic and social issues and in unifying behind the party banner many of the disparate forces of opposition in the province. Trade union leaders (though not the rank-and-file workers themselves; see Table 3.1), neo-nationalists, liberal intellectuals, and progressive members of the clergy such as Gérard Dion and Louis O'Neill, who published two vituperative attacks on electoral corruption under the Union Nationale,¹¹ all rallied to the reformist liberalism espoused by Lapalme's party. The Liberals' recipe for electoral success was completed when Jean Lesage, former federal Cabinet minister under Louis St. Laurent, replaced the ailing Lapalme as leader.

Although Lesage was an energetic politician and an accomplished orator, he was hardly the embodiment of the nationalistic and collectivist zeal that suffused the Quiet Revolution. Indeed, in Pierre Trudeau's blunt assessment of the new leader, Lesage lacked any "political ideology, or even roots in political thought."¹² In the 1960 election, however, Lesage the instinctive pragmatist was surrounded by a small cadre of vedettes, or "stars," of a more radical bent. As cabinet ministers, these individuals were able to overcome the opposition of Lesage and his more fiscally

conservative colleagues to proposed expansions of state power (such as the nationalization of most of the private hydroelectric companies in 1962). The best-known of the vedettes was undoubtedly René Lévesque, the radio and television journalist who had played a prominent part in the 1959 producers' strike at Radio-Canada. This conflict, the first strike by managerial personnel for union recognition in the province's history, brought home to Lévesque the supreme indifference of the federal government (which was responsible for this sector of industrial relations) to conflicts in French Canada: "I couldn't help but think of the rapidity with which the least Anglo-Canadian brush fire mobilized the whole of Ottawa, while they would sit back in the greatest calm when it was our house that was going up in flames."¹³ This incident, more than anything else, propelled Lévesque into provincial politics as the spokesman for the neo-nationalist cause. Because of his role in the strike, Lévesque also became one of the most prominent defenders of the interests of organized labour within the government. Speaking of his location on the ideological spectrum represented within the Lesage cabinet, Lévesque said shortly after the 1960 election: "I'm on the far left, of course. If this government doesn't reflect the views of the left, it won't be here for long."¹⁴

Other noteworthy members of the progressive faction in the Liberal Party included the former leader, Lapalme, who had been convinced to stay on as Lesage's lieutenant; Paul Gérin-Lajoie, a constitutional lawyer; Pierre Laporte, a crusading journalist with Le Devoir and scourge of the Union Nationale; and Eric Kierans, former President of the Montreal Stock Exchange who became an influential proponent in cabinet of rational economic planning and greater indigenous control over the provincial economy. The conservative wing of the party, on the other hand, consisted of the Premier himself and such figures as Bona Arsenault, a former Conservative politician with a penchant for denouncing his opponents as "Communist

sympathizers," no matter what their actual ideological orientation, and George Marler, a member of Quebec's upper house (the Legislative Council) with strong ties to the Montreal financial community.¹³ Marler in particular, as Minister without Portfolio, frequently attempted to put a brake on what he considered to be the grandiose statist visions of Lévesque *et al.* These efforts were not always successful, as the debate over the nationalization of hydroelectricity illustrated: Lévesque invested a considerable amount of his time and energy, and drew on his substantial popularity with the electorate to convince his colleagues of the need for this audacious (at least in terms of Quebec's political culture) intervention in the economy. Similarly, the Lesage government's education and labour policies were much bolder undertakings than either the Premier or many of his closest advisers had initially desired, in no small measure due to the personal interventions of Lévesque and Gérin-Lajoie. One need not be an adherent of the "great man" theory of history to acknowledge that the scope and nature of the Lesage government's reforms were to a considerable extent determined by the interplay between the party's progressive faction and its more conservative elements.¹⁶

The Liberal Party's political project, as laid out in its 53-point election manifesto in 1960, centered on the desire for greater democracy in the political and administrative affairs of the province, increased state control over the educational and social welfare systems, and a more prominent role for francophone Québécois in economic decision making. Each of these three pillars of the Liberals' program entailed the aggrandizement of the pivotal institution of the Quiet Revolution, the provincial state. It was in the economic sections of their program that the Liberals manifested this statist impulse most clearly. The party promised to encourage greater industrial diversification by ensuring increased transformation of the province's natural resources before export. A Department of Natural Resources would be created to

accomplish this task. The Liberals also committed themselves to French-style indicative planning by means of a revived Conseil d'orientation économique du Québec.¹⁷ The principal function of the COEQ was to provide the government with the technical information necessary for stable and orderly economic growth, and to formulate long-term planning objectives. "In this age of rapid scientific progress," the election manifesto declared, "governments can no longer be allowed to manage the province solely through improvisation."¹⁸ This enthusiasm for indicative planning was a very important ingredient in the ideological cement that bound together the various elements in the Quiet Revolution coalition--organized labour, francophone business, and middle-class nationalists.¹⁹

In the field of industrial relations, the Liberals vowed to enact a series of reforms long demanded by the trade union federations: promulgation of a Labour Code (which would consolidate all existing legislation in this particular area), abrogation of the Duplessis government's more repugnant labour laws (Bills 19 and 20), and creation of labour courts (tribunaux du travail) in order to remove union-management relations from the purview of the Civil Code, which is informed by an individualistic legal ethos and therefore inappropriate for the regulation of relationships among groups.

For all the apparent symptoms of ill-health in the UN electoral machine, and the Liberals' obvious vitality and progressive allure, the provincial election of 1960 was an extremely close-fought affair. With approximately 51% of the popular vote, the Liberals captured 51 of the 95 seats. The UN garnered 47% of the vote and 43 seats. Indicative of the closeness of the race was the fact that in 34 of the ridings the margin of victory for the winning candidate was less than five percent; two of the vedettes, Lévesque and Gérin-Lajoie, squeaked out narrow victories, each winning by less than 150 votes. All things considered, the Liberals had received only the most tenuous of mandates on which to make a revolution, quiet or otherwise.²⁰

Table 3.1: Vote Intention (%) and Social Class in Quebec, 1960 and 1962

	<u>Middle Class</u>		<u>Working Class</u>		
	I	II	III	IV	V
<hr/>					
<u>1960</u>					
UN	54	63	63	72	59
LIB.	41	29	34	26	38
OTHER	5	8	3	2	3
<u>1962</u>					
UN	30	23	37	49	51
LIB.	66	72	58	48	48
NDP	4	5	5	3	1
<hr/>					
I:	professional and managerial classes				
II:	clerical and sales				
III:	skilled and semi-skilled workers				
IV:	unskilled workers and service occupations				
V:	farmers				

Source: Maurice Pinard, "Working Class Politics" (1970), Table 2, p.92.

A breakdown of the 1960 election results reveals that the core of the Liberal Party's strength was to be found in the urban ridings of Montreal, the Montreal Plain (St. Jean, St. Hyacinthe, Richelieu), and the Eastern Townships. Consistent with Guindon's thesis that the Liberal Party was the political vehicle for an emerging new middle class whose career aspirations were blocked by the cultural division of labour in Quebec, the Liberals drew their greatest support from highly educated, middle-class voters with above-average incomes. According to survey data compiled by Maurice Pinard, almost all categories of the middle class, new (professionals and white-collar workers) and old (small merchants, lawyers, and so on), rallied to the Liberal standard.²¹ Working-class voters, by contrast, especially those who were unskilled, remained comparatively impervious to the Liberals' political program (see Table 3.1).

It would be a mistake to conclude that the Liberal party in 1960 was exclusively an instrument of a nascent new middle class, for it did draw substantial support from the working-class ridings in the frontier regions of the province—Northern Quebec (Saguenay, Lac St. Jean, Abitibi, Rouyn-Noranda) and the Lower St. Lawrence (the Gaspé). As Quinn points out, these regions have resource-based economies dominated by a few large, foreign-owned firms. Employment and investment in these areas depend on the vagaries of world demand for the commodities in which they specialize, and therefore development has taken on a marked boom-and-bust pattern. As a result, Quinn argues, nationalistic sentiments have been stronger in these regions than in many other parts of Quebec.²² With the decline of the Bloc populaire and the Union des électeurs (the forerunner of the Ralliement des créditistes), there existed no credible third party in these regions, and the Liberals were able to mobilize discontented voters into an effective anti-Duplessis bloc. One should note here the symbiotic relationship that existed

between the provincial Liberal party and the Catholic unions in channelling the forces of economic protest. This inchoate "partnership" was strengthened during the Liberals' first four years in office, as the Lesage government sought to obtain electoral support from the trade unions—especially the CTCC/CSN—in exchange for specific legislative and policy concessions. As one CTCC/CSN official put it: "The election of Lesage greatly benefited the CSN because the workers felt that the CSN had acquired a certain political power which made it better able to defend their interests. At the same time, the CSN was able to obtain from the government certain reforms."²³ It is to an examination of the links between the Lesage government on the one hand, and the organizations of labour and business on the other, that we now turn.

III. ORGANIZED LABOUR, BUSINESS, AND THE LESAGE GOVERNMENT

For the first five years of its mandate, the Lesage government enjoyed especially amicable relations with the labour movement in general, and with the CTCC/CSN in particular. The ties between the Liberal Party and francophone business, although fairly close, were strained somewhat by the government's labour policy, which all employers' associations roundly condemned as arrant favouritism toward the trade unions. Business and labour emphasized different aspects of the Liberal Party's political project, the former being primarily concerned with carving out a larger space for indigenously owned enterprises in the provincial economy, and the latter stressing the need for the use of state power to improve the quality of life of all Québécois. For the labour movement, stronger trade unions were vitally necessary

if the Liberals' project of modernization was to succeed; for business, unions were by 1960 the organizational equals of employers, and no further incentives to unionization were considered to be needed. Between 1960 and 1966, these divergent viewpoints would slowly dissolve the ideological threads that bound together the various elements in the Quiet Revolution coalition. As for monopoly capital--almost exclusively composed of American and English-Canadian firms, as I noted in the previous chapter--it was never a part of this coalition. Throughout the Quiet Revolution, this section of the capitalist class remained either extremely suspicious of, or overtly hostile to the statist thrust in the Liberals' modernization project.

(i) The Transformation of Quebec's Labour Movement

Although the CTCC was officially neutral in the 1960 election campaign, it was obvious where its partisan sympathies lay. Prior to the election, Gérard Pelletier, then editor of the CTCC's newspaper, Le Travail, castigated the Union Nationale for its abject failure to rejuvenate its thinking since the 1930s. The UN's program, he asserted, was not only dusty, it was beginning to rot!²⁴ What was needed, according to Pelletier, was an electoral program that responded to the pressing needs of a society in transition: economic planning, hospital insurance, free schooling at all levels, and fundamental labour law reform. On each of these points, the CTCC's demands corresponded quite closely to articles in the Liberal party's platform, and thus it was no surprise that the federation greeted the news of the UN's defeat with a mixture of relief and hope: "La franchise nous force ... à confesser que la défaite de l'Union Nationale ne nous a pas fait beaucoup de peine....Après seize ans de difficultés pour le mouvement ouvrier, un changement équivaut à un espoir."²⁵

Three factors brought the CTCC into close collaboration with the new government: the strong ideological affinity between the Liberals and the federation, which had been forged in the 1950s around the need for political and social rattrapage in Quebec; the federation's centralized structure, which made it a better lobbyist than either the FTQ or the CIC (the teachers' central); and the personal ties between the CTCC leadership, notably Jean Marchand (who became President of the federation in 1961), and the Liberal hierarchy. This mutual attraction between the party and the union federation was strengthened in the early 1960s as the CTCC completed the process of deconfessionalization that had been initiated in the previous decade. At a special convention held in September 1960, the CTCC expunged from its constitution any reference to the Church's social doctrine, although it still professed to be guided by "Christian principles," among which was the belief in the primordial role of spiritual forces in the establishment of social order.²⁶ The chaplains retained their position within the federation's affiliates as spiritual guides and moral arbiters, but their actual importance declined steadily throughout the 1960s. The special convention also provided the federation with a new name: la Confédération des syndicats nationaux (CSN), a designation intended to appeal to those workers in the province who preferred an indigenous unionism to domination by the internationals.²⁷

Having shed the last formal traces of its confessional origins, the CSN in the early sixties refurbished its social and economic philosophy. It became increasingly enamoured of tripartite economic planning of the sort found in a number of European countries, notably Sweden. This type of indicative planning, which bore more than a passing resemblance to the earlier corporatist strand in the CTCC's political ideology, was thought by union leaders to be a means of stabilizing economic development, promoting industrial diversification, and liberating Quebec from the yoke of foreign economic domination. In order for this planning to be successful,

however, an effective, province-wide association that could truly represent the interests of le patronat would have to be created, and labour law changed to facilitate industry-wide or even province-wide collective bargaining. The following quote from a speech made by Jean Marchand to the Canadian Club effectively captures the ideological continuity between the CSN's advocacy of tripartite planning in the sixties and its earlier corporatism:

...les parties ouvrières et patronales doivent se reconnaître, s'accepter, et se respecter, tout en reconnaissant qu'au-dessus de leurs intérêts particuliers ils doivent constamment tenir compte des intérêts de la nation. Ce n'est qu'à cette condition que nous sortirons de l'anarchie et l'irresponsabilité actuelles.²⁸

Thus the CSN applauded the Liberal government's revival of the COEQ in 1961,²⁹ and welcomed the opportunity to collaborate with the provincial state and employers in this planning mechanism. The federation's experience with technocratic planning was not a satisfying one, however, as a subsequent section will demonstrate, and this disappointment prompted the union leadership in the mid-1960s to reassess the utility of its political strategy of collaboration and lobbying.³⁰

While the CSN became closely identified with the neo-nationalist project of the Liberal Party's progressive wing, the other two labour federations remained sceptical of the benefits of collaborating with the state, albeit for different reasons. For the FTQ, the Quiet Revolution was a period of acute organizational and ideological crisis. The FTQ's dependent constitutional status (as a creature of the CLC), its highly decentralized organization, and its limited financial resources combined to make it a much less effective lobbyist than the CSN. More importantly, however, the FTQ was philosophically opposed to collaborating with the Liberals. Although the federation was nearly as enthusiastic about the possibilities of economic planning as the CSN,³¹ the support that its leadership gave to the formation of a new federal social-democratic party (what eventually became the NDP) made it leery of being

co-opted by what it considered to be an old-line party. The Liberals' program, the FTQ declared shortly after the 1960 vote, amounted to nothing more than half-measures, and because of the party's fealty to society's traditional power brokers, Lesage and his colleagues would in all likelihood achieve mere "quarter-measures." Rather than collaborating with the Liberals, the FTQ exhorted its members to "work hard to form the new party if they want to benefit--along with the whole population--from the move to the left which will undoubtedly take place during the 1960s in North America."³² Support for the NDP, an identification with the North American labour movement as a whole, and a growing hostility to the more radical forms of Québécois nationalism as articulated by, among others, some elements within the CSN: these were essential features of the weltanschauung of the FTQ leadership (notably Louis Laberge, who was elected president by a very narrow margin over Fernand Daoust in 1964).³³ There was, however, a militantly nationalist faction within the FTQ, whose unofficial leader was Daoust, which strongly opposed the federation's pan-Canadian ideology and agitated for the creation of an independent socialist party in Quebec. This ideological conflict over the questions of nationalism and political strategy made the FTQ an easy target for the CSN's raiding operations, which were highly successful throughout the Quiet Revolution. Merely in order to survive as an organization, the FTQ was compelled to rethink its opposition to nationalism. This critical self-examination would not begin in earnest, however, until after the Lesage government had been defeated in 1966.³⁴

As for the CIC, it remained mired in the ideological and political torpor into which it had lapsed during the Duplessis era. Its leadership during the Quiet Revolution was instinctively conservative and opposed to forming alliances with other sections of the labour movement. On policy questions, especially those involving industrial relations, the CIC was an ardent defender of the status quo, arguing that

the existing system of compulsory arbitration had worked well for teachers, raising their standard of living to acceptable levels. It was not until after 1965, when the teachers' unions began to exercise their newly won bargaining rights, that the CIC abandoned its corporatist mentality and started to conceive of itself as a union with an important role to play in transforming Quebec society. This ideological shift coincided with a change in the CIC leadership, as Raymond Laliberté replaced Léopold Garant as president of the federation in 1965.³⁵

On the subject of industrial relations reform, the CSN and FTQ presented broadly similar lists of specific demands to the incoming Liberal government. Topping these lists was the demand for a real Labour Code, one which would establish independent labour courts to regulate industrial relations and not merely consolidate existing legislation in the field. Without a true Labour Code and a separate tradition of jurisprudence based on its interpretation, the trade unions contended, the right to associate and its corollaries (the rights to bargain collectively, strike, and affiliate to a union federation) were all too often treated as exceptions to the legal norm, and not as the fundamental democratic rights that they actually were. Moreover, disputes between workers and management, either during negotiations themselves (interest disputes) or over the interpretation of a collective agreement (rights disputes), were frequently decided by judges whose legal training, based on the Civil Code, rendered them incapable of understanding, let alone accepting, the sociological and economic underpinnings of modern industrial relations. The solution, according to the labour federations, was to enact a Labour Code that would be as broad in coverage as possible and would remove the numerous legal and administrative impediments to union recognition.³⁶

The federations also argued that public-sector workers be treated no differently from those in the private sector insofar as the rights to associate, bargain collectively,

and affiliate were concerned. Both the FTQ and the CSN acknowledged that the right to strike in this sector would have to be restricted in order to ensure the provision of essential services to the community; these restrictions, however, ought to be far less extensive than those that existed under the 1944 legislation. According to Jean Marchand:

Nous sommes d'accord à la CSN ... pour que, dans certains secteurs, le droit de grève soit restreint pour des raisons d'ordre public. Mais c'est limité, en fait, aux secteurs non dynamiques ... de la vie économique: disons, les fonctionnaires, les employés municipaux, les corporations municipales et scolaires.³⁷

The FTQ for the most part echoed Marchand's sentiments: it accepted the principle of limiting the right to strike in certain well-defined essential services, but it was worried by the government's tendency to employ a broad and elastic definition of essential, thereby depriving large categories of workers (truckers, for instance) of their democratic rights for spurious reasons.³⁸ Both the CSN and the FTQ rapidly moved far beyond these initial positions, and by 1964 were demanding a virtually unlimited right to strike for public-sector workers. The reasons for this abrupt change in stance will be explored in a later section of the chapter.

(ii) Business and the Quiet Revolution

The most powerful sections of Quebec's business community--Anglo-Canadian and American enterprises, which dominated the most dynamic and profitable sectors of the economy, were firmly opposed to the Liberals' étatisme and their intention to promote the growth of indigenously owned enterprises.³⁹ This is not to say that the Liberals had no ties at all with the world of big business or high finance. George Marler represented this segment of the business community very effectively and vocally within the Lesage cabinet, although his opinions were usually outweighed by

those of the so-called "progressive" faction (Lévesque, Gérin-Lajoie, and Eric Kierans).

The Liberals were clearly more in tune with the aspirations of francophone capitalists who, though perhaps not quite as enthusiastic about the neo-nationalism suffusing the Quiet Revolution as organized labour, nevertheless endorsed the major elements in the party's program for economic revival. This might seem mildly surprising, in view of the Liberals' firm intention to rely on the provincial state as the instrument of Quebec's economic "decolonization," and business's antipathy to statism in any form. Although the corporatist API may not have been as hostile to the state as other business associations in the province, it was nonetheless extremely suspicious of any flirtation with collectivism, which it viewed as the first step down the slippery slope toward "bolshevism." Despite their aversion to state intervention in the economy, Quebec's economic situation in the 1950s gradually compelled the API and the provincial Chamber of Commerce (the CCPQ) to accept the fact that the era of laissez-faire was over, and that the provincial state ought to play a role in inciting and directing economic development. What particularly worried Quebec's businessmen was the widening gap between the province's economic performance and that of Ontario. "[L']Ontario progresse à pas de géant, et nous à pas de tortue...", an influential business magazine, Le Québec industriel, editorialized in February 1959.⁴⁰ Quebec certainly had ample resources, both natural and human, to be a major industrial power, but if it wanted to duplicate the kind of balanced growth found in Ontario (with its comparatively dynamic secondary manufacturing sector), it would have to rely on greater state involvement in planning and coordinating economic activity.

Increased state intervention in the economy, according to both the CCPQ and the API, would also help to promote the francophone sections of the capitalist class

in Quebec, and this was one of the main reasons for their support of the Liberal government's moves to tripartite planning. Both employers' associations were acutely aware of the culturally segregated nature of the provincial economy, and were willing to allow the state greater scope for intervention in order to help ameliorate the inferior position of francophone entrepreneurs. In the 1960s, according to Bélanger and Fournier,

C'est ... en bonne partie les faiblesses et les échecs du secteur privé québécois qui ont alimenté les débats sur le rôle de l'Etat dans l'économie. En effet, l'Etat implantera des leviers dont l'impact marquera très profondément l'économie québécoise. L'Etat québécois se donnera notamment pour mission de jeter les bases d'une politique d'achat et d'une stratégie de développement industriel dont l'objectif sera de mettre un terme à l'érosion du poids économique et de renforcer l'influence des hommes d'affaires autochtones.⁴¹

For these reasons, both the API and the CCPQ became zealous proponents of what Le Québec industriel called le culte de la planification.⁴² According to the API, for instance:

Il faut ... une collaboration entre l'entreprise privée et l'Etat et cette collaboration implique que la première demandera à la seconde des choses précises, des données et des études qui permettront aux forces sociales en présence de mieux agir par soi-même ... Ainsi, pour que l'entreprise privée fasse vraiment le travail qu'on attend d'elle, il faut que l'Etat collabore en premier lieu à l'élaboration d'un plan directeur de développement économique. Il faut, de plus, qu'il y ait coordination des idées sur tous les plans et que l'on puisse rendre cette coordination organique et permanente, comme par la formation d'un Conseil économique national ou provincial. Ce sera un des moyens d'apporter la paix sociale.⁴³

The CCPQ was an equally insistent advocate of economic planning, calling for the establishment of a Conseil d'orientation économique in its 1957 and 1958 briefs to the Duplessis government.⁴⁴ Neither the API nor the CCPQ, however, gave much thought to the role that trade unions should play in the planning process. Apart from vague references to government consultation with the corps intermédiaires, the employers' associations did not seem to conceive of planning as anything more than a technocratic exercise in which government experts provided business with the data

needed to channel investments into dynamic sectors of the economy. Business's asymmetrical conception of planning contributed a great deal to labour's growing disenchantment with the COEQ in the mid-1960s, a process that will be examined below.

The important role played by the Montreal and provincial Chambers of Commerce in lobbying for a governmental planning mechanism was acknowledged when the Liberals finally established the COEQ in 1961. The first president of the advisory council was René Paré, a former president of the CCPQ and author of a brief preface to Jean Lesage's personal political manifesto of 1959, Lesage s'engage.⁴⁵ Some observers, Brunelle for example, have seen in the COEQ the demiurgic force behind the Quiet Revolution, the tool used by the Quebec-based bourgeoisie to consolidate its position vis-à-vis English-Canadian and American capital. Brunelle claims that the COEQ constituted the strategic site for the political intervention of the francophone capitalist class, which was heavily represented on the advisory council's board of directors. The business representatives on the COEQ were linked through interlocking directorships to the Mouvement Desjardins, the Corporation d'expansion financière and other French-Canadian financial institutions.⁴⁶ This institutional nexus between francophone financial capital and the provincial state enabled the Quebec-based bourgeoisie to translate its demands—for greater government assistance in the process of rationalization necessary to survive in the North American economy—directly into policy:

...le Conseil n'est pas plutôt mis sur pied ... que ses initiatives politiques dominant la scène provinciale: l'histoire du Conseil se confond désormais en partie avec la chronologie des législations adoptées par le gouvernement Lesage.⁴⁷

It is true that the COEQ in the first years of its existence conducted research and made recommendations on a number of proposals which later became keystones of the Lesage government's project of economic emancipation: the Société générale

de financement (SGF, created in 1962 to provide risk capital and technical assistance to francophone firms), an integrated steel complex, Sidérurgie québécoise (SIDBEC, 1964), expansion of Hydro-Québec (1962), and a provincial pension fund (the Caisse de dépôt et placement, established in 1965 to reduce Quebec's dependence on the "St. James Street" banking syndicate).⁴⁸ Although the COEQ played a major role as a laboratory for the testing of the above proposals, Brunelle grossly inflates the Council's importance. In most cases, the advisory council had neither the resources nor the personnel to provide detailed analyses of the dossiers, and it often merely bestowed its official imprimatur on research conducted by other institutions in the bureaucracy, notably the Ministries of Natural Resources and Finance.⁴⁹ Pace Brunelle, then, it appears that much of the impetus for the Quiet Revolution reforms came not from the francophone bourgeoisie but from within the bureaucracy itself.

Another indicator of the constraints on the power of French-Canadian capital during the Quiet Revolution was its inability to prevent the implementation of a labour policy that improved union security, gave greater latitude to trade unions in the bargaining process, and led to a meteoric rise in union membership. One ought not to underestimate the hostility of the various employers' associations in the province to any change in the existing system of labour relations, which in their view had resulted in a stable, orderly relationship among equals. According to Jacques Gagnon, a lawyer representing a number of business associations (the API, Association des manufacturiers canadiens, Montreal Board of Trade, and the Fédération de l'industrie de la construction, among others), the provincial government ought to recognize the "parity" between labour and capital, and refrain from introducing any legislation that would impair the freedom of enterprise and tilt the balance of forces in favour of the trade unions.⁵⁰ Paul Renault, lawyer for the AMC, was even more

vitriolic in his denunciation of what he saw as the state's ingrained favouritism toward labour:

...qu'on le veuille ou non, l'employeur ne retire rien des lois ouvrières, sauf la paix industrielle. Il faut partir du principe que toutes les lois ouvrières visent à la protection de l'employé. Il n'y a absolument rien, je soumets respectueusement, qui, dans le lois ouvrières, soit en faveur de l'employeur; tout ce qu'on enlève, ce sont les droits à l'employeur.⁵¹

The legislative ban on strikes during the lifetime of a collective agreement (which had become a part of labour law in 1961, when the Lesage government passed Bill 78; prior to that time this had been a matter for the parties to decide between themselves⁵²) was for Renault the sole benefit of labour law, but it still did not offset the authoritarian (in his view) manner in which the state imposed obligations on employers.

In summary, the Lesage government and its project of political and economic modernization drew significant support from sections of organized labour and the business community in Quebec. The links between the Liberals and the CSN were especially intimate, and this is an important factor in explaining the evolution of labour relations policy between 1960 and 1966, particularly the decision to extend full bargaining rights to public-sector workers. And although most of the major state-building initiatives undertaken by the Lesage regime were adamantly opposed by big (Anglo-Canadian and American) business, the Liberals could afford to ignore their complaints since they drew their electoral strength from other sections of the population.

On the question of labour relations reform, all sections of the provincial business community opposed major concessions to the trade unions, of the sort that were eventually granted by the government. The remaining sections in this chapter examine how and why the Lesage administration chose to ignore the entreaties and

warnings of the employers' associations, and analyze the impact that its labour policy had on the balance of class forces in Quebec. Briefly, I will argue that the Lesage government did not have either the desire or the capacity to undertake far-reaching, radical reforms in the private sector, such as sectoral bargaining, that would risk alienating the entire business community. But it did override the wishes of capital in the area of public-sector labour relations, because reform of the bargaining regime covering this sector of the workforce was of paramount importance to the successful realization of its own political objectives—the construction of a modern state apparatus in Quebec.

IV. THE LABOUR CODE OF 1964 AND THE PRIVATE SECTOR

Despite the Liberals' firm electoral pledge, the promised Labour Code had an inordinately long gestation period. Shortly after the 1960 election, the Minister of Labour, René Hamel—a failed candidate for the party's leadership in 1958, and former federal Member of Parliament for the anti-conscriptionist Bloc populaire—charged the Conseil supérieur de travail with the task of producing a draft Labour Code. This tripartite advisory body, consisting of twenty-four members (eight each chosen from lists submitted by the most representative business and labour organizations, plus eight experts appointed by the government⁵³), had first been established in 1940 by the Godbout administration to conduct research and advise the government on a broad range of labour issues. Like the COEQ, the Conseil supérieur had fallen into disuse during la grande noirceur; Duplessis refused to consult it on any labour issue after 1954, the year when it had drawn up a draft Labour Code which the Premier

found repellent. Premier Antonio Barrette's short-lived administration revived the council in 1960.⁵⁴

Before the Conseil supérieur du travail had completed its preparatory work on the Labour Code (in fact the three constituent groups on the council could not reach a consensus on the contours of the proposed legislation and thus three separate reports were submitted to the Minister of Labour in early 1963),⁵⁵ the 1962 provincial election intervened. This campaign was essentially a referendum on whether or not Quebec's aggiornamento should be accelerated. The Liberals, with René Lévesque spearheading the push for further and more rapid growth of the state, focussed their program on the proposed nationalization of the remaining private hydroelectric companies in the province. Such an initiative, Lévesque contended, would constitute a bold step forward in the emancipation of Quebec from the economic yoke of English-Canadian and American capital, a vision succinctly captured by the Liberals' campaign slogan, Maitres chez nous. By contrast, the Union Nationale under Daniel Johnson, who had succeeded Barrette as leader, attacked the wrenching pace of change initiated by the Quiet Revolution: Johnson denounced Lévesque as a francophone "Castro" and called for a halt to the secularization of the educational system. The adherents of modernization won this particular confrontation, with the Liberals taking 63 seats (56.5% of the vote) and the UN 31 seats (42.2% of the vote).⁵⁶ Jean Marchand, whose comments were reported in Le Travail, welcomed the Liberal victory: since the federation had already gone on record as supporting the nationalization of hydroelectric power, he argued, "it can only be satisfied with the results of the last provincial election." Marchand also expressed his elation at the voting behaviour of union members, especially those in the major urban centres, who had rejected the UN's demagogic appeals for a return to the good old days of Duplessisme, and voted "massively" for the Liberals.⁵⁷ Marchand may have been

guilty of hyperbole in his analysis of the election, since working class voters still supported the UN in large numbers (as Table 3.1 bears out), but the Liberal party had made significant inroads into this constituency in the short span of two years.

It was quite natural then for the government to seek to cultivate its links with organized labour, which constituted a strong ally in the modernization project. This need for labour's support was especially critical in the aftermath of the 1962 election, when the government entered upon its most frenetic phase of state-building. If labour's assistance in this project was to be forthcoming, however, far greater progress would have to be made in the reform of labour policy. The CSN affirmed its dissatisfaction with the snail-like pace with which the government was proceeding on the reform of the Labour Code, and indicated that it had expected "much more" of the Lesage administration.⁵⁸ For its part, the FTQ was even more caustic than the CSN; it accused the government of using economic nationalism to deflect attention from its lack of progress on labour and other social issues:

Qu'il nous soit permis d'ajouter ... qu'autant nous approuvons le recours au nationalisme économique comme moteur en vue de réalisations telles que la nationalisation de l'électricité, autant nous en désapprouvons l'exploitation comme moyen de freiner le progrès social et de brimer les aspirations légitimes des classes défavorisées de la société.⁵⁹

On June 5 1963 the Minister of Labour finally introduced the first version of the Labour Code (Bill 54) into the Legislative Assembly. This particular incarnation of the legislation was a fairly timid document, reflecting the government's desire to move cautiously and make concessions to both labour and management. Both the CSN and the FTQ were bitterly disappointed with Bill 54 which, they pointed out, hardly constituted a true "Labour Code" at all, since it failed either to consolidate all existing legislation governing industrial relations or to establish separate labour courts.⁶⁰ Some aspects of the proposed law did meet with organized labour's approval: the repeal of Duplessis's 1954 amendments to the Loi des relations

ouvrières, which had permitted the automatic decertification of any union that tolerated Communists among its officers or organizers or that called a strike in the public services; guarantees of free passage to union organizers in logging camps (camp operators had previously been able to take advantage of the nature of logging work to harass organizers and impede unionization); the guarantee of a voluntary, revocable dues check-off, which, though largely symbolic (since most collective agreements contained such provisions) sent a much-needed message to certain reactionary, anti-union employers in the mining industry that union security was a goal of public policy⁶¹; and the streamlining of the conciliation process, from two stages to one.

These gains, however, were more than offset in organized labour's eyes by the Bill's regressive and coercive features. The proposed Code placed too many restrictions on the right of association, removing professionals, domestics and farm workers from its coverage. According to the two labour federations, these categories of workers should have been given the freedom to choose whether or not they wanted to avail themselves of the benefits of unionization. The stipulation that a secret ballot vote be held before a strike could be considered legal, and the state's determination of the timing of such a vote, constituted unwarranted intrusions into the internal affairs of trade unions, robbed the strike of much of its strategic effectiveness, and pandered to the employers' reactionary belief that strikes were largely the product of a militant and undemocratic leadership. Finally, the Bill's treatment of public-sector labour relations was every bit as coercive and paternalistic as that of the Duplessis regime and in some respects represented a drastic step backward. The CSN and the FTQ both found article 60 of Bill 54 to be particularly loathsome. This clause empowered the Ministers of Health and Youth to submit duly signed collective agreements between unions and school boards or hospitals to

arbitration, thus negating the very essence of collective bargaining. On the whole, the CSN found the government's first essay at a Labour Code to be "retrograde," and out of touch with existing reality in industrial relations.⁶² The FTQ's denunciation of the Bill was even more trenchant: "Les travailleurs s'attendent à un Code du travail qui soit un monument et on leur présente un vulgaire tas de pierres."⁶³

If Bill 54 earned the ire of organized labour, it nevertheless failed abysmally to kindle the enthusiasm of business in the province. In a brief to the Lesage government, the API called for a delay of unspecified duration in the implementation of the legislation in order to allow further study of the Code's ramifications.⁶⁴ In testimony before the Legislative Assembly's Committee on Industrial Relations, the lawyer representing the API, the AMC, and other influential employers' associations fell back on the conventional arguments of capital against labour legislation that enhances union security: it inevitably raises the costs of production in the province and drives away investors. At that particular juncture, when the government was attempting to ensure Quebec's economic expansion through planning, it ought to have been promoting a healthy business climate rather than placing additional legislative burdens on employers:

Historiquement et logiquement, la notion de l'entreprise est antérieure à celle du syndicalisme. Au moment où il importe que toutes les parties composantes de la société entament le dialogue, nous croyons inopportun d'établir des conditions qui pourraient gêner les entreprises.⁶⁵

In the view of the major employers' associations, despite certain improvements (from business's standpoint) in the existing labour relations regime contained in the proposed Code (notably those concerning the public sector and the mandatory strike vote by secret ballot), Bill 54 still constituted an unjustified statutory protection of an interest group (labour) at the expense of the collectivity.

VERSION	COVERAGE	RIGHT OF ASSOCIATION	CERTIFICATION
1st 5 June 1963	all employees except: management, professionals, domestics, farm employees	provides for voluntary revocable dues check-off special protection for union organizers in logging camps	bargaining units at the level of a single plant (no multi- employer bargaining) special certification procedures possible for construction and logging
2nd 15 January 1964	all articles dealing with public sector referred to Special Committee for study accountants and chemists excluded from coverage as well as those listed above	special protection for union organizers in logging camps <u>and</u> mines	"
3rd 30 April 1964	all employees except: managerial personnel	"	professionals may form unions, but these must consist only of members of a single profession farm workers, if more than 3 are normally employed on a given farm, may form unions
4th 9 July 1964	all employees except: management, police, civil servants (temporarily; SAQ employees are covered), teachers (temporarily)	"	"

VERSION	COLLECTIVE AGREEMENT	RIGHT TO STRIKE
1st 5 June 1963	every collective agreement signed by a school board or hospital can be submitted by the Minister concerned to a tribunal for arbitration (art. 60)	one-stage conciliation process (non-binding arbitration eliminated) mandatory strike votes by secret ballot (art. 94) public services: no right to strike (compulsory binding arbitration instead); trucking removed from definition of public services
2nd 15 January 1964	provisions of a collective agreement can be enforced through the courts (art. 54)	"no person shall cease to be an employee for the sole reason that he has ceased work in consequence of a legal strike or lockout" truckng restored to definition of public services
3rd 30 April 1964	article 54, providing recourse to the courts to enforce collective agreements, is removed	article 94, mandatory strike vote by secret ballot, removed
4th 9 July 1964	article 60, right of Ministers to submit collective agreements in education and health sectors to arbitration, removed	public services, except police and firefighters (and, temporarily, teachers and civil servants) granted right to strike subject to a number of limitations modelled on U.S. Taft-Hartley Act

Source: Adapted from Gérard Hébert, "La genèse du présent Code du travail," in Le Code du Travail du Québec (Quebec: PUL, 1965; 20^e congrès des relations industrielles de l'Université Laval), Table 2, p. 22.

Changes in the successive versions of the Labour Code are summarized in Table 3.2. Apart from the second version of Bill 54, which was assailed by the trade unions as even more retrograde than its predecessor, the overall impact of the various amendments to the law was to reduce substantially the role of the state in industrial relations. In presenting the final draft of the legislation to the Legislative Assembly for third reading, Premier Lesage asserted that it represented an "evolution" in the government's attitude toward labour-management relations:

It is evident that in all the democratic countries of the world economic forces are tending more and more to replace judicial forces in the world of industrial relations ... In Quebec, it was time that we acted like other countries, that we recognized that this opinion prevailed.⁶⁶

As far as the private sector was concerned (the next section of the chapter examines the impact of the new Labour Code on public-sector labour relations), Bill 54 was extremely broad in its coverage, applying to virtually all workers, including domestics, farm workers, a wide range of professional employees, as well as the employees of the Quebec Liquor Board. Gone from the final draft was any mention of a mandatory strike vote by secret ballot; the government appeared to have taken to heart the criticisms of such a procedure made by industrial relations experts. H.D. Woods, for example, who was a member of the Conseil supérieur du travail in 1963-64,⁶⁷ argued that mandatory strike votes were "wrong" for a variety of reasons, the most important being that they assumed that union leaders call strikes irresponsibly (which Woods said was "highly unlikely"), and that "very practically, they are a waste of time and money since the union very, very rarely loses a strike vote ..."⁶⁸. Woods also observed that compulsory strike votes transfer authority from union leaders to the members of a bargaining unit, which may well have been the government's initial intention, but which it abandoned in the face of labour's vociferous opposition.

Another concession to union pressure—which included a special emergency convention of the FTQ in April 1964, at which the federation threatened a general strike if Bill 54 was not radically altered—was the elimination of article 54 from the Code. This provision, added to the second version of the Bill, stated that a collective agreement "shall give rise to all the rights and recourses provided by law for the enforcement of obligations."⁶⁹ According to both the CSN and the FTQ, this raised the possibility that the civil courts would be called upon to interpret and enforce collective agreements. "And the Civil Code ... is based on a conception of property rights whose principles run counter to every labour right... [I]t returns management-labour relations to those of master and servant."⁷⁰ Rescuing labour relations from the yoke of the Civil Code was one of the FTQ's principal goals when it called its emergency convention for April 11 1964, and the federation greeted the removal of the offending article 54 with satisfaction.

The Lesage government's vacillations over the proposed Labour Code, and the tortuous legislative trajectory of the four versions of Bill 54, reflect both the internal divisions within the Liberal cabinet and the government's ultimate capitulation to working-class mobilization (the solidarity rallies and the FTQ's threat of a general strike) and effective lobbying on the part of the CSN leadership. It is clear that Lesage was strongly opposed to any radical departures from existing labour relations, and he had a number of supporters among his ministers.⁷¹ Nonetheless, the progressive faction in cabinet, especially Lévesque and Paul Gérin-Lajoie, ultimately prevailed upon Lesage and the Ministers of Labour (Hamel and Fortin) to change their minds and accede to some of the unions' demands. Lévesque and Gérin-Lajoie, it should be noted, worked in concert with the increasingly important technostructure to convince the Premier of the need for a liberalized—but far from radical—Labour Code. Roch Bolduc, then secretary of the Special Committee on Labour Relations in

the Public Sector, played an extremely important role in shaping the final version of the Labour Code, as will become obvious in the next section of the chapter.⁷²

To organized labour, the final version of Bill 54 represented a considerable advance in the field of private-sector industrial relations. As the CSN put it, rather felicitously: "There is not the shadow of a doubt that this law constitutes a marked improvement on the past. We are emerging from the darkness, and the implementation of this law will allow us to judge whether we are now in the shadows or in an even greater clarity."⁷³ The new Labour Code had indeed allowed the trade unions to emerge from the industrial relations "darkness" of the Duplessis period, but there were a number of weaknesses in the legislation which attenuated its impact on the private sector. Most important among these was the Code's definition of a bargaining unit, which limited negotiations to the plant level and effectively outlawed multi-employer or sectoral bargaining. The government recognized that in the construction industry, which is characterized by seasonal employment and work sites that do not permit an easy definition of the labour force (because much of the work is temporary), the procedures set down in the Labour Code would not facilitate unionization and collective bargaining. Therefore one of the provisions in Bill 54 allowed the provincial Labour Relations Board to establish, by regulation, special certification procedures for the construction and logging industries.⁷⁴ This in no way solved the distinctive problems of these industries, however, as the lengthy crisis in construction-sector labour relations, the subject of the next two chapters, attests.

Limiting bargaining units to an individual firm or plant also impedes unionization in the private service sector of the economy, where the workforce is scattered among numerous small units, temporary and part-time work is common, and employer intimidation is fairly widespread. This lacuna in the Lesage government's labour legislation was all the more important in that the tertiary sector

of the economy—transportation, commerce, finance, personal services, and the public sector (health, education, public administration)—was precisely the one experiencing the greatest growth rates in the 1960s (see Table 3.3). As employment declined in the traditional strongholds of private-sector unionism (construction, manufacturing, mining) the benefits of the labour regime established by the Labour Code and its various legislative predecessors came to appear to unions and industrial relations experts alike as increasingly chimerical. Quebec's changing occupational structure, and the limited incentive to trade union growth in the private sector provided by the Labour Code—estimates of private-sector union density in the 1970s have usually been in the 20% - 30% range⁷³—spawned a series of demands by organized labour for a radical overhaul of the existing system and the implementation of some form of "sectoral" or industry-wide bargaining. This proposal was taken up by the Parti Québécois in the 1970s, and constituted one of the most important topics of labour-management debate throughout the post-Quiet Revolution period.

This section on the Lesage government's private-sector labour relations policy has shown that in this particular policy sector the provincial state did not demonstrate a great deal of independence from the most powerful organized interests in Quebec society. The reforms implemented by the Labour Code, though a significant departure from the authoritarianism of the Duplessis period, were nonetheless fairly timid, and did very little to encourage further unionization in the private sector. This timidity can be explained by the fact that private-sector workers were not essential to the Liberals' political project, which consisted above all in the modernization of the provincial state and the expansion of its capacity to intervene in the economy. Thus the Lesage government did not risk acting against the wishes of capital. It was only in the public sector that the autonomous objectives of the Quebec state were apparent

(and acted on) and it is to this part of the story that I now turn.

Table 3.3: Average Annual Growth Rates (%) in Employment in Quebec by Sector, 1951-1971

Industries	1951-1961	1961-1971	1951-1971
Agriculture	-3.93	-5.87	-4.90
Mining	2.31	-0.57	0.85
TOTAL PRIMARY	-3.07	-5.21	-4.15
Manufacturing	0.06	0.24	0.15
Construction	n/a	-0.98	0.16
TOTAL SECONDARY	1.33	0.00	0.15
Education	5.10	6.37	5.73
Medical Services	4.67	5.44	5.05
Various Services	17.17	5.46	11.16
TOTAL TERTIARY	3.78	2.53	3.16
TOTAL EMPLOYMENT	1.67	1.71	1.69

Source: Robert Varin, Les tendances de l'emploi par secteur d'activité au Québec, 1966-1974 (Montreal: Ministère du Travail et de la Main-d'oeuvre, Direction générale de la recherche, January 1976), Table 1, pp.14-15.

**V. THE LABOUR CODE, THE PUBLIC SECTOR, AND
THE MODERNIZATION OF THE QUEBEC STATE**

During the Duplessis era Quebec's public sector was relatively tiny, unionization of public employees quite limited, and public-sector union militancy almost non-existent. As a result, wages and working conditions in this sector (here defined narrowly as education and related services, medical and social services, and public administration) were frequently appalling. In education, as I pointed out in the previous chapter, there were gross disparities in the salaries of male and female teachers, and Protestant teachers tended to earn much more than their Catholic counterparts. In the hospital sector, working hours were unconscionably long and wages pitifully low, largely as a result of the unique working environment created by clerical domination of health care and the low level of unionization among hospital workers:

Hospitals were administered by Catholic nuns who hired their employees according to their own standards of justice and equity. Since many employees were young girls recruited from rural areas who were living in hospitals on a permanent basis, the nuns felt that these employees should be treated as if they were at the convent. Accordingly their working hours were very long and salaries had no relationship whatsoever to the labor market.⁶

In the provincial civil service, finally, patronage was rampant, promotions were made on the basis of arbitrary criteria that frequently had little to do with either competence or seniority, and conditions varied considerably from department to department. Indeed, according to Boivin, "each Department was a 'kingdom' in itself, and the relative degree of vertical mobility within various 'kingdoms' was subordinated to the generosity of the 'King', i.e. the Minister who was the head of the Department."⁷ Until the early 1960s, staff associations, with little autonomy and even less militancy, attempted to represent the interests of the civil servants, a category

which included both highly-trained professionals (such as engineers, statisticians and the like) and blue-collar employees as well (in the Quebec Liquor Board, for example).

By the early 1960s, Quebec's public sector had grown considerably; unionization among hospital workers, teachers, and civil servants had made impressive headway; and worker militancy was on the rise. Between 1951 and 1961, over 90,000 jobs were created in the public sector, accounting for approximately thirty-five percent of the increase in total employment in the province during that decade.⁷⁸ Membership in the CIC ballooned from 11,700 in 1958-59 to over 37,500 in 1962-63, while the CSN's National Federation of Services, which organized the bulk of the hospital workers in the province, almost doubled in size during the same period.⁷⁹ In the provincial civil service, despite Premier Lesage's peremptory assertion that "the Queen does not negotiate with Her subjects", (or, to put it in a less homely fashion, the doctrine of sovereignty does not permit the extension of trade union rights to government employees), a number of professional associations were by 1963 seeking certification as trade unions from the Quebec Labour Relations Board.⁸⁰ A series of strikes by nurses and "study sessions" held by teachers in 1963 and 1964 indicated for virtually the first time that these categories of workers were willing to defy the legal straitjacket imposed by existing labour relations legislation and resort to job action in order to catch up to wages and working conditions that prevailed in the private sector.⁸¹

This increase in the size and relative importance of Quebec's public sector, coupled with the Liberal party's commitment to the secularization of social services and the "rehabilitation" of the provincial civil service, put the question of public-sector labour relations near the top of the Lesage government's policy agenda. When the newly elected government finally set about drafting its Labour Code, it was forced to

provide answers to two very thorny questions regarding labour relations in the public sector. First, should public-sector employees be treated in more or less the same fashion as their private-sector counterparts? That is, should all workers, regardless of their employer, enjoy a relatively untrammelled right to strike? Secondly, since the government was shouldering an increasing proportion of the cost of financing education and health care, should it be present at the negotiating table along with the unions and the nominal employers, the local school boards and the hospitals? This last question raised a particularly intractable problem for the government: how could it reconcile the need for uniform working conditions and standards of service across the province with the desire to protect the autonomy of democratically elected local institutions? Centralized bargaining between the unions and the relevant ministries would ensure a standard level of health care and education across the province and permit the government to know first-hand the demands of its employees, but it would simultaneously trample on the decision-making powers of local school boards and municipalities. Retention of the existing pattern of decentralized bargaining, however, would hold a significant portion of the provincial budget hostage to decisions made at the local level, in which the provincial government had little or no input.

Not surprisingly, there was no shortage of advice from the representatives of labour and business on how the government should frame its policy, but most of the suggestions were mutually incompatible. The principal employers' associations in the province joined forces to oppose any liberalization of public-sector industrial relations. As the Mémoire du Comité patronal consultatif des services publics made clear, employers in the province supported the existing system of compulsory arbitration in a broadly defined public sector. The employers' brief endorsed, "sans réserve," article 60 of the first draft of the Labour Code, which would have effectively nullified the principle of collective bargaining in the educational and health sectors,

and created a system of state determination of public-sector wages without parallel in North America.⁸² The Comité patronal consultatif also supported the provincial state's right--indeed, its obligation--to override free collective bargaining in the public sector and to act as guarantor of the "common good":

...L'Etat a le droit de supprimer par voie législative l'usage de la grève quand celle-ci est une menace à la société et porte gravement atteinte à l'ordre public. Les relations de travail ne doivent pas dégénérer en une épreuve de force économique....En dernière analyse, à qui revient la charge d'agir comme régulateur de la vie en société? A l'Etat, ou au libre jeu des forces en présence? Quant à nous, nous nous optons en faveur du premier parce que source plus grande d'équité pour tous.⁸³

The full implications of this stance are only apparent when one considers just how broad a definition of the public sector the employers had: it included the entire gamut of industries that had been specified by the 1944 Loi des différends entre les services publics et leurs salariés. Not even trucking should be removed from the list of essential services, as the government was considering doing; a number of lawyers for various employers' associations pointed out that strikes in the trucking industry should continue to be banned in order to minimize the influence of the Teamsters, an American union whose unrestrained militancy would undoubtedly imperil a largely French-Canadian industry.⁸⁴

Both the FTQ and the CSN, meanwhile, had radicalized their demands for public-sector labour relations reform. As late as 1963, as I pointed out above, both federations were willing to accept considerable limitations on the right to strike in the public sector for reasons of public safety. By 1964, however, the two federations favoured a virtually unrestricted right to strike in the public services, since the best guarantee of public order and social peace was, they believed, to allow the parties to industry (whether in the private or the government sector) the freedom to assume their responsibilities and to bargain collectively. The only limitation on the right to strike in the public sector that was considered necessary was an informed public

opinion. An alert populace would be much more effective in ensuring the responsible use of the strike weapon than government coercion, Jean Marchand affirmed: "Je dis qu'un syndicat fasse une greve injustifiée dans un hôpital, il se tue....S'il y a un syndicat qui bloque un hôpital dans des conditions qu'il fait mourir et souffrir indûment des gens, je vous dis que ... l'opinion publique n'acceptera pas ça. Dans une démocratie, c'est ça qui est la force. Ce n'est pas de mettre une loi."⁶⁵ According to the CSN president, certain services were indeed essential--firefighting and municipal police, for instance--but it should be left to the bargaining parties to determine what services should be maintained in the event of a strike or lockout: "Là, ce serait vraiment une loi qui reflète l'existence d'une démocratie où les citoyens sont des êtres responsables non seulement à l'égard de leurs propres intérêts, mais aussi à l'égard du bien commun."⁶⁶ André Thibodeau of the FTQ contended that all workers should have the right to strike, the only possible exceptions being those permitted by the International Labour Organization, namely the armed forces and the police.⁶⁷ And the Syndicat des fonctionnaires provinciaux du Québec (SFPQ), representing approximately 12,000 civil servants in 1964, also demanded the right to strike--a "natural corollary of the right of association"--in order to ensure adequate remuneration and favourable working conditions for these vital employees. This was essential if the provincial civil service was to attract competent personnel and thereby fulfil the role expected of it by the Lesage government--efficient administrator of the burgeoning state apparatus.⁶⁸

It is impossible to determine precisely what brought about this fundamental shift in trade union thinking on the question of the right to strike in the public sector. It is likely, however, that the wave of illegal walkouts in the hospitals and schools in 1963 and 1964 played a major role in altering labour's philosophy on the strike and in sensitizing certain cabinet ministers (Lévesque, for one) to the need for an alternative to compulsory arbitration in the public sector. If the fairly draconian

measures set down by the existing legislation on public-sector labour relations were not sufficient to prevent strikes or other forms of work stoppage (such as the teachers' use of "study sessions"), the thinking seemed to be, then some other means of ensuring labour peace had to be found. For organized labour this alternative was the private-sector model of collective bargaining, with the ultimate sanction of public opinion to ensure the responsible use of the strike weapon. A number of political and conjunctural factors gradually brought the government around to organized labour's way of thinking.

Confronted with the divergent opinions of labour and business, and grappling with its own contradictory policy objectives, the Lesage government's first response was simply to reaffirm the status quo: the first version of the Labour Code, insofar as the public sector was concerned, was even more restrictive than the 1944 legislation. When this elicited howls of outrage from the Liberals' supposed staunch allies, the trade unions, the government retreated into further study and consultation. In the second version of Bill 54, all provisions applying to the public sector were bracketed and referred to a Special Committee on Labour Relations in the Public Services for scrutiny (the committee was chaired by Claire Kirkland-Casgrain, Minister without Portfolio). This committee was itself unable to reach a clear consensus on public-sector labour policy. It recommended that hospital and municipal employees be covered by the Labour Code but that they not be given the right to strike.⁹⁹ As for teachers, the committee was unable to reach any conclusion at all, and urged that yet another special task force be struck to investigate labour relations in the educational sector in light of "the exigencies of a coherent plan of educational development and the growing financial involvement of the government in the funding of education, in addition to the requirements of modern trade unionism and those of a healthy decentralization of school administration."¹⁰⁰ In the case of provincial civil

servants, finally, the committee urged that these employees not be covered by the normal provisions of the Labour Code, that they not be allowed to strike, but that the range of issues subject to bargaining be broadened somewhat.⁹¹

In view of the Special Committee's rather conservative recommendations and the adamant opposition of employers' groups to any liberalization of public-sector labour relations, the final version of the Labour Code represented a considerable advance for organized labour. Apart from teachers and civil servants, who were temporarily excluded from the coverage of the legislation while special task forces conducted investigations into these areas, virtually all public-sector workers were granted the same trade union rights as private-sector employees. The only restrictions on the bargaining rights of workers in the public services were, first of all, the prohibition on strikes by firefighters and policemen, and secondly, the stipulation that a union in any of the public services must inform the Minister of Labour, in writing, eight days before it intends to strike. In addition, the Quebec legislation reproduced certain provisions of the U.S. Taft-Hartley Act⁹² whereby the Lieutenant-Governor-in-Council could constitute a commission of inquiry if it determined that an actual or potential strike in the public sector would endanger the health or safety of the community. This commission would have sixty days to report on the facts of the dispute; it could not issue recommendations. After this "cooling-off" period, the Attorney-General could seek an injunction to prevent or end the strike, if he or she was still of the opinion that the stoppage imperilled public safety.⁹³ This injunction would automatically expire after twenty days, leaving no recourse to prevent the strike other than emergency legislation.⁹⁴

The final foundations of the Lesage government's labour policy were put in place in 1965, when legislation was passed to bring teachers under the coverage of the Labour Code, subject to the same provisions as all other public-sector employees,⁹⁵

and the Civil Service Act was adopted.⁹⁶ The latter gave the province's civil servants the right to associate (and simultaneously certified the Syndicat des fonctionnaires provinciaux du Québec as the bargaining agent for the 30,000 or so government employees) and the right to affiliate to a union federation, provided the latter did not engage in partisan politics or make financial contributions to a political party, something which effectively ruled out the FTQ because of its ties to the NDP. This question of union affiliation had been a controversial one during the committee hearings on the proposed Labour Code, with government spokesmen defending the traditional view of civil servants as non-partisan, neutral administrators and raising the spectre of political strikes by government employees if affiliation were allowed. Union representatives, on the other hand, pooh-poohed the government's fears, claiming that any federation that dabbled in partisan politics would automatically lose its civil service affiliates, and therefore ought to be allowed to exercise its own judgment and responsibility in this matter.⁹⁷ Although the CSN clearly benefited from this provision of the Civil Service, it is impossible to demonstrate that the government consciously set out to penalize the FTQ. Moreover, the benefits accruing to the CSN from its successful affiliation of the SFPQ were distinctly short-term, since the civil servants' union became increasingly alarmed at the CSN's growing politicization in the late 1960s. By the early 1970s, as we shall see in a subsequent chapter, the SFPQ felt compelled to disaffiliate from the CSN because of the latter's political strategy and bargaining tactics during public-sector negotiations.

Government employees in Quebec, apart from prison guards and a limited number of other occupations, also received the right to strike in 1965, provided there was a prior agreement between the bargaining parties on the extent of essential services and the means to maintain them (in the event of a disagreement between the two parties, the Quebec Labour Relations Board would decide). Premier Lesage

boasted that this provision of the Civil Service Act, coupled with the sections of the Labour Code that governed public-sector industrial relations, represented the most progressive ("avant-garde") labour regime in all of North America, and in many respects surpassed European legislation in the field.⁹⁸ Most observers at the time conceded that there was more than a little truth to the Premier's boast.⁹⁹

How does one account for the fundamental shift in the Lesage government's labour policy that occurred between 1963 and 1965? At least four factors can be cited to explain the favouritism that the final version of the Labour Code and the Civil Service Act displayed toward the trade unions. First, the organizational fragmentation of capital in Quebec reduced its effectiveness as a lobbyist. Throughout the early sixties the API waged a vigorous campaign for the creation of a Conseil du Patronat in order to give employers a unified voice and to combat the growing organizational strength of labour and the aggressive interventionism of the provincial state. The API's proselytizing efforts did not bear fruit until after the defeat of the Lesage government in 1966, however, and this undoubtedly had a positive impact on labour's performance as a pressure group. One ought not to overestimate the importance of this factor, however, since business had at its disposal an arsenal of weapons (control over investment, for example) which made it less dependent than labour on traditional institutional forms of access to government policy makers.

A second factor that can be cited to explain the Lesage government's move toward a more liberal labour policy is the concerted opposition of the trade union movement to the early drafts of Bill 54. The FTQ's role in galvanizing this opposition was crucial; the campaign against Bill 54 was for the FTQ a means of capturing some of the CSN's social dynamism, a way of demonstrating that it was as progressive as its more nationalistic counterpart, and perhaps more effective because of the absence of any ideological or personal ties between it and the Lesage government.¹⁰⁰ The

timing of the FTQ's special emergency convention in early April 1964, and its threat of a general strike if necessary, made it appear that the Lesage government was caving in to union pressure when it tabled its substantially revised third version of the Labour Code on April 30. Indeed, the Union Nationale accused the government of yielding to those who "yelled the loudest" when it shifted gears on the question of the right to strike in the public sector.¹⁰¹

In addition to these two "sociological" factors, so called because they reflect the impact of differential societal pressures on state policy outcomes, one can cite two factors internal to the Quebec state itself that helped shape the Lesage administration's labour policy. The first of these is what might be called the process of "political learning"¹⁰²—the diffusion of ideas and policies from other jurisdictions and the effect these have on the bureaucratic officials and politicians who actually frame programs. In an attempt to explain the government's seemingly abrupt shift in thinking on the right to strike in the public sector, the Minister of Labour called attention to the need for "consistency" and "logic" in the proposed Labour Code:

...les mémoires qui nous ont été fournis par les associations ouvrières groupant la majorité des employés nous demandent de leur donner le droit de grève, ils veulent être assujettis au droit commun. Et, il faut que le gouvernement soit logique avec son attitude. Le principe de base, si nous acceptons pour les ouvriers le droit d'association, il faut nécessairement accepter le mécanisme de la convention collective, et ceci nous conduit infailliblement au droit de grève. Ce n'est que par exception que nous devons défendre la grève telle que prévoit la convention internationale de Genève. A l'heure actuelle, dans tous les pays qui acceptent la convention internationale ce n'est qu'aux policiers, dans quelques cas aux pompiers, et aux forces armées, qu'on enlève, par une législation, le droit de grève.¹⁰³

Both the Minister and members of the Union Nationale cited a report by Roch Bolduc, secretary to the Special Committee on Labour Relations in the Public Services, as being instrumental in changing their thinking on the subject of public-sector labour relations. Consisting of a comparative survey of the labour regimes in Europe and North America, the report underlined Quebec's unenviable position as one of the most

repressive jurisdictions among democratic countries when it came to the rights of public-sector workers.¹⁰⁴ The important role played by Bolduc in swaying the opinions of government leaders underscores the growing importance of the technostucture in Quebec, the stratum of highly educated francophones from the middle class whose career aspirations were inseparably bound to the growth of the provincial state.

The three factors discussed thus far—fragmentation of employers in Quebec, mobilization of labour in support of full bargaining rights for public-sector workers, and the process of political learning—cannot, in and of themselves, fully account for the Lesage government's actions. It is also necessary to refer to a fourth determinant of the Liberals' labour policy, one which was by far the most important in overcoming the entrenched opposition of Lesage and other conservatives within cabinet to the transposition of the private-sector model of labour relations to the public sector. This last factor was the Liberal Party's political project of modernizing the state apparatus. Granting full trade union rights to hospital workers and teachers was one way of neutralizing the inherent conservatism of the traditional elites that had administered these programs for most of the twentieth century (clergy and local notables). As Jean-Marc Pôtier has argued:

...la rationalisation des appareils d'Etat ... nécessit[ait] l'aide des appareils syndicaux pour lutter contre le patronage, l'anarchie administrative et le gaspillage, et exige[ait] une amélioration de la rémunération du travail des employés du secteur public et para-public, employés qui se situaient, à compétence égale, parmi les travailleurs les plus mal payés du Québec.¹⁰⁵

When confronted with the demands of an aggressive trade union movement, Pôtier goes on to argue, the local school and hospital administrators were forced either to modernize their facilities or seek assistance from the provincial state, which the latter, as controller of the purse strings, sincerely desired.¹⁰⁶

Unionization of the public sector, including the civil service, was also a means of eradicating the cruder forms of patronage from Quebec's political life. The Quebec

Liquor Board, for example, had since Duplessis's time been a haven for patronage appointments; according to Boivin, employees of the Société des alcools du Québec (SAQ) were often used as election workers by the incumbent government, and wholesale firings of supporters of the "enemy" were commonplace in the aftermath of a change in government.¹⁰⁷ Unionization of these workers was one of the surest ways to protect against this sort of political meddling in hiring and firing. Two union locals, one for blue-collar workers and one for administrative staff, were certified for SAQ employees in 1964, and these were the first employees of the Quebec Civil Service to be granted the right to strike (see Table 3.2, fourth version of Bill 54). These workers promptly exercised their newly won right to strike in December 1964, in a dispute that lasted over ten weeks. It was during this strike that René Lévesque told a group of picketing workers not to give up ("Lâchez pas"); Lévesque was convinced that SAQ employees needed a collective agreement in order to protect themselves against losing their jobs for patronage-based reasons. Lévesque's highly publicized support of the strikers prompted the personal intervention of Premier Lesage, who quickly secured a settlement to the dispute.¹⁰⁸ This incident is especially noteworthy as an illustration of the support for organized labour's demands within the progressive faction of the Lesage government.

Under pressure from the progressive wing of his cabinet, and from the technostructure as well, Lesage was finally won over to the view that trade unionism could play a key role in achieving his government's overriding objective of revitalizing the state apparatus. In the debate on third reading of the Civil Service Act, Lesage sketched the philosophical underpinnings of his government's public-sector labour policy, and at the same time provided evidence of the divisions within his government over this issue:

Nous avons promis ... il y a un an, une loi d'avant-garde.
Contrairement à ce que l'on pense ou à ce qu'on a voulu laisser

entendre, je suis extrêmement heureux de la soumettre à la Chambre pour approbation. La revalorisation de la fonction publique, je l'ai prêchée et mes collègues, ministres et députés l'ont prêchée depuis des années. Elle est commencée. Au plan du recrutement et de la sélection, j'ai cité des statistiques qui sont éloquentes. Le recrutement des gradués universitaires se systématise....En matière de relations de travail, nous proposons d'instaurer un régime syndical plus progressiste que tout ce que nous connaissons en Amérique du Nord....Qu'on le comprenne bien, nous sommes à l'avant-garde.¹⁰⁹

The trade unions echoed this discourse of modernization, and invoked the Liberals' commitment to the creation of un Etat fort in order to justify the transposition of the private-sector model of industrial relations to the public services. Jérôme Choquette, then counsel for the SFPQ (and future Cabinet minister in the Bourassa government), argued before the Special Committee on Labour Relations in the Public Services that the state in Quebec had traditionally been "un Etat-refuge," which welcomed into its workforce those people who could not find jobs in the more dynamic sectors of the economy. Public-sector occupations, therefore, were akin to a form of charity, and wages and working conditions were accordingly quite horrific. In the era of "l'Etat-planificateur" which the Liberals had inaugurated, however, a competent, efficient civil service was necessary to implement the numerous programs of an interventionist state. The best way to attract this competent civil service, according to Choquette, was to grant full trade union rights, including the right to strike, to government employees. Only then would wages and working conditions become comparable to those in the private sector.¹¹⁰

Some revisionist interpretations of the Quiet Revolution have downplayed the significance of the Lesage government's public-sector labour reforms. Dorval Brunelle, for example, has argued that the extension of the right to strike to public employees in Quebec amounted to little more than a counterfeit reform, so numerous were the provisos that hedged in the deployment of this "right."¹¹¹ Like all of the so-called reforms during the Quiet Revolution, Brunelle contends, the innovations in labour

policy did nothing to alter the economic supremacy of the bourgeoisie in Quebec. Yet this revisionist thesis overlooks the obvious: the tremendous fillip to trade union growth provided by the new Labour Code and the Civil Service Act--most of it taking place in the public sector (see Table 3.4)--and the resurgence of union militancy between 1964 and 1966, again most of it occurring in the public sector. To cite some relevant statistics: in the mid-sixties, rates of growth in union membership reached their highest levels since the Second World War. The CSN's membership more than doubled between 1960 and 1966, and by the end of the Quiet Revolution over 40 percent of the federation's members came from the public sector, setting the CSN on a collision course with its employer, the provincial state.¹¹²

If the Lesage government had had as one of its objectives the containment of the working class when it framed its labour policy (as Brunelle implies), then it obviously botched the job. No sooner had the government liberalized public-sector labour relations than a series of controversial strikes engulfed the province. Hospital workers, teachers, employees of the Quebec Liquor Board, and government professionals (mostly engineers) all went on strike during the two-year period following the enactment of the Labour Code, as these workers experimented with their new "toy," as Boivin calls it, and sought to fill the gap between their compensation and that for comparable jobs in the private sector.¹¹³ The chaos in the public sector is thought by some to have fuelled the conviction among growing numbers of voters that the Quiet Revolution had gone too far, too quickly, and thereby contributed to the Liberals' defeat in the 1966 election. (See Table 3.5 for an indication of the relative importance of public-sector disputes in the mid-sixties).

Table 3.4: Union Membership in Quebec by Federation, Union Density, and Annual Growth Rates in Membership, 1960-1966

Year	CSN (⁰⁰⁰)	FTQ (⁰⁰⁰)	CIC (⁰⁰⁰)	Total Members hip	Union Density*	Annual Increase in Membership (%)
1960	94	99	30	354	29.6	+5.1
1961		101	34	353	30.2	-0.3
1962	114	104	38	354	28.7	+0.2
1963		113	38	360	28.5	+1.7
1964	141	111	42	410	31.3	+13.7
1965		149	48	455	33.0	+11.2
1966	204	141	54	515	34.9	+13.0

*union membership as a percentage of paid, nonagricultural workforce

Source: Hélène David, "L'Etat des rapports de classe au Québec de 1945 à 1967," Table 1, p.63.

Table 3.5: Strikes and Lockouts in Quebec by Sector, 1960-1966

Year	Number of Strikes		Person-Days Lost (⁰⁰⁰)		Time Lost in Public Sector as % of Total
	All	Public	All	Public	
1960	38	0	207.2	0.0	0.0
1961	49	0	458.8	0.0	0.0
1962	53	0	585.2	0.0	0.0
1963	73	10	338.8	11.9	3.6
1964	65	3	401.7	77.2	19.2
1965	98	6	606.8	388.8	63.8
1966	137	12	1,926.96	661.7	34.3

Source: Jean Boivin, The Evolution of Bargaining Power in the Province of Quebec Public Sector (1964-1972) (Quebec: Université Laval, Département des relations industrielles, 1975), Table 15, p.166.

A number of the settlements won by public-sector unions in the first "round" of negotiations with the provincial government (which, unlike subsequent rounds, was very decentralized and staggered over a number of years) were quite generous, something that belies Brunelle's contention that the new labour regime was of little consequence for the working class.¹¹⁴ The teachers made some of the most substantial economic gains, and this alerted the provincial government to the drawbacks of decentralized negotiations, which inevitably left the employer (school boards and provincial state) vulnerable to the "whipsawing" tactics of the unions--the use of settlements negotiated with weak or unsophisticated employers as the basis for collective agreements elsewhere. As the party that was increasingly being asked to pay for these settlements, the province began to see the advantages in a centralized bargaining regime, one which would establish relatively uniform pay scales and working conditions throughout the public sector. This process of centralization, barely initiated when the Lesage government fell to the Union Nationale in 1966 and continued thereafter, had a number of unintended and deleterious consequences of its own: further politicization of industrial conflict, heightened union militancy, and widespread social conflict in the 1970s. At least one union official, Léopold Garant of the CIC, had foreseen the inherent difficulties in centralized bargaining in the public sector:

Ne voyez-vous pas un danger plus grave que celui qu'on veut corriger, si le ministre est présente à la table de négociations? Est-ce que les conflits n'auraient-ils pas tendance à se généraliser au lieu de se limiter à un petit coin ou à une région ? ... Vous risquez d'avoir des conflits beaucoup plus graves que ceux que vous voulez éviter.¹¹⁵

Subsequent chapters will indicate just how prophetic this statement was.

In summary, the extension of full bargaining rights, including the right to strike, to public-sector workers in 1964 and 1965 clearly demonstrated the autonomy of the provincial state from powerful organized interests. This autonomy was by no

means absolute, since the Liberals were also responding to the demands of a section of the labour movement (the CSN) when they framed their public-sector labour relations policy. Nonetheless, as I have shown, important organizational and political factors were what finally neutralized the opposition to these reforms of both business and the conservatives in the government (including Lesage himself). Paramount among these factors were the ideology of modernization that informed many of the Lesage regime's actions and the provincial state's need for a new type of workforce, one not tainted by the patronage practices of the old regime, in order to realize the Liberal Party's and the new middle class's state-building objectives.

It was thus a complex combination of factors that produced the sweeping reforms of public-sector labour relations: strong links between the Liberal government and the CSN leadership; a rising technostructure that was conscious of the need for a more rational approach to hiring in the public sector; the ascendancy of the ideology of modernization, which called for the equalization of conditions among government employees; and the pressure applied by the progressive faction within the Liberal government. Finally, it is important to underline the unintended consequences of the Lesage government's actions: the creation of a militant, politicized workforce in the public sector. This was an outcome for which neither the provincial state nor business had bargained, and it would profoundly affect the course of labour relations in Quebec's public sector for the next two decades.

VI. A BRIEF NOTE ON TRIPARTITE CONSULTATION

DURING THE QUIET REVOLUTION

Earlier in this chapter I argued that the existence of consultative institutions uniting the state, labour, business, and certain other representative associations (the cooperative movement, for example) can be used as an indicator of the strength and legitimacy of the producer groups in society. Hence, the Duplessis government's indifference to the advisory bodies created by the Godbout administration during the Second World War reflected the paternalistic manner in which the Union Nationale treated subordinate groups, especially organized labour, in Quebec society. By the same token, the Lesage government's revival of the Conseil supérieur de travail and the Conseil d'orientation économique du Québec was a measure of the trade union movement's new-found legitimacy, and a reflection of its growing organizational strength. Nevertheless, as I have argued in earlier sections of the chapter, the actual influence of these advisory bodies on government policy was quite limited, a fact which the labour federations lamented. Not only did the government choose to ignore many of the CST's recommendations on a proposed Labour Code,¹¹⁶ but the COEQ, for which labour had had such great hopes, proved to be a bitterly disappointing experience. Neither federation was impressed by the Lesage government's feeble efforts at planning. According to the FTQ:

Pour faire de la planification économique, il faut d'abord avoir un plan. Or, le [COEQ] ne semble pas en voie d'en produire un; tout se passe comme s'il avait pour mission de rallier tout le monde autour d'une planification incitative dont nous croyons que, dans le contexte nord-américain de la libre entreprise, elle ne signifiera pas grand-chose. Et pour mettre en application un plan, si timide soit-il, il faut posséder des organes de planification. Or, nous n'avons jamais pu déceler, dans l'attitude de votre gouvernement, la moindre intention d'en créer; on semble y considérer le COE, qui ne possède aucune autorité, comme l'aboutissement d'une politique de planification.¹¹⁷

The gradual transformation of the COEQ into a preeminently technocratic organization, whose chief purpose was to provide technical expertise to business (and not establish the kind of social democratic planning that the unions had envisaged), and which lacked any real authority to formulate policy, more than anything else underscored the limited nature of the Quiet Revolution reforms. Despite the undeniable gains made by organized labour during this period, which were largely the product of its privileged links with the provincial Liberal Party, the trade union federations came increasingly to believe that the government was far too timorous in its economic policy, that it did not challenge the existing balance of power in industrial society.¹¹⁸ Labour's growing disenchantment with the limited and contradictory nature of the Quiet Revolution reforms accounts for the gradual unraveling of the ideological threads that bound together the coalition of "progressive" forces that had achieved an unparalleled degree of political influence with the Liberal victory in 1960.

VII. CONCLUSION

This chapter has examined the labour policy of the Lesage government during the Quiet Revolution. The Liberal Party, primarily a vehicle for the economic and political aspirations of a nascent francophone new middle class (as demonstrated by the voting patterns in the 1960 and 1962 elections), came to power with substantial support from organized labour and somewhat more guarded support from francophone employers. Each of these three components of what William Coleman has labelled the Quiet Revolution coalition--new middle class, organized labour, and francophone bourgeoisie--articulated a strong desire for rattrapage, and saw the

provincial state as the instrument for the political and economic modernization of Quebec. With this inter-class coalition behind it, the new government was able to neutralize the opposition of big business to its state-building initiatives, at least in some cases. The nationalization of hydro-electric power in the province was one such instance when big business strongly opposed the Liberal government, without success. The extension of full bargaining rights to public-sector employees was another example of the Anglo-Canadian and American bourgeoisies' inability to impose their will on the provincial state, though in this case the government's recalcitrance is even more surprising given the opposition of all sections of the capitalist class—including francophone entrepreneurs—to the reform.

A key element in the creation of a fully modern state apparatus in Quebec, I have argued, was the attraction of a new type of workforce to the public sector, both to replace the patronage-ridden labour relations practices that had characterized the Duplessis years and to dislodge the traditional elites who had controlled the educational, social welfare, and health bureaucracies in Quebec before 1960. Granting full trade union rights, including the right to strike, to public-sector employees was the route chosen by the Lesage government to accomplish this objective. This policy did not originate exclusively from within the state, even if the newly powerful technostructure (including such individuals as Roch Bolduc and Jacques Parizeau) was largely in agreement with it. Lesage and his government also came under intense pressure from an increasingly militant labour movement, some sections of which (the CSN, primarily) had strong ties to the Liberal Party. Therefore both state objectives and societal pressures need to be taken into account in the explanation of the Lesage government's labour policy.

This chapter has by no means made the claim that the Lesage government's labour policies were in any way revolutionary, or constituted a fundamental challenge

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to the position and power of capital. My analysis of the rather timid reforms in private-sector labour relations, as well as the government's passing infatuation with tripartite planning (the COEQ), should suffice to dispel any notion that the Quiet Revolution was revolutionary in an economic as well as an ideological sense. What I have argued, though, is that the needs and interests of capital are not sufficient to explain the timing and nature of the Liberals' public-sector labour policy. To understand the sweeping changes in public-sector labour relations implemented by the Lesage administration in 1964-65, one must look first to the political objectives of a modernizing state that was seeking to wrest control of a burgeoning public sector from entrenched traditional elites.

Once implemented, the Liberal government's public-sector labour relations policies had a number of unforeseen consequences that neither the provincial state nor business desired. For the new bargaining regime promoted not only the rapid unionization of the public sector but the simultaneous radicalization of government employees as well. So long as collective bargaining in this sector remained decentralized, the consequences of radical trade union action could be contained. However, the technocrats who had been installed in positions of power by the Quiet Revolution would assume an even more prominent role after the defeat of the Liberals in 1966, for reasons to be explored in the next chapter. It was this group more than any other that was behind the drive to centralize negotiations in the public sector and (to a lesser extent) in the construction industry as well, primarily for political and institutional reasons. As the following chapters will show, centralized collective bargaining in economically or politically important sectors, when the workforce is highly organized and militant, is a formula for political confrontation. It can also bring on the abrupt defeat of incumbent governments, as both Robert Bourassa and René Lévesque would later learn.

CHAPTER THREE ENDNOTES

¹Memoirs, trans. Philip Stratford (Toronto: McClelland and Stewart, 1986), pp.184, 186.

²H.D. Woods, "Trends in Public Policy in Labour Relations," Relations industrielles 20:3 (July 1965), p.432; cf. Gérard Dion, "Le Code du travail de 1964 a-t-il été trahi..." in Rodrigue Blouin et al., eds. Le Code du travail du Québec 15 ans après ... (Quebec: PUL, 1979; 34^e congrès des relations industrielles de l'Université Laval), p.249.

³Shirley Goldenberg, "Collective Bargaining in the Provincial Public Services," in The Institute of Public Administration of Canada, Collective Bargaining in the Public Service (Toronto, 1973), p.25; for a similar interpretation, see Gérard Hébert, "Le Code du travail du Québec: principales orientations," Relations industrielles 20:1 (January 1965), p.61.

⁴For an interesting interpretation of this feature of the Lesage government's labour policy, one that largely corresponds with my own, see Paul Dauphinais, "Jean Lesage face au droit de grève dans les services publics," in Robert Comeau, ed., Jean Lesage et l'éveil d'une nation (Sillery, Quebec: Presses de l'Université du Québec, 1989), pp.211-218.

⁵Dorval Brunelle, La désillusion tranquille (Montreal: Hurtubise HMH, 1978); cf. Hélène David, "L'État des rapports de classe au Québec de 1945 à 1967," Sociologie et sociétés 7:2 (November 1975), pp.33-66.

⁶This critique relies heavily on Leslie Pal's article, "Relative Autonomy Revisited: The Origins of Canadian Unemployment Insurance," CJPS 19:1 (March 1986), pp.74-77. Pal criticizes the tendency of class explanations of public policy to reduce "all significant state action to the impetus of class struggle." Among other things Pal asserts that "real effects may differ significantly from intended ones, and some or even most intended effects may have no immediate class correlate." (p.77)

⁷Le Travail (newspaper of the CTCC/CSN), Sept. 1959, p.5.

⁸Brunelle, La désillusion tranquille, pp.7,19.

⁹H.F. Quinn, The Union Nationale, 2nd ed. (Toronto: University of Toronto Press, 1979), pp.200-203.

¹⁰Ibid., pp.180, 201; Dale Thomson, Jean Lesage and the Quiet Revolution (Toronto: Macmillan, 1984), p. 77. Interestingly, Sauvé's reputation did not seem to suffer markedly from this revelation.

¹¹The two pamphlets were L'Immoralité politique dans la province de Québec (1956) and Le Chrétien et les élections (1960). For a brief discussion of these pamphlets, see Quinn, The Union Nationale, pp.165, 178.

¹²Quoted in Peter C. Newman, "The French Revolution, Quebec 1961," Maclean's, 22 April 1961, p.84.

¹³Lévesque, Memoirs, p.152.

¹⁴Quoted in Newman, "The French Revolution," p.88.

¹⁵Thomson, Jean Lesage, pp.97, 107.

¹⁶For a similar view, see Kenneth McRoberts, Quebec: Social Change and Political Crisis, 3rd ed. (Toronto: McClelland and Stewart, 1988), p. 458, n.21: "Without the presence of Gérin-Lajoie and Lévesque, the accomplishments of the Lesage administration would have been much less substantial. Nevertheless, they were present, constituting a force that was virtually absent from the Duplessis Cabinet." For some idea of the distinct ideological currents present within the Liberal Party in 1960, see Jean Hamelin and André Garon, "La vie politique au Québec," in Vincent Lemieux, ed., Quatre élections provinciales au Québec, 1956-1966 (Quebec: PUL, 1969), p.15.

¹⁷This tripartite institution (comprising trade unionists, employers, and government-appointed experts) was first established in 1943 by the Liberal government of Adélard Godbout. Modelled on the corporatist proposals of the Action libérale nationale for an economic parliament, the COEQ had barely begun to operate when the Union Nationale was returned to power in 1944. Duplessis, who tended to confuse the ALN's brand of corporatist nationalism with Communism, performed euthanasia on the advisory council by the simple expedient of refusing to renominate its members.

¹⁸Quoted in Jean-Louis Roy, Les programmes électoraux du Québec, Tome II (Montreal: Léméac, 1971), p.380. On the original version of the COEQ, see Brunelle, La désillusion tranquille, pp.103-4.

¹⁹These are the elements in what William Coleman terms the Quiet Revolution coalition in The Independence Movement in Quebec, 1945-1980 (Toronto: University of Toronto Press, 1984), pp.92-4.

²⁰Thomson, Jean Lesage, p.87.

²¹See Pinard's article, "Working Class Politics: An Interpretation of the Quebec Case," Canadian Review of Sociology and Anthropology 7:2 (1970), p.93.

²²Quinn, The Union Nationale, pp.185-86.

²³Quoted in Fern Audrey Rae Miller, "The Radicalization of Quebec Labour," Ph.D. dissertation, Yale University, May 1981, p.316.

²⁴Le Travail, 13 May 1960, p.3.

²⁵Ibid., 29 July 1960, p.1.

²⁶Roger Chartier, "Chronologie de l'évolution confessionnelle de la CTCC (CSN)," Relations industrielles 16:1 (January 1961), pp.106-112.

²⁷Hélène David, "L'Etat des rapports de classe au Québec," p.56 argues that relations between the CSN and the FTQ deteriorated during the 1960s in lockstep with the rise of nationalism: "La détérioration des liens entre les centrales n'est pas sans rapport

avec la montée du mouvement nationaliste qui favorise évidemment la CSN parce qu'elle est une centrale québécoise, tandis que la FTQ a à se défendre de ses liens pan-canadiens et continentaux."

²⁸As reported in Le Travail, April 1963, p.9.

²⁹CSN, Procès-verbal, 40^{ème} session du Congrès (Montréal, 1962), p.107.

³⁰This point was made by Shirley Goldenberg, in an Interview (telephone), Montréal, 14 October 1987. The move away from a pro-lobbying stance accelerated when Marcel Pépin replaced Jean Marchand as Secretary-General of the CSN, but it had begun in the last year or so of Marchand's tenure as union leader.

³¹See various articles in the FTQ's official organ, Le Monde Ouvrier, January 1960 and September 1960. See also Louis-Marie Tremblay, Le syndicalisme québécois (Quebec: PUL, 1972), pp.188-91.

³²Le Monde ouvrier, July-August 1960.

³³Tremblay, Le syndicalisme québécois, p.146.

³⁴For an insightful examination of the internal tensions in the FTQ during the Quiet Revolution, see François Cyr and Rémi Roy, Eléments d'histoire de la FTQ (Montreal: Editions coopératives Albert Saint-Martin, 1981), ch.3.

³⁵Raymond Laliberté, Interview, Québec City, 2 June 1989. See also Histoire du mouvement ouvrier au Québec, pp.219-20. On the CIC's ideological conservatism during this period, see Katherine Berg, "The Radicalization of the CEQ," M.A. thesis, Carleton University, 1973.

³⁶See Jean Marchand's testimony in Québec, Assemblée législative, Débats, Comité des relations industrielles, 1^{ère} session, 27^e législature, June 1963, pp.3-4, 57 (references to this committee's deliberations will henceforward be cited as CRI, Débats). For the FTQ's position, see FTQ, Bill 54, "Code du travail." Résumé des positions prises par la FTQ (March 1964).

³⁷CRI, Débats, p.86 (my emphasis). See also the comments made by Marcel Pépin (CSN's Secretary-General) in Le Travail, Sept. 1963, pp.6-7.

³⁸CRI, Débats, pp.5-6; cf. FTQ, Mémoire législatif (1963), p.15.

³⁹See McRoberts, Quebec, pp.164-67 for a discussion of the attitude of monopoly capital toward the Quiet Revolution.

⁴⁰"La tache urgente qui s'impose: une planification dynamique de notre économie industrielle," Le Québec Industriel, Feb. 1959, pp.10-11.

⁴¹Yves Bélanger and Pierre Fournier, L'Entreprise québécoise (Montreal: Hurtubise HMH, 1987), p.122.

⁴²"Une revue à la taille de ses lecteurs," Le Québec Industriel, Aug. 1959, p.46.

⁴³"L'A.P.I. en congrès," Le Québec Industriel, December 1959, p.32.

⁴⁴Brunelle, La désillusion tranquille, pp.103-106; Coleman, The Independence Movement in Quebec, p.96.

⁴⁵Thomson, Jean Lesage, pp.196-97; Brunelle, La désillusion tranquille, p.106.

⁴⁶Brunelle, La désillusion tranquille, pp.108-113.

⁴⁷Ibid., p.113.

⁴⁸For an excellent discussion of the Lesage government's various initiatives in state-building, see Pierre Fournier, Les sociétés d'Etat et les objectifs économiques du Québec: une évaluation préliminaire (Quebec: Editeur officiel, 1979), passim; for the COEQ's involvement in these projects, see COEQ, Son statut, ses travaux (Quebec, March 1966), pp.11-12.

⁴⁹Thomson, Jean Lesage, p.199: "Another consequence of the [COEQ's] lack of authority and competent personnel was the appearance of an informal power group that moved into the vacuum and used it for its own purposes. Its members, bright, well-trained, newly recruited civil servants or advisers, identified with the government's goal of using the state as a lever of economic development and with the concept of using the council for that purpose. Among them were Michel Bélanger and André Marier from the Department of Natural Resources, Claude Morin [then Deputy Minister of Federal-Provincial Affairs], and Jacques Parizeau [then an economic adviser to the government]. They looked to René Lévesque, who shared their views, as their de facto leader." See also McRoberts, Quebec, pp.147-59.

⁵⁰CRI, Débats, pp.10-12.

⁵¹Ibid., p.89.

⁵²Bill 78 (Statuts de Québec 9-10 Elizabeth II. ch.73) was given royal assent on 10 June 1961. For an analysis of the law, see Roger Chartier, "Evolution de la législation québécoise du travail--1961," Relations industrielles 16:4 (Oct. 1961), pp.381-419.

⁵³Statuts de Québec 4 George VI, ch.37, articles 1-4. The bill received royal assent on 17 May 1940.

⁵⁴Le Travail, 18 March 1960, p.8. In 1960, the API, AMC, Fédération de l'industrie de la construction, and the Quebec Metal Mining Association were represented on the Council, while the CSN and FTQ spoke for labour. Among the government-appointed experts were Jean-Réal Cardin, Michael Oliver, and Jacques Parizeau. See Québec, Ministère du Travail, Rapport annuel (Quebec, 1960).

⁵⁵Le Travail, March 1964, p.1.

⁵⁶Hamelin and Garon, "Vie politique au Québec," pp.15-19.

⁵⁷Le Travail, November 1962, p.1.

⁵⁸CSN, Procès-verbal (1962), p.110; cf. Le Travail, November 1962, p.3.

⁵⁹FTQ, Mémoire législatif (1963), p.16.

⁶⁰The Loi de la convention collective, which covered large numbers of construction workers, remained outside the Code, and the government did not indicate how the decree system would be integrated with the certification procedures set down in Bill 54. See Gérard Hébert, "Réflexions sur le projet de Code du travail," Relations (Aug. 1963), pp.230-31. Cf. CSN, Mémoire sur le Code du Travail (Montréal, June 1963), p.1.

⁶¹Le Travail, June 1963, p.1.

⁶²CSN, Procès-verbal, 41^{ème} session du Congrès (Quebec, 1964), p.86. Cf. Le Travail, Sept. 1963, pp.6-7.

⁶³FTQ, Bill 54, "Code du travail." Résumé des positions prises par la FTQ (March 1964), p.8.

⁶⁴Association Professionnelle des Industriels, Mémoire au Comité des Relations Industrielles de l'Assemblée Législative sur Le Code du travail (Bill 54), 18 June 1963, 9pp. See also "L'A.P.I. et le Code du travail" (editorial), Relations (Aug. 1964), p.221.

⁶⁵CRI, Débats, p.12.

⁶⁶Quoted in Canada, Department of Labour, The Labour Gazette, 64:12 (December 1964), p.1072.

⁶⁷Québec, Ministère du Travail, Rapport annuel (Quebec, 1963-1964), p.143.

⁶⁸H.D. Woods, "Memorandum on Bill 54, The Labour Code," McGill University, Industrial Relations Centre, no date (1963?), p.4.

⁶⁹Quoted in Labour Gazette 64:12 (December 1964), p.1072.

⁷⁰Le Monde Ouvrier, special issue, February 1964, p.1; cf. Le Travail, March 1964, pp.1-3.

⁷¹See the analysis in Dauphinais, "Jean Lesage face au droit de grève," pp.213-215 and in Jean Gérin-Lajoie, "Témoignage," in Comeau, ed., Jean Lesage, pp.219-22.

⁷²Dauphinais, "Jean Lesage face au droit de grève," p.216.

⁷³CSN, Procès-verbal (1964), p.93 (my translation).

⁷⁴Woods, "Trends in Public Policy in Labour Relations," pp.433-34.

⁷⁵For an overview of the situation in the private sector, see Claude Rondeau and Jacques Bélanger, "Le syndicalisme dans l'entreprise: tendances récentes et analyse," in Jacques Bélanger et al., eds., La syndicalisation dans le secteur privé au Québec (Quebec: PUL, 1983; 38^{ème} Congrès des relations industrielles de l'Université Laval), pp.15-36. Lamenting the paucity of reliable data on union density by economic sector, the authors nonetheless estimate that in 1976 approximately 27% of the workforce in

Quebec's private sector was unionized, as opposed to a union density of almost 60% in the public sector (data cited at p.23 of the article).

⁷⁶Jean Boivin, The Evolution of Bargaining Power in the Province of Quebec Public Sector (1964-1972) (Quebec: Université Laval, Département des relations industrielles, Jan. 1975), p.61.

⁷⁷Ibid., p.129.

⁷⁸Calculated from Robert Varin, Les tendances de l'emploi par secteur d'activité au Québec 1966-1974 (Quebec: Ministère du Travail et de la Main-d'oeuvre, Jan. 1976), Table 1, pp.14-15. In 1951, the public sector (health, education, and public administration) represented 10.83% of total employment; in 1961 it was 14.59%, and in 1971, 20.12%.

⁷⁹Boivin, Evolution of Bargaining Power, Tables 9, 10. The increase in the CIC's membership was largely the result of legislative changes implemented by the Sauvé government, making membership in the teachers' federation mandatory for all instructors. See Maurice Lemelin, Les négociations collectives dans les secteurs public et parapublic (Montreal: Les Editions Agence d'ARC Inc., 1984), p.63.

⁸⁰"La Reine pourra-t-elle négocier?", Le Travail, Feb. 1963, p.6. The "sovereignty argument" against unionization of government employees and collective bargaining in the civil service had been articulated by Prime Minister Louis St. Laurent, among others: "From the very nature of employment in the public service, there can be no bargaining agent for the nation comparable with the employer in industry who has at his disposal funds derived from payment for goods and services. The funds from which the services are paid in the public service have to be voted by parliament and parliament alone can discharge that responsibility." Quoted in Jacob Finkelman and Shirley Goldenberg, Collective Bargaining in the Public Service, vol. I (Montreal: Institute for Research on Public Policy, 1983), p.5.

⁸¹Lemelin, Les négociations collectives, pp.64-7.

⁸²For a summary of the Mémoire du Comité patronal consultatif des services publics, see Québec, Assemblée législative, Débats, Comité spécial des relations de travail dans les services publics, 3^e session, 27^e législature, 16-18 March 1964, pp.161-70 (future references to this special committee will be abbreviated to CSRT). Gilles Beausoleil, in an analysis of article 60 for the FTQ, wrote: "C'est un cas unique de contrôle gouvernemental de la négociation collective et des salaires en Amérique du Nord." See FTQ, Mémoire présenté par la Fédération des travailleurs du Québec au comité parlementaire relativement aux dispositions du Code du travail s'appliquant à la fonction publique (Quebec, 16 March 1964), p.24.

⁸³CSRT, Débats, pp.162-63.

⁸⁴CRI, Débats, pp.100-103.

⁸⁵CSRT, Débats, pp.132, 138.

⁸⁶Ibid., p.140.

⁸⁷Ibid., p.150.

⁸⁸Ibid., pp.55-57.

⁸⁹CSRT, "Recommandations sur les relations de travail dans le secteur municipal," Documents de la session no.149 (May 1964) and "Recommandations sur les relations de travail dans le secteur hospitalier," Documents de la session no.154 (3 June 1964).

⁹⁰CSRT, "Recommandations sur les relations de travail dans le secteur scolaire," Documents de la session no.171 (9 July 1964), p.3.

⁹¹CSRT, "Recommandations sur les relations de travail dans la fonction publique," Documents de la session no. 156 (June 1964).

⁹²See comments of Minister of Labour, Carrier Fortin (a labour lawyer from Sherbrooke who had replaced Hamel in 1963) in Québec, Assemblée législative, Débats, 3^e session, 27^e législature, 20 July 1964, p.4890: "Cette procédure que nous suggérons elle s'est inspirée de la loi Taft-Hartley aux Etats-Unis ... Or, cette loi a donné d'excellents résultats aux Etats-Unis."

⁹³Statuts de Québec, 12-13 Elizabeth II, ch.45, articles 93, 99. The Labour Code was ratified on July 31 1964, and came into effect on September 1 of that year.

⁹⁴Boivin, Evolution of Bargaining Power, p.43.

⁹⁵Statuts de Québec, 13-14 Elizabeth II, ch.50 (given royal assent on 17 June 1965).

⁹⁶Statuts de Québec, 13-14 Elizabeth II, ch.14 (ratified 6 Aug. 1965).

⁹⁷CSRT, Débats, pp.47-8, 51, 143.

⁹⁸Québec, Assemblée législative, Débats, 4^e session, 27^e législature, 3 August 1965, pp.4666-4669.

⁹⁹In addition to the works cited in fn.3 above, see Gérard Hébert, "Le règlement des différends industriels et la Commission des relations de travail," Relations (Oct. 1964), p.300.

¹⁰⁰Tremblay, Le syndicalisme québécois, pp.145-46; Cyr and Roy, Eléments d'histoire de la FTQ, pp.77, 81.

¹⁰¹Québec, Assemblée législative, Débats, 20 July 1964, p.4875.

¹⁰²This term is borrowed from Hugh Heclo, Modern Social Policies in Britain and Sweden (New Haven: Yale University Press, 1974), ch.6.

¹⁰³Québec, Assemblée législative, Débats, 20 July 1964, p.4875.

¹⁰⁴Ibid., pp.4884-4885.

¹⁰⁵Jean-Marc Pottle, "La lutte des travailleurs de l'Etat," Les Cahiers du socialisme 3 (Spring 1979), p.5.

¹⁰⁶Ibid., pp.6-7. See also Dauphinais, "Jean Lesage face au droit de grève," p.216.

¹⁰⁷Boivin, Evolution of Bargaining Power, pp.82-3.

¹⁰⁸Ibid., pp.89-90. Shirley Goldenberg claims that Lèvesque threatened to resign from cabinet—the first in a long line of such threats!—if public-sector workers were not granted the right to strike. Interview (telephone), Montréal, 14 October 1987.

¹⁰⁹Québec, Assemblée législative, Débats, 3 Aug. 1965, p.4669 (emphasis added).

¹¹⁰CSRT, Débats, pp.55-57.

¹¹¹Brunelle, La désillusion tranquille, p.155.

¹¹²David, "L'Etat des rapports de classe au Québec," p.55.

¹¹³Boivin, Evolution of Bargaining Power, ch.4. In some cases, these strikes were illegal, as unions ignored the delays imposed by the new labour law.

¹¹⁴For an excellent analysis of the first round of bargaining, see ibid., pp.168-75.

¹¹⁵CSRT, Débats, p.116.

¹¹⁶CRI, Débats, p.4.

¹¹⁷FTQ, Mémoire législatif (Quebec, 1963), p.7. For the CSN's growing scepticism towards the government's notion of planning, see Fraser Isbester, "Quebec Labour in Perspective, 1949-1969," in Richard Miller and Fraser Isbester, eds., Canadian Labour in Transition (Scarborough, Ont.: Prentice-Hall Inc., 1971), pp.259-60.

¹¹⁸Louis-Marie Tremblay, "L'évolution du syndicalisme dans la révolution tranquille," Relations industrielles 22:1 (Jan. 1967), pp.86-97.

PART III:

THE CYCLE OF MILITANCY AND REPRESSION

1966-1976

CHAPTER FOUR:

The Union Nationale Interregnum, 1966-1970:

Tentative Steps Toward Corporatism

... if the labour laws won during the Lesage government provided a legal framework for the expansion of trade unionism, neither this cabinet nor its successor--and still less the other institutions of the state apparatus--could or would adapt themselves to the new social reality of an organized labour force, even though the economic and financial potential of the province could not easily support the power of the unions. It is clear that the governments sought to guide the action of trade unions, and to define its parameters, but legislative intervention to this end usually served instead to strengthen the unions' position.

Roch Denis and Serge Denis, "Développements syndicaux et formes d'action politique ouvrière au Québec, 1964-1984," paper presented to the annual meeting of the Canadian Political Science Association, Montreal, May 1985, pp. 33-4 (my translation).

I. THE GOLDEN AGE OF THE TECHNOCRATS

If the early years of the Quiet Revolution were a period of institutional and political innovation, the Union Nationale interregnum of 1966 to 1970 was one of consolidation. Whereas the Liberals under Jean Lesage could draw on the support of a broad inter-class coalition to implement the key elements of their state-building project, the Union Nationale in the 1960s was unable expand its base of electoral support beyond the rapidly declining rural and petty bourgeois strata that had been its traditional strongholds. While the Liberals had a reasonably coherent political vision and were able to manipulate the symbols of rattrapage to achieve their objectives, the UN lacked an overarching philosophy or program, other than a dogged commitment to the defense of provincial autonomy that had been the hallmark of the Duplessis years. What is more, the rules of the political game had changed irrevocably by 1966: the petty patronage that had been practised so successfully by le chef was now no longer possible in much of the public sector, in the wake of the new Labour Code, and this deprived the Union Nationale of one of its most important tools for retaining power. A unionized public sector also meant that the UN, notwithstanding its anti-statist rhetoric, would be compelled to work

with the technocrats installed during the Quiet Revolution, since a wholesale bloodletting was legally impossible. At one of the first cabinet meetings held after the 1966 election victory, Premier Daniel Johnson distributed to his fellow ministers copies of the recently signed collective agreements for the various categories of public-sector employees, in order to show that the good old days of petty patronage in the civil service were over.¹

In the new political environment of the mid-1960s, the Union Nationale was a party adrift, without philosophical bearings. The political vacuum created by the organizational decline and programmatic bankruptcy of the once powerful Union Nationale was filled by the technstructure. According to James Iain Gow, the provincial civil service grew at an explosive rate between 1966 and 1969; increases in the numbers of government employees (and in public-sector salaries and government expenditures) during the first three years of the Union Nationale interregnum far outstripped those recorded during the heyday of the Quiet Revolution. In 1964, for example, there were just under 43,000 employees in the provincial civil service (obviously, this figure excludes employees in the health, educational, and welfare sectors). This grew to 58,272 in 1966, and 72,196 in 1968, an increase of almost 70 per-cent.²

Traditional textbook distinctions between the role of the bureaucracy and the legislature, with the former dutifully carrying out the will of the latter, were turned on their head during this period, as the technocrats came to exert a preponderant influence over policy making. Jean-Guy Cardinal, Minister of Education after 1968, complained in 1969 that he "was at the mercy of [his] civil servants ... It has become intolerable for a ministre bleu to be at the mercy of fonctionnaires rouges ... The top civil servants have seized political power."³ Not all ministers in the UN cabinet were ineffectual, of course: Jean-Jacques Bertrand (initially Minister of Education, and

Premier after 1968) and Marcel Masse (Minister of the Public Service) stood out as exceptionally able and dynamic politicians, who exercised a great deal of control over their portfolios, and were able to work well with the technostructure.⁴ On the whole, however, the period between 1966 and 1970 was the first golden age of the technocrat in Quebec (the second would occur with the election of the Parti Québécois in 1976).

The political ascendancy of the technostructure after 1966 had far-reaching implications for the labour policy enacted during the Union Nationale interregnum, in both the private and the public sectors (for a summary of the labour legislation enacted during the UN term in office, see Table 4.0).⁵ More than anything else, it was the organizational objectives of the bureaucracy, its need for hierarchical and centralized patterns of authority, coupled with the government's obsession with slowing the rate of state spending in a period of economic contraction, that shaped public-sector labour relations policy between 1966 and 1970. It is impossible to overestimate the importance of one individual, Jacques Parizeau, in this process. As special financial adviser to the UN government, Parizeau played an indispensable role in determining the government's positions during public-sector negotiations. He was also almost single-handedly responsible for the drive toward centralized, province-wide collective bargaining in Quebec's public sector.⁶

Table 4.0: Labour Legislation in Quebec, 1966-1970

	construc- tion	public sector	other	total
back-to-work laws	—	4	—	4
trusteeship	—	—	—	—
auxiliary*	2	3	3	8
regulatory**	2	—	6	8
TOTAL	4	7	9	20

*includes changes to the collective bargaining regime, determination of rights and duties of parties to negotiations, union security clauses, and so on.

**includes changes in minimum wage, state determination of working conditions, health and safety legislation, as well as minor administrative changes.

Source: Fernand Morin, "Le Code du travail de 1964 a-t-il été trahi?", in Rodrique Blouin et al., eds., Le Code du travail du Québec 15 ans après ... (Quebec: PUL, 1979; 34^e congrès des relations industrielles de l'Université Laval), pp.227-237.
Also compiled from Statuts de Québec, 1966-1968 and Lois du Québec, 1968-1970.

Prodded by Parizeau, the UN government enacted a series of controversial ad hoc measures that stripped local employers--school boards, hospital associations, municipalities--of virtually all autonomy, and made the Minister of State for the Public Service (which became a full-fledged ministry in 1969), the Minister of Education, and the Minister of Health the principal management representatives in collective bargaining. At the same time, the union federations were called upon to play an important role in coordinating the negotiating strategies of their public-sector affiliates, thus setting the stage for the eventual creation of the Common Front, an inter-union committee representing over 200,000 employees in the civil service, hospitals, and education, in 1970-71.⁷

Centralization of labour relations was thought to have two important advantages over the existing system of fragmented, uncoordinated bargaining. First, it would enable the government to reduce, and eventually eliminate, the marked disparities in wages and working conditions that still existed among different regions, occupations with similar skill levels, religious groups, and sexes. In the public sector, this standardization was absolutely vital for the continued progress of political and social modernization. As premier Johnson pointed out:

... beaucoup d'éléments qui, dans le secteur public, jouent le rôle de la partie patronale ne se rendent pas toujours compte ... que de signer une convention collective dans une région donnée à des taux très inférieurs à ceux des autres régions n'est pas une victoire au point de vue du service public et que, dans cette région il sera alors plus difficile de trouver le personnel nécessaire et donc d'assurer à la population la qualité des services auxquelles elle a droit.⁸

If the benefits of modernization were to be spread evenly throughout the province, the premier argued, then the government would have to be present at the negotiating table in order to minimize the role played by certain hidebound and reactionary local employers. At the same time, this would have eminently practical benefits, from the

state's perspective: it would permit the province to control, for the first time, the growth of public-sector compensation--or so government leaders hoped.

A second advantage of the more centralized and more structured system of industrial relations created by the UN in the public sector was that it would enable the government to play on public opinion to keep the unions in line, or, if need be, to invoke its "plenary authority" in order to legislate striking workers back to their jobs. With a centralized bargaining regime in the public and parapublic sectors, the use of the injunction (s.99 of the Labour Code, which usually prevents work stoppages on a local basis) would presumably decline in favour of ad hoc emergency legislation. Parizeau and some members of the administration firmly believed that in any confrontation between the government and its employees, when the democratic legitimacy of the state was thought by the public to be at stake, the government would inevitably "win."⁹

In the area of private-sector labour policy, this same theme of technocratic influence was played out. One of the new government's primary objectives was to do something about the chaotic state of labour relations in the construction industry. As I noted in the previous chapter, the newly minted Labour Code did little to solve the distinctive problems in this industry--employer fragmentation (the allocation of contracts by means of competitive tender does little to promote unity among employers), bitter competition among workers for scarce jobs, jurisdictional battles between members of different trades, and internecine conflicts between rival trade union federations for the privilege of representing construction workers. By the mid-1960s these problems had become acute, resulting in an upsurge in labour strife that jeopardized some of the provincial government's most cherished projects. The completion of the network of autoroutes across the province, the construction of the new schools and CEGEPs (Collèges d'enseignement général et professionnel) that

were integral components of the Parent Commission's prescription for educational reform,¹⁰ the construction of the giant Manicouagan dam for Hydro-Québec, and the completion of both the Montreal Métro and the site of the world exposition (Expo 67): these were just some of the undertakings whose progress had been slowed by the poisonous climate of labour relations in the construction industry. More than just dollars and jobs were at stake here (although obviously these considerations bulked large in the thinking of government leaders): Quebec's prestige in the international community would have been irreparably harmed had Expo 67, for example, not been completed on time. This would have been a severe blow to a government that was as preoccupied with its role in international affairs as was the Johnson regime.

As a result of these economic and political pressures, the government sought to centralize negotiations by assigning to the peak associations of labour and business a more prominent role in collective bargaining than is customary in North American labour relations. Legislation was passed that designated the FTQ and the CSN as the bargaining agents for construction workers, and recognized five employers' associations as the representatives of capital. In effect, a type of sectoral bargaining, unique in North America, was established. One collective agreement, covering all trades and all employers, was to be negotiated for the entire industry; implementation of the contract was the responsibility of a joint labour-management committee.

As in the case of public-sector labour relations, one individual, Robert Sauvé, a top CSN official who became deputy minister of labour in 1968, had an important hand in determining the government's construction industry labour policy, although Sauvé was certainly by no means solely responsible for these innovations. Nonetheless, Sauvé was an ardent advocate of the type of sectoral bargaining found in a number of European countries, and he attempted to marry this principle to the corporatist spirit of the Loi des décrets (discussed in chapter two). The resulting

legislative hybrid (Bill 290), though unique, must be classified as an ambitious failure, for the usual reasons that corporatist schemes fail: the cooperation between labour and capital that the policy makers assumed would spontaneously emerge never did materialize. The success of the new bargaining regime was also dependent on the ability of each party, unions and employers, to overcome the internal divisions that had crippled them prior to 1968, when the new legislation was passed.¹¹ Almost from the moment the new regime was created, however, state intervention was necessary to compel the fractious economic "partners" to collaborate. Gradually, state policy evolved from a liberal corporatist orientation, in which the organizations retained a significant degree of autonomy, to a more authoritarian form, where the state established "an associational system of its own design by restricting the number of associations, defining their domains of representation, and making membership compulsory."¹²

In this chapter I do not claim that the Union Nationale governments of Daniel Johnson and Jean-Jacques Bertrand¹³ were in any sense absolutely autonomous from powerful social interests. Organized labour certainly had fewer ties with the UN government than it had had with the Lesage administration. Indeed, the surprising victory of the UN in 1966 marked a sharp reversal in the fortunes of organized labour in Quebec. Rates of growth in union membership levelled off after the spectacular increases of the mid-1960s, which had largely been the result of the liberalized certification procedures introduced by the Labour Code and the Civil Service Act. Teachers and Montreal transit workers were the targets of harsh back-to-work legislation. Wages of public-sector workers were held in line with productivity growth in the provincial economy (this was the essence of the Union Nationale's politique salariale, which will be the focus of section V of the chapter).

As might be expected, the Johnson and Bertrand governments were extremely solicitous of business interests in the province, and sundry cabinet ministers repeatedly proclaimed their government's unequivocal faith in free enterprise. Some students of Québec political economy have argued that the changes in the relative influence of capital and labour between 1966 and 1970 were evidence that the Union Nationale was nothing more than the "government of capital," a tool of the Québec-based bourgeoisie.¹⁴ Although the UN government, in this view, might have had some limited autonomy in strictly political and constitutional matters, its economic policies were more or less dictated by capital. Labour policy, according to this perspective, was a straightforward attempt to curb the organizational power of the labour movement and simultaneously strengthen the province's employers.

There is indeed a certain amount of prima facie evidence to support this view. The Construction Industry Labour Relations Act (Bill 290) did succeed in forging some semblance of employer unity in an industry characterized by one industrial relations expert as having "a serious imbalance of power ... in favour of organized labour."¹⁵ In John Crispo's view, some form of state intervention to force employers in this sector to band together was absolutely necessary to offset the building trades unions' control over hiring and apprenticeship, and their ability to play weak, short-sighted, and self-seeking employers off against the rest.¹⁶ As for the UN's public-sector labour policy, the politique salariale meant that employers did not have to worry as much as previously about the potentially inflationary impact of generous wage settlements in the public sector on their own production costs. The Union Nationale government made it quite clear that the state could not afford to be the "best" employer in the province, that salaries in the public sector ought to follow those in the private sector, and not the reverse.¹⁷ Moreover, by attempting to control the spiralling costs of health and education, the government was sending out a clear signal to the business

community that it was worried about the depressive effect that tax hikes were having on private investment. All of this, obviously, was welcomed by the province's employers.

In addition to these benefits, however, there were definite dangers in the new labour policy, both for private employers and the provincial government, which in the short span of six years or so had become one of the biggest employers in Quebec. The technocrats who crafted the government's labour policy between 1966 and 1970 fervently believed in the inherent virtues of centralized bargaining, for reasons already noted. The best-laid plans of the technocrats went awry, however, as the quotation from Denis and Denis cited at the outset of this chapter suggests. In both the public sector and the construction industry the state sought to control organized labour, but in each case the policy framework it established served instead to constitute the workforce into an economic and political power, and to intensify union militancy.¹⁸ As far as the creation of a healthy investment climate was concerned, these outcomes of the UN's labour policy were "dysfunctional," and they caution against a simplistically one-sided interpretation that reduces state policy to an expression of the interests of capital.

This disjunction between the intentions of state policy makers and the consequences of their actions--what might loosely be termed the perversity of policy outcomes--constitutes one of the leitmotifs of the following analysis. Policies designed by the UN government to control the labour movement and create the conditions for labour peace instead had the effect of magnifying the scope and intensity of industrial conflict, and of politicizing collective bargaining. This triggered further state intervention in labour relations, which in turn led to an upsurge in union militancy.

The remainder of this chapter is organized into four sections, which discuss:

- i) the factors that contributed to the Liberals' defeat in 1966, and the nature of the UN's political program;
- ii) relations between the Union Nationale under Premiers Johnson and Bertrand and organized labour and business;
- iii) the principal reforms in construction industry labour relations, and their impact on the traditionally strained relations between unions and employers in this sector;
- iv) the growing centralization of labour relations in the public sector, and the increasing use of selective coercion (back-to-work legislation) to curb union militancy.

II. THE 1966 PROVINCIAL ELECTION

In 1966 the Union Nationale was a party caught between two worlds. Its ideology, still heavily coloured by the dominant themes of the Duplessis era, combined a celebration of family values, rural life, and French-Canadian culture with a unflagging commitment to preserve Quebec's unique status in Confederation. In terms of its membership and electoral support, the UN still relied heavily on rural voters, the traditional petty bourgeoisie, and local notables in the small regional communities scattered around the province. Yet party leaders recognized that the modern, secular Quebec forged in the late 1950s and early 1960s could not be unmade, and they therefore took tentative steps to adapt the party to the new reality. A special convention was held in Montreal in March 1965 at which party structures were democratized and party policy refurbished, bringing it more into line with the spirit of the Quiet Revolution.¹⁹ This process of rejuvenation did not go far enough

to attract the support of the two groups that were most closely identified with the statist objectives of the Quiet Revolution, however. Both organized labour and the burgeoning cadre of technocrats working in the provincial state apparatus remained cool, if not overtly hostile, to the Union Nationale and its ideology.

Thanks largely to the distortions of an electoral map that gave undue weight to rural ridings—a traditional pillar of Union Nationale strength—and the idiosyncracies of the single-member, simple-majority ballot, the Union Nationale found itself catapulted unexpectedly into power after the 1966 provincial election. The Liberals' defeat had a great deal to do with the ill-advised "presidential" campaign run by party strategists. Focussing media attention on the personal traits of the leader and the government's impressive accomplishments during its six years in power, this campaign was long on imagery and short on substance. Another factor harming the Liberals was the widespread perception, fanned by the Union Nationale, that the frenetic pace of social and economic change that had characterized the initial stages of the Quiet Revolution was rending the fabric of Quebec society. The dizzying changes in the provincial education system—the creation of regional schools to replace the traditional parish institutions—were singled out by the UN for particular abuse. Widespread labour strife in the public sector and the rise of two new nationalist parties, the left-wing and militantly separatist Rassemblement pour l'indépendance nationale (RIN) and the ultra-conservative, romantic corporatist Ralliement national (RN), also played a role in unseating the Lesage government. These nationalist parties were the harbingers of the electoral realignment that would occur in 1970, when the political vehicle of the old nationalism, the Union Nationale, was displaced by the neo-nationalist Parti Québécois.²⁰ While the RIN was most likely to drain votes from the Liberals, the RN's brand of conservative separatism was designed to appeal to sections of the electorate that had traditionally supported the Union Nationale.

Nonetheless, the RIN's popularity with younger, well-educated voters, combined with its strength in the urban areas (especially Montreal, which had always been a Liberal fortress), meant that it was the Liberals who were most victimized by the rise of the new nationalist parties in the mid-1960s.²¹

The conjunction of the various factors enumerated above brought about a definite reversal in the Liberals' fortunes but the government would in all probability not have suffered a defeat if it had carried out the far-reaching electoral reform it had promised in 1960. With over 47% of the popular vote, the Liberals obtained only 51 seats, while the UN managed to take 55 seats with just under 41% of the vote. Two independents were elected; the RIN and RN took 5.6% and 3.2% of the vote respectively, although neither party elected any members. Since about 60% of the UN's successful candidates came from rural constituencies, Le Devoir contended that "if the reorganization of the electoral map had been pushed to its logical conclusion, ten or so rural ridings would have been abolished, and the Liberals would very likely have won."²²

With the bulk of its legislative contingent representing the rural areas of the province, which had not benefited from the Quiet Revolution to nearly the same extent as, for example, the urban middle class,²³ one might have expected the new government to try to undo some of the Lesage administration's reforms. Daniel Johnson's campaign rhetoric reinforced this impression: he continually assailed the overweening technocrats who were imposing their grandiose schemes on Quebec society without any regard for the desires of the people. A UN government, he vowed, would put a tighter rein on the technocrats, and ensure that the bureaucracy was subordinated to political authority. Although there would be no mass firings of civil servants, one top-level technocrat figured prominently on the future Premier's hit list: Deputy Minister of Education Arthur Tremblay, whom Johnson accused of gross

incompetence. The UN leader's campaign flourishes were sufficient to instill in the upper echelons of the civil service a pervasive dread at the prospect of a UN election victory.²⁴

Surprisingly, there was considerable continuity between the Union Nationale's actions while in office and those undertaken by the previous regime. The Johnson and Bertrand governments continued to extend state control over the provincial economy, if at a slower pace than the Lesage administration. The provincially owned steel complex, Sidbec, did not really become operational until 1968, when it purchased the assets of British-owned Dosco. Two new state-owned corporations, SOQUIP (Société québécoise d'initiatives pétrolières) and REXFOR (Société de récupération, d'exploitation et de développement forestier du Québec) were created to develop and manage the province's energy and forest resources.²⁵ New government departments and a number of administrative agencies were created by the UN, and educational reform continued apace. The government established a network of post-secondary "junior colleges" (CEGEPs), thereby fulfilling one of the Parent Commission's principal recommendations, and several campuses of the new Université du Québec were built along with an Ecole nationale de l'administration publique.²⁶ Finally, even the premier's pledge to rein in the technocrats turned out to be an idle boast. Arthur Tremblay was not turfed out of the education ministry, despite Johnson's threats, and one of the Premier's first actions after the election was to issue a televised plea to the upper-level civil servants for their cooperation.²⁷

In fact, as I argued in the introduction, the Union Nationale governments were even more in thrall to the technocrats than the Liberals had been. As Thomson points out:

The fact was that the Union Nationale had been ill-prepared to assume the responsibilities of government and few of its members had expected that it would be called upon to do so. Recognizing that situation, Jean Lesage urged Claude Morin and other senior officials to stay at their

posts, notwithstanding the threats to get rid of some of them that had been made by the Union Nationale during the election campaign. For their part, the members of the new cabinet, keenly aware of their own vulnerability, asked them to carry on as usual. Even Arthur Tremblay, whom Johnson had depicted as the evil genius behind the changes in the education system and whom he had singled out for dismissal, was kept on ...²⁸

Jacques Parizeau, Claude Morin, Yves Martin, and Roch Bolduc, to name some more high-level technocrats, all retained their influence, and indeed expanded it, during the UN interregnum.²⁹

Despite these similarities between the Liberal and Union Nationale administrations, there were important differences between the two. The UN governments were virtually obsessed with the cost of public-sector growth, and sought to slow down state expansion. According to government representatives, the tax increases and foreign borrowing that were necessary to finance the multifarious programs launched by the Lesage government were saddling the province's taxpayers with what the Union Nationale considered to be a crushing burden of debt. Under the Liberals, Quebec had become the most highly taxed province in the country--Daniel Johnson had given the Liberal Premier the derogatory moniker of "Jean la taxe"--and the UN believed that further tax hikes would imperil future economic development.³⁰ Paul Dozois, the new Minister of Finance, indicated that the public-sector unions would have to be more realistic in their collective bargaining strategies if the government were to be successful in putting its finances in order:

It seems to me that the previous government acted hastily in granting collective bargaining and strike rights to the entire public service without first providing some financial elbow room and setting up administrative machinery to negotiate and implement collective agreementsEmployees will have to realize that the state cannot support the cost of demands such as were made on it during the past year. While high wage demands may occur in certain industries where increases can be offset by greater productivity or passed on to the consumer, whenever governments pass added costs on to consumers, it means raising taxes. So when public servants seek across-the-board increases of, say, \$1,000, they should understand what they are really asking for: a 35% boost in personal income tax proceeds.

It is in the state's interest to pay public servants well and there is every justification for giving them a share of the growing community wealth represented by normal increases in tax yields. However, the state cannot allow unreasonable demands by any employee group to place an unbearable tax load on businesses and employees in the private sector.³¹

Thus the government sought to freeze the number of civil servants during its first year or so in office,³² and tie wage increases in this sector to the overall growth in the economy. As noted earlier, this was the essence of the UN's wages policy (politique salariale), formulated principally by Parizeau and Marcel Masse.

It was in its relations with organized labour and business (particularly the former) that the UN was most obviously different from its predecessor. The lack of any strong ideological ties between the labour movement and the UN, and the latter's reliance on other categories of society for electoral support, meant that the government could afford to implement a more coercive labour policy than the Lesage regime had done. The next section of this chapter examines the changing configuration of state-producer group relations during the Union Nationale interregnum.

III. THE UNION NATIONALE AND ORGANIZED PRODUCER GROUPS

(i) Business and the Drive Toward Organizational Unity

In marked contrast to labour's exclusion from the corridors of power after 1966 (discussed in greater detail in the next section) were the intimate ties between the UN government and big business. The business community's traditionally privileged access to government decision makers was improved under the Union Nationale by the appointment of Marcel Faribault, a French Canadian financier who sat on the boards of directors of a number of large Canadian and Quebec firms, as special

adviser to the cabinet on constitutional and economic matters. In February 1969, the government acted on a long-standing demand of Quebec business and created a blue-ribbon committee of prominent businessmen to assist the Minister of Industry and Commerce in the formulation of policies that "conformed to the economic reality" of the province.³³ This Conseil général de l'industrie numbered among its ranks such luminaries of Quebec business as Paul Desmarais (Power Corporation), Paul Ouimet (vice-president of Iron Ore Co.), Hartland Molson (Molson Industries, Bank of Montreal), Charles Bronfman (Seagrams), Paul Paré (Imperial Tobacco), and Laurent Beaudoin (Bombardier).³⁴ Established primarily to assuage the growing fears of investors who were worried about the heightened militancy of organized labour and the increasingly violent separatist movement, the CGI "enjoyed unlimited access to cabinet ministers and was even allowed to discuss and attempt to influence governmental policy and legislation before they were submitted to the National Assembly or the public."³⁵ Thus, if the Johnson and Bertrand governments did not renounce the main tenets of the Quiet Revolution, they were willing to go to great lengths to convince the business community that its primordial economic role would not be undermined in a modernized Quebec.

Employers in the province were also taking tentative steps to form a unified peak association of business, largely under the impetus of the Association professionnel des industriels (API, which in 1966 adopted a new name, the Centre des dirigeants d'entreprise, or CDE³⁶). A founding convention of the Conseil du patronat du Québec (CPQ) was held in Montreal in November 1964, and for the next two years leaders of the new organization sought to enlist members. The organizational drive, however, was an arduous process that met with only limited success. It was not until March 1966 that the CPQ was incorporated as a legal entity, and the permanent secretariat, with Ghislain Dufour as executive vice-president, only became

operational in early 1969. The CPQ's first president (1968-1976) was Charles Perrault, president of Casavant Frères, an organ manufacturer.³⁷

The CPQ was the first employers' organization of its kind in North America, a federation of some 125 business associations (as of 1978) representing anglophone, francophone, and foreign capital, as well as small, medium, and large firms. The CDE, the Association des manufacturiers canadiens and the Montreal Board of Trade were all members of the CPQ, with two seats each on its board of directors.³⁸ Shortly after its founding, the CPQ's constitution was changed to allow individual firms to join; in 1978 there were over 275 corporate members. Between 1966 and 1970 the CPQ rapidly gained recognition as the principal spokesman for business on a wide range of economic and social issues, and was appointed by the government as the employers' representative on a number of consultative bodies--the Conseil consultatif du travail et de la main-d'oeuvre (CCTMO, the successor to the Conseil supérieur du travail), the Conseil supérieur de l'éducation, and the Conseil de planification et de développement du Québec, to name a few.³⁹

Why was the CPQ finally established in the late 1960s, after nearly a decade of intense lobbying by the API/CDE? According to the CPQ itself, the timing of its birth could be attributed to two important factors. First, by the mid-sixties European experience had shown that such an organization could be an effective tool for the promotion of the employers' point of view in a medium-sized economy. Secondly, and more importantly,

... the growth of socialist ideas, an open and systematic opposition to private enterprise, and the adoption of laws that were contrary to the interests of employers made business leaders conscious of their vulnerability, and of the need to come up with a coherent employers' policy.⁴⁰

Among the most distressing developments in the 1960s, from business's perspective, were the liberalization of labour relations under the new Labour Code, the massive

unionization of public-sector workers, and the use of the strike by employees in the public services, even those most vital to the survival of the community. Accompanying these legislative changes, the CPQ argued, was a growing radicalization of the labour movement, which became skilled in the systematic use of "the techniques of social conflict. These events caused a profound anxiety in the population as a whole, not just among business leaders."⁴¹ The CPQ saw its mission as one of curbing the growing organizational power of the trade unions, and of articulating a coherent free-enterprise ideology to counter labour's incipient socialism. The fact that a highly sympathetic government held power in Quebec City after 1966 greatly assisted the CPQ in its ideological struggle.⁴²

Before concluding this section, it should be noted that the CPQ was not--nor is it yet--entirely free from divisions within its ranks. The most important source of tension has been the role played by the corporate members--most of them large firms--within the Conseil. As Fournier points out, the CPQ is financially dependent on the contributions of these large corporations, its initial attempt to fund itself through donations from member associations having proved impracticable. These large firms have coalesced into a parallel power within the CPQ, rivalling the Board of Directors in influence. This explains why the voice of the smaller (often francophone-controlled) firms that belong to the CDE and similar associations is not always heard.⁴³ As far as the CPQ's stance on industrial relations is concerned, this may in part explain why the vocabulary of concerted action and partnership that was so cherished by the CDE--which, after all, was the prime mover behind the creation of the CPQ--is nowhere to be found in the Conseil's public pronouncements. It has been replaced by a much more aggressive anti-labour posture.

(ii) The Radicalization of the Labour Movement

As I showed in chapter three, the status and political influence of the trade union movement increased markedly during the Quiet Revolution. The CSN in particular enjoyed fairly intimate ties with the Lesage government, and was able to exert a quite profound influence on the shape of public policy. Relations between the CSN and the Liberals began to sour in the mid-1960s, however, once the two had to confront each other as adversaries across the bargaining table. In fact, one of the factors that prompted Jean Marchand to resign the presidency of the CSN in June 1965 and join the other two "wise men"—Pierre Trudeau and Gérard Pelletier—in their move to the federal Liberal party was his conviction that the union federation needed a new type of leader now that it was involved in collective bargaining with the provincial government. A more critical leadership, without the taint of ties to the existing regime, was necessary to guide the CSN into the new era of l'Etat-providence (the welfare state) and l'Etat-employeur (the state as employer).⁴⁴

Marcel Pépin, Jean Marchand's successor as CSN president, underscored the widening breach between the union federation and l'Etat-employeur and called into question the state's putative neutrality in his first report to the convention, Une société bâtie pour l'homme:

Comme employeur, le gouvernement provincial ou ses agences, se sont révélés parfois au moins aussi durs que l'entreprise privée. Les difficultés que nous avons rencontrées à l'Hydro, par exemple, sont de ce nombre. Nous comprenons mal que l'Etat puisse copier les méthodes les plus mauvaises des entreprises privées, ou plutôt nous croyons le comprendre trop bien: il nous est apparu assez clairement, au cours de plusieurs de nos négociations avec l'Etat ou avec ses agences ... que ces négociations se déroulaient sous l'oeil vigilant des grands intérêts privés ...

Pépin went on to claim that these big business interests were attempting to ensure that the state did not grant its employees wages and benefits that were more

generous than what they were prepared to give their own workers. If government employees wanted to obtain improved working conditions, therefore, they could no longer rely on the concessions of a supposedly beneficent state, as they had been wont to do in the early years of the Lesage regime. Rather, they would have to use the force of their organization and militancy to wrest improvements from a government that was increasingly little more than a dupe of private capital. Collaboration, in short, would have to give way to confrontation.⁴⁶

Another factor contributed to the growing estrangement between the CSN and the provincial government after 1965: the federation's rejection of the ideology of rattrapage. Throughout the fifties and the early part of the Quiet Revolution the CSN's leadership was committed to the idea of economic, political, and social modernization in Quebec. Union strategists believed that the lot of the province's workers would improve automatically as Quebec caught up to the "normal" level of development found in other liberal democracies. This was far from the case, however, as Ppin observed in Une socit btie pour l'homme (1966) and Le deuxime front (1968).⁴⁷ Admittedly, great strides had been made in bettering the material conditions of employees in the province--their wages, benefits, and so on--and in organizing new categories of workers, especially in the public sector. Much of this progress was the direct result of the comparatively progressive labour legislation enacted by the Lesage regime.⁴⁸

Despite this progress, however, modernization had not been the panacea that many labour leaders had hoped for. In his 1966 report to the convention, Ppin noted that the benefits of rattrapage were unevenly distributed, and that economic growth brought with it a number of deleterious side effects. Gross disparities between regions still existed; the problem of unemployment remained acute, and was being exacerbated by the effects of automation; investments were made solely on the basis

of the criterion of profitability, without any regard for the social and cultural needs of the vast majority of the population; and the environment was being despoiled. Pépin traced the root cause of these afflictions to the absence of democracy in the economy: decisions in the workplace and in the economy as a whole were taken by a tiny fraction of the population. Not even the state could act as an effective counterpoise to the untrammelled decision-making power of big business, since the latter could always blackmail the former by threatening to withhold investment. This meant that while the benefits of economic growth accrued to a tiny but powerful elite, the costs tended to be borne by the general public, those with the least amount of input into the economic and political system. If this intolerable situation was to be rectified, Pépin averred, working people and their representatives, the unions, would have to be granted some sort of voice in the process of economic decision making--perhaps through the creation of works councils that would have access to a firm's financial records, the establishment of some form of profit-sharing, or the creation of adult training institutes that would provide trade unionists with the necessary expertise to play a greater role in the economy.⁴⁹

Pépin expanded on this inchoate critique of power in capitalist society in subsequent reports to the convention, and particularly Le deuxième front. In this report, Pépin also acknowledged that some unions appeared to have fallen victim to the process of embourgeoisement--excessive concern for their material and organizational privileges. He claimed that the inadequacies of trade unions as representatives of the dispossessed were reflected in the rise of new social movements, of students, women, and blacks, for example. These groups had taken over the trade unions' role as vanguard in the struggle for social change.⁵⁰ If the labour movement was to recapture its former dynamism, Pépin contended, it would have to open a "second front" for the defense of the workers' interests in the sphere of consumption;

this would complement, but not displace, the trade unions' traditional goal of protecting their members in struggles at the point of production (the "first front").⁵¹

Democratization, participation, confrontation: these were the main components of the ideology that the CSN was constructing when the Union Nationale came to office. This developing world view, which had not yet culminated in a fully thought-out strategy (either revolutionary or reformist) for social change, virtually precluded any collaboration between the UN government and the CSN. The latter's desire to maintain its distance from the provincial state was undoubtedly reinforced by its somewhat chastening experience during the Lesage years by virtue of its association with the Liberal government, the CSN itself had been tarnished by the "failure" of the Quiet Revolution—its failure, that is, to live up to the expectations of the labour movement. To make matters worse, the FTQ attempted at every turn to tar the CSN with the brush of co-optation, arguing that its rival had become far too intimate with the Liberals and thus should share some of the blame for the "pseudo-revolution" of the 1960s.⁵² Political isolation, such as that which hobbled the FTQ during the early part of the Quiet Revolution, had by the mid-1960s become a virtue, one which the CSN began to endorse. Paradoxically, however, as the CSN increased its distance from the state and intensified its attacks on the government, the FTQ—or certain sections within it, notably the building trades—sought to work out a deal with the Union Nationale regime that would strengthen its position against the CSN in the contest to recruit new workers.

The FTQ was ambivalent about the UN victory in 1966. On the one hand, it applauded the fact that the Liberal defeat brought with it a reduction in the CSN's power and influence, since this federation, it claimed, had been systematically favoured by government policy between 1960 and 1966. Louis Laberge, the FTQ's president, expressed the hope that the new government

would ensure that inter-union relations were improved by putting an end to the favouritism that had marked the reign of the Liberal Party. He emphasized that in this regard the defeat of Mr. Carrier Fortin [Minister of Labour in the Lesage Cabinet], along with other Liberal Ministers who had practised a virtual patronage syndical, did not represent a great loss for Québec's workers. According to Laberge, moreover, this favouritism betrayed a bourgeois snobbery completely foreign to the genuine interests of the workers.⁵³

A particularly galling example of the sort of union patronage which Laberge accused the Liberals of having practised was the 1965 Civil Service Act which, with its prohibitions against the affiliation of civil servants' unions to any federation that formally supported a political party, had handed almost 40,000 government employees to the CSN "on a silver platter". This particular piece of legislation, along with a number of certification decisions handed down by the Commission des relations de travail, still rankled among the FTQ's leadership. They felt especially aggrieved by the previous government's favouritism—or what they regarded as such—toward the CSN in the construction industry.⁵⁴ Little wonder, then, that the FTQ paid special attention to the government's proposed reforms of construction industry labour relations, collaborated closely with the Labour Department in the formulation of this policy, and ultimately was much happier with the final legislative product (Bill 290) than the CSN.

Despite the FTQ's somewhat self-interested approval of the UN election victory, it was at the same time sincerely worried that the Quiet Revolution might peter out altogether with the Liberals out of power. Laberge and other FTQ leaders such as Jean Gérin-Lajoie, president of the Métallos (United Steelworkers), warned the new government not to interpret its victory as a mandate to choke off social and economic reform. In particular, the FTQ feared that the UN victory might signal the death of the educational reforms initiated by the Lesage administration (this, despite the campaign fustian of Johnson and others, did not occur) and the still-birth of the promised universal health insurance scheme (its fears were well-grounded in this

instance).⁵⁵ Not only did the FTQ want to see these reforms brought to completion, but it called on the new government to devise some form of guaranteed income, so that workers would not have to live in constant fear of being displaced by technological innovations.⁵⁶

Like the CSN, then, the FTQ wanted the Union Nationale to continue on with the Quiet Revolution. But the FTQ was much more critical of the shortcomings of the union movement than its counterpart, and therefore much less willing to engage in an open political struggle with the provincial state over the direction and pace of economic and social change. In his opening speech to the tenth convention of the FTQ, for example, Laberge contended that

... our trade unionism is fast becoming, if it has not already become, the expression of an institutional selfishness and the rallying point for the individual selfishness of far too many organized workers For some time, the selfishness of labour institutions and workers has given us the distressing spectacle of workers who publicly envy each other, who greedily fight over the public budget pie In our frantic race to spectacular union victories we are forgetting the huge crowd of voiceless poor who have no structures of representation, those who are economically weak—both unionized and non-unionized— those with physical, moral and social disabilities, those on pensions, etc.⁵⁷

According to Laberge, this lumpenproletariat constituted a significant and growing portion of Quebec society; members of this stratum tended to view the unions as a privileged labour aristocracy, with more than a little justification. Public opinion as a whole was less favourably disposed toward the union movement than it had been at the outset of the Quiet Revolution, and the UN government would easily be able, claimed Laberge, to exploit this anti-union sentiment in public-sector negotiations. Before engaging in a showdown with the government over compensation in the public sector, he cautioned, the unions ought to try to do something to improve the condition of the poor and dispossessed in Quebec. For these reasons, the FTQ was not terribly enthusiastic about the idea of a common front of public-sector unions to

negotiate with the government, dismissing it as yet another indicator of institutional selfishness that the public would not stomach.

Although the FTQ represented only slightly more than 6% of unionized workers in the public sector in 1968 (see Table 4.1), the attitude sketched above constituted one of the major obstacles to union solidarity, and provided the UN government with a valuable purchase over its employees in the 1968-69 round of negotiations. This is not to say that Laberge was wrong in calling attention to the relatively privileged status of public employees, especially in terms of job security. Whereas the CSN seemed to assume that gains made by public-sector workers would automatically act as a locomotive to haul other sections of the workforce up the slope of economic and social progress, Laberge wondered whether all of the cars in the train were actually linked to the engine, or whether some of the private coaches were in fact falling ever further behind.⁵⁸ The gap, both perceived and real, between the remuneration and working conditions in the public sector and those in the private sector would come to represent the Achilles' heel of the Quebec labour movement in the 1970s and 80s, a point of vulnerability that would be progressively exposed in each successive round of bargaining between the government and its employees.⁵⁹

To conclude: at the time of the Union Nationale's surprise election victory in 1966 the labour movement was seriously divided, both structurally and philosophically, while employers were for the first time taking steps to establish some semblance of organizational and ideological unity among themselves.⁶⁰ This, combined with the absence of any links—ideological, structural, or otherwise—between the trade unions and the government, and the UN's electoral dependence on declining rural and petty bourgeois elements in Quebec society, meant that the new administration's labour policy was unlikely to be as favourable to the unions as that of the Lesage

Table 4.1: Union Membership in Quebec's Public Sector By Federation, 1968

Sector	Employees	Union Members	CLC	FTQ	CSN	CEQ	IND.
Education	100,710	97,460	798	916	12,181	66,429	17,136
Health	124,670	50,749	—	2,774	41,729	250(a)	5,996
Public Administration	127,067	77,985	20,789	10,367	41,249	129(a)	5,451
Total	352,447	226,194	21,587	14,057	95,159	66,808	28,583
Percentage of public sector unionized workforce			9.5	6.2	42.1	29.5	12.6

(a) members of Travailleurs alliés et techniques du Canada et des États-Unis (TAT)

Source: Gilles Fleury, Evolution de la syndicalisation, 1964-1984 (Quebec: Ministère du travail et de la main-d'oeuvre, Centre de recherche et de statistiques sur le marché du travail, 1985), Table 12, p. 22.

regime. Nevertheless, as the following sections will show, the UN throughout this period was doing more than just responding to external exigencies when it framed its labour policy. It was also attempting to pursue its own objectives--the continuation of the project of modernizing Quebec's economy and society, most notably, but with greater regard for fiscal restraint than the Liberals had exhibited--which cannot simply be reduced to a reflection of a particular configuration of social forces at a given historical juncture. The drive toward greater centralization of collective bargaining, for example, which would have such far-reaching consequences for industrial relations in the construction and public sectors throughout the following two decades, was not so much imposed on the provincial state by a set of sociological circumstances as it was the product of the government's own organizational and political objectives.

IV. CONSTRUCTION INDUSTRY LABOUR RELATIONS: FROM CHAOS TO CORPORATISM

(i) Background to Bill 290 (1966-1968)

The construction industry in Canada experienced prolonged and rapid growth for much of the period after 1945, as ongoing urbanization and rising disposable incomes increased the demand for family housing, and the establishment of the Keynesian welfare state necessitated the construction of schools, universities, and hospitals. In 1966, construction (broadly defined to include suppliers of the industry as well) accounted for almost 20% of Canada's GNP, and employed between 500,000 and 600,000 workers (around 7-8% of the non-agricultural labour force, depending on

the statistical series one uses⁶¹). In Quebec, too, construction played a crucial part in postwar economic growth, especially during the Quiet Revolution:

A partir de 1960, la politique du gouvernement Lesage, axée sur le développement économique rapide et continu, ainsi que sur l'adaptation des appareils d'Etat à ce développement économique accéléré, vient doubler la demande de construction institutionnelle. Ceci, ajouté au développement du réseau routier et à l'exploitation croissante des ressources naturelles, en particulier dans le secteur hydro-électrique, fait de la construction au Québec un secteur particulièrement alléchant pour les capitaux à la recherche de secteurs en expansion.⁶²

Add to this the fact that Expo 67 was nearing completion, and one gets some idea of just how important construction was to the Quebec economy in 1966. The industry accounted for 17% of provincial GNP in that year, and employed between 80,000 and 90,000 workers, representing approximately 15% of Quebec's unionized workforce (5% of the entire non-agricultural labour force).⁶³

If construction has been an important source of jobs and a magnet for profitable investment in both the Canadian and Quebec economies in the postwar period, it has also been susceptible to a disproportionately high level of labour-management conflict. According to Joseph B. Rose, construction is an especially strike-prone industry: between 1950 and 1977, construction accounted for only about 7% of the non-agricultural workforce in Canada, and about 10% of union membership, yet work stoppages in the industry represented over 17% of total time lost.⁶⁴ A number of factors help to explain the high incidence of labour conflict in the construction industry, the most important being the system of letting contracts by competitive bid, a process that compels employers to make unceasing efforts to cut costs--especially wages, since construction remains highly dependent on a skilled labour force and relatively resistant to extensive mechanization. In addition, the construction industry is dominated by a large number of small firms; in some sectors (home construction, for instance) there are few barriers to entry and supervision of the qualifications or solvency of individual employers is extremely lax. Many fly-by-night operations can

thus enter the field, engaging in cut-throat competition that quite frequently drives down wages in the industry and leads to a deterioration of working conditions.⁶⁵

Construction work sites are, moreover, transitory affairs, lasting only as long as it takes the contractor to complete the particular job. Workers in different trades perform their tasks at different times, and the workforce slowly diminishes as the job nears completion. As a result, contractors and construction workers must be highly mobile, capable of moving from site to site in the course of a year in order to ensure a more or less steady income. Neither the employers nor the workers are therefore very likely to feel much loyalty or obligation to the other, and these attitudes help explain many of the industry's problems.⁶⁶ The tenuous link between employer and employee certainly serves to impede the type of collective bargaining that takes place in other sectors of the economy.

Finally, construction is an extremely volatile industry, peaking during the summer months and dropping off precipitously during the winter. The demand for construction work is also extremely sensitive to fluctuations in general income levels.⁶⁷ This, combined with the various factors enumerated above, means that the lot of the construction worker is one of virtually permanent insecurity. This insecurity helps to explain the comparatively high levels of unionization in this sector: the union is the one organization that gives the construction worker some semblance of stability in an otherwise unstable working environment. And union activity in the construction industry has paid undeniable dividends. Through the institution of the hiring hall, building trades unions have regulated the supply of skilled labour and ensured that those who are dependent on construction for their livelihoods--as opposed to transient workers who enter the industry to supplement their incomes--get first priority for the available jobs. Employers, especially the large contractors, have been more than willing to acquiesce in this sort of arrangement and to grant construction unions

additional security in the form of the closed shop because they are reliant on the unions for the supply of skilled workers on short notice as they move from project to project. Despite the advantages that this system has for both parties, it is susceptible to abuses: competence and skill may take a back seat to favouritism and cronyism in the supply of workers, for example.⁶⁸ This becomes an especially worrisome problem when the union organization is infiltrated by unscrupulous or even criminal elements, as was the case with the FTQ's Conseil provincial des métiers de la construction (usually referred to as FTQ-Construction) under the tutelage of André ("Dédé") Desjardins, a topic that was examined in lurid detail by the Cliche Commission in its 1975 report,⁶⁹ and which forms a major part of the next chapter.

Construction unions have also relied on their militancy and bargaining tactics to win higher than average wages for their members. As Table 4.2 indicates, hourly wages in construction and manufacturing in 1950 were roughly comparable in Quebec and in Canada as a whole, but construction rates increased much more rapidly than those in manufacturing during the next two decades. Rose argues that this divergence in wage trends can be attributed to the "superior bargaining power" of building trades unions, and in particular to their use of such tactics as leapfrogging of wage settlements (using contracts negotiated in one trade or region to secure more favourable terms in another) and whipsawing (signing agreements with some contractors in order to put pressure on other employers in the same industry).⁷⁰ The unregenerate individualism of most construction employers--their willingness to cut a deal with their workers even when other contractors are embroiled in a labour dispute--has often abetted the unions' whipsawing tactics.

Although the high wages won by construction unions tend to be offset by the chronic job insecurity and extremely hazardous working conditions with which their members must cope, the perception among a growing number of industrial relations

Table 4.2: Hourly Wages in Construction and Manufacturing, Canada and Quebec, 1950-1970 (current dollars)

Year	Average Hourly Earnings in Construction	Average Hourly Earnings in Manufacturing	Construction as a percentage of Manufacturing
<u>CANADA</u>			
1950	\$1.06	\$1.04	101.9
1960	\$2.03	\$1.79	113.4
1970	\$4.21	\$3.01	139.9
<u>QUEBEC</u>			
1950*	\$1.08	\$1.16	93.1
1960	\$1.88	\$1.60	117.5
1970	\$4.34	\$2.91	149.1

* figures are for 1952

Source: Canada--Joseph B. Rose, Public Policy, Bargaining Structure and the Construction Industry (Toronto: Butterworths, 1980), Table 1-1, p. 5.

Quebec--Canada, Dominion Bureau of Statistics, Catalogue 72-202, Review of Man-Hours and Hourly Earnings, 1950-1970.

experts in the late 1960s was that the bargaining power of the building trades unions would somehow have to be curtailed if labour peace was to be restored and wage inflation controlled. One of the most common proposals centred on the amendment of labour law to allow or encourage the accreditation of contractors' associations. The analogue of certification for unions, this procedure would invest employers' groups in the construction sector with the power to represent all contractors in a given region or trade in collective bargaining, and to discipline recalcitrant members, thereby "alleviating fragmentation and equalizing bargaining power in the industry."⁷¹ Accreditation would also, in the eyes of its proponents, "serve the public interest by reducing the likelihood of economic conflict through the sobering effect of centralized power ... It should be noted, on the other hand, that if a conflict should break out, it would tend to have much more devastating effects."⁷² This warning about the possibility of more intense labour conflict under a centralized bargaining regime was prophetic; as the following examination of the Quebec case will show, this result probably outweighed any putative benefits the new regime was supposed to bring with it.

(ii) Inter-Union Rivalries in the Construction Industry

In the mid-1960s a number of peculiarities in Québec's industrial relations system exacerbated the problems of instability and fragmentation that are inherent in the construction industry. In the first place, two distinct and tenuously linked legislative frameworks covered the industry: the 1934 Loi des décrets and the 1964 Labour Code. The first of these laws, as we saw in chapter two, empowered the government to extend by decree a number of provisions in a collective agreement, especially those concerning wages and apprenticeship, to all workers and employers

in a given industry or region. Implementation of the terms of the decree was the responsibility of a "parity committee" comprising management and employee representatives. In 1968 there were 15 regional decrees covering most of the building trades in the province.⁷³ Certification of construction workers under the Labour Code (and, before it, the 1944 Loi des relations ouvrières), though not prohibited, was uncommon, since obtaining a majority of workers' signatures on a construction work site, or even determining the appropriate bargaining unit, was exceedingly difficult. Nevertheless, some groups of workers did try to take advantage of the legal ambiguities of the overlapping systems. In the committee hearings on Bill 290, Jean Lebon, spokesman for four major employers' associations, complained that it was becoming a common occurrence for a construction association to negotiate a regional contract with its employees only to have another union seek certification for the same sector, in the hope of dislodging its organizational rival and bidding up the terms of the collective agreement. This kind of manipulation of the Labour Code, Lebon claimed, threatened to undermine the entire system of industrial relations in the construction sector.⁷⁴

Intense and often violent jurisdictional disputes between the FTQ and the CSN were by far the most serious problem in the provincial construction industry in the 1960s. As Table 4.3 indicates, both federations represented roughly an equal number of construction workers in 1968 (around 20,000 each). The bulk of the FTQ's members were recruited in Montreal and worked for the large contractors, many of them American-owned (Bechtel Corporation, for example). An FTQ membership card was highly coveted by Quebec's construction workers, since it gave them access to the lucrative U.S. market. The CSN, by contrast, was especially strong in the Quebec City region and in other areas outside of Montreal; most of its workers were employed by small- and medium-sized firms.⁷⁵

Table 4.3: Union Membership in Quebec's Construction Industry, By Federation and Region, 1968

Region	Employees	Union Members	CLC	FTQ	CSN
Lower St. Lawrence/ Saguenay		3,123	145	—	2,978
Quebec		5,382	175	50	5,157
Three Rivers/ Eastern Townships		3,740	255	637	2,848
Montreal		31,761	4,995	19,701	7,065
Other(a)		2,851	817	—	2,034
Total	82,367	46,857	6,387	20,388	20,082
Percentage of unionized construction workers			13.6	43.5	42.9

(a) the Outaouais, the North-West, Côte Nord, and Nouveau-Québec

Source: Gilles Fleury, Evolution de la syndicalisation, 1964-1984 (Quebec: Ministère du travail et de la main-d'oeuvre, Centre de recherche et de statistiques sur le marché du travail, 1985), Tables 4 and 8 (pp.9, 16).

In addition to being regionally segregated, the two federations affiliated construction unions in completely different ways. The FTQ's Conseil provincial des métiers de la construction comprised some twenty trades, most of them sections of international unions with close ties to their American headquarters, which retained substantial control over the use of strike funds. As is customary with craft unions, each trade jealously protected its jurisdictional sovereignty; in an era when technological change was rapidly altering the nature of work, this often provoked bitter disputes between different trades. Construction unions in the CSN, by contrast, were organized along industrial lines, covering all workers in a given region regardless of their trade.⁷⁶

The regional concentration of the two union federations--the FTQ in Montreal, the CSN in the rest of the province--had potentially explosive consequences. The most serious inter-union conflicts usually erupted when large, Montreal-based contractors, who had already signed collective agreements with FTQ locals allowing a closed shop, tried to take their workforce with them to job sites in the outlying regions of the province. This was interpreted by local construction workers, most of them affiliated to the CSN, as a flagrant attempt to "steal" their jobs. Many workers tried to circumvent these restrictions by taking out two membership cards at once, one for the CSN and one for the FTQ. This systematic violation of the labour law, according to the Cliche Commission, was a rational and understandable response on the part of ordinary workers whose interests as rank-and-file members were all too often subordinated to the lust for a representative monopoly that drove the two federations, and especially the FTQ.⁷⁷

In 1967 and 1968, competition between the FTQ and the CSN to recruit construction workers intensified and led to a series of violent confrontations at work sites in Alma, Sorel, Gentilly, and Baie-Comeau. This last conflict incorporated all the

elements that made construction in Quebec such a chaotic industry. It involved the Canadian subsidiary of the giant U.S. firm, Bechtel Corporation, which had won contracts in 1968 to enlarge the Canadian British Aluminum factory and to build a fourth paper mill for Quebec North Shore Paper, both of which were located in the town of Baie-Comeau. The CSN at the time enjoyed a regional monopoly in this area, but the American-owned firm, like many of the multinational contractors, was in the habit of employing only international unions on its sites. When 150 carpenters and woodworkers affiliated with the FTQ attempted to gain entry to the construction site at Baie-Comeau, a pitched battle between rival gangs of chain-wielding trade unionists erupted. An injunction was sought by the FTQ to allow its members to gain access to the site. Eventually, the Commission des relations du travail ordered a certification vote, which the CSN won handily. The vote was denounced by the FTQ and its president as further evidence of the CRT's (and, by implication, the government's) favourable bias toward the CSN. Marcel Pépin, president of the latter organization, retorted:

On a dépeint la situation à Baie-Comeau comme étant une guerre entre des ouvriers ... On a tout simplement oublié l'essentiel, c'est-à-dire qu'il s'agissait de divergences profondes entre une grande compagnie internationale alliée à des représentants internationaux et un milieu ouvrier québécois qui n'accepte pas de se faire dicter une ligne de conduite.^{77a}

Here we encounter the refrains typically sung by the two union federations in their jurisdictional battles with one another, the FTQ portraying itself as the victim of government bias, if not downright patronage, and the CSN playing up its Québécois roots and presenting itself as the defender of the indigenous working class against an insensitive foreign firm.

These inter-union rivalries formed the immediate backdrop to the passage of Bill 290. The government was compelled to act not only to try to resolve these jurisdictional rivalries, or at least lessen their severity, but also to curb the inflationary

impact of wage settlements in this sector and moderate rising strike levels. As Tables 4.4 and 4.5 indicate, the number and size of strikes in Quebec's construction industry increased markedly in the 1960s, as did the total time lost in construction stoppages. In at least one of these strikes--in Montreal, in April 1966, at the height of the World Exposition construction boom--the two federations were able to overcome their traditional differences and take advantage of the favourable conjuncture to win spectacular wage increases of between \$1.05 and \$1.20 an hour.⁷⁹ This settlement had important spread effects on the rest of the economy, and was yet another factor that prompted the UN government to attempt to devise an entirely new legislative framework for the sector.

Table 4.4: Work Stoppages in the Construction Industry, Quebec and Ontario, 1935-1969

Ontario			Quebec		
work stoppages	workers involved	person-days lost	work stoppages	workers involved	person-days lost
1935-40 35	1,614	4,267	8	839	1,624
1941-50 80	13,444	116,876	38	5,907	20,610
1951-60 182	68,753	1,050,006	23	16,028	245,292
1961-69 287	132,950	3,036,920	60	82,609	1,274,870

Source: Gérard Hébert, Labour Relations in the Quebec Construction Industry, Part I. The System of Labour Relations (Ottawa: Economic Council of Canada, 1977), Table 3-14, p.126.

Table 4.5: Work Stoppages in Quebec's Construction Industry, 1960-1970

construction		all sectors		time lost in construction as % of total
workers involved	person-days lost	workers involved	person-days lost	
1960 1,150	4,900	9,861	207,240	2.36
1961 33,318	317,440	40,754	488,790	64.94
1962 6,081	89,720	18,841	585,160	15.33
1963 3,932	28,080	16,890	338,760	8.29
1964 1,350	18,200	17,013	401,710	4.53
1965 2,449	36,640	38,826	606,820	6.04
1966 14,382	101,490	90,984	1,926,890	5.27
1967 5,403	165,280	145,226	1,760,950	9.38
1968 1,219	23,150	26,552	1,003,440	2.31
1969 15,438	517,150	103,235	1,259,030	41.08
1970 50,815	698,330	73,189	1,417,560	49.26

Source: Canada, Department of Labour, Strikes and Lockouts in Canada, 1960-1970.

(iii) Bill 290 (1968)

In the summer of 1967, Maurice Bellemare, the Minister of Labour in the Johnson Cabinet (and former union official himself) established a committee under the direction of Réal Mireault, assistant deputy minister of labour, to come up with a draft law on construction industry labour relations. The committee included representatives from the FTQ (Roger Perrault and Louis Laberge), the CSN (Robert Sauvé and Réal Labelle), the Fédération de la construction du Québec (Michel Dion), and the Corporation des maîtres électriciens du Québec (Jean Lebon).⁸⁰ Its hearings and deliberations lasted for well over a year, until the fall of 1968.

The government's announcement of its intention to introduce new legislation in this sector seemed to have a unifying effect on the normally fractious employers' associations, for they were able to present a reasonably coherent set of demands to the Mireault Committee. At the time, there were five main employers' groups in the construction industry in the province:

- la Fédération de la construction du Québec (FCQ) representing the industrial, commercial, and institutional building industry, as well as some residential building contractors;
- l'Association provinciale des constructeurs d'habitations du Québec (APCHQ), representing residential home builders;
- l'Association des constructeurs de routes et grands travaux du Québec (ACRGTO), representing the civil engineering industry;
- la Corporation des maîtres mécaniciens en tuyauterie du Québec, representing plumbing contractors; and
- la Corporation des maîtres électriciens du Québec, representing electrical contractors.⁸¹

In a joint brief, these five groups called for a new law that would remove the construction industry entirely from the coverage of the Labour Code, insofar as union certification procedures were concerned, and establish a system of regional or

province-wide bargaining between "representative associations"—union federations and employers' groups that represented at least a quarter of the workers or contractors in a given region. The employers clearly favoured province-wide negotiations that would lead to the signing of a single collective agreement for each sector. They also called for a provincial law that would licence contractors and establish criteria for determining professional competence and solvency.⁴²

Although the employers' groups in the construction industry were able to patch up their differences at the time Bill 290 was being drafted, one ought not to overestimate the extent of their cohesion. Subsequent events, such as the decision of the FCQ's largest affiliate, the Association de la construction de Montréal, to pull out of the parent organization in 1972, pointed up the employers' fragile unity.⁴³ As I shall explain below, Bill 290 in many ways exacerbated these divisions within and between employers' associations, since it was generally more favourable to the big Montreal-based contractors than it was to the smaller, regional firms.

Divisions within the labour movement over certain features of the proposed legislation were even more pronounced and debilitating than they were among employers. Although the two federations were able to agree on a number of comparatively minor provisions regarding the classification of trades, rules of apprenticeship, and social security plans, they were diametrically opposed on the crucial question of hiring halls. The FTQ, which had an overwhelming superiority in the Montreal labour market, and an extensive system of hiring halls in the city (one for each of the twenty trades affiliated to the federation), did not want to tamper too much with the status quo. The CSN, by contrast, had only one hiring hall in Montreal, for low-paid general labourers, and even its preponderance outside the city could not prevent some firms from bringing their own workforce, usually represented by an international union, with them to construction sites that were traditionally CSN

preserves. For the CSN, then, the new legislation would have to solve the problem of union hiring halls above all else. Showing little enthusiasm for European-style union pluralism and sectoral bargaining, which the FTQ and Robert Sauvé, one of the federation's top officials,⁶⁴ were touting as the solution to inter-union rivalries in construction, the CSN urged the government to create hiring halls that would be run on a tripartite basis by the two federations and the Ministry of Labour. According to the CSN's plan, building contractors would have to choose their workers from lists supplied by these joint hiring halls; the contractor would be obliged to hire the person on the list having the greatest seniority (and the proper qualifications, obviously), regardless of his or her union affiliation. As a number of observers pointed out at the time, the CSN's proposal patently lacked realism, since the FTQ was highly unlikely to accede to a system that virtually handed Montreal's construction workers to its main rival on a silver platter.⁶⁵

As it was, the government ignored the CSN's recommendation, and instead established a unique form of sectoral collective bargaining in the provincial construction industry. According to a number of people involved in Quebec's construction industry in the late 1960s, Robert Sauvé, first as one of the union representatives on the Mireault committee and then as deputy minister of labour (after being appointed to this post in 1968), was the driving force behind the writing of what was to become Bill 290.⁶⁶ In essence, the legislation grafted the principles of European-style union pluralism onto the type of corporatist arrangement enshrined in Quebec's Loi des décrets. In a couple of articles written in the early 1970s, Sauvé argued that sectoral bargaining of the sort enshrined in Bill 290 would, among other things, "make the unions more responsible and more conscious of the economic context, and permit a link to be drawn between the economic partners and manpower policy."⁶⁷ Sectoral bargaining would also facilitate the concerted action of the economic

partners, something that Sauvé considered essential for Quebec's economic progress. Sauvé acknowledged that one of the potential side-effects of legislation to implement sectoral collective bargaining might be the decay of local unions, and the simultaneous strengthening of the central labour organizations. Far from being a disadvantage, however, Sauvé maintained that this would render the system all the more stable and efficient. In language that clearly anticipated the later technocratic and corporatist discourse of the Parti Québécois government, Sauvé argued:

Si par la négociation sectorielle on augmente la puissance des associations de travailleurs, par contre, on rend ces associations responsables non seulement de tous les travailleurs d'un secteur d'activité, mais aussi de la rentabilité de ce secteur. Et cet élément de responsabilité est une condition sine qua non au fonctionnement de la participation sociale et de la concertation économique.⁸

In fact, Sauvé regretted that union pluralism had not yet disappeared from Quebec's construction industry, claiming that most of the problems in this sector stemmed from competition between union organizations. Bill 290's compromise between union pluralism and the type of technocratic, centralized, and corporatist bargaining system advocated by Sauvé was evidently the product of the peculiar historical development of labour organizations in the construction industry.

Introduced into the Legislative Assembly for first reading on December 9, 1968, Bill 290 was passed and received royal assent barely one week later (18 December). The six most salient features of this legislation can be summarized as follows. First of all, construction workers were no longer permitted to be certified or engage in collective bargaining under the auspices of the Labour Code, except in the case of Hydro-Québec construction sites at Manicouagan, Outardes, and Gentilly, which were already unionized.

Secondly, bargaining in the construction industry would take place between "representative associations" of workers and employers. The bill explicitly recognized the FTQ and the CSN--the central organizations themselves, rather than their

construction affiliates--as the bargaining agents for construction workers, and the five employers' groups listed above were deemed "representative throughout the Province of Quebec" (art. 5). Any other association representing at least 20% of the workers or employers in the province or in a given region could also be recognized by the Minister of Labour as representative. In the committee hearings on Bill 290, a number of criticisms were lodged against this 20% threshold. René Lévesque, for example, warned that the government was conferring representative status on the seven associations specifically named in the bill ad vitam aeternam, and placing insuperable obstacles before any new association wishing to represent either workers or employers in the industry.⁸⁹ This was especially true for construction workers: given the inducements to union security contained in some provisions of Bill 290--the guarantee of a voluntary, revocable dues check-off (art. 46), as well as the stipulation that union security clauses (the closed shop, or the union shop) could be extended by decree to all workers in a given region, or throughout the province, if the two parties so chose (art. 28)--it was highly doubtful, critics charged, that new unions would be able to recruit the necessary number of workers to achieve representative status. This posed a threat to the workers' freedom of association, and in some respects rendered this right chimerical, since any worker wanting to have any real input into the negotiation of a collective agreement would be compelled to join either the CSN or the FTQ.⁹⁰

Thirdly, no collective agreement was possible where total membership in all of the representative labour associations was less than 20% of the total construction workforce in the region. If membership in the FTQ and the CSN in one of the areas covered by a decree fell below 20%, for example, Cabinet could renew the wage rates and other monetary provisions contained in the previous decree, after consulting with the representative associations involved (art. 8). According to Marcel Pépin, this article invested the Minister of Labour with an abusive and arbitrary power to determine

working conditions in certain regions of the province, and made a mockery of the employees' right of association.⁹¹

Fourthly, only one collective agreement was to be negotiated for all trades in a given region (or, should the parties so choose, throughout the entire province). This agreement, upon the request of one of the representative associations, could be extended by decree to all workers and employers in the region (art. 13). The implementation of the decree was to be ensured by a parity committee of the representative associations (art. 32). The decree had to include, among other things, provisions covering hours of work, wages, vacation pay, holidays, overtime, apprenticeship, and union security. Since the closed shop already existed in some of the larger regions covered by decrees, such as Quebec, Montreal, Chicoutimi, and Sherbrooke, and would likely be included in any future collective agreement negotiated under the terms of Bill 290, the government was in effect establishing a system of compulsory unionization for the province's construction workers.⁹²

Fifthly, since only one collective agreement covering all trades could be negotiated in any one region, each of the seven representative associations thus had the power to veto any prospective contract. If an association represented less than 5% of the workers or employers in a region, it had the right to take part in negotiations but could not "prevent the making of a collective agreement" (art. 11).

Sixthly and finally, Bill 290 took tentative steps to deal with the thorny issue of union hiring halls. The first draft of the bill contained an article prohibiting any agreement between an employer and a union to rely exclusively on the unions' hiring halls for the placement of workers. In the face of vociferous union opposition to this clause, especially from the FTQ,⁹³ the government backed off and instead established a joint commission composed of four representatives from the employers' associations, two each from the two union federations, and an official of the Ministry of Labour

(who served as president ex officio) to make recommendations on this and other questions. The problem of hiring halls bedevilled the first rounds of bargaining after the passage of Bill 290, and according to Hébert was the chief stumbling block in the negotiations.⁹⁴ It would not be until the Cliche Commission inquiry in 1974-75 that significant steps would be taken to curtail the power that these institutions exerted over hiring, and even then it would require a significant amount of state coercion to alter the situation.

Bill 290 met with the approval of the majority of the parties it affected, although the one dissenter--the CSN--was in a position to block the application of the new legislative regime. Speaking for the major employers' associations, Jean Lebon applauded the government initiative, claiming that it not only met "90%" of the employers' demands but would likely cure most of the ills that afflicted the construction industry.⁹⁵ The FTQ was almost equally laudatory: Bill 290, in its view, though still imperfect, deserved to be adopted without amendments.⁹⁶ By contrast, the CSN claimed that the new legislation merely gave official sanction to the status quo, and would serve to perpetuate the anarchy and chaos that reigned in the industry. Its only positive feature, according to the federation, was its inducement to union security, and even this was dismissed by Michel Chartrand of the Conseil central des syndicats nationaux de Montréal as a triumph of bureaucratization and technocracy over the real needs of the workers.⁹⁷ The CSN continued to agitate for the creation of joint hiring halls, and would do so throughout the first rounds of province-wide bargaining.

Despite the fact that most of the business and labour associations in the construction industry supported Bill 290, the new regime was in reality little more than a recipe for paralysis. The law gave each of the seven representative associations

a veto over the signing of a collective agreement, but it did not provide them with any incentives to overcome their rivalries and bargain together in good faith. As Hébert points out, Bill 290 contained nothing that would "force the parties to make concessions. By remaining steadfast, they force the government to intervene and settle the matter; each can then accuse the intruder of being responsible for the disadvantages of the new situation."⁹⁸ Bill 290 initiated a process in which construction unions and employers came increasingly to expect, and depend on, government intervention to resolve bargaining impasses.

In addition to creating this dependency on state intervention in the collective bargaining process, Bill 290 exacerbated the organizational divisions within the representative associations, and particularly the FTQ. As I noted earlier, the building trades unions affiliated to FTQ-Construction were accustomed to operating with little or no interference from provincial headquarters, and instead maintained close links to the AFL-CIO in Washington. As a result, many of the more powerful craft unions within the FTQ balked at the centralization of collective bargaining that was imposed by Bill 290. Policy makers in Quebec were fully aware that the new law would involve a transfer of powers within the labour federations, and they felt that this would be one of the most salutary features of the bill. According to Réal Mireault, Assistant Deputy Minister of Labour and Manpower,

... la loi impose une transformation importante des associations de travailleurs. C'est peut-être là la plus grande difficulté. La construction était le domaine où se sont retranchés les syndicats de métier. Ces derniers doivent faire face au défi de l'avenir et entrer dans l'ère des complexes industriels. Parce que les porte-parole et des travailleurs et des employeurs ont été désignés par la loi même et parce que la loi a choisi les organismes centraux, des associations provinciales ... les premières négociations ont eu pour effet de rapatrier, en quelque sorte, les syndicats de métiers de la construction au sein de leurs centrales.

La loi impose une hiérarchie dans les rapports des travailleurs et assure l'autorité des centrales. De cette façon, on diminue chez les syndicats forts la tentation d'établir des monopoles, tentation qui peut mener parfois à une certaine anarchie. Les centrales, au contraire, travaillent pour l'ensemble des travailleurs de la construction et font

disparaître cette suprématie des syndicats forts. C'est un début de normalisation dans les relations intersyndicales.⁹⁹

Mireault's comments point up the UN government's corporatist intentions: power was to be centralized in the CSN and FTQ because these organizations represented all construction workers in the province, not just one or two specialized trades. More powerful trade union federations, the government hoped, could negate the organizational self-interest of the international unions--hence Mireault's reference to the "repatriation" of decision-making power within the centrals--and thereby reduce inter-union rivalries, which most often arose when one association sought a representative monopoly at the expense of another.

Corporatist intentions were not easily translated into practice, however, as the UN government and its successor soon found out. Some of the more highly paid skilled trades simply refused to cooperate with the other representative labour associations in the construction industry; they refused to accept the direction of the provincial federation. The elevator mechanics unions were probably the most vociferous opponents of the new regime; in their view, the standardized bargaining imposed by Bill 290--one contract for all trades in a region or in the province as a whole--did not afford sufficient protection for the hard-won privileges they had extracted from their employers in previous negotiations. These highly skilled workers were covered by a nation-wide contract with variable wage rates tied to the pay scales of a number of trades in major American and Canadian cities. This system, according to Hébert, assured the elevator mechanics of extremely favourable working conditions, and they naturally did not want Bill 290 to affect what they had come to regard as "acquired rights."

Heavy machinery operators and structural steel erectors were similarly unhappy with the new system. All three of these specialized trades sought to work out special arrangements with their employers in the various rounds of bargaining

that took place after the passage of Bill 290, in flagrant violation of the law.¹⁰⁰ In the first set of negotiations, in 1969, the structural steel workers broke from the central bargaining table and signed a special collective agreement with their employers. This resulted in the expulsion of the guilty contractors from their employers' association; the government launched a series of legal actions against them as well. The union, meanwhile, sought to contest the constitutionality of Bill 290, arguing that it infringed on the freedom of contract, but its suit was rejected by the court.¹⁰¹ These events, which were replayed in most of the subsequent rounds of bargaining in the 1970s, underscored the fragility of the system set up by Bill 290, and cast doubt on the government's hopes that it could domesticate the powerful and self-interested craft unions in the construction industry. By 1969 it was already apparent to policy makers that if the new labour regime were to stand any chance of operating efficiently, it would require much more extensive state intervention as a substitute for the organizational discipline which both employers and unions lacked.

In addition to intra-union divisions, which pitted craft unions within the same federation against one another, inter-union rivalries limited the effectiveness of Bill 290. During the first round of bargaining after the law was passed,¹⁰² it appeared that the CSN and the FTQ might overcome their traditional antipathy toward one another. The two federations formed a short-lived common front on April 14 1969, at which time they outlined their mutual demands on the issues of joint hiring halls and job security. This rare instance of cooperation between the two federations came to an abrupt end two weeks later, however, when the FTQ broke ranks and signed an agreement with construction employers for the Montreal region. This "mini-contract," which undoubtedly was illegal under the terms of Bill 290, since the CSN refused to initial it, sparked a series of strikes in the Quebec and Gaspé regions which lasted until the middle of July. An agreement among the seven representative associations

was finally reached in July, marking the first and only time (until 1985) that negotiations in the construction sector were concluded without emergency legislative intervention by the provincial state (although, as I shall point out in the next chapter, the personal intervention of the Minister of Labour, Jean Cournoyer, was necessary to obtain the agreement).¹⁰³

One of the more noteworthy provisions in the first contract that was negotiated under the auspices of Bill 290 concerned employer security. At the same time that membership in a union became compulsory for construction workers in Quebec, all professional contractors were compelled to join or pay dues to one or more of the five representative employers' associations. This type of accreditation (although the decree did not adopt this terminology), according to Hébert,

permettra de structurer davantage les groupes patronaux et peut-être de réduire le nombre de cas où des employeurs marginaux risquent de ruiner, par leur action individuelle, des politiques bien arrêtées de l'association et de la majorité des entrepreneurs en cause.¹⁰⁴

This guarantee of employer security represented a first halting step toward making the new system of construction industry labour relations workable, but it did not go nearly far enough. Neither Bill 290 nor the subsequent decree imposed any sanctions on recalcitrant contractors, and many employers continued to flout the guidelines well into the 1970s (this will be discussed in further detail in the next chapter).

The drift toward greater state coercion in construction labour relations was apparent in a number of amendments to Bill 290 that were made by the Union Nationale before its defeat in 1970. In June 1969, responsibility for manpower vocational training and for apprenticeship was taken away from the parity committees and assigned to the Minister of Labour. This was to allow the government to standardize job classifications and trade definitions across the province, thereby encouraging labour mobility. The minister was also given the power to determine procedures for settling jurisdictional disputes between trades.¹⁰⁵ Another proposed bill,

which was still languishing in committee at the time the 1970 election was called, would have established a licencing system for professional contractors, thus making it more difficult for fly-by-night operations to enter the industry.¹⁰⁶ Finally, Bill 79, adopted in December 1969, empowered the Minister of Labour to place parity committees under trusteeship if there were any evidence that they had been derelict in their duties.¹⁰⁷ The combined effect of these various pieces of legislation was to remove responsibility for key aspects of the labour relations regime in the construction industry from the representative associations of labour and business and vest it instead in the provincial state.

In summary, Bill 290 and its various amendments represented a radical departure from the prevailing pattern of public policy in the field of labour-management relations, not only in Quebec but in North America as a whole. Perhaps the most striking feature of this legislation was its attribution of quasi-official status to the CSN and the FTQ by designating them the bargaining agents for the province's construction workers. This sort of officially sponsored trade unionism was exceedingly rare in the private sector, although at the time Bill 290 was passed two pieces of legislation had conferred similar status on public-sector unions. In 1965, Bill 55 (the Civil Service Act) had formally recognized the Syndicat des fonctionnaires provinciaux du Québec (SFPO) as the bargaining agent for the province's civil servants, and in 1967, Bill 25 (discussed below) designated the CEQ as the labour representative in a new system of province-wide bargaining in the education sector. All three bills, according to Hébert, were cause for concern about the growing presence of the state in industrial relations. This was especially true of Bill 290, in view of its provisions allowing for the province-wide extension of the closed shop:

Ces quelques cas soulèvent la question suivante: irions-nous vers une sorte de syndicalisme officiel, sinon d'Etat? De toute manière, les syndicats en cause revêtent un certain caractère public beaucoup plus prononcé qu'auparavant: ils acquièrent, par suite de la loi et des décrets

subséquents, des pouvoirs et des responsabilités qui dépassent d'emblée ceux des organismes strictement privés.¹⁰⁸

Having gone so far as to designate specific union organizations as instruments of public policy, Hébert wondered, would the provincial government not be inclined to intervene in the internal affairs of these allegedly private institutions in order to ensure that its objectives were being met?¹⁰⁹ Events during the tumultuous years of the Bourassa regime, as the next chapter will show, would prove that Hébert was prescient.

Since the Union Nationale was defeated before the bargaining regime created by Bill 290 had had a real chance to function, I will not attempt to assess the overall impact of the legislation on relations between the state and the organized producer groups until chapter five, when I examine the construction industry during the Bourassa years. Suffice it to say at this point that Bill 290 and related legislation represented attempts by the provincial state to manipulate the peak associations of business and labour in order to further its own policy objectives. This policy was largely the product of technocratic intervention--the role of Sauvé has already been singled out as crucial in the drafting of the law--and it built on Quebec's distinctively corporatist tradition in labour law (the 1934 Loi des décrets) by delegating responsibility for the implementation of a number of provisions in the collective agreement to the organizations of employers and workers themselves. Thus the configuration of state-group relations established by the legislation deviated considerably from what is supposed to prevail in a pluralist system, since the state intruded noticeably into the internal affairs of business and labour, and exercised increasing control over them between 1968 and 1970.

Bill 290 received only the qualified approval of organized labour: while the FTQ was unequivocally enthusiastic about the law, since it viewed the new regime

as an opportunity to displace the CSN on construction sites outside of Montreal, the latter federation greeted the legislation with suspicion or outright hostility. According to the CSN, the new law did not address the central problem of the construction industry, namely the lack of job security for construction workers.¹¹⁰ Initially, the government's objectives in promulgating Bill 290--to reduce union power over hiring and apprenticeship, and to eliminate the practices of leapfrogging and whipsawing, which had created an inflationary wage spiral in the industry--were heartily endorsed by the province's contractors. This accounts for the widespread approval for Bill 290 among the major employers' associations when the legislation was first passed. This congruence between the interests of the provincial state and construction employers gradually evaporated, however, as the deleterious side effects of the legislation--increased union power and heightened labour militancy--became more and more apparent. By the early 1970s, most construction employers were no happier with prevailing policy than they had been with the situation that existed prior to the enactment of Bill 290.

In short, Bill 290, even if it did emanate from the technostructure, was not a reflection of absolute state autonomy, since the provincial state, most contractors' associations, and an important segment of the labour movement all endorsed the general thrust of the legislation. However, its unanticipated side effects--heightened labour militancy (see Table 4.5 above, for an illustration of the dramatic rise in strike activity in the wake of the passage of Bill 290), as well as remarkable improvements in the wages and benefits of construction workers (discussed in the next chapter) were definitely not desired either by business or by the state itself. It was organized labour that gained the most from this legislation, as will become apparent in the next chapter.

V. THE UNION NATIONALE AND THE PUBLIC SECTOR:
THE DEMISE OF FREE COLLECTIVE BARGAINING

Toward the end of its second mandate, the Lesage administration began to express growing concern about the cost of Quebec's modernization, and about the provincial government's diminishing capacity to finance state expansion. With the implementation of a provincial hospital insurance scheme in 1961, and the creation of the Department of Education in 1964, the health and education sectors were eating up a sizeable chunk of the provincial budget by the mid-1960s. As Table 4.6 indicates, these two sectors accounted for over 46 percent (\$795.4 million, current dollars) of provincial government spending in 1965-66, as opposed to only 35 percent (\$209.9 million, current dollars) in 1960-61. The most spectacular increases in spending occurred in the health sector (from 12.4% of total spending in 1960-61 to 23.8% in 1965-66), as the state gradually displaced the religious authorities and local hospital administrations as the employer in what was becoming a technologically sophisticated sector of the economy.

Much of state spending in the mid-sixties was unavoidable if the government was serious about its commitment to the fundamental goals of the Quiet Revolution: providing modern educational facilities, health care, and other social services to a rapidly growing population whose traditional fear of étatisme was quickly vanishing. However, the provincial government was in a position to exert some control over one major component of state expenditures--public-sector wages and benefits, which, according to government leaders, accounted for almost one-half of the provincial budget.¹¹¹ In January 1966, Premier Lesage took tentative steps to do just that. While acknowledging that salaries and working conditions in the public sector had been appalling before the Liberal victory in 1960, Lesage claimed that the reforms of the

Table 4.6: Distribution of Quebec Government Spending, By Sector, 1960-1967

Sector	1960-61		1961-62		1962-63		1963-64		1964-65		1965-66		1966-67	
	\$mill'	(%)	\$	(%)	\$	(%)	\$	(%)	\$	(%)	\$	(%)	\$	(%)
Welfare	82.3	(13.8)	124.5	(15.6)	132.5	(14.4)	135.8	(13.5)	147.4	(12.2)	223.7	(13.0)	237.4	(12.0)
Health	74.2	(12.4)	129.3	(16.2)	166.9	(18.1)	186.0	(18.5)	207.7	(17.4)	408.7	(23.8)	467.0	(23.6)
Education	135.7	(22.8)	173.8	(21.8)	236.5	(25.7)	269.2	(26.8)	338.2	(28.2)	386.7	(22.6)	451.9	(22.8)
Transportation and Communications	112.8	(18.9)	158.4	(19.8)	159.0	(17.3)	165.8	(16.5)	225.6	(18.8)	271.0	(15.8)	306.1	(15.5)
Other	191.7	(32.1)	212.4	(26.6)	226.2	(24.5)	247.9	(24.7)	280.3	(23.4)	424.6	(24.8)	517.8	(26.1)
	100%		100%		100%		100%		100%		100%		100%	

* current dollars

Source: Quebec, Budget Speech, delivered on March 31, 1966 in the Quebec Legislative Assembly by the Honourable Jean Lesage, Annex 1, Table 62, p.127.

Quiet Revolution had succeeded in putting teachers, health care workers, and civil servants on an equal footing with their private-sector counterparts. Indeed, he argued that in many cases Quebec's public-sector employees were better paid than those in Ontario, a province whose treasury was in far better shape than Quebec's. Henceforward, Lesage asserted, wages and benefits in the public sector would have to be tied to the overall growth in the economy:

Ce qui s'est produit depuis quelques années était ... destiné à combler un écart: il était impensable qu'une fois l'écart comblé, les salaires continuent d'augmenter au même rythme. En d'autres termes, on peut comprendre que certains salaires aient été augmentés de 10% ou 15% par an pendant plusieurs années ... Mais tôt ou tard, un tel rythme d'augmentation doit être radicalement réduit puisque, dans l'ensemble de l'activité économique du pays, les salaires moyens n'augmentent pas aussi vite. Sans doute, les ressources de l'État ont-elles pu être augmentées de façon à faire face à des augmentations considérables de salaires. Il arrive un moment cependant où l'on ne peut plus accepter de faire payer par tous les contribuables des relèvements que le rattrapage ... ne justifie plus.¹²

In short, the period of rattrapage for Quebec's public-sector workers had been successfully completed, at least as far as government leaders were concerned.

Apart from a hesitant attempt in the spring of 1966 to check the growth of salaries in the education sector (discussed below), the Lesage government did not elaborate a coherent strategy for restraining the public-sector wage bill (what was called la masse salariale). Indeed, the commitment to relatively free collective bargaining in the public sector that was contained in the Labour Code and related legislation (restricted only by the government's right to impose a sixty-day cooling off period and a twenty-day injunction in the case of disputes that were deemed to endanger the public's health and safety) made it difficult, if not impossible, for the government to formulate such a wages policy. As Jacques Parizeau, economic adviser to both the Liberal and Union Nationale governments, would later observe, free collective bargaining in the first round of public-sector negotiations (1964-66) allowed some unions to parlay their organizational strength and militancy into substantial

wage increases, which then served as the pattern for subsequent bargaining demands.¹¹³

Unlike their Liberal predecessors, the Union Nationale had no qualms about interfering directly in public-sector negotiations in order to curb state spending. The new government formulated a three-pronged strategy for keeping public-sector compensation in check: the creation of a centralized, province-wide bargaining structure in the health and education sectors, the use of harsh back-to-work legislation to dissipate union militancy (instead of relying on injunctions, as provided for in the Labour Code), and the establishment of an annual ceiling on wage increases for government employees (the politique salariale). This abandonment of the philosophy underlying the Labour Code was justified by government leaders as the only way of ensuring that the benefits of modernization were distributed evenly throughout the province. Though self-serving, this justification had more than a grain of truth in it, as the leveling of some of the most notable salary differences among different categories of public-sector workers in the second round of bargaining attested.

As the following analysis of labour relations in the public sector during the UN interregnum will demonstrate, the Johnson and Bertrand governments were remarkably successful in imposing a new bargaining regime on their workers, but their very success laid the basis for later conflict. By taking advantage of divisions and rivalries within public-sector unions, the UN underscored the necessity of labour solidarity, thus setting the stage for the creation of a powerful and militant Common Front in 1971.

(i) "Nationalizing" Quebec's Hospitals, 1966

One of the first actions of the Lesage government after its election in 1960 was to implement a provincial hospitalization insurance scheme, something all the other provinces had already done, but which Duplessis had staunchly resisted,¹¹⁴ lest his government contribute to the scourge of "creeping socialism." This new program brought with it a number of important changes in the bargaining relationship between hospital workers and their nominal employers, the local hospital administrations. In the first place, unionization of hospital employees increased markedly in the wake of the 1960 legislation, from 10,000 unionized workers in 1960 to 40,000 only five years later (over 80 percent of whom were affiliated with the CSN).¹¹⁵ Along with this growth in union membership came an upsurge in labour militancy--a dramatic departure from the docility that had characterized this section of the workforce throughout the Duplessis era. Boivin attributes both of these trends to the declining autonomy and influence of local hospital administrators: workers had less to fear in the way of reprisals for their union activity or militancy, now that the province was taking over responsibility for the hospitals. Previously, it was fairly easy for local administrators to exert all kinds of pressure against workers deemed too militant.¹¹⁶

A second consequence of the Hospitalization Insurance Act of 1960 was the provincial government's growing preoccupation with the manner in which its funds were spent. If the provincial state were going to shoulder most of the financial burden for hospital services, then it obviously required some means of controlling these expenditures. However, the legal status of hospitals as private institutions made it very difficult to achieve this goal. Therefore, in 1962, the government passed the Hospitals Act, which provided for state regulation and surveillance of all essential

aspects of hospital administration, from the composition of a hospital's board of directors to the quality of patient care it provided.¹¹⁷

Despite the significant erosion of the decision-making authority of local hospital administrators after 1960, collective bargaining continued to be conducted at the local or regional levels. Since the provincial government was not present at the various negotiating tables (other than as an observer), it had no means of ensuring that all of the settlements reached at the local level were in accordance with its overarching political and economic objectives. This meant that in some cases, obstinate or benighted local administrators refused to grant their employees even the most minimal concessions, thereby sabotaging what the Lesage government considered to be its primordial goal--the modernization of the health sector (since only the most poorly qualified employees would be willing to work under such conditions). In other cases, however, unions were able to take advantage of the ambiguous relationship between the provincial state and the local hospital associations, play one level off against the other, and extract favourable settlements. As Hébert remarked,

Dans cette joute de pressions économiques et politiques, les syndicats avaient tout à gagner, discutant d'abord avec les hôpitaux, frappant ensuite aux portes de l'Etat, choisissant bien l'échelon qui offrait, à ce moment, le plus de chance de succès. Devant eux, dans tous les conflits importants ... les hôpitaux et le gouvernement ont paru faibles; le gouvernement, faible de son indécision et du caractère politique de sa situation polyvalente; les hôpitaux, faibles surtout de leur dépendance économique quasi-totale vis-à-vis de l'Etat.¹¹⁸

By the mid-1960s, Jacques Parizeau and other top-level technocrats had come to the realization that a centralized, province-wide system of collective bargaining, involving the relevant union federation (in this case, the CSN's Fédération nationale des services, or FNS), the Association des hôpitaux de la province du Québec (AHPQ, created in early 1966), and the provincial government, was needed to avoid the kind of uncoordinated bargaining that was putting so much pressure on the provincial treasury. Although provincial bargaining was anathema to the AHPQ, which feared

that such a regime would be the last nail in the coffin of local autonomy and another step toward a fully state-controlled system of health care, the state found an ally in the union movement itself. The FNS, eager to eliminate the substantial differentials in wages and working conditions that existed between regions, men and women, and skill levels, was campaigning for a centralized bargaining regime as early as 1964.¹¹⁹

With the passage of the Labour Code in September 1964, an already confused situation became even more muddled: workers now had the right to strike in order to press their demands. The mere threat of such action during the first series of negotiations between hospitals and their employees was sufficient to extract concessions from the local administrators.¹²⁰ One noteworthy feature of the various collective agreements negotiated in 1965 was that they all had the same expiry date—December 31, 1965. Thus the stage was set for de facto province-wide bargaining, notwithstanding the AHPQ's unwillingness to participate in such a structure.¹²¹

Between January and June 1966, the AHPQ stalled in its negotiations with the FNS; the union, with more than a little justification, accused the hospitals' association of bargaining in bad faith. No sooner had the Union Nationale replaced the Liberals in power than the FNS received an overwhelming strike mandate from its membership (97% of those voting called for a strike). A province-wide strike began on July 14, 1966, and lasted for three weeks. In all, 32,500 workers walked off their jobs, affecting 139 hospitals (although the unions set up hospital care committees to provide in-home medical services for the most urgent cases).¹²²

In the face of the AHPQ's intransigence, the CSN's president, Marcel Pépin, called on the UN government to "nationalize" health care by placing the hospitals under trusteeship. This it did on August 3, 1966, appointing Yves Pratte as the trustee. Pratte signed a collective agreement for all of the province's public hospitals which would expire on June 30, 1968. The contract, though failing to meet some of

the union's demands--wage increases, for instance, were only nominal--was applauded by the FNS. Wage differentials across various regions were narrowed; the Rand formula was implemented; and job security was strengthened. Local hospital associations were still the legal employers, but their role was now severely circumscribed.¹²³ The drive toward centralization of public-sector bargaining, which would cause so much grief for subsequent governments in the 1970s and 1980s, had begun.

(ii) The Crisis in Education, 1966-1967

During the 1960s, the combined impact of educational reform and demographic changes in Quebec's population (the baby boom generation's entry into high school) produced an explosion in school enrollments. Most of this growth took place at the secondary level, where costs per pupil were almost double those at the elementary level.¹²⁴ New schools had to be built; many new teachers had to be hired; and textbooks and other supplies had to be purchased. Much of the burden of these rising costs fell on the provincial government, since the customary method of financing education had been profoundly altered by the Quiet Revolution reforms. Traditionally, local school boards shouldered most of the costs of education through a combination of property and retail sales taxes. In 1959-60, for example, these taxes accounted for almost 70 percent of the 1,830 school boards' total revenues, while provincial government subsidies (based on the number of students per board) made up the rest. By 1964, however, government subsidies constituted over 50 percent of school board revenues, rising to 60 percent in 1967-68. In dollar terms, government contributions to the financing of education increased from \$48.5 million in 1957-58 to \$484 million ten years later.¹²⁵

Although teachers' salaries were by no means the only source of this spectacular increase in education spending,¹²⁶ they did constitute the one component of expenditures that policy makers believed they could most easily and effectively control. The Lesage government, in the spring of 1966, took some tentative steps toward this objective when it drew up a set of guidelines for local school boards. These guidelines distinguished between "permissible" and "non-permissible" expenditures: whereas the former could be financed through a special government subsidy (subvention d'équilibre budgétaire), the latter would have to be covered by the boards themselves, most likely by means of a politically unpopular hike in property taxes. The government included a salary schedule for teachers in the guidelines: "salaries that were above the corresponding salaries in the schedule of reference were considered non-permissible expenditures."¹²⁷ Before these guidelines could come into effect, however, the Liberals suffered a defeat at the polls.

Unhindered by any strong ideological ties to the labour movement, or by the need to cultivate the public-sector unions as "partners" in the project of modernization, the Union Nationale decided it was politic to go even further than the Liberals had done in controlling the costs of education. On October 14, 1966, the new Minister of Education, Jean-Jacques Bertrand, issued confidential guidelines to all local school boards, spelling out precisely the portion of the deficits that most boards had consistently been running up the government was willing to subsidize. In order to be eligible to receive budgetary equilibrium subsidies from the province, a school board would henceforth have to submit its salary proposals to the Ministry of Education for approval. Likewise, any decision to resort to arbitration would have to receive prior approval from the ministry. According to Douglas Muir, these directives had the "effect of nullifying sincere negotiations and freezing teachers' salaries to a

government approved norm. The teachers reacted by forcing many negotiations to a dispute situation."¹²⁸

Two features of these guidelines warrant special consideration. First, the provision for direct government intervention in the determination of wages in education was reminiscent of the very first draft of the Labour Code, which would have permitted the Ministers of Health and Youth to suspend duly signed collective agreements in the health and education sectors and to submit them to an arbitration tribunal. In both cases, the government was indicating that it did not trust free collective bargaining to set salary levels for the public sector. Secondly, the UN government justified the October guidelines by claiming that they were necessary if teachers' salaries were to be in line with the global politique salariale that was being established:

Agissant au nom de l'ensemble de la collectivité, le gouvernement a le devoir de viser à établir la coordination la plus étroite possible entre la politique des salaires en vigueur dans l'ensemble du secteur public et la situation existante à cet égard dans le domaine de l'enseignement: c'est en définitive, la même collectivité qui supporte le fardeau économique qui résulte de cette politique et de cette situation.¹²⁹

The curious thing about this politique salariale was that the government had not yet made public either the assumptions underlying the policy or its basic objectives. More importantly, the government had acted unilaterally, not even bothering to consult the targets of this policy, the unions and the school boards themselves.

Largely as a result of the government's actions, a wave of teacher strikes spread across the province in the first two months of 1967. In all, over 12,000 teachers were out on strike by the middle of February, affecting over 285,000 students. Further walkouts planned for late February would have brought the number of striking teachers to 14,475, and the number of students affected to 409,200.¹³⁰ In the face of an already explosive and rapidly deteriorating situation, and spurred on by a cranky public, which was beginning to question the wisdom of having granted public-sector

workers the right to strike, the UN decided to abandon the dispute-resolution machinery provided by the Labour Code (section 99, providing for injunctions, a cooling-off period, and fact-finding) and enacted emergency back-to-work legislation. Section 99, government leaders have always claimed, is useful mainly for preventing work stoppages on a local (plant) basis, and is most effective when collective bargaining is decentralized. When Bill 25 was invoked, the UN government needed a show of force, partly to demonstrate its mettle before public opinion. The government also took advantage of the crisis to exploit its dual role as L'Etat-législateur and L'Etat-employeur, by including provisions in the back-to-work legislation that forcibly centralized negotiations in the education sector.

Bill 25, the government's response to the education crisis, received royal assent on February 17 1967.¹³¹ The legislation had four principal components. First, it ordered the striking teachers to resume their jobs within forty-eight hours of the passage of the bill. Secondly, it suspended the teachers' right to bargain collectively and to strike by extending existing contracts until June 30 1968 (which, coincidentally, was the same date of expiry for contracts in the hospital sector, thereby presaging a truly centralized round of bargaining in 1968). Thirdly, the bill determined teachers' salaries for a one-and-a-half year period; in effect, the salary schedule contained in Bill 25 froze the salaries of the highest-paid teachers (most of whom were located in Montreal or other large cities) and allocated small increments to those with below-average incomes (usually those in isolated and rural areas). Finally, the most controversial aspect of Bill 25 was its imposition of a new, centralized bargaining regime on teachers. As of 1968, negotiations would take place at the provincial level. A joint committee, consisting of the Federation of Catholic School Commissions and the Quebec Association of Protestant School Boards on the employers' side, and the CIC, the Provincial Association of Catholic Teachers (PACT), and the Provincial Association of

Protestant Teachers (PAPT) on the union side,¹³² could make recommendations to the government on what matters ought to be negotiated at the provincial level. The government, however, would have the final say on this matter.¹³³

In the legislative debate on Bill 25, the government advanced two separate justifications of its suspension of free collective bargaining in education and its unilateral imposition of a new system of province-wide negotiations. The first was strictly fiscal: according to Paul Dozois, Finance Minister, bargaining at the level of the local school board had resulted in some anomalous situations. For instance, a 1965 arbitration award had granted teachers in the regional school board of La Golfe staggering salary increases. Had this award been used as the pattern for teachers elsewhere, Dozois explained, it would have necessitated an additional outlay of \$120 million by the provincial government. But since other public-sector employees with similar education levels and skills as teachers would in all likelihood have demanded comparable increases, the government would probably have been forced to pay out between \$200 and \$300 million if it had not imposed its own salary scale in the public sector. Quebec, which by 1966 had become the highest taxed province in Canada, simply could not afford to leave the determination of public-sector compensation to the operation of free collective bargaining, since such a laissez-faire approach was in danger of ruining the provincial economy. Industries were avoiding investing in Quebec, Dozois claimed, because of its tax burden, and some companies were considering moving their plants elsewhere.¹³⁴

The second justification of the government's actions was articulated by Marcel Masse, Minister of State for the Public Service. Bill 25, he argued, was an attempt to fulfil one of the primary objectives of the Quiet Revolution, to help the teachers themselves transform the province's educational system:

Les maîtres et le personnel académique sont, avec les parents, les principaux artisans de ce renouveau pédagogique....Nous tentons, par

tous les moyens qui sont mis à notre disposition, d'installer dans la réalité cette participation des enseignants à la transformation de notre enseignement.

La nouvelle loi vient leur faciliter la tâche. Nous savons ... que l'élévation du taux de scolarisation implique une bonne distribution géographique des professeurs qualifiés sur tout le territoire et plus particulièrement dans les régions économiquement moins favorisées où la scolarisation est la plus faible.

Or, jusqu'à ce jour, l'établissement à l'échelle locale des traitements des professeurs permettait aux régions économiquement favorisées de drainer, vers leur région hautement scolarisée, les professeurs les plus qualifiés.¹³⁵

The provincial salary scale contained in Bill 25, by narrowing pay differentials between regions, between Catholics and Protestants (to the overall advantage of the CIC members, and the disadvantage of PAPT¹³⁶), and between men and women, was an essential first step toward the goal of ensuring a uniform distribution of competent teaching personnel throughout the province. Centralized bargaining at the provincial level would guarantee the continued modernization of the province's educational system, argued government spokesmen.

Not surprisingly, Bill 25 was virulently denounced by the Liberal opposition and by the labour movement. Speaking for the Liberals, Eric Kierans castigated the UN for its grandiose technocratic visions--a stance that was not without considerable irony, in view of the Liberal government's own substantial contribution to the growth of the provincial technostructure. Dismissing the provisions in Bill 25 for centralized bargaining as "a beautiful organigram in the mind of a single or two or three technocrats," Kierans went on to claim that

[t]his bill will create that tightly structured system that technocrats and bureaucrats love, because nothing can move except along the channels that are laid down in their plans and in their ideas. But étatisme of this rigid type cannot endure in Quebec because Quebec is straining for growth, straining for development and too vibrant to be contained. The very moment when the government should be more flexible, ... more creative because it is dealing with the people who are among the most important in this province, our teachers, they become repressive and rigid.¹³⁷

Although the Liberals did not contest the need for emergency legislation, which they felt was the only way to avoid placing the students' school year in jeopardy, they nonetheless condemned the government's dictatorial and heavy-handed imposition of wages and working conditions for a period of one and a half years. They claimed that the UN was using the strike as a pretext in order to ram its new bargaining regime through the legislature.¹³⁸

As for the various teachers' unions, their reactions were overwhelmingly hostile, but with subtle variations among the three federations. The Protestant teachers, whose longstanding economic advantages were one of the primary victims of Bill 25, were the most exercised by the legislation. A number of them resigned to protest the freeze on their salaries and the "civil servant" status accorded them by the new law. PAPT feared that Bill 25 might result in a highly centralized system similar to the one in France, a system in which the political and economic influence of the larger CIC would dwarf that of its smaller counterparts.¹³⁹ The English Catholic teachers, although opposed to the notion of province-wide bargaining, did see some advantages in such a system: the elimination of the differentials that existed between married and single teachers (the former traditionally being paid \$500 a year more than the latter) and between religious and lay teachers. The new system, according to PACT, might also "'free' some of the rural teachers from the influence and power of the Church...."¹⁴⁰ Finally, the CIC, though it had strenuously resisted the call of some of its members for province-wide negotiations, adapted fairly quickly and painlessly to the new regime. At a special congress held in March 1967, a resolution was passed by a slim majority calling on the provincial organization to negotiate a single collective agreement on behalf of its affiliates in the upcoming round of negotiations. The CIC also reorganized and centralized its structures in order to be a more effective negotiator.¹⁴¹

Thus by 1967, bargaining in both the health and education sectors in Quebec was highly centralized, with the provincial government playing a crucial role in determining employer strategy. In the case of the hospitals, the drive toward centralization had come from both the state and organized labour; in the schools, only the provincial government had wanted province-wide bargaining. No special provisions were made in either case for resolving disputes in the centralized structure, and disputes promised to be all the more debilitating under such a regime.

(iii) Bill 1 and the Montreal Transit Workers' Strike, 1967

During the fall of 1967, another public-sector labour dispute erupted, a conflict which underscored the Union Nationale's tenuous commitment to the philosophy underlying the Labour Code, namely, that free collective bargaining between unions and management, even in the public sector, is a desirable goal of public policy. On September 20 1967, as Expo 67 was winding down to a close, the five unions representing employees of the Commission de transport de Montréal (CTM) went on strike.¹⁴² The conflict between the unions and the CTM dragged on for over a month, taking its expected toll on public opinion. Part of the reason for the deadlock in negotiations was the ambiguous relationship between the CTM and the provincial government; the unions felt that Quebec City was calling the financial shots, but the government was not present at the bargaining table. The CTM, in the view of the unions, was no more than a puppet of the government, making little or no effort to negotiate in good faith. Union leaders were particularly indignant over the CTM's refusal to divulge basic budgetary information (the breakdown of its expenditures, its sources of revenue, and so on)—after all, this was a public agency, not a privately owned corporation.¹⁴³

The inconvenience of this protracted transit strike was compounded by its timing, at a moment when Montreal was playing host to the entire world at Expo 67. On October 20 1967, therefore, the UN government convened a special session of the legislature in order to introduce emergency legislation (Bill 1) to end the strike. Maurice Bellemare, the Minister of Labour, argued that such legislation was absolutely necessary because the strike was threatening to cast a pall on Expo 67, which he called "une chose sacré au point de vue de l'investissement, du bon renom."¹⁴⁴ It was also causing great hardship among the economically disadvantaged sections of the population—those who were dependent on mass transit to get them to and from work.

What is most noteworthy about Bill 1 is not simply that it marked the second time in eight months that the UN government had felt it necessary to do an end run around the existing dispute-resolution machinery of the Labour Code in favour of a show of force against striking public-sector workers. Rather, it was the bill's extremely harsh penalties for non-compliance that make it relevant to this study. Not content with levying fines of up to \$100 a day on workers who failed to return to their jobs, as well as threatening them with up to a month of imprisonment, the government imposed fines of \$5,000 to \$50,000 a day on those unions (or their leaders) that did not take the appropriate steps to induce striking workers to return to their jobs. This effectively forced union leaders to become mouthpieces for state policy, no matter how repellent they found this policy to be.

A similar tactic would later be adopted by the federal government when it enacted Bill C-8, the Postal Services Continuation Act, on October 17 1978. In this case, Jean-Claude Parrot, president of the Canadian Union of Postal Workers (CUPW) was imprisoned, not for urging his members to defy the back-to-work legislation, but merely for failing to take the necessary action to achieve the government's wishes. According to law professors Harry Glasbeek and Michael Mandel, the true purpose

of this sort of legislation, which compels union leaders to act against their consciences and thereby derogates from their freedom to "say and think whatever [they] believe," is to get the trade union leadership to do the government's dirty work:

The legislature ... obviously understood that, if it gave [the] power to strike, it was giving an important right to workers which ought not to be removed at will; and that, if it did decide to remove it, it might have to cope with understandably angry people. Therefore it would be advisable to have those whom the workers trusted do the dirty work for the government. That is, it would be more than useful if the workers' leaders would tell the workers to return to work, to explain that their much cherished right to withhold their labour ought not, this time, to be insisted on ... It is because Jean-Claude Parrot refused to tell the workers to obey an oppressive law--fairly so characterized even if legally passed--that the government's abuse of power was revealed to the workers.¹⁴⁵

In the case of the Montreal transit workers' strike, no union leader chose to defy the UN's repressive legislation. Perhaps this was because Bill 1 contained another provision that was certain to give pause to even the most militant union leader: if less than 70 percent of a union's members returned to work within forty-eight hours of the passage of the bill, then that union would be liable to decertification. That is, if a minority of workers (30%), for whatever reason, failed to live up to the provisions of the act, the entire union would be stripped of its bargaining and representational rights. In the legislative debate on Bill 1, Jean Lesage decried the draconian nature of such a manoeuvre:

Ce que l'on propose ... dans ce cas-ci pour les syndicats, c'est la mort civile. Autrefois, il y a longtemps, on prévoyait pour les personnes qui étaient trouvées coupables de certains crimes la perte de leurs droits de citoyens. C'était ça, la mort civile. C'est une peine moyenâgeuse qui, grâce à Dieu, n'existe plus. Or, dans le bill, je dis qu'on tente de la faire revivre. C'est impensable qu'on veuille imposer la mort civile aux syndicats.¹⁴⁶

In an attempt to justify this brutal piece of legislation, premier Johnson claimed that it would be an effective means of silencing those within the unions who ought to be the least heard (the militants), and of providing the "most serious" workers with the necessary tools to obtain a "serious decision."¹⁴⁷ Perhaps no more telling illustration of

the distance labour policy had travelled in the short span of eighteen months can be found than the premier's remarks. From being a partner in the project of political modernization between 1960 and 1965, organized labour had become a virtual pariah during the UN's brief tenure in power.

(iv) The "Politique Salariale," 1968-1969

During the first two years of its mandate, the Johnson administration made numerous references to a nebulous "politique salariale" that was apparently guiding its bargaining strategy in public-sector negotiations, without divulging the assumptions underlying this policy or its basic objectives. The confidential October 1966 guidelines for local school boards had been justified by invoking the need to bring teachers' salaries into line with the general wages policy, but the teachers' unions and school boards had been left in the dark about the exact nature of this wages policy. The legislative debate on Bill 25 made it clear that the politique salariale, as far as the education sector was concerned, aimed at reducing regional disparities in teachers' incomes, slowing down the rate of increase in the salaries of the best-paid categories, allowing the lower-paid teachers to catch up to the better-paid sections of the profession, and doing all this without putting any additional burden on the increasingly harried Quebec taxpayer.¹⁴⁸

The real nature of the politique salariale only became apparent during the second round of public-sector bargaining, which began in early 1968 on four main fronts: education, the hospitals, the Régie des alcools du Québec (RAQ), and the civil service (comprising both professional and non-professional workers, the latter being represented by the Syndicat des fonctionnaires provinciaux du Québec [SFPQ]).¹⁴⁹ It soon became obvious to union negotiators that the government's rhetoric about

reducing inequities among its employees and ensuring that all parts of the province benefited equally from political and social modernization masked a more fundamental objective: to limit increases in the total public-sector wage bill to some unilaterally determined level, in this case 15 percent over a three-year period (1968-1971).¹⁵⁰ Nevertheless, the government was initially quite reluctant to reveal the rationale behind its choice of the 5 percent a year ceiling on salary increases. Legislative hearings on the politique salariale were finally called at the end of October 1968, allowing the two principal architects of the policy—Marcel Masse and his adviser, Jacques Parizeau, who treated the members of the committee to detailed disquisitions on the need to curb state spending in Quebec—to unveil the administration's objectives. Marcel Masse attempted to explain the government's previous secrecy by means of a bizarre military analogy:

Il est vrai que les principes ou les fondements de notre politique n'ont pas été connus publiquement jusqu'à maintenant, dans ses moindres détails. Mais je pense qu'il est toujours difficile de demander à un général de faire connaître, avant un important mouvement, la totalité de ses munitions et la totalité de ses réserves.¹⁵¹

This curious military imagery was perhaps more revealing of the UN's intentions than Masse would have liked it to be, for the government's approach to the second round of negotiations with public-sector unions was about as far removed from free collective bargaining as a pitched battle is from a peace conference. The chief preoccupation of government negotiators in 1968 and 1969 was seemingly to break the back of public-sector union militancy. Having first compelled the unions to accede to its wages policy, the government would then be willing to engage in "real" bargaining in the third round, in 1971.

After three years of a unilaterally imposed wages policy, Marcel Masse claimed, the province would be willing to invite the union federations to discuss "general rates of growth in public-sector salaries in the course of a series of

preliminary meetings. Such a process, in many respects, would be an innovation."¹⁵² And according to Jacques Parizeau, a period during which the government "standardized" the rate of growth of public-sector compensation was a necessary prelude to a "fully modern" bargaining regime, in which the union centrals and the provincial government would jointly determine the basic objectives of the negotiations and even, to some extent, the government's budgetary priorities:

et si on arrive à le faire en 1971, cela veut dire qu'entre le désordre complet de 1966, où le gouvernement [Lesage], à titre d'exemple, ne savait pas combien il employait de gens, et puis une structure tout à fait modernisée de négociations, il se serait passé pas tout à fait cinq ans. Bien, ce n'est pas si mal.¹⁵³

As in the case with the UN government's construction industry labour policy, therefore, the drive for further centralization and "rationalization" of collective bargaining in the public sector emanated in part from the technocratic concern for efficiency and control. In this respect, Eric Kierans, as quoted above, was not far off in his assessment of the UN's labour policy, even if centralized negotiations had distinct advantages for government employees.

Negotiations between the government and the employees of the RAQ quickly became the main testing ground for the administration's politique salariale. The union (affiliated with the CSN) argued that since the average salary of the RAQ workers was appallingly low (\$69 a week, net), they ought not to be subjected to the government's wage guidelines. Marcel Pépin contended that there ought to be allowances in the politique salariale for a "decent wage," and the union therefore demanded salary increases of up to 40 percent over two years.¹⁵⁴ The government remained steadfast to its 5 percent a year ceiling. For their part, RAQ management employed a number of delaying tactics to thwart agreement, hoping that some other public-sector union, in the interim, would settle within the government's guidelines and put pressure on the RAQ employees to follow suit. This is precisely what

happened when the SFPQ reached an agreement in the summer of 1968 (discussed below).¹⁵⁵

In the face of the government's intransigence, RAQ workers walked off their jobs on June 25th; the strike lasted five months, until November 24 1968. A special legislative committee was struck in late October to investigate the wages policy and attempt to resolve some of the bargaining disputes between the RAQ and its employees. It was during the sittings of this committee that Marcel Masse finally unveiled the five components of the politique salariale. The UN government, Masse asserted, was committed to:

- a) holding public-sector salaries in line with those offered to workers in similar jobs in the private sector;
- b) providing equal pay for equal work;
- c) encouraging professional development by creating substantial wage differentials between unspecialized and specialized occupations;
- d) reducing regional disparities in income, which would necessitate the establishment of a new, province-wide bargaining structure in the public sector; and
- e) establishing career plans (job security) for public-sector workers.¹⁵⁶

The government also outlined the rationale behind the 5 percent ceiling on annual wage increases. Since there are no valid measures of productivity in the public sector, Masse claimed, total increases in the wage bill must be linked to the standard of living. When the latter is increasing, tax revenues automatically increase, even when marginal rates remain the same, and the government is in a position to pay out higher salaries to its employees. In effect, then, the government was arguing that public-sector wages must be tied to the rate of increase in private-sector productivity

(which determines the growth of the standard of living). However, Masse cautioned, increases in public-sector salaries will be smaller than those in government revenues if new programs, and therefore new jobs, are being created in the government sector. As a hypothetical example, Masse indicated that if government tax revenues for a given year were projected to rise by 8 percent, and the rate of growth of the general population was 1.5 percent, then "l'augmentation des salaires du personnel en place serait donc de 6.5% [8% - 1.5%], le reste étant accordé à l'augmentation des effectifs qui va suivre l'augmentation de la population."¹⁵⁷

Obviously, there are a number of glaring weaknesses in the UN's argument. In the first place, government forecasting of revenue growth and other changes in the provincial economy is a notoriously risky enterprise, dependent on a host of often dubious or debatable assumptions. It is difficult to conceive of the public-sector unions blithely accepting the government's statistical projections as the basis for negotiations. More likely, they would introduce their own set of figures based on their own set of assumptions, and a dialogue of the deaf would ensue. More importantly, as Marcel Pépin of the CSN pointed out in the legislative hearings, the UN's entire rationale for its wages policy was disingenuous and self-serving, since it ignored completely the fact that the government, if it wished to restrain budgetary growth, had available to it a number of alternatives other than compressing public-sector salaries. It could, for example, begin to treat all forms of income in a similar fashion by introducing a capital gains tax, thereby increasing its revenues. Or it could rationalize its expenditures. This list, Pépin claimed, was by no means exhaustive.¹⁵⁸ The same point was trenchantly made by Léo Roback: the government's politique salariale, he asserted,

... n'est pas une 'loi naturelle'. Une POLITIQUE est un CHOIX. Le gouvernement choisit de ne pas modifier ses structures fiscales, de ne pas chercher de nouvelles sources de revenus ... qui pourrait à la fois élargir l'assiette fiscale et REDISTRIBUER le fardeau des taxes et donc

le revenu national parmi les diverses classes sociales et secteurs de l'économie.¹⁵⁹

Roback mentioned a capital gains tax and increased royalties on natural resource production as two perfectly acceptable alternatives in a capitalist economy to a wages freeze.

For the most part, these arguments against the politique salariale failed to make much of a dent in the government's resolve. Before the legislative hearings on the wages policy had even begun, the SFPQ, representing 35,000 non-professional civil servants, reached agreement on a new contract. This collective agreement, negotiated without much fanfare or publicity, and with little indication of any enmity between the two sides, provided for wage increases of 15 percent over a three-year period (April 1968-April 1971). In exchange for its acquiescence to the wage guidelines, the SFPQ obtained improved job security in the contract.¹⁶⁰ Boivin contends that the lack of militancy displayed by the SFPQ, its quiet capitulation to the politique salariale, can be attributed to two factors. First, rivalries within the union between the more militant blue-collar workers and the more cautious clerical employees, as well as between Montreal locals (more militant) and those in Quebec City (less militant), sapped the union's solidarity and undermined its bargaining effectiveness. Secondly, the CSN leadership had been mainly responsible for negotiating the SFPQ's first contract in 1964-65, and Boivin affirms that the federation had "traded substantial salary increases for an agency shop provision, which assured the central labor organization of substantial financial contributions."¹⁶¹ As a result, relations between the SFPQ and its parent organization were quite strained by the time the second round of bargaining got underway, so much so that the SFPQ refused all technical assistance from the CSN. Boivin argues that "these negotiations would have probably been tougher than they actually were had the [CSN] been represented at the bargaining

table, since the latter organization was actively supporting [RAQ] strikers in an attempt to break up the government's wage policy."¹⁶²

The SFPQ's quick settlement with the government was followed in early November by an agreement with the professional civil servants' union,¹⁶³ again without any challenge to the wage guidelines. These two contracts provided the government with a considerable strategic advantage over the RAQ employees. As Masse argued before the special legislative committee

Céder en faveur de certains groupes et passer outre au cadre qui a été fixé afin de répondre aux exigences de certains constitueraient, à l'égard de ceux qui ont donné leur accord à la politique salariale du gouvernement, une injustice qui donnerait une prime à la greve pour ceux qui veulent parvenir à leurs fins par une épreuve de force.¹⁶⁴

The government might have been able to trade on a public weary of disruptions in so-called essential services (even if designating the sale of liquor as "essential" requires a considerable leap of faith) in order to force the RAQ workers to submit to the wages policy, but it fumbled away the opportunity. During the legislative hearings, both Jean Lesage and René Lévesque revealed that liquor was being sold illegally in parts of the province, with the active collaboration of RAQ management. This revelation, more than any other factor, forced the government to retreat from its inflexible bargaining position and settle with the RAQ employees.¹⁶⁵ In what was to be the only breach in the politique salariale, different categories of RAQ workers received wage increases of between 23 and 29 percent over three years, as well as considerable improvements in job security (though the RAQ still remained a haven for patronage appointments, notwithstanding the reformist rhetoric of the Quiet Revolution).¹⁶⁶

In the education and health sectors, however, the government was much more successful in imposing its wage policy on the unions. In each case, negotiations were protracted--almost two years for teachers and eighteen months in the case of hospital

workers—but with significantly less labour strife than during the first round of bargaining. The one major conflict was a series of rotating walkouts by teachers in February 1969, but these were quickly brought to an end by an injunction. Early in the negotiations, the teachers decided to accede to the government's 15 percent salary ceiling (over three years) and stress non-monetary issues instead. The CIC's principal demand was for increased control over pedagogical decision making:

It might have seemed unorthodox, but the major teachers' demand was somehow ideological: they sought ... greater participation within the functioning of the school system. In fact, they were asking for nothing less than joint decision-making powers over pedagogical issues....Their rationale was that the only way to achieve educational reform in the province was to actively involve education specialists. This demand was fiercely opposed by school board commissioners who felt that their status as elected officials should give them final decision-making authority on these issues.¹⁶⁷

The collective agreement that was finally signed in November 1969 did not give the teachers' unions co-determination, but it did provide for mandatory consultation on a wide range of pedagogical issues.¹⁶⁸

As for the hospital workers, they too settled in November 1969, without a strike, and without making any breach in the wages policy. Their one significant gain came in the area of job security; the new contract provided for complete security of all employees with more than two years experience. According to Boivin, "this kind of job protection was the best of any collective agreement in both the public and private sectors in Quebec."¹⁶⁹

In summary, the second round of public-sector bargaining was probably the most peaceful of any between 1964 and 1985. The Union Nationale was able to take advantage of serious divisions within the labour movement and impose a wages policy on public-sector workers. At the same time, the government centralized the bargaining structure in the public sector, and held out the promise to the union federations that they could take an active role in province-wide negotiations in 1971.

However, the price of the government's success in 1968-69 was the loss of any cooperative spirit that the unions might have previously had. Fortunately for the Union Nationale, they would no longer be in power in 1971; Robert Bourassa's Liberal government would reap the whirlwind that its predecessor had sown.

VI. CONCLUSION

This chapter has examined the Union Nationale's labour policy in the construction industry and public sector between 1966 and 1970. In both cases, the basic objectives of state actors converged with those of powerful social groups, and thus I do not claim that state policy was fashioned in a completely autonomous manner. Nonetheless, the results of these policies were far from uniformly favourable to business. In fact, one of the biggest beneficiaries of the government's interventions was organized labour, which was moulded into a more unified, more powerful economic and political force by the UN's various reforms. This chapter, therefore, has emphasized the unintended consequences of state action, rather than the strict notion of state autonomy. Policies which were initially formulated to respond to the demands of business, through a chain of unintended consequences, ended up benefitting labour more than any other group.

As far as construction industry labour relations were concerned, the state shared with the major contractors' associations a desire for greater labour peace, since the industry was a key contributor to provincial economic growth and an important source of employment. As well, the province was heavily involved in several costly development projects (Expo 67, the building of the CEGEPs and Hydro-Québec installations) which required a more stable labour climate for their successful

completion. Like the provincial state and the employers' associations, the two major union federations were in favour of some sort of government intervention in order to halt the internecine conflict that was raging between them. All three of the social partners, therefore, were in favour of greater state involvement in the industry in order to solve its peculiar problems.

It is not surprising that the labour policy implemented in this sector (Bill 290) should have built on the existing legal framework embodied in the quasi-corporatist Loi des décrets. What is interesting about Bill 290, however, is the prominent role played by Robert Sauvé (a leading technocrat who, after serving as a top CSN official, became deputy minister of labour) in drafting the law. For Sauvé, the overriding objectives of Bill 290 were to centralize bargaining in the construction industry, to give to the central labour federations a greater voice in negotiations, and to lessen the pernicious influence of the powerful, American-controlled craft unions. In Sauvé's view, these tentative steps toward a corporatist system of industrial relations would make the unions and employers' associations more responsible in their collective action, and facilitate as well the cooperation and coordination of the economic partners. Bill 290 therefore reflected both the corporatist philosophy undergirding the Loi des décrets and Sauvé's technocratic vision of a planned economy.

Although the FTQ and the major contractors' associations strongly supported Bill 290 (the CSN being the lone opponent), the legislation had a number of consequences that were neither anticipated nor desired by any of the major players in the industry. Far from being a formula for harmonious labour relations, Bill 290 was a recipe for paralysis which heightened industrial conflict, something for which neither the provincial state nor the employers could have originally wished. Moreover, the new legislation failed spectacularly in its bid to unify the numerous contractors and employers' associations, which remained as fragmented and

competitive after 1968 as they had been before the law was passed. Insofar as the unions were concerned, Bill 290 did not put an end to the bloody rivalry between the FTQ and the CSN, but, as we shall see in the next chapter, the legislation did yield significant material rewards (increased wages and portable social benefits) to construction workers. In the short run, therefore, it was the unions that benefitted the most from the Union Nationale's construction industry labour policy.

In the public sector, the Union Nationale government's labour policy clearly reflected state objectives more than the preferences of the provincial business community. Although business was certainly supportive of the new administration's efforts to halt the exponential growth of state spending, and to control wage increases in the public sector, the relentless drive toward the centralization of bargaining in this sector emanated from the organizational imperatives of the technostructure and the political concerns of the UN. On the role of the technocrats in the formulation of labour policy for the public sector, this chapter has drawn attention to the part played by Jacques Parizeau as special financial adviser to the Union Nationale administration: Parizeau, along with the Minister of the Public Service, Marcel Masse, was the key witness before the legislative committee investigating the government's politique salariale. Both Parizeau and Masse were jointly responsible for the decision to centralize public-sector bargaining, in some cases (education) against the wishes of the employees and their unions. For Parizeau, centralization was absolutely necessary if the government was to maintain control over the single most important component of the provincial budget--public-sector compensation. And, as I noted above, centralized collective bargaining provided the state with an opportunity to exercise its "plenary authority"--in the form of back-to-work legislation and public relations appeals to the citizenry--in order to prevent work stoppages in the so-called essential services.

This centralization of bargaining also corresponded to one of the political objectives of the UN government, namely the continuation of the modernization of the provincial state apparatus in a spirit of fiscal responsibility. Despite its antediluvian rhetoric, the UN government was aware of the irrevocable nature of the Quiet Revolution reforms. It also realized that it could not return to the golden age of petty patronage as the basis of employer-employee relations in the public sector. In order to attract competent and qualified professionals, standardization of pay-scales across the various categories of public-sector workers would have to continue. This, along with the centralization of bargaining, was the essential feature of the administration's politique salariale.

As I have shown, the UN was able to elicit some support from the public-sector unions by arguing that centralization of negotiations was a necessary prelude to the levelling of disparities among different categories of government employees--an argument that appealed to the most poorly paid sections of the workforce. Thus the government's "divide and conquer" strategy paid dividends in the second round of public-sector bargaining (1968-69), but sowed the seeds of later conflict. Having been bested in the second round, the union federations vowed to overcome their internal differences and present a common front to the government in 1971, which would prove to be the most violent confrontation in the history of Quebec public-sector labour relations.

In sum, even the policies of stridently pro-business governments like the Union Nationale can fail to respond to the demands or objective interests of business. The UN may not have acted in an autonomous manner, but the policy inheritance bequeathed to it by the Lesage regime, combined with the dominant role played by the technosstructure in the formulation of government policy, ensured that its actions had completely unforeseen and unintended consequences. The next two chapters

will take up this theme of unintended consequences, as I examine the policies of another pro-business government, the Liberals under Robert Bourassa. Like the Union Nationale, the Liberals sought to limit the economic and political strength of organized labour, but the policies they enacted in both the construction industry and the public sector, for a variety of reasons, achieved exactly the opposite result and contributed to their own defeat at the hands of the indépendantiste Parti Québécois.

CHAPTER FOUR ENDNOTES

¹As recounted in James Iain Gow, Histoire de l'administration publique québécoise, 1867-1970 (Montreal: Presses de l'Université de Montréal, 1986), p.319.

²Ibid., pp.332-333.

³Quoted in ibid., p.353 (my translation).

⁴Dale Thomson, Jean Lesage and the Quiet Revolution (Toronto: Macmillan, 1984), p.455. The "partnership" between Masse and Parizeau was evident during the legislative debate on the UN's politique salariale, in 1968.

⁵One important piece of legislation not discussed in this chapter (Lois du Québec, 18 Elizabeth II, ch. 47 [1969]) abolished the Commission des relations de travail and established a system of labour courts in the province. Although the elimination of the CRT had been a longstanding demand of many elements within the labour movement as well as among the province's employers—since it was seen as a way of depoliticizing industrial relations—its effect on union security and union growth, the principal concerns of this dissertation, was negligible. In the area of private-sector labour relations, therefore, this chapter focusses exclusively on the construction industry, where government legislation and administrative actions had far-reaching effects on union growth and security.

For a critical examination of the impact of the new labour courts in Quebec, see Pierre Vierge et al., eds., Régime nouveau d'accréditation: Bilan de la première année (Montreal: Département des relations industrielles, l'Université de Montréal, 1970; 2^e colloque relations industrielles).

⁶See Jean Boivin, The Evolution of Bargaining Power in the Province of Quebec Public Sector, 1964-1972 (Quebec: Université Laval, Département des relations industrielles, January 1975), pp.178, 185. Raymond Laliberté, who, as president of the CIC/CEQ between 1965 and 1970, was intimately involved in collective bargaining with the provincial state, also confirmed Parizeau's key role in centralizing negotiations during this period. Interview, Quebec City, 2 June 1989.

I certainly do not wish to claim that Parizeau was the only state actor who mattered in the formulation of the government's labour relations policy, but his role was undeniably pivotal. This was no doubt partly because of the length of time that Parizeau remained at the centre of power, first as adviser to the Lesage and Union Nationale governments, and then as a cabinet minister himself, after 1976.

⁷On the formation of the Common Front, see Maurice Lemelin, Les négociations collectives dans les secteurs public et parapublic (Montreal: Editions Agence d'ARC, 1984), pp.120-27.

⁸Cited in ibid., p.101.

⁹See Paul Dauphinais, "Jean Lesage face au droit de grève dans les services publics," in Robert Comeau, ed. Jean Lesage et l'éveil d'une nation (Sillery, Quebec: Presses de l'Université du Québec, 1989), pp.214-16. I am also grateful to Professor Gene

Swimmer of Carleton University for pointing this out to me in a private communication.

¹⁰The Royal Commission on Education, headed by Mgr Alphonse-Marie Parent, Vice-Rector of Laval University, was created on 24 March 1961. Its major recommendation, and a very controversial one, given the clergy's control of education since 1875, was the creation of a Ministry of Education. Another of its proposals was to establish a network of post-secondary "junior colleges" in the province—the CEGEPs. See Herbert F. Quinn, The Union Nationale, 2nd ed. (Toronto: University of Toronto Press, 1979), pp.190-91. See also William D. Coleman, The Independence Movement in Quebec, 1945-1980 (Toronto: University of Toronto Press, 1984), pp.164-71.

¹¹Bill 290, The Construction Industry Labour Relations Act, Lois du Québec, 17 Elizabeth II, ch. 45 (received royal assent on 18 Dec. 1968).

¹²William Coleman, "State Corporatism as a Sectoral Phenomenon: the Case of the Quebec Construction Industry," in Alan Cawson, ed., Organized Interests and the State (Beverly Hills CA: Sage, 1985), p.108. See also William Coleman, "The Capitalist Class and the State: Changing Roles of Business Interest Associations," Studies in Political Economy 20 (Summer 1986), pp.135-59, and especially pp.147-51.

¹³Premier Daniel Johnson died of a heart attack in September 1968 and was replaced as leader of the UN and Premier by the Minister of Education, Jean-Jacques Bertrand.

¹⁴See Richard Brunelle and Pierre Papineau, "Le gouvernement du capital," Socialisme québécois 23 (1972), pp.123-25, for an expression of this view.

¹⁵John Crispo, "Ontario's Bill 167: Reform of the Status Quo," Relations industrielles 26:4 (1971), p.860. Crispo had made essentially the same observation in 1968, in a study of construction industry labour relations commissioned by the Canadian Construction Association on the occasion of its centenary. See H.W. Arthurs and John H.G. Crispo, "Countervailing Employer Power: Accreditation of Contractor Associations," in H. Carl Goldenberg and John H.G. Crispo, eds., Construction Labour Relations (Ottawa: Canadian Construction Association, 1968), pp.376-415.

¹⁶Crispo, "Ontario's Bill 167," p.861.

¹⁷Québec, Debats de l'Assemblée législative, Comité des régies gouvernementales: Politique salariale, 30 October 1968, p.352 (comments by Marcel Masse, Minister of State for the Civil Service).

¹⁸Roch Denis and Serge Denis, "Développements syndicaux et formes d'action politique ouvrière au Québec, 1964-1984", paper presented to the annual meeting of the Canadian Political Science Association, Montreal, May 1985, p.34n.

¹⁹Quinn, The Union Nationale, pp.210-16.

²⁰For a helpful contrast between the old and new nationalisms, see Quinn, The Union Nationale, pp.239-49.

²¹Quinn, The Union Nationale, p. 223. For more on the RIN, see Réjean Pelletier, Les militants du R.I.N. (Ottawa: Editions de l'Université d'Ottawa, 1974).

²¹Le Devoir, 6 June 1966, p.1.

²²Jean Hamelin and André Garon, "La vie politique au Québec," in Vincent Lemieux, ed., Quatre élections provinciales au Québec, 1956-1966 (Quebec: PUL, 1969), p.21.

²³Jean Francoeur, "Johnson: il faut des ministres capables de tenir tête aux technocrates de l'Etat," Le Devoir, 4 June 1966, p.1; Claude Ryan, "La nouvelle situation politique à Québec," Le Devoir, 7 June 1966, p.4.

²⁴Pierre Fournier, Les sociétés d'Etat et les objectifs économiques du Québec: une évaluation préliminaire (Quebec: Editeur officiel, 1979), pp.117-127; Quinn, The Union Nationale, pp.231-32.

²⁵Ibid., p.231.

²⁶Richard Daignault, "Lâchez-moi pas, les gars!", Le Travail, July 1966, p.24.

²⁷Thomson, Jean Lesage, p.455.

²⁸This point was also emphasized by Raymond Laliberté, Interview, Quebec City, 2 June 1989.

²⁹See Education Minister Jean-Jacques Bertrand's comments in Québec, Débats de l'Assemblée législative, 1^{re} session, 28^e législature, 11 February 1967 (debate on Bill 25, emergency legislation putting an end to a series of teachers' strikes), p.1036.

³⁰Québec, Budget Speech, delivered on March 16, 1967 in the Quebec Legislative Assembly by the Honourable Paul Dozois, p.4^c.

³¹Lemelin, Les négociations collectives, p.104, note 1: "En réponse à une question de l'opposition, M. Johnson annonçait le 7 mars 1968, que les effectifs de la fonction publique avaient été gelés au 29 novembre 1967 ..."

³²Brunelle and Papineau, "Le gouvernement du capital," p.94. On Marcel Faribault's appointment in February 1968, see ibid., p.87.

³³See ibid., pp.97-8. for a list of the 55 members of the CGI.

³⁴Pierre Fournier, The Quebec Establishment, 2nd ed. (Montreal: Black Rose Books, 1978), p.88.

³⁵Roger Chenier, "Centre des dirigeants d'entreprise: Actions et orientations," in Québec, Ministère du Travail et de la main-d'oeuvre, Travail-Québec 14:2 (September 1978), p.44.

³⁶Most of this information on the founding of the CPQ is taken from "Conseil du patronat du Québec," texte préparé par le Conseil du patronat du Québec, Travail-Québec 14:2 (Sept. 1978), pp.28-32. See also Fournier, The Quebec Establishment, pp. 63-66, and William Coleman, "Quebec Nationalism and the Organization of Business Interests," paper prepared for the Conference on the Regional Organization of Business Interests and Public Policy, McMaster University, Hamilton, Ontario, May 22-24 1985, pp.27-30.

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³⁸Coleman, "Quebec Nationalism and the Organization of Business Interests," p.28. Neither the Chambre du commerce de la province du Québec (CCPQ) nor the Chambre de commerce de Montréal is a member, although they meet frequently with the leaders of the CPQ.

³⁹"Conseil du patronat du Québec," Travail-Québec, p.29.

⁴⁰Ibid., p.28 (my translation).

⁴¹Ibid.

⁴²The Quebec Establishment, pp.65-6.

⁴³Ibid.

⁴⁴This point was made by Professor Shirley Goldenberg, in a telephone conversation with the author, 14 October 1987. See also Jean Marchand's comments after his resignation, reported in Le Devoir, 12 June 1965: "Compte tenu de mes rapports avec des représentants du régime, je dois quitter la présidence pour éviter, par ma présence, de gêner ou de gauchir une évolution naturelle et saine." The evolution to which Marchand is referring is the CSN's growing radicalism and militancy.

⁴⁵Cited in CSN, Procès-verbal, 42^e session du Congrès (Montreal, 1966), p.19.

⁴⁶Le Travail, August 1966, p.24.

⁴⁷Le deuxième front was Pepin's second rapport moral. See CSN, Procès-verbal, 43^e session du Congrès (Quebec City, 1968), pp.8-50.

⁴⁸Une société bâtie pour l'homme, cited in CSN, Procès-verbal, 1966, p.18.

⁴⁹Ibid., pp.17, 20-34.

⁵⁰Ibid., p.32.

⁵¹Ibid., pp.35-6.

⁵²Louis-Marie Tremblay, Le syndicalisme québécois (Montreal: Presses de l'Université de Montréal, 1972), pp.148-49: "En 1965, au moment où [Louis] Laberge devient président, l'essoufflement de la révolution tranquille est évident et la signification réelle des initiatives gouvernementales n'est plus protégée par le halo de l'euphorie des premières années.... Dans ces circonstances, il est facile pour les porte-parole de la F.T.Q. de présenter l'Etat québécois comme un instrument au service de la petite bourgeoisie du Québec, en y associant la C.S.N., au lieu d'être le pivot de l'affranchissement de la classe ouvrière dans une perspective sociale-démocratique...."

⁵³Le Devoir, 7 June 1966, p.9 (my translation).

⁵⁴Le Monde Ouvrier, May-June 1966, p.2.

⁵⁵Ibid.

⁵⁶FTQ, Pour une révolution moins tranquille/For a Less Quiet Revolution, discours inaugural du président de la Fédération des travailleurs du Québec, Louis Laberge, 10^e Congrès, Montreal, 4 October 1967, p.9.

⁵⁷Ibid., pp.3-4 (original translation, with some modifications by author). Laberge took up much the same theme in Opération Réflexion Collective/Operation Collective Searching, discours inaugural du président de la Fédération des travailleurs du Québec, Louis Laberge, 11^e Congrès, Quebec City, 19 November 1969, pp.3-4.

⁵⁸These positions were not yet fully crystallized in the CSN or the FTQ in 1966, but were elaborated in the 1970s as a result of the Common Front experience. The image of the public sector as the "engine" of progress for private-sector workers became fairly widespread by the 1970s as well. For an insightful discussion of this notion, and whether it is still valid (or ever was), see Louis Fournier, Francine Lalonde, and Céline St.-Pierre, "The Future of the Trade Union Movement", in Marc Raboy, ed., Old Passions, New Visions, trans. Robert Chodos (Toronto: Between the Lines, 1986), pp.216-29, especially p.221.

⁵⁹No mention has yet been made of the teachers' federation, the CIC, which deconfessionalized in 1967 and became the Corporation des enseignants du Québec (CEQ). This is because the teachers' federation was at the time of the UN victory still relatively unobtrusive in labour relations, preferring instead to allow its local affiliates to take the lead in bargaining and whatever lobbying activities it engaged in. It was government legislation--Bill 25 in particular--that transformed the CEQ into a more militant organization, a process examined in detail below.

⁶⁰As will become apparent in the next section of the chapter, however, capital in the construction industry remained fragmented.

⁶¹John H.G. Crispo, "Introduction," in Goldenberg and Crispo, Construction Labour Relations, pp.2, 13.

⁶²Michèle Savard Baby, Le syndicalisme patronal dans la construction (Montreal: Editions Albert Saint-Martin, 1980), p.46.

⁶³Data on construction's contribution to provincial GNP are taken from ibid., p.48; labour force figures are estimated from Fernand Harvey, ed., Le mouvement ouvrier au Québec (Montreal: Boréal, 1980), Annexe, Table 2, pp.288-89.

⁶⁴The figures are averages for the twenty-eight year period. See Joseph B. Rose, Public Policy, Bargaining Structure and the Construction Industry (Toronto: Butterworths, 1980), pp.4-5.

⁶⁵Crispo, "Introduction," in Goldenberg and Crispo, Construction Labour Relations, pp.9, 11. See also Coleman, "State Corporatism as a Sectoral Phenomenon," pp.116-17, 121-22.

⁶⁶Crispo, "Introduction," p.15.

⁶⁷Ibid., p.4.

⁶⁸Ibid., pp.18-20.

⁶⁹Québec, Commission d'enquête sur l'exercice de la liberté syndicale dans l'industrie de la construction [hereafter cited as CEELS], Rapport (Editeur officiel, 1975). The commission consisted of Judge Robert Cliche, former head of the Québec NDP, as president, labour lawyer Brian Mulroney, and Guy Chevrette, vice-president of the CEQ. The government appointed the commission on 27 March 1974, in the wake of the destruction of the LG-2 dam site in James Bay, to investigate inter-union rivalries in the construction industry.

⁷⁰Rose, Public Policy, Bargaining Structure and the Construction Industry, pp.4-6.

⁷¹Ibid., p.8. One of the first proposals of this kind was made by Arthurs and Crispo, "Countervailing Employer Power," pp.376-415.

⁷²Ibid., p.412.

⁷³Gérard Hébert, Labour Relations in the Quebec Construction Industry, Part I: The System of Labour Relations (Ottawa: Economic Council of Canada, 1977), pp.9, 13-16. Hébert notes that plumbers and electricians negotiated separately, while elevator mechanics and structural steel erectors obtained province-wide decrees from the government.

⁷⁴Québec, Débats de l'Assemblée Législative, 3^e session, 28^e législature, Comité spécial: Bill 290--Loi des relations du travail dans l'industrie de la construction, 11-13 December 1968, p.295. See also Hébert, Labour Relations in the Quebec Construction Industry, p.17.

⁷⁵Savard Baby, Le syndicalisme patronal dans la construction, pp.25-6.

⁷⁶Hébert, Labour Relations in the Quebec Construction Industry, pp.110-119.

⁷⁷CEELS, Rapport, p.28. As will become evident in the next chapter, the FTQ fared much worse in the Cliche Commission Report than did its rival. See also Gérard Hébert, "La négociation sectorielle par décision de l'Etat: le cas de la construction au Québec," Relations industrielles 26:1 (Jan. 1971), p.94.

⁷⁸Quoted in Le Devoir, 18 August 1968, p.1. My account of the dispute at Baie Comeau draws on Le Devoir, 24 July 1968, p.7; 15 August 1968, p.8; 16 August 1968, pp.1, 6; and 7 September 1968, p.7; as well as Jacques Lafreniere, "La jungle s'épaissit," La Presse, 24 July 1968.

⁷⁹Histoire du mouvement ouvrier au Québec: 150 ans de luttes (Montreal and Quebec City: une co-édition CSN-CEQ, 1984), p.230.

⁸⁰These were the principal players on the committee, though the list is not exhaustive. I have gleaned most of my information on this committee from the person who served as its director, Réal Mireault, Interview (telephone), 10 February 1989.

⁸¹Coleman, "State Corporatism as a Sectoral Phenomenon," pp.111-12.

⁸²Québec, Ministère du Travail, Bill 290--Loi des relations du travail dans l'industrie de la construction (n.d. [1968?]; this is a collection of documents and newspaper clippings compiled for the Minister of Labour), "Point de vue du monde patronal de

la construction concernant les relations patronales-ouvrières et les lois les régissant," March 1968, pp.1-8.

⁸³Coleman, "State Corporatism as a Sectoral Phenomenon," p.112.

⁸⁴Michel Bourdon, Interview, Montreal, 24 November 1988, indicated that the CSN was divided over the best way to resolve the difficulties in the construction industry. Robert Sauvé energetically defended the notion of sectoral bargaining (as I shall point out below, he was much less enthusiastic about union pluralism, preferring instead a highly centralized regime along the lines of Swedish practice) that was eventually enshrined in Bill 290. Marcel Pépin and Michel Chartrand (of the Conseil central des syndicats nationaux de Montréal) were either sceptical of this policy or openly hostile to it (in the case of Chartrand).

⁸⁵For the positions of the two federations, see Québec, Ministère du Travail, Bill 290 (see note 77 above), "Contre-proposition de la FTQ au document ministériel du 5 septembre 1968 sur les problèmes de l'industrie de la construction," 12 September 1968, pp.2-7; Fédération du bâtiment et du bois Inc., [CSN], "Suggestion au Ministère du Travail re recherche d'une solution aux problèmes de l'industrie de la construction," 12 September 1968, pp.1-5. The FTQ called for a legislative framework that sanctioned the coexistence of the two union federations as bargaining agents for construction workers. Since this is precisely what Bill 290 did, this aspect of the new regime will be discussed in greater detail below.

For some interpretations of the viability of the new law, see François Barbeau, "La CSN et la FTQ sont divisées sur la portée du bill 290," Le Devoir, 19 December 1968, p.14; Vincent Prince, "Le premier test sérieux du bill 290," Le Devoir, 24 March 1969.

⁸⁶This was confirmed by both Mireault, Interview (telephone), 10 February 1989 and Michel Bourdon, Interview, Montreal, 24 November 1988.

⁸⁷Robert Sauvé, "La négociation sectorielle," Québec-Travail 6:4 (September 1970), p.28 (my emphasis). See also Robert Sauvé, "La négociation collective sectorielle," Relations industrielles 26:1 (January 1971), pp.3-23.

⁸⁸Sauvé, "La négociation collective sectorielle," p.15 (my emphasis).

⁸⁹Québec, Débats de l'Assemblée Législative, Comité spécial: Bill 290, pp.314-15.

⁹⁰Hébert, "La négociation sectorielle par décision de l'Etat," p.98.

⁹¹Québec, Débats de l'Assemblée législative, Comité spécial: Bill 290, pp.318-19.

⁹²Ibid., p.364.

⁹³Hébert, "La négociation sectorielle par décision de l'Etat," p.104.

⁹⁴Ibid., p.103.

⁹⁵Québec, Débats de l'Assemblée Législative, Comité spécial: Bill 290, p.295.

⁹⁶Ibid., p.291.

⁹⁷Ibid., pp.344, 346, 350.

⁹⁸Hébert, Labour Relations in the Quebec Construction Industry, p.124.

⁹⁹Réal Mireault, sous-ministre adjoint, Ministère du Travail et de la main-d'oeuvre, "Loi sur les relations de travail dans l'industrie de la construction," Journée d'étude des membres de la société des conseillers en relations industrielles (Montreal, 21 January 1970), p.20 (my emphasis).

¹⁰⁰Hébert, Labour Relations in the Quebec Construction Industry, p.122.

¹⁰¹Hébert, "La négociation sectorielle par décision de l'Etat," pp.108-9.

¹⁰²Ten out of fifteen regional decrees expired on April 30 1969. Full province-wide bargaining would take place for the first time in 1970, after the Liberals had returned to power. Ibid., pp.111ff.

¹⁰³Ibid., pp.106-108.

¹⁰⁴Ibid., p.99.

¹⁰⁵Hébert, Labour Relations in the Quebec Construction Industry, pp.22-23.

¹⁰⁶Ibid., p.23.

¹⁰⁷Ibid.

¹⁰⁸Hébert, "La négociation sectorielle par décision de l'Etat," pp.97-8.

¹⁰⁹Ibid., p.98.

¹¹⁰Michel Bourdon, Interview, Montreal, 24 November 1988.

¹¹¹This figure was cited by Marcel Masse in Québec, Débats, Comité des régies gouvernementales: Politique salariale, 30 October 1968, p.328.

¹¹²Jean Lesage in Québec, Débats de l'Assemblée Législative, 27^e legislature, 28 January 1966, p.124, cited in Lemelin, Les négociations collectives, p.90.

¹¹³Québec, Débats, Comité des régies gouvernementales: Politique salariale, 30 October 1968, p.370.

¹¹⁴Marsha Chandler and William Chandler, Public Policy and Provincial Politics (Toronto: McGraw-Hill Ryerson, 1979), Table 6.5, p.209.

¹¹⁵Gérard Hébert, "Les hôpitaux, les syndicats, et l'Etat," Relations (Nov. 1965), p. 314; Gérard Hébert, "Le conflit des hôpitaux et ses implications," Relations (Aug./Sept. 1966), p.244.

¹¹⁶Boivin, Evolution of Bargaining Power, pp.62-3.

¹¹⁷Hébert, "Les hôpitaux, les syndicats, et l'Etat," p.314.

¹¹⁸Ibid., p.315.

¹¹⁹Boivin, Evolution of Bargaining Power, pp.139-43.

¹²⁰Ibid., p. 138. There was a brief seventeen-hour strike at the Baie St.-Paul hospital in 1965.

¹²¹Ibid., pp.139-40.

¹²²Lemelin, Les négociations collectives, p.87.

¹²³Ibid., p.88; Boivin, Evolution of Bargaining Power, pp.145-49; Le Travail, August 1966, p.24.

¹²⁴Boivin, Evolution of Bargaining Power, p.154. Between 1948 and 1964, elementary school enrollment increased by 84%, from 530,600 to 976,000, while enrollment at the secondary level shot up by 453%, from 58,300 to 322,200. See Paul Guy, "Essai sur les relations de travail dans le secteur de l'enseignement public élémentaire et secondaire au Québec," M.A. thesis, Laval University, September 1970, p.37.

¹²⁵Boivin, Evolution of Bargaining Power, p.154; Guy, "Essai sur les relations de travail dans le secteur de l'enseignement," pp.29-31.

¹²⁶According to Boivin, Evolution of Bargaining Power, p.154, "the proportion of total expenditures represented by salaries only increased from 51.6% to 55.0% between [1951 and 1965]."

¹²⁷Ibid., p.155; Guy, "Essai sur les relations de travail dans le secteur de l'enseignement," p.31.

¹²⁸J. Douglas Muir, Collective Bargaining By Canadian Public School Teachers, Study no. 21, Task Force on Labour Relations (Ottawa Privy Council Office, February 1968), p.195. The October guidelines are included as Appendix 1 in Guy, "Essai sur les relations de travail dans le secteur de l'enseignement," pp.1-4.

¹²⁹Ibid., Appendix 1, p.1.

¹³⁰Lemelin, Les négociations collectives, p.95.

¹³¹S.Q. 15-16 Elizabeth II (1966-67), ch.63.

¹³²At the time Bill 25 was enacted, the CIC had 54,000 members, PAPT had 6,500, and PACT had 4,800. See Boivin, Evolution of Bargaining Power, p.162.

¹³³For a summary of Bill 25's major provisions, see Jean-Jacques Bertrand's comments in Québec, Débats, 11 February 1967, pp.1035-1036.

¹³⁴Ibid., 13 February 1967, p.1134.

¹³⁵Ibid., 11 February 1967, pp.1055-1056.

¹³⁶Muir, Collective Bargaining By Canadian Public School Teachers, pp.198-99, 279.

¹³⁷Québec, Débats, 13 February 1967, p.1111.

¹³⁸Ibid., 14 February 1967, pp.1229-1230.

¹³⁹Muir, Collective Bargaining By Canadian Public School Teachers, p.199.

¹⁴⁰Ibid., p.198.

¹⁴¹Ibid., p.199; Boivin, Evolution of Bargaining Power, p.160.

¹⁴²The five unions represented bus and subway drivers as well as maintenance workers, security personnel, office employees, inspectors and shippers, and foremen. The first three of these were affiliated to the CSN. S.Q. 16 Elizabeth 11 (1967), ch.1, articles 5-7.

¹⁴³See François Aquin's trenchant remarks in Québec, Débats, 2^e session, 28^e législature, 20 October 1967, p.42.

¹⁴⁴Ibid., p.8.

¹⁴⁵Harry J. Glasbeek and Michael Mandel, "The Crime and Punishment of Jean-Claude Parrot," Canadian Forum (August 1979), p.11.

¹⁴⁶Québec, Débats, 20 October 1967, p.17.

¹⁴⁷Ibid., p.72.

¹⁴⁸Ibid., 11 February 1967, p.1033.

¹⁴⁹Obviously, there were other bargaining tables involved, but these four were the most important. See Boivin, Evolution of Bargaining Power, ch.5.

¹⁵⁰Ibid., p.176; see also Léo Roback, "La politique salariale du gouvernement québécois," Socialisme 69, no. 16 (Jan.-March 1969), pp.80-1.

¹⁵¹Québec, Débats, Comité des régies gouvernementales: Politique salariale, 30 October 1968, p.330.

¹⁵²Ibid., 8 November 1968, p.424 (my translation).

¹⁵³Ibid., 31 October 1968, p.370.

¹⁵⁴Ibid., 30 October 1968, pp.336-37; see also Boivin, Evolution of Bargaining Power, pp.180-192 for an excellent analysis of these negotiations.

¹⁵⁵Boivin, Evolution of Bargaining Power, p.182.

¹⁵⁶Québec, Débats, Comité des régies gouvernementales: Politique salariale, 30 October 1968, pp.320-23.

¹⁵⁷Ibid., pp.325-26.

¹⁵⁸Ibid., p.343.

¹⁵⁹Roback, "La politique salariale du gouvernement québécois," p.81 (emphasis in the original).

¹⁶⁰Boivin, Evolution of Bargaining Power, pp.194-97.

¹⁶¹Ibid., p.194.

¹⁶²Ibid.

¹⁶³The Syndicat des professionnels du Gouvernement du Québec (SPGQ) was formed in 1966 out of the merger of six independent unions representing such professions as agronomists, surveyors, biologists, chemists, and so on. See Lemelin, Les négociations collectives, pp.99, 106-7.

¹⁶⁴Québec, Débats, Comité des régies gouvernementales: Politique salariale, 8 November 1968, p.424 (my emphasis).

¹⁶⁵Ibid., 12-13 November, 1968, pp.471-72, 499, 500; Boivin, Evolution of Bargaining Power, p.187.

¹⁶⁶Boivin, Evolution of Bargaining Power, pp.184, 190.

¹⁶⁷Ibid., p.219.

¹⁶⁸Ibid., p.224.

¹⁶⁹Ibid., p.238.

CHAPTER FIVE:

The Bourassa Government, the Construction Industry,

and the Imperatives of "Profitable Federalism," 1970-1976

... there has been increasing government intervention since passage of Bill 290 ... One intervention always requires another. When the government has intervened to settle one problem, it will have to intervene again to settle another, perhaps because of the measures used to settle the first. Furthermore, the parties get into the habit of not settling their own disputes but turning instead to someone whom they can always blame afterwards....Government intervention has taken away some freedom previously enjoyed by individuals and groups. The avalanche of Acts passed from 1968 to 1975 fits into the pattern that Arnold Toynbee forecast: the emergence of autocratic governments regulating the living conditions and incomes of each trade or profession. When asked whether we were moving toward state-governed unionism, an old union leader pointedly replied: 'We are already there.'

Gérard Hébert, Labour Relations in the Quebec Construction Industry, Part I: The System of Labour Relations (Ottawa: Economic Council of Canada, 1977), pp.71-2.

I. "PROFITABLE FEDERALISM" AND **THE CONSTRUCTION INDUSTRY, 1970-1976**

Labour policy during the Bourassa period was greatly affected by the emergence of the national question as the dominant issue in Quebec politics. The birth of the Parti Québécois in 1968, its meteoric rise to the status of official opposition in 1973, and the growing rapprochement between the PQ and organized labour all combined to politicize labour relations, both in the construction industry (the subject of this chapter) and the public sector (the focus of chapter six). Collective bargaining in each of these sectors during the Bourassa years was more than just a struggle between the government, local employers, and unions over their shares of an economic pie. It was also a conflict between different visions of Quebec's political future, with a number of the labour federations (the CSN and the CEQ in particular) agitating for some form of independence for Quebec, and the government and business seeking to preserve the constitutional status quo.

Because of the dramatic growth of the independence movement between 1968 and 1970, the overriding objective of the Bourassa government after its election was to demonstrate that federalism was a "profitable" arrangement for Québécois, yielding them greater economic benefits than a dangerous separatist adventure could ever hope to offer.¹ In its battle with the PQ for the hearts and minds of Québécois, the Liberal government resolutely believed that the quickest route to success was through the voters' pocketbook. Bourassa and his closest advisers wagered that a healthy provincial economy would take the wind out of the sails of the independence movement, and thus the Liberal government resolved to combat the menace of separatism through job creation.

This political situation explains why the construction industry assumed such importance after 1970, to the point where it became, for all practical purposes, part of the public sector. Bourassa was counting heavily on such megaprojects as the James Bay hydroelectric development (launched in 1971) and the Montreal Olympics to create the 100,000 jobs he had promised in the 1970 election campaign. The successful completion of these projects demanded labour peace in the construction industry, something the previous government, with its enactment of Bill 290, had not been able to achieve. In an effort to secure this, and thereby preserve the political stability of the province, the Bourassa administration intervened frequently and extensively in this sector. Thirteen laws modifying the bargaining regime in the construction industry were enacted between 1970 and 1976, accounting for over one third of the Bourassa government's total labour legislation output (see Table 5.1). Most of this legislation was designed to increase state involvement in and control over collective bargaining in construction.

In its battle against the separatist forces, the Bourassa government enjoyed the strong support of all sections of the business community in the province—francophone,

Anglo-Canadian, and American. Business stood to benefit substantially from the Bourassa administration's emphasis on profitable federalism, since a welter of tax incentives and other inducements would be directed toward entrepreneurs in the job creation effort. Moreover, in terms of political philosophy, Quebec business during this period was staunchly federalist; this was as true of the francophone section of the provincial bourgeoisie as it was of the foreign segments. Quite clearly, then, the early 1970s were a period of limited state autonomy in Quebec, not because of the workings of some abstract dynamic (the increasing concentration of capital) but for eminently political reasons. The ideological convergence between the Bourassa government and business was more the product of their consensus on the need to combat the nascent independence movement by demonstrating the "profitability" of federalism than it was the mechanical reflection of the changing composition of capital or other world-systemic trends. In the analysis below, therefore, I focus on the political factors underlying the rapprochement between business and Bourassa's Liberals, something that is almost entirely absent from existing analyses of labour policy during this period.

Table 5.1: Labour Legislation in Quebec, 1970-1976

	construc- tion	public sector	other	total
back-to-work laws	1	6	--	7
laws imposing trusteeship	2	--	--	2
auxiliary*	9	5	1	15
regulatory**	1	--	13	14
TOTAL	13	11	14	38

*includes changes to collective bargaining regime, determination of rights and duties of parties to negotiations, union security clauses, and so on.

**includes changes in minimum wage, state determination of working conditions, health and safety legislation, as well as minor administrative changes.

Source: compiled from Lois du Québec, various years, and from Fernand Morin, "Le Code du travail de 1964 a-t-il été trahi?," in Rodrigue Blouin et al., eds., Le Code du travail du Québec 15 ans après ... (Quebec: PUL, 1979; 34^e Congrès des relations industrielles de l'Université Laval), pp.227-37.

The argument of this chapter, and indeed of the entire dissertation, does not consist in a bald assertion of the state's total autonomy from business, quite the contrary. I explicitly recognize that a state's margin for manoeuvre varies according to prevailing political and economic circumstances. As well, I lay great emphasis on the unintended consequences of state actions: in certain instances, policies designed explicitly to benefit capital prove harmful to its interests. In this chapter, I will demonstrate that even though the Bourassa government and virtually all sections of the business community in the province agreed on the fundamental political and economic objectives, state policy did not always conform to the wishes or long-term interests of employers, for a number of reasons.

Among the most important factors accounting for this disjuncture between labour policy in Quebec's construction industry and the interests of business is the distinctive morphology of the state and political power during the Bourassa period. If the period between 1966 and 1970 can be described as the golden age of the technostructure in Quebec, then the Bourassa years can be considered as the heyday of the backroom political adviser. Although the technostructure certainly did not disappear between 1970 and 1976, its role was more or less relegated to that of dutiful servant of the governing party, while power was centralized in the office of the premier. One individual, Paul Desrochers, who has been described as the grand manitou of the provincial Liberal Party, wielded extraordinary influence. As Bourassa's chief adviser, Desrochers had a hand in all of the government's major economic decisions, and played an especially prominent role in the design of the James Bay project, which will be one of the main topics of this chapter. Desrochers' power was such that he was able to listen in on police wiretaps, something that only a cabinet minister would normally have had the authority to do.²

This centralization of power in the hands of Bourassa's closest political advisers is of crucial importance for understanding the tortuous path of labour policy in Quebec's construction industry between 1970 and 1976. In an ultimately doomed attempt to secure the labour peace that Bill 290 had patently failed to deliver, Desrochers and his ally in the Bourassa cabinet, Jean Cournoyer,³ dismantled the unique system of representative associations established by their predecessors and handed a de facto union monopoly to the FTQ. The CSN and a number of employers' associations assailed Cournoyer for what they considered to be collusion with the FTQ. The CSN hinted darkly that Cournoyer's favouritism toward its rival was rooted in his previous career as a lawyer for Canadian Comstock International, a construction firm that throughout the 1960s had routinely refused to hire workers affiliated with the CSN because it had exclusive contracts with the international unions.⁴

In this chapter I will show that the Bourassa government's beneficence toward the FTQ was indeed neither coincidental nor disinterested. As one of the biggest sources of construction contracts in Quebec, the government had a vested interest in promoting labour peace in this industry, and the FTQ let it be known that it was willing to exchange a no-strike pledge on major projects (such as James Bay) for a government commitment to hire only its members. This kind of tacit bargain was highly tempting to Desrochers, who was unofficially in charge of hiring for James Bay.⁵ Desrochers therefore attempted to strike a secret deal with the FTQ that would have given that federation exclusive access to the megaproject's jobs. This was in blatant violation of the provisions of Bill 290 and the administration's own hiring norms, which ruled out such favouritism. In effect, Desrochers undermined existing legislation in a frantic search for a modus vivendi with the FTQ.

As so often happens, the government's secret machinations with FTQ-Construction had precisely the opposite of their intended effect. Instead of securing labour peace, the Liberals' actions led to one of the most spectacularly violent labour conflicts in the province's history: the March 1974 rampage at the La Grande construction site (LG-2), which, in addition to causing millions of dollars in damage, delayed the so-called "project of the century" by several months.⁶ In the wake of this fiasco, and in response to the damning report of the Cliche Commission, published in 1975, the Bourassa government was compelled to intervene yet again in the construction industry labour relations regime. Six laws were passed in 1974 and 1975 which, among other things, imposed a trusteeship on several FTQ locals that were openly corrupt, increased state surveillance of the internal affairs of construction unions (by forcing them to adhere to certain standards of internal democracy), compelled all contractors to join a single employers' association, and replaced the parity institutions for supervising the collective agreement with a state agency invested with quasi-judicial powers.⁷

William Coleman has argued that the spate of legislation in 1974 and 1975 shifted the pattern of state-interest group relations in Quebec's construction industry from liberal corporatism to a more authoritarian form, in which workers and employers alike were compelled to join a single representative association⁸ and collective bargaining took place under the watchful eye of the state.⁹ It is perhaps a bit of an overstatement to treat Quebec's construction industry as an example of authoritarian or state corporatism, as Coleman does, since the level of government intervention in the affairs of nominally private organizations is far less oppressive than in the case of Italy under Mussolini, to cite one example. Nonetheless, the pattern of state-group relations created in Quebec's construction industry in the 1970s

was a far remove from the pluralist notions of a neutral state and interest group autonomy.

Nor do the Bourassa government's interventions in construction industry labour relations conform entirely to a functionalist reading of state policy. Some students of Quebec politics have taken the Bourassa government's highly coercive labour policies in the construction industry as incontrovertible proof that the provincial state was acting at the behest of capital. Jean-Marc Pottle, for example, affirms that the cumulative effect of the government's legislation was to weaken the trade unions "face à la bourgeoisie et à son Etat."¹⁰ According to Pottle, contractors emerged from the reforms with greater organizational unity than ever before while the unions were portrayed to the public as cesspits of corruption, which provided the state with a pretext for placing them under a brutal government trusteeship. Michèle Savard Baby echoes Pottle's analysis, claiming that the Bourassa government acted to organize capital in the construction industry under the hegemony of large firms. At the same time, the provincial state's interventions served to disorganize and isolate construction workers, leaving them vulnerable before a newly cohesive capitalist class.

In this chapter I take issue with the theoretical underpinnings of the arguments advanced by Pottle and Savard Baby. In my view, both of these interpretations suffer from intellectual myopia: most tellingly, Pottle and Savard Baby are forced to perform daring feats of intellectual gymnastics to ignore the elements of the Bourassa government's labour policy that were either favourable to the organized working class or disadvantageous to contractors. Wages and benefits for construction workers, for example, improved dramatically during this period, largely as a result of the centralized bargaining regime introduced by the government. Moreover, the extensive state regulation of this industry was abhorrent to capital. After 1975, a growing number of employers denounced the incubus of state interference in their affairs, and

called on the government (those of the PQ and of its successor, the Liberals under Robert Bourassa) to deregulate the industry. Contractors in Quebec increasingly felt disadvantaged in comparison to their counterparts in Alberta and British Columbia, where the winds of deregulation were creating a much more laissez-faire environment and driving down labour costs.

Although it is possible to interpret these results as necessary for the creation of a hegemonic fraction of capital in Quebec's construction industry, this seems to require unwarranted and improbable assumptions about the rationality of state action. A more parsimonious explanation would view state policy in the construction industry during the early 1970s as the product of a complex web of variables: the Bourassa government's reliance on the construction industry to generate the jobs that it considered vital to the political stability of the province; the pattern of clientelistic relations established in this sector by Desrochers and his allies, who offered the FTQ organizational and material benefits in exchange for the latter's pledge to maintain labour peace on the James Bay project; and the unanticipated consequences of Desrochers' illicit bargain with the FTQ, which impelled the provincial government to adopt ever more coercive measures to achieve its twin objectives of labour peace and political survival. These unanticipated consequences were in part engendered by the fragmentation of the provincial state: a number of government institutions--Bourassa's political advisers and Hydro-Québec, for example--frequently worked at cross purposes, and thus none of them was able to impose its will on the other actors involved in the formulation of construction labour policy.

The remainder of this chapter is divided into two parts: the first examines the relations between the Bourassa government and organized business and labour generally (that is, the analysis is not limited to the construction industry), and discusses the factors that led to the politicization of labour relations in the province's

construction industry. In the second section, I examine in detail the Bourassa government's construction industry labour policy, pointing up the vicious circle of state intervention and unanticipated effects, followed by still further state intervention, to which Hébert alludes in the quotation cited as the epigraph to this chapter.

II. THE NATIONAL QUESTION AND LABOUR RELATIONS IN QUEBEC

In this section of the paper I examine in turn the general economic conditions confronting the Liberal government in the early 1970s and the ideological ties between the administration and the business community; the growing radicalization of the labour movement and its increasingly nationalist stance; the political crises besetting the Liberals, and the effect that they had on the government's labour relations policies.

(i) Business and the Bourassa Regime: Standing Up to the Unions

After a period of rapid growth in the early 1960s, the Quebec economy experienced a marked slowdown toward the end of the decade. This contraction coincided with the larger North American recession of that time, but was exacerbated by the end of the building binge in the province. With Expo 67 completed, and most of the large Hydro-Québec projects almost finished, the prospects for the provincial economy at the time Bourassa took office were far from rosy.¹¹ Business in the province was at this time completing a process of consolidation and concentration that had begun in the late 1950s, and was increasingly worried about the lack of opportunities for profitable investment.¹² The new Liberal government,

committed to its notion of "profitable federalism," was for its part willing to do whatever was necessary to appease the business community. Accordingly, Premier Bourassa invited the influential Conseil du patronat (CPQ) to submit a brief to Cabinet outlining business's view on the government's spending priorities. The CPQ welcomed this gesture, and congratulated the Liberals for imitating the practice of such countries as Sweden and Great Britain.¹³

In its brief, and in various other public forums at the time, the CPQ made it clear that two steps were absolutely necessary if the Quebec economy were to be put back on the road to recovery and growth. First, the provincial government would have to redirect its spending into the creation of wealth and away from consumption and redistribution, which by 1970, the CPQ claimed, were eating up almost two-thirds of the provincial budget. Between 1960 and 1969, the brief noted,

l'importance relative des fonctions qui contribuent directement à la création des richesses est descendu en flèche....Par contre ... l'importance relative de la santé, de l'éducation et du bien-être social s'est accrue de dix-sept pour cent durant les années 60. Tout au cours de cette décennie, le gouvernement québécois a accordé de plus en plus d'importance à la répartition et à la consommation des richesses et de moins en moins à la production de ces mêmes richesses. ... [M]ême si la société québécoise voulait continuer à évoluer durant les années 70 selon les priorités de la dernière décennie, elle ne le pourrait pas: elle n'en a tout simplement pas les moyens.¹⁴

The CPQ did not pass judgment on whether the creation of Quebec's welfare state during the 1960s had been an economically beneficial undertaking, but it made it clear that the time had come to put an end to the expansion of these activities, since they created rigidities in the provincial budget and monopolized monies that would be better spent on private enterprise, in the form of subsidies, tax breaks, and so on.

Although the Bourassa government did not restructure its spending to quite the extent that the CPQ would have liked--in 1975-76, for example, education, health, and social assistance accounted for slightly more than 63 percent of government expenditures, as opposed to 68 percent in 1969-70, and the average annual increases

in these policy sectors far exceeded the five percent recommended by the business group¹⁵--business had reason to be more than satisfied with the new regime's performance. The government's involvement in various megaprojects (James Bay and the Olympics being the most important) helped to contribute to the solid economic recovery of the early 1970s. By 1972, real GNP growth in Quebec was 5.4 percent, the highest level in five years. Investments grew at twice the rate in the rest of Canada, with capital expenditures being particularly heavy in the manufacturing sector.¹⁶

In spite of this mini-boom, however, the business community in Quebec was worried. The increasing militancy of the provincial labour movement, its proposals for some kind of socialist economic system, and the inflammatory rhetoric of some union leaders--in 1971, Louis Laberge, supposedly the most moderate of the three federation chiefs, stated baldly that the existing system had to be "smashed"¹⁷--seemed to individual businessmen to be the major obstacles to an improvement in the province's investment climate. In 1972, the CPQ published Détruire le système? C'est à y penser,¹⁸ which decried the irresponsible language of unnamed "penseurs marxistes" and their followers in the labour movement. The CPQ expressed puzzlement at the unions' radical proposals; perhaps Laberge and his comrades were thinking of the bad old days of unfettered free enterprise in the nineteenth century when they urged their members to smash the system? Certainly, the CPQ protested, business in the twentieth century bore no resemblance to the robber barons depicted, or caricatured, in labour's manifestoes. Quebec business fully accepted the mixed economy, and was subjected to a welter of state regulations, including some of the highest corporate taxes in the western world, that ensured its social responsibility.¹⁹ Besides, the CPQ noted, the alternative economic system advocated by the unions would inevitably abrogate the individual liberties enjoyed by Quebec's workers and

stifle the material progress that private enterprise ensured. The document noted that Quebec currently had the fourth highest standard of living in the world, far higher than that in any of the Communist and socialist countries. "Quand on pense au mur de Berlin dressé pour contenir l'exode massif des travailleurs de l'Allemagne de l'Est, cela donne vraiment à réfléchir!"²⁰

Just weeks before the Common Front general strike in April 1972, an American consulting firm, Fantus Company, submitted a report to the Bourassa government on opportunities for industrial location and investment in Quebec. This report, which was not made public until 1975, underscored the business community's fear of the labour movement:

[It] pointed to the activism and politicization of labour unions as one of the main factors inhibiting the establishment of new plants in Quebec or the expansion of existing facilities. To quote the report: 'The growing militancy of the leadership of major labour federations is a source of deep concern in the Quebec business community.' The businessmen made it plain that they wanted the government to stabilize the labour situation. One of the executives of a beer company asked for 'a tough attitude by the government towards solving [the] labour problem'; a large dairy producer also urged the government to 'take a firm stand with the union element in Quebec.'²¹

Even though many of the business community's fears about union militancy in Quebec were greatly exaggerated—the Fantus Report noted that between 1969 and 1971 strike volumes in Quebec were significantly lower than the Canadian average²²—it is quite clear that the Bourassa government took the message of the report to heart. At a 1975 industrial relations conference, the Minister of Industry, Guy Saint-Pierre, declared that "le rôle actuel du gouvernement est de prendre la défense du patronat afin de contre-balancer les rapports de force d'un syndicalisme actuellement très fort."²³ And the labour federations viewed the Fantus Report as evidence of the manipulation of the Bourassa government by big business. According to Claude Girard, vice-president of the CSN: "The Report confirms ... that the decisions are

taken according to the interests of economic power rather than according to those of the Quebec collectivity..."²⁴

On the whole, then, it appeared as though business in Quebec in the early 1970s was increasingly unified under the organizational leadership of the CPQ, and was able to communicate its free-enterprise ideology quite effectively to the Bourassa government. This appearance of structural unity did mask a number of conflicts of interest within the provincial bourgeoisie, however. As I will argue below, capital in the Quebec construction industry, despite an overarching consensus on the need to tame the strength of organized labour and to extirpate the plague of inter-union violence, remained organizationally fragmented. In addition, there was a noticeable cleavage in the Quebec economy between foreign-owned, and especially American firms, and indigenous entrepreneurs, which became more acute over the course of Bourassa's tenure in office. By 1976, a former president of the predominantly francophone Centre des dirigeants d'entreprise was denouncing the CPQ for being dominated by foreign interests

Le CPQ est loin d'être représentatif du monde patronal québécois, même si ses membres représentent des gros chiffres d'affaires, un nombre imposant d'employés....J'ai personnellement mis beaucoup d'énergie à la mise sur pied du CPQ, espérant qu'il favoriserait la venue d'une organisation professionnelle rationnelle. Malheureusement, le contraire s'est produit. Au lieu d'un CPQ financé par des associations ou fédérations professionnelles québécoises, donc à leur service, nous avons un Conseil du Patronat qui n'a de québécois que le nom parce qu'il est financé presque entièrement par quelques grandes entreprises, qu'il sert de son mieux.²⁵

The author went on to claim that the large firms dominating the CPQ were mostly foreign—especially American—whose decisions were virtually dictated by the head offices in the parent countries. These decisions, he said, were often far removed from the interests of the smaller firms on the province.

At least some of the resentment between foreign and domestic capitalists was fostered by the Bourassa government's approach to the James Bay megaproject.

Desrochers, the Liberals' adviser, had strong links with American capital. He was primarily responsible for the decision to call in Bechtel Corporation to oversee the engineering aspects of the James Bay development, instead of relying on the indigenous "know-how" of such Quebec-based firms as Hydro-Québec, Lavalin, and SNC. This antagonized not only francophone entrepreneurs, but also those nationalists in the civil service and in the Bourassa government (there may not have been many in cabinet, but there were some, like Guy St. Pierre, the Minister of Industry).²⁵

Despite these tensions in the capitalist class, both the Liberals and organized business (all sections) were anxious to blunt the nationalist and socialist vision of the labour movement, to divide it internally, and to place severe legal restrictions on its activities. The next section will examine why the province's trade unions excited such fear and loathing among Quebec's businessmen and their political allies.

(ii) The Anti-Capitalism of the Quebec Labour Movement

Between 1970 and 1976, Quebec's trade unions elaborated a political and economic program that was far more radical than any in the history of the provincial labour movement. All three federations²⁷ published manifestoes in the early 1970s containing avowedly socialist analyses of Quebec's political economy. The FTQ issued L'Etat, rouage de notre exploitation in 1971, a document that launched a bitter attack on the economic waste and exploitation engendered by the capitalist economy and the federal political system in Quebec. It called for increased state intervention, through the network of government corporations established during the Quiet Revolution, as a step toward "the creation of a real instrument of collective economic liberation."²⁸

At the same time, the CEQ continued its remarkable shift leftward with the publication of Premier plan ("Phase One") in 1971. This manifesto argued that capitalism had reduced teachers to common wage labourers and transformed schools into "factories for the mass production of ideology."²⁹ It urged teachers to make their unions into something more than just instruments of collective bargaining by setting up political committees to raise members' consciousness. It also argued that the CEQ would have to forge organizational links with the rest of the labour movement in Quebec, since "with the greatest will in the world, we teachers cannot bring about a change in the status quo by ourselves. And acting independently of the working class is always acting at the expense of that working class, for it is they who pay our wages."³⁰ These themes of politicizing trade union action in order to highlight the role of the educational system in the ideological reproduction of the capitalist order were taken up in later CEQ manifestoes, such as L'Ecole au service de la classe dominante (1972) and Ecole et luttes de classes au Québec (1974).³¹

Probably the most controversial labour manifesto of the early 1970s, and certainly the one that received the roughest passage from the federation's rank and file, was a discussion document published by the CSN executive in 1971, Ne comptons que sur nos propres moyens.³² Decrying the domination of the Quebec economy by foreign, and especially American, multinational corporations and condemning the subservience of indigenous elites to the needs of U.S. imperialism, the manifesto called on Quebec's workers to overthrow capitalism and install a system of socialist planning under worker control. But apart from an endorsement of the nationalization of key sectors of the economy as the principal means of achieving socialism, Ne comptons ... was frustratingly vague on the political instrument needed to attain these objectives. Should Quebec's workers join or support the Parti Québécois as the party most sympathetic to the demands of labour, or should they

form an independent party? These crucial questions of strategy were left unanswered, and unasked, in the manifesto.

Ne comptons ... was never accepted as official CSN policy, however, largely because of the fierce opposition it aroused among some members of the executive, notably the "3 Ds"--Paul-Emile Dalpé (vice-president), Jacques Dion (treasurer), and Amédée Daigle (director of services). These three dissidents would later break with the CSN during the Common Front negotiations in 1972 and form their own "apolitical" federation, the Centrale des syndicats démocratiques (CSD). Among the rank and file, most of the opposition to the radicalization of the CSN was centred in private-sector unions--textiles, construction and woodworking, and mining--and in the relatively well-off non-professional civil servants' union, the SFPQ.³³

These internal divisions within the CSN, between high-paid and low-paid occupations, and between the private and public sectors, underscored the tenuous unity of the province's labour movement, a reality that was sometimes masked by the impressive rhetorical solidarity of the three federations. Moreover, as Denis and Denis have pointed out, none of the three federations had a clear conception of the proper political role of trade unions in society, which considerably limited the impact of their manifestoes.³⁴ The Bourassa government, and the Parti Québécois after it, would have little difficulty in parlaying these internal tensions into a considerable strategic advantage during public-sector collective bargaining (this will be discussed in chapters six and nine below). The principal aim of government policy during negotiations was to expose and aggravate the divisions within the trade unions, splits that were most obvious in the CSN because its membership straddled the public and private sectors (at least before the 1972 schism). The CEQ, by contrast, was exclusively public-sector, while the FTQ drew most of its members from the private sector.

What frightened political leaders and the business community the most about Quebec's trade unions in the early 1970s was not only their rhetoric about smashing the system but their melding of socialism with nationalism, since it was widely believed that this ideological brew was likely to mobilize a larger number of workers than revolutionary socialism by itself. All three federations were in the process of abandoning their erstwhile commitment to federalism. They began to echo earlier left-wing intellectuals in the province--those writing for Parti pris in the mid-1960s, for example³⁵--who argued that the struggles for national and economic liberation were inextricably linked in a colonized society such as Quebec. As a consequence of this shift in thinking, all three union federations began to view the Parti Québécois as the political organization closest to the interests of the working class. With the exception of the FTQ in the 1976 provincial election, however, the unions stopped short of formally endorsing the PQ.³⁶ Indeed, it is clear that the rise of the Parti Québécois posed a considerable ideological and strategic problem for the CSN and CEQ, since neither was able to construct a coherent alternative to the péquist vision of an independent and social democratic Quebec--a North American version of Sweden. This would create substantial problems for the labour movement once the PQ came to power, as subsequent chapters will show.

In summary, organized labour in Quebec in the early 1970s adopted a militantly socialist and nationalist discourse, and began to show signs of overcoming the internecine conflicts that had limited its effectiveness in the late 1960s. All three federations were convinced that labour had virtually no influence over the Bourassa government and that the Liberals were completely hostile to the interests of workers. As an indicator of the almost total divorce between the labour movement and the Bourassa regime, one can cite the FTQ's decision to withdraw its representatives from

the Conseil consultatif de la planification et du développement (one of the successors to the old COEQ) only three days after its first meeting in 1971. Laberge claimed that the FTQ's move was prompted by the underrepresentation of labour's interests on the Conseil.³⁷

As in the case of capital in Quebec, however, this incipient solidarity among the three labour federations was more apparent than real: public service employees remained cool to the demands of their private-sector counterparts, and in the construction industry, as this chapter will show, the CSN and FTQ continued to be at each other's throats. The Bourassa government was thus in a position to exploit the organizational rivalries that festered beneath the surface of the impressive rhetorical unity of labour. This would prove to be an immense advantage in the area of construction industry labour relations, as the remainder of this chapter will attest. Before proceeding to a detailed analysis of the construction industry, however, a word is in order about the political crisis confronting the Bourassa administration in the early 1970s, a crisis that would have a profound impact on the course of labour policy between 1970 and 1976.

(iii) The Rise of the Parti Québécois and the "coup d'état fédéral" of 1970

With the unexpected defeat of the Lesage government in the 1966 election, tensions within the provincial Liberals between the nationalist, technocratic faction (centred around René Lévesque) and the more conservative, pro-business wing of the party came to a head. The final reckoning took place at the Liberals' annual convention in October 1967. Rebuffed in his attempt to have the party endorse his plan for sovereignty-association (eventually published as An Option for Quebec³⁸),

Lévesque walked out of the convention, taking with him about one hundred supporters. This tiny band of nationalists subsequently formed the Mouvement Souveraineté-Association, the forerunner of the Parti Québécois, and the rallying point for the forces of moderate indépendantisme.

This schism in the provincial Liberal Party, combined with the departure of some of its most progressive members (Eric Kierans and Paul Gérin-Lajoie being the most important), left the party increasingly under the sway of pro-business, anti-nationalist forces. Mediating between these two factions was the ambiguous personality of Robert Bourassa. Young, well-educated and wealthy, Bourassa was, perhaps surprisingly, an early member of Lévesque's small circle of disenchanted Liberals seeking to formulate a coherent policy on the national question that would steal some of the thunder from Daniel Johnson's Union Nationale. In fact, the meetings of this informal ginger group took place in the basement of Bourassa's home, and it is said that portions of An Option for Quebec were written on Bourassa's typewriter, with active assistance from the young economic expert.³⁹ It was only at the eleventh hour, just before the 1967 convention, that Bourassa broke ranks with Lévesque's group, claiming that the provisions for monetary policy in an independent Quebec were ill-conceived and unfeasible.⁴⁰

Robert Bourassa was elected leader of the provincial Liberals in January 1970, handily defeating his two opponents, Pierre Laporte and Claude Wagner, on the first ballot. In addition to his aura of quiet administrative competence, two factors contributed to Bourassa's easy victory. First, his leadership campaign was orchestrated by Paul Desrochers, former chief organizer of the provincial Liberal Party and aide to Premier Lesage. Desrochers was a businessman who had learned the arts of electioneering first-hand by serving on a number of U.S. presidential campaigns in 1968. At the start of the leadership race, Desrochers called in a number of political

IOUs and managed to pack the convention with delegates-at-large loyal to Bourassa.⁴¹ Desrochers continued to play the role of influential backroom broker after the 1970 election, and was entrusted with the control of patronage in the Bourassa administration's most important economic undertaking, the James Bay project.

A second factor contributing to Bourassa's victory in the leadership race, and to the Liberals' election win in April 1970, was the financial and voting support that the young technocrat received from the business community and Montreal's Anglophones. Bourassa's leadership campaign was relatively well-heeled, and both Wagner and Laporte charged that the business establishment was secretly assisting him in his effort to buy the premiership. This charge was not without justification, since both business and Anglophones in the province clearly felt that Bourassa's brand of technocratic competence was just the right recipe for crushing the Parti Québécois.⁴²

The 1970 election was fought in an atmosphere of heightening tension over the question of independence. Anglophones and the business establishment were increasingly jittery over the growing popularity of the Parti Québécois. Justifiably so, since a poll conducted by the Centre de recherche sur l'opinion publique (CROP) shortly before the election showed the PQ and the Liberals running neck and neck, with 32% and 33% respectively of the declared vote.⁴³ The popularity of the incumbent Union Nationale government was in free fall, reflecting the party's total confusion on the national question. (At one point in the campaign, Marcel Masse mooted the possibility of a UN-PQ coalition in the event of a minority government!⁴⁴)

Worried about the disastrous consequences that a PQ victory would have for the investment climate and social stability in the province, Anglophone businesses staged a series of publicity stunts designed to raise fears among voters and prod them into the reassuring folds of the Liberal Party:

Within Quebec the English-Canadian minority worked valiantly to secure Mr Bourassa's victory. On April 3 the Montreal investment firm of Lafferty and Hardwood advised its clients to ship their securities and liquid assets outside the province until after the election. The Montreal dailies left little doubt of their position. And on April 26 the Royal Trust openly sent a shipload of securities out of the province in nine Brinks trucks. Whether these ploys led the timid to vote Liberal rather than PQ or UN could not be determined, but they certainly fanned the flames of separatist anger and undoubtedly did little to ease English-French relations within the province.⁴⁵

Although the dubious tactics of the business community may have contributed to the immediate objective of electing Bourassa's Liberals, in the long run they backfired, since they did not produce the social peace that corporate leaders desperately wanted. Indeed, quite the opposite occurred. Nationalist leaders were enraged by what they called "le coup d'état fédéral": they considered the provincial Liberals to be mere puppets of Ottawa, since the federal Minister for Regional Development, Jean Marchand, had played a prominent role in the election, throwing organizational support and money behind Bourassa's machine. Moreover, Bourassa won an overwhelming majority of seats with only 45 percent of the vote. The PQ, by contrast, was limited to a paltry seven seats even though it obtained almost a quarter of the popular vote. Many péquistes supporters openly impugned the legitimacy of such a system; it seemed to them that parliamentary democracy was a sham, a "piège à cons," as Jean-Paul Sartre had said.⁴⁶ Despite the vaunted reforms of the Quiet Revolution, they concluded, elections could still be bought with a combination of money and scare tactics.

This atmosphere of incipient crisis culminated in the events of October 1970: the kidnappings of British trade commissioner James Cross and Labour Minister Pierre Laporte, the proclamation of the War Measures Act by the federal government, and the assassination of Laporte by the Front de libération du Québec (FLQ). For the purposes of this study, the October crisis is crucial for understanding the Liberal government's, and especially Premier Bourassa's, confrontational attitude toward

organized labour. As far as Bourassa was concerned, the behaviour of the three labour federations—not so much the rank and file as the leadership—during the crisis confirmed his suspicion that they were in league with the extra-parliamentary opposition and the PQ to overthrow his democratically elected government. Had not the CSN posted bail for the FLQ's intellectual leaders, Charles Gagnon and Pierre Vallières? Had not Laberge, Pépin, and Charbonneau signed a statement (along with René Lévesque, Claude Ryan, Jacques Parizeau and other prominent intellectuals) in the midst of the crisis urging the Bourassa government to negotiate with the FLQ and ignore the mounting pressure for a military solution emanating from Ottawa?⁴⁷ Had not the unions, and the union-financed newspaper, Québec-Presse, expressed support for the aims of the FLQ, while offering only token disapproval of their tactics? And had not the union federations issued a statement blaming the government for Laporte's death?⁴⁸

For Bourassa, the unions had gone far beyond their accepted role in a liberal democracy as defenders of the material interests of their members, and were acting as a political, even revolutionary, force. This helps to explain certain features of the Liberal government's construction industry labour policy, especially its attempts to nurture a pragmatic, "apolitical" labour federation, the CSD, as a counterweight to the radical CSN. It also accounts for the government's decision to conclude a series of illicit deals with FTQ-Construction. While the FTQ's president, Louis Laberge, may have been spouting revolutionary rhetoric during the early seventies, the federation was much more decentralized than the CSN, and had a much larger private-sector membership. These structural characteristics of the FTQ made it quite willing to strike a bargain with the Liberals.

The October crisis is relevant to this chapter in one other respect. Bourassa later cited the political turmoil during the first six months of his term as the principal

reason that his government was unable to meet the election promise of creating 100,000 jobs in one year. It was this failure, more than anything else, that prompted Bourassa to place so much importance on the James Bay project, and to commit his government to a multi-billion dollar expenditure on an undertaking for which adequate feasibility studies had not yet been done.⁴⁹ The unseemly haste with which the project was conceived explains the later misfortunes that occurred on the James Bay sites, and partially accounts for the subsequent vicissitudes of construction industry labour policy.

In summary, labour policy during the Bourassa period was shaped by a number of factors, not all of which can be reduced to a simplistic expression of class relations. Admittedly, both the Liberal Party and the province's business community were largely in agreement on Quebec's economic priorities, and both were aware of the need to blunt the growing strength of the nationalist and socialist forces centred in the labour movement. Nevertheless, as the analysis in the following section will show, the Bourassa government's limited margin for manoeuvre could not be translated into a uniformly pro-capital labour policy for the construction industry, primarily because of the unanticipated consequences of the state's actions.

III. THE MALAISE IN QUEBEC'S CONSTRUCTION INDUSTRY

By 1970 the Quebec government had become the single largest source of construction spending in the province, accounting for over half of total expenditures in this sector.⁵⁰ This extensive involvement in the construction industry meant that the provincial government found it increasingly difficult to remain neutral in collective

bargaining in this sector, since delays and stoppages could have potentially ruinous effects on the provincial economy, which in turn might have negative political and electoral fallout for the party in power. This fact helps to explain the Bourassa government's frequent use of ad hoc legislative interventions to resolve bargaining impasses in the construction sector during its six years in office.

In addition to the overwhelming economic importance of the construction sector, the industry was invested with considerable political significance as well, since it was one of the weapons wielded by the government in its struggle against the nationalist forces. Premier Bourassa made this very point at the official launching of the James Bay project on April 29 1971, a date chosen for its symbolic importance, since it was the first anniversary of the Liberals' election victory. Dubbed the "project of the century" by the Liberals, James Bay was to be the largest single industrial undertaking in Quebec's history, generating anywhere from 10,000 to 15,000 megawatts of power, costing six billion dollars (which, not surprisingly, underestimated the eventual price tag by ten billion dollars or so), and creating upwards of 125,000 jobs for the province's workers. As Bourassa declaimed at the glitzy ceremony inaugurating the project: "James Bay is the key to the economic and social progress of Quebec, the key to the political stability of Quebec, the key to the future of Quebec....It will no longer be said that we live poorly on such a rich land ... We will get out of our situation of economic inferiority."⁵¹

Because of the economic and political significance of Quebec's construction industry in the early 1970s, the Liberals' labour policy in this sector tended to be somewhat incoherent, as they sought to balance the conflicting demands of contractors and employees while protecting their own vested interests in the stability and profitability of the industry. On the whole, government policy was spectacularly unsuccessful: its interventions were invariably ad hoc responses to specific crises,

most often exacerbating rather than alleviating the problems afflicting the industry-- particularly the scourge of inter-union rivalries and job-site violence. One study of government policy undertaken for the Cliche Commission concluded: "On observe un manque de cohérence et de perspective à moyen et à long terme dans le régime législatif présentement en vigueur....Plusieurs problèmes auraient sans doute pu être évités si on avait légiféré avant d'être mis en face de faits accomplis."⁵²

Even worse than the government's failure to adopt a long-term view of construction industry labour relations were its unwillingness to enforce existing labour legislation and its favouritism toward the FTQ. As the Cliche Commission pointed out, construction employers and unions alike (with the obvious exception of the FTQ, the big beneficiary of the government's policy) condemned the Labour Minister and his officials for their complaisance toward the FTQ, and for their tacit approval of FTQ-Construction's efforts to undermine the system of union pluralism established under Bill 290. From the moment Bill 290 was enacted, the FTQ's overriding obsession had been to secure a representational monopoly in the construction industry at any cost. The government became a willing accomplice in this project mainly out of self-interest: the Liberal regime wanted to obtain labour peace on the James Bay sites, and André Desjardins (the head of FTQ-Construction) had the necessary muscle to guarantee that no disruptions would jeopardize the "project of the century."⁵³

Secret negotiations took place between Desjardins and Paul Desrochers, Bourassa's top adviser, and Roland Giroux, president of Hydro-Québec, with the objective of exchanging a ten-year no-strike pledge for an FTQ monopoly on the James Bay project. The Minister of Labour at the time, Jean Cournoyer, played a peripheral role in the negotiation of this illicit deal, allowing Desrochers to act as the government's representative.⁵⁴ Thus the extreme centralization of power in the hands of Bourassa's closest political adviser, Desrochers, led to the politicization of hiring at

James Bay, and ultimately to the unfortunate series of events that would culminate in the destruction of the LG-2 site (of which more below).⁵⁵

The Bourassa government's construction industry labour policy was a flimsy tissue of self-interest and outright patronage. In the words of the Cliche Commission Report:

Peu importe le travail que cette Commission aura fait, ... même si les lois qui régissent le secteur de la construction étaient améliorées, rien ne changera, si ceux qui font les lois n'ont pas la volonté de les appliquer et de les faire respecter. Quand un grand ménage s'impose, il faut des personnes solides pour manier le balai.

Dès le début de nos audiences, de sérieux reproches ont été adressés au Ministre du Travail et à son entourage immédiat. Plusieurs mémoires font reposer, dans une large mesure, sur les épaules du Ministre et de ses fonctionnaires la responsabilité du marasme du secteur de la construction.⁵⁶

This section of the chapter examines how and why the Bourassa government ignored and even actively subverted the bargaining regime established by Bill 290. It also explores the unanticipated consequences of the government's meddlings: the rampage at LG-2, which in turn led to the creation of the Cliche Commission. The Commission's trenchant analysis of the roots of the malaise in Quebec's construction industry will be examined, as will the government's highly coercive response to the Commission's recommendations.

(i) The Demise of Liberal Corporatism in Construction, 1970-74

Between 1970 and 1973, construction industry labour relations were characterized above all by the continuing inability of the representative associations of labour and contractors to overcome their considerable differences and collaborate in the manner that the framers of Bill 290 had hoped they would. The liberal corporatist scheme that the Union Nationale had sought to create foundered on the organizational rivalries that racked both the contractors' associations and the labour

federations. For reasons that have already been discussed, the Bourassa government exhibited little willingness to make Bill 290 work, and was carried along willy-nilly in the direction desired by the strongest bargaining party, FTQ-Construction.

Although contractors and unions alike, with the noteworthy exception of the CSN, had hailed the passage of Bill 290 as a huge step toward eliminating the problems that were hamstringing the construction industry, it took only two years for disillusionment to set in amongst the "social partners." By the summer of 1970, the major contractors' associations and the FTQ had come to the conclusion that the system of representative associations established by the UN was completely unworkable, since it granted each representative association a veto over the signing of a collective agreement. This necessitated bargaining coalitions among unions and employers, which was virtually impossible, given the historic rivalries among contractors and the various labour federations. Claude Lefebvre of the Association provinciale des constructeurs d'habitations du Québec (APCHQ) employed a homely analogy to characterize the situation in the industry: "... dans le mariage forcé que le Parlement nous a donné par le bill 290, le mari bat sa femme ou la femme bat le mari et ... le juge en instance dit: Madame, apprenez à boxer et réglez votre problème."⁵⁷

Instead of forcing employers and unions to live together under one roof, Lefebvre claimed, the government ought to grant them a divorce. He argued that Bill 290 should be amended to permit sub-sectoral bargaining, since it was evident that "housing has nothing to do with road construction—we speak two different languages—that the master mechanics have priorities that I don't have, and that the CSN has different priorities than the FTQ."⁵⁸ Louis Laberge, who had praised Bill 290 effusively only two years earlier, echoed Lefebvre's sentiments. However, he

cautioned that a simple divorce decree would not be sufficient to solve the industry's problems. The only viable solution would require the abandonment of the experiment in European-style union pluralism and a return to the prevailing North American pattern of a monopoly of representation. If the government did not allow construction workers to vote for the one association that they wanted to represent them, Laberge affirmed, negotiations in the construction industry would be perpetually stalemated, and the government would be compelled to step in and impose an agreement on both sides.⁵⁹

This radical reassessment of Bill 290 by the FTQ and construction employers was prompted by the conflict-ridden negotiations of 1969 and 1970. In neither case did the existing bargaining regime function as policy makers had planned. The first round of bargaining, which applied to only ten of the province's fifteen regions (and thus was the last not to be completely centralized) was marred by a violent strike in Quebec City and less serious disputes in Rimouski and the Gaspé.⁶⁰ The seven representative associations were ultimately able to reach an agreement, but only after the very public intervention of Labour Minister Jean Cournoyer. In effect, the government purchased an agreement by promising to provide financial assistance to contractors who might be harmed by the implementation of wage parity between Montreal and the rest of the province. Wage parity was the main sticking point in the 1969 negotiations; it constituted the CSN's chief demand, for it was this federation's members (most of whom were located outside of Montreal) who stood to benefit the most from parity. Employers were uniformly hostile to the idea, since they felt it would raise costs to exorbitant levels and drive many smaller regional firms into bankruptcy (wage parity will be discussed in greater detail below).

In order to mollify the employers and get them to sign a contract, Cournoyer intimated that the government would be willing to reimburse contractors for any

additional costs incurred as a result of wage parity. An agreement was duly signed, but cabinet refused to budge on the question of reimbursements for contractors. Construction employers thus felt as though they had been "suckered" by Cournoyer, and vowed never to let it happen again.⁶¹

Negotiations in 1970, the first round of truly province-wide bargaining, were even less successful than those of the previous year. Again, one of the chief stumbling blocks was the question of wage parity. The 1969 decree had granted catch-up increases to permanent construction workers outside Montreal, but the administrative machinery necessary for classifying workers as seasonal or permanent did not yet exist. Therefore the commitment to parity remained just that--a pledge, and not yet a reality. The CSN led a series of regional strikes in July 1970 to press its demand for complete wage parity, and the government was ultimately forced to pass Bill 38 to resolve the dispute, the first time that such action had ever been taken in the province's private sector. In addition to ending the walkouts, the law empowered cabinet to determine wages and working conditions in the industry by decree, in the event that the parties themselves were unable to reach an agreement.⁶² This is precisely what happened; in December 1970, the Bourassa cabinet passed an order-in-council that set wages and working conditions in the construction industry for a period of three years, until April 30 1973. One of the most important provisions in this decree was its guarantee of nearly total wage parity by the end of the contract, a concession whose far-reaching implications will be examined below.⁶³

The 1970 round of bargaining fully exposed the intractable divisions within and between the representative associations of labour. For the most part, the FTQ and the CSN were working at cross purposes. The two federations routinely failed to agree on what their basic negotiating demands should be, with the CSN being primarily concerned with the question of parity, and the FTQ being more interested in the

status of job-site stewards (were they members of the bargaining unit or not?), the boundaries between specific trades, and so on. Indeed, as the Cliche Commission Report indicated, the FTQ consistently refused to collaborate with, or even meet, representatives of the CSN's construction federation, a fact confirmed by former Minister of Labour, Jean Cournoyer, in an interview.⁶⁴

In addition to these inter-union squabbles, each federation was riven by internal dissension. As I noted in the previous chapter, a number of highly specialized trades affiliated with the FTQ—structural steel workers and elevator mechanics, for example—never accepted Bill 290 and rejected their federation's legal right to represent them in collective bargaining. The CSN was also prey to debilitating internal conflicts, though of a somewhat different nature. The most serious division was between the federation executive and the Montreal local over bargaining strategy in the 1970 round. The Syndicat de la construction de Montréal made common cause with the FTQ during the negotiations, and ignored the executive's strike call in July. For its recalcitrance, the Montreal local was disaffiliated by the CSN's Fédération du bâtiment et du bois, and a number of the local's officials were expelled from the CSN's bureau confédéral (one of the federation's executive bodies). The chief victim of this internal purge was the Montreal local's president, Michel Chartrand, who had long been a thorn in the side of the labour "establishment." The CSN executive's relief at having rid themselves of what they considered a bothersome gadfly was short-lived, however. Not long after the purge, "the rank and file elected [Chartrand] president of the Conseil central [de Montréal], a more important post than the one he lost."⁶⁵

There were additional instances of organizational disunity among the representative associations of labour in the early 1970s, the most important being the schism within the CSN in the aftermath of the 1972 public-sector general strike. This

event will be examined in greater detail in the next chapter, but suffice it to say that the creation of the avowedly "apolitical" Centrale des syndicats démocratiques [CSD] was made possible by the defection of some 35,000 (estimates vary) members of the CSN, most of them from private-sector federations such as textiles and woodworking. In the case of the construction industry, however, most members remained loyal to the CSN. According to Piote, the CSD's limited presence in the construction industry did not prevent the Bourassa government from passing legislation to legalize the new federation and prohibit the use of pressure on an employee or employee's group, should the CSN have been tempted to resort to blackmail of one form or another to keep their members from joining the CSD.⁶⁶ A number of observers have argued that the Liberals' hasty intervention to provide legal protection for the fledgling federation was not unrelated to its desire to promote the growth of a business union, one which categorically rejected the nationalist and socialist ideology of its erstwhile parent, the CSN.⁶⁷ Despite the government's protection, however, the CSD attracted the allegiance of only a miniscule number of construction workers in 1972—roughly 6.5% (see Table 5.2)—and its share hovered at that level throughout the 1970s.

Employers were by no means immune to the sort of internal discord that crippled the representative associations of labour. The most publicized example of dissension within the ranks of contractors occurred in 1972, when the Fédération de la construction du Québec expelled its largest affiliate, the Association de la construction de Montréal. The latter organization had long chafed at being reduced, in terms of voting and influence over FCQ policy, to the equal of much smaller regional affiliates, and thus the parting of the ways was mutually desired. Immediately after its expulsion, the ACM joined the road-builders' association in order to maintain its privileges under Bill 290—even though its members had nothing to do

with the construction of roads! After 1973, the ACM became the sixth representative association on the employers' side, in direct competition for members with the FCQ.⁶⁸

In summary, between 1969 and 1972 there was ample evidence that the system of representative associations was not functioning. The failure of Bill 290 became apparent to all during the 1973 round of bargaining. At this time, the FTQ simply refused to sit at the same bargaining table as the CSN, and began private talks with all of the employers' associations except the FCQ. In April 1973, the FTQ and the five contractors' associations reached a series of agreements which, under the terms of Bill 290, were clearly illegal. At this point, the CSN exercised its right of veto to quash the contracts signed by its rival.⁶⁹

This series of events precipitated a remarkable volte-face by the Bourassa government in its construction industry labour policy. Labour Minister Jean Cournoyer caved in to the FTQ's pressure tactics--which included the threat of an industry-wide strike--and passed Bill 9, a law that retroactively legalized the contracts signed by the five employers' groups and the FTQ.⁷⁰ The Cliche Commission was more than a little disconcerted by the government's seeming disdain for its own laws:

... [La loi 9] n'est pas qu'une tentative pour régler un conflit limité dans le temps et l'espace. Au contraire. La Législature a alors changé, en pleine négociation, les règles du jeu, pour légitimer une convention signée contrairement à la procédure prévue à la Loi.⁷¹

In addition to conferring post facto legality on the contracts that the CSN had already quite 'egally vetoed, Bill 9 handed the FTQ a virtual union monopoly in the construction industry. The law's most innovative feature--and one that elicited charges of favouritism toward the FTQ--was its replacement of the principle of union pluralism with a system of weighted or average representativeness. In order to qualify as a representative association under the Construction Industry Labour Relations Act, a union federation or employers' group would have to be present in all regions of the province and be open to all of the various construction occupations

(exceptions were made for the corporations of master pipe-fitters and electricians).⁷²

An association's average degree of representativeness would be calculated on the basis of three criteria:

- (i) the number of its members as a percentage of all construction workers or employers;
- (ii) the salaries earned or paid by its members as a percentage of the total;
- (iii) the hours worked by its members as a percentage of all hours worked in the industry.

Any association or group of associations whose average representativeness exceeded 50 percent could initiate collective bargaining and sign an agreement on behalf of the other associations. The only protection afforded minority associations was the provision that the Minister of Labour could amend a collective agreement in order to "exempt [an] association from the effect of a discriminatory clause or a clause affecting its members only and to which it has not consented."⁷³

Although there were substantial difficulties in calculating the representativeness of the three union federations—since the names of almost 29,000 construction workers did not appear on any of the federations' membership lists, while another 15,000 held more than one union card (see Table 5.2)—the FTQ emerged as the majority association on the labour side (overall representativeness of 72 percent; see Table 5.2). No employers' association, by contrast, represented more than a quarter of all contractors in the province. Thus Bill 9 did not alter the status quo ante as far as contractors were concerned—they still had to form a bargaining cartel. But the legislation bestowed on the FTQ something that "le roi de la construction," André Desjardins, had long coveted—a union monopoly. As Gérard Hébert observes, even if Bill 9 formally maintained the principle of union pluralism (since workers were not forced to join the majority association), the powers granted minority unions were

severely limited. This was bound to have negative implications for the principle of freedom of association, claimed Hébert:

Dans les faits, il est possible que l'impuissance relative des centrales minoritaires entraîne une désaffection de la part des travailleurs à l'égard de leurs syndicats affiliés....L'intérêt lui-même poussera les travailleurs à donner leur adhésion aux unions majoritaires.⁷⁴

Labour Minister Cournoyer justified this apparent breach of a construction worker's freedom of association by invoking the principle of majoritarian democracy: "le principe du bill, c'est de redonner ... à la majorité le droit de prendre soin de la minorité et surtout de ne pas permettre que la minorité décide de son avenir, pour la majorité."⁷⁵ One must ask, however, why it was necessary to give the majority association (the FTQ) the exclusive right to bargain on behalf of the other representative associations in order to protect democracy. An equally viable option, one that would have retained the principle of union pluralism entrenched in Bill 290, would have been to allow all representative labour federations to sit at the bargaining table but to weight their votes on a collective agreement according to the proportion of workers they represented.⁷⁶

That the government ignored this alternative suggests that "democracy" was not the overriding concern of their construction labour policy. This suspicion is further confirmed by a consideration of the government's "triple formula" for determining average representativeness. As the CSN pointed out, Bill 9 created a situation in which, "[d]ans la construction, ce n'est pas un homme un vote. C'est un plombier de la FTQ de Montréal qui travaille 50 heures vaut 17 journalier CSN de Rimouski qui a de la difficulté à travailler une semaine régulière."⁷⁷ The inclusion of average wages earned by construction workers in the formula for determining average representativeness, the CSN claimed, blatantly favoured the relatively well-off building tradesmen of the international unions.

Table 5.2: Degree of Representativeness under Bill 9, 1972

Association	Members		Wages		Hours		AVG* (%)
	#	%	\$	%	#	%	
LABOUR							
CSD	6,255	6.5	115	4.6	5,171	5.1	5
CSN	23,816	24.7	523	20.8	22,543	22.0	23
FTQ	66,158	68.8	1,880	74.7	74,721	72.9	72
(1)	96,229	---					
(2)	15,041	----					
(3)	28,939	----					
Total	140,209	100	2,518	100.1	102,434	100	100
EMPLOYERS							
ACM	1,230	13.9	957	31.3	40,431	29.4	25
ACRGTP	583	6.6	409	13.4	19,578	14.2	11
APCHQ	2,173	24.5	284	9.3	13,295	9.7	15
CME	1,113	12.6	407	13.3	17,987	13.1	13
CMMT	1,063	12.0	300	9.8	13,198	9.6	10
FCQ	2,704	30.5	698	22.9	33,108	24.1	26
Total	8,866	100.1	3,055	100.0	137,597	100.1	100

(1) total number of construction workers belonging to one union only

(2) construction workers belonging to more than one union

(3) construction workers having no union affiliation

CSD.....Centrale des syndicats démocratiques

CSN.....Confédération des syndicats nationaux

FTQ.....Fédération des travailleurs du Québec

ACM.....Association de la construction de Montréal

ACRGTP...Assoc. des constructeurs de routes et de grands travaux du Québec

APCHQ....Association provinciale des constructeurs d'habitations du Québec

CME.....Corporation des maîtres-électriciens du Québec

CMMT.....Corporation des maîtres-mécaniciens en tuyauterie du Québec

FCQ.....Fédération de la construction du Québec

*AVG represents the average degree of representativeness of the association when all three factors--members, wages, and hours worked--are taken into consideration.

Source: Adapted from Hébert, "La loi 9," Table 1, p. 707.

A number of employers' groups were also quite critical of the government's pro-FTQ bias. The ACM, for instance, which had always enjoyed friendly relations with André Desjardins and the international unions, and was one of the signatories to the illegal contracts that prompted the government to enact Bill 9, nevertheless declared:

C'est en observant l'essor rapide de la FTQ-Construction au cours des cinq dernières années que l'on peut comprendre l'évolution des relations du travail dans notre industrie jusqu'à ce qu'elles aboutissent à la jungle que nous connaissons aujourd'hui.

Ce faisant, on assiste à la mise sur pied d'une machine syndicale puissante, littéralement prise en main par un groupe de dirigeants syndicaux incapables de mettre à profit sainement les importants pouvoirs sociaux, économiques et politiques qu'ils s'étaient donnés.⁷⁸

Similar sentiments were voiced by a number of employers' groups before the Cliche Commission. According to the Report, contractors were unhappy with the Minister of Labour's favouritism toward the FTQ, contending that Cournoyer, "par ses actions ou sa passivité, a engendré en partie le déséquilibre actuel qui existe ... dans la construction."⁷⁹

A particularly blatant example of governmental passivity in the face of the FTQ's strong-arm tactics occurred in December 1974. A number of FTQ locals had been waging a series of slowdowns and wildcat strikes since the summer of that year in an effort to obtain a cost-of-living increase. Some employers' associations, such as the corporations of electricians and pipe-fitters, were willing to accede to the unions' demand, but before the adjustment could be made the existing decree (in force until 1976) had to be opened and amended. Not all employers were willing to go along with this, and so the walkouts and other disruptions lasted well into December, thereby placing in jeopardy the completion of construction for the Montreal Olympic games. Rather than risk a national embarrassment, the Bourassa government intervened on December 24, 1974 by passing Bill 201, which empowered cabinet to extend, repeal, or modify the existing decree in the construction industry without the

consent of the employers or workers, if the Minister of Labour were of the opinion that such a course of action was necessary to protect the public interest. Before such an amendment could occur, however, the Minister would have to convene the Standing Committee on Labour in order to allow the representative associations to explain why no agreement could be reached.⁸⁰

This entire affair, which the media dubbed "la bataille de l'indexation," was later shown by the Cliche Commission to have been a ploy on the part of André Desjardins to divert public attention away from the daily stream of revelations about FTQ improprieties in the construction industry. FTQ-Construction had no intention of settling quickly with the employers, since a protracted campaign might possibly have made the public forget about what happened at the LG-2 site in March (of which more below).⁸¹ Even more shocking than this revelation was the Cliche Commission's assertion that an official in the Department of Labour, Yvon Dansereau, had been a willing accomplice in Desjardins' strategy, going so far as to help negotiate illegal agreements on cost-of-living increases between the FTQ and a number of employers. "It is apparent that M. Dansereau sought above all to satisfy M. Desjardins," the report claimed. "Each time he acted, it was to legitimize a show of force or other underhanded strategy employed by M. Desjardins."⁸²

As the Cliche Commission pointed out, Bill 201 conferred sweeping and arbitrary powers on the Minister of Labour. It also effectively killed any motivation that construction employers and unions might have had for engaging in real negotiations. The legislation made it almost certain that neither side would budge from its maximalist bargaining position in future negotiations, that both would simply await the direct intervention of the Minister of Labour to resolve the impasse.⁸³ All this because the government was trapped by its need to bring construction for the

Olympics to a successful and prompt conclusion, and thus had allowed itself to become an unwitting pawn in the personal schemes of André Desjardins.

Why should the Bourassa government's construction industry labour policy have been so favourable to the FTQ? According to the CSN, the answer to this puzzle lies in the state's fear of political unionism: like most big employers in the construction industry, the Bourassa government preferred to negotiate with the more moderate FTQ than with the CSN, for the latter had a tendency to politicize collective bargaining, removing it from the familiar—and reassuring—terrain of wages and benefits.⁸⁴ The haste with which the Liberal government sought to alter the law in order to protect the CSD, the anti-socialist, anti-nationalist counterweight to the CSN, lends some credence to this charge.

Nevertheless, the primary sources of the Bourassa government's favouritism toward the FTQ are to be found in more mundane political factors. These causes can only be understood by examining the remarkable events that occurred at the James Bay construction site in March 1974, a task which will be undertaken in the next section.

(ii) The James Bay Fiasco, 1974-1975: "L'industrie de la construction au Québec ... est ... malade"

On March 21 1974, one of the FTQ's union stewards at the La Grande River dam site in James Bay (LG-2), an ex-boxer by the name of Yvon Duhamel, mounted a bulldozer and proceeded to destroy the three generators that provided power to the camp. Duhamel then set most of the construction site, including his own office, ablaze. The result: \$33 million in damage, hundreds of workers laid off for several months, and a "catastrophic suspension" of activity on the "project of the century."⁸⁵

In the immediate aftermath of this debacle, Premier Bourassa appointed a commission of inquiry to investigate the causes of the rampage. Inter-union rivalries and abuses of workers' freedom of association by the union federations or their officers were singled out in the commission's terms of reference as the prime targets for investigation. Headed by Judge Robert Cliche, a popular former leader of the provincial NDP, the commission held widely publicized hearings that exposed the seamy side of the province's construction industry. In their report, published in May 1975, the commissioners observed:

... au menu quotidien de nos audiences, nous avons trop souvent été placés en présence de fraudeurs, d'escrocs, et de canailles....L'industrie de la construction au Québec est vitale pour notre économie. On investit environ 4 milliards par an dans la construction. A l'heure actuelle, cette industrie est malade et jusqu'à un certain point corrompue.⁸⁶

The report identified four principal sources of the sickness and corruption that were afflicting the province's construction industry. First, FTQ-Construction had been infiltrated by criminal elements. Noting that neither the CSN nor the CSD exhibited any signs of the "corruption and banditry" that were visible in the upper echelons of FTQ-Construction, the report stated that four international unions affiliated with the FTQ were particularly ravaged by this cancer: the plumbers (Local 144), the electricians (Local 1677), heavy machinery operators (Local 791), and elevator mechanics (Local 89).⁸⁷

André Desjardins, "le roi de la construction" himself, was primarily responsible for the recruitment of criminal elements into the FTQ. The commissioners stated that the FTQ's job-site stewards, whose main task was to oversee the implementation of the construction decree at a particular site, were in many cases habitual criminals who happened to be friends of Desjardins. According to the report, Desjardins had perverted the very necessary and useful function of job-site steward and used it to create a

private army of hooligans without equal in the history of industrial relations in Quebec....The truth is that André Desjardins is not a union leader. He has contaminated the entire union structure by placing in positions of authority men who were corrupt, brutal, and lacking any real humanitarian concern for their workers.⁸⁸

Desjardins' rise to power within FTQ-Construction (initially as a member of the plumbers' union) and his actions while president of the federation reveal some striking parallels to the career of Hal Banks, the former "boss" of the Canadian District of the Seafarers' International Union (SIU). In each instance, employers and government leaders, hoping to rid themselves of a militant and Communist-dominated union (the Canadian Seamen's Union [CSU] in the Banks affair, and the United Association of Plumbers in the case of Desjardins) sought the assistance of individuals with ties to the underworld. In both cases, this operation was ostensibly successful, either through the substitution of a more pliant business union for the Communist one (the SIU's ouster of the CSU), or through a change in the union's leadership (which is what occurred in the case of the plumbers' union in Quebec, with Desjardins replacing the Communist leaders). In both cases, this manoeuvre was facilitated by the Cold War anti-Communist hysteria of the McCarthy period. And finally, in each case the government and employers were hoist with their own petard: having got rid of a Communist union, they found themselves dealing with a Frankenstein's monster, union leaders whose appetites were insatiable, and whose links to the brutally corrupt underworld ultimately proved an embarrassment and a liability.⁸⁹

Once installed at the apex of FTQ-Construction, the Cliche Commission observed, the overriding objective of Desjardins and his band of thugs became the elimination of the CSN from all of the major construction sites in the province (especially James Bay). The preferred means of securing an eventual monopoly of representation was through secret dealings and the exchange of "favours" with top

government officials. In particular, Desjardins and his band of thugs were willing to serve as election workers for the provincial Liberal Party, whose primary task was to prevent known PQ supporters among construction workers from actually casting their ballots (of which more below).⁹⁰

A second cause of the malaise in Quebec's construction industry, according to the Cliche Report, was the complicity of most contractors' associations in the FTQ's corrupt practices, their willingness to buy labour peace through assorted kickbacks, bribes, and favours such as free vacations and access to company property (yachts, resorts, helicopters) for union officials. One of the key factors in Desjardins's rise to power (along with his links to the underworld and the provincial Liberal Party organization) was his ability to forge alliances with employers and to parlay their lack of unity into a bargaining advantage. As noted in the previous chapter, contractors tended to be highly individualistic, and many of them were willing to cut a deal with Desjardins rather than risk a costly work shutdown. Any additional costs incurred by such sweetheart deals were passed on to the customers (those for whom the construction was being done, which in many cases was the government or some other public agency) and consumers. The Cliche Commission deplored the practice of awarding construction contracts on a "cost-plus" basis, which provided for the automatic reimbursement of costs above and beyond those anticipated in the original tender (costs such as bribes, kickbacks, and so on).⁹¹

Even more harmful than these practices, the Commission noted, was Desjardins' ability to inflame the organizational rivalries of competing contractors' associations:

Pour les diviser davantage, [Desjardins] suscitait des rivalités morbides entre leurs associations représentatives. Il s'amusait à dresser leurs représentants les uns contre les autres. L'ASECQ⁹², sous l'influence de son directeur-général, M. Jean LeBon, avait tendance à traiter séparément avec Desjardins. L'inconvenance des procédés utilisés par M. LeBon est allée jusqu'à encourager Desjardins à exercer des

représailles contre une association patronale rivale qui refusait, contrairement à l'ASECQ, de payer des taux de salaire supérieurs à ceux du décret.⁹³

The Commission lamented this lack of employer unity, and noted that the representative associations were no closer to resolving their substantial conflicts of interest—between Montreal and the regions, between big and small firms, between general contractors and subcontractors—than they had been in 1968. Only if the provincial government compelled all construction employers to join a single, province-wide association would the labour relations regime in the industry become workable, the commissioners concluded.⁹⁴

As the third factor contributing to the sorry state of affairs in the provincial construction industry, the Cliche Report pointed to the failure of the parity institutions that had been established under Bill 290 and subsequent amendments to ensure the implementation of the collective agreement. This was especially true of the Commission de l'industrie de la construction (CIC) and its sister organization, the Comité des avantages sociaux de l'industrie de la construction (CASIC). These tripartite institutions (comprising six union representatives, six from the various employers' associations, an independent chairman, and one person designated by the Minister of Labour) had been created in 1971. The CIC's main function was to enforce strict record-keeping by contractors (regarding the number of employees they had hired during the year, the hours they had worked, and the salaries they had been paid) and to oversee the implementation of all laws and regulations covering the construction industry. CASIC's purpose was to administer any insurance or superannuation plan that covered construction workers in the province.⁹⁵

According to the Cliche Report, these supposedly tripartite institutions quickly came under the thrall of the FTQ, which profited from its government connections to get its own members—or their relatives—appointed as officials and inspectors for the

CIC and CASIC. Twelve relatives of Roger Perreault, for example, the former head of FTQ-Construction and subsequently a top official in the CIC, were working for this organization, as were three of André Desjardins' brothers-in-law.⁹⁶ As well, the president of the CIC, Fernand Morin, was on more than familiar terms with Desjardins, and wiretap evidence showed that Morin once cancelled a meeting of the CIC at the behest of Desjardins. Given this incestuous situation, the CSN simply boycotted the CIC's meetings, beginning in 1973. The result, the commissioners argue, was that the CIC became an unwitting pawn in the FTQ's single-minded drive to secure a union monopoly in the construction industry, thus further poisoning the already tainted relations between the two federations. This was yet another link in the chain of misfortunes that culminated in the LG-2 catastrophe, the commissioners concluded.⁹⁷

Finally, the Cliche Commission cited the overly familiar ties between Desjardins and top officials in both the Bourassa administration and the provincial Liberal organization as one of the most important causes of the malaise in the construction industry. The commissioners revealed that the Liberal Party of Quebec was in the habit of using FTQ organizers and officials as a private electoral army in the early 1970s. Michel Bourdon supports the Commission's claim with a concrete example: in the Duplessis by-election in 1972 (which is referred to a number of times in the Cliche report as a particularly flagrant example of the incestuous ties between FTQ-Construction and the Liberal Party), "Dédé" and his boys sequestered over 4,000 workers at the Mont Wright site who were suspected of being péquistes supporters in order to prevent them from voting. Since the Liberal candidate won by fewer than 2,000 votes, the FTQ's assistance may have been decisive.⁹⁸

Another incident of this type occurred during the provincial election of 1973, when Duhamel (the author of the LG-2 destruction) and a number of other FTQ

workers patrolled the ridings of Taillon and Laporte, making sure that the election unfolded as it should (and that support for the PQ did not get out of hand). This band of toughs was arrested for making a disturbance outside the PQ's headquarters in Taillon; they were subsequently freed after the intercession of a Liberal Party lawyer. None of them was ever charged, a situation which the commission termed "clearly indecent."⁹⁹ Similar incidents, in which FTQ officials (including Desjardins himself) were used either to help fill halls for Liberal candidates or to keep the electoral "peace," occurred in a number of other ridings during this and other campaigns.¹⁰⁰ As the Cliche Report made clear, Desjardins' electoral assistance was offered to the Liberals on the assumption that Paul Desrochers would return the favour by securing the FTQ a union monopoly on the James Bay sites:

... il était imprudent pour M. Desrochers d'explorer la possibilité d'accorder un monopole syndical à M. Desjardins, le midi, au Club de la Garnison, à Québec, puis de retrouver ce même M. Desjardins, le même soir, à Sept-Iles, pour lui demander de l'aide afin que l'élection partielle de Duplessis 'se passe dans un climat serein.'¹⁰¹

In addition to this cozy electoral alliance between the Liberals and officials in FTQ-Construction, the Cliche Commission explored the secret negotiations involving Paul Desrochers and Hydro-Québec, on the one hand, and André Desjardins on the other. These negotiations were initiated by Desrochers and Roland Giroux of Hydro-Québec because the government was obsessed by the need to avoid any costly strikes or slowdowns on the James Bay sites:

Au moment de mettre en chantier les plus grands travaux de construction jamais entrepris au Québec, il fallait s'assurer du concours syndicale. Avec qui traiter? Avec le plus fort, c'est-à-dire, André Desjardins. ... Nul doute ... que si quelqu'un était assez fort pour faire régner la paix syndicale à la Baie James et empêcher toute grève pendant 10 ans, c'était André Desjardins. Il était donc l'homme à voir.¹⁰²

The Minister of Labour at the time, Jean Cournoyer, later indicated that Hydro-Québec had come to him asking for a dispensation from Bill 290, so that the FTQ

could have a hiring monopoly at the James Bay sites. Cournoyer flatly refused.¹⁰³ The Minister's refusal was in all likelihood motivated not by his desire to uphold the existing system of union pluralism--indeed, he had gone on record a number of times previously as supporting the idea of an FTQ monopoly--but rather by his fear of the political consequences of such a move. The storm of controversy raised by the adoption of Bill 9 was an eloquent reminder in this regard.¹⁰⁴

As a result, Hydro-Québec and Desjardins simply bypassed Cournoyer, and negotiated instead with Bourassa's éminence grise, Paul Desrochers. On several occasions, Desrochers met with Desjardins to discuss the possibility of obtaining a ten-year no-strike pledge from the unions in exchange for a government promise to hire only FTQ members on the James Bay sites. All of this, needless to say, was in flagrant violation of the government's own labour legislation (Bill 290 and Bill 9) and of its public hiring standards for the project. The latter were ostensibly to have given preference to indigenous Indians, workers from the northwestern part of the province, and those from the Saguenay-Lac St. Jean region (who more likely than not belonged to the CSN).¹⁰⁵

It was Desrochers' failure to deliver on his half of this illicit bargain that precipitated the catastrophe at LG-2. The local government authorities, representing the Société de développement de la Baie James (SDBJ) and the Société de l'énergie de la Baie James (SEBJ), refused to accede to Desrochers' directives, and persisted in hiring CSN workers. Duhamel went on his rampage when the industrial relations officer for the SEBJ refused to fire two CSN workers at the LG-2 site.¹⁰⁶

In all, the Cliche Commission made one hundred and thirty-four recommendations that were designed to lance the abscess of inter-union rivalry and violence in the provincial construction industry. These recommendations were essentially of two types: those aiming to increase state intervention in and control

over the affairs of the representative associations of labour and contractors in order to ensure their responsible behaviour, and those seeking to improve job security and working conditions for construction workers, which were seen as being at the root of many of the industry's problems. As well, the Commissioners made a number of proposals designed to eliminate the system of union hiring halls (the chief source of the FTQ's strength in the industry) and replace it with a government-run manpower agency. Interestingly, as the next part of this section will show, the Bourassa government acted only on the first half of the Commission's recommendations, effectively placing the construction industry under a form of trusteeship, but doing virtually nothing to resolve the root cause of the malaise in this sector--job insecurity.¹⁰⁷ According to one of the commissioners, Guy Chevette, the Bourassa government acted on the Cliche report's "least urgent" recommendations.¹⁰⁸

It was the skewed and self-serving nature of the government's response to the Cliche Commission that prompted the FTQ to remark that the Liberals had used the need to attack the banditry and corruption in the industry as a pretext for placing the entire union movement in chains. The Cliche Commission's principal error, according to the FTQ, was to attribute the industry's problems to the actions of a few unscrupulous individuals, without realizing that it was the instability and impermanence of construction work that had allowed Desjardins and his ilk to seize control of this sector:

Il s'agit là d'un humanisme naïf et dangereux. On refuse de voir que les individus font partie de groupes sociaux opposés, certains aux commandes de l'économie qui leur profite, d'autres tentant de minimiser par leur force collective les conséquences désastreuses du fonctionnement de cette économie....Paradoxalement, l'humanisme naïf et presque sympathique du bon juge [Cliche] appelle le totalitarisme froid et effrayant du ministre de la police [Chôquette].¹⁰⁹

Obviously, the FTQ wanted to exculpate itself for the actions of Desjardins and his cronies, and this might lead one to dismiss the comments cited above as self-serving

bombast. Nevertheless, the next section will show that their assessment of the government's response to the Cliche Report was not far wrong.

(iii) The Government's Response to the Cliche Report:

The Drift Toward Authoritarian Corporatism

Seeing a valuable public-relations opportunity in the Cliche Report, the Bourassa government quickly intervened in the wake of its publication with a flurry of legislation. The primary purpose of this legislative avalanche was to place most of the blame for the mess in construction on union corruption. The Liberals thus conveniently overlooked the commissioners' searing indictment of governmental complicity in the numerous illicit practices that had been exposed in sordid detail during public hearings. The government's posture of getting tough with the construction unions is easy to understand, however, when one considers how politically damaging the Cliche Commission's revelations had been. Michel Bourdon, for instance, is convinced that the Commission's revelations of corrupt dealings between the government, the FTQ, and the underworld could easily have brought about the fall of the Bourassa regime. That the government survived, he argues, is in part a testimony to Brian Mulroney's skill in deflecting or defusing politically sensitive questions, and partly the result of the Commission's own reluctance to uncover the full extent of government involvement in corrupt practices.¹¹⁰ Once the Commission's report had been released, however, the Bourassa administration sought to minimize the damage to its reputation by portraying the unions as the chief culprits in the wrongdoings.

Legislation passed in May 1975 underscored the government's belief that the situation in the construction industry could be improved if the criminal elements

within FTQ-Construction were barred from holding office, and the entire process of collective bargaining were placed under the tutelage of the state. Bill 29, adopted on May 22 1975, placed the four most corrupt building trades locals (electrical workers, plumbers, heavy machinery operators, and elevator mechanics) under a government trusteeship for a period of three years. Bill 30 (adopted on the same day as Bill 29) disqualified individuals convicted of certain criminal offenses from holding any management position in a union for a period of five years after the expiry of their prison term.¹¹¹ The range of offenses leading to such a disqualification included murder, manslaughter, extortion, kidnapping and drug trafficking as well as common assault. This kind of measure is of dubious constitutionality, since it appears to impose restrictions on the freedoms of individuals who, in the eyes of the law, have been rehabilitated. As for the ban on persons convicted of assault, the FTQ pointedly observed:

A scuffle provoked intentionally by scabs or security agents would be enough for an overly aggressive trade unionist to be accused of assault, found guilty, and prohibited from occupying a union office for five years.¹¹²

In attempting to catch a few notorious miscreants in its legislative net, the Bourassa government was, in effect, placing the entire union movement under a form of trusteeship. This attitude, the FTQ claimed, was reminiscent of the practice of totalitarian regimes, "where the only permissible union struggles are those of a clandestine nature."¹¹³

Although the FTQ was hardly a disinterested critic of the government's actions, there was a considerable amount of truth to its accusations. As evidence of the administration's heavy-handed response to the Cliche Report, the FTQ cited Bill 30's reversal of the traditional onus of proof: in future, any workers who participated in an illegal strike or slowdown would be presumed guilty unless they could prove their innocence. Though hardly a totalitarian measure, this provision did fly in the face of

common law tradition, and indicated just how far the government was willing to go to restore order in the province's construction industry.¹¹⁴

Contrary to the assertions of the FTQ, and of such observers as Jean-Marc Pottie (discussed in the introduction to this chapter), however, the Bourassa government's legislation did not impose restrictions and duties exclusively on the construction unions. The keystone of the administration's new policy was Bill 47, adopted on June 27 1975. This bill did indeed place severe legal burdens on construction unions, requiring them to file copies of their constitutions with the government; to hold secret ballot votes on strikes, contract offers, and the election of officials; to allow their members to express dissent without fear of reprisal; and to provide copies of their financial statements to any members who wished to see them.¹¹⁵ In effect, Bill 47 completed the transformation of construction unions into agents of public policy, a process that had been initiated by the passage of Bill 290 in 1968.

Bill 47 imposed similar restrictions and obligations on the province's contractors, all of whom were compelled to join and remit dues to a new employer's association, L'Association des entrepreneurs en construction du Québec (AECQ). The existing representative associations of contractors were invited to help draw up the new organization's constitution, but were unable to reach an agreement. The administration was therefore forced to act unilaterally, and it created the AECQ's constitution by order-in-council.¹¹⁶ The new organization grouped contractors into four sectors: housing, road construction and engineering, industrial construction, and general construction, the latter category including any employer who could not be fit into the other three. Voting among the AECQ's approximately 16,000 members would be apportioned on the basis of the number of hours worked by each firm's

employees: in 1976, small and medium sized construction firms controlled over 85% of the AECQ's votes.¹¹⁷

On the same day that Bill 47 was passed, a complementary law, Bill 33, finally established a government regulatory agency, the Régie des entreprises de construction du Québec, to issue licences to technically competent and solvent contractors.¹¹⁸ Evidently, the Bourassa government had placed the province's employers under a form of state trusteeship almost as far-reaching as the one to which the unions had been subjected, notwithstanding the FTQ's protestations that the new legislation restricted only union freedoms, and did nothing to rein in the arbitrary powers of employers.¹¹⁹

In terms of Philippe Schmitter's typology of forms of interest intermediation, the labour relations regime created by the legislation examined here was thoroughly corporatist. Workers and employers in the industry were

organized into a limited number of singular, compulsory, noncompetitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports.¹²⁰

In addition, the government replaced the previously existing parity institutions (the CIC and CASIC) which oversaw the implementation of the collective agreement in the industry with a regulatory agency having quasi-judicial powers. The Office de la construction du Québec (OCQ), composed of three members appointed by the Lieutenant-Governor-in-Council for ten-year terms, now assumes most of the tasks formerly fulfilled by parity institutions. One of the OCQ's most important duties is to conduct a vote by secret ballot among construction workers six months before the expiry of the existing decree, in order to determine their union allegiance. A joint worker-employer committee attached to the OCQ remains in existence to handle grievances or other disputes arising from the interpretation of the decree.¹²¹

According to William Coleman, the bargaining regime established in construction by the Bourassa government "changed the mode of governance in the sector from liberal corporatism to authoritarian corporatism."¹²² Coleman's analysis justifiably underscores the extent to which construction in Quebec in the early 1970s deviated both from the prevailing pattern of pluralist labour relations which characterized much of the North American economy and from the liberal corporatism that had inspired Bill 290. Nonetheless, it is preposterous to lump the pattern of interest intermediation in Quebec's construction industry together with the historical examples of Nazi Germany and fascist Italy. For this reason, I prefer to label the relatively unusual species of state intervention in the affairs of business and labour found in Quebec's construction industry as incipient state corporatism, to distinguish it from the more brutal examples that Schmitter subsumes under the rubric of state corporatism.¹²³ In the next section, I will examine in greater detail the Bourassa government's motives for creating such a system of interest representation in the construction industry, and draw out the implications that this policy has for the overarching theme of state autonomy.

(iv) Incipient State Corporatism in Quebec's

Construction Industry and the Limits of State Autonomy

My analysis of the Bourassa government's construction industry labour policy began by stressing the political factors that made this sector so vital in the early 1970s. Elected on a platform of job creation and opposition to the nascent Parti Québécois, Robert Bourassa's Liberals were counting on the construction industry to provide the 100,000 jobs that they had promised in the election campaign. Significantly, the government's strategy centered around two megaprojects, the

Montreal Olympic Games and James Bay, both of which required considerable amounts of foreign investment and a relatively peaceful labour relations climate for their successful completion. In view of the political importance of these projects, as well as the history of inter-union violence in construction, the Bourassa regime was prompted to intervene frequently and extensively in collective bargaining in this industry, transforming it into a replica of the province's public sector (see chapter six). Both were characterized by a hyper-centralized and highly regulated system of labour relations in which the organizations of labour and employers were frequently compelled to act as agents of public policy.

This period was also characterized by a breakdown in the system of union pluralism established by the Union Nationale in 1968. As I have tried to demonstrate, this breakdown was in many ways abetted by the Bourassa government, which consistently yielded to the strong-arm tactics and other blandishments of FTQ-Construction. This favouritism toward the FTQ, roundly condemned by the Cliche Commission, the CSN, and several employers' groups, reflected the government's own short-term interests, particularly its desire to strike a deal with André Desjardins to provide a ten-year moratorium on strikes at the James Bay sites in exchange for a government pledge to hire only FTQ members. As I indicated, this illicit bargain was manifestly in violation of existing labour law. It was negotiated by Bourassa's political advisers (notably Paul Desrochers) and representatives of Hydro-Québec, without the formal approval of the Minister of Labour, Jean Cournoyer (though he was clearly aware of the deal).

Handing the FTQ a virtual union monopoly in construction (by means of Bill 9), however, did not succeed in eradicating the problems of inter-union rivalry and job-site violence, quite the contrary. The various state actors and agencies involved in construction industry labour relations—Paul Desrochers and the Société de l'énergie

de la Baie James, for instance—were in competition with one another, and frequently working at cross purposes. It was the failure of Desrochers and the SEBJ to see eye to eye on the need for an FTQ union monopoly at James Bay that led to the debacle at LG-2 in March 1974 and the creation of the Cliche Commission of Inquiry. The Cliche Report, issued in May 1975, prompted the Bourassa government to pass a series of highly coercive laws that placed the construction industry under a form of state trusteeship. Under this system of incipient state corporatism, the rights and duties of the organizations of labour and business have been codified in law, and severe limitations have been placed on the freedom of association of both workers and employers. At present, there remains almost no incentive for either party to engage in real collective bargaining, and thus the provincial state has been granted the power to determine wages and working conditions across the province. Both the unions and contractors have come to expect state intervention to resolve their differences. As proof, one need only cite the fact that every round of bargaining since 1974 has been ended either by special legislation or, as in the exceptional round of 1976, which took place when the FTQ was in a distinctly inferior position because of the Cliche Commission revelations, by government jawboning and moral suasion.¹²⁴

This highly centralized and extensively regulated system of labour relations has had a number of effects on the organizations of construction employers and employees, as well as on the industry itself.¹²⁵ Most importantly, the Bourassa government and its péquiste successor have used their power over collective bargaining to impose strict wage parity between Montreal and the outlying regions (parity within given occupations, that is). This policy has provided tremendous wage increases for the lowest-paid occupations in construction, such as labourers. At the same time, government action (through the vehicle of the OCQ) has helped to establish a system of completely portable social benefits (pensions, supplemental

unemployment insurance) for construction workers--something that exists in no other jurisdiction in North America, because of the fragmented bargaining structures.¹²⁶ Wage parity and portable social benefits have in turn increased the mobility of both construction workers and contractors, and this has made it easier for the large, Montreal-based or foreign-owned construction firms to compete for jobs in the regions. As a result, there has been a definite trend toward the concentration of firms in Quebec's construction industry since the creation of the centralized bargaining regime in the early 1970s, a trend which, according to some observers, could result in the eventual "disappearance of local or regional contractors of medium size."¹²⁷

These effects of wage parity--especially the increasing concentration of construction firms--have been adduced by Savard Baby and others to support their contention that labour policy during this period served mainly to unify capital and prepare the groundwork for the "takeover" of the industry by the hegemonic fraction of the bourgeoisie ("la fraction monopoliste"). The creation of a single, compulsory employers' association (AECQ) by the Bourassa government also helped reinforce capital's unity under the leadership of the dominant monopolistic fraction. Savard Baby concludes by affirming that "[l]a création de l'AECQ ... devraient normalement réduire les interventions de l'Etat dans ce secteur ... à des dimensions plus restreintes."¹²⁸

My analysis of the Bourassa government's construction industry labour policy rejects this functionalist argument and stresses instead the unintended consequences of state actions, some of which business neither wanted in the first place nor stood to benefit from. Wage parity, for instance, was adopted by the government despite the vehement opposition of virtually all employers' groups involved in construction. During the committee debates on Bill 38 (the back-to-work legislation which included a commitment to wage parity), spokesmen for the home-builders' association

(APCHQ), the civil engineering industry (ACRGTQ, which included road construction), the master electricians (Corporation des maîtres-électriciens), the Association des manufacturiers canadiens, the Centre des dirigeants d'entreprise (CDE), and the Conseil du patronat (CPQ) all violently denounced the government's stated intention to impose wage parity in the industry.¹²⁹ Employers were especially critical of Pierre Laporte's "interference" in the 1970 round of bargaining urging them to grant parity to their employees.¹³⁰

According to the CPQ, wage parity would raise labour costs to intolerable levels and thus cripple regional development—precisely the opposite of the government's stated objectives. It would create distortions in other sectors of the economy, especially secondary manufacturing, as organized workers there tried to obtain similar benefits. Moreover, parity would be inflationary, since contractors would be obliged to pass increased costs on to the consumer. This would depress the demand for construction products and throw workers out of their jobs, the CPQ warned. And finally, wage parity constituted a tax on consumers—most of whom received wages lower than those of the average construction worker, the CPQ noted—paid to a section of the labour force with above-average organizational and bargaining power.¹³¹

In view of this impressive show of employer hostility to the principle of wage parity, why then did the Bourassa government, ostensibly a pro-business administration, pursue this policy? The government's moves were by no means part of a conscious effort to strengthen the monopolistic fraction of construction capital. Evidence gleaned from interviews with some of the prominent actors involved in the formulation of this policy, as well as from archival records, suggests that the government's decision was determined by earlier concessions to public-sector workers that had been made by previous administrations. In the 1969 and 1970 bargaining

rounds, the CSN argued that the construction industry was for all practical purposes a quasi-governmental activity, in which the provincial state, though not the actual employer as in the case of the public sector, was nonetheless the main client for construction work. Since the Union Nationale and the Liberals had both endorsed the principle of wage parity for public-sector workers, it made no sense to discriminate against their counterparts in construction. Labour Minister Pierre Laporte was apparently convinced by this line of reasoning, and intervened personally in the 1970 negotiations to champion the CSN's demand. Subsequent orders-in-council between 1970 and 1976 imposed strict wage parity on a group of recalcitrant employers.¹³²

In short, the Bourassa government's decision to adopt the principle of wage parity was determined by the "policy inheritance" bequeathed it by the previous administration—the politique salariale in the public sector. This institutional and political factor is entirely ignored by Savard Baby and the other adherents of functionalist explanation, who neglect the intentions of individual actors (CSN strategists, Laporte, Cournoyer) and focus instead on the putative stabilizing effects of parity for construction and its beneficial impact on capital accumulation as an explanation of the adoption of the policy. But the latter approach raises a thorny epistemological problem, one that bedevils all forms of functional explanation: why did state actors choose this particular policy (parity) at that particular time, and how could they have known what its effects on capital accumulation would be? Were there not alternative policies available to the state that might have achieved similar objectives? As numerous critics of functional explanation have pointed out, reference to the beneficial effects of a given policy or structure does not suffice to explain why that policy or structure was adopted in the first place.¹³³

Savard Baby or Pottle might still reject my argument by pointing out that the opposition of the various contractors' groups to wage parity was irrelevant, since the

provincial state was acting precisely to unify these competing fractions of capital under the hegemony of a new dominant fraction. To paraphrase G.A. Cohen's elegant formulation, the Bourassa regime in this instance would be viewed as the eye of the otherwise blind capitalist, forcing the contractors to take a certain course of action that would promote their long-term interests (namely accumulation).¹³⁴ There are three main reasons for rejecting this argument. First of all, Savard Baby and Plotte seriously overestimate the extent of the employer unity created by the Bourassa government's legislation. Admittedly, the various employers' associations, which still exist as separate entities but bargain under the aegis of the AECQ, have found that the new organization does have certain advantages. It does provide them with a relatively cohesive mechanism for lobbying the government and for negotiating with the trade unions. But the often bitter disputes among the different types of contractors (housing, civil engineering, general construction; Montreal versus the regions; big versus small firms, and so on), which antedated Bill 47, still occur. In many ways, the employers are still as fragmented as the unions, with each side nevertheless capable of inflicting considerable damage on the other because of the highly centralized bargaining regime.¹³⁵ Plotte's and Savard Baby's contention that the Bourassa government's labour policy weakened unions while strengthening employers is simply untenable; the reality is much more complex than this one-sided portrait. As my analysis shows, construction unions were in many respects strengthened by the government's measures, and some categories of workers obtained considerable material benefits from the new regime. As a quid pro quo, the labour organizations had to put up with a number of state controls over their internal affairs, controls which were much more far-reaching than had been the case with the Union Nationale's brief experiment with liberal corporatism.

A second reason for rejecting the functionalist argument is that it overestimates the degree of state unity that existed in Quebec at the time. Savard Baby and Pottie constantly make reference to the provincial state as though it were a single, cohesive entity capable of acting with a single volition. But as I have argued, the provincial state during the Bourassa period was anything but a single, cohesive, and conscious actor. Rather, it was fragmented, a "conglomerate of relatively unconnected part-bureaucracies," to use Hirsch's phrase.¹³⁶ The Department of Labour, the SEBJ and the SDBJ, and Premier Bourassa's executive office (Desrochers) were all involved in the formulation of construction industry labour policy. As the preceding analysis has demonstrated, each of these "part-bureaucracies" had its own particular objectives. They often competed with one another or attempted to undermine their bureaucratic adversaries, as in the case of the conflict between Desrochers and the SEBJ over granting the FTQ a hiring monopoly at James Bay. To argue that such an unwieldy ensemble of mutually antagonistic organizations, which the Bourassa state surely was in the mid-70s, could articulate a single, coherent, and far-seeing plan for strengthening construction capital and demobilizing workers requires a considerable suspension of disbelief.

The third reason for rejecting a functionalist explanation of the Bourassa government's actions is its tendency to neglect the frequently dysfunctional consequences (from capital's perspective) of state policies. One of the most pernicious by-products of the centralized and highly regulated construction labour relations regime established in the 1970s was an escalation in work stoppages. Although the number of disputes may have declined over the course of the decade, their severity increased dramatically (see Table 5.3), at least during those years when negotiations over a new collective agreement took place (1970, 1976, and 1980, as well as 1974, the year of the "bataille de l'indexation"). This can hardly have been part of the Quebec

state's conscious plan for improving the conditions for capital accumulation in the construction industry!

Nonetheless, the data contained in Table 5.3 do show a marked decrease in work stoppages in the 1980s, and so it might be argued that after an initial period of experimentation, punctuated by serious industrial strife, the labour relations regime established by the Bourassa government succeeded in creating the objective conditions for improved capital accumulation. However, there was a second unintended consequence of the Bourassa government's policy: the growth of a black market for construction work. According to the 1986 Scowen Report on deregulation, between 20 and 25 percent of all construction work in the province is done according to "market criteria" rather than the stipulations of the existing decree. This is especially prevalent in the housing sector, where government regulations often mean that a homeowner is unable to afford the official rate for renovating his or her home, and is therefore forced to choose between forgoing the renovations, doing the work alone, or hiring a freelance artisan on the black market.¹³⁷ The Scowen Task Force called for a progressive deregulation of the construction industry in the province, beginning with the housing sector. If implemented--and this measure certainly fits well with the neo-liberal winds now blowing through the province--deregulation would signal the imminent demise of the twenty-year experiment in corporatist labour relations in Quebec's construction industry.

Table 5.3: Work Stoppages in Quebec's Construction Industry, 1970-1985

	construction		all sectors		time lost in construction as % of total
	workers involved	person-days lost	workers involved	person-days lost	
1970	50,815	698,330	73,189	1,417,560	49.26
1971	2,176	35,650	48,747	603,120	5.91
1972	1,583	45,570	481,130	2,829,310	1.61
1973	2,977	23,830	74,372	1,604,790	1.48
1974	97,501	543,880	190,277	2,610,950	20.82
1975	16,317	113,103	185,765	3,254,930	3.47
1976	62,780	1,853,400	488,550	6,465,650	28.66
1977	655	25,010	54,424	1,274,980	1.96
1978	666	5,980	115,659	1,785,730	0.33
1979	655	41,850	218,951	3,273,510	1.28
1980	8,974	475,000	170,293	3,952,330	12.02
1981	163	2,410	46,246	1,469,830	0.16
1982	10	370	217,504	1,280,820	0.03
1983	424	23,660	155,893	2,313,030	1.02
1984	87	560	41,711	1,115,730	0.05
1985	0	0	38,720	1,123,530	0.00

Source: Canada, Department of Labour, Strikes and Lockouts in Canada, 1970-1985.

IV. CONCLUSION

In this chapter, I have argued that it is impossible to understand the course of labour policy in the construction industry between 1970 and 1976 without taking political and institutional factors into account. The rise of the Parti Québécois, the rapprochement between the PQ and organized labour, the Bourassa government's desire to combat nationalism through job creation and profitable federalism, the fragmented nature of the provincial state apparatus under Bourassa, and the regime's reliance on old-style patronage (style duplessien): all of these factors had a profound impact on the shape of the labour policy adopted during this period. The provincial state, though clearly favourable to the demands and interests of big business--especially American multinationals, which were heavily involved in the financing and construction of the James Bay project--did not act simply as the dupe or instrument of employers.

Indeed, the analysis above has shown that the Bourassa government was in certain instances able to act on its own interests, which differed significantly from those of business. Wage parity, compulsory unionization, and all-encompassing regulation of construction activity were the most important features of government policy, and none of these can be considered as being solely in the interests of construction contractors (without making dubious teleological assumptions about the nature of state action). To this day, government regulation remains as pervasive as it was during the Bourassa period; indeed, for all practical purposes employees and employers in the industry have ceased to bargain collectively and instead rely on the state to resolve their differences. Construction employers have always chafed under this system, and have made continual calls to throw off the dead hand of state regulation. Savard Baby's somewhat optimistic prediction that the provincial state,

having acted as a demiurge to create the objective conditions for a stable, profitable construction industry, would eventually recede into the background, has simply failed to come true. Events of the past decade suggest that the heavy hand of the state is still as prominent in this industry as it was in the immediate aftermath of the Cliche Commission, and this has spurred employers and their various mouthpieces (of which the Scowen task force can be considered one) to call for an end to bureaucratic regulation of construction. This is hardly the outcome one would have expected if the state had been dutifully, and successfully, fulfilling its function of organizing the hegemony of capital.

In the following chapter, I examine the Bourassa government's labour policy in the public and parapublic sectors. There are many parallels between the latter and the construction industry: centralization and politicization of negotiations, reliance by the government on ad hoc coercive measures to end labour disputes, and the consequent withering away of true collective bargaining. Despite all this, I will argue that a functionalist explanation of the Bourassa government's actions, though superficially compelling, overlooks some key institutional and political variables that played a crucial role in determining the nature of public-sector labour policy during this period.

CHAPTER FIVE ENDNOTES

¹The Liberals' slogan during the 1970 provincial election was "Quebec to Work." Bourassa vowed to create 100,000 jobs in the first year of his mandate, in order to demonstrate the advantages of "profitable federalism" (le fédéralisme rentable) over separatism. See John Saywell, Quebec 70 (Toronto: University of Toronto Press, 1971), p.10.

²This portrait of Desrochers is drawn from Guy Chevette, Interview, Quebec City, 31 May 1989. As one of the three commissioners on the Cliche inquiry, Chevette was in a good position to gather evidence on the extent of Desrochers' sometimes illicit influence.

³Michel Bourdon, Interview, Montreal, 24 November 1988, and Guy Chevette, Interview, Quebec City, 31 May 1989, both stress Cournoyer's fealty to Desrochers.

⁴CSN, Construction: une industrie à civiliser, Mémoire devant la Commission d'enquête sur la liberté syndicale dans l'industrie de la construction, Québec, 23 September 1974, p.12. On the attitude of the contractors associations, see CEELS, Rapport (Quebec: Editeur officiel, 1975), p.291.

⁵CEELS, Rapport, pp.274-76. The report indicates that Desrochers and Michel Guay, executive assistant (chef de cabinet) to the Minister of the Civil Service, created "une banque de placement pour les grands travaux au Québec." This agency was headed by Yvon Bergeron, whom the report describes as "one of Desrochers's men." Bergeron's appointment was made in flagrant violation of the civil service commission's regulations and Cournoyer himself became embroiled in the hiring controversy.

⁶Ibid., pp.63-68.

⁷For an excellent analysis of this torrent of legislation, see Gérard Hébert, Labour Relations in the Quebec Construction Industry, Part I: The System of Labour Relations (Ottawa: Economic Council of Canada, 1977), pp.45-64.

⁸In theory, construction workers were (and still are) free to join the union of their choice. This freedom is more illusory than real, however, "at least for the employee who wishes to actually participate in decisions related to negotiations." Ibid., p.36.

⁹William Coleman, "The Capitalist Class and the State: Changing Roles of Business Associations," Studies in Political Economy 20 (Summer 1986), pp.149-51.

¹⁰"Pourquoi la Commission Cliche?", in Jean-Marc Potte, Un syndicalisme de combat (Montreal: Editions Albert Saint-Martin, 1977), p.141 (my emphasis).

¹¹Québec, Ministère de l'industrie et du commerce, Guide to Industrial Location in Quebec (August 1973), p.1. A recovery began in the fourth quarter of 1970, and continued through 1972; during this period, growth in the Quebec economy outstripped that in Canada as a whole.

¹²On the increasing concentration of capital in Quebec during this period, see Yves Bélanger and Pierre Fournier, L'entreprise québécoise (Montreal: Hurtubise HMH, 1987), ch.6.

¹³CPQ, Mémoire sur les priorités budgétaires 1972-73 du gouvernement québécois, soumis à l'Honorable Premier Ministre Robert Bourassa, ainsi qu'aux membres du Conseil des Ministres, Dec. 1971, p.1.

¹⁴Ibid., pp.4,6.

¹⁵See Québec, Annuaire du Québec, 1970-1976, Tables 8, 9, and 19.

¹⁶Québec, Guide to Industrial Location, p.1.

¹⁷Robert Chodos and Nick Auf der Maur, eds., Quebec: A Chronicle (Toronto: James Lewis and Samuel, 1972), p.102.

¹⁸(Montreal: Editions les Affaires Inc., October 1972).

¹⁹Ibid., pp.31-5.

²⁰Ibid., p.50.

²¹Pierre Fournier, The Quebec Establishment, 2nd ed. (Montreal: Black Rose Books, 1978), p.156.

²²Ibid. For a scathing critique of the Fantus Report and its impact on government labour policy, see Syndicat de Professionnels du Gouvernement du Québec, Analyse du Rapport Fantus (March 1973), pp.12-15. After quoting a number of business leaders' comments on the overly radical and politicized posture of Quebec's trade unions, the SPGQ remarks: "... lorsque le gouvernement Bourassa tente de se donner des allures de fermeté, il ne fait en réalité que répondre fidèlement aux exigences des grands patrons qui lui dictent quasiment mot à mot les politiques à suivre....Le Rapport Fantus (prononcer fantoche) nous apprend que le gouvernement Bourassa ne se contente pas d'aller chercher ses instructions aux USA, il paye, de plus avec nos taxes, des firmes américaines pour lui transmettre leurs ordres (\$145,000.00) [the cost of the report-ABT]." Ibid., pp.14-15.

²³Cited in Roch Denis and Serge Denis, "Développements syndicaux et formes d'action politique ouvrière au Québec, 1964-1984," paper presented to the annual meeting of the Canadian Political Science Association, Montreal, May 1985, p.38.

²⁴Quoted in Fournier, The Quebec Establishment, p.158.

²⁵J.-Arthur Bédard, "Un CPQ qui n'a de québécois que le nom," La Presse, 28 January 1976, p.A5.

²⁶Guy Chevette, Interview, Quebec City, 31 May 1989.

²⁷The Corporation des enseignants du Québec became a full-fledged labour federation in 1974, changing its name in the process to the Centrale de l'enseignement du Québec (CEQ). After 1974, the CEQ was free to sign up members from all sectors of

the educational system, from teachers to janitors. Although the federation remained overwhelmingly a teachers' organization, the organizing drives spawned by the change in its legal status after 1974 had a beneficial effect on its solidarity and militancy. See Jean Boivin, "Labour Relations in Quebec," in John Anderson and Morley Gunderson, eds., Union-Management Relations in Canada (Reading MA: Addison-Wesley, 1982), p.436.

²⁹FTQ, "The State is Our Exploiter," in Daniel Drache, ed., Quebec: Only the Beginning (Toronto: NewPress, 1972), pp.151-272, at p.266.

²⁹CEQ, "Phase One," in ibid., p.118.

³⁰Ibid., p.143.

³¹CSN and CEQ, Histoire du mouvement ouvrier au Québec: 150 ans de luttes (Montreal: une co-édition CSN-CEQ, 1984), pp.285-87.

³²Published in English as "It's Up to Us," in Drache, Only the Beginning, pp.1-95.

³³See Louis Favreau and Pierre L'Heureux, Le projet de société de la CSN (Montreal: Centre de formation populaire/Vie ouvrière, 1984), pp.66-81.

³⁴Denis and Denis, "Développements syndicaux," p.41.

³⁵See Roch Denis, Luttes de classes et question nationale au Québec, 1948-1968 (Montreal and Paris: Presses socialistes internationales/Etudes et documentation internationale, 1979), pp.359-69.

³⁶Guy Deshaies, "La FTQ appuie ouvertement le PQ," Le Devoir, 27 Oct. 1976, p.8.

³⁷Clinton Archibald, Un Québec corporatiste? (Hull: Asticou, 1984), p.221.

³⁸(Toronto: McClelland & Stewart, 1968).

³⁹René Lévesque, Memoirs, trans. P. Stratford (Toronto: McClelland & Stewart, 1986), pp.210, 215; Chodos and Auf der Maur, Quebec: A Chronicle, p.18.

⁴⁰Lévesque, Memoirs, p.217.

⁴¹Saywell, Quebec 70, p.6; L. Ian MacDonald, From Bourassa to Bourassa (Toronto: Harvest House, 1984), pp.46-7.

⁴²Saywell, Quebec 70, p.8.

⁴³Jean-Pierre Beaud, "Vingt ans de sondages d'opinion politique au Québec," in Jean Crête, ed., Comportement électoral au Québec (Chicoutimi: Gaëtan Morin éditeur, 1984), pp.35-37. A Peter Regenstreif poll for the Toronto Star was a more accurate predictor of the election outcome, however, showing the Liberals with 39% of the decided vote, and the PQ 29%. The actual results were:

	<u>VOTE (%)</u>	<u>SEATS</u>
Liberals	45.4	72
PQ	23.1	7
UN	19.6	17
Créditistes	11.2	12

See Québec, Ministère de l'industrie et du commerce, Annuaire du Québec, 1972 (Editeur officiel), p.92.

"Saywell, Quebec 70, p.12.

"Ibid., p.15.

"Guy Lord, Daniel Latouche, Jean-Guy Vaillancourt and Serge Carlos, "Introduction," in D. Latouche, G. Lord, and J.-G. Vaillancourt, eds., Le processus électoral au Québec: Les élections provinciales de 1970 et 1973 (Montreal: Hurtubise HMH, 1976), pp.13-16.

"Jean Marchand and Jean Drapeau later cited this statement as evidence of a plot to replace the Bourassa cabinet with a provisional government of "national unity." This charge, as it turned out, was completely without foundation. See Saywell, Quebec 70, pp.77-8.

"Ibid., pp.28, 61-2, 97-9, 109-10.

"See Boyce Richardson, James Bay: The Plot to Drown the North Woods (San Francisco CA: Sierra Club, 1972), pp.10-17.

⁵⁰According to Jean-Guy Loranger, an economist working for the CSN, the breakdown of spending on construction in 1970 was as follows:

Government ministries and agencies	35%
Public utilities	17%
Housing	31%
Manufacturing	7%
Primary industries	5%
Commerce/finance/services	5%
TOTAL	100%

Loranger acknowledges that not all public utilities are subsidized by the state (Bell Canada and Gaz Métropolitain, for example, are private concerns), but he argues that the bulk of spending in this sector is done by state corporations or agencies.

Moreover, much of the housing industry is dependent on state initiatives in one form or another, so that the total government share of construction spending might be as high as 75-80 percent. See Jean-Guy Loranger, L'Egalité des salaires dans l'industrie de la construction (Montreal: CSN, 1970), p.77.

⁵¹Quoted in Richardson, James Bay, p.9 (my emphasis). For the eventual cost of the project, see MacDonald, From Bourassa to Bourassa, p.274.

⁵²Pierre St-Arnaud, "Aperçu du régime des relations du travail dans l'industrie de la construction," étude réalisée pour la CEELS, Receuil des annexes (March 1975), p.696.

⁵³CEELS, Rapport, pp.80-82.

⁵⁴Jean Cournoyer, Interview, Montreal, 13 October 1988.

⁵⁵CEELS, Rapport, p.294: "La Commission estime ... que M. Paul Desrochers a eu tort de politiser en partie le placement à la Baie James. Ce faisant, il a créé un système parallèle qui a trop souvent fait dévier le placement des normes établies par le Ministère du Travail."

⁵⁶Ibid., p.291.

⁵⁷Québec, Journal des Débats, 1^{ère} session, 29^e législature, Commission permanente du Travail et de la Main-d'Oeuvre, Bill 38: Loi concernant l'industrie de la construction, 7 August 1970, p.B1255.

⁵⁸Ibid., p.B1256 (my translation).

⁵⁹Ibid., 24 September 1970, p.B1339.

⁶⁰For a history of the 1969 and 1970 rounds of bargaining, see Gérard Hébert, "La négociation sectorielle par décision de l'Etat," Relations industrielles 26:1 (Jan. 1971), pp.104-119.

⁶¹See Cournoyer's comments in Québec, Assemblée nationale, Journal des Débats, 4^e session, 29^e législature, 15 May 1973, p.786. For the employers' feelings, see ibid., 1^{ère} session, 29^e législature, Commission permanente du Travail et de la Main-d'Oeuvre, Bill 38: Loi concernant l'industrie de la construction, 7 August 1970, pp.B1253, B1270.

⁶²L.Q., 1970, ch.34, art.7.

⁶³Québec, Assemblée nationale, Journal des Débats, 4^e session, 29^e législature, 15 May 1973, pp.787-88. See also Hébert, "La négociation sectorielle par décision de l'Etat," pp.115-16.

⁶⁴CEELS, Rapport, p.183; Cournoyer, Interview, Montreal, 13 October 1988.

⁶⁵Chodos and Auf der Maur, Quebec: A Chronicle, p.90. See also Hébert, "La négociation sectorielle par décision de l'Etat," p.112. The CSN, it should be noted, is organized along both functional and regional lines. There are currently nine federations representing such economic sectors as social affairs, construction, mining, and so on, while there are 22 conseils centraux. According to the CSN: "Les

syndicats se regroupent au niveau régional afin d'élargir le champ de leur solidarité. Un conseil central a comme fonction ... de développer, promouvoir et organiser toute forme d'appuis aux luttes que mènent les travailleurs de la région." See CSN, La CSN, mouvement et organisation (Montreal, édition 1985), p.48.

⁶⁶Jean-Marc Pottle, "La stratégie du Front commun," in Diane Ethier, Jean-Marc Pottle, and Jean Reynolds, Les travailleurs contre l'Etat bourgeois (Montreal: L'Aurore, 1975), p.111.

⁶⁷See, for example, William Coleman, "State Corporatism as a Sectoral Phenomenon: the Case of the Quebec Construction Industry," in Alan Cawson, ed., Organized Interests and the State (Beverly Hills CA: Sage, 1985), p.118.

⁶⁸Ibid., p.119.

⁶⁹For a history of these negotiations, see Jean Cournoyer's remarks in Québec, Assemblée nationale, Journal des Débats, 4^e session, 29^e législature, 15 May 1973, pp.789-90.

⁷⁰L.Q., 1973, ch.28 (ratified June 1, 1973).

⁷¹CEELS, Rapport, p.178.

⁷²Gérard Hébert, "La loi 9 et les relations du travail dans l'industrie de la construction au Québec," Relations industrielles 28:4 (Oct. 1973), p.702.

⁷³L.Q., 1978, ch.28, art.9.

⁷⁴Hébert, "La loi 9," pp.708-9.

⁷⁵Québec, Assemblée nationale, Journal des Débats, 4^e session, 29^e législature, 15 May 1973, p.792 (my emphasis). Cournoyer repeated this claim in an interview with the author: Bill 9 was necessary, he said, to make democracy function in the construction industry. Interview, Montreal, 13 October 1988.

⁷⁶This point was made by the Union Nationale's labour relations critic, Rémi Paul, in Québec, Journal des Débats, 15 May 1973, p.796. Paul lashed out at Cournoyer for the latter's undemocratic manoeuvre: "Après avoir ignoré béatement les dispositions de la loi actuelle, le gouvernement libéral a le front de nous présenter un projet d'amendement qui ne fait que sanctionner rétroactivement une série d'inégalités commises sous le regard complaisant du ministre du Travail. Ibid., p.799.

⁷⁷CSN, Construction: une industrie à civiliser, p.29.

⁷⁸Quoted in Michèle Savard Baby, Le syndicalisme patronal dans la construction (Montreal: Editions Albert Saint-Martin, 1980), p.107. The quote is taken from a brief the ACM presented to the government in 1975.

⁷⁹CEELS, Rapport, pp.291-92.

⁸⁰L.Q., 1974, ch.38, art.1. On the importance of the Olympic games in prompting the government to act, see Premier Bourassa's comments in Québec, Assemblée nationale, Journal des Débats, Commission permanente du travail, de la main-d'oeuvre et de l'immigration, Projet de loi 201—Loi modifiant la loi sur les relations de travail dans l'industrie de la construction, 23 December 1974, pp.88740-41.

⁸¹CEELS, Rapport, p.180.

⁸²Ibid., p.290 (my translation).

⁸³Ibid., p.184.

⁸⁴CSN, Mémoire préliminaire devant la Commission d'enquête sur la liberté syndicale dans la construction, 3 July 1974, p.9. See also CEELS, Rapport, p.82.

⁸⁵CEELS, Rapport, pp.63-68.

⁸⁶Ibid., p.5.

⁸⁷Ibid., pp.52, 94.

⁸⁸Ibid., pp.33, 79 (my translation).

⁸⁹For details of Desjardins' early career as an anti-Communist crusader in the United Association of Plumbers during the late 1940s and early 1950s, I have relied on an interview with Michel Bourdon, former head of CSN-Construction (1972-1979). Interview, Montreal, 24 November 1988. Given the mutual hostility between Desjardins and Bourdon, the latter's comments might seem to be a trifle tendentious. Nevertheless, they do accord with much of the evidence gathered by the Cliche Commission.

For an examination of the sordid career of Hal Banks, see William Kaplan, Everything That Floats (Toronto: University of Toronto Press, 1987).

⁹⁰Michel Bourdon, Interview, Montreal, 24 November 1988.

⁹¹Ibid., pp.105-106, 125.

⁹²L'Association des sous-entrepreneurs en construction du Québec (ASECQ) was formed in 1974 out of the merger of the Corporation des maîtres-électriciens du Québec and the Corporation des maîtres-mécaniciens en tuyauterie du Québec.

⁹³CEELS, Rapport, p.81.

⁹⁴Ibid., p.104.

⁹⁵L.Q., 1971, ch.46 (assented to June 30 1971).

⁹⁶CEELS, Rapport, pp.139-40.

⁹⁷Ibid., pp.144-147. The Commission's portrait of an FTQ-dominated CIC was recently confirmed by Michel Bourdon, who was head of the CSN's construction federation in the mid-1970s. Interview, Montreal, 24 November 1988.

⁹⁸Michel Bourdon, Interview, Montreal, 24 November 1988.

⁹⁹CEELS, Rapport, pp.68-70.

¹⁰⁰Ibid., pp.84, 293.

¹⁰¹Ibid., p.293.

¹⁰²Ibid., pp.82-3. See also pp.28, 293-94 of the report for further information on these secret negotiations.

¹⁰³Jean Cournoyer, Interview, Montreal, 13 October 1988.

¹⁰⁴Michel Bourdon, Interview, Montreal, 24 November 1988. Obviously, Bourdon's and Cournoyer's assertions are mutually contradictory. I have tended to side with Bourdon's account for a number of reasons: it accords quite closely with the Cliche Commission's analysis, and it appears to fit the facts better than Cournoyer's. In my interview with him, Cournoyer intimated that the Commission's criticisms of his behaviour were the product of a political vendetta conducted by Lucien Bouchard, the Commission's chief legal counsel!

¹⁰⁵CEELS, Rapport, pp.133-34. The commissioners note, however, that these standards were more of a public relations exercise than anything else. Employers were permitted to hire their regular workforce (this was a very important consideration for such multinationals as Canadian Bechtel Ltd.) through a system of nominations. Fully two-thirds of the jobs at James Bay were filled by means of the nomination process, and it was the members of the FTQ who benefited overwhelmingly from this circumvention of the standards. According to the report, "[e]n pratiquant cette discrimination à l'endroit des travailleurs de la CSN, il est probable que bien des employeurs ne faisaient que céder aux menaces des agents de la FTQ-Construction." Ibid., p.134.

¹⁰⁶Ibid., pp.64-7.

¹⁰⁷Michel Bourdon, Interview, 24 November 1988. See also Office de la construction du Québec, Section Recherche, Service recherche et organisation, Historique des relations du travail dans l'industrie de la construction au Québec (November 1985), p.19.

¹⁰⁸Guy Chevette, Interview, Quebec City, 31 May 1989.

¹⁰⁹FTQ, Des bons sentiments à la dictature: réaction de la FTQ au rapport Cliche et aux lois répressives, Mémoire présenté à la Commission parlementaire sur l'industrie de la construction, 12 June 1975, p.9. The CSN was largely in agreement with the FTQ's analysis. Michel Bourdon, Interview, 24 November 1988.

¹¹⁰Michel Bourdon, Interview, 24 November 1988. Bourdon argues that Mulroney's role on the Commission was that of watchdog for corporate--and governmental--interests, a task which he accomplished with consummate skill. Bourdon claims that Mulroney acted as a check on chief counsel Lucien Bouchard, and pre-empted some of the latter's efforts to question top political authorities. According to Claire Hoy, there was "a dispute on the [Cliche] commission itself about whether to subpoena the premier.

Commission counsel, Lucien Bouchard, wanted to call Bourassa. Mulroney said no and threatened to quit if they did because it was 'in excess of the jurisdiction of the commission.'" Friends in High Places (Toronto: Seal Books, 1988), pp.41-2.

¹¹¹L.Q., 1975, ch.50 (Bill 30); L.Q., 1975, ch.57 (Bill 29).

¹¹²FTQ, Des bons sentiments à la dictature, p.22 (my translation).

¹¹³Ibid., p.6 (my translation).

¹¹⁴Ibid., p.23.

¹¹⁵L.Q., 1975, ch.51, art.25.

¹¹⁶Coleman, "State Corporatism," p.114.

¹¹⁷See Savard Baby, Le syndicalisme patronal dans la construction, pp.107-109; Yves Bélanger, "L'industrie de la construction et la bourgeoisie au Québec," in Pierre Fournier, ed., Le capitalisme au Québec (Montreal: Editions Albert Saint-Martin, 1978), pp.285-86.

¹¹⁸L.Q., 1975, ch.53.

¹¹⁹FTQ, Des bons sentiments à la dictature, p. 10. The FTQ further asserted that the Bourassa government's legislation was nothing more than a blunt instrument for battering organized labour, to the ultimate advantage of foreign capital: "On donne sur un plateau d'argent aux inspireurs du Rapport Fantus les garanties de paix industrielle et sociale qu'ils réclament." Ibid., p.65.

¹²⁰Philippe Schmitter, "Still the Century of Corporatism?", The Review of Politics 36:1 (Jan. 1974), pp.93-4.

¹²¹L.Q., 1975, ch.51, art.1,2,7. The formula for determining the average representativeness of employees' associations was also changed by the legislation. Henceforward, it was to be based on the association's proportion of workers in the industry, and the number of hours they worked as a share of the industry total. Thus the third criterion included in Bill 9, that of average salaries—which favoured the FTQ's specialized trades—was dropped.

¹²²Coleman, "The Capitalist Class and the State," p.150.

¹²³Schmitter, "Still the Century of Corporatism?", p.104. The examples of state corporatism cited by Schmitter include Spain under Franco, Brazil, Chile, Peru, Mexico, Greece, Fascist Italy, Pétainist France, Nazi Germany, and Austria under Dollfuss.

¹²⁴Québec, Groupe de travail sur la déréglementation, Réglementer moins et mieux: Résumé (June 1986), p.40. This task force, created by the second (post-PQ) Bourassa government, was headed by Montreal MNA Reed Scowen, and included representatives from the academic community and business groups, but none, revealingly enough, from the labour unions. See also Gérard Hébert, "La négociation sectorielle: le régime des décrets dans l'industrie de la construction," in Noël Mallette,

ed., La gestion des relations du travail au Québec (Montreal: McGraw-Hill, Editeurs, 1980), p.528.

¹²⁵The following summary draws mainly on Hébert, Labour Relations in the Quebec Construction Industry, pp.127, 142, 171-72.

¹²⁶Hébert, "Le régime des décrets dans l'industrie de la construction," p.527.

¹²⁷Hébert, Labour Relations in the Quebec Construction Industry, p.142.

¹²⁸Savard Baby, Le syndicalisme patronal dans la construction, p.132 (see also pp.107, 109, 137). Cf. Bélanger, "L'industrie de la construction et la bourgeoisie au Québec," pp.289-90.

¹²⁹Although most of these associations were dominated by small contractors, some--like the CPQ and the ACM--represented big business.

¹³⁰Québec, Assemblée nationale, Journal des Débats, 1^{re} session, 29^e législature, Commission permanente du Travail et de la Main-d'Oeuvre, Bill 38--Loi concernant l'industrie de la construction, August 7 and 8, 1970; September 24, 1970; October 6-8, 1970, pp.B1256, B1262-64, B1420-22, B1441-43, B1462, B1468. The Fédération de la construction du Québec (FCQ) indicated its willingness to grant parity to full-time workers who were qualified to work anywhere in the province, but it was evident from their president's (Michel Dion) remarks that very few workers would, in his opinion, actually meet these criteria. Ibid., pp.B1267-1270.

¹³¹Ibid., pp. B1420-22.

¹³²Cournoyer, Interview, 13 October 1988. Bourdon, Interview, 24 November 1988. Jean-Guy Loranger (an economist who acted as an adviser to the CSN during the early 1970s), Interview (telephone), 25 November 1988.

¹³³Much of this paragraph draws on my critique of G.A. Cohen in the first chapter, supra. I have also relied extensively on Jon Elster's excellent article, "Cohen on Marx's Theory of History," Political Studies 28:1 (1980), pp.121-28.

¹³⁴G.A. Cohen, Karl Marx's Theory of History: A Defense (Princeton, NJ: Princeton University Press, 1978), p.295.

¹³⁵Cournoyer, Interview, 13 October 1988.

¹³⁶Joachim Hirsch, "The State Apparatus and Social Reproduction: Elements of a Theory of the Bourgeois State," in John Holloway and Sol Picciotto, eds., State and Capital: A Marxist Debate (London: Edward Arnold, 1978), p.100. The same point has been made by Coleman in his critique of Mahon's structuralist perspective. See his "The Capitalist Class and the State," p.153.

¹³⁷Groupe de travail sur la déréglementation, Réglementer moins et mieux, p.41. This point was also made by Jean-Guy Loranger, Interview (telephone), 25 November 1988.

CHAPTER SIX:

Crisis and Confrontation in Quebec's Public Sector,

1970-1976

In 1972 it was evident that [the trade unions] wanted to overthrow the established order--they were saying as much.

Robert Bourassa, quoted in Raymond Saint-Pierre,
Les années Bourassa (Montreal: Editions
Héritage, 1977) p.85 (my translation).

I. LABOUR RELATIONS IN QUEBEC'S PUBLIC SECTOR, 1970-1976:
CENTRALIZATION, POLITICIZATION, AND COERCION

As I argued in the last chapter, labour policy in Quebec's construction industry between 1970 and 1976 was something of a tool in the Bourassa government's ideological struggle against the independence movement. Chapter five also drew attention to the perverse effects of the Liberal government's construction industry labour relations policies: although the Bourassa regime could certainly be characterized as strongly pro-business, its interventions in this sector strengthened organized labour as often as not, and in some cases were clearly harmful to the interests of capital. A number of structural and political factors were adduced to account for this paradoxical outcome, notably the rivalry between Bourassa's political advisers (Desrochers, in particular) and other state institutions (the Société de l'énergie de la Baie James), the policy inheritance bequeathed to the Liberals by the Union Nationale and the technostructure (wage parity), and the unexpected effects of the centralization of collective bargaining.

The present chapter takes up many of the themes set down in chapter five, but this time for the public and parapublic sectors. The story is much the same, as are the results. Labour policy in the public sector during the Bourassa years was, in many respects, a proxy in the struggle against the Parti Québécois and its ally, organized labour. Business in the province strongly supported the Bourassa government's confrontational stance towards the union movement, both for political

and economic reasons. Most entrepreneurs in Quebec at the time, whether foreign or indigenous, were staunch federalists, precisely because the constitutional status quo was seen as vital to the preservation of investor confidence and profitability. Despite this alliance between the provincial state and business, however, public-sector labour policy was by no means uniformly favourable to capital, for a number of reasons. Electoral considerations, tensions within the Bourassa cabinet between "hawks" (those wishing to crush the labour movement) and "doves" (those seeking compromise with the unions), and the sheer organizational power of labour militated against the success of a straightforward policy of coercion. Taken together, then, chapters five and six illustrate the importance of institutional and political factors in accounting for the inability of the state and business to realize their shared objectives. These two chapters do not paint a picture of an autonomous state, per se, but rather point up the flaws in functionalist analyses which assume that pro-business governments invariably enact policies that benefit capital and demobilize the working class. This is hardly the case with the Bourassa government's public-sector labour policy, as this chapter will demonstrate. In the remainder of this introductory section, I will discuss the factors that led to the politicization of public-sector labour relations in the early 1970s and detail my objections to a functionalist reading of the Bourassa government's actions.

By the early 1970s, as I noted in the preceding chapter, the labour movement in Quebec had seemingly rejected the prevailing North American belief that trade unions were exclusively institutions for the defense of their members' material interests, and were actively promoting a more "European" view of unions as the chief agents of social change in a capitalist economy. Their public rhetoric took on an increasingly revolutionary colouring, as they exhorted their members to smash the

system ("casser le système"). Journalists writing in such left-wing magazines as Last Post were caught up in the revolutionary fervour, proclaiming that "[t]he drive towards a new society in Quebec has started in earnest. Most of the labour movement is committed to it...There is a desire to do away with a bureaucratic unionism that fits neatly into its place in the system, and to return to the roots of trade unionism."¹

Politicians of all stripes took this revolutionary rhetoric very seriously, and were convinced that the trade unions, leftist intellectuals, and the Parti Québécois were conspiring to overthrow the established social order in Quebec. One Créditiste MNA (for Abitibi-Ouest) in 1972 expressed the widespread fear of an imminent revolution at the time of the public-sector general strike:

...que pouvons-nous espérer des suites possibles de cette grève générale, dont ma fenêtre entrouverte m'apporte les clameurs de la foule de grévistes qui se masse présentement autour des édifices du parlement ... clameurs qui font frissonner en indiquant des signes avant-coureurs de révolution.²

It would be a mistake to dismiss such comments as the typically paranoid response of a reactionary politician to a public-sector labour dispute, since many intellectuals, journalists, and politicians shared these fears.

In this overcharged atmosphere, public-sector collective bargaining was transformed into a political struggle between a militantly socialist and nationalist trade union movement and a doctrinaire free-enterprise government. Virtually every dispute between L'Etat-employeur and its workers provided union leaders with the opportunity to "underscore the collusion between the state and the dominant class (to employ a cliché dear to certain sociologists). Every legislative or judicial intervention became the expression of the government's desire to 'kill trade unionism.'"³ Jean Boivin ought to have added that it was not only the unions that sought to politicize collective bargaining in the public sector. The government consistently played on the

public's limited tolerance for disruptions in "essential services"--a term with remarkably elastic boundaries, covering as it did such diverse activities as the provision of health care and the sale of liquor--and waged an expensive public relations campaign against union "irresponsibility." Moreover, the government willingly blurred the line between its role as L'Etat-employeur and L'Etat-législateur by frequently changing the rules of the game in collective bargaining, often in the middle of the "game" itself. The highly centralized bargaining regimes in the construction industry and the public sector contributed to the politicization of labour relations, and magnified the consequences of any work stoppage or other dispute that occurred in these sectors.

This highly conflictual and politicized pattern of labour relations in the early 1970s was the product of two related dynamics. First, the Bourassa government's approach to public-sector labour relations was shaped to a considerable extent by the exigencies of profitable federalism. Government leaders believed that in order to attract the foreign investment necessary to finance their economic development strategy (based on megaprojects like James Bay), it was essential to curb the expansion of the state, and in particular of the public-sector wage bill. Thus the Liberals were committed to continuing the politique salariale first imposed by the Union Nationale government of Jean-Jacques Bertrand. There was one important difference in the approaches of the two governments, however. Whereas the UN had promised eventually to sit down with the union federations and jointly determine the rate of growth of la masse salariale, the Bourassa administration stated categorically that its wages policy was not negotiable, since allowing the unions any say over the government's budgetary priorities would derogate from parliamentary sovereignty.⁴ This put the Liberal regime squarely on a collision course with the three labour

federations, which had vowed never again to be outmanoeuvred as they had been by the Union Nationale in 1968-69.

Far from being a straightforward confrontation over salaries, this clash between the public-sector unions and the Bourassa government had strong political overtones, as a journalist for La Presse astutely noted:

Il faut se rappeler d'abord que la fonction publique québécoise a été, au cours de la dernière décennie, le bras de la révolution tranquille, l'outil de l'émancipation de l'Etat québécois. En tant que travailleurs au service de ce nouvel Etat sorti enfin de la 'grande noirceur', les fonctionnaires ont été placés sur la première ligne de feu des réformes dans le domaine scolaire, dans celui des richesses naturelles....et dans celui de la santé et du bien-être ... La question se pose donc de la façon suivante: l'Etat-employeur va-t-il se comporter comme n'importe quel employeur et n'évaluer ses rapports avec ses employés qu'en des termes purement monétaires? Le gouvernement tient-il réellement à valoriser le rôle de la fonction publique ou au contraire à maintenir la frustration qui semble paralyser des milliers d'employés? Le conflit actuel [1972] risque donc d'avoir un impact politique sur le rôle à venir des travailleurs de l'Etat.⁵

In essence, then, public-sector bargaining during the Bourassa administration was a battle over the future of the Quiet Revolution: should the provincial state continue to expand and act as the engine of progress in Quebec, as the unions demanded, or should the government scale down its activities to reflect the more modest possibilities for economic growth in the early 1970s, as the Liberal Party and Premier Bourassa contended?

The second factor contributing to the highly politicized and conflictual pattern of labour relations in the public sector during the early 1970s followed logically from the first. By 1970, the Parti Québécois had become the uncontested vehicle of progressive nationalist politics: it was the true legatee of the spirit of the Quiet Revolution, advocating a strong Quebec state to carve out increased economic space for francophones. Employees in the burgeoning educational, health, and welfare bureaucracies were in a sense, then, the PQ's "natural" political constituency, and were beginning to throw their electoral weight behind René Lévesque and his party.⁶ The

struggle between the unions and the Liberal government over the politique salariale and the growth of the state was therefore overlaid with the highly charged conflict between independence and federalism as alternative political futures for Quebec. Referring to the two rounds of public-sector bargaining conducted by the Bourassa government, François Demers writes:

... la perception par le public du sens des actions syndicales se voit enfermée dans la grille de lecture développée par le camp fédéraliste depuis le début de sa lutte contre le «séparatisme»: péquisme, syndicalisme, terrorisme, c'est du pareil au même! A l'extérieur du cercle des acteurs immédiats, les revendications et les négociations des deux premiers Fronts communs seront perçues comme si, au delà du gouvernement Bourassa, le mouvement syndical visait le fédéralisme. Symétriquement, l'action du gouvernement libéral provincial contre les syndicats sera automatiquement interprétée dans le cadre de la lutte pour freiner la montée de René Lévesque et du PQ.⁷

Demers goes on to argue quite convincingly that this conflation of two distinct realms of discourse (the one dealing with the state's role in society, the other with Quebec's constitutional future) was useful to both sides in the public-sector negotiations. Bourassa, in his dealings with the unions, was able to brandish the bogeyman of separatism--the differences between the unions and such groups as the FLQ having been conveniently muddied--in an attempt to legitimize his hard-line approach to bargaining. The unions, meanwhile, were able to mobilize the disparate forces of social change behind their struggle for better wages and working conditions by playing up the links between nationalism and the labour movement.⁸ Ironically, though, it was the Parti Québécois that benefited the most from this interweaving of nationalism with collective bargaining in the public sector--ironic because this outcome was certainly not what either the Bourassa government or the union federations had intended. The poisoned climate of union-government relations during the Bourassa government, however, allowed the PQ to portray itself to the electorate as the only party capable of injecting reason and order into Quebec's labour relations. Lévesque and other party leaders could use the labour federations as repoussoirs à gauche

(literally, foils on the left) whose wild-eyed radicalism (or so it was labelled) provided a convenient contrast to the PQ's moderation and reasonableness.⁹

What was the position of the business community on the politicization of public-sector bargaining under Bourassa? As I argued in chapter five, all sections of the business community in Quebec enjoyed particularly amicable relations with the Liberal government. And the CPQ was increasingly vocal about the need to cut back state spending on social welfare in order to free up money for the creation of wealth. In addition to a restructuring of government spending, the CPQ called on the Bourassa cabinet to hold the line on wages in the public sector. Since la masse salariale accounted for almost one-half of the province's spending, the CPQ noted, it had a profound impact on the level of taxation, which in turn affected the profitability of private enterprise. Business in Quebec therefore had a keen interest in the government's handling of public-sector negotiations with the Common Front, and the CPQ affirmed that it would be "morally indefensible" for the administration to grant wages and benefits to its employees that were higher than those earned by comparable occupations in the private sector. Were the government to accede to the unions' demand that the public sector serve as the engine of prosperity for the rest of the workforce, the brief warned, taxes would have to be raised to astronomical levels, and the Quebec economy would be irreparably harmed.¹⁰

The convergence between the interests of business and the policy priorities of the Bourassa government was apparent in the administration's handling of public-sector bargaining. The hard line adopted by the Liberals in its relations with its own employees has led some observers to conclude that the government's actions constituted an unequivocal attempt to crush the unions and meet the demands of capital, particularly the American businessmen that Bourassa was so eager to have

invest in the province. According to Diane Ethier, for instance, the early 1970s marked a period of sharpening contradictions

entre le capital et l'Etat d'un côté et les couches populaires de l'autre côté. Sur le plan économique comme tel, les antagonismes de classes sont renforcés par une aggravation des tendances inflationniste et recessionniste, un accroissement du chômage et une baisse du pouvoir d'achat et des salaires réels. Sur le plan politique, ces mêmes antagonismes se traduisent par un durcissement des politiques sociales de l'Etat. En effet, confronté aux difficultés économiques de plus en plus grandes de la bourgeoisie monopoliste canadienne et américaine, l'Etat ré-orienté ses politiques de travail et d'aide sociale au profit d'un soutien financier accru à l'entreprise privée.¹¹

Despite impressive prima facie evidence to support this capital-centric explanation for this policy, it is my contention that this type of argument is unable to account for all of the Bourassa government's actions. This is not to deny that the international and domestic economic situation figured prominently in the decision making of governmental authorities during this period. The Bourassa regime's desire to scale down the provincial state and curb the growth of la masse salariale was undeniably determined, at least in part, by the onset of the global crisis of capitalism. After 1973, the Quebec economy suffered acutely from the phenomenon of stagflation--high combined levels of unemployment and inflation, belying the conventional economic wisdom, embodied in the notion of the "Phillips' Curve," that there is a trade-off between these two phenomena. In the eyes of political authorities, this situation was exacerbated by Quebec's comparatively poor performance in relation to its neighbour, Ontario: Quebec's unemployment rate tended to be several percentage points higher than that of Ontario, and its manufacturing sector less dynamic.¹² In this particular conjuncture, ratcheting down the growth rate in public-sector compensation was an attractive policy choice for the Bourassa administration, especially since the major employers' associations were clamouring for such a move. This measure also paralleled the federal government's attempts after 1974 to put a brake on inflation through the intervention of the Anti-Inflation Board.

Despite this convergence between state policy and the demands of powerful business groups in the province, I argue below that it is impossible simply to read off the government's actions from the changing needs of capital in the age of stagflation. In the first place, such an interpretation ignores the oscillation between outright coercion and material concessions that characterized the Bourassa government's public-sector labour policy. During each round of bargaining, key decision makers (in 1972, Labour Minister Jean Cournoyer, and in 1976, Premier Bourassa himself) intervened in the negotiations and offered the unions significant concessions in order to secure an agreement. This seeming incoherence (coercion/concessions) was partly the product of ideological differences within the Bourassa cabinet between the hard-liners, who sought above all to instill in public-sector labour relations the private-sector criteria of profitability and efficiency, and the doves, who believed that brute force was not sufficient to control government employees. The vagaries of the Liberals' labour policy were also the product of electoral considerations, which loomed large during each round of bargaining. No matter how disgusted the electorate appeared to be with public-sector strikes, Bourassa and his advisers realized that there were political limits to the amount of coercion the state could deploy against the unions. Even if they did not recognize this fact during the 1972 round of bargaining, when their anti-union zeal carried the day, the perverse effects of their hard-line strategy forced them to reconsider their approach. In particular, the jailing of the three Common Front leaders had the unintended consequence of generating public sympathy for the unions and reinvigorating a labour movement that up to that point had seemed on the verge of disintegration.

The fact that the Bourassa government's public-sector labour policy failed to achieve its intended objectives also poses a problem for capital-centric and

functionalist modes of explanation. The modifications in the bargaining regime that were to have guaranteed essential services during a public-sector dispute (Bill 253, 1975), for instance, simply did not work: special legislation was again necessary in 1976 to end strikes by nurses and teachers. More importantly, the Bourassa government's constant skirmishing with its own employees drove most of them into the camp of the electoral opposition, thereby contributing to the PQ's victory in 1976. Since the indépendantiste and social democratic Parti Québécois was almost uniformly reviled by business in the province (big and small, foreign and domestic firms alike), and since the PQ in government actually implemented policies that, though far from revolutionary, nonetheless placed significant limitations on the power of capital, only the most unregenerate functionalist could argue that this particular outcome was necessary to meet the changing needs of capital.

The remainder of the chapter is divided into four sections. In the first, I examine the structural changes in the public-sector bargaining regime, specifically the government's legislation centralizing negotiations at the provincial level and the unions' efforts to create a cartel, or Common Front, in 1972 and 1975. The second analyzes organized labour's objectives and strategies during the two rounds of public-sector bargaining with the Bourassa government. I pay special attention to the equivocal results of the 1972 strategy of all-out confrontation, which spawned a conservative reaction in the labour movement and a massive schism within the CSN. It also succeeded in driving another wedge between public- and private-sector unions, precisely the opposite of what the three federations had been preaching since the late 1960s. In the third, I consider the Bourassa government's use of coercion and concessions during the two rounds of bargaining, the "stick-and-carrot" approach to labour relations. I focus on the attempt to create a special legislative regime within the public sector by guaranteeing the maintenance of so-called essential services

during disputes that might potentially harm the public. This special regime stood in marked contrast to the spirit of the Labour Code, and the intentions of its framers, which sought as much as possible to treat the private and public sectors as roughly equivalent. In the concluding part, I examine the Bourassa government's public-sector labour policy in light of the overarching theme of state autonomy.

II. CHANGES IN THE BARGAINING REGIME, 1970-1976

Early in its first term the Bourassa government made a number of changes in the public-sector bargaining regime which finally brought the law into line with existing practice. Bill 46, proclaimed on June 30 1971, stipulated that valid collective agreements in the education and hospital sectors had to be negotiated and ratified at the provincial level; local or regional arrangements for the application of the provincially determined working conditions were allowed under the act.¹³ According to Boivin, this legislation further reduced the number of bargaining relationships, or "tables," to approximately fifteen for the entire public-sector.¹⁴ And the little power that remained in the hands of the nominal employers—the provincial associations of school boards and hospitals—was further eroded. This assertion of provincial authority over local employers represented the continuation of a process first initiated by the Union Nationale administrations of Daniel Johnson and Jean-Jacques Bertrand. The motives underlying this centralization—essentially, to assert control over this crucial component of the provincial budget, and to enable the government to standardize the wages and working conditions of its employees throughout Quebec—have been examined in detail in chapter four.

At the same time that the provincial state was belatedly passing legislation to sanction the centralized bargaining regime that had evolved more or less informally, the three labour federations were taking steps to ensure that they would not again fall prey to a divide-and-conquer strategy on the part of the government, as they had in 1968-1969. One such initiative concerned the lockout of typographers and other personnel (excluding journalists) by the La Presse newspaper in 1971 (discussed in chapter five). Putting aside their traditional rivalries, the CSN, CEQ, and FTQ held a joint demonstration in October 1971 to show their support for the locked-out workers. This rally was the first sign of the impending birth of the Common Front, which would be formed later in the year.

Arduous negotiations to create a Common Front of all public-sector unions continued throughout 1971 and early 1972. As we have seen, however, there were considerable organizational and ideological obstacles to public-sector labour unity in the early 1970s. Each of the three federations represented different occupational strata with their own distinct interests and preferred styles of industrial action. The CSN, which was the driving force behind the creation of an inter-federation negotiating committee, represented both the relatively underpaid and militant hospital employees (members of the Fédération nationale des services, FNS) and the well-off, pragmatic union of non-professional civil servants, the SFPQ (almost 112,000 workers in all; see Table 6.1). The latter group was quite reluctant to join a Common Front, since it feared that such an organization's bargaining demands would reflect the numerical superiority of the most poorly paid workers (hospital employees and blue-collar employees of the Régie des alcools). The SFPQ's leadership also considered their organization to be sufficiently powerful to drive a satisfactory bargain with the government, without having the weight of a Common Front behind it.¹⁵

For its part, the FTQ represented the smallest number of public-sector workers of any of the three federations--approximately 27,000 (see Table 6.1). Over half of these were in the hospital sector and belonged to the Public Service Alliance of Canada (PSAC), while another 8,500 were employed by Hydro-Québec (also members of PSAC). The latter group received salaries approximately 15% higher than those paid to workers in similar occupations elsewhere in the public sector. They were therefore not terribly interested in joining a Common Front, and the government took pains to encourage them to bargain separately. The other unions, quite obviously, were eager to include the Hydro-Québec workers in their ranks, so that they could serve as the benchmark against which to measure public-sector salaries (that is, the unions hoped that public-sector salaries would rise to the same level as those of the Hydro-Québec workers).¹⁶

The CEQ represented approximately 63,000 highly-paid, highly-educated teachers. Despite the marked radicalization of the federation's ideology in the late 1960s, the CEQ was far from eager to join a Common Front. For one thing, the CEQ endorsed the government's policy of widening salary differentials between skilled and unskilled occupations--a position rejected by both the CSN and the FTQ--because this would reward higher education and favour its own members. This despite the solemn references to the proletarianization of teachers that can be found in the federation's manifestoes of the period.¹⁷ As well, Ethier remarks that

la CEQ a ... perçu le Front commun comme une expérience qui pouvait, si elle n'était pas contrôlée, être «dangereuse» pour son autonomie, ses priorités, et les privilèges des enseignants. Dès le départ, la CEQ a craint que le Front commun ne serve davantage les syndiqués moins payés de la CSN et de la FTQ.¹⁸

This explains why the CEQ was the most reluctant of the three federations to participate in a Common Front of public-sector unions, and was the last to join.

Table 6.1: Membership in the 1972 Common Front, By Sector and Federation

	CSN	FTQ	CEQ	IND	TOTAL
Hospitals	59,266	15,000		14,000	88,266
Education	12,417	3,700	62,930	13,439	92,486
Civil Service	37,740			800	38,540
Hydro-Québec		8,500			8,500
RAQ	2,300				2,300
Total Union Members	111,723	27,200	62,930	28,239	230,092
Number in Common Front	111,723	27,200	62,930	10,939	212,792

Source: Maurice Lemelin, Les négociations collectives dans les secteurs public et parapublic (Montreal: Editions Agence d'ARC Inc., 1984), p.124.

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MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS
STANDARD REFERENCE MATERIAL 1010a
(ANSI and ISO TEST CHART No. 2)

Table 6.2: Membership in the 1976 Common Front, By Sector and Federation

	CSN	FTQ	CEQ	IND	TOTAL
Hospitals	61,918	19,900	306	26,400	108,524
Education	18,540	4,690	69,173	14,200	106,603
Civil Service	7,710			33,000	40,710
Hydro-Québec		10,000			10,000
RAQ	1,500			1,000	2,500
Total Union Members	89,368	34,590	69,479	74,600	268,337
Number in Common Front	86,868	24,590	69,479	6,000	186,937

Source: Lemelin, Les négociations collectives dans les secteurs public et parapublic, p.148.

Finally, over 28,000 public-sector workers, about evenly divided between the hospital sector and education, were members of independent unions. Of these, less than half (approximately 11,000; see Table 6.1) were at all receptive to the idea of a Common Front: the Catholic and Protestant Anglophone teachers' federations, PACT and PAPT, reluctantly agreed to participate in a cartel of public-sector unions, but as will be shown below, they were the first to bolt the Common Front when negotiations with the government foundered and bargaining gave way to calls for a general strike.

Despite the substantial obstacles to the creation of a Common Front, the protracted negotiations among the various public-sector unions at last bore fruit on January 12 1972, when the CEQ was able to overcome its reservations about joining the other two federations. The public-sector unions were finally able to present the Bourassa government with a common set of counter-proposals to its own politique salariale. Nevertheless, as the account below will emphasize, the unity of this new labour body was exceedingly fragile. The latent divisions within the Common Front would be very effectively probed and aggravated by the Bourassa government during the 1972 round of bargaining, eventually resulting in a number of highly public and debilitating disputes, defections, and schisms.

Another organizational defect in the Common Front was that it had to be reborn for each new set of negotiations with the provincial government. The Front that eventually came into existence in 1975-76, after almost a year and a half of lengthy parleys, represented far fewer public-sector employees, proportionately, than the 1972 Common Front (see Table 6.2). Indeed, as this and the following chapters will show, the public-sector unions were never again able to recapture the degree of unity and militancy that they displayed during the 1972 round of bargaining, for a variety of reasons that will be made clear below.

III. THE COMMON FRONT VERSUS BOURASSA, ROUNDS ONE AND TWO

Robert Bourassa and the Liberals were in power for two rounds of centralized bargaining with the province's public-sector employees. The first, in 1972, was the most politicized and violent in the history of public-sector labour relations in Quebec, with the possible exception of the Parti Québécois's winter of discontent in 1983. It featured an eleven-day general strike by public-sector workers, the widespread defiance of injunctions by hospital workers at the urging of the Common Front leaders, the enactment of special legislation to end the walkout (Bill 19), the jailing of Pépin, Laberge, and Charbonneau for having encouraged civil disobedience (the defiance of the injunctions), a wave of wildcat strikes by some private-sector unions to protest against the government's brutal treatment of their counterparts in the public sector, and a serious schism within the CSN precipitated by the leaders' radicalism and militancy.

Both the unions and the government waged an extraordinary public relations campaign to convince the public of the legitimacy of their respective positions during the 1972 round of bargaining. The government, for instance, took out full-page advertisements in leading newspapers urging readers to take a couple of minutes to see where their tax dollars were going. The implication of these advertisements, which published the average salaries of the province's more than 200,000 employees, was that these workers were far better treated than most taxpayers, and that their demands during this round of negotiations were simply out of line.¹⁹ For their part, the unions were somewhat slow off the mark in the struggle for the hearts and minds of the Quebec public (indeed, this was one of the main criticisms levelled against the Common Front's bargaining strategy). Nonetheless, the federations did take every

opportunity to assail publicly the government's miserly approach to negotiations and its distorted priorities, which reflected the needs of a few giant corporations, many of them foreign-owned, more than the interests of society as a whole.

The second round of negotiations, in 1975-76, though not quite as strife-ridden as the previous one, was nonetheless disruptive, punctuated by strikes in the education and hospital sectors and emergency back-to-work legislation. In the immediate aftermath of this confrontation, Premier Bourassa called a provincial election, citing the constitution and labour relations as the two most important issues facing the voters. Charging that the unions, and more specifically the union leaders, were flouting the "social contract" forged in 1964 with the passage of the Labour Code, Bourassa urged the electorate to give him a mandate "lui permettant de mettre au pas les syndicats ... pour mettre fin, une fois pour toutes, aux abus syndicaux."²⁰ The enmity between the unions and the Liberals played an important part in unseating the Bourassa government in 1976.²¹ To an extent, then, the PQ's victory was a striking confirmation of the abject failure of the Bourassa government's labour policy.

This and the following sections of the chapter examine in turn labour's and the state's objectives and strategies during each round.

On March 31 1971 the Bourassa government tabled in the National Assembly a document outlining the main elements of its politique salariale. The government made it very clear at that time that the policy itself was not open to negotiation, "since it is the prerogative and the very essence of a government to establish policies and to be judged on those policies."²² However, the Minister of the Civil Service trumpeted the fact that the government had unveiled its policies to the unions so far ahead of the starting date for negotiations; he also stated that the "implications"

of the policy (a deliberately ambiguous formulation, as the unions duly noted) and individual clauses bearing on matters other than the rate of growth of la masse salariale were negotiable. This openness and desire to explain its policies to the public-sector unions, L'Allier claimed, contrasted sharply with the conduct of the previous government, which had more or less improvised a wages policy in the course of collective bargaining.²³

The wages policy contained four main elements. First, it reaffirmed the government's intention to establish wage parity for all workers in the public sector who performed similar types of jobs. Secondly, it indicated the government's desire to maintain, and even increase, existing salary differentials between skilled and unskilled occupations, in the hopes of upgrading the skills of its workforce. Thirdly, and most importantly, it affirmed that public-sector salaries should be tied to the average remuneration for workers in similar jobs in the private sector. This represented a retreat from the position of the Union Nationale administration, which had committed itself to paying its employees wages that were above the average for similar occupations in the private sector. That is, public-sector compensation under the UN was set at the third quartile of private-sector compensation for "analogous" occupations, whereas under the Bourassa government's proposals it was set at the second quartile. And finally, it established a "rythme de croisière" for increases in public-sector wages over the course of the collective agreement--4.8 percent annually.²⁴

When the Common Front finally succeeded in presenting a list of counter-proposals to the government, there were very few points of convergence between the two parties. Only on the principle of equal pay for equal work, or wage parity, were the two sides even close. Nevertheless, as Lemelin points out, each side had a different conception of what this principle entailed: "Pour les syndicats, l'énoncé signifiait essentiellement une égalisation vers le haut et à court terme. Pour le

gouvernement, l'application du principe devait tenir compte des multiples contraintes organisationnelles."²⁵

In addition to equal pay for equal work, the Common Front was demanding an 8 percent annual wage increase for the life of the collective agreement, standardized social benefits for all public-sector workers throughout the province, and iron-clad job security for teachers (similar to the protection that most other categories of government employees already enjoyed). Its two most important political demands, however, were for a minimum weekly salary of \$100 for public-sector employees (this would mainly have benefited the poorly paid hospital workers) and for a single provincial table (as opposed to the fifteen or so sectoral tables favoured by the government and established under the terms of existing legislation) at which the two sides could negotiate the terms of the politique salariale.

The government rejected out of hand the Common Front's request for a single table, since in its view this would have allowed the unions a voice in the formulation of governmental policies and thereby violated the principle of parliamentary sovereignty. Moreover, it would have reduced the opportunities for the government to play off one sector of the labour movement against the other--precisely the type of bargaining strategy that had paid such impressive dividends to the Union Nationale in 1968-69.²⁶ The government's refusal of the single table, according to Piote, constituted a straightforward negation of collective bargaining, since it compelled the unions to negotiate "les modalités d'application d'une politique et d'une masse salariales définies sans et contre lui."²⁷ Only after the unions comprising the Common Front had held strike votes--which overwhelmingly rejected the government's offers--did the Minister of the Civil Service accede to the demand for a single table. This decision was probably a sign of the government's supreme confidence more than anything else. With its internal polls showing an impressive majority of the public

strongly opposed to any interruption of "essential services" (a term which, as I have emphasized, seems to have a rather protean quality in the minds of the electorate), the government believed that it could still stonewall at the single table and not be blamed for a subsequent strike!²⁸

It was the Common Front's demand for a \$100 minimum weekly salary that quickly became the most controversial issue in the negotiations. Labour leaders had cleverly chosen this demand to symbolize the link between the traditional economic objectives of trade union action and the new social and political role that was being forged for unions in the wake of the Quiet Revolution. According to Marcel Pépin, spokesman for the Common Front, this demand stemmed from the belief that the provincial state should pay its employees not according to what private-sector employers paid their workforce, but on the basis of what was necessary to maintain a decent standard of living:

Nous avons pris le chiffre de \$100 par semaine; ce n'était pas un chiffre exorbitant. Nous avons cru qu'un chiffre de \$100 par semaine pouvait représenter plus qu'un symbole, quelque chose au moins qui pouvait offrir vie à une personne, même si c'est un célibataire, même si c'est une femme, une vie un peu convenable. Nous nous sommes dit que l'Etat pouvait difficilement refuser de payer un tel prix, à moins qu'il soit relié directement aux intérêts capitalistes, aux intérêts financiers et aux intérêts industriels.²⁹

The government categorically refused the \$100 minimum salary, claiming that its impact on the provincial budget would be massively deleterious, and that it would immediately become the floor for the wage demands of private-sector unions, whose members were paid out of corporate revenues, and not taxes. This decision confirmed in the minds of the Common Front leaders that the Bourassa government was in thrall to "James Street, Bay Street, and Wall Street."³⁰

It is important not to exaggerate the Common Front's success in linking its economic demands to the overarching critique of the capitalist state and society that Quebec's union federations were then in the process of elaborating. Despite the

political importance that union strategists attached to the notion of a \$100 minimum salary, the Common Front was actually quite circumspect in its attempts to politicize negotiations, at least initially. In late 1971, for example, Marcel Ppin sought to portray his federation's differences with the government as revolving mainly around questions of "bread and butter":

Quotidiennement il faut se battre pour le pain et le beurre. S'il arrive une grosse grve la CSN, je vais m'en occuper et je remettrai l'idologie plus tard. Demain, par exemple, je rencontre les reprsentants de la Fonction publique pour discuter de la politique salariale. C'est une question de pain et de beurre.³¹

This prudence was dictated by the organizational and ideological rivalries that racked the Common Front, and especially the CSN: union leaders could not go too far in their indictment of the capitalist domination of the Quebec state without risking an open revolt of conservative factions, which were by no means small or weak.

It was only after the government had legislated an end to the general strike in the public sector and imprisoned the three leaders of the Common Front that the unions made public what they considered to be the political stakes of the confrontation. From their jail cells in Orsainville prison, Ppin, Laberge, and Charbonneau issued to the media an unambiguous class analysis of the Liberal administration's labour policy and its actions during the 1972 round. In their view, the Liberals were simply the pawns of big business, and it was for this reason that they could not grant the Common Front's principal demand for a \$100 minimum weekly salary. This would have distorted the wage structure in the private sector and, to some extent at least, put a squeeze on profit margins. If the Common Front had succeeded in obtaining the \$100 minimum salary, therefore, it would have represented the first step toward the unions' ultimate objective of "smashing the system."³² Union leaders believed--mistakenly, as it turned out--that in the particular

conjuncture of the early 1970s, the labour movement did have the necessary strength and the proper strategy for achieving such a revolutionary objective.

In hindsight, the Common Front's strategy of full-scale confrontation with the Bourassa government—including a one-day province-wide walkout on March 28 and an eleven-day general strike from April 11 to April 22--was seriously misguided, for a number of reasons. In the first place, not all unions were equally committed to this approach. It was mainly the CEQ that argued for this strategy, and this federation subsequently played the most visible and active role in the general strike. Charbonneau and other leaders of the teachers' federation wanted to hurry along the decisive confrontation with Bourassa in order to take advantage of the high levels of mobilization and militancy among the rank and file, and to eliminate any potential organizational problems that might arise were the strike to be called near the end of the school term. The CSN, by contrast, favoured a more gradual escalation of pressure on the government, from demonstrations and occupations to, ultimately, a general strike. Such a tactic, had the government failed to budge from its initial positions, might have had a better chance of swinging public support behind the unions. As it was, the media were relatively successful in portraying the Common Front as being more interested in a confrontation than in real negotiations. And as for the FTQ, it was hobbled from the outset by the defection of the powerful Hydro-Québec workers from the ranks of the Common Front, and was virtually "invisible" during the general strike.³³

The second reason for the failure of the Common Front's strategy of confrontation in 1972 has already been alluded to: the inability of the leadership to maintain internal unity. Union solidarity began to crumble as soon as the strike vote was held in early March. The Protestant Anglophone teachers' federation, PAPT, refused to participate in the vote, although it did not formally withdraw from the

Common Front. Its Catholic counterpart, PACT, withdrew on March 4, claiming that it refused to take part in a strike before real negotiations had begun, and decrying the politicization of what it felt ought to be a labour conflict.³⁴ This was just the beginning of the hemorrhage, however. On April 12, one day after the general strike began, the unions representing the 8,500 Hydro-Québec employees (PSAC-FTQ) decided to obey government injunctions against picketing in designated essential services (hospitals and energy installations) and thus effectively withdrew from the Common Front. The 32,000 member non-professional civil servants' union (SFPQ) abandoned the Common Front in August 1972, while negotiations with the government were still going on under the terms of its back-to-work legislation, Bill 19. One month later, the SFPQ bolted the CSN to become an independent union.

In all, approximately 50,000 union members left the Common Front during or shortly after the confrontation with the Bourassa government. The leaders of these dissident unions made it quite clear that they objected to what they saw as the overly politicized and militant strategy adopted by the Common Front. Moreover, it was the CSN, where the rift between private- and public-sector unions was the most apparent, that was the biggest victim of this secessionist movement. This federation lost not only the SFPQ but 40,000 additional members as well, most of them in the private sector, when three members of the executive (the so-called "3Ds"--Dalpé, Daigle, and Dion), several members of the head-office staff, and three entire federations--construction and woodworking, textiles, and clothing--broke away from the parent body. At the founding convention of the new, stridently apolitical Centrale des syndicats démocratiques, the dissidents left little doubt about the sources of their dissatisfaction with the CSN: neglect of traditional union services in order to channel funds and other scarce resources into what they considered to be the political hobbyhorses of the CSN executive; the growth of a coterie of technocrats around

Pépin, and the consequent insulation of the leadership from the rank and file; and the lack of concern for the interests of traditional blue-collar members. The CSD energetically condemned the CSN and

les folies de son président général, Pépin, qui avec le concours d'une clique d'intellectuels anarchiques, avaient écarté les travailleurs des décisions importantes prévues par le mouvement afin de le conduire à la fois vers la faillite, en gaspillant de façon éhontée l'argent des travailleurs, et vers la pratisation de la CSN en jouant subtilement le rôle d'un parti révolutionnaire.³⁵

It would be easy to dismiss the noisy departure of the 3 Ds as the actions of a terrified right wing confronted with the new unionism of the 1970s. No matter how politically comforting this view might be, however, the 1972 schism in the CSN was also symptomatic of the Common Front's inability to forge lasting alliances with private-sector unions. Despite the fact that the literature circulated by the Common Front constantly cited the need to inform and educate workers in the private sector about the political objectives of the negotiations, very little money or other resources (such as full-time organizers) were set aside for this indispensable campaign. According to Piote, the Common Front had enough on its plate simply trying to mobilize its own members in the public sector, and thus a golden opportunity for forging a broad union coalition was lost.³⁶ This growing divorce between public- and private-sector unions would come to be the Achilles' heel of Quebec's labour movement in the late 1970s and 1980s, as the following chapters will show.

Finally, the Common Front can be faulted for not having had any contingency plan for responding to government back-to-work legislation. It appeared as though union strategists simply did not believe that the Bourassa government would risk alienating over 200,000 potential voters, as Piote pointed out:

... les dirigeants syndicaux n'avaient pas pensé de riposte face à la possibilité d'une [loi spéciale]. La force du nombre faisait illusion: le Gouvernement n'oserait jamais écraser 200 000 syndiqués et électeurs. Certains se plaisaient à faire ce calcul arithmétique: addition des 200 000 syndiqués avec leurs amis, familles et cousins, et on arrivait

facilement au total d'un million de personnes derrière les Centrales....Ce calcul négligeait le fait que même les syndiqués directement impliqués ne constituaient un bloc homogène et ignorait que l'opinion publique n'obéit pas aux règles arithmétiques mais bel et bien aux manipulations des media d'information.³⁷

Aside from the instrumentalist tone of Piotte's remarks, which reduces "the public" to an inert mass of human clay moulded by the media and their corporate masters, there is a good deal of validity in his assessment of the Common Front's strategy. When confronted with the government's emergency legislation, Bill 19, the CSN executive split over whether or not to defy the law. The Common Front held a referendum to sound members' opinions on what strategy to adopt. Although a majority of those voting wanted to continue with the general strike, turnout was a paltry 50 percent or so--ranging from a low of 20 percent for the FTQ, to a high of 66 percent for the CEQ, with the CSN at 44 percent. In the face of this equivocal result, the Common Front leaders recommended that the law be obeyed, in the process enraging the one group of workers whose militancy was undiminished--hospital employees.³⁸ Evidently, the government's hard-line approach succeeded in exacerbating the latent divisions within the Common Front. Yvon Charbonneau himself admitted as much, with brutal candour: "In going all out in a general strike that was bound to end with special legislation, the Common Front was running into a dead end....[T]he Common Front experience was a gigantic improvisation that lacked appropriate strategy and clear objectives."³⁹

The strategic shortcomings enumerated above have led some theorists to conclude that the missing element in organized labour's 1972 confrontation with the Bourassa government was effective leadership. Diane Ethier, in an analysis redolent of vanguardism at its worst, claims that union leaders, by failing to seize the political opportunity afforded by the 1972 confrontation, and by confining the struggle within

traditional bureaucratic and "Gomperist" channels, objectively served the interests of the state:

... les centrales ont en fait favorisé la répression de l'Etat, le matraque judiciaire et policier, les emprisonnements et les injonctions ... car ils ont entretenu chez les syndiqués l'idée erronée que l'Etat était d'abord et avant tout un employeur avec lequel on négociait, un adversaire que l'on pouvait, selon notre force, convaincre à notre cause ... Les directions syndicales ... avaient ... objectivement trahi les véritables aspirations de la base tout au long de la lutte, dans la mesure où elles ne lui avaient pas donné des moyens d'être réellement forte et organisé face à l'Etat et à la bourgeoisie.⁴⁰

This analysis is a curious example of blaming the victim for its own misfortunes. Admittedly, the Common Front leaders committed a number of serious strategic and tactical blunders in 1972, notably their decision to force a rapid confrontation with the Bourassa regime, before they had either effectively sensitized public opinion to the political and economic objectives of their struggle, or forged durable alliances with other groups of workers. But to saddle the Common Front leaders, whom Ethier depicts as "humanist, reformist, and trade unionist,"⁴¹ with the entire responsibility for the failure of the 1972 general strike seems unnecessarily harsh—and totally unrealistic. Ethier blithely ignores the organizational constraints that hemmed in the union leadership (especially the deep-seated divisions within and between federations) and grossly overestimates the level of revolutionary fervor among the rank and file. Most observers would argue that, in fact, the leaders of the unions were far more militant and radical than the rank and file, at least in most instances.⁴²

Despite this litany of flaws in organized labour's handling of the 1972 round of public-sector bargaining, one ought not to conclude that the first Common Front was a complete failure. In the longer term, at least one important benefit for the labour movement emerged from this experience: the growing realization among many rank-and-file union members that the political and economic struggles were

inextricably linked, and that the provincial state was far from neutral in its relations with its own workforce. Nevertheless, as I mentioned above, it was the nationalist Parti Québécois, rather than an independent workers' party or some other organization, that came to embody the combined political and economic aspirations of the majority of public-sector union members. This despite the reservations that their leaders had about the party's social democratic and petty bourgeois ideology.

In the short term, the 1972 Common Front achieved a number of successes as well. In the first place, many of the unions' major demands were eventually met in the lengthy negotiations that followed the implementation of Bill 19. Not wishing to impose a contract on the public-sector employees, if at all possible, the Minister of the Civil Service made significant concessions to entice the unions into an agreement: the \$100 minimum weekly wage was granted (but at the end of the three-year contract, rather than at the beginning, as the unions had demanded), a cost-of-living allowance was included in the agreement, and some improvements were made in job security for teachers (though far from what the CEQ was after). But these concessions again took their toll on labour solidarity, since all of the Common Front unions voluntarily signed agreements with the government except the teachers and the RAQ employees, whose wages and working conditions were imposed by government decree.⁴³

Finally, the 1972 round of bargaining did eventually bring public- and private-sector unions closer together, though not because of anything the Common Front itself actually did. Bourassa's hard-line, law-and-order Minister of Justice, Jérôme Choquette, insisted on prosecuting the three union presidents to the fullest extent of the law for their civil disobedience (urging workers to defy court injunctions). Pépin, Laberge, and Charbonneau were sentenced to one-year prison terms, after a highly charged trial that featured phalanxes of riot police in the court-house to ensure that supporters of the three accused did not run amok--a provocative move patently

designed to elide the distinction in the public's mind between trade unionists and violent terrorists. Shortly after the three labour leaders began to serve their terms in Orsainville prison, a wave of wildcat strikes engulfed the province, lasting about a week (May 9 to May 16) and punctuated by such innovative tactics as mass rallies and the occupation of television and radio stations. Longshoremen, autoworkers at the GM plant in Ste.-Thérèse, librarians at Sir George Williams University and thousands of other workers walked off their jobs, in some cases bringing entire towns (such as Sept-Iles) to a standstill. Though some of the wildcats were undertaken for dubious or venal purposes--in light of what was said above about the construction industry, it would be safe to say that the strikes led by FTQ-Construction were at least partly for self-interested motives--many were simply for the purpose of expressing revulsion at Bourassa's brutal and repressive tactics.⁴⁴ Unfortunately, this impressive display of labour solidarity did not develop into any permanent organizational links between the public- and private-sector unions.

Before proceeding to an analysis of the Bourassa government's objectives and strategies during the two rounds of public-sector bargaining, a brief word about the 1975-76 round, from labour's perspective, is in order. There were important differences in the strategies adopted by both government and labour in the two rounds: in 1972, both sides approached the negotiations as though they were involved in a blitzkrieg, hoping for speedy victory and decimation of the opposition. In 1975-76, by contrast, negotiations took on the form of a guerrilla campaign (to carry the military analogy further),⁴⁵ marked by rotating walkouts and other forms of pressure that were less spectacular than the general strike of 1972. The government, too, adopted a less draconian stance than it had in 1972, perhaps recognizing that its

extremely harsh measures in the previous round (such as the jailing of the three Common Front leaders) had been counter-productive.

Interestingly enough, Demers uncovers some "strange parallels" between the Common Front's bargaining strategy in each round and the Parti Québécois's election campaigns of 1973 and 1976:

Le Front commun de 1972 parle de changer le régime, se fait tonitruant et spectaculaire; pour les élections de 1973, le PQ projette agressivement à l'avant-scène son programme et les changements qu'il imagine, notamment le «Budget de l'An Un» de Jacques Parizeau. Le Front commun de 1976 cherchera par contre une pénétration large du côté des parents d'élèves, des usagers [des services publics] et du public en général, et affirmera qu'il veut avant tout négocier une bonne convention collective; pour les élections de 1976, le PQ se contentera de critiquer l'administration en place et offrira avant tout d'être un bon gouvernement.⁴⁶

One need not look for any occult mechanism in order to understand these "strange parallels." In the light of the failure of its initial strategy in 1972, the Common Front adopted a more circumspect approach in 1975-76. A similar rethinking of electoral strategy occurred within the PQ braintrust after the disappointing results of the 1973 provincial election, and hence the parallels between the Common Front's actions and those of the PQ, to which Demers refers.

IV. GOVERNMENT STRATEGY DURING THE TWO ROUNDS: THE DIALECTIC OF COERCION AND CONCESSIONS

Government strategy in its negotiations with the two Common Fronts followed nearly identical trajectories: at first, government negotiators employed an escalation of coercive measures, beginning with injunctions to stop strikes in essential services (especially the hospitals), followed by civil suits against recalcitrant unions and in some cases imprisonment of union leaders who had encouraged civil disobedience,

and ending with emergency legislation that temporarily removed the right to strike from public-sector workers. In each round, the use of ad hoc legislation signalled the beginning, and not the end of real negotiations: in an attempt to avoid the political consequences of imposing a collective agreement against the will of its employees, the government was willing to purchase social peace through material concessions that went far beyond the terms of its wages policy. These concessions came precisely at the moment when the government appeared to have the upper hand in negotiations, with public opinion solidly arrayed against the unions' use of the strike in essential services, and with inter-union solidarity rapidly diminishing.

According to Boivin,

Such apparently irrational concessions, from the standpoint of traditional collective bargaining theory, can only be explained by the political nature of public sector bargaining. Even if government can rely on its final authority as legislator, and even if it is hard pressed by the population to restore essential services, there is something inherent in the political process which prevents or restricts the government from using its tremendous power.⁴⁷

In other words, the Bourassa government's tactic of replacing the mailed fist of coercion with the velvet glove of concessions was dictated by the realization that unalloyed coercion was insufficient as a basis on which to conduct a labour relations policy. Not all members of the government recognized or admitted this, to be sure; such hard-liners as Justice Minister Choquette displayed very little concern about such niceties as the democratic rights of trade unions. Others in Cabinet, however, such as Cournoyer, were more finely attuned to the need to gain the support of the unions themselves if the government's policies were to have any hope of success, and it was this "moderate" position (at least in relative terms) that ultimately emerged the victor in each round of bargaining, after an initial flirtation with full-scale repression. For Cournoyer and other moderates, the collective bargaining rights of public employees, having been granted with such fanfare during the Quiet Revolution, were more or

less irreversible. What the government should aim at, in their view, was a legal mechanism that would ensure the maintenance of essential services during any public-sector dispute.⁴⁸ As the following brief analysis of each round of bargaining will show, Cournoyer's policy singularly failed to achieve this objective.

The 1971-72 round of bargaining began on an unpromising note, with the Bourassa government categorically rejecting any attempt to negotiate on the principle of its politique salariale, namely that public-sector compensation should be tied to average salaries earned by employees in "analogous" or identical occupations in the private sector. This was in marked contrast to the previous administration's stated willingness to sit down with the three labour federations in order to determine jointly the criteria governing public-sector compensation. In a sense, this decision bespoke the government's overconfidence at the outset of these negotiations, an attitude born of internal opinion polls that showed the public to be "fed up" with disputes in the essential services. So supremely confident was the Bourassa government that it flouted its own labour legislation: when seeking court injunctions in early March 1972 to prevent strikes by hospital employees and Hydro-Québec workers, the government failed to appoint a fact-finding board to investigate the causes of the dispute, as stipulated by section 99 of the Labour Code. This was done only a few days after the injunctions had been obtained.⁴⁹

These injunctions were only partly successful: Hydro-Québec workers respected them, and simultaneously withdrew from the Common Front, whereas most of the hospital employees ignored them, at the urging of the Common Front leaders and their own union presidents. Therefore an escalation of coercion was necessary: prosecution of defiant union officials, and, eventually, special legislation to end the general strike by public-sector employees. Bill 19, enacted on April 21 1972 suspended the right to strike until June 30 of the same year, thereby giving the two

parties a limited time to negotiate a collective agreement.⁵⁰ Failing that, wages and working conditions would be imposed by government decree. Hydro-Québec employees, who had bolted the Common Front, waged their own strike in November 1972, and were themselves the targets of additional back-to-work legislation, Bill 73.⁵¹

After the passage of Bill 19, the Bourassa government shifted bargaining strategies in an all-out effort to obtain an agreement with the Common Front unions. This involved abandoning coercion and relying instead on a political strategy. In May (after the wave of wildcat strikes protesting the imprisonment of the three Common Front leaders), the government replaced L'Allier as Minister of the Civil Service with Labour Minister Jean Cournoyer. Unlike L'Allier, who had allowed his officials to direct negotiations—he himself was never present at the central table or at any of the sectoral tables—Cournoyer injected himself enthusiastically into the search for an agreement. In his fervour to avoid imposing a decree on government employees, Cournoyer made substantial concessions to the Common Front above and beyond the administration's so-called final offer. These concessions, which were roundly condemned by the local employers' groups that would ultimately be responsible for their implementation (hospitals and school boards), would eventually become quite costly,

... since they included a cost-of-living protection clause and since they were finally extended also to public employees who had not signed a collective agreement but who preferred to let the government unilaterally determine their working conditions.⁵²

In effect, Cournoyer purchased social peace by making concessions at a time when the government appeared to have the unions on the defensive, with labour solidarity on the decline (the SFPQ had just disaffiliated from the CSN), and much of the population somewhat alienated by the radical rhetoric emanating from the Common Front. This is hardly the type of behaviour one would expect from a government that was exclusively concerned with subordinating the public sector to the criteria of

profitability. The Bourassa administration may have been extremely solicitous of the needs of business in the province, but its actions during this first round of public-sector bargaining simply do not square with the view that it was a puppet of capital.

In the wake of the 1972 confrontation the Bourassa regime began to rethink its policy on collective bargaining in the public sector. This rethinking centred on the need to define essential services more rigorously and ensure that they were protected in the event of a public-sector dispute. The first attempt to formulate such a policy took place in December 1972, just a few weeks after the protracted negotiations with the Common Front had finally been concluded, when Labour Minister Jean Cournoyer introduced Bill 89, An Act to Ensure the Well-Being of the Population in the Case of a Labour Dispute, into the National Assembly.⁵³ This bill would have severely curtailed, if not eliminated altogether, the right to strike in the public sector--and even in certain private industries that had a potential impact on public safety, such as shipping and transportation.

Bill 89 had three main provisions. First, it prohibited all strikes in the public sector unless both sides had reached a prior agreement on the nature and level of essential services to be maintained during the dispute. Secondly, in the case of strikes in the public and parapublic sectors (civil service, health, education), the government was empowered to suspend any stoppage and appoint a three-person commission (commission des différends) to investigate the causes of the dispute and to determine whether it jeopardized the health and safety of the population or the education of a group of students. If the Commission concluded that the dispute did indeed imperil public safety, the matter could then be referred to a legislative committee which would hear both sides and make a report to the government. Employees would then be compelled to vote by secret ballot on the employer's final offers, with the vote being supervised by a government-appointed commissaire au scrutin. If the offers

were rejected, the entire dispute would then be referred to the National Assembly for final resolution. Thirdly, in the case of private-sector disputes that were deemed potentially harmful to the public, the matter could be referred to a disputes commissioner for resolution. Each side would submit its final contract proposals to the commissioner, who would then select the "most reasonable" one without making any modifications in it (a form of final-offer selection). This would then be binding on both sides.

This highly interventionist and coercive bill, which would have put paid to any notion of "free" collective bargaining in the public sector, was allowed to die on the order paper (it was introduced only a few months prior to the 1973 election). Not surprisingly, the bill triggered a storm of controversy among the unions and was violently condemned by the Parti Québécois as well. Somewhat unexpectedly, though, the major employers' associations gave a rather tepid endorsement of the bill. The CPQ, although it applauded the government's effort to regulate the right to strike in the public sector more strictly, had a number of sharp criticisms of the proposed legislation. It attacked the government for introducing yet another ad hoc bill when what was really needed, in its view, was a comprehensive reform of the Labour Code. The CPQ also condemned the government's decision to refer public-sector disputes to the National Assembly, labelling such a move a certain path towards ever greater politicization of labour relations in the province. And finally, the CPQ brief rejected Bill 89's provision for final-offer selection in certain disputes as the policy equivalent of a "poker game":

... force nous est de constater qu'aucune expérience véritable de fonctionnement d'un tel mécanisme n'existe, tant au Canada qu'aux Etats-Unis, et que la vision actuelle que l'on peut se faire d'un tel mécanisme n'est qu'académique ou intellectuelle.⁵⁴

The CPQ recommended that the government amend the legislation and re-introduce it at a later date. Interestingly enough, the CPQ believed that the right to strike

could not be removed from those public-sector workers who already had it, although it labelled the initial decision in 1964 to extend such a right to government employees a "grave error." Any viable dispute-resolution procedure in the public sector, it concluded, would have to be based on the idea of defining and protecting essential services.⁵⁵

The government's second attempt to formulate a workable policy on public-sector strikes came in the form of Bill 253, which received royal assent on December 19 1975, after negotiations with the second Common Front had already gotten underway. The bill created the position of Commissioner of Essential Services, who was to be chosen from among the ranks of provincial judges. Strikes or lockouts in the social services or health sector were prohibited unless there was a prior agreement between the two parties in the dispute on the nature and level of essential services to be maintained. Failing an agreement, the Commissioner was empowered to determine unilaterally what services were essential. Unions and union officers were liable to stiff fines if they encouraged their members to go out on strike in the absence of an agreement on essential services.

This newly minted law was, however, an egregious failure during the 1975-76 round of public-sector bargaining. The unions castigated the government for making an eleventh-hour change in the rules of the game--after the game had already begun! In protest, they routinely failed to observe the procedures set down in Bill 253, and instead determined by themselves or in conjunction with local employers the type of essential services that would be maintained during a strike. The government responded by launching thousands (estimates vary, from 7,000 to 8,000) of civil suits against unions, union officers, and individual workers who disobeyed the law. These suits would later be dropped by the new Parti Québécois government in one of its first acts upon assuming office, as a gesture of goodwill toward the unions.⁵⁶ The

Martin-Bouchard Commission on the reform of public-sector bargaining, created by the PQ in July 1977, would later wryly comment on Bill 253: "On a pu dire avec raison de cette loi qu'elle avait des dents. Ce qui expliquerait sans doute pourquoi elle a mordu la poussière ..."⁵⁷

Eventually, the Liberal government was forced to introduce yet more ad hoc legislation (Bills 23 and 61) to end strikes by nurses and teachers in 1976. And, as in the 1972 round, a personal intervention by a key decision maker—this time Premier Bourassa himself—and the granting of substantial concessions to the unions were necessary to secure a collective agreement. Shortly after the dénouement of the 1976 round of bargaining, Bourassa called a provincial election in which the question of labour relations and the place of unions in society figured prominently. During the campaign, the Premier persistently condemned union leaders for their lack of civic virtue and their excessive power. In order to deal with the problem of strikes in essential services, Bourassa mooted the possibility of introducing a pouvoir de réquisition once his government was re-elected. This procedure, which is used in a number of European countries, notably France, allows the government to requisition striking workers to perform essential services. Disobedience of a requisition order is a criminal offence; workers do, however, have the right to challenge the order in the courts in an attempt to have it rescinded. In the event of a strike as highly charged as those of 1972 and 1976 in Quebec, however, it is unlikely that the pouvoir de réquisition would have had any more success than the existing system of injunctions, Bill 253, and emergency legislation. As Benjamin Aaron has observed, "[i]n 1963, the French government unsuccessfully attempted to requisition thousands of coal miners, who ignored the orders and remained on strike for six weeks."⁵⁸ Like the injunction, the power of requisition is useless when an overwhelming majority of workers believe their cause to be legitimate.

It appears that Social Affairs Minister Claude Forget more clearly understood the dynamic of public-sector bargaining in Quebec than did the Premier. In the aftermath of the 1975-76 round of bargaining, Forget mused that the ten-year experiment to treat the province's public sector essentially along the same lines as the private sector had been an abject failure. There was only one avenue for improving the climate of public-sector labour relations, he argued, and that was to politicize them even further:

Après avoir un temps prétendu que «la Reine ne négocie pas avec ses sujets ... » [l]e temps est venu de dire que non seulement la Reine négocie avec ses sujets, mais qu'elle négocie sans réserve. Le pas suivant, c'est de comprendre qu'un contrat négocié avec la Reine n'est pas un contrat de travail, mais plutôt un contrat social.⁵⁹

Unfortunately for the Liberal government, however, its conduct of labour relations policy during its six years in office meant that it had forfeited any possibility of concluding a social contract with the unions. Ironically, though, Forget's remarks prefigured the Parti Québécois's labour policy, which would be based on an attempt to forge a modus vivendi with the unions, in which increased access to decision making would be exchanged by the unions for greater moderation during collective bargaining. The abysmal failure of the Bourassa government's stick-and-carrot approach to public-sector labour relations provided the Parti Québécois with the opening it needed to present itself as the one party capable of restoring order and stability to government-union relations in the province. As the following chapters will show, however, the PQ's corporatist experiment was only slightly more successful than the Bourassa government's highly coercive approach.

V. CONCLUSION: ECONOMIC CRISIS,
THE PUBLIC SECTOR, AND STATE AUTONOMY

This chapter began with an examination of the two main factors that shaped the Bourassa government's public-sector labour policy: the onset of stagflation in the early 1970s and the growing strength of the nationalist movement in Quebec after 1968. In this particular conjuncture, it is not surprising that the Liberal regime shared many of the basic objectives of the dominant business groups in the province, namely to curtail the growth of the state, which was seen to be devouring resources that would more profitably be directed to industry and private investment, and to discipline an increasingly refractory, militant, and nationalist labour movement. This resulted in a highly coercive labour policy, one that limited and in some cases removed the bargaining rights that public-sector unions had won during the Quiet Revolution. Injunctions, ad hoc legislation, permanent restrictions on the right to strike, jailings of recalcitrant union leaders: these were all prominent elements in the Bourassa government's strategy for demobilizing public-sector workers. At the same time, the administration waged an expensive, and fairly successful public relations campaign to convince the population that government employees were pampered and privileged, undeserving of the kinds of material benefits and wage increases for which their unions were asking.

This coercive negotiating strategy on the part of the Bourassa government would appear to be nothing more than a faithful translation of the demands of capital into state policy. Obviously, large and small employers alike paid close attention to public-sector bargaining, because of the potential distorting effect that any settlement might have on the wage structure in the rest of the economy, and because negotiations would have an impact on the amount of state monies available for

subsidies to industry. Nevertheless, despite this convergence of interests between business and the provincial state, I have argued in this section that the Bourassa government was no mere dupe of capital. Its somewhat incoherent policy of mixing coercion with substantial concessions—which in some cases went far beyond the limits it had established for itself in its politique salariale—reflected ideological divisions within cabinet between hard-line free enterprise liberals and law-and-order types (Choquette and Garneau) on the one hand, and liberals of a more welfarist or progressive bent (Cournoyer, L'Allier) on the other. As well, these vacillations on policy underscored the political limitations on a strategy of unalloyed coercion: as Boivin has argued, "there is something inherent in the political process which prevents or restricts the government from using its tremendous power."⁶⁰ This circumspection derived in part from a fear of the electoral consequences of continually resolving bargaining impasses by means of coercion, and in part from a desire to appear to the public as democratic as possible.

Finally, one of the most significant features of the Bourassa government's public-sector labour policy was its complete failure to attain its stated objectives. Outright coercion, selective and permanent limitations on the right to strike, and concessions: none of these schemes succeeded in producing a workable public-sector labour policy, as the 6.5 million person-days lost in strikes in 1976—the bulk of them in the public sector—attested. The chaos in the public sector contributed significantly to the Parti Québécois's stunning election victory in November 1976, and for reasons that will become clear in the following chapter, this can hardly be considered a functional outcome for capital in the province.

This ends Part III of the dissertation, which has examined the policies of successive pro-business governments, the Union Nationale and the Liberals under Robert Bourassa. Despite their "favourable prejudice" toward capital, neither of these

governments was able to implement policies that were uniformly favourable toward the interests of business in the province, and in fact, their initiatives often had the undesired and unintended effect of strengthening the labour movement. In Part IV, I examine the labour policies of the Parti Québécois, a government much less beholden to business than either of its predecessors. After 1976, it is possible to speak of real autonomy on the part of the provincial state, and the next three chapters will detail just how significantly the PQ's reforms diverged from the interests of capital.

CHAPTER SIX ENDNOTES

¹Robert Chodos and Nick Auf der Maur, eds., Quebec: A Chronicle, 1968-1972 (Toronto: James Lewis & Samuel, 1972), pp.141-42. See also Daniel Drache in his introduction to Quebec: Only the Beginning (Toronto: NewPress, 1972), p.xxvi: "The recent events [the Common Front general strike] confirm that the working class can and will determine Quebec's political future. The Common Front remains the only mass working class organization capable of challenging the existing power structures."

²Letter to Jean Brunelle, president of the Centre des dirigeants d'entreprise, 26 April 1972. The letter is contained in the Fonds du Centre des dirigeants d'entreprise, Université du Québec à Montréal, Service des archives, Document 43P2a/17.

³Jean Boivin, "L'impact des secteurs public et para-public sur la politisation des relations du travail," in Gérard Dion, ed. La politisation des relations du travail (Quebec: PUL, 1973; 28e Congrès des relations industrielles de l'Université Laval), pp.70-71 (my translation). The sarcastic reference to the dominant class (as a "cliché dear to certain sociologists") is Boivin's, not my own.

⁴Lemelin, Les négociations collectives, p.126; Boivin, Evolution of Bargaining Power, pp.254, 307.

⁵Maurice Giroux, "Entre les libéraux et les fonctionnaires l'enjeu du conflit est aussi politique," La Presse, 11 March 1972, p.A6.

⁶This point was argued rather forcefully by Maurice Giroux in ibid.

⁷Chroniques impertinentes du 3ème Front commun syndical (Montreal: Nouvelle optique, 1982), p.22.

⁸Ibid.

⁹Ibid. Lévesque had always thought that the RIN would serve this function, but when it disbanded shortly after the creation of the PQ (with most of its former militants joining the new nationalist party), another "foil" was needed. According to Demers, "A défaut de parti de gauche pouvant remplir cette fonction, les dirigeants syndicaux offriront un substitut crédible, surtout après le 15 novembre 1976."

¹⁰CPQ, Mémoire sur les priorités budgétaires 1972-73 du gouvernement québécois, soumis à l'Honorable Premier Ministre Robert Bourassa, ainsi qu'aux membres du Conseil des Ministres, Dec. 1971, p.30.

¹¹Diane Ethier, "Les leçons politiques du Front commun," in Diane Ethier, Jean-Marc Potte, and Jean Reynolds, Les travailleurs contre l'Etat bourgeois (Montreal: L'Aurore, 1975), p.253.

¹²See Québec, Le Sommet économique, L'Economie: point de vue sur notre réalité (May 1977), pp.11, 39-45. This study was used as one of the principal background documents at the first tripartite economic summit meetings held by the Parti

Québécois government at Pointe-au-Pic. Data from the Annuaire du Québec (1971, 1977-1978), Tables 1 and 19, show that unemployment in the province increased from 6.9% in 1969 to 8.1% in 1975, while inflation shot up from 3.1% to 11% during the same period.

¹³L.Q., 1971, ch.12. A similar bill, passed on July 3 1970, had temporarily (for one year, from July 1970 to July 1971) centralized negotiations in the educational sector only. See L.Q., 1970, ch.54.

¹⁴Boivin, Evolution of Bargaining Power, p.249.

¹⁵Jean-Marc Potte dismisses the SFPQ as a bunch of "corporatists," a favourite term of abuse among Québécois intellectuals, which translates roughly as self-interested (as opposed to solidaristic. See "La stratégie du Front commun," in Ethier, Potte, and Reynolds, Les travailleurs contre l'Etat bourgeois, p.52.

¹⁶Ibid., p.55. Jean Reynolds, "Les syndicats de l'Hydro-Québec dans le Front commun de 1972: un cas type de division syndicale," in ibid., pp.188-89.

¹⁷Potte, "La stratégie du Front commun," pp.56-58.

¹⁸Diane Ethier, "L'orientation politique du Front commun," in ibid., p.141.

¹⁹See La Presse, 6 March 1972, p.D10, for example.

²⁰Bernard Descôteaux, "Bourassa s'en prend aux chefs syndicaux," Le Devoir, 27 October 1976, p.6.

²¹For an excellent analysis of the various factors contributing to the defeat of the Bourassa government, see Richard Hamilton and Maurice Pinard, "The Parti Québécois Comes to Power: An Analysis of the 1976 Quebec Election," Canadian Journal of Political Science 11:4 (December 1978), pp.739-75.

²²Minister of the Civil Service, Jean-Paul L'Allier, in Québec, Assemblée nationale, Journal des Débats, 3^e session, 29^e législature, Commission permanente de la Fonction publique, Conflit de travail dans les secteurs public et parapublic, 2 May 1972, pp.B638-39 (my translation).

²³Ibid., p.B638. L'Allier went on to say that he did not believe that the Union Nationale or the Lesage government had necessarily been wrong to act in this manner: "Je crois, pour ma part, que la chose n'était tout simplement pas possible physiquement, matériellement et sur le plan technique."

²⁴See Boivin, Evolution of Bargaining Power, pp.252-55. Lemelin, Les négociations collectives, pp.126-27.

²⁵Lemelin, Les négociations collectives, p.127.

²⁶L'Allier claimed that the single table would be "more spectacular than effective," echoing a comment made by CEQ president Yvan Charbonneau when his union was still agonizing over whether to join the Common Front. See Journal des Débats,

Commission permanente de la Fonction publique, 2 May 1972, p.B639. See also Lemelin, Les négociations collectives, pp.123-27.

²⁷Piotte, "La stratégie du Front commun," p.66.

²⁸Boivin, Evolution of Bargaining Power, p.286.

²⁹Québec, Journal des Débats, Commission permanente de la Fonction publique, 25 April 1972, p.B449 (my emphasis).

³⁰Ibid. For the reasons underlying the Bourassa government's rejection of the \$100 minimum weekly salary, see Saint-Pierre, Les années Bourassa, p.85.

³¹Cited in Piotte, "La stratégie du Front commun," p.71.

³²Boivin, Evolution of Bargaining Power, p.262.

³³Piotte, "La stratégie du Front commun," p.92.

³⁴Lemelin, Les négociations collectives, p.125.

³⁵Quoted in ibid., pp.136-37. For additional information on the creation of the CSD, see James Thwaites, "Tensions Within the Labour Movement in Quebec: Relations Between the Public and Private Sectors in Three Case Studies from 1972 to 1982," in Mark Thompson and Gene Swimmer, eds., Conflict and Compromise: The Future of Public Sector Industrial Relations (Montreal: Institute for Research on Public Policy, 1984), pp.128-30.

³⁶Piotte, "La stratégie du Front commun," pp.73-4.

³⁷Ibid., pp.98-99.

³⁸Piotte, "La stratégie du Front commun," p.94.

³⁹Cited in Boivin, Evolution of Bargaining Power, pp.291-92 (translation in the original).

⁴⁰Diane Ethier, "Les leçons politiques du Front commun," in Ethier, Piotte, and Reynolds, Les travailleurs contre l'État bourgeois, pp.255, 260.

⁴¹Ibid., p.256.

⁴²See, for example, Kenneth McRoberts, Quebec: Social Change and Political Crisis, 3rd ed. (Toronto: McClelland and Stewart, 1988), p.193.

⁴³Boivin, Evolution of Bargaining Power, pp.281-85; Lemelin, Les négociations collectives, pp.132-34.

⁴⁴For an evocative description of this entire episode, see Chodos and Auf der Maur, Quebec: A Chronicle, pp.124-38.

⁴⁵Lemelin, in Les négociations collectives, p.160, describes the 1975-76 round of bargaining as guerrilla warfare.

⁴⁶Ibid., p.23.

⁴⁷Jean Boivin, "Collective Bargaining in the Public Sector: Some Propositions on the Cause of Public Employee Unrest," in Morley Gunderson, ed., Collective Bargaining in the Essential and Public Service Sectors (Toronto : University of Toronto Press, 1975), p.15. See also Boivin, Evolution of Bargaining Power, pp.307-309.

⁴⁸Cournoyer, Interview, Montreal, 13 October 1988, acknowledged the existence of splits in cabinet over the proper strategy for dealing with the trade unions, but refused to specify who belonged to which camp. Michel Bourdon, Interview, Montreal, 24 November 1988, indicated that Cournoyer, despite his pro-FTQ bias and illicit dealings with Dédé Desjardins, was seen as the closest ally within the Bourassa government of the entire labour movement. For more on the split between "hawks" and "doves" within the Liberal government, see Chodos and Auf der Maur, Quebec: A Chronicle, pp.117, 135-38

⁴⁹Boivin, Evolution of Bargaining Power, p.287.

⁵⁰L.Q., 1972, ch.7. Bill 19 was amended once, extending the period of negotiations until October 15 (L.Q., 1972, ch.8).

⁵¹L.Q., 1972, ch.9.

⁵²Boivin, Evolution of Bargaining Power, p.308.

⁵³Assemblée nationale, Projet de loi 89, Loi Assurant le bien-être de la population en cas de conflit de travail, première lecture, 1972. When asked about Bill 89, Cournoyer smiled cryptically and said that it was an indication of the government's frustration, even desperation, over public-sector labour policy. Interview, Montreal, 13 October 1988.

⁵⁴Conseil du patronat du Québec, Mémoire sur la loi assurant le bien-être de la population en cas de conflit de travail, soumis aux membres de la Commission parlementaire du Travail et de la Main-d'oeuvre (January 1973), pp.8, 10.

⁵⁵Ibid., p.1.

⁵⁶Lemelin, Les négociations collectives, pp.235-37.

⁵⁷Québec, Commission d'étude et de consultation sur la révision du régime des négociations collectives dans les secteurs public et parapublic, Rapport Martin-Bouchard (Editeur officiel, 15 February 1978), p.127.

⁵⁸"Procedures for Settling Interests Disputes in the Essential and Public Sectors: A Comparative View," in Gunderson, ed., Collective Bargaining in the Essential and Public Service Sectors, p.129.

⁵⁹Quoted in Lemelin, Les négociations collectives, p.162 (my emphasis).

⁶⁰"Some Propositions on the Cause of Public Employee Unrest," p.15.

PART IV:

THE FAILURE OF LIBERAL CORPORATISM

1976-1985

CHAPTER SEVEN:

The Parti Québécois and Reform of the Labour Code:

In Search of a "New Social Contract"

... we no longer have a 'social contract' that everyone feels obliged to respect. Instead, and I am scarcely dramatizing here, we are in danger of becoming a sort of jungle, where the very foundation of any social contract--respect for the law--is dangerously eroded and where the principle of might makes right tends to prevail, either surreptitiously or brutally.

René Lévesque, Québec, Rapport: le sommet économique,
Pointe-au-Pic, May 1977, p.14 (my translation)

I. THE PARTI QUEBECOIS AND PRIVATE-SECTOR

LABOUR RELATIONS: THE TWO FACES OF STATE POLICY

In the opening chapter of this dissertation I argued that the capitalist state has at its disposal a number of strategies for enhancing its autonomy, thereby enabling it to achieve its own objectives--which may or may not converge with the preferences of important social groups like business and labour. One of these strategies involves the co-optation of interest organizations by offering them a variety of material concessions. We have seen in chapters three through six how a succession of provincial governments used this tool in the construction industry and the public sector in an attempt to attain their particular goals. The extent to which these governments have succeeded in achieving their objectives has varied, and a number of structural and institutional factors have been cited to account for these varying degrees of success.

Another autonomy-enhancing strategy is the state's capacity to manipulate the language and symbols of politics, to create collective identities and solidarities and in the process eliminate or neutralize opposition to its projects. This strategy was utilized to a limited extent during the Quiet Revolution, when some of the more nationalistic members of the Lesage government (Lévesque, for example) stressed the collective aspirations of francophone Québécois. Nevertheless, it was only after the

election of the Parti Québécois in 1976 that this strategy assumed prominence. Although the PQ government used a variety of techniques to achieve its objectives--which in many cases diverged considerably from the preferences of capital--it was its ability to forge collective solidarities through the manipulation of national symbols that was the most distinctive feature of its labour policy. Although the PQ was not always successful in translating its preferences into policy, the three chapters that comprise this part of the dissertation will demonstrate that this government attained a margin for manoeuvre far greater than that of any previous administration.

It is no exaggeration to state that labour policy between 1976 and 1985, to paraphrase von Clausewitz, was the continuation of the PQ's nationalist project by other means. Just as the Bourassa government's interventions in industrial relations bore the stamp of the Liberals' commitment to "profitable federalism," labour policy during the Parti Québécois's two terms in office was indelibly marked by the exigencies of its overarching political vision: the creation of a sovereign, social democratic Quebec in a Canadian common market.¹ To be successful, this ambitious plan required the support of a broad coalition of classes in Quebec society. The PQ itself, in terms of both its electoral support and the class backgrounds of its members, was primarily (though not exclusively) the vehicle of the ascendant francophone new middle class--the employees of the state-run health, educational, and welfare bureaucracies whose ranks had been swollen by the social and political reforms of the Quiet Revolution.² The PQ government was therefore compelled to introduce policies that would gain the political support of the working class, both unionized and unorganized.

In essence, labour policy during the Parti Québécois's tenure in office was a key element in the state's attempt to mobilize social groups in support of its political

project; it was part of the process of forging collective solidarities that constitutes the essence of politics. Labour policy during this period was also influenced by more tactical considerations. As the epigraph to this chapter suggests, René Lévesque and other leading figures in the PQ administration were convinced that there was no longer anything remotely resembling a "social contract" in Quebec in 1976. In their view, powerful groups like the trade unions and corporations were entirely unwilling to accept any limitations on the pursuit of their own organizational and sectional interests. These groups did not recognize the existence of a collective, or national, interest, and this unyielding self-centredness had contributed to the downfall of the Bourassa government. These dysfunctional attitudes among business and labour, the PQ reasoned, had also widened the longstanding gap in economic performance between Quebec and Ontario.

Elected not on its project of political independence but rather on its promise to provide the "good government" the Bourassa regime had patently failed to deliver, the new Lévesque administration considered one of its overriding tasks to be the creation of the conditions for a "new social contract" in the province. The PQ believed it could transform mutually antagonistic classes into "social partners," thereby eliminating the industrial chaos that had characterized the Bourassa years and simultaneously laying the groundwork for a more efficient economy, one that could catch up to Ontario. In the minds of government leaders, establishing a new social contract was simply a matter of implementing much-needed reforms in labour relations legislation in order to restore the balance of power between labour and management, which had been distorted by the pro-business UN and Liberal administrations. The creation of a new social contract also required the proper consultative machinery to inculcate in labour, management and other important groups a "national consciousness."³ Hence the PQ government's emphasis on tripartite

policy-making institutions, particularly the frequent socioeconomic "summits" that were held in an effort to reach a consensus among the social partners on the developmental priorities at both the provincial and sectoral levels.

This political context is necessary to understand the principal distinguishing feature of private-sector labour policy during the PQ administrations: the simultaneous strengthening of trade union organizations and the imposition of extensive legal constraints on the activities of these same unions. In effect, the PQ government pursued an inclusionary,⁴ or neo-corporatist strategy of increasing the power of organized labour, which at the same time augmented the state's powers to police the internal affairs of labour organizations. For the most part, private-sector trade unions went along with this strategy because they felt that the substantial material benefits offered them by the Lévesque government outweighed the drawbacks, and because they were committed to the PQ's nationalist project. The FTQ, the most important private-sector federation in Quebec, remained the Parti Québécois's staunchest ally right up until the government's defeat in 1985.

What were the "substantial material benefits" offered to the private-sector unions by the Lévesque administration? The keystone of the PQ government's labour policy was Bill 45,⁵ which contained a number of provisions that strengthened the unions as organizations. For the government, this was necessary if its vision of a harmonious "social contract" between labour, business, and the state was to be realized: trade unions can speak for and discipline their membership only if they have the requisite organizational power to do so. From the standpoint of organized labour, the chief attraction of Bill 45 was its legislative guarantee of union security. Quebec became the first jurisdiction in Canada to impose the Rand Formula (compulsory dues check-off) on all employers in the province. It was also the first government in North America to prohibit the use of strike-breakers or "scabs" during

industrial disputes, a move that was roundly condemned by the business community and denounced by one well-known intellectual as evidence of the government's subservience to the unions.⁶

Despite the outrage among business leaders and their intellectual allies occasioned by the passage of Bill 45, this piece of legislation was not simply a manifestation of the PQ's pro-labour bias. For at the same time that the government granted trade unions significant legal protections, it markedly increased state control over their internal affairs, requiring secret-ballot votes for strikes, the election of union officers, and other key decisions, as well as compelling the unions to divulge their financial status to their membership each year. These legal constraints on trade unions, which were assailed by both the CSN and the CEQ as unwarranted intrusions into their already democratic organizations, were more than just sops to business designed to make the pro-labour provisions of Bill 45 more palatable. Rather, they represented the logical counterpart to the measures intended to strengthen unions: if concerted action was to have any chance for success, government leaders reasoned, labour organizations would have to be both strong and socially responsible.

A second feature of the Parti Québécois's labour policy, again a product of the government's desire to forge an independence coalition, was its innovative use of regulatory legislation, a marked departure from the policies of previous administrations. This feature of the Lévesque administration's labour policy, along with the government's formal attempts to create a system of concerted action in the province, will be discussed in greater detail in chapter eight. As I will show in this chapter and the next, a recurrent theme in the PQ's labour relations reforms was the prominent role they gave to the state in policing the internal affairs of organized groups or in creating new groups that might act as clienteles for its political project.

Auxiliary and regulatory legislation under the PQ, I argue, was an extension of its nationalist project.

In short, private-sector labour policy between 1976 and 1985 consisted of a complex mixture of incentives to the unions and offsetting legal and administrative constraints on the organizational power of the labour movement. These labour relations policies reveal a government that viewed itself as being above classes, as though it were the distillation of the Québécois nation. This explains the constant invocation by government leaders of the imagery of social partnership, as well as their claim that the provincial state was in a better position to speak for "average Québécois," including workers, than were their own organizations (the trade unions). In the memorable phrase of Pierre-Marc Johnson, the Quebec state was the "trade union of the population." The PQ's ability to appeal to Québécois as Québécois, rather than workers, farmers, managers, and so on, was an enormously powerful tool, and considerably aided the government's efforts to forge a broad coalition of classes in support of its independence project.

Did the Lévesque government's private-sector labour policy reflect the actions of an autonomous state, or can it be better explained by one or another of the "sociological" approaches rejected in the introductory chapter? A pluralist might well argue that the PQ, like any liberal democratic government, was merely responding to the differential pressures of organized labour and business, and that the provincial state acted more or less as a neutral arbiter, attempting to "split the difference" between the conflicting demands of these groups. This pluralist interpretation is inadequate for several reasons. In the first place, pluralists tend to assume the autonomy of interest group organizations, their independence from the state. Yet, as I have argued, one of the essential characteristics of the PQ's private-sector labour

reforms was the extent to which they allowed the government to police the internal affairs of the trade unions, and this over the vociferous opposition of the leading labour organizations. More importantly, the Parti Québécois's policies helped to shape the universe of interest group demands; they were not simply a response to a set of pre-existing pressures. This aspect of the Lévesque administration's labour policy will be discussed in greater detail in chapter eight, when I examine the government's regulatory labour legislation.

If pluralist theory overlooks key determinants of the PQ's labour policy, how do other "sociological" frameworks fare in explaining the Lévesque government's actions? A structuralist Marxist interpretation of the PQ's labour policy might contend that the Lévesque government's reforms were fairly minor and inconsequential—certainly no more innovative or far-reaching than those implemented by assorted social democratic governments elsewhere. Furthermore, this argument would run, the PQ did not encroach on the fundamental powers of capital, nor did it subvert traditional authority relations within the capitalist firm. Rather, the Lévesque administration's interventions amounted to nothing more than a half-hearted commitment to strengthen the trade unions as bureaucratic organizations, a policy that actually served the long-term interests of capital by containing working-class militancy within the safe confines of institutionalized collective bargaining. And, when the economic crisis demanded a governmental response, the PQ faithfully did the bidding of the bourgeoisie, by crushing the public-sector unions in an attempt to restore the conditions of capital accumulation on the backs of its own employees.

This view is not without its merits. Indeed, the recognition of the non-revolutionary nature of the PQ's labour policy is a crucial component of my own analysis. For when it came to the one longstanding demand of the province's labour movement that would have significantly altered the balance of class forces within

Quebec--sectoral bargaining--the PQ chose to temporize and study the issue, despite the clear commitment to such a policy contained in its own program. Nevertheless, this chapter rejects this functionalist perspective in favour of one that takes politics seriously. The Parti Québécois government always had a range of options open to it, and its decisions were influenced both by its overarching political project and by the alliances it had formed with specific social groups. For example, with the onset of the severe economic crisis in 1981-82 the PQ ought to have undermined or overturned the pro-labour reforms it had enacted during its first term in office, if it was the mere functionary of capital that structuralist Marxists make it out to be. And yet, despite the threat of a capital strike and the highly publicized flight of individual firms from the province, the PQ actually chose to strengthen the provisions for unions security contained in Bill 45. This was hardly the action of a puppet of capital, and the following analysis will explain why the PQ acted in this manner.

The remainder of this chapter is divided into three sections. The first explores the class nature of the Parti Québécois, and its relations with organized labour and capital in the period leading up to its election in 1976. In the second section, I briefly discuss construction industry labour policy under the PQ. As Table 7.1 shows, the importance of the construction industry as a target of legislative intervention declined markedly after 1976: the PQ passed ten laws relating to construction during its nine years in office, whereas the Bourassa government enacted thirteen laws in slightly more than six years. There were two main reasons for this decline. In the first place, the PQ based its economic policy on incentives to the francophone-owned PME and the encouragement of greater indigenous processing of natural resources (as in the asbestos industry), relying much less than previous governments on construction mega-projects such as the Olympics and James Bay. Secondly, the PQ was largely content to tinker with the bargaining regime set up by its predecessor, its major

innovation consisting of a change in the laws regulating representative associations, in the aftermath of a split between the international construction unions and their Quebec affiliates. This legislative restraint by no means reflected a lack of state involvement in the construction industry, however: collective agreements continued to be imposed by governmental decree, as had been the case since 1970.

In the third section of the chapter, I discuss the most important auxiliary legislation enacted by the PQ government--Bill 45 and its amendments--and its impact on both the labour movement and the conduct of industrial relations in Quebec (strikes, violence on the picket lines, etc.). I will argue that these reforms did alter the traditional balance of power between labour and capital (even if they did not reverse it), and created an industrial relations environment quite unlike that of any other North American jurisdiction. These important organizational concessions to the trade unions were part of the PQ's coalition-building efforts as it sought to create a favourable climate for the successful passage of the referendum on sovereignty-association.

Table 7.1: Labour Legislation in Quebec, 1976-1985

	construc- tion	public sector	other	total
back-to-work laws	—	9	—	9
trusteeship	1	—	—	1
auxiliary*	9	10	3	22
regulatory**	—	—	12	12
TOTAL	10	19	15	44

*includes changes to the collective bargaining regime, determination of rights and duties of parties to negotiations, union security clauses, and so on.

**includes changes in minimum wage, state determination of working conditions, health and safety legislation, as well as minor administrative changes.

Source: compiled from Lois du Québec, various years.

II. THE INDEPENDENCE COALITION AND LABOUR RELATIONS IN QUEBEC

Election night, November 15 1976: a crowd of ecstatic péquistes fills the cavernous Paul Sauvé arena in Montreal, waving the Quebec flag and chanting the informal anthem of the independence movement, Gilles Vigneault's "Gens du pays." René Lévesque, his face an admixture of awe, shock, and pride, proclaims to the crowd: "Jamais, jamais, je n'étais aussi fier d'être ... Québécois." The following day, pundits in the English-language press across Canada are penning anguished editorials that question whether the country is about to be dismembered.

The passage of time may have dulled the impact of the stunning victory of the Parti Québécois, a political party dedicated to taking Quebec out of Confederation. But hindsight should not permit us to downgrade this moment to a minor blip in the otherwise foreordained and peaceable trajectory of Canadian history. The PQ victory was an immensely important event, one that precipitated a small-scale panic among the political and economic elites in both Canada and the United States. Moreover, the election of an avowedly indépendantiste and "social democratic" (the scare quotes around this term are warranted because there has been a great deal of controversy over the alleged social democratic leanings of the PQ) government in Quebec could not help but have strong repercussions on the relations between the provincial state and organized interests. For the first time since the Quiet Revolution, labour policy diverged considerably from the preferences of the business community in the province, both domestic and foreign, as the PQ endeavoured to give substance to its vaunted "préjugé favorable aux travailleurs."

This is not to claim that the PQ was a "workers' party" dedicated to the overthrow of the capitalist system, or that the labour policies it enacted during its two

terms in office reversed the traditional balance of class forces in capitalist society. Mindful of the need to preserve economic stability in order to create the proper climate for the passage of the proposed referendum on sovereignty-association, the PQ government made a number of conciliatory overtures to the business community, and especially to the francophone-controlled petites et moyennes entreprises (PME), thereby alienating some of the party's most progressive supporters. Despite this moderation, however, the Lévesque administration did not hesitate to implement policies that were vigorously opposed by all sections of the capitalist class in the province. This was certainly the case with its labour policy, which granted important new powers to the trade unions while simultaneously increasing state control over the organizations of labour. Thus, while the PQ's labour policy outraged the business world, it also failed to garner the support of the major trade union federations--with the notable exception of the FTQ--which resented the government's anti-democratic intrusion into their internal affairs.

I will argue below that the two-sided nature of the PQ's labour policy reflected the liberal corporatist ideology of the dominant faction in the government. This influential group, consisting of Lévesque and some of his closest advisers, believed that it would be possible to create the mechanisms required to reduce class antagonisms, if not suppress them altogether.⁸ The government's attempt to dissolve class differences into a discourse of nation was part and parcel of its efforts to forge a broad inter-class coalition in support of Quebec's political independence. Before discussing the main features of the Lévesque government's labour policy, however, I will examine the origins, ideology, and social bases of the PQ, the relations between the PQ and organized business and labour, and the balance of forces within the party at the time it took office.

(i) The Parti Québécois: Origins, Ideology, Class Composition

At its birth the Parti Québécois was a rather fragile coalition of socialists, social democrats, reform-minded liberals, créditistes, and bleus. Initially, these fissiparous elements were held together in uneasy coexistence by a common commitment to some form of sovereignty for Quebec, and by the force of René Lévesque's charismatic personality.⁹ The organizational fragility and ideologically hybrid nature of the Parti Québécois were apparent at its founding convention, held in Quebec City on October 11-14 1968. On that date, René Lévesque's Mouvement souveraineté-association (MSA), a group of disgruntled former Liberals, joined forces with Gilles Grégoire's ultra-conservative Ralliement national (RN) in order to promote Quebec's political sovereignty within a Canadian common market. About a week later, the left-wing Rassemblement pour l'indépendance nationale (RIN) disbanded, with most of its former members eventually joining the newly formed Parti Québécois on an individual basis.¹⁰

In view of the widely divergent ideological leanings of the Parti Québécois's founding members, it is hardly surprising that, from its inception, the party has been torn by recurrent doctrinal disputes of great virulence. The ideological fault lines within the party were numerous, and each party convention (annual until 1974, and biennial thereafter¹¹) has tended to produce new fissures on a wide range of policy questions. Vera Murray, in her exhaustive study of the Parti Québécois from 1968 to 1976, has argued that these recurrent conflicts were symptoms of the dominant cleavage within the party, one between technocrats and participationists. The technocratic faction, centred around Lévesque, was the most influential group in the party hierarchy; it consisted mainly of the ex-Liberals who had created the MSA (Jean-Roch Boivin, for instance, who became Lévesque's chief of staff after the 1976

election victory), and former high-ranking civil servants such as Claude Morin and Jacques Parizeau. Members of the participationist faction, according to Henry Milner,

seek to use the PQ to serve the needs of the working people of Quebec by emphasizing the part to be played by the rank and file in the party structures, which complements their vision of a democratized and decentralized administrative system as well as their leftist social policies—many of which have found their way into the party program.¹²

This wing of the party included such diverse figures as Robert Burns, Jacques Couture (both of whom became cabinet ministers in the first Lévesque government), André Larocque, Louise Harel, and Guy Bisailon.¹³ Obviously, not all members of the PQ fit neatly into this technocratic-participationist dichotomy: the former créditiste, Gilles Grégoire, for instance, cannot easily be slotted into either category, nor can former members of the Union Nationale such as Jean-Guy Cardinal, Jérôme Proulx, Raynald Fréchette (who was Minister of Labour between 1982 and 1985), and Rodrigue Biron (Minister of Industry, Commerce, and Tourism from 1981 to 1985). On the whole, though, the technocratic-participationist classification is a useful heuristic device for understanding the ideological and organizational evolution of the PQ since 1968. Roughly speaking, the moderate, technocratic faction dominated party policy making from 1968 to 1970. After the election of Robert Bourassa and the Liberals, and in the wake of the October Crisis, the party program underwent a marked radicalization, as the participationist faction came to exert a growing influence on party ideology. With the election of the Parti Québécois in 1976, the technocrats once again assumed a preponderant role in the decision-making structures of the party (as I will argue below).

Despite the serious ideological strains that existed within the PQ, the party was remarkably homogeneous in terms of the class backgrounds of its members and, to a lesser extent, its electorate. Data gathered on the social origins of delegates to the fourth national congress in 1972, of PQ candidates in 1970 and 1973, and of PQ voters

in the 1970 election all underscore the dominant position occupied by the new middle class in this movement (see Table 7.2 for data on the class backgrounds of PQ candidates in the 1970 and 1973 provincial elections). The portrait of the typical péquist that emerges from these various studies is of a well-educated, high-income francophone working in one of the cultural or intellectual professions—teaching, journalism, the social sciences—and usually employed in the public or parapublic sectors. As Marcel Fournier has perceptively argued, PQ activists have tended to be "wordsmiths" (travailleurs du langage) whose principal resource, or "capital," is cultural. This capital can only be realized—and thus the new middle class can only ensure its survival and growth—in a national market; according to Fournier this means that the PQ has had an overriding interest in consolidating the national identity and strengthening the Quebec state, the only institution capable of carving out increased occupational space for francophones.¹⁴

In summary, the Parti Québécois can be characterized as a somewhat fragile coalition of fractious ideological movements, all committed to some vision of an independent Quebec, under the hegemony of what Henry Milner terms the "state middle class," and Richard French labels the "opinion-oriented middle class."¹⁵ Party strategists realized that if their political project were to have any chance of success, the PQ would have to secure the collaboration, or at least the acquiescence, of the business community and the working class (both organized and non-unionized) in Quebec. As the following account will show, there were substantial ideological and structural barriers to the formation of such a broad inter-class coalition.

Table 7.2: Class Origins (%) of PQ Candidates, 1970 and 1973 Elections

	1970	1973	TOTAL	(N)
business	23.2	26.3	21.6	(47)
liberal professions	15.7	19.1	17.4	(38)
new middle class*	52.8	53.6	53.2	(116)
workers, salaried employees	3.7	2.7	3.2	(7)
farmers	1.8	2.7	2.3	(5)
other	3.7	1.8	2.3	(5)
TOTAL**	100.1	99.9	100.0	(218)

*includes public/parapublic sector employees such as teachers, journalists, criminologists, sociologists, political scientists, and economists, as well as engineers, supervisory personnel, and foremen.

**may not total 100% because of rounding error.

Source: Adapted from Vera Murray, Le Parti québécois: de la fondation à la prise du pouvoir (Montreal: Hurtubise HMH, 1976), p.34.

**(ii) The Parti Québécois: Anti-Capitalist Movement
Or Instrument of the Francophone Bourgeoisie?**

A heated debate has raged among Québécois intellectuals over the nature of the relationship between the PQ and capital, both foreign and domestic, in the province. By far the dominant view is that the Parti Québécois, as the political expression of the new middle class, with strong biases in favour of social democracy and state intervention, has always been overtly hostile to private enterprise. Moreover, as previous chapters have shown, the PQ's apparent antipathy toward capital was returned, with interest, by the business community: one need only mention the so-called Brinks Truck incident during the 1970 provincial election to have some idea of the lengths to which the corporate community would go in order to prevent a "separatist" victory. In order to understand more fully the links between the PQ and capital, we must briefly consider the Lévesque government's economic policies between 1976 and 1985.

Not surprisingly, representatives of the business world and their intellectual allies are apt to stress the PQ government's unremitting hostility toward private enterprise. In the words of Richard French, a cabinet minister in Robert Bourassa's Liberal government after 1985:

The nationalist and social democratic consensus shared by the PQ and the opinion-oriented middle class gave short shrift to private enterprise. The business community reacted with shock to the PQ victory of November 1976. It was as entirely unprepared as the new government to undertake constructive discussion. For the first eighteen to twenty-four months, relations went from bad to worse, as the government seemed intent on realizing business' worst nightmares.¹⁶

As evidence of the PQ's anti-business animus, French cites the government's election finance legislation, which outlawed corporate contributions to political parties (from both business and labour, it must be noted) in order to prevent the formation of

"clandestine obligations" on the part of politicians and their parties to big business.¹⁷ Bill 101, arguably the legislative centrepiece of the PQ's first term in office, imposed intolerable (in the view of business leaders, at any rate) bureaucratic burdens on corporations, which were compelled to "francize" (franciser) their operations. The nationalization of Asbestos Corporation in 1979, and of the personal injury component of automobile insurance in 1978 also rankled business leaders. Labour relations reforms, as the remainder of this chapter will show, were a constant source of business-government enmity. Most worrisome of all, according to French, was the inflammatory invective used by leading péquistes ministers to vilify the business world: Camille Laurin dismissed business's worries over Bill 101 as the reflexes of "Uncle Tom's in the pay of their anglophone bosses," while Lise Payette, the minister responsible for the automobile insurance reforms, "denounced 'shameful blackmail' by the business community, a group of people 'whose company I don't normally seek.'"¹⁸ These sorts of pronouncements, which frequently portrayed the most powerful corporate leaders in the province as the dupes of foreign interests (and therefore not likely to have much concern for ordinary Québécois), prompted Pierre Des Marais II, then president of the CPQ, to remark that the PQ government "had treated businessmen like dirt and that some ministers had virtually declared war on the business world, employers and private enterprise."¹⁹

These overt signs of hostility between the Lévesque government and the business world have not prevented some theorists from making the claim that the PQ, despite its overwhelmingly petty bourgeois membership, served the "objective interests" of a nascent francophone capitalist class in Quebec. This argument has received its most consistent formulation in the work of Pierre Fournier and Gilles Bourque and Anne Legaré,²⁰ and is based on two claims. First, Fournier makes much of the PQ's moderation in the early years of its mandate, particularly Premier

Lévesque's remarkable speech to the assembled luminaries of American business at the Economic Club of New York in early 1977. In his attempt to assuage the fears harboured by U.S. capitalists of the PQ's indépendantiste program and social democratic orientation (the latter seemed to cause more consternation than the former, but both were considered to be a negative influence on the investment climate in Quebec), Lévesque went to great lengths to reassure his audience that his government would not embark on a course of economic adventurism. Apart from the nationalization of the asbestos industry, he observed, which was needed to settle longstanding grievances on the part of Québécois workers, "we ... have no intention of picking fights with private enterprise....[We do not] see ourselves rejecting the basic social values, economic structures, or political traditions that our North American outlook is founded upon."²¹ This profession of faith in private enterprise was later reiterated in the government's major economic policy statement, Bâtir le Québec, issued in 1979. In this document, the government affirmed that "la responsabilité d'assurer un développement suffisant et soutenu repose largement sur le secteur privé en tant qu'agent économique de premier plan."²² As a consequence, the PQ government pledged to limit state intervention in the economy to existing levels, and to rely more heavily in the future on joint ventures with private capital instead of crown corporations.²³

Secondly, Fournier constructs a rather elastic definition of the francophone bourgeoisie, the class whose interests the PQ is alleged to have served. The three components of the francophone bourgeoisie, he argues, are the cooperatives, state enterprises, and certain sections of the private sector, notably transportation, communications, finance, electrical materials, and agricultural industries. The private sector, according to Fournier, is the "weak link" in the francophone bourgeoisie (in comparison with the other two links, the cooperatives and state enterprise), and the

essence of the PQ's political project is to strengthen this class fraction at the expense of its anglo-Canadian counterpart. Sovereignty-association, therefore, is simply a matter of reinforcing the Quebec state--the principal support of indigenous capital--and expanding the "accumulation base" of the francophone bourgeoisie. According to the exponents of this thesis, the PQ is the "instrument" of this nascent bourgeoisie.

It is beyond the scope of this dissertation to undertake a careful refutation of Fournier's thesis.²⁴ Suffice it to say at this point that the evidence that Fournier marshalls in support of his claim is unconvincing. Much of Fournier's argument rests on two slim pieces of evidence: the Parti Québécois's obviously close ties to the cooperative movement and the Lévesque government's supposed strengthening of public enterprises during its first term in office. Fournier's first point is incontrovertible: there were intimate links between the PQ and the cooperative movement, but these were as much the product of the shared corporatist visions of the PQ and the cooperatives as they were a reflection of the Lévesque government's desire to use the movement's capital to expand the francophone bourgeoisie's accumulation base.²⁵

Fournier also places a great deal of emphasis on what he calls the PQ government's "strengthening" of public enterprise while in office, which he claims was part of an effort to transfer economic power from anglophone-dominated corporations to the francophone bourgeoisie. According to Fournier, the "PQ is profoundly transforming not only each state corporation but also the links between them and the state, with the avowed goal of making the economic objectives of Quebec and the action of the state corporations more compatible."²⁶ As evidence of this trend, Fournier points to changes in Hydro-Québec's charter, which gave the government a greater voice in appointing management and directors and simultaneously increased its control over the corporation's budget. One could also cite the Caisse de dépôt's

role in financing the expansion of Provigo and other francophone-controlled corporations as further proof that the PQ was attempting to carve out a larger accumulation base for francophone capital.

Apart from this very sketchy evidence, Fournier's thesis that the Parti Québécois was a tool of an ascendant francophone bourgeoisie is on the whole patently unconvincing and, in some respects, absurd. For one thing, the PQ government shied away from the strong emphasis on state interventionism contained in its various programs: it made no move to create the multi-sector holding company, La Société de réorganisation industrielle, a Québécois version of Italy's Institute for Industrial Reconstruction (IRI), called for in its program.²⁷ The one major state enterprise created by the PQ government, the Société nationale de l'amiante, was in a declining industry with questionable profitability, as Fournier himself admits.²⁸ In addition, the changes in Hydro-Québec's charter to which Fournier alludes were primarily designed to increase the government's margin of fiscal manoeuvre. By creating shares in the state corporation and forcing it to pay a dividend to its owner, the government tapped an important new source of revenue.²⁹ And as for the Caisse de dépôt, I have argued elsewhere that there is very little evidence to support the claim that its investment policy was directly or systematically influenced by the political objectives of the PQ government.³⁰ In sum, the PQ government did not act as though its sole, or even primary preoccupation were the promotion of an indigenous bourgeoisie.

None of this is to deny that the "PQ project for a sovereign Quebec [was] predicated upon some concept of a francophone bourgeoisie, assisted by the state, developing its place in the sun through a renegotiated settlement with English Canada ..."³¹ Certainly, this was Jacques Parizeau's explicit objective, although not everyone in the government or in the party agreed with his obsessive desire to cultivate the

francophone bourgeoisie. Despite Fournier's claims to the contrary, however, the PQ's blandishments to francophone capital failed miserably to elicit any business support for its project of sovereignty-association. Provigo, Bombardier, the Banque provinciale, and the Banque canadienne nationale, which Fournier hails as examples of a vigorous indigenous bourgeoisie fostered by state policy, all openly supported the 'No' side in the 1980 referendum.³² Although there did exist for a time an organization of business people committed to independence, the Conseil des hommes d'affaires québécois (CHAQ), it lacked influence and credibility; according to Richard French, the CHAQ "permitted no corporate memberships [only individuals could join--ABT], and its membership figures (always the same at around 600) had to be taken on faith, since no list was made public."³³ Thus if the francophone bourgeoisie was using the PQ to obtain a better deal within the North American economy, as Fournier and Bourque and Legaré suggest, then it was doing so while publicly supporting the provincial Liberal Party.

In summary, the Parti Québécois was by no means a "bourgeois party," in the sense of being an instrument of a rising francophone capitalist class. Relations between the PQ and those sections of the capitalist class represented by the Conseil du Patronat were extremely strained in 1976, and remained so throughout the PQ's two terms in office. The CPQ was convinced that the Lévesque administration was in thrall to the unions; it was also more than a little disturbed by the government's penchant for interventionism on a wide range of issues that affected business confidence: the language of work, collective bargaining, health and safety, and so on.³⁴ As for the PQ's appeals to business to collaborate with the state and labour in the forging of a new social contract, and the professions of faith in private enterprise contained in such policy documents as Bâtir le Québec, "the business community was

inclined to see [them] ... as essentially political exercises for which it was being press-ganged into pre-scripted supporting roles."³⁵

Relations between the PQ government and the small and-medium sized firms (PME) in the province, which tended to be owned or controlled by francophones, were only marginally better than those between the PQ and large corporations, at least during the period prior to the referendum. It is true that the Lévesque government immediately began to implement measures designed to promote and expand the PME upon assuming office. New programs bearing such revealing titles as PME-Innovatrice and OSE (Opération solidarité économique) were created to provide this sector with much-needed venture capital; a new crown corporation, the Société de développement de l'entreprise (SODEQ) was established; the role of the Société de développement industriel (SDI) was augmented; and various cabinet ministers continually portrayed Quebec as the "paradise" of small business.³⁶ Nevertheless, the PME themselves were initially quite sceptical of what they considered to be an overly étatiste administration. It was the government's labour policy in particular that alienated small and medium-sized firms from the PQ: the keystone of the government's private-sector reforms, Bill 45, was denounced by representatives of the PME as a measure that would spell the demise of small business in the province.³⁷ It was only after the defeat of the referendum, and the attendant shift in the balance of forces within the PQ government (with the growing ascendancy of ministers sympathetic to the francophone business class and its objectives, such as Jacques Parizeau, Yves Bérubé, and Rodrigue Biron), that the PME began to lose some of their hostility toward the Parti Québécois, although to argue that they became politically predisposed to the Lévesque government would require a complete suspension of disbelief.

If the PQ did not exactly govern "without business," as Richard French has claimed, it did not hesitate to introduce measures that antagonized all sections of the capitalist class, both large and small, foreign and domestic. This willingness to confront the business community belied Lévesque's oft-repeated protestations that his government would not pick any fights with private enterprise. One very important fight that the PQ picked with business was over the reform of the Labour Code; the major representative of capital in the province denounced the government's initiatives as proof of the indépendantistes' fealty to the trade unions. As the next section will show, this view of the PQ as an instrument of Quebec's working class (a view business shared with certain sections of the intelligentsia, and which found some limited sympathy among the labour movement as well) is no more an accurate depiction of reality than Fournier's contention that the PQ was a tool of the francophone bourgeoisie.

(iii) Organized Labour and the Parti Québécois:

"La Main Tendue et L'Oeil Ouvert"

Many students of Quebec politics have uncritically accepted the PQ's self-designation as a social democratic party. This is not entirely surprising, in light of the PQ's performance in the 1970 election, when six of the seven successful PQ candidates were from working-class constituencies in east-end Montreal.³⁸ As well, a number of provisions in the party program were clearly inspired by social democratic thought: the desire to ease union certification procedures (in its early programs, the PQ pledged to impose the "union shop" across the province, that is, "l'obligation pour tous les travailleurs de se joindre à tout syndicat de leur choix"³⁹), to establish sectoral bargaining (similar in nature to the bargaining regime in the construction industry), and to make the unions one of the state's major "interlocutors," along with business, and give them a voice in economic planning. On more than one occasion, Lévesque and other party notables invoked the vision of creating a North American version of Swedish-style social democracy once independence had been achieved.⁴⁰ In addition to this social democratic strand in the Parti Québécois's ideology, individual labour leaders like Robert Dean (United Auto Workers), Jean Gérin-Lajoie (Métallos), Michel Bourdon (CSN-Construction), Guy Chevette and Guy Bisaillon (both of the CEQ) have played prominent roles in the party organization, as have labour lawyers such as Robert Burns, Pierre Marois, and Clément Richard.

Despite these ideological and personal links between the Parti Québécois and the labour movement, the technocrats within the party have always made a virtue out of the PQ's structural independence from the trade unions. They have also exhibited a certain ambivalence toward organized labour. PQ leaders feared that excessively intimate ties with the unions could tarnish the party's image of moderation and

responsibility, since some voters would inevitably associate it with the incidents of violence that periodically flared up on the picket line, or with the inflammatory rhetoric of certain labour leaders. This was the apparent reasoning of Lévesque, who had an almost pathological fear of street demonstrations and spontaneous violence.⁴¹ Moreover, Lévesque and other party notables were convinced that independence would come about only if the PQ succeeded in forging a coalition of all classes; they therefore felt that the party should avoid becoming too closely identified with the interests and demands of a single social class.

Some of the most bitter ideological disputes within the Parti Québécois have been sparked by this question of the relationship between organized labour and the party. One of the most important of these conflicts, which had a profound influence on the PQ's subsequent ideological evolution, involved the La Presse strike of 1971. In October, the PQ officially endorsed the demands of the striking workers, and some members of the caucus announced their intention to participate in a solidarity rally organized by the union federations and scheduled for October 29 1971. The PQ's executive council, however, voted six to five to rescind the caucus's decision, with Pierre Marois casting the deciding vote against participation.⁴² This move was apparently made out of a fear that the rally would degenerate into violence. Robert Burns, standard-bearer of the party's participationist faction, denounced the executive's timidity, and dismissed the PQ as a slightly more progressive version of the provincial Liberal Party. According to Burns, the PQ was obligated to identify more clearly with the struggles of the working class, and cease its ideological tacking in a vain effort to attract those middle-class voters repelled by the more "adventurous" aspects of the independence movement.⁴³

In response to the charge of undue moderation laid against it by the party's left wing, the executive issued a manifesto, Prochaine étape ... quand nous serons

vraiment chez nous⁴⁴. In this document, the party elite finally seemed to recognize the need to temper the statist, technocratic outlook that suffused the program with an authentic commitment to the lessening of worker exploitation. The manifesto called for some form of worker participation in the management of the economy, both at the level of the individual firm and nationally, on tripartite economic planning boards. Despite this move leftward, however, Lévesque himself authored a "mini-manifesto" in the immediate wake of the La Presse affair which left no doubt that the Parti Québécois would continue to keep its distance from organized labour and court the moderate middle-class voters in the province. Lévesque's mini-manifesto was laced with abusive denunciations of the "clique of 'anarcho-patriotes' and simple troublemakers," who preached an outdated nihilism that would inevitably lead to a "fascism of the left." He rejected out of hand "all forms of violence and even any ambiguous flirtation with violence," and cautioned headstrong youths not to be duped by the illusion of a short-cut to utopia.⁴⁵ Quite clearly, the principal targets of Lévesque's fusillade were fellow péquistes Robert Burns and Claude Charron, who had ignored the party executive's decision and participated in the solidarity rally (which did degenerate into violence, resulting in the death of a young student activist), and trade-union leaders like Marcel Pépin, Yvon Charbonneau, and Michel Chartrand.

It would be fair to describe the Parti Québécois's brand of social democracy, or at least the one associated with the dominant faction in the party, as a mélange of statism, technocracy, and liberal corporatism. The party spoke of the need to encourage greater citizen participation in planning the economy, but was careful to add that it was talking about

[le] citoyen 'organisé,' faisant valoir ses vues à l'intérieur de groupes où il se sente à l'aise et adéquatement représenté ... C'est donc collectivement, par l'irruption massive de toutes les catégories les plus représentatives de la population, que l'élaboration du Plan permettra

d'ouvrir la voie à la démocratisation de l'économie, à une participation sans cesse plus éclairée des citoyens à l'orientation du régime et aux décisions complexes qu'elle exige.⁴⁶

Trade unions would obviously be one of the most important participants in this planning exercise, and would have to act responsibly if the PQ's economic schemes were to succeed. Party leaders, however, especially Lévesque, were always suspicious that the unions were more interested in demanding their rights than in performing their duties toward the collectivity. To Lévesque and the party hierarchy, the union leaders were too self-interested, too susceptible to "class egoisms,"⁴⁷ to be completely trustworthy allies in the struggle for Quebec's independence. As a result, although many in the government styled themselves the friends of labour, they simultaneously harboured a deep suspicion of the trade union leaders in the province, who were considered to be out of touch with the more "moderate" rank and file. This ambivalent attitude helps to explain the PQ government's later attempts to bypass the union leadership and forge a direct bond with rank-and-file workers, a tactic that was employed in its back-to-work legislation (Bill 62, passed in 1979, which will be examined in chapter nine), and in the regulatory legislation enacted during its first mandate (Bill 126, on labour standards).

The PQ's ambivalence toward the unions was mirrored by the attitudes of the labour federations themselves. As we have seen, during the Bourassa era there were increasingly close ideological ties between the PQ and organized labour, especially in the wake of the October Crisis of 1970. So strong was the labour movement's antipathy to the Bourassa regime that in 1976 the three major union federations either openly or tacitly supported the Parti Québécois (the CSD, true to its apolitical posture, remained officially neutral throughout the election). When the péquistes registered their unexpected triumph, the CSN and FTQ could barely restrain their joy. Norbert Rodrigue, president of the CSN (having replaced Marcel Péroin in 1975), exulted:

"C'est la victoire du monde ordinaire sur les forces obscures du capitalisme anglo-saxon et avec la victoire du Parti québécois, on peut dire que l'heure des débats fondamentaux a sonné au Québec." Fernand Daoust, secretary-general of the FTQ, exclaimed: "J'accueille cette victoire avec une joie indescriptible. On a l'impression, nous, ... qu'un vent de changement extraordinaire déferle sur le Québec et on pense qu'avec autant d'élus sensibilisés aux problèmes des gagne-petit, le climat des relations de travail va changer en profondeur." Only Yvon Charbonneau of the CEQ injected a cautionary note into the celebratory mood pervading the union movement after the PQ victory: "Même s'il n'y a rien de très clair pour les travailleurs dans le programme péquiste, il est au moins clair que ce gouvernement amorcera de grands débats, notamment sur la question de l'indépendance. Mais il devra dire au profit de qui se fera cette indépendance ..."⁴⁸

This virtually unanimous enthusiasm for the new government masked profound doctrinal differences among the three labour federations, and concealed the internecine debates within the union movement that had been sparked by the PQ victory. Only the FTQ supported the Lévesque government unequivocally; ironically, this federation, with its powerful international affiliates, was the sole labour organization in the province officially to endorse the indépendantiste party. Shortly before the 1976 election, Louis Laberge had claimed that the PQ was "la seule formation politique susceptible de remplir notre priorité: débarrasser le Québec d'un gouvernement vendu aux intérêts qui exploitent les travailleurs."⁴⁹ It is important to note that this support for the PQ was tactical, since neither Laberge nor the FTQ executive openly endorsed the idea of sovereignty-association. There was, however, mounting evidence--of which the canny Laberge was undoubtedly aware--that a majority of FTQ officials did support the PQ's political project. Rouillard, in his magisterial history of the trade-union movement in Quebec, cites a survey undertaken

after the 1973 provincial election which showed that 76% of the delegates to a recent FTQ convention had voted for the PQ (at a time when support for the party was equated in the public mind with support for independence).⁵⁰

A number of observers have argued that the FTQ's ties to the Lévesque government were prompted by organizational self-interest. Seeing the benefits (in terms of impressive increases in membership) that had accrued to the CSN during the Quiet Revolution as a result of its close collaboration with the Lesage administration and its hesitant endorsement of nationalist ideology, the FTQ leadership sought to appropriate péquiste discourse, despite the consternation this caused among the federation's international affiliates.⁵¹ Fern Miller contends that the FTQ could make such a strategic move toward the PQ, when the other two federations remained hesitant, because it organized fewer public-sector workers than either the CEQ or the CSN. It therefore had no real need to worry about how the PQ would act as an employer.⁵² As the analysis below will show, the FTQ did derive substantial policy concessions from the Lévesque government, at the cost of appearing ideologically opportunistic.

Debates over the proper stance to adopt toward the PQ and the independence question were much more rancorous in the predominantly public-sector federations than in the case of the FTQ. The CSN, despite its tortuous movement towards a pro-independence position between 1965 and 1975, was extremely wary of becoming too closely allied with the PQ, which it characterized as a "bourgeois party." CSN officials, from Norbert Rodrigue to the ultra-leftist, Michel Chartrand, did not want a repeat of the Quiet Revolution. In their view, the federation's strategy of collaborating with the Lesage government in exchange for policy concessions had deprived it of any means of contesting the Liberals' more repressive measures once the economic situation changed in the mid-1960s and the Quiet Revolution began to

gutter out. Moreover, a substantial portion of the CSN hierarchy worried that the PQ's independence project would inevitably lead to the subordination of social questions to the overriding issue of national sovereignty. In spite of these misgivings, however, the CSN indirectly encouraged its members to vote for the PQ in the 1976 election, by calling on its members to defeat the Liberals, thereby ensuring that the "rapport de force des travailleurs organisés soit le meilleur possible au lendemain de l'élection."⁵³

As in the case of the FTQ, the CSN leadership's circumspection on the national question, and its desire to maintain a critical distance from the PQ, contrasted sharply with the attitudes of those lower down in the union hierarchy. Miller, in her survey of delegates to the 1976 CSN congress, found that almost 73 percent of them had voted for the PQ in the 1973 election, and only 25 percent thought that the creation of a workers' party—the official line of the federation executive—was a high priority.⁵⁴

It was on the internal unity of the CEQ that the election of the PQ had its most deleterious impact. As I noted above, CEQ president Yvon Charbonneau was the most restrained among the various labour leaders on the morrow of the PQ victory, pointedly noting that Lévesque's party did not defend the interests of the working class and that it would have to be more forthright about the class nature of the independence project (whom would it benefit?). There was a sharp divide, however, between the CEQ's official stance and the attitudes of its middle-level officials and rank-and-file. An internal document submitted by the CEQ's press attaché, Hubert Sacy, to the CEQ general council shortly after the PQ victory, voiced the membership's growing dissatisfaction with the leadership's marxisant rhetoric and its unwillingness to collaborate with the PQ government.⁵⁵ Claiming that it was an "open secret" that the CEQ's language and many of its research studies did not correspond at all with its practices, Sacy affirmed:

Ce qui est ... certain, c'est que le Parti Québécois est un parti progressiste, que son programme contient des propositions fort intéressantes tant au plan de l'éducation que du côté des relations et des conditions de travail....Ce qui est aussi certain, c'est que le Parti Québécois est le parti pour lequel les travailleurs du Québec et les membres de la CEQ en particulier ont massivement voté le 15 novembre dernier, et que c'est le parti pour lequel ils ont voté par conviction, et non faute de mieux. ...Soyons clair: en termes de composantes de classes, le Parti Québécois, c'est le parti des membres de la CEQ, c'est le nôtre, celui de notre classe sociale....Il serait peut-être bon de signaler que la CEQ compte 14 de ses membres qui sont députés péquistes à l'Assemblée Nationale, et qu'aucun autre organisme n'en compte autant.⁵⁶

Sacy sardonically noted that even though the CSN seemed to be taking great pains to distance itself from the PQ government, loudly proclaiming its desire not to relive the "illusions of 1960," it was worth remembering that the political conjuncture of the Quiet Revolution had enabled the CSN to double its membership. Besides, Sacy claimed, the PQ of 1976 was not the Liberal Party of 1960--it was far more progressive, far more committed to Quebec's independence.⁵⁷ Therefore, Sacy urged the CEQ to adopt a policy of "la main tendue et l'oeil ouvert" toward the PQ, cooperating with the government in order to implement the progressive labour relations, educational, and other reforms outlined in its program.

This conflict over ideology and strategy within the CEQ culminated in the defeat of Yvon Charbonneau by Robert Gaulin, a representative of the péquiste faction in the federation, in the vote for president at the 1978 convention. According to Raymond Laliberté, himself a former president of the CEQ, two disparate factions in the federation--the péquistes, who advocated closer collaboration with the government along the lines suggested by Sacy, and the "conservatives," who had never accepted the leadership's conversion in the early 1970s to a Marxist analysis of Quebec society--joined forces to dislodge Charbonneau.⁵⁸ Charbonneau would later return as president in 1982, after the defeat of the referendum and after the failure of the collaborationist strategy had become apparent to virtually all tendencies in the union.

But the 1978 change in leadership threw into stark relief the ideological divisions within the public-sector unions that were opened up by the election of the Parti Québécois. It also underscored the inability of Charbonneau and, to a lesser extent, of the CSN's Rodrigue to win a majority of the rank-and-file over to their position of critical neutrality toward what many militants initially considered to be "their" party. These divisions within the public-sector federations, as well as their confusion over the national question, afforded the Lévesque government a crucial purchase over the unions between 1976 and 1980. So long as the national question remained unresolved, the PQ could appeal to the unions to hold their "sectional" demands in abeyance, which is precisely what the CSN and CEQ had feared would happen.

**(iv) The Stakes of the 1976 Election and the
Balance of Power in the First Lévesque Government**

English-Canadian and international (especially American) economic elites were not the only groups surprised by Lévesque's triumph in 1976: the PQ itself was ill prepared for victory.⁵⁹ The party was elected on a wave of discontent directed at the scandal-ridden and seemingly incompetent Bourassa administration, an incompetence especially evident in the area of linguistic policy, with the Liberal government's highly unpopular Bill 22. As well, the PQ's decision in 1975 to divorce a vote for the party from support for independence, by pledging to hold a referendum on sovereignty some time during its first mandate, had proven pivotal in attracting voters who were unhappy with the Bourassa administration yet not entirely enamoured of the prospect of independence.⁶⁰

The PQ government elected in 1976 was quite unlike any that had preceded it, in terms of the class backgrounds of its members. Overwhelmingly dominated by

educators of one sort or another, by former civil servants, and by journalists, the Lévesque cabinet was clearly a vehicle for the aspirations of the francophone new middle class.⁶¹ A number of individuals with ties to the labour movement, however (usually as lawyers for one of the major federations) ensured that the interests of this class were heard within cabinet. Moreover, so long as the national question remained unresolved, the technocratic elite in the party found it necessary to mollify the PQ's left wing and to treat the trade unions as potential allies in the fight for independence. This political factor limited the Lévesque government's margin for manoeuvre during its first term in office.

The Lévesque administration also found its freedom of action limited by other factors. Promising to provide "good government," the Parti Québécois was faced with a fairly dismal economic situation, and the portents for the future were dismayingly bad. The provincial economy had experienced only a short-lived recovery from the OPEC-induced recession in the early 1970s, and in 1976-77 both inflation and unemployment were on the rise, while manufacturing output was stagnant or declining.⁶² The new government faced the real possibility of an investment strike, since both foreign and domestic capitalists were apprehensive about the PQ's indépendantiste and social democratic proclivities. Most worrisome of all was the chaotic state of labour relations in the province: in 1976, over 6.5 million person-days were lost in strikes and lockouts, a figure that made Quebec a rival of Italy for the title of world leader in industrial militancy.⁶³

Faced with these daunting economic and social circumstances, the PQ administration cast about for policies that would simultaneously prove that it was an effective and competent administration—a "good government"—and help to prepare the proper climate for the passage of the proposed referendum on sovereignty-association. In order to convince workers, unionized and unorganized alike, of the sincerity of its

self-proclaimed "préjugé favorable aux travailleurs," the Lévesque administration enacted a series of pro-labour reforms immediately upon assuming office. The hourly minimum wage was raised to \$3 in January 1977, giving Quebec the highest rate in the country, along with British Columbia. Special legislation was introduced to remove Quebec's workers from the coverage of the federal Anti-Inflation Board (AIB), and thousands of civil suits launched by the Bourassa government in the wake of the most recent round of public-sector bargaining were quashed. All of these measures were enthusiastically welcomed by the labour movement, and denounced by the leading business associations in the province as signs of collusion between the PQ and the unions, in addition to being economically "stupid."⁴⁴

Most importantly, the PQ proceeded with a major overhaul of the Labour Code, the first substantive amendments (aside from those dealing with the construction industry or the public sector) to this legislation since 1969. In the following analysis, I argue that these reforms were intended, at least in part, to gain the support of the organized working class for the independence project. Before examining the politics of Labour Code reform during the PQ era, however, a brief excursus on construction-industry labour relations during this period is warranted, in order to bring that strand of my analysis to a close.

III. THE PARTI QUEBECOIS AND THE CONSTRUCTION INDUSTRY: A STABLE SYSTEM OF SECTORAL STATE CORPORATISM?

Labour relations in the construction industry during the Parti Québécois's two terms in office declined markedly in importance as a focus for legislative intervention. The Lévesque administration enacted only ten laws to regulate the construction

industry during its nine-year stay in power, as opposed to the Bourassa government's flurry of legislation (13 laws in a little more than six years). One of the bills passed by the PQ was to extend the trusteeship of the elevator mechanics' unions first imposed by the Bourassa government, and six others were relatively minor administrative changes. Only three laws, all of them dealing with the composition and duties of the representative associations of labour and construction employers, are of any relevance to this study.

I argued in the introduction that the declining rate of legislative intervention in Quebec's construction industry between 1976 and 1985 was caused in part by the nature of the PQ's economic policy, which relied much less on construction mega-projects such as the Olympics and James Bay than that of the two previous administrations. In René Lévesque's own words,

... depuis 20 ans, la croissance économique a été en bonne partie alimentée par les dépenses d'investissements publics dans la construction d'écoles, d'hôpitaux et d'autoroutes. Cette phase de rattrapage est à peu près maintenant révolue. Au cours de cette décennie, il faudra donc nous tourner surtout vers la croissance industrielle en exploitant à fond les ouvertures de marchés et de productions pour lesquels le Québec dispose d'une structure d'entreprise adéquate.⁶⁵

According to Lévesque, Quebec's economic future lay in the exploitation of its hydro-electric power, greater transformation of natural resources such as asbestos, and the development of certain industries, such as mass transportation and aeronautics, through joint ventures or state enterprises.

Another reason for the marked decline in construction industry labour relations legislation after 1976 was that the PQ was loath to alter the bargaining regime established in the wake of the Cliche Commission investigation without first giving it a chance to operate successfully. The PQ government's legislative restraint in this sector, it should be noted, was not a sign of the state's total withdrawal from collective bargaining in construction: two out of the three rounds of centralized

negotiations conducted during this period ended with government-imposed contracts. Construction labour relations between 1976 and 1985, with the exception of a fairly turbulent 1980, may have been more peaceful than at any time since 1966, but this relative tranquility was purchased at the cost of ever more state control of the industry, and a complete withering away of normal collective bargaining.

Shortly after coming to power, Labour Minister Pierre-Marc Johnson created the Comité d'étude et de révision de la Loi sur les relations du travail dans l'industrie de la construction (CERLIC), chaired by Professor Gérard Hébert of the University of Montréal. In its terms of reference, the committee was charged with investigating any problem--apart from the contentious issue of employment bureaus and hiring halls--arising from the application of the 1968 Construction Industry Labour Relations Act and its numerous amendments. The committee was also called on to submit a proposal for a revised law to the minister for consideration.⁶⁶

Noting that the construction industry had been the target of a legislative avalanche in the past decade, CERLIC affirmed that one of its principal objectives was to propose reforms of the labour relations regime that would not disrupt this sector any further, yet would allow for greater "flexibility and simplicity." As the committee stated in its report,

Nous avons constaté ... que nous sommes en présence d'un régime fort complexe, surréglementé et fortement criminalisé. Nous avons donc voulu simplifier, pour faciliter le fonctionnement de l'industrie et l'action syndicale, dérégement dans la mesure du possible pour laisser plus de liberté aux parties et décriminaliser pour favoriser de véritables solutions négociées....⁶⁷

With these objectives in mind, CERLIC made a number of important, though far from path-breaking, recommendations for changing the law. Among other things, its report called for greater decentralization of bargaining in the construction industry through the creation of sectoral negotiating tables (for housing, road-building, civil engineering, and so on). As well, the committee urged the government to retain the hybrid

system of European-style union pluralism in the construction industry, ensuring individual workers of the right to join the union of their choice, alongside of the principle of majority rule for the initiation of collective bargaining and the ratification of contracts. Thus any labour federation representing at least fifty percent of all construction workers would continue to speak for the entire workforce in contract negotiations. CERLIC also proposed a substantial change in the formula for determining the degree of representativeness of the various labour federations: instead of a weighted average based on three criteria—the number of workers belonging to a given federation as a percentage of the total workforce, the number of hours worked as a percentage of the total, and the average salaries earned by a federation's workers, again as a percentage of the total (a formula which, as we saw in chapter five, tended to favour FTQ-Construction)—the committee called for a return to the principle of "one man, one vote." In other words, CERLIC recommended that at specific times during the life of a contract, all construction workers—defined as those who had worked at least 300 hours in the construction industry during the previous year, a move which automatically eliminated large numbers of transient workers from consideration—be allowed to indicate their union allegiance in a secret-ballot vote supervised by the Office de la construction du Québec. Any federation obtaining fifty percent or more of these votes would effectively speak for all construction workers. Minority federations (those representing at least 15 percent of construction workers) would have the right to be present at the bargaining table and to make their own demands during negotiations.⁶⁸ The PQ acted quickly on this proposal, introducing legislation in June 1978, Bill 52, that conformed quite closely to the CERLIC recommendations.⁶⁹

CERLIC also recommended that the employers' federation, AECQ, become a "confederative" body, with each constituent association retaining considerable

autonomy in those areas not related to industrial relations (trade, investment, marketing, and so on). AECQ's duties would be restricted to representing its constituent associations in collective bargaining, which would bring it into line with contractors' associations located elsewhere in Canada, notably British Columbia. Under the existing system, the committee complained, most contractors felt that AECQ had become overly "gigantic and monolithic," usurping most of the functions formerly fulfilled by the six contractors' associations in the province.⁷⁰

The Lévesque government ignored the latter recommendation, preferring instead to exert even greater state control over the internal affairs of the employers' association (AECQ). In early 1979, the PQ enacted Bill 110, which empowered the government to modify on its own the statutes and regulations of AECQ in order to ensure that it adequately represented its six constituent associations.⁷¹ The Office de la construction du Québec has recently observed, however, that the question of the composition and functions of the AECQ remains unresolved to this day: despite the heavy hand of the state in its internal affairs, the employers' association has been prone to considerable friction among its various members, a divisiveness that at times has hampered collective bargaining.⁷²

Bill 110 also took a tentative step toward greater flexibility in the construction industry by removing so-called "artisans" from the coverage of the Construction Industry Labour Relations Act. The CERIC report had noted that artisans constituted a distinct category within the industry--they were neither full-fledged employers nor construction workers in the strict sense of the term. Given the highly transitory and unstable nature of their work--the artisan of today, the committee noted, is often employed a short time later as a regular salaried worker for a construction firm--artisans can fill the role of an adaptive mechanism for the construction labour market. The government agreed with this proposal, but met with

opposition from both the unions and the employers, who feared unfair competition from unregulated artisans, especially in the housing industry. This question, like the composition and functions of AECQ, remains unresolved today.⁷³

A third major piece of construction industry labour legislation was passed by the PQ government in December 1980 in response to yet another schism within the labour movement, this time between the FTQ and its affiliated international building trades locals. The ostensible cause of this conflict was the FTQ's decision to harbour a 12,000-member group of electrical workers which had broken away from the International Brotherhood of Electrical Workers (IBEW) in the late 1960s. For a time, the IBEW had been able to live with this arrangement, but by 1979 it had begun to call on the CLC to "discipline" the FTQ for flouting the parent organization's constitution, which strictly forbids dual unionism. This dispute, along with a longstanding controversy over the system of voting employed by the CLC (which, in the eyes of the international building trades, favoured unions with numerous small locals at the expense of larger unions with a limited number of affiliates), eventually culminated in a decision by the international unions to withhold their dues to the CLC. They were subsequently expelled from the CLC in 1982, and later formed a new labour association, the Canadian Federation of Labour (CFL). This new organization quickly became the darling of the Trudeau and Mulroney governments because of its stance of studied political "neutrality" and emphasis on business unionism.⁷⁴

In Quebec, this long-simmering conflict between the FTQ and the building trades became the pretext for an attempt by the FTQ leadership to gain a de facto representational monopoly among the province's construction workers, which it would not have to share with Washington-based unions. This "raid" on the members of the international unions, grouped under the umbrella organization, the Conseil provincial

du Québec des métiers de la construction (CPQMC), was legitimized by Bill 109.⁷⁵ Prior to this legislation, the CPQMC had held the official mandate to represent the FTQ's members in collective bargaining (that is, it was the organization specifically mentioned in the Construction Industry Labour relations Act). Bill 109 created a new representative association in the construction industry, FTQ-Construction, and called for a vote among the federation's workers in order to determine their allegiance. Held in March 1981, the results of this vote indicated a resounding victory for the Quebec-based federation: just over 49 percent of the province's construction workers wanted the Quebec-based federation to represent them in contract negotiations, while 19 percent of the provincial workforce retained their affiliation with the Conseil provincial du Québec des métiers de la construction (see Table 7.3). The FTQ's triumph in this battle with the international unions for representational supremacy in the construction industry was tempered, however, by the fact that no labour federation after 1981 attained the magic threshold of 50 percent. Under the terms of existing labour law, therefore, no single representative association of labour could initiate collective bargaining or sign a contract on its own. Moreover, in the union affiliation votes held since 1981, the FTQ has experienced a more or less constant decline in its membership, while the international unions have grown steadily (see Table 7.3). Evidently, the FTQ's gamble that a favourable PQ government could provide it with its cherished dream of a representational monopoly in the construction industry was a spectacular failure.

Table 7.3: Union Affiliation of Quebec Construction Workers, 1975-1985 (%)

		1975 ^a	1978	1981 ^b	1981	1983	1985
CSD		3.6	7.0		9.9	9.1	8.7
CSN		14.8	24.1		19.4	17.3	18.5
CPQMC ^c	}			19.1	23.7	30.8	29.6
		50.5	68.3				
FTQ				49.2	45.3	41.8	42.1
SCCN ^d		0.3	0.5		0.7	0.8	1.1

^aThis column does not total 100% because non-voters were considered a separate category. For all other years, those construction workers who failed to vote were considered to have preserved their union affiliation from previous years.

^bIn March 1981 a vote was held among FTQ members to determine whether they wished to remain with the Quebec-based federation or join the breakaway international building trades unions.

^cConseil provincial du Québec des métiers de la construction (international unions).

^dSyndicat de la construction Côte-Nord de Sept-Iles.

Source: Commission de la Construction du Québec, Analyse de l'industrie de la construction au Québec (October 1988), p.3.

As the situation now stands, either some sort of union coalition has to be formed during negotiations, or else the government is forced to impose a collective agreement. This is precisely what happened in 1982 and 1984: in both cases, temporary coalitions of construction unions were created, only to unravel a short time later because of disagreements on one or another of the bargaining issues. Each time, therefore, the PQ government intervened to determine wages and working conditions for the industry. In the only other round of bargaining held while the PQ was in office, in 1979, the FTQ still represented a majority of construction workers, and the unions and the contractors did manage to negotiate a collective agreement. Nonetheless, this contract was signed only after the government had issued a decree extending the provisions of the previous contract for three months.⁷⁶ In the ten years of its existence, therefore, the bargaining regime created by the Bourassa government in the wake of the Cliche Commission inquiry has been almost completely dependent on state intervention for its continued operation.

This concludes the analysis of labour policy in Quebec's construction industry. I have shown that government policy in this sector has been shaped by a number of different variables: the short-term political and economic objectives of the ruling party (job creation and the struggle against separatism), the policy inheritance bequeathed to a succession of governments (the 1934 Loi des décrets, the Union Nationale's commitment to wage parity in the public sector, which affected the Bourassa government's interventions), the role of the technostructure (Robert Sauvé's involvement in the drafting of Bill 290), and the fragmentation of the provincial state apparatus (the competition between Paul Desrochers and the SEBJ/SDBJ, for instance). Each intervention by the state has engendered a series of unanticipated consequences, usually necessitating further state intervention, to the point where collective bargaining

in the construction industry has become something of a fiction. Both labour and employers benefited from the corporatist system established in the province: the wages, benefits and bargaining power of construction workers increased dramatically, while the forced unification of the employers under the aegis of the AECQ served to create an organizational counterweight to the FTQ.⁷⁷ Contractors may continue to complain loudly and publicly about the oppressive weight of the state in Quebec's construction industry, but the economic and political costs of dismantling this system probably outweigh any benefits that might accrue from deregulation (at least in the short term, which is usually what dominates the thinking of the politicians who would have to undertake the deregulation). As for the unions, most of them would probably echo Michel Bourdon's assessment: despite its flaws (excessive centralization and bureaucratization), the bargaining regime in Quebec "is better than anywhere else in North America."⁷⁸ Those who suffer the most from this stable system of corporatist labour relations are the young workers trying to enter the construction labour market, for there are nearly insuperable barriers to such entry.⁷⁹

Most importantly, in terms of the sorts of questions addressed in this dissertation, the differences between the Quebec system and those found elsewhere in North America cast some doubt on the claim that these particular policies were somehow necessary to ensure the hegemony of capital (or a particular fraction of capital) in this industry. They point instead to the considerable margin for manoeuvre possessed by any government when responding to changing economic and political circumstances.

IV. BILL 45 AND THE REFORM OF THE LABOUR CODE:
TOWARDS "SYNDICARCHIE"?

Given his reputation as a radical, Jacques Couture's appointment as Minister of Labour in the first Lévesque cabinet caused considerable anxiety among Quebec's business community. This fear was no doubt exacerbated by Couture's pronouncement that the government would move forward on its pledge to introduce anti-scab legislation, in order to ensure that the strike was a truly effective weapon in the hands of organized labour. Too often, Couture remarked, the right to strike was rendered illusory by employers' use of strikebreakers—professional scabs or simply workers hired after collective bargaining with the union had already begun. Any government that purported to be social democratic, Couture claimed, would have to alter the balance of power between workers and management, to the benefit of labour, by guaranteeing that a strike would entail a complete stoppage of production.⁸⁰

The PQ government's firm intention to introduce so-called anti-scab legislation as quickly as possible, despite the vociferous opposition of the business community, was in part the legacy of the protracted (twenty-month) strike at the United Aircraft plant in Longueuil, a suburb of Montreal, in 1974 and 1975. Rouillard labels this dispute "one of the longest and most violent in the history of Quebec trade unionism."⁸¹ Since the strike had a profound impact on the shape of the PQ government's labour policy, it is worth describing it in some detail. According to Robert Dean, who at the time of the strike was the Quebec director of the United Auto Workers (UAW), it was a "war" in which United Aircraft, the recipient of handsome subsidies from both levels of government, hired scabs, employed security services to intimidate the strikers, and waged a form of psychological warfare, sending foremen door-to-door to talk to the wives and children of the striking employees in

the hopes that the families would pressure the workers to return to their jobs. In fact, the union obtained an injunction against United Aircraft to prohibit the use of intimidation, one of the rare occasions in the history of Quebec labour relations when this has occurred.⁶²

Dean contends that the UAW's demands in 1974 were "minimal." Essentially, the union was seeking a number of concessions that most other aerospace companies with unionized workforces (Spar, De Havilland, McDonnell-Douglas, all of Toronto) had long ago granted their employees: the Rand Formula (deduction of union dues from the pay cheques of all members of a given bargaining unit, whether they belong to the union or not), the right to work voluntary overtime, a cost-of-living allowance, and an across-the-board wage increase of \$1.45 per hour, in order to narrow wage differentials between the highest and lowest paid sections of the workforce. In addition, the union was pressing United Aircraft for an unrestricted right to use French in the workplace, something the multinational had doggedly resisted in the past.⁶³ Finally, as the conflict dragged on, the right of striking workers to return to their jobs became one of the UAW's key demands.

When the strike was finally settled--in the office of Premier Bourassa, and only after the intercession of a committee of eminent persons, among them Claude Ryan, editor of Le Devoir, and Vincent Prince, his counterpart at La Presse⁶⁴--the union won only a partial victory. Most importantly, the settlement did not include the Rand Formula, which, according to Dean, a McGill University study in the early 1970s had shown was contained in over 93 percent of all collective agreements then in force in Quebec.⁶⁵ At the political level, however, the UAW was much more successful: the United Aircraft strike led to a marked radicalization in the Parti Québécois's position on labour relations. René Lévesque overcame his antipathy to such events and actually took part in a solidarity rally for the United Aircraft workers. Robert Burns

introduced a private member's bill to make the Rand Formula compulsory in all unionized plants in the province, and the PQ began to agitate for effective "anti-scab" measures that would prohibit the kind of manoeuvring undertaken by United Aircraft management in order to avoid true collective bargaining. It was hoped that this type of legislation would prevent acts of violence similar to those that had occurred on the picket lines in Longueuil.⁶⁶

The UAW achieved a complete victory--albeit a belated one--only when the Parti Québécois government introduced Bill 45 in July 1977.⁶⁷ This piece of legislation, according to Rouillard, was the "direct consequence" of the United Aircraft dispute. Robert Dean claims that the main provisions of Bill 45 were "tailor-made to fit the demands of the United Aircraft workers."⁶⁸ Interestingly, it was not Jacques Couture who actually shepherded Bill 45 through the National Assembly, although the first draft of the law was largely his creation. Just days before the proposed bill was unveiled, Couture was removed from the Labour portfolio, remaining in cabinet as the Minister of Immigration. Although Lévesque was at pains to state that this move was not a demotion for Couture, who had held both portfolios between November 1976 and July 1977, it was widely perceived to be just that in the press. Couture himself speculated that the change was partly due to his penchant for inflaming the business community with his pro-labour pronouncements and partly the result of his failure to satisfy the trade unions, which had been more than a little distressed by the lengthy gestation period experienced by the anti-scab bill. Pierre-Marc Johnson, Couture's replacement, was viewed as a polished technocrat capable of smoothing over the controversies created by his predecessor. Johnson was also much more moderate than Couture, and thus more likely to assuage the growing anxieties of the business community over the proposed reforms of the Labour Code. Indeed, after his swearing in, Johnson cited as one of his primary objectives as Minister of Labour the

creation of "un juste équilibre entre les droits des travailleurs et les besoins des entreprises. Tout en rétablissant la dignité des travailleurs, il faudra se garder de ne pas égorger les petites et moyennes entreprises qui sont celles qui ont le plus de difficultés à supporter les coûts du syndicalisme ..."

Bill 45 contained six major reforms of the Labour Code, three of them quite contentious. First, the least controversial reform involved an easing of certification procedures, by providing for secret ballot votes once the union seeking certification could demonstrate that it had signed up between 35 and 50 percent of the workers in the bargaining unit in question. Secondly, the new bill stipulated that after a strike or lockout, every worker would have the right to return to his or her previous job, unless the employer had sufficient cause not to rehire the employee. In the latter case, the burden of proof would fall on the employer. A third reform provided for the compulsory arbitration of first contracts in the event of a dispute. Quebec thus became the third province, after British Columbia (1973) and Manitoba (1976), to allow for such a procedure; Ontario (1986) and the federal government (1978) enacted similar legislation not long after.⁹⁰ Bill 45 stipulated that once the intervention of a conciliator had proven fruitless, one of the parties to the negotiation of a first contract could request that the dispute be submitted to a "council of arbitration" (amended in the second version of the bill to an individual arbitrator). If the arbitrator deemed it necessary to impose a contract, any strike or lockout then in effect would immediately cease, a provision distinguishing the Quebec legislation from that of other jurisdictions offering this procedure.

The fourth reform enacted by Bill 45 provided for the check-off of union dues and agency fees from all workers in a given bargaining unit, whether or not they were members of the union (the Rand Formula). Quebec was the second province, after Manitoba (1972), to enshrine in law this substantial inducement to union security

(Ontario followed suit in 1980).⁹¹ Unlike the other jurisdictions that have implemented similar union security clauses, however, Quebec made no attempt to attach conditions to the Rand Formula in order to protect individual rights, such as placing restrictions on the union's use of these funds (for political purposes, for example), allowing exemptions from the dues check-off for individual employees on religious or political grounds, or guaranteeing the right of individual workers to contest "unreasonable" dues.⁹²

One of the most innovative and controversial reforms implemented by Bill 45 was its so-called anti-scab provision. The bill prohibited the hiring of workers to replace those on legal strike, something that no country in the world, apart from Mexico, has done. Although British Columbia and a number of American states have outlawed the hiring of professional strikebreakers, no jurisdiction has gone as far as Quebec in placing limits on management's ability to maintain production during a work stoppage.⁹³ Not only did Bill 45 enjoin employers from hiring workers after the commencement of negotiations to replace those who might go (or were) on strike, it also prohibited the transfer of workers between two different plants in the same firm at the time of a dispute, where one plant was still in production and the other was embroiled in a strike or lockout.

Bill 45, with its prohibition on the use of "scabs" (broadly defined), went some way toward ensuring that a legal strike really did bring about a stoppage in production, and altered fairly dramatically (in theory at least) the traditional balance of power between unions and management. The legislation therefore had important symbolic value, even if only a tiny minority of industrial disputes involved the use of strikebreakers or degenerated into violence. This point was made by Liberal MNA Claude Forget, who claimed that Bill 45's anti-scab provisions were not designed to deal with a pressing problem in Quebec's labour relations but were rather intended

to shore up the PQ's self-styled image as the friend of labour. And according to Gérard Dion, the former Dean of the School of Industrial Relations at Laval University, Ministry of Labour statistics indicate that 95% of collective agreements in the province are signed without violence or the use of scabs (see also Table 7.4 below). Although both Forget and Dion make valid points, the view adopted here is that the anti-scab provisions in Bill 45 were much more than cosmetic modifications of the law designed to deal with a non-existent problem or to appease organized labour.⁹⁴ The fundamental importance of this aspect of the legislation will be made clear in the analysis below.

As fate would have it, an incident occurred just shortly after the first draft of Bill 45 was introduced that underscored the need for such legislation. At the Robin Hood Multifoods plant in Montreal, security guards hired by the company to protect workers crossing the picket line fired on a crowd of angry strikers. Eight workers were sent to hospital as a result of the confrontation. As Graham Fraser noted, "the shots in the shipping yard were helpful; they dramatized the situation that [Bill 45] was intended to deal with..."⁹⁵.

The sixth and final reform contained in Bill 45 consisted of a number of guarantees of "union democracy." The proposed legislation compelled unions to include in their statutes a provision for the holding of secret ballot votes among the membership (of the union, not the entire bargaining unit) before a strike could be legally initiated or a collective agreement ratified or rejected. The bill made no provision for external (government) supervision of these votes.

Reaction to the first draft of Bill 45 was immediate, vociferous, and polarized. All three union federations gave qualified approval to the proposed law: although they were by and large satisfied with those sections of the bill outlawing the use of strikebreakers, providing for the arbitration of first contracts, and imposing the Rand

Formula, they were adamantly opposed to any state interference in their internal affairs (the guarantees of "union democracy" contained in Bill 45). The reaction of the FTQ, the most moderate of the three federations, was typical of the labour movement's attitude to the government's proposed revisions of the Labour Code:

A nos yeux, le projet de loi 45 ne constitue pas une réforme majeure dans le domaine des relations de travail; il s'agit tout au plus d'une révision normale, et à bien des égards incomplète et insatisfaisante, du Code du travail en vue de mieux l'ajuster aux pratiques quotidiennes des relations de travail ... il constitue un strict minimum qui permettra peut-être d'assainir le climat des relations de travail.⁹⁶

The anti-scab provisions, according to the FTQ, constituted a "clear improvement over the status quo," but nevertheless left the door open to employers who wished to circumvent the spirit of the law through such devices as the contracting out of production to non-union firms. As for the legal guarantees of union democracy, the FTQ labelled them an "odious" and unacceptable invasion of the already democratic union organizations by the state, made all the more repellent by the fact that employers had no comparable legislative burden imposed on them. This attempt by the state to usurp the functions of union organizations also opened the way to "une guérilla juridique qui pourra être menée par quelques individus désireux d'entraver au maximum l'action syndicale."⁹⁷ In the future, any employer or disgruntled employee (who need not be a member of the union) could delay strike action by contesting the validity of the strike vote in the courts, if Bill 45 were passed without amendments.

Reactions to Bill 45 in the business community verged on the apoplectic. All sections of the business world condemned the proposed changes to the Labour Code, particularly the anti-scab measures and the imposition of the Rand Formula, as the confirmation in policy of an unholy alliance "between the PQ government and the union establishment at the expense of the small wage earners of Quebec."⁹⁸ Jean-Paul Létourneau, executive vice-president of the Quebec Chamber of Commerce,

characterized Bill 45 as yet another nail in the coffin of Quebec's economic recovery: "Qu'après la plus haute salaire minimum en Amérique du Nord, la baisse des investissements privés, le plus haut taux de chômage de notre histoire, on se permette le luxe de se tirer en l'air avec une loi semblable ... je n'en reviens pas!"⁹⁹ And, as I noted above, the various representatives of the PME viewed Bill 45 with alarm, for, in their minds, they had insufficient resources to cope with the drastically increased powers of organized labour ushered in by the legislation. What seemingly bothered the various organizations of business about Bill 45 more than anything else was the government's duplicity in implementing such a one-sided measure. As the CPQ noted, the proposed law came on the heels of the highly publicized "economic summit" held at Pointe-au-Pic in May 1977, at which Premier Lévesque had studiously avoided any mention of an anti-scab law, for fear of disturbing the "consensus" among the socioeconomic partners that had been painfully cobbled together. To introduce Bill 45 only two months later, the CPQ remarked, was akin to "moral treason."¹⁰⁰

For the CPQ and the other organizations of business in Quebec, the first version of Bill 45 represented the government's abject capitulation to the demands of the trade unions. Their principal complaint was that the proposed law would increase the powers of union organizations (through the guaranteed financial security of the Rand Formula and the anti-scab measures) without placing any offsetting obligations on them, either to their members or to the nation as a whole. In their opinion, the bill would strengthen collective rights (those of the unions) at the expense of individual liberties, effectively making union members "prisoners" of their own organizations. As for the guarantees of union democracy included in the legislation, the CPQ dismissed them as "derisory."¹⁰¹ In the CPQ's view, the government ought to have placed strict limitations on the uses to which compulsory

union dues and agency fees (paid to the unions by non-members) could be put. Moreover, it ought to have guaranteed exemptions from the payment of dues to those workers who objected to unions on religious or political grounds, or allowed them to divert their fees to an organization other than the union, a charity, for example. As well, the CPQ called for strict state supervision of union strike votes, in the belief that "demagogic" labour leaders, under the proposed law, could still manipulate or intimidate rank-and-file workers into supporting a work stoppage, and urged the government to allow all members of the bargaining unit, not just union members, to have a voice in strike votes or other important matters (contract ratification, return to work, and so on).

According to the CPQ, the anti-scab provisions contained in Bill 45 encroached on capital's right to dispose of private property as it saw fit; this, combined with the other patently pro-union measures in the law, would inevitably harm the investment climate in the province. More and more firms, the CPQ warned, would find investment in the United States more appealing than setting up production in Quebec. Many corporations would undoubtedly move their facilities elsewhere to escape this oppressive labour legislation, and this would cost the province thousands of jobs.¹⁰²

Not surprisingly, Pierre-Marc Johnson, as the minister responsible for the implementation of Bill 45, proved to be much more solicitous of the needs of business than his predecessor, Jacques Couture, had been. After the outcry raised by the first draft of Bill 45 had died down somewhat, a second version was introduced into the National Assembly in late November 1977. It contained two important amendments: the first diluted the anti-scab provisions by stipulating that employers would be permitted to "take the necessary means," including the hiring of relief personnel, to prevent the destruction or serious deterioration of their property. The second series of amendments tightened the rather sketchy guarantees of union democracy contained

in the original bill. In the case of secret-ballot votes on strikes and other contract matters, and for the election of union officers, the new bill specified that a union had to take the necessary steps to inform its members of an impending vote, giving them at least forty-eight hours notice of the time and place where it would be held (no provision was made for government supervision of the votes). The new bill also stipulated that a union could not act in a discriminatory or negligent manner or in bad faith toward any of the members of the bargaining unit, whether they belonged to the union or not. Any employee who had been fired or subjected to a disciplinary sanction, and who felt that the union had not represented him or her adequately, could appeal in writing to the Minister of Labour, who, if the circumstances of the case warranted it, could appoint a commissioner to investigate the complaint and attempt to resolve it. Failing this, the aggrieved employee had recourse to a tribunal which was empowered to render any judgement it deemed necessary (including financial restitution to the employee). Finally, the second version of Bill 45 compelled unions to divulge their financial status annually to their members, and to submit a free copy of the financial statement to any member requesting one.

Clearly, for organized labour in Quebec the second draft of Bill 45 represented a considerable retreat from the first version, as Claude Ryan perceptively noted: "On tentait dans une première démarche de satisfaire le plus possible aux attentes des milieux syndicaux. On tente surtout cette fois-ci de faire écho à maintes représentations patronales."¹⁰³ This apparent dilution by the PQ of its "favourable prejudice toward labour" in the face of business pressure had serious repercussions on governmental unity. Some of the more progressive members of the PQ caucus, led by Guy Bisailon, Claude Vaillancourt (a lawyer from Jonquière), and Guy Chevette, publicly announced their opposition to Johnson's amendments, particularly the changes to the anti-scab provisions, which they viewed as a potential "escape

hatch" for employers seeking to break a strike. The PQ's national council also expressed its unhappiness with the second version and passed a resolution at an emergency meeting in mid-December (while Bill 45 was in committee) calling for an amendment to the bill that would prohibit employers from using the clause concerning the protection of their property as a pretext for continuing production during a work stoppage (Johnson did include such an amendment in the final version of the bill).¹⁰⁴

Organized labour—with the notable exception of the FTQ, which maintained that Bill 45 was still an improvement, albeit a timid one, over the status quo—castigated the government's change of direction and sought to mobilize public opinion to convince Johnson to withdraw the bill entirely. Norbert Rodrigue, president of the CSN, castigated the PQ for its "treachery" in amending the original bill, and urged those members of the union who happened to belong to the Parti Québécois to return their membership cards to the Minister of Labour himself in order to register their disapproval of the changes.¹⁰⁵ An emergency meeting of the CSN, dubbed the "Estates General," was held in early December, and was followed by a rally of some 3,000 members of the CEQ and CSN on December 16. The CEQ openly admitted that this public relations campaign was aimed as much at the union rank-and-file, which was still inclined to see the PQ government as its ally, as it was at the public or the government itself: "dans le but de s'assurer l'appui de la base, 'qui a voté pour le Parti québécois aux dernières élections et qui n'est peut-être pas aussi désenchantée que l'exécutif,' le conseil général [de la CEQ] a décidé de lancer ... une campagne d'information auprès de ses membres 'pour qu'ils prennent connaissance de l'odieux de ce projet.'"¹⁰⁶

What the CEQ and CSN leadership found especially galling about the new version of the bill was the further "judicialization" of labour relations entailed by the

amendments. The CEQ claimed that the union movement had no quarrel with the government's desire to guarantee the safety of an employer's property during a work stoppage, but it also affirmed that the problem with Johnson's amendment "provenait plutôt de la nouvelle porte qu'elle ouvrait à des employeurs traditionnellement aguerris à utiliser la moindre virgule d'une loi favorable aux travailleurs pour échapper à ses dispositions."¹⁰⁷ As for the CSN, it considered the amendments to the anti-scab section an emasculation of the original bill, and called on the government to quit "deceiving" workers by continuing to speak of an "anti-scab" law.¹⁰⁸ On the issue of legislated guarantees of union "democracy," both the CSN and the CEQ pointedly noted that the PQ hierarchy had ignored a resolution on abortion that was passed at the party's convention in May 1977, and that it therefore had little to teach the unions about democracy.¹⁰⁹ Moreover, the CEQ characterized the government's craven capitulation to the CPQ's demand that it "discipline" the unions in order to maintain internal democracy as "absolutely scandalous and revolting, when one considers the despotism of most commercial and industrial enterprises."¹¹⁰

For all the outrage among union leaders elicited by the revised version of Bill 45, Johnson's amendments did not gain the unqualified approval of the business community, far from it. The CPQ was still adamantly opposed to the anti-scab provisions (as amended) and wanted the government to go much further in guaranteeing individual rights within trade unions. It was still inclined to see the proposed law as "pro-labour," and called for a one-year moratorium on the implementation of changes to the Labour Code in order to permit detailed study of the impact that the Rand Formula and the anti-scab measures would have on different sectors of the economy. Perhaps the attitude of the business world to the proposed law was best summarized by Gérard Dion: the anti-scab measures, he claimed, introduced a "dysfunctional" element into the province's system of labour relations,

and would likely lead to an increase in strike activity, since union leaders would henceforth be assured of "an obligatory solidarity." Like the compulsory dues check-off, which in the second version of Bill 45 was still not accompanied by offsetting obligations on the part of the union organizations to their members, the anti-scab measures strengthened the collective rights of unions. Dion claimed that both provisions profoundly altered the traditional balance of power between unions and management, creating a situation of syndicarchie, or government by unions.¹¹¹

Dion's criticism of the first version of Bill 45, it should be noted, had been even more venomous, as he inveighed against the "authoritarian" tenor of the law and claimed that it was reminiscent of the style of industrial relations practised in fascist Italy! There is certainly more than a grain of truth in this characterization of Bill 45, which did considerably augment the powers of the state in the affairs of nominally "private" institutions (unions). But, as Dion himself acknowledges, the law drastically increased the powers of the unions as well as those of the state, and thus it was a far remove from fascist practice, where union organizations had been thoroughly dominated, to the point of being emasculated, by the state.¹¹²

What has been the impact of Bill 45 on labour relations in Quebec, particularly on the balance of power between unions and management? More importantly, what does the agonizing gestation of Bill 45 tell us about the nature of state autonomy during the Parti Québécois's tenure in power? Many of the reforms enacted by the bill can be characterized as important, if far from revolutionary, concessions to organized labour. Changes in the certification procedures, though on the whole favourable to the unions, made almost no dent in the overriding problem that troubled most labour leaders in the province--the disconcertingly low levels of unionization in Quebec's private sector. Imposition of the Rand Formula, without any of the qualifications or provisos that are attached to it in other jurisdictions,

represented an important symbolic victory for trade unions in Quebec. Nonetheless, the number of workers actually affected by this clause was quite small, since the vast majority of collective agreements already contained such a provision. Similarly, the right of striking workers to return to their jobs, and the allowance for the compulsory arbitration of first contracts were significant concessions to organized labour that in all likelihood will reduce the length and severity of a key category of work stoppages in the province: disputes over first contracts are often the most protracted and bitter of labour relations conflicts, while the issues of "return-to-work protocols" and the firing of workers for their activities during a strike, as the United Aircraft dispute attested, are extremely contentious ones.

It was the anti-scab provisions, however, as well as the guarantees of union democracy (which will be discussed later) that had the greatest impact on the system of labour relations in Quebec. After three years of experience with the new bargaining regime, organized labour made the following assessment of the anti-scab measures:

Les dispositions relatives aux scabs ont en réalité contribué à rendre le déséquilibre de la législation en faveur des employeurs un peu moins grand; elles sont très en deça des modifications qui étaient demandées et nécessaires pour respecter pleinement le droit de grève et armer les travailleurs adéquatement....[L]es travailleurs ne sont pas égaux devant cette loi; ceux des petites et moyennes entreprises sont mieux protégés que ceux des multinationales ou des grandes sociétés commerciales financières et industrielles; les moyens dont disposent ces sociétés leur permettent de profiter des faiblesses de la loi et de contrer les mesures inadéquates mises en oeuvre pour la faire appliquer.¹¹³

A study of the anti-scab measures carried out by the Department of Labour in 1982 confirmed this analysis.¹¹⁴ This document indicated that the use of scabs was even more widespread after the passage of Bill 45 than it had been before: between 1972 and July 1977, scabs were employed in 27 out of 755 labour disputes (3.6%); in the three years (1978-1980) after the enactment of Bill 45, scabs were utilized in 56 out of 1,101 disputes (5.1%; see Table 7.4). The increase after 1978 in the average size of

labour disputes involving scabs indicates that it was the larger corporations that were most easily able to circumvent the law. By far the most common tactic for avoiding the anti-scab provisions was to hire a subcontractor: the law specified that no "person" was to be hired to replace a worker on legal strike, but it was unclear whether corporate entities (personnes morales) were included under this designation. A number of contradictory judicial decisions on the legality of hiring individual entrepreneurs or corporations to do the work of strikers had been handed down between 1978 and 1980, and the authors of the study implied that this legal loophole required the attention of the government.¹¹⁵

Despite the many violations of the spirit (and sometimes the letter) of the law, the authors of the study concluded that the anti-scab provisions had had tangible benefits: the average length of all disputes in the province had declined from 36.4 to 33.2 days, and the authors cautiously noted that the anti-scab provisions had played at least some role in this trend.¹¹⁶ Moreover, the average length of strikes involving scabs had decreased markedly from 171 days to 111 days (see Table 7.4), suggesting that employers may have tried to use strikebreakers as often as they had in the past, but the government was reasonably successful in prosecuting these illegal activities and putting a stop to them. Bureaucratic red tape involved in this process of investigation, however, meant that there were often lengthy delays between the time a union called for an inquiry into a particular dispute, and the time a decision was actually handed down.

Table 7.4: Impact of Anti-Scab Measures on Industrial Disputes

	1972 - 1977		1978 -1980	
	all disputes	disputes involving scabs	all disputes	disputes involving scabs
number of disputes	755	27	1101	56
average length (days)	36.4	171	33.2	111
average size	521	166	454	479
total number person- days lost (millions)	9.07	1.12	9.84	1.10
average number person- days lost ('000)	12.0	41.5	8.94	19.6

Source: Louis Garant, Centre de recherche et de statistiques sur le marché du travail, Les briseurs de grève et le Code du travail (Quebec: Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu, March 1982), Table 1, p.61.

In June 1983, the Parti Québécois government moved to close off the loopholes in Bill 45 and tighten up its anti-scab provisions. Bill 17,¹¹⁷ ratified on June 23, prohibited the contracting out of work normally performed by workers who are on a legal strike, and banned the use of management personnel to replace striking workers. All three union federations applauded the bill, although each of them called on the government to proceed with a much more far-reaching reform of the Labour Code in order to deal with the limited inroads made by trade unions in the private sector.¹¹⁸ These oft-repeated demands that the Parti Québécois finally live up to the promises to increase levels of unionization that were contained in its program eventually culminated in the creation of the Commission consultative sur le travail et la révision du Code du travail (usually referred to as the Beaudry Commission, after its president). This important study group will be examined in greater detail in chapter eight.

Not surprisingly, the various business organizations in the province were outraged by the government's decision to strengthen the anti-scab clauses in the Labour Code. According to the CPQ, the Quebec Labour Code was already one of the most restrictive in North America, the PQ having enacted a series of uniformly pro-labour amendments. Any further legal burdens placed on the province's corporations, it noted, could only assist the competition in other jurisdictions, where labour relations policy was less biased in favour of trade unions.¹¹⁹ The Chambre de commerce de la province de Québec (CCPQ) claimed that Bill 17 would further distort the balance of power between unions and management, in favour of the former, and that it would "paralyze" the PME. Moreover, the CCPQ wondered whether the PQ was surreptitiously attempting to establish "un régime universel de syndicalisation ... si le syndicalisme est, de l'avis de ses missionnaires, le plus enviable, il n'est pas pour autant le plus envié."¹²⁰ Both the CPQ and the Chambre de commerce warned of

dire economic consequences—the departure of some major companies from the province, and a possible investment strike—if the bill were adopted. In a highly publicized case not long after Bill 17 was enacted, Menasco, a manufacturer of airplane parts (and a subsidiary of New York-based Colt Industries) announced its intention to shut down its Quebec operations and relocate across the Ottawa River in Hawkesbury, Ontario, citing the oppressive nature of Bill 17 as the primary reason for its departure. Spokesmen for the firm claimed that the new law effectively removed a company's right to attempt to survive a legal strike (which was then in effect at the plant); only the complete withdrawal of Bill 17 would make it reconsider its decision to leave.¹²¹

Bill 17, it should be noted, was passed at the height of the worst recession in Quebec since the 1930s, and not long after the mutually destructive conflict between the government and the Common Front unions in the 1982 round of public-sector bargaining. The timing of this law is important because the reforms were so clearly at odds with the coercive labour relations strategy pursued by the Parti Québécois in the public sector, and with the repressive measures then being implemented in the private sector by right-wing governments in British Columbia and Alberta. The Social Credit government in British Columbia, for example, passed legislation in 1983 and 1984 to outlaw secondary picketing, prohibit strikes at work sites that the cabinet designated as "economic development projects," and permit the contracting out of work normally done by public-sector workers.¹²² In Alberta, according to Panitch and Swartz, "an already repressive situation took a sharp turn for the worse" in the early 1980s with a series of administrative rulings and legislative amendments that severely curtailed trade-union freedoms, especially in the construction sector.¹²³ Interestingly, at the time of the nasty conflict at the Gainers plant in Edmonton in June 1986, the Alberta labour movement was calling for anti-scab legislation to prevent owners like

Peter Pocklington from hiring what are euphemistically referred to as "replacement workers" in order to continue production during a legal strike.¹²⁴ Equally interesting is the fact that Panitch and Swartz, in their most recent survey of the increasingly authoritarian cast of labour legislation in all jurisdictions in Canada—illustrating, they contend, the "essential unity of the Canadian state"—make virtually no mention of Quebec's anti-scab laws.¹²⁵

Contrary to Panitch and Swartz's claim that labour laws in all jurisdictions in this country are pretty much all of a piece, a lugubrious litany of increasing state repression, I have argued that Bill 45 and Bill 17 constituted significant improvements for organized labour in Quebec, and altered in important ways the balance of power between unions and management in the province. These changes, admittedly, were far from revolutionary, but this does not make them any the less significant: Quebec is the only jurisdiction in the country to have made these concessions to organized labour. To use the terminology employed in the introduction to this chapter, the Lévesque government, at least insofar as the reform of the Labour Code was concerned, eschewed the kinds of exclusionary strategies adopted by a number of reactionary governments in the rest of the country. For the most part, these exclusionary or dualist strategies centred on establishing a legal framework that would increase employers' ability to avoid the "rigidities" of labour organizations, either by limiting strike action and picketing, or by encouraging subcontracting and creating "economic development zones" exempt from prevailing labour law. The ugly scenes of picket line violence at the Gainers plant in 1986 and at the Canada Post terminals in 1987, as well as the precipitous drops in private-sector union membership in those jurisdictions that have pursued exclusionary strategies (British Columbia in particular), should serve as cautionary reminders to anyone predisposed to make light of Quebec's labour reforms.

V. CONCLUSION

As far as the question of state autonomy is concerned, Bills 45 and 17 can be seen as the tangible products of the PQ's ultimately abortive attempt to create an independence coalition. Brought to power shortly after the United Aircraft strike to replace a notoriously anti-union government, and with significant working-class support (even if this was not the strongest PQ constituency) the Lévesque administration introduced Bill 45 shortly after its election in order to give substance to its vaunted "favourable prejudice toward labour" and to mollify the PQ's left wing, which was clamouring for far-reaching labour relations reforms. When Jacques Couture, the first Minister of Labour, proved incapable of satisfying both the trade unions and business, the more moderate Pierre-Marc Johnson was handed the job of guiding the anti-scab law through the legislature. Although the amended bill was certainly not as favourable to the unions as the original, it nonetheless constituted an important victory for organized labour. Once embarked on this path, the PQ made no attempt to backtrack, even after the onset of the deep recession of the early 1980s and the defeat of its nationalist project. Bill 17 can be seen, in part at least, as yet another attempt to bolster the ties between the Lévesque government and the private-sector unions represented by the FTQ, which remained the administration's most devoted ally right up to the 1985 election. Although all employers, private and public alike, are subject to the anti-scab regulations, a government study shows that the provisions have their greatest impact on the private sector: over 90 percent of the disputes involving the use of scabs (between 1978 and 1980) occurred in the private sector.¹²⁶

William Coleman, in a post mortem on the Parti Québécois's tenure in power, has argued that the PQ "favoured the interests of capital over labour, thereby appearing to undermine its own social base as a political party."¹²⁷ In this chapter I have endeavoured to point up the inadequacies of this view. Bill 45 and its various amendments constituted real, if far from revolutionary, limits on the power of capital. The Parti Québécois government could have pursued an exclusionary strategy similar to the one adopted by Premier Bennett's Social Credit administrations in British Columbia. This would have brought the province into line with developments elsewhere in North America and simultaneously increased the competitiveness of its business community (and would have paralleled the government's policy in the public sector). It chose not to, however, partly because of internal party dynamics (the left wing versus the more moderate "technocrats"), partly because of a desire to maintain ties with the one element of organized labour that strongly supported the PQ (the FTQ), and partly because of the legacy of past policy decisions (the commitment to introduce anti-sab measures made by the PQ at the time of the United Aircraft strike).

As I have also tried to show, however, Bill 45 was not without its drawbacks for organized labour, in the form of drastically increased state powers to police the internal affairs of trade unions, and further "judicialization" of labour relations. This highly coercive component of the legislation casts doubt on a pluralist interpretation of the PQ's labour policy. The portrait of state behaviour that emerges from the analysis above is hardly that of a neutral arbiter responding impartially to the varied demands of independent interest groups. Rather, the Lévesque administration's policies helped to shape the interest associations themselves, and bound them into a collaborative relationship in which the state was the dominant partner. That the PQ did not have total freedom of movement--and thus had to backtrack on the first

version of its anti-scab law for fear of antagonizing foreign and domestic capital and irreparably harming the chances of the proposed referendum on sovereignty-association—is unexceptionable. It does not constitute a refutation of the main hypothesis of this dissertation, namely, that the state can formulate labour policies that cannot necessarily be reduced to the demands of one or another class. In the next chapter, I will examine the PQ government's regulatory legislation, which in some respects (particularly the legislation on occupational health and safety) illustrates even more clearly than Bill 45 the autonomy of the provincial state from the preferences of capital.

CHAPTER SEVEN ENDNOTES

¹As a subsequent section will demonstrate, this was by no means the political objective of all of the various tendencies within the PQ, just that of the dominant "technocratic" faction. There were competing political visions to the left and right of this dominant discourse.

²There are several competing interpretations of the class nature of the Parti Québécois which will be explored in the next section of this chapter.

³This is the term used in the Minister of State for Economic Development's policy statement, Bâtir le Québec (Editeur officiel, 1979), p.100.

⁴On the notion of inclusionary and exclusionary strategies for managing modern capitalist economies, see John H. Goldthorpe, "The End of Convergence: Corporatist and Dualist Tendencies in Modern Western Societies," in John H. Goldthorpe, ed., Order and Conflict in Contemporary Capitalism (Oxford: Oxford University Press, 1984), pp.323-35. Inclusionary, or neo-corporatist, strategies are based on the incorporation of trade-union organizations into the policy-making structures of the state, in exchange for the anticipated moderation of the unions' traditional bargaining behaviour (wage demands, industrial action). Exclusionary, or dualistic strategies involve the erosion of the power of labour organizations "by the creation or expansion of collectivities of economic actors, within the sphere of production, who lack effective organization ..." Ibid., p.329 (emphasis in the original). This can be done through a variety of policies: sub-contracting, the importation of "guest workers," increased reliance on part-time employment, the use of poorly paid women workers as an "industrial reserve army," and so on.

⁵L.Q., 1977, ch.41 (received royal assent on 22 December 1977).

⁶Jean-Paul Desbiens, "Les relations de travail au Québec: les syndicats sont devenus un pouvoir plus fort que le gouvernement," Le Devoir, 5 December 1977, p. 14. Desbiens is better known as "Frère Untel," the author of a stinging indictment of French-Canadian culture in the late 1950s, Les insolences du Frère Untel (Montreal: Editions de l'Homme, 1960). Desbiens now writes on labour relations for the stridently neo-conservative journal, L'Analyste.

⁷In an interview shortly after the PQ victory, Lévesque affirmed that "notre gouvernement doit maintenir un préjugé favorable à l'égard des travailleurs." See La Passion du Québec (Montreal: Editions Québec/Amérique, 1978), p.76.

⁸See Jorge Niosi, "Le gouvernement du PQ deux ans après," Les Cahiers du socialisme 2 (Fall 1978), p.56.

⁹The best studies of the Parti Québécois are: Vera Murray, Le Parti québécois: de la fondation à la prise du pouvoir (Montreal: Hurtubise HMH, 1976); Don Murray and Vera Murray, De Bourassa à Lévesque (Montreal: Editions du Quinze, 1978); and Graham Fraser, PQ: René Lévesque and the Parti Québécois in Power (Toronto: Macmillan, 1984). On the overriding importance of René Lévesque's charismatic

personality in keeping the various factions of the PQ together, I have relied on Louise Harel, Interview, Quebec City, 31 May 1989.

¹⁰For more on the ideological leanings of the groups that formed the PQ, see Murray and Murray, De Bourassa à Lévesque, p.79 and Réjean Pelletier, Les militants du R.I.N. (Ottawa: Editions de l'Université d'Ottawa, 1974), pp.35-48.

¹¹Henry Milner, Politics in the New Quebec (Toronto: McClelland and Stewart, 1978), p.154.

¹²Ibid., p.155.

¹³Larocque, Harel, and Bisailon all served in various capacities on the PQ executive council. Larocque ran against Lévesque for the position of party president at the third annual congress in February 1971, hoping to spark a confrontation between the technocratic and participationist elements in the party. He believed that such a conflict would translate into greater programmatic coherence. His plan did not succeed to any great degree--he was handily defeated by Lévesque--although the party did experience a pronounced radicalization after 1971, largely in response to popular struggles such as the La Presse strike, which was examined in chapter 5. See Murray and Murray, De Bourassa à Lévesque, pp.142-45. Larocque later served as Robert Burns' chief of staff in the first Lévesque government. Fraser, PQ, p.84.

¹⁴Marcel Fournier, "La question nationale: enjeux et impasses," in Jean-François Léonard, ed., La chance au coureur (Montreal: Nouvelle Optique, 1978), p.177. In addition to Marcel Fournier, those theorists who have viewed the Parti Québécois as being predominantly the expression of a francophone new middle class (variously styled as a "state new middle class," a "technobureaucracy," or a "technocratic fraction of the petty bourgeoisie") include Milner, Politics in the New Quebec, ch.7; Murray, Le parti québécois, pp.30-36; Niosi, "Le gouvernement du PQ deux ans après," pp.32-71; Denis Monière, Le développement des idéologies au Québec (Montreal: Éditions Québec/Amérique, 1977), pp.336-40, 365-77; and Kenneth McRoberts, Quebec: Social Change and Political Crisis, 3rd ed. (Toronto: McClelland and Stewart, 1988), pp.242-46.

¹⁵Milner, Politics in the New Quebec, p.151; Richard French, "Governing Without Business: The Parti Québécois in Power," in V.V. Murray, ed., Theories of Business-Government Relations (Toronto: Trans-Canada Press, 1985), p.164.

¹⁶"Governing Without Business," p.165.

¹⁷Ibid.

¹⁸Both quotations are cited in ibid., pp.165-66.

¹⁹Cited in ibid., p.168.

²⁰Pierre Fournier, "The New Parameters of the Quebec Bourgeoisie," Studies in Political Economy 3 (Spring 1980), pp.67-91; Pierre Fournier, "The PQ and the Economic Power of Business," Our Generation 12:3 (Spring 1978), pp.3-15; Gilles Bourque and Anne Legaré, Le Québec, la question nationale (Paris: Maspéro, 1979), pp.190-213.

²¹"Speech to the Economic Club in New York," Globe and Mail, 26 January 1977, p.B2.

²²Bâtir le Québec, p.105.

²³Ibid., p.137. Yet another profession of faith in the virtues of private enterprise was included in the second installment of Bâtir le Québec; see Ministre d'Etat au Développement économique, Le Virage technologique: Bâtir le Québec, Phase 2 (Editeur officiel, 1982).

²⁴I have attempted this elsewhere. See A. Brian Tanguay, "Quebec's Asbestos Policy: A Preliminary Assessment," Canadian Public Policy 11:2 (Spring 1985), pp.227-240.

²⁵On the corporatist ideology of the cooperative movement, see Clinton Archibald and Khayyam Z. Paltiel, "Du passage des corps intermédiaires aux groupes de pression: la transformation d'une idée illustrée par le Mouvement Coopératif Desjardins," Recherches sociographiques 18:1 (1977), pp.76-80. See also William Coleman, "Quebec Nationalism and the Organization of Business Interests," paper presented to the Conference on the Regional Organization of Business Interests and Public Policy, McMaster University, Hamilton, Ontario, May 22-24, 1985, pp.30-31.

²⁶"New Parameters," p.76. See also Gilles Bourque, "Class, Nation and the Parti Québécois," Studies in Political Economy 2 (Fall 1979), p.154.

²⁷See Parti Québécois, Prochaine étape ... quand nous serons vraiment chez nous (1972), pp.78-80, and Official Program of the Parti Québécois, 1978 Edition, p.20.

²⁸"New Parameters," p.84. See also Tanguay, "Quebec's Asbestos Policy," passim.

²⁹See Wendie Kerr, "Parizeau's Hidden Tax Hits Quebecers," Globe and Mail, 1 March 1982.

³⁰Stephen Brooks and A. Brian Tanguay, "Quebec's Caisse de dépôt et placement: Tool of Nationalism?" Canadian Public Administration 28:1 (Spring 1985), pp.99-119.

³¹Reginald Whitaker, "The Quebec Cauldron," in Michael S. Whittington and Glen Williams, eds., Canadian Politics in the 1980s, 2nd ed. (Toronto: Methuen, 1984), p.47.

³²Robert Vandycke, "La question nationale: où en est la pensée marxiste?", Recherches sociographiques 21:1-2 (1980), p.117. See also McRoberts, Quebec: Social Change and Political Crisis, 3rd ed., pp.273-75.

³³French, "Governing Without Business," p.170.

³⁴See Ghislain Dufour (executive vice-president of the CPQ), "The PQ and Quebec Business," Labour Gazette 77:4 (April 1977), pp.180-81.

³⁵French, "Governing Without Business," p.172.

³⁶See Robert Karniol, "Vive l'entreprise libre!", Canadian Business 54:9 (Sept. 1981), pp.120-25. The slogan, "Quebec--Paradise of the PME," is used sardonically by French, "Governing Without Business," pp.171-72. French accurately observes that "if the PQ

were to build any credible business support, it would have to be from this sector."

³⁷Michel Vastel, "Johnson créera une commission de réforme des lois du travail," Le Devoir, 8 October 1977.

³⁸Richard Hamilton and Maurice Pinard, "The Bases of Parti Québécois Support in Recent Quebec Elections," Canadian Journal of Political Science 9:1 (March 1976), p.4.

³⁹Parti Québécois, Le Programme, l'Action politique, les Statuts et Règlements, Edition 1971, p.16. The term "union shop" (atelier syndical) refers to "a place of work where every worker covered by the collective agreement must become and remain a member of the union. New workers need not be union members to be hired, but must join after a certain number of days." Labour Canada, Glossary of Industrial Relations Terms (Ottawa, 1984), p.23. The 1978 PQ program dropped any reference to such compulsory unionization, advocating instead an easing of certification procedures to "facilitate the organization of all employees into unions of their choice." Parti Québécois, Official Program, 1978 Edition, p.34.

⁴⁰Lévesque once claimed that Swedish-style social democracy was the only realistic goal to which progressives could aspire in the North American context. See La passion du Québec, p.48.

⁴¹Louise Harel, Interview, Quebec City, 31 May 1989.

⁴²Ibid.

⁴³For a good analysis of the La Presse affair and its repercussions on party policy, see Murray, Le parti québécois, pp.204-210.

⁴⁴Prochaine étape ... was submitted to the annual party congress for ratification in October 1972.

⁴⁵The mini-manifesto was appended to the Programme, Action politique, Statuts et Règlements, Edition 1971, p.37.

⁴⁶Parti Québécois, Prochaine étape ..., p.123.

⁴⁷This is a phrase used by Yves Bérubé during debate in the National Assembly on a piece of back-to-work legislation in 1979, and will be examined more fully in chapter nine below.

⁴⁸All quotations are taken from Louis-Gilles Francoeur, "Les syndicats accueillent avec joie la victoire du PQ," Le Devoir, 16 November 1976; see also Julien Bauer, "L'Attitude des syndicats," Études internationales 8:2 (June 1977), p.307.

⁴⁹Quoted in Guy Deshaies, "La FTQ appuie ouvertement le PQ," Le Devoir, 27 October 1976.

⁵⁰Jacques Rouillard, Histoire du syndicalisme québécois (Montreal: Boréal, 1989), p.325. According to Rouillard (p.327), the FTQ itself estimated that 70% of its members voted "Yes" in the 1980 referendum on sovereignty-association. Unfortunately, little is known about the methodology of this internal poll, and so its results have to be treated cautiously.

⁵¹François Demers, Chroniques impertinentes du 3^{ème} Front commun syndical (Montréal: Nouvelle Optique, 1982), pp.26-28.

⁵²Fern Audrey Rae Miller, "The Radicalization of Quebec Labour," unpublished Ph.D. dissertation, Yale University, May 1981, p.358.

⁵³Quoted in Bernard Morrier, "La CSN estime qu'il faut donner une leçon au PLQ," Le Devoir, 3 November 1976; see also Bauer, "L'Attitude des syndicats," p.311.

⁵⁴Miller, "Radicalization of Quebec Labor," pp.360-61. Louis Le Borgne, La CSN et la question nationale depuis 1960 (Montréal: Editions Albert St. Martin, 1976), p.184, cites an internal CSN survey of delegates to the 1974 convention which showed that 78% had voted PQ in 1973.

⁵⁵CEQ, Conseil général, La main tendue et l'oeil ouvert: Réflexions pour une prise de position de la CEQ face au gouvernement du Parti Québécois (11 January 1977), p.3.

⁵⁶Ibid., pp.5-6.

⁵⁷Ibid., pp.6, 8-10.

⁵⁸Raymond Laliberté, Interview, Quebec City, 2 June 1989.

⁵⁹See Fraser, PQ, chs.5 and 6, for an account of the Parti Québécois's reaction to the election victory.

⁶⁰See Richard Hamilton and Maurice Pinard, "The Parti Québécois Comes To Power: An Analysis of the 1976 Quebec Election," Canadian Journal of Political Science 11:4 (Dec. 1978), pp.772-73.

⁶¹See Alain G. Gagnon and Khayyam Z. Paltiel, "Toward Maîtres chez nous: The Ascendancy of a Balzacian Bourgeoisie in Quebec," Queen's Quarterly 93:4 (Winter 1986), Table 4, p.744, for data on the preeminence of the new middle class within the PQ cabinet.

⁶²See Québec, L'Economie: point de vue sur notre réalité, Le Sommet économique, Pointe-au-Pic, May 1977, pp.11-28; Québec, L'Etat de la situation socio-économique, document de travail déposé par le Secrétariat des conférences socio-économiques à la Conférence au sommet de Montebello, 14-16 March 1979, Table 1, p.8. Inflation (Consumer Price Index) in 1977 grew at an annual rate of 8.3% (6.7% in 1976) while the unemployment rate was 10.3% in 1977 (8.7% in 1976).

⁶³Niosi, "Le Gouvernement du PQ deux ans après," p.56.

⁶⁴See Michel Nadeau, "Le Conseil du patronat s'oppose à la hausse de 4% du salaire minimum," Le Devoir, 10 December 1976, p.19.

⁶⁵This is taken from Lévesque's inaugural speech, Québec, Assemblée nationale, Journal des Débats, 3^e session, 32^e Législature, 9 November 1981, p.14.

⁶⁶Comité d'étude et de révision de la Loi sur les relations du travail dans l'industrie de la construction (CERLIC), Rapport, 3 volumes (Québec: Ministère du Travail, Centre de documentation, 31 May 1978), vol.1, pp.2-3. The committee was established on September 28 1977. In addition to Hébert, the committee members included Hélène Lebel, Léo Roback, Guy Dorais, and Pierre Dufresne.

⁶⁷Ibid., p.16.

⁶⁸Ibid., vol.1, pp.17-18, 35-39; vol.2, pp.1-2.

⁶⁹L.Q., 1978, ch.58 (ratified on 22 June 1978).

⁷⁰Ibid., vol.1, pp.26-30; vol.2, pp.3-5.

⁷¹L.Q., 1979, ch.2 (received royal assent on 15 February 1979).

⁷²Office de la construction du Québec, Section recherche, Historique des relations du travail dans l'industrie de la construction au Québec (November 1985), pp.21, 28.

⁷³Ibid., pp.22-23.

⁷⁴Wilfrid List, "CLC Facing Test as Rift Reopens With the Building Trades Unions," Globe and Mail, 14 April 1980; Bert Hill, "Activism, Nationalism Cause Big CLC Rift," Ottawa Citizen, 14 March 1981, p.7. See also Joseph B. Rose, "Construction Labour Relations," in John Anderson and Morley Gunderson, eds., Union-Management Relations in Canada (Don Mills: Addison-Wesley, 1982), pp.400-401.

⁷⁵L.Q., 1980, ch.23 (ratified 4 December 1980).

⁷⁶Office de la construction du Québec, Historique des relations du travail dans l'industrie de la construction, pp.27-32.

⁷⁷Guy Chevette, Interview, Quebec City, 31 May 1989.

⁷⁸Michel Bourdon, Interview, Montreal, 24 November 1988.

⁷⁹Chevette, Interview, Quebec City, 31 May 1989.

⁸⁰"Anti-scab, Couture recherche l'équilibre," Le Devoir, 10 February 1977, p.3; Pierre O'Neill, "Le Ministre du Travail se défend d'être anti-patronal," Le Devoir, 15 February 1977, p.7.

⁸¹Histoire du syndicalisme québécois, p.454.

⁸²Robert Dean, Interview, Montreal, 27 January 1989.

⁸³Ibid.

⁸⁴Ibid.

⁸⁶Ibid.

⁸⁷Jean Cournoyer, then Minister of Labour, submitted a draft anti-scab bill to the Conseil consultatif du travail et de la main-d'oeuvre (CCTMO) for consideration in January 1974. The bill would have allowed the supervision of strike votes by the Ministry of Labour, and strikes would have been legal only if two-thirds of all union members voted in favour. See Louis Fournier, "Le Ministre Cournoyer ne veut rien savoir," Québec-Presse, 3 March 1974, p.6. The proposed bill never went beyond the CCTMO.

⁸⁸An Act to Amend the Labour Code, L.Q., 1977, ch.41 (a second version of Bill 45 was finally ratified after lengthy debate on 22 December 1977).

⁸⁹Rouillard, Histoire du syndicalisme québécois, p.457; Dean, Interview, Montreal, 27 January 1979.

⁹⁰Bernard Descôteaux, "Lévesque remet à plus tard remaniement et réforme," Le Devoir, 7 July 1977, p.2. Upon his departure, Couture remarked wistfully that the Minister of Labour "est davantage le ministre des relations de travail que le ministre des travailleurs." Quoted in Daniel L'Heureux, "Couture quitte le Travail avec un soulagement avoué," La Presse, 9 July 1977. According to Graham Fraser, P.Q., pp.120-21, Couture "alienated everyone involved in labour during his time as minister, and was hampered by his lack of administrative experience."

⁹¹See Michelle Girard and Yvan St-Onge, Centre de recherche et de statistiques sur le marché du travail, Etude sur l'arbitrage des premières conventions collectives (Quebec: Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu. 12 July 1982), pp.28-31. On the Ontario legislation, see Lorne Slotnick, "First Contract Law: Pact Imposed After Seniority Deadlock," Globe and Mail, 29 July 1986, p.A20.

⁹²See Michael Lascelles, Legislative Provision for the Compulsory Check-Off of Union Dues and Agency Fees: A Review of the Issue (Ottawa: Labour Canada, 1980), pp.2-6. Saskatchewan and British Columbia also have similar provisions inscribed in their labour laws, although in both cases the law is less stringent (allowing more flexibility to members of a bargaining unit, both unionized and not) than Quebec's legislation.

⁹³Ibid., pp.15-22.

⁹⁴See Gérard Dion, "Les mesures anti-briseurs de grève et le précompte syndical," Le Devoir, 7 November 1977, p.5: "Si on ... adopte [Bill 45] comme elle est présentée, ce sera 'la trouvaille du siècle'! En effet, si on exclut le Mexique, nulle part au monde on ne trouve pareille législation."

⁹⁵For Forget's comments on Bill 45, see Bernard Descôteaux, "Le caucus du PQ est divisé sur la loi anti-scab," Le Devoir, 24 November 1977, p.1. For Gérard Dion's assessment of the first draft of Bill 45, see his articles, "Comment assurer le caractère démocratique et l'efficacité des scrutins secrets dans les syndicats?", Le Devoir, 5 November 1977, p.5 and "Les mesures anti-briseurs de grève et le précompte syndical," Le Devoir, 7 November 1977, p.5.

⁹⁶Fraser, P.Q., p.123.

⁹⁶Mémoire de la Fédération des travailleurs du Québec sur le Projet de loi 45 (November 1977), pp.3-4. The position of the CEQ and the CSN on the reform of the Labour Code is to be found in a joint brief, Mémoire commun de revendications présenté par la CSN et la CEQ au gouvernement du Québec (February 1977), pp.8-20.

⁹⁷Ibid., pp.5-6; see also pp.13-15 for the FTQ's assessment of the anti-scab provisions of Bill 45.

⁹⁸Gérard Dion, quoted in Conseil du Patronat du Québec, Mémoire au Ministre du Travail et aux membres de l'Assemblée Nationale sur le projet de loi No 45 amendant le Code du Travail (October 1977), p.8. See also Témoignage du Conseil du Patronat devant la Commission parlementaire permanente du travail et de la main-d'oeuvre sur le projet de loi No 45 amendant le Code du travail (8 November 1977), pp.10,15-16.

⁹⁹Quoted in "Les milieux d'affaires restent abasourdis," Le Devoir, 7 July 1977, p.1.

¹⁰⁰CPQ, Mémoire sur le projet de loi No 45, p.43.

¹⁰¹CPQ, Mémoire sur le projet de loi No 45, pp.22-26; CPQ, Témoignage sur le projet de loi No 45, p.13.

¹⁰²CPQ, Mémoire sur le projet de loi No 45, pp.43-44.

¹⁰³Claude Ryan, "La nouvelle version du projet 45," Le Devoir, 25 November 1977, p.4.

¹⁰⁴See Bernard Descôteaux, "Le caucus du PQ est divisé sur la loi anti-scab," Le Devoir, 24 November 1977, p.1; Jean-Claude Picard, "Johnson a réussi à apaiser le caucus," Le Devoir, 16 December 1977, p.1; Pierre O'Neill, "Le PQ presse Johnson de se conformer au programme du parti," Le Devoir, 19 December 1977, p.1.

¹⁰⁵Louis-Gilles Francoeur, "La CSN mobilise contre le gouvernement péquiste," Le Devoir, 5 December 1977, p.8.

¹⁰⁶CEQ, quoted in Paule des Rivières, "Le conseil général de la CEQ stigmatise 'l'agression anti-démocratique' de la loi 45," Le Devoir, 5 December 1977, p.9.

¹⁰⁷CEQ, Un gouvernement de plus en plus conservateur: Réflexion critique sur l'exercice du pouvoir du gouvernement du Parti québécois de 1976 à 1981 (Quebec, 26 March 1981), p.8.

¹⁰⁸For the CSN's reaction to the second version of Bill 45, see CSN, Etats généraux (Quebec, 4 December 1977); Code du Travail: Suite à l'adoption de la Loi 45 (n.d. [1978?]); and Pour une vraie loi anti-scab (n.d. [1978?]).

¹⁰⁹Louis-Gilles Francoeur, "La CSN mobilise contre le gouvernement péquiste," Le Devoir, 5 December 1977, p.8.

¹¹⁰CEQ, Un gouvernement de plus en plus conservateur, p.13 (my translation).

¹¹¹Gérard Dion, "Le Code du travail de 1964 a-t-il été trahi?", in Rodrigue Blouin et al., eds., Le Code du travail du Québec ... 15 ans après (Quebec: PUL, 1979), p.253. See also Dion's article, "Des amendements qui améliorent légèrement le texte initial

mais ouvrent la porte trop grande aux abus de pouvoir," Le Devoir, 6 December 1977, p.5.

¹¹²Dion, "Les mesures anti-briseurs de grève et le précompte syndical," Le Devoir, 7 November 1977, p.5.

¹¹³CEQ, Un gouvernement de plus en plus conservateur, p.10.

¹¹⁴Louis Garant, Centre de recherche et de statistiques sur le marché du travail, Les briseurs de grève et le Code du travail (Quebec: Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu, March 1982).

¹¹⁵Ibid., pp.50-1, 78. The study also noted that employers would sometimes use "volunteers" to replace striking workers--a practice sanctioned by at least one judicial decision. The authors warned that "ces personnes pourraient éventuellement tirer certains avantages indirects ou futurs en considération de leurs activités dites bénévoles, violant de ce fait l'esprit du Code." Ibid., p.78.

¹¹⁶Ibid., p.76.

¹¹⁷An Act Modifying the Labour Code and Various Legislative Provisions, L.Q., 1983, ch.22.

¹¹⁸See CEQ, Mémoire sur le Projet de loi 17, modifiant le Code du travail et diverses dispositions législatives (June 1983), pp.31-4; CSN, Mémoire sur le Projet de loi 17 modifiant le Code du travail (June 1983), pp.1-2, 12-13. For the FTQ's reaction, see Québec, Assemblée nationale, Journal des Débats, 4^e session, 32^e Législature, Commission permanente du travail, 7 June 1983, pp.B4806-4809.

¹¹⁹CPQ, Mémoire à la Commission parlementaire du travail sur les amendements proposés au Code du travail (June 1983), pp.1-3.

¹²⁰Québec, Assemblée nationale, Journal des Débats, 4^e session, 32^e Législature, Commission permanente du travail, 9 June 1983, p.B5186.

¹²¹Robert Gibbens, "Pressure building on Quebec to revoke non-union labor bill," Globe and Mail, 12 September 1983, p.B5.

¹²²Leo Panitch and Donald Swartz, The Assault on Trade Union Freedoms: From Consent to Coercion Revisited (Toronto: Garamond Press, 1988), pp.41-2. See also Warren Magnusson et al., eds. The New Reality (Vancouver: New Star Books, 1984), Appendix A, pp.281-85.

¹²³Panitch and Swartz, Assault, pp.43-4; see also Andrew Nikiforuk, "The Agony of Edmonton," Saturday Night, August 1987, p.38. According to Nikiforuk, these changes in labour relations law and practice "virtually de-unionized Alberta's construction industry; unionized projects shrank from seventy percent in 1982 to five percent in 1984." It was this attack on trade unions that served as the backdrop to the bitter confrontation at the Gainers meat packing plant in Edmonton in 1986.

¹²⁴Lorne Slotnick, "Alberta unions take aim at labor laws, but roots of problem run much deeper," Globe and Mail, 19 June 1986.

¹²⁵The remark about the essential unity of the Canadian state is found in Panitch and Swartz, Assault, p.39. The authors do make a passing reference to Quebec's anti-scab provisions on p.85, and even note that the New Brunswick labour movement is agitating for anti-scab legislation similar to Quebec's. Nonetheless, they devote most of their attention to the PQ government's obviously coercive public-sector labour policy.

¹²⁶Garant, Les briseurs de grève, Table 4, p.67.

¹²⁷"The Political Economy of Quebec," in Wallace Clement and Glen Williams, eds. The New Canadian Political Economy (Kingston and Montreal: McGill-Queen's Press, 1989), p.173

CHAPTER EIGHT:

Regulatory Legislation and Concerted Action, 1976-1985:

Building a "National Consciousness"

... the political project of the present government requires and assumes the voluntary or forced participation of all social actors. It requires that the relations between the agents be made less conflictual, that their organizations, especially the trade unions, be harnessed ... In short, the PQ's project assumes that the egoistic interests of owners and workers will be reconciled as much as possible, in order to dissolve them into the 'national interest,' of which the government is the most authentic representative.

Max Nemni, Normand Dugas, and Denis Michaud, "Bâtir un syndicalisme d'affaires," Cahiers du socialisme no.6 (Fall 1980), p.242 (my translation).

I. INTRODUCTION

One of the most noteworthy features of the Parti Québécois's reforms of the Labour Code and the Construction Industry Labour Relations Act, as the previous chapter demonstrated, was the prominent role they gave to the state in the internal affairs of the organizations of business and labour. Although these legislative regimes entailed both benefits and disadvantages for unions and management alike, they also marked a further departure from the commitment to "free" collective bargaining first contained in the Lesage government's labour relations reforms of the mid-1960s. In the construction industry, trade unions and employers' associations were transformed into appendages of the state; with Bill 45, this was increasingly the case with the organizations of labour elsewhere in the private and public sectors.

This dramatic growth of the state's presence in labour relations was also apparent in the PQ's regulatory legislation, which directly established the conditions of work for certain categories of the labour force. This chapter examines the government's legislation to guarantee minimal labour standards (Bill 126, passed in 1979) and to regulate occupational health and safety (Bill 17, also enacted in 1979). In the case of the PQ's anti-scab legislation, there was a fairly obvious link between

the government's political project--the creation of an independence coalition--and the timing and content of Bill 45. With the regulatory legislation to be considered here, this link is perhaps less apparent, but no less real. Just as Bill 45 had been framed with the objective of securing the political support of organized labour, one of the PQ's goals in implementing Bill 126 was to gain the allegiance of the many workers (over 60 percent of the labour force) who did not belong to a union or who were not covered by a collective agreement. One of the purposes of the Labour Standards Act (one among several, to be sure), I will argue, was to create an organizational constituency among non-unionized workers that the government hoped would be sympathetic to its independence project. In the words of one CEQ official:

The already famous 'prejudice' for the workers here reveals its full meaning: the government is trying to reach unorganized workers, those less likely to have been influenced by trade unions. Hence the laws on minimum labour standards ... and [occupational] health and safety. In spite of their progressive allure, these laws also have the effect of neutralizing trade union action.¹

The PQ's law on labour standards, which was portrayed by various cabinet ministers as a "stop-gap" measure to protect the most marginal employees in the workforce until a thorough reform of the Labour Code was undertaken, effectively made unionization of these sectors more difficult. After the implementation of Bill 126, employers could always argue that unions in their industries were unnecessary, since adequate wages and working conditions were being provided through the intervention of the state. In certain industries, where the employer has a close and paternalistic relationship with his or her employees, this argument would likely carry a great deal of weight with the workers themselves. Given the PQ's ambivalent attitude toward union organizations (discussed in the preceding chapter), and the belief of its technocratic wing that the party was closer to the rank and file workers than were union leaders, the potentially retarding effect that Bill 126 might have in some sectors of the provincial economy was by no means unwanted.

As for the Lévesque government's health and safety legislation, it represented a typically neo-corporatist response by the Parti Québécois to the longstanding demands of organized labour to minimize the dangers to workers in Quebec's mines, on its construction sites, and in its factories. Bill 17 created a powerful new joint union-management institution, La Commission de la santé et de la sécurité du travail, to oversee health and safety in the workplace. This quasi-corporatist organization constituted the apex of a network of joint labour-management occupational health and safety committees in individual enterprises. The entire system reflected the Parti Québécois's faith in the beneficial powers of consultation and cooperation between unions and management. I argue below that the PQ's belief in the possibilities of class collaboration, which runs as a leitmotif through many of the PQ's policy statements and its legislation, was closely related to the government's need to forge a broad coalition of classes in support of its independence option. Bill 17 also created an enormous administrative apparatus that has taken on a life of its own. Organized labour and business have both complained bitterly about the expansion of the state's regulatory powers engendered by the legislation, and have decried the disproportionate influence on the joint health committees wielded by government-appointed bureaucrats. It is worthwhile noting that this expansion of the state bureaucracy increases the career opportunities open to members of the new middle class, the dominant faction in the independence coalition, in a way that few other policies implemented by the PQ did. Thus, although both Bill 126 and Bill 17 may have responded to demands made by powerful social groups, they were also the products of the state's own political (and, in the case of the occupational health and safety reforms, economic) objectives.

The third policy to be explored in the present chapter is the program of concerted action established by the PQ government--regular economic summit

meetings uniting the peak associations of business and labour with government representatives, in order to foster dialogue between the "social partners" and inculcate in them a national consciousness, a recognition that their own sectional interests were secondary to the fate of the collectivity. By eroding or even dissolving the class distinctions between workers and owners, the government hoped, concerted action would lead to a "new social contract" and transmute these sectional groups into Québécois, a necessary prelude to the successful passage of the proposed referendum on sovereignty-association:

A en croire le Parti québécois, c'est la «nation» québécoise, d'une seule voix, qui dira «oui» au référendum. Tous les groupes de la société sont donc invités à enterrer leurs intérêts particuliers pour accepter d'être «greffés» dans le minimum de solidarité nationale si bien défini par le premier ministre Lévesque....[A] la Sainte Table référendaire, par un fusionnement que seul le nationalisme peut (ou plutôt ne peut pas) expliquer, on ne retrouverait donc ni classes sociales, ni oppression des femmes, ni intérêts divergents ... mais la nation toute entière.²

This chapter will show that even if the actual policy outcomes generated by the socioeconomic summits and other tripartite institutions were far from impressive, the PQ was nonetheless quite successful in its attempt to appeal to the province's private-sector workers as Québécois, members of a nation rather than a specific class. As far as public-sector employees were concerned, however, the results of this strategy were much less dramatic, as the next chapter will demonstrate.

II. REGULATORY LEGISLATION UNDER THE PARTI QUEBÉCOIS: **THE STATE AS "TRADE UNION OF THE POPULATION"**

(i) Labour Standards Legislation: Bill 126 (1979)

In 1976, when the Parti Québécois assumed office, roughly one in every four workers (27 percent) in the private sector belonged to a union; the figure among public-sector workers for the same period was three out of every five (59 percent).³ For many of the employees not represented by a trade union, especially those in the service sector or in small, owner-operated industrial establishments, working conditions were appalling and job security was virtually non-existent. For a government that prided itself on its social democratic and progressive image, the large numbers of marginal workers who were unprotected either by union organizations or labour legislation constituted a pressing problem of public policy.

The PQ had essentially three options for dealing with this problem: first, it could live up to its program and pass legislation to facilitate sectoral or "multi-employer" bargaining in those sectors of the provincial economy that had proven resistant to unionization. Although the precise mechanics of this type of collective bargaining varied according to its many proponents, it rested on the notion that negotiations should take place at the industry or sectoral level rather than at the level of the individual enterprise. For example, one union federation, in a supervised vote of a given industry's workers, might be elected to represent employees in collective bargaining; as in the construction industry, workers would be allowed periodically to change their union allegiance, and some sort of provision could be made for the representation of minority organizations at the bargaining table. Similar centralization of employers' associations would be necessary for the system to function effectively.

Along with the Parti Québécois, one of the most persistent champions of sectoral bargaining was the then Deputy Minister of Labour, Robert Sauvé, who also happened to be the principal architect of Bill 290, the Construction Industry Labour Relations Act. In many respects, the labour relations regime in the construction industry served as the prototype of the kind of sectoral bargaining advocated by Sauvé and the PQ.⁴

A second option for dealing with the unorganized labour force was to strengthen the existing Loi des décrets, which by 1976 had fallen into virtual desuetude. Unlike the proposal for sectoral bargaining, which was intended to encourage unionization as the primary vehicle for defending the rights of unorganized workers, the Loi des décrets would permit the extension of the wages and benefits included in a "pattern" collective agreement to non-unionized employees in the same industry. The terms of the extended contract would be administered by a joint worker-management committee. One of the potential side-effects of this sort of legislation, however, is to hinder the unionization of those sectors where it applies, since employers usually prefer to wait for the government to determine the wages and working conditions of their workers rather than recognize a union and bargain collectively with it.⁵

A third option for improving the lot of unorganized workers was for the provincial state to pass regulatory legislation establishing a set of minimal labour standards for all or certain categories of the labour force. This was precisely the path taken by the PQ government when it enacted Bill 126 in June 1979. Ironically, this option had first been recommended by a Task Force created by the Liberal government of Robert Bourassa in late 1974 to study the question of minimal labour standards and the minimum wage in Quebec. Headed by a former Minister of Social Affairs, Claude Castonguay, the Task Force submitted its report to the Liberal

government in March 1975, recommending that the powers of the Minimum Wage Commission be broadened to include the regulation of such working conditions as the length of the workweek, annual vacations, maternity leave, notification of layoff, and official holidays. According to some observers, the Castonguay Report amounted to a call for the government to establish a "basic collective agreement" for the province's 1.7 million unorganized workers. One of the side effects of this sort of legislation, as a number of government officials at the time readily acknowledged, would be to "make the presence of trade unions in numerous sectors of the economy less and less necessary."⁶ At the very least, such legislation would radically circumscribe the influence of trade unionism, limiting it for the most part to those sectors of the economy in which it had long been established (some primary industries, secondary manufacturing, and the public sector).

Jacques Couture, the first Minister of Labour in the Lévesque government, dusted off the Castonguay Report, which had been quietly shelved by his predecessors, Jean Cournoyer and Gérard Harvey, and transformed it into a key element of the PQ's search for a new social contract that would tie together the various groups in society. Poorly paid workers, in the government's view, were one of the most defenceless and least powerful of these social groups, with no one to speak for them but the state. Pierre Marois, the Minister of State for Social Development, took over responsibility for the legislation after Couture's departure, and used the same neo-corporatist rhetoric to describe the proposed law.⁷

When Bill 126 was finally enacted, it abolished the Minimum Wage Commission and replaced it with the Labour Standards Commission. This new Commission was to consist of seven members: the president, and six members appointed by the government after consultations with the relevant associations of workers and employers (three from each group). It was to be financed through a

payroll tax of no more than one percent of the provincial masse salariale; at the maximum rate, the Conseil du Patronat estimated that the new Commission would have annual revenues of over \$200 million.⁸ The principal duties of the Commission were to oversee the application of the various labour standards outlined in the legislation and to adjudicate any complaints arising from violations of the law. Six labour standards were specifically mentioned in Bill 126:

- the minimum wage, to be established from time to time by government regulation;

- the duration of the workweek (44 hours) for the purposes of determining overtime;

- official paid holidays (December 25 and January 1, as well as four others to be determined by government regulation);

- annual paid vacations (employees with at least one year of experience with the same employer were entitled to at least two weeks; employees with ten years experience could take three weeks, two of which could be continuous);

- other holidays and time off (for funerals and births);

- the duty of employers to inform their workers of impending layoffs (an employee with at least one year service had to be given one week's notice, or equivalent compensation; employees with one to five years service had to be given two weeks' notice, and those with over ten years service had to be given the maximum eight weeks' notice).

In addition, the law empowered the government to make regulations exempting any section of the workforce--farm workers, salaried employees (cadres), waiters and waitresses, to name a few--from all or part of the legislation. The government was also to make regulations concerning the nature and duration of maternity leave. Finally, the Commission des normes du travail could compensate (from the revenues generated by the payroll tax) any worker who was owed money or other benefits under the terms of Bill 126 but whose employer was unable to pay because of bankruptcy.

Reactions to this law among the various organizations of business and labour were mixed. All three union federations endorsed the principle of a labour standards law, but the CSN and the CEQ were quite critical of the "timid" reforms enacted by Bill 126. The CSN described the various provisions in the law as "disappointing ... well below the normal working conditions observed in Quebec."⁹ It was highly critical of the extensive regulatory powers accorded to the government (cabinet, not the legislature) under the legislation and of the numerous exemptions from the law's coverage. As for the CEQ, it characterized Bill 126 as "ambivalent": although the new law would undoubtedly ameliorate some of the most appalling working conditions for the most marginalized sections of the labour force, the CEQ contended that it would also block the drive for unionization of key sectors of the provincial economy.¹⁰

Employers' groups likewise tended to accept the need for labour standards legislation, but claimed that Bill 126 went "too far, too quickly," thereby endangering the province's economic competitiveness. Both the Association des manufacturiers canadiens and the CPQ—as well as the Liberal opposition in the National Assembly—decried the enormous increase in the state's regulatory powers entailed by the legislation: rather than outlining the actual minimal labour standards that were to be in effect across the province, Bill 126 left it to cabinet to define these at some future date through orders-in-council. Bill 126 also marked a radical departure from the original intent of the Minimum Wage Act, which had stipulated that the Commission, and not cabinet, would determine the minimum wage in consultation with representative associations of workers and employers. (In practice, of course, cabinet had arrogated this function to itself, and the amount of consultation that had taken place was minimal.¹¹) Finally, the CPQ denounced the "powers of taxation" (the right to levy a 1 percent payroll tax) delegated to the Commission; since the surveillance

of working conditions was a function of the state intended to protect all citizens, this service ought to be funded from general government revenues, it claimed.¹²

One influential economist, Pierre Fortin of Laval University, dismissed the CPQ's dire warnings about the potentially negative impact of Bill 126 on the competitive position of Quebec businesses. Most of the costs engendered by the legislation, Fortin contended, would eventually be passed on to the consumer, in the form of higher prices, or be absorbed by the workers themselves, since corporations would attempt to compensate for the increase in social benefits with a harder line on wage hikes in negotiations that would take place after the passage of the law. Noting that the PQ government could have gone much further without placing the Quebec economy in danger, Fortin concluded that Bill 126 was "a good law," which introduced an "element of civilization into the least organized sector of the labour force," and brought the working conditions of these employees into line with those regularly found elsewhere in the provincial economy and in many other provinces as well.¹³

Bill 126 is important to the general argument of this dissertation not because the law radically undermined the power of capital. Clearly, it did not, although the CPQ argued at the time the law was adopted that Quebec's relatively high minimum wage put the province's businesses at a competitive disadvantage. This was undoubtedly overkill on the part of the Conseil du patronat, since the PQ government had de-indexed the provincial minimum wage in July 1978, causing the unions to complain bitterly about the failure of the minimum wage to keep pace with inflation in the early 1980s.¹⁴ Thus the PQ could hardly be accused of radicalism when it introduced Bill 126.

The significance of Bill 126 lies in what it reveals about the Parti Québécois's attitude towards organized labour. Why should the Parti Québécois have passed this

legislation to protect the working conditions of the many employees in the private sector who did not have the benefit of a union organization to defend their interests? As a self-professed social democratic party with a "favourable prejudice" toward labour, would it not have made more sense to encourage the unionization of those sectors of the economy that have been difficult to organize (commerce, retail trade, and other services), especially since the PQ program promised such a policy,¹⁵ and the union federations themselves were clamouring for such measures? It is my contention that the PQ government eschewed such an option because the dominant faction within the party—the so-called technocrats—displayed an intense fear of militant trade unionism. According to Lévesque and his fellow technocrats, it was the union leaders who were overly radical and demagogic; the rank-and-file and the unorganized sections of the workforce were generally thought to be essentially moderate, as well as sympathetic to the PQ's political project and to its economic policies. Thus the government sought to establish direct links with "ordinary" workers by means of regulatory legislation like Bill 126.

Interestingly, government leaders often portrayed the provincial state to unorganized workers as "the trade union of the population" (le syndicat de la population). This was the phrase used by the then Minister of Labour, Pierre-Marc Johnson, to justify emergency legislation that pre-empted a public-sector strike on the eve of the referendum (in late 1979), prompting one trade unionist to remark sardonically that the PQ seemingly had a "favourable prejudice" for ordinary workers that it did not have for union leaders.¹⁶ Lévesque himself often made statements that fuelled this suspicion, as in an interview he gave to a French journalist shortly after the PQ victory in 1976:

[Our government has] very close ties with what is called "the rank and file." Often, I have the impression that in our political action we are closer to these rank-and-file workers than those who speak for them officially.¹⁷

Writing for the CEQ's official organ, Ligne directe, Normand Dugas claimed that Lévesque's conception of industrial relations, evident both in his statements on the subject and in the anti-scab and labour standards legislation, was "fascistic," since it relied on the specious separation of the union leadership from the rank and file, and the constant intrusion of the state into the internal affairs of the trade unions. Although Dugas's vocabulary is clearly overheated and hyperbolic, the burden of his argument is quite compelling: in enacting Bill 126, he affirmed, the PQ government was attempting to reach out to unorganized workers, who were less susceptible to the influence of trade unions, and thus more likely to throw their allegiance to the nation than traditional trade unionists would be, since unions breed class egoisms.¹⁸ These workers on the margins of the economy were therefore of critical importance to the PQ's independence project, and this factor cannot be overlooked in any account of the genesis of the government's law on minimal labour standards.

Bill 126 also demonstrated that although the PQ government was willing to strengthen the existing organizations of labour, it would not pass legislation to facilitate sectoral bargaining and thereby expand the ambit of trade unionism, both for political and economic reasons. In political terms, the government balked at expanding an alternative pole for the mobilization of Québécois that would compete with the nationalist movement. As far as the economics of sectoral negotiations were concerned, it was unwilling to enact a measure that the business community in the province found even less palatable than the anti-scab provisions.

(ii) Regulating Occupational Health and Safety: Bill 17 (1979)

Pierre Marois's legislation on occupational health and safety, enacted in December 1979 after a bitter and protracted debate, reflected more than any other

government policy--with the exception of the socioeconomic summits and their offspring--the underlying liberal corporatist vision that informed the PQ's actions. This policy, much like the anti-scab law and the labour standards legislation examined above, simultaneously strengthened trade union organizations and imposed on them a welter of legal obligations for the protection of health and safety in the workplace. Bill 17 also went one step further, however, by institutionalizing collaboration between workers' associations (usually, but not always, trade unions) and employers' organizations for the maintenance of a healthy work environment, under the benevolent eye of the provincial state and its administrative apparatuses.

The Parti Québécois came to power shortly after a lengthy strike in the asbestos industry had called attention once again to the tendency of some employers to treat their workers as though they were mere "factors of production," human capital to be literally consumed in the pursuit of profit.¹⁹ Although the asbestos industry--which for years had insisted that the manufacture of asbestos fibres posed no health problems to its workers, flagrantly contradicting the mounting body of scientific evidence--was perhaps the most notorious culprit in the area of occupational health and safety, it was by no means alone. Finding a solution to this problem became one of Pierre Marois's primary concerns after the PQ's assumption of power, and he issued a White Paper on the subject in October 1978. This detailed report identified two glaring lacunae in the regulation of health and safety in Quebec's workplaces: first of all, there was a legislative farrago governing this sector, with seven statutes and over twenty administrative regulations. Responsibility for implementing this legislative framework was shared by six different government bodies.²⁰ Secondly, neither the workers nor their employers, or their representative organizations, had much input into the preparation or enforcement of health and safety regulations. Worse still, there was little cooperation between these two groups,

which were obviously the ones most closely concerned with the prevention of the premature "consumption" of human capital.

Marois's prescription for improving health and safety in the workplace was disarmingly simple:

... although employers and workers need to work together to solve the problems of occupational health and safety, they often have conflicting interests. It is therefore essential to establish clearly from the start the respective rights and responsibilities of workers and employers. Each party must fully respect the rights and obligations of the other if the necessary cooperation is to be gradually established.

As the objective of the government is to ensure the health and safety of workers, the rights of the latter [need to be] defined in detail. Employers, on the other hand, seem to have more responsibilities than rights. In actual fact, their obligations in the area of occupational health and safety derive from their initial right as owners and managers of their companies to plan and organize the workplace.²¹

Among the workers' rights that were outlined in the White Paper were the right to drop a task that posed an imminent danger to an employee's health, without fear of being penalized; the right of pregnant women to demand alternative employment or paid leave if their normal work tasks endangered their fetuses in any way; and the right of workers or their unions to participate in the formulation of policy governing occupational health and safety. As for employers, their most important duties were to establish accident and disease prevention programs in their firms, and to cooperate with the government and workers in maintaining a healthy work environment.

The White Paper called for the creation of a complicated three-tiered system of joint worker-management committees which would oversee the implementation of the government's health and safety legislation. Every firm with more than ten employees would set up a joint health and safety committee, composed of equal numbers of workers and employers, "if this is demanded by the labour union or by the employer, or by a majority of the workers where there is no union."²² Recognizing that the immediate imposition of such a requirement across all sectors of the economy would constitute a crushing administrative burden and would tax the

province's limited "human and financial resources," the White Paper recommended that the creation of joint health and safety committees be phased in over a period of time, beginning with those "establishments where health and safety hazards are greatest and most serious." Construction, mining, forestry, and the paper industry, along with fourteen other sectors, were singled out as areas where these joint committees would first be created. These committees would be empowered to choose a doctor who would be responsible for the firm's health services; they would determine whether or not an "imminent danger" to an employee's health exists, "when there is disagreement on this point between a worker who has dropped a task in light of a possible hazard and his immediate superior"; and they would set up training and information programs in the areas of health and safety.²³

The second tier of this system would consist of joint sectoral health and safety committees established to regulate health and safety in a given industry or economic sector. Crowning this entire administrative network was the Commission de la santé et de la sécurité au travail (CSST), a new government body replacing the old Commission des accidents du travail. It would consist of a president and two non-voting vice-presidents appointed by the government, and four members each chosen from lists provided by the "most representative associations" of workers and employers (in the final version of Bill 17, the size of the Commission was expanded to include seven representatives each from business and labour). The CSST was to be responsible for establishing a system of health inspectors, who would be the final arbiters in the case of disputes over safety in the workplace. It should be obvious that the reforms envisaged by Marois would entail an enormous expansion in governmental bureaucracy, which is precisely what the labour federations and major business associations feared most about the proposed legislation.

Reaction to the White Paper, and to Marois's draft Bill 17 (An Act Respecting Occupational Health and Safety), was probably even more vitriolic and polarized than in the case of the PQ's earlier anti-scab legislation. The three labour federations were divided on the proposed scheme, much as they had been on the government's earlier reforms of the Labour Code. For the FTQ, the principle of concerted action contained in Bill 17 was an entirely acceptable means of ensuring a healthy and safe workplace; this should not be surprising, in view of the FTQ's enthusiastic and unqualified participation in the socioeconomic summits held regularly by the government (of which more below). The FTQ's main complaint about the legislation centred on the right to refuse dangerous tasks which Bill 17 conferred on the province's workers: according to the proposed law, this right was to be exercised individually, by any employee who feared for his or her safety. In the FTQ's view, however (and on this question it was in whole-hearted agreement with the more radical positions of the CSN and the CEQ), this ought to be a collective right, exercised by the duly certified associations of workers. Instead of an individual refusing to perform dangerous tasks—running the risk that this refusal could later be overturned by the firm's joint health and safety committee—the FTQ wanted the trade union to be able to order a halt to production when it considered working conditions to be unsafe. Marois categorically refused this demand, stating that Sweden was the only country in the Western world where a trade union had the power to put a stop to production when conditions were too dangerous. "Sweden has 30 years of social democracy under its belt, 90 percent of its workers are unionized, ... and the Swedish trade unions are part of the government system." According to unnamed sources in Marois's office, the public reputation of Quebec's trade unions had been tarnished to such an extent (through their militancy) that there was no question of giving in to this particular demand.²⁴

For the CEQ, Bill 17 was a "step in the right direction, but it was only a tiny step." As with the FTQ, it was the individual right of refusal that most exercised the CEQ: the federation detected in Bill 17 "a péquiste theology of individualism, with the sacrosanct principle of the freedom of individual choice being extended to include the right to mutilate or destroy oneself."²⁵ Surprisingly, given the rancorous internal debates over the question of the CEQ's participation in the Parti Québécois's program of concerted action (the economic summits), the teachers' federation had no quarrel with the system of joint committees created by the legislation. Only the CSN rejected out of hand the corporatist logic underlying Bill 17; this federation waged a very public campaign to have the proposed law withdrawn.²⁶

Among Quebec's employers, the hostility and outrage aroused by the government's proposals were palpable. All major business associations denounced Bill 17 as pro-union, and an intolerable infringement on the rights of management. The law would institute a system of codetermination in many enterprises, the CPQ warned, and it would effectively nationalize industrial medicine, handing responsibility for occupational health and safety over to yet another bureaucratic organization (the CSST). Moreover, a number of employers' groups raised the spectre of the sectoral joint committees being manipulated by organized labour to unionize, in surreptitious fashion, the workers in the province's PME: these sectoral committees would place unorganized workers in contact with trade-union officials, from which, presumably, the microbe of unionization might spread!²⁷ Summing up the employers' reasons for advocating the complete withdrawal of Bill 17—which they labelled a deeply flawed piece of legislation that was beyond any hope of salvation—Ghislain Dufour of the CPQ wrote:

Si la Loi 45 de 1977 amendant le Code du travail a été reçue par le monde patronal comme l'expression du préjugé favorable du gouvernement actuel à l'égard des structures syndicales, on peut dire que la Loi 17 va encore plus loin: au-delà des propos souvent

démagogiques du ministre responsable de cette loi à l'endroit des conditions faites à la santé et à la sécurité au travail au Québec, cette loi est une démission du gouvernement devant les revendications syndicales, elle est pénalisante pour toutes les entreprises et une source éventuelle de nombreux conflits.²⁸

In its only concession to the employers' position--a highly significant one, to be sure--the government decided to make the establishment of joint health and safety committees obligatory in those firms with twenty employers or more, replacing the threshold of ten workers originally contained in the White Paper. This revision would significantly reduce the coverage of the law, and exempt many of the PME--which were among Bill 17's most vociferous opponents--from its provisions. Perhaps as a quid pro quo for this amendment, the government also changed the law to allow for the "preventive withdrawal" of any employee whose current tasks jeopardized his or her health; in the White Paper, this right had been restricted to pregnant women.²⁹

It is far too early to determine the impact that Bill 17 has had on the protection of occupational health and safety in the province, especially since the creation of the corporatist infrastructure entailed by the legislation has taken far more time than was originally envisaged by the government. By 1984, five years after the enactment of the law, only seven joint sectoral health and safety committees had been established (in social services, public administration, textiles, transportation and warehousing, automotive services, printing, and transportation equipment). At that rate, one trade unionist (CSN) remarked, it would be twenty years before the entire system was in place.³⁰

One of the main reasons for the painfully slow pace at which the joint worker-employer committees are being created is to be found in the unremitting hostility of some of the "social partners" to the very idea of class cooperation. As was the case with so many of the Lévesque government's economic and labour relations policies,

one of the overriding objectives of Bill 17 was to change the attitudes and behaviours of labour and management by establishing a forum in which they could collaborate. Merely by setting up the consultative machinery proposed in Bill 17, the government believed, it would gradually create the conditions in which confrontation and conflict, the traditional bases of collective bargaining in the North American context, would give way to cooperation and consensus. We have already seen that business associations in Quebec rejected out of hand any suggestion that they share decision-making power with workers (hence the CPQ's strictures on the type of "codetermination" proposed by Bill 17). As far as organized labour was concerned, the government's efforts achieved considerable success with the FTQ, which for a variety of organizational and ideological reasons embraced the notion of social partnership. But the PQ was rebuffed by the CSN, which viewed concerted action not as cooperation between equals but rather as a means for the continuing subordination of labour to capital. According to Monique Simard, vice-president of the CSN, the system of concerted action proposed by the PQ in Bill 17 served the political objectives of the government more than it did the goal of protecting workers' health and safety.³¹ So hostile was the CSN to the idea of concerted action that it refused initially to sit on the board of directors of the CSST, although one observer noted that the federation was profoundly divided on this question: at the CSN's 1983 convention, about half of the delegates rejected official participation in the Commission de la santé, with the other half being in favour of cooperation. As a compromise, the CSN allowed two representatives from its private-sector federations to sit on the CSST board of directors.³²

Virtually all of the labour federations and business associations have complained of the suffocating bureaucratization spawned by Bill 17, which contrasted markedly with the PQ's stated intention to delegate responsibility for occupational

health and safety to the "social partners." At a 1984 conference on the industrial relations aspects of the health and safety legislation, Ghislain Dufour of the CPQ decried the CSST's "despotic" interference in the internal affairs of individual enterprises, and claimed that a good many of the province's employers felt as though they were the targets of state surveillance and harassment by CSST officials and inspectors. Jean-Paul Hétu of the CSD remarked that the organizations of workers and employers felt dominated by the centralized bureaucracy of the CSST. And Gérard Larose, president of the CSN, asserted that the corporatist structures established by Bill 17 had siphoned off some of the energies of the workers and their own representative organizations: "Cela se traduit par un certain attentisme du côté des travailleurs et des travailleuses, sans être une démobilisation."³³

This expansion of the provincial state, which took place under the cover of the reassuring rhetoric of social partnership, was characteristic of the PQ's labour relations policies. The law on labour standards and the legislation to promote occupational health and safety both resulted in a dramatic increase in state powers, as Bernard Solasse has perceptively observed:

Ce gouvernement se voulait celui de la consultation, de la participation et de la décentralisation. Il rêvait d'instaurer à coup de «sommets» une société consensuelle.

Or il agit d'une bien étrange façon pour réaliser ces objectifs. Il décide du revenu convenable pour les individus et les familles. Il s'arroge le droit finalement exclusif de fixer le salaire minimum sans même se donner des règles qui l'engagerait à le réajuster.

Dans le domaine de la sécurité au travail, il renforce le poids de la bureaucratie et du centralisme étatiques.³⁴

This penetration of the tentacles of the state into such areas as the determination of minimal standards of work and the regulation of occupational health and safety was intimately related to the Parti Québécois's overarching political objectives. In the one case (Bill 126), the legislation created new "constituencies" or groups dependent on the state and relatively immune to the competing influence of

trade unionism. The government hoped, among other things, that these constituencies would prove receptive to its project of independence. In the second case (Bill 17), the law sought to regulate working conditions through consensus building; the latter was the privileged mechanism through which the PQ hoped to create an inter-class coalition in favour of independence.

I cannot claim that these political motivations were the sole factors leading to the adoption of Bill 126 and Bill 17. Instead, I argue that the final shape of these two pieces of legislation owed a great deal to the PQ's political objectives, to its underlying corporatist philosophy, and to its technocratic faith in the state. Both reforms, in addition to serving the political objectives of the Parti Québécois, coincided with the economic interests of the new middle class as well, since they multiplied the positions of power open to members of this group. William Coleman claims that:

The reforms of the health and social welfare systems, emphasizing rationality, science, and technology, have helped produce a technocratic elite and what Simard has termed a 'cybernetic society.' Renaud, drawing on the work of Alain Touraine, writes about a 'programmed society.' Both authors describe the penetration and domination of the daily lives of workers and the disadvantaged by a technocratic elite and unyielding new middle class. The gulf that has grown between this elite and the popular strata has compromised seriously the capacity of the new middle class to mobilize these others behind its nationalist objectives.³⁵

Although Coleman is quite correct to draw attention to the widening gulf between the new middle class and the subordinate groups for whom this technostucture purportedly speaks, it was in the final years of the PQ's second term that this gap became increasingly obvious. Before that time, the new middle class did achieve considerable success in mobilizing other groups behind its nationalist objectives, in part through policies like the law on labour standards and the law on occupational health and safety. The overwhelmingly bureaucratic nature of these reforms was not immediately apparent, as the initial reaction of most (though not all) of the provincial labour organizations to the government's proposals attests.

A final word on Bill 126 and Bill 17: while neither of these laws signalled the imminent reversal of the dominant position of business, both were significant departures from prevailing practice in other jurisdictions in North America. And in the case of the occupational health and safety legislation, virtually all of the province's employers were strongly opposed to what they saw as an unwarranted intrusion of the state bureaucracy into the domain of managerial decision making.

As the next section of the chapter will show, this tendency for the state to intrude into the internal affairs of the nominally independent organizations of labour and business characterized the PQ's approach to economic summits--the regular meetings of the "social partners" that were intended to create a consensus on the province's economic priorities and lay the groundwork for the elusive new social contract.

III. CONCERTED ACTION UNDER THE PARTI QUEBECOIS: NEW SOCIAL CONTRACT OR CORPORATIST WINDOW DRESSING?

After a brief and abortive attempt to create a formal institution for consensus-building among the social partners in the early 1960s (the Conseil d'orientation économique du Québec, or COEQ), the notion that European-style concerted action and tripartite economic planning could improve Quebec's economic fortunes went into eclipse. The COEQ's successor, the Office de planification et de développement du Québec (OPDQ), was strictly a bureaucratic appendage of the provincial state, without any pretensions of bringing together the business community and organized labour in the effort to plan provincial economic development. Although some tripartite

institutions continued to exist between 1966 and 1976--the Conseil consultatif du travail et de la main-d'oeuvre (CCTMO) was probably the most important--they were strictly consultative in nature, lacking any direct influence over economic policy-making. Moreover, some of the major labour federations boycotted these tripartite institutions during the Bourassa period, to protest what they considered to be the Liberal government's blatantly pro-business policies: the CEQ, for instance, withdrew from the CCTMO in 1973, in the wake of the Common Front strike of the preceding year, and did not rejoin the council until ten years later.³⁶

With the election of the Parti Québécois, the politics of concerted action once again became a central preoccupation of the government, which saw in tripartite consensus-building a means both of restoring the class harmony that the Bourassa years had apparently destroyed and of cultivating the proper climate for the successful passage of the referendum on sovereignty-association. In his widely publicized speech to the Economic Club of New York in early 1977, Premier Lévesque underscored the importance his government attached to dialogue between the social partners:

Above all, our intention is to work for a healthier social climate, especially in respect to labour relations. Our major economic organizations, both labor and management, have already expressed some confidence in us and offered their cooperation. Only two months after our coming to power, there seems to be good reason to hope for less turmoil in Quebec. Through joint appraisal with our social partners, we want to attempt to consolidate this new atmosphere, with a consensus on the objectives of development, on a desirable growth rate, and a better allocation of our resources. Along these lines, the Government has already agreed in principle to an economic conference to be held this coming spring.³⁷

As well, in its economic policy statement, Bâtir le Québec, the government made it clear that it considered the confrontational attitudes of organized labour and business to be among the greatest impediments to Quebec's economic progress. If this document constituted an unabashed profession of faith in the primordial economic

role of private enterprise, it also indicated the PQ's faith in the beneficial powers of tripartism: "The emergence of a national consciousness and the desire for concerted action among the economic agents are indispensable ... to Quebec's development, both from an economic and sociocultural standpoint."³⁸ In order to foster the consensus and cooperation among the economic partners necessary for the creation of a new social contract, Bâtir le Québec recommended the continued reliance on periodic economic summit meetings where the social partners could arrive at a sharing of responsibilities for a more orderly pattern of economic development; it also called for the strengthening of consultative institutions like the CCTMO, and the eventual creation of a Conseil économique et social to act as the permanent site of consensus-building in the province.³⁹

Evidence of the PQ's commitment to concerted action and social dialogue can be found in the profusion of tripartite and multipartite institutions during its two terms in office. Thirty-seven summit conferences were held between 1977 and 1985, some at the sectoral or industry level (furniture, textiles, fisheries, agriculture, and so on), some at the regional level, and three at the provincial level, under the full glare of media attention. A tripartite (business-labour-cooperatives) Institut national de productivité (INP) was created in 1978, and in March 1985, just before its defeat at the hands of the Liberals, the PQ established a joint labour-business organization, La Table nationale de l'emploi, charged with the task of formulating a full employment policy for the province. Pierre Fournier considered this institution to be "potentially the most ambitious project of concerted action undertaken by the government."⁴⁰ This section of the chapter examines the functions, structure, and impact of this extensive system of concerted action created by the PQ government, quite unlike anything found in any other North American jurisdiction.⁴¹ I argue that the emphasis on concerted action between 1976 and 1985 reflected the increased status and power of

organized labour under the Parti Québécois. However, as was the case with the government's legislation on labour standards and occupational health and safety, the provincial state played a preponderant role in this process, and the concrete results of consensus-building were bitterly disappointing to most sections of the labour movement, though not to all, since the FTQ remained an unequivocal supporter of both the PQ and concerted action throughout the government's stay in office. Moreover, I contend that the economic objectives (strengthening economic growth and productivity by lessening industrial strife) pursued by the PQ when it created this vast network of concerted action were intimately related to its overriding political goal of Quebec independence. It is impossible to disentangle the two.

Leo Panitch has sardonically noted that the study of neo-corporatism emerged as an academic growth industry in the 1970s.⁴² Students of the new corporatism have tended to adopt one of two diametrically opposed positions on the class nature of the corporatist institutions that are so prominent in a number of Western European countries (Sweden, the Netherlands, Austria). For some, these tripartite institutions amount to little more than "corporatist window dressing" for the status quo, to use Stephen Cohen's phrase: the illusion of participation in economic decision-making is traded to the trade unions in exchange for their moderation in collective bargaining and their acceptance of state policy.⁴³ Some theorists, such as Panitch, take this argument even further, claiming that corporatist structures are the means whereby the capitalist state, in a situation of chronic economic crisis, re-creates the conditions for profitable capital accumulation on the backs of the working class. Corporatism, in this view, is the "best possible shell" for capitalist social relations, the most advanced form of "the social control of labour under capitalism."⁴⁴ According to Panitch, the incomes policies that constitute the essence of neo-corporatist "social contracts" are

merely the "vehicle for engineering, legitimating ('in the national interest') and administering the increase in exploitation which [is] necessary to sustain capital in the crisis."⁴⁵ The political and strategic implications of this analysis are, first, the rejection of any form of trade-union integration into the state's policy-making apparatuses and, secondly, the call for the creation of a "revolutionary working-class party" capable of "bringing the working class to power in the sense that the bourgeoisie is in power in capitalist society."⁴⁶

Other students of corporatism see in this mode of state-society relations a form of exchange, in which both the state and the organizations of labour (and business, of course) can derive some material benefits. Winton Higgins, for example, argues that corporatist structures may (but need not) facilitate the generalization of class conflict into the heart of the state, allowing unions to

gain a new and more effective mechanism against unemployment, recessions, industrial stagnation and attacks on living standards through markets and deflationary economic policy. Economic decision making can be progressively removed from the caprice of the individual investor, from boardrooms and stock exchanges, and can be politicized in tripartite bodies where non-bourgeois interests gain a voice for the first time.⁴⁷

David R. Cameron has also argued that neo-corporatism involves an exchange of sorts, with organized labour trading its "quiescence" in wage bargaining for full employment and other policy benefits--an increase in its share of the national income and an expansion of the social wage.⁴⁸ Wolfgang Streeck, finally, makes the important point that another potential pay-off to labour for its participation in corporatist policy-making structures is an expansion of their organizational privileges--financial inducements such as the compulsory dues check-off, and other legislative guarantees of union security.⁴⁹

The following analysis does not purport to be a general evaluation of corporatist policy-making structures in advanced capitalist societies, merely a case

study of the Parti Québécois's halting efforts to forge a new social contract in Quebec. My account will make it clear, however, that for a variety of ideological and structural reasons, concerted action in Quebec patently failed to live up to the hopes that government leaders and some section of the labour movement (the FTQ and the CSD) had invested in it.

(i) Economic Summits in Quebec: Dialogue of the Deaf?

The most visible means by which the Parti Québécois government attempted to forge a new social contract in the province was the economic summit meeting. As I mentioned above, thirty-seven of these summits were held between May 1977 and December 1985, when the PQ was defeated in the provincial election. Of these, three were "grand summits" which addressed themselves to global economic trends and national concerns. These three grand summits were held at Pointe-au-Pic (May 1977), Montebello (March 1979), and Quebec City (April 1982)--the last two occurring, interestingly enough, just as the government was entering the critical phase of its negotiations with the Common Front unions in the public sector (a point to which I will return in the next chapter). The remaining thirty-four conferences were "mini-summits" designed to examine the problems specific to one sector of the economy or to one region: the so-called "soft sectors" of the provincial economy (textiles, clothing, footwear, and furniture), the agricultural and food industries, tourism, fishing, iron mining, cultural industries, the economic future of Montreal, and so on.⁵⁰

All of the socioeconomic conferences operated on the basis of round-table discussions in which, the government hoped, a certain amount of bargaining among the participants would take place. The ultimate objective of these meetings was to achieve a common diagnosis of the problems and economic priorities facing the

industry in question, and to arrive at a sharing of responsibilities for social and economic development.⁵¹ It was customary for the government, represented by the Prime Minister or a top-level cabinet minister, to lead off the discussions and to sum up the conference's activities. No joint communiqué was issued by the participants, but the government spokesperson, in his or her closing remarks, tried to call attention to the various "points of convergence"--no matter how banal--reached by the social partners. A report of the proceedings, along with the background documents presented to the conference, was published by the Secrétariat permanent des conférences socio-économiques. This organization, attached to the Executive Council, acted as the chief coordinator and propagandizer of the economic summits, choosing the agenda for discussion, selecting the delegates, and providing the necessary logistical support for their operation. As Gilles Châtillon, Director-General of the Secrétariat, acknowledged, the provincial government was the "driving force" behind the economic summits; it was not merely one partner among several, but the "principal actor" in the entire process.⁵²

The effectiveness of the economic summits as instruments of concerted action was hampered by a number of factors. First among these was the preponderant role played by the state in organizing the conferences, which tended to put the other social partners, especially the trade unions, on the defensive. As Norbert Rodrigue, then president of the CSN, pointedly remarked at the first grand summit:

We could not help but notice that we were not asked to help organize this conference, that we were not consulted either on the topics that would be discussed or even on all the regulations that would be in effect throughout the proceedings....Economic summit meetings in social-democratic regimes share one characteristic: they are jointly prepared by the governing social-democratic parties and the trade union organizations from which those parties spring....That is a model of government and of economic summits far removed from your own.⁵³

The trade unions were frequently critical of the Secretariat's choice of themes for discussion at the summit meetings. The three major themes of the Montebello grand

summit, for example--access to markets, investments, and human resources--were generally considered to ignore the real concerns of Quebec's workers. Trade-union leaders complained that the background documents and the conference agenda were drawn up from a "managerialist" perspective. Union representatives were also outraged by the government's refusal to allow any discussion of the issue of occupational health and safety at the conference, on the grounds that a bill dealing with the matter was in parliamentary committee--a line of reasoning that the CSN dismissed as an unconvincing pretext.⁵⁴ This incident clearly indicated that the PQ government assigned to the economic summits a purely consultative role; in the eyes of more cynical observers, the conferences were primarily public-relations extravaganzas. Actual policy making (in the areas of occupational health or anti-scab legislation, for instance) was still the preserve of the party and legislative systems.

In addition to the preponderant role played by the state in the socioeconomic conferences, the very structure of these gatherings militated against their success as policy-making or consensus-building institutions. The sheer number of participants at the summits made them a rather unwieldy planning mechanism: over one hundred representatives of government, business, labour, consumers, the cooperative movement, and the academic world took part in each of the three grand summits, for instance. Moreover, each of the social partners was represented by a variety of organizations, some of which had conflicting aims and priorities--the CSN viewed the world differently from the FTQ, for example, and the same was true of the Chambre de commerce and the CPQ in the business world. These conflicts within organized business and labour made it extremely difficult for the major social partners to arrive at a common analysis of the most pressing problems facing Quebec's economy, let alone agree to any future course of action.

Finally, the absence of one very important "social partner"--the federal government--from the economic summits drastically limited their effectiveness. Since jurisdiction over economic matters is shared between the federal and provincial governments, it would have made sense to have federal ministers and top-ranking civil servants present at the summits to bargain with the other economic agents. Few specific policies could be hammered out at the mini-summits on the "soft sectors," for instance, since the setting of tariffs and quotas on imports of clothing, footwear, textiles and furniture is a federal concern. The "consensus" reached by the social partners at the mini-summits amounted to little more than a request that the Quebec government pressure Ottawa to maintain tariff barriers at existing levels in order to protect employment in these industries.⁵⁵ According to Bernard Landry, the Minister of State for Economic Development, Quebec refused to invite Ottawa to its economic summits because

[c]oncerted action is part of a Québécois model based on a type of equilibrium among participants all in search of a consensus. There is already too much contention between the two levels of government for us to risk destroying this fragile equilibrium.⁵⁶

In essence, then, a possible increase in the effectiveness of the economic summits was sacrificed to the ongoing constitutional rivalry between Quebec and Ottawa.

In view of the structural defects in the economic summits convened by the PQ, it is hardly surprising that they did not have the salutary impact on the attitudes and behaviours of the social partners for which government leaders had hoped. Admittedly, the FTQ was more than happy with the structure and results of these conferences. At the Montebello conference in 1979, the FTQ congratulated the PQ government for having lived up to most of the commitments it had made at previous summits: "Même si les résultats n'ont pas toujours été ceux escomptés, il n'en demeure pas moins que les mesures prises sont impressionnantes et les résultats sont palpables dans bien des domaines."⁵⁷ Moreover, two of the most innovative policies

produced by these summit meetings were spawned by FTQ proposals. Corvée-Habitation, a program whereby home-buyers were given generous financial incentives in order to stimulate the province's residential construction industry, was considered by many observers to have been a model of the concerted action desired by the Lévesque government. Established in 1982, in the aftermath of the grand summit at Quebec City, the Corporation Corvée-Habitation was administered by a board of directors that included representatives from the construction unions, the relevant contractors' associations, the provincial government, financial institutions, municipalities, and consumers. According to Fournier, the program was a resounding economic success that benefited all participants: housing starts increased by 31 percent in 1984 over the previous year; 35,000 of the 77,500 new homes were directly attributable to the program, resulting in the creation of 35,000 jobs.⁵⁸

Another program established as a result of collaboration between the FTQ and the government was the Fonds de solidarité, an investment fund financed by worker contributions to provide venture capital for Quebec industries and thereby preserve employment in the province. Established in 1983, again in response to an FTQ proposal at the Quebec grand summit, the Fonds was initially financed by means of a \$10 million capital grant from the provincial government. By the end of 1984, the Fonds had received an additional \$2 million in contributions from FTQ union members (usually in the form of deductions from their pay cheques), and by the end of 1988, the fund's assets stood at \$232 million, making it the second-largest venture capital pool in Canada.⁵⁹ This money has been invested in 56 small and medium-sized firms, most of them francophone-owned or controlled, in various economic sectors (the Fonds is now part owner of the Quebec Nordiques hockey team, for example). Since an investment by the Fonds in a Québécois firm brings with it a voice on the board of directors, the directors of the fund hope eventually to build

... une véritable institution économique, contrôlée par les travailleurs, qui leur permettra progressivement d'avoir leur mot à dire dans les entreprises et dans l'économie en général. Le Fonds permet notamment de faire reculer les traditionnels droits de gérance dans les entreprises.⁶⁰

In the long term, then, the Fonds de solidarité might play a role in democratizing the economy and in circumscribing the untrammelled rights of property, or so its proponents argue.

In contrast to the FTQ's willingness to collaborate with the PQ's efforts to forge a new social contract, the remaining labour federations (apart from the tiny CSD, which was as enthusiastic about concerted action as the FTQ) were much more sceptical of the government's intentions, and participated in the economic summits only to make their demands heard. As I noted above, the CSN drew a negative comparison between the PQ's program of concerted action and the type of tripartite institutions created by authentic social-democratic governments. Nonetheless, it grudgingly attended the various economic summits in order to defend the interests of its members:

Nous nous sommes longtemps posé la question: allons-nous asseoir à la même table que les détenteurs du pouvoir, sachant fort bien que ces derniers ne feront que demander à la classe ouvrière de nouveaux sacrifices, des efforts accrus qui ne feront que renforcer le pouvoir de ceux qui les dominent. Cette question, nous l'avons débattue ... et nous avons décidé d'être présents à ce sommet. Nous ne comptons pas y faire autre chose que d'exposer la condition de la classe ouvrière que nous représentons. Nous entendrons vos propositions. Nous n'accepterons jamais de collaborer avec quelque initiative visant à imposer de nouveaux sacrifices ou de nouvelles contraintes aux travailleurs!⁶¹

The CEQ was even more reluctant to yield to what it viewed as the PQ's corporatist blandishments: a narrow majority of delegates on the executive council voted in favour of attending the first grand summit at Pointe-au-Pic, but the executive subsequently voted to abstain from the Montebello conference, seeing in it a "political trap on the eve of public-sector negotiations."⁶²

As for the business associations in the province, they were only too happy to attend the economic summits in order to communicate their demands to the government. Unlike the labour federations, the various business organizations did not reject out of hand the government's proposal to create a permanent Conseil économique et social to act as the focus for consensus-building in the province.⁶³ Nevertheless, despite some initial enthusiasm over the results of the mini-summits, business shared the CEQ's and CSN's growing disenchantment with the process of economic summitry. By the early 1980s, according to Fournier, both business and the public-sector labour federations firmly believed that the PQ had gone to the well once too often, and that it ought to develop new ideas for concerted action. The formula of the economic summit, in their view, had become outdated through overuse.⁶⁴

In summary, a number of structural and ideological factors impeded the creation of the new social contract so fervently desired by the PQ government. Although the economic summits were by no means entirely devoid of tangible policy results, they patently failed to inculcate in the social partners a respect for the collective good and a willingness to subordinate their "sectional" demands to the national interest.⁶⁵ At the end of the nine-year experiment in concerted action, neither labour—with the notable exception of the FTQ—nor business was any closer to shedding the confrontational attitudes and behaviours that the PQ government had identified as being the root cause of the province's economic deterioration (its failure to keep pace with Ontario) in the 1970s.

**(ii) The Institut national de productivité and
the Table national de l'emploi**

In addition to creating the Secrétariat permanent des conférences socio-économiques as a mechanism of consensus-building, the Parti Québécois government established two other tripartite policy-making bodies. The first of these, the Institut national de productivité (INP), was created on June 13 1978, and was similar in structure and purpose to the short-lived National Productivity Council established by the Diefenbaker government in 1961.⁶⁶ Ten members sat on the INP's board of directors: four representing the government and such groups as the cooperatives, and consumers, three from labour, and three from business. The first president of the INP was Alfred Rouleau, president of the Mouvement Desjardins in Quebec, a fact that underscored the privileged ties between the PQ and the cooperative movement. All members were chosen by the government after consultation with the relevant interest associations. Interestingly, the business contingent on the INP board was composed of individual entrepreneurs, rather than representatives of the major business associations in the province, which tended to cast doubt on the Institut's efficacy as an instrument of functional representation. In fact, the leading business association in the province, the CPQ, was highly critical of the government's intention to make the INP into a mechanism of dialogue between the social partners; it preferred an organization that would provide direct assistance to the business community in order to increase productivity. When the government balked at such a proposal, the CPQ refused to sit on the INP's board of directors.⁶⁷

Like the economic summits, the INP's overriding objective was to act as an educator of the social partners and to modify existing attitudes that were deemed harmful to the growth of productivity in Quebec:

Le dialogue est au coeur de la mission de l'Institut national de productivité, qui consiste essentiellement à favoriser, par ses recherches et ses initiatives, des échanges positifs et éclairés entre les agents de tous les milieux et contribuer ainsi à la recherche de solutions originales en vue de la construction d'une société vigoureuse ... L'Institut ... cherchera à favoriser la prise de conscience commune des problèmes et des voies de solutions possibles....⁶⁸

The powers given to the INP, however, as well as its extremely limited resources, both in terms of annual budget and personnel, drastically limited its effectiveness. So did the scepticism of the social partners: organized labour was critical of what it saw as the INP's pro-business bias, while employers' groups were disappointed by the Institut's timidity and ponderousness (it took almost four years, for example, for the INP to come up with a definition of productivity).⁶⁹ The INP was one of the first sacrifices on the altar of privatization and deregulation after the Bourassa government took power in 1985; the Institut was abolished before it had even succeeded in defining its mandate.

The second attempt by the Lévesque government to establish a permanent and effective mechanism of concerted action in the province involved the creation of the Table national de l'emploi (TNE) in March 1985. This initiative was largely the brainchild of Robert Dean, the former Quebec director of the United Auto Workers, who had been named Minister of Employment and Concertation in December 1984. Charged with elaborating a policy to reduce Quebec's chronically high levels of unemployment, the TNE grouped together twenty representatives of the various social partners: nine were named by the major trade-union federations (underscoring the FTQ's privileged ties to the PQ was the fact that it had five of labour's nine representatives on the TNE), nine by the employers' associations, and one by the women's movement; the Minister of Concertation chaired the meetings of the TNE, accompanied if necessary by additional cabinet ministers whose portfolios touched on employment policy.⁷⁰ According to Dean and other government spokespersons, the

TNE was eventually supposed to serve as the keystone of concerted action in the province, taking over some of the functions formerly exercised by the various economic summits, the INP, and even the Conseil consultatif du travail et de la main-d'oeuvre. For the most part, labour and business were cautiously enthusiastic about the government's intentions. The FTQ, not surprisingly, was more enthusiastic than cautious, claiming that

... à la FTQ, nous n'avons pas le droit d'hésiter. Nous devons plonger. Une politique de plein emploi, ça veut dire un engagement de la FTQ pour des rencontres avec le patronat, avec le Gouvernement et avec les autres groupes, afin de mettre sur pied une base solide qui assurerait à tous les citoyens et citoyennes du Québec qui sont aptes à travailler la possibilité de se trouver un emploi permanent ou peut-être un emploi à temps partiel, quand ils le désirent.⁷¹

According to Fournier, the CSN was much more sceptical of the government's initiative, arguing that the PQ government did not control the essential levers of the economy and thus was not in a position to try to emulate the social-democratic regime in Sweden, whose labour market boards had inspired the TNE. The CSN was also critical of the absence of important groups from the Table nationale de l'emploi—the young, the unemployed, and the non-unionized—a problem inherent in any exercise in concerted action.⁷² Similarly, the CPQ was openly critical of the government's initiative, and refused to attend the first meeting of the TNE.⁷³

Since the PQ government was defeated at the polls less than a year after the creation of the Table nationale de l'emploi, it is impossible to pass judgement on its effectiveness.⁷⁴ The commitment to a tripartite employment commission was inserted into the Parti Québécois program at its special convention in St-Hyacinthe in November 1988, although a significant minority of the delegates were clearly uneasy over the extensive state regulation implicit in the proposal. Robert Dean, who sponsored the resolution, claimed that it would enable the PQ to re-establish its "natural links" with the trade unions, the party's "natural constituency" (in the words

of one delegate). Indicative of the PQ's schizophrenic attitude towards labour, however, was the fact that one delegate was loudly cheered when she claimed that the party's commitment to a tripartite policy of full employment risked making the PQ a creature of the trade unions, just as the Liberals are the dupes of big business. She preferred a party free of all debts and attachments—a position highly reminiscent of Lévesque's own ideal. This incident attests to the continuing difficulties encountered by péquistes like Robert Dean who are trying desperately to refurbish the party's social-democratic credentials.⁷⁵

Although Panitch and the other anti-corporatists discussed above too quickly dismiss the policy benefits that can at times accrue to organized labour from its participation in economic policy making, their argument has a great deal of validity when applied to the Parti Québécois's program of concerted action. Quebec's trade unions derived very little in the way of tangible material benefits (notwithstanding the innovative and progressive aspects of Corvée-Habitation and the Fonds de solidarité) from their grudging cooperation with the provincial state and business. This was largely because the corporatist institutions created by the PQ lacked any real influence on policy making and because business in Quebec, unlike its counterparts in a number of West European countries, was unwilling to share any of its decision-making powers with labour. Only the FTQ made any significant gains as a result of concerted action, and only the FTQ unequivocally endorsed the PQ's efforts to forge a new social contract. Concerted action under the Parti Québécois, then, affords yet another illustration of the "special relationship" that existed between the PQ and the FTQ.

It is interesting to note that the PQ's efforts to forge a new social contract through concerted action became more systematic and more serious in the last year

or so of its second term in office. Robert Dean was appointed Minister of Concertation at the end of 1984. The Table nationale de l'emploi, by far the most ambitious tripartite policy-making institution created by the PQ, was only established in March 1985, just a few months before the government's defeat. Both of these initiatives can be seen as part of the PQ's effort to rebuild its bridges to the labour movement, bridges which had been burned in the bitter confrontation between the government and the Common Front unions during the 1982-83 round of public-sector bargaining. Since it was obvious to all but the most die-hard partisans of concerted action in the government that neither of the public-sector federations, the CSN and the CEQ, would have anything to do with state-sponsored dialogue and cooperation after the events of 1982, the FTQ remained as the sole significant target of the PQ's neo-corporatist blandishments. This partly accounts for the asymmetry in the labour representation on the Table nationale de l'emploi, with the FTQ having more than half of the seats on its board of directors, thus giving it an effective veto over the other trade union federations.

The government's desire to attract the support of the FTQ also helps to explain another of its initiatives in the field of labour policy: the creation of the Commission consultative sur le travail et la révision du code du travail (the Beaudry Commission, so named after its second president, Judge René Beaudry) on March 7, 1984. According to its terms of reference, the Commission was part of an "initiative in consultation/concertation/legislation on labour and the reform of the Labour Code, especially for the private sector."⁷⁶ In the final section of this chapter, I examine the objectives and recommendations of this very important Commission--important not so much for the actual policies that flowed out of its proposals (which were non-existent, since the PQ government was defeated shortly before the Commission's final report was issued) as for the symbolism inherent in its creation. More than anything

else, the establishment of the Beaudry Commission signalled to the FTQ the government's intention finally to do something about the legislative obstacles to unionization in the private sector. Such an initiative had long been promised by the PQ, but the government had considered it impolitic to attempt such a move before 1984.

(iii) The Beaudry Commission

The idea of revising the Labour Code to encourage unionization in the private sector was certainly not a novel one in 1984. In its 1978 Programme, adopted shortly after it came to power, the Parti Québécois affirmed that traditional certification procedures in Quebec "have long made freedom of association an illusion" for the sixty to sixty-five percent of the workforce who were not unionized (see Table 8.1 for data on unionization rates in the province in the 1980s). Certification of unions on a sectoral basis, instead of the traditional procedure of certifying unions in individual firms, was held out by the PQ as the solution to the problem of the unorganized.⁷⁷ Soon after he had replaced Jacques Couture as Minister of Labour, Pierre-Marc Johnson intimated that he would set up a latter-day "Parent Commission" to look into the possibility of a "truly global reform of labour relations." Presumably, one item in this global reform of the Labour Code would be the proposal for sectoral bargaining contained in the PQ program.⁷⁸

Table 8.1: Rate of Unionization in Quebec, 1976-84

	Total Union Membership	Annual Increase in Membership (%)	Rate of Unionization*
1976	846,619		37.0
1977	850,750	+0.5	37.0
1978	815,882	-4.1	36.9
1979	849,318	+4.1	36.4
1980	868,666	+2.3	36.0
1981	880,199	+1.3	38.3
1982	838,003	-4.8	37.3
1983	852,517	+1.7	36.3
1984	848,096	-0.5	34.0

*union membership as a percentage of paid, nonagricultural workforce

Source: Gilles Fleury, Centre de recherche et de statistiques sur le marché du travail, Evolution de la syndicalisation, 1964-1984 (Quebec: Ministère du Travail, de la Main-d'Oeuvre et de la Sécurité du Revenu, 1985), Table 1.

As I have already noted, some form of "sectoral bargaining" or "multi-employer certification" has been one of the labour movement's--and especially the FTQ's--most insistent demands since the early 1970s. Labour considers such a measure to be absolutely necessary if unions are to make any inroads into those sectors of the economy that have proven resistant to organization--services, small manufacturing, finance, and retail trade. Without some form of certification by sector, the major labour federations argue, the level of unionization in the private sector is doomed to remain under 30 percent (in contrast to the 60 percent or so of public-sector employees who belong to a union). That the FTQ would be the most vocal advocate of sectoral bargaining should not surprise us, since it is primarily a private-sector federation, and more importantly, it has been steadily losing members, mainly to the independent unions, during the past decade (see Table 8.2). Equally unsurprising is the fact that the major business associations in the province were, and continue to be, adamantly opposed to this idea, seeing in it the legal pretext for "compulsory unionization" and the "étatisation of the entire field of labour relations."⁷⁹ With the social partners separated by such a wide philosophical gulf in 1977, the PQ government quietly shelved the idea of creating a royal commission on the reform of the Labour Code.⁸⁰

Table 8.2: Union Membership in Quebec By Federation, 1976-1985^a

	1976		1982 ^b		1985 ^c	
	'000	(%)	'000	(%)	'000	(%)
FTQ	417.4	49.3	324.4	38.7	304.1	37.0
CSN	159.4	18.8	189.6	22.6	182.8	22.2
CSD	40.0	4.7	44.7	5.3	40.8	5.0
CEQ	82.5	9.8	70.5	8.4	70.8	8.6
IND ^d	146.0	17.2	204.8	24.4	213.3	25.9
OTHER ^e	1.3	0.2	3.9	0.5	11.2	1.4
TOTAL	846.6	100.0	837.9	99.9	823.0	100.1

^aThe two columns for each year indicate the federation's membership in thousands and that figure as a percentage of the total unionized workforce in Quebec. These data should be interpreted cautiously, since the criteria for calculating union membership changed markedly during this period (see note b, below). One of the most important trends captured in this table is the dramatic growth of the independent unions, from 17.2% to 25.9% of the workforce.

^bBeginning in 1982, the Ministère du travail gathered data on the number of workers covered by collective agreements, rather than the number of workers actually belonging to a union. As a result, the totals for union membership are probably inflated to a certain extent after this date, since not all workers covered by a collective agreement need necessarily belong to a union.

^cExcludes workers in the construction industry and the federal public service, which represent a total of approximately 160,400 employees.

^dUnions not affiliated with any federation.

^eIncludes unions belonging to such small federations as the Canadian Federation of Labour, formed in 1982.

Source: (1976-1982) Gilles Fleury, Centre de recherche et de statistiques sur le marché du travail, Evolution de la syndicalisation, 1964-1984 (Quebec: Ministère du Travail, de la Main-d'Oeuvre et de la Sécurité du Revenu, 1985), Tables 16 and 28.

(1985) Gilles Fleury, "La carte syndicale au Québec en 1985," Le marché du travail 6:12 (Dec. 1985), Table 2.

By 1984, the social partners were no closer to reaching a consensus on the direction a reform of the Labour Code ought to take than they had been in 1976. If anything, the conditions for creating a latter-day Parent Commission for the revision of industrial relations legislation were even less propitious than they had been eight years earlier, particularly since any thought of dialogue between the state on the one hand, and the CSN and the CEQ on the other, had gone out the window with the series of repressive measures adopted by the Lévesque regime during the Common Front negotiations of 1982-83. Nonetheless, the PQ's relations with the FTQ leadership were still remarkably cordial. Despite the government's harsh back-to-work legislation (Bill 111) to end the teachers' strike in the spring of 1983, and despite the arbitrary and unilateral cuts it had made in the wages of public-sector employees, the FTQ executive had, overall, a positive evaluation of the PQ administration. The FTQ was especially impressed by the government's labour reforms, which constituted "important gains that are the envy of unions elsewhere on the continent...."⁸¹ With the FTQ on its side, the Parti Québécois decided to embark on a reform of private-sector labour relations law.

The instrument chosen by the Lévesque government to undertake this large-scale reform of the Labour Code underscored the Parti Québécois's neo-corporatist world view, and its unwavering faith in the powers of concerted action. On March 7 1984, the government established the Commission consultative sur le travail et la révision du code du travail (abbreviated to CCT), consisting of Gilles Châtillon as president, and four commissioners: Jean Gérin-Lajoie, the director of the Quebec section of the United Steelworkers of America (the Métallos) and vice-president of the FTQ; Jean-Jacques Gagnon, a vice-president of Alcan; Viateur Larouche, an industrial relations professor; and Jeannine McNeil, a professor at the Ecole des Hautes Etudes Commerciales in Montreal. Châtillon, who was formerly the director of the Secrétariat

permanent des conférences socio-économiques, resigned as president of the CCT in September 1984, and was replaced by René Beaudry, a judge of the Quebec Provincial Court and a member of the Labour Tribunal in the province.

The CCT's mandate was "to determine, with the assistance of the socio-economic partners, appropriate measures to foster harmonious labour relations, a productive organization of work, and increased involvement of workers in their enterprises, especially in the private sector."⁸² In order to attain these objectives, the CCT was to initiate broad-based consultations with the economic partners, encouraging the latter "to contribute to the search for a consensus, guided by general and fundamental reflections on labour relations and on their implications for Quebec society in the years to come."⁸³ A mini-summit on the reform of the Labour Code was held in Quebec City in June 1984 in order to allow the social partners to voice their opinions and demands to the CCT (Châtillon chaired the summit meeting). As with all of the economic summits held during the PQ's tenure, however, it was the government that chose the themes for discussion.⁸⁴ This conference was followed by a series of public hearings held in various parts of the province. In all, over 250 briefs were submitted to the CCT by a wide variety of organizations. Although a second mini-summit on labour law reform was to have been held in the spring of 1985, in order to synthesize the mountain of documentation and the numerous proposals gathered by the CCT, most of the labour federations and the major business associations were lukewarm to the idea of attending yet another public conference. As a result, a series of private, one-to-one, consultations were held between the CCT and the various social partners in March and June 1985. The CCT's final report was not submitted to the government until December 1985, after the nine-year PQ regime had come to an end; it was finally made public on January 20, 1986.

If implemented, the Beaudry commission's 111 recommendations would have constituted a modest victory for the labour movement in Quebec. In addition to endorsing the major reforms enacted by the Parti Québécois administration--anti-scab measures, Labour Standards legislation (Bill 126), the Law on Occupational Health and Safety (Bill 17), restrictions on employers' ability to circumvent the Labour Code by contracting out production--the Beaudry Report made a number of proposals that were likely to gain the support of the major trade-union federations in the province. Most importantly, it recommended the abolition of the Bureau du commissaire du travail established in 1969, and its replacement by a Labour Relations Board, in order to bring Quebec into line with the practice of other provinces. This step had been demanded by the labour federations as a means of "de-judicializing" (to employ an unwieldy neologism) labour relations in the province, and to speed up certification requests, which seemed to take an inordinate amount of time to process, at least in comparison with other provinces.⁸⁵ As well, the Commission recommended that the hodgepodge of labour legislation in the province be codified into a single law, and that sectoral bargaining be allowed on a voluntary basis, subject to the approval of all parties concerned. One labour relations expert, evaluating the potential impact of the Beaudry Report's proposals, characterized them as a "modest reform of existing procedures [with] some enhanced protection for individuals and union organizations in the face of increased technological change and other transformations in the workplace."⁸⁶

Reactions of organized labour and the business community to the Beaudry Report underscored the Parti Québécois government's failure to forge a new social contract, or anything remotely resembling a national consciousness, during its tenure in power. Anticipating a wholesale gutting of the many "irritants" in the Quebec Labour Code--the anti-scab provisions, the Rand Formula, the arbitration of first

contracts, and the list went on⁸⁷—the major business associations were bitterly disappointed in the Beaudry Commission's main recommendations. Among the latter, the Commission's proposal for voluntary sectoral certification and bargaining, its call for the modernization and strengthening of the 1934 Law on the Extension of Collective Agreements (which employers' groups viewed as a means of implementing sectoral bargaining "through the back door"), as well as its refusal to tamper with the PQ's controversial reforms of labour relations law (Bill 45 and its amendments, the Law on Labour Standards, the Law on Occupational Health and Safety), all came in for especially heavy criticism. Jean-Paul Létourneau, executive vice-president of the Quebec Chamber of Commerce, denounced the Beaudry Report as a "pro-union manifesto," unrealistic and overly interventionist, which was bound to have a harmful effect on Quebec's economic competitiveness if implemented. Létourneau vowed that the Chamber of Commerce would "fight like hell" to prevent the adoption of the Beaudry Commission's proposals. Although less vitriolic in their denunciations of the report, the other major business associations echoed the CCPQ's sentiments. According to the CPQ, for instance, there was "absolutely nothing" in the Beaudry Commission's recommendations for the business community, apart from its proposal to codify the welter of provincial labour legislation into a single law.⁸⁸ The virulence of the business community's reaction to the Beaudry Report, which seemed slightly out of proportion to the fairly modest nature of the Commission's proposals, can partly be explained by the desire of the major employers' federations to spur the new Bourassa government to fulfil its election promise of deregulating labour relations. In the new market-driven, entrepreneurial society heralded by the Bourassa cabinet (in which there were a number of prominent representatives of the ascendant francophone capitalist class then being lionized in the popular press⁸⁹), the Beaudry

Report stood out in the eyes of business as an unsightly reminder of the "bad old days" of péquiste rule.

As for the main labour federations, their reaction to the Beaudry Report was one of cautious approval. Gérald Larose, president of the CSN, urged the Bourassa government to implement the Commission's major recommendations without delay, in order to bring Quebec up to date with the labour legislation in the rest of the country (in terms of the speed of certification procedures).⁹⁰ Raymond Johnston, a vice-president of the CEQ, applauded the Beaudry Report's diagnosis of the obstacles facing unionization in Quebec's private sector, but expressed some disappointment at the timid measures proposed by the Commission to rectify the situation.⁹¹ Louis Laberge of the FTQ, as was to be expected, was the most enthusiastic supporter among the province's labour leaders of the Beaudry Commission recommendations, claiming that the proposal to abolish the Bureau du commissaire du travail and replace it with a Labour Relations Board would undoubtedly help to reduce the "avocasseries" that prevented or delayed certification of private-sector workers in the province. Nonetheless, even the FTQ leader was mildly disappointed in the timid nature of the Report, particularly its decision to skirt the issue of sectoral bargaining (advocating voluntary sectoral bargaining was tantamount to shelving the idea, since virtually all of the major business associations were unalterably opposed to this measure).⁹²

Given the Bourassa government's neo-liberal proclivities, and the employers' unshakable opposition to the CCT's recommendations, the Beaudry Report's prospects for survival did not appear to be overly promising when it was made public in early 1986. Pierre Paradis, the militantly laissez-faire Minister of Labour in the Bourassa cabinet, did not even bother to show up to the conference at which the Report was unveiled, signalling the government's lukewarm (or actively hostile) attitude toward

the work of the Beaudry Commission.⁹³ When Paradis finally did introduce legislation (Bill 30, 1987) to implement one of the Beaudry Report's main recommendations (the creation of a Labour Relations Board), the proposed law was denounced as unworkable and poorly drafted by both employers and trade unions.⁹⁴

Interestingly, the Bourassa government made no attempt during its first mandate to undo the Parti Québécois's "pro-union" reforms of the Labour Code: the anti-scab provisions and the Commission de la santé et de la sécurité au travail, which by the mid-1980s had become the principal bêtes noires of the province's employers, were not repealed by the Liberal regime, despite Bourassa's election promises to the contrary. This simply reflected Bourassa's recognition of the political cost that such a move would have entailed: to dismantle the already ponderous bureaucracy of the CSST would have required an enormous investment of political energy, which Bourassa, ever the pragmatist, preferred to channel into other activities. And as for the Liberal government's inactivity on the anti-scab law, this may simply have been a tactical concession to organized labour, an admission that to remove these protections would risk mobilizing an otherwise quiescent labour movement. Whatever the reasons behind the Liberals' behaviour since 1985, it should be noted that Bourassa himself is much less enamoured of the neo-conservative creed than some of his lieutenants, and this more than anything else accounts for the caution with which his administration has proceeded.

Would the Parti Québécois have acted to implement the various reforms proposed by the Beaudry Commission, had it won the 1985 provincial election? In the absence of the consensus so desperately sought by the PQ during its nine years in power, it is difficult to imagine that the fate of the Beaudry Report would have been much different if Pierre-Marc Johnson (Lévesque's successor as leader of the government) had been able to rally his party to victory in December 1985. The PQ

leadership had always assumed that merely creating the machinery for dialogue between the socioeconomic partners would suffice to establish a broad consensus on the province's developmental priorities. As with some early versions of romantic corporatism, the PQ's vision of a new social contract was premised on a faith in the spontaneous generation of class harmony, once the enlightened technocrats in the government had brought the economic agents together. In spite of a few limited successes in this area (Corvée-Habitation, for instance, or the Fonds de solidarité), concerted action in Quebec during the PQ's two terms in office must be regarded as a failure, a failure underscored by the diametrically opposed reactions of labour and business to the Beaudry Commission proposals. Only the FTQ was at all sympathetic to the government's assiduous efforts at consensus-building; the remaining social partners simply refused to shed their "egoistic" class interests. On the one hand, the CSN and the CEQ remained committed to a strategy of class conflict and contestation, despite their sympathy to the PQ's nationalist project (which in any case evaporated after the defeat of the 1980 referendum and the draconian measures adopted by the PQ during the 1982-83 Common Front negotiations). On the other hand, the CPQ and the rest of the major employers' associations categorically rejected any notion of sharing power with the trade unions, or of strengthening the organizational power of the labour movement, through such measures as sectoral bargaining. Trying to court both business and labour simultaneously, the PQ government was unable to mitigate or paper over the deep-seated hostility of each group for the other. In short, one essential ingredient--a commitment among the peak associations of labour and business to the doctrine of social partnership--was absent from the Parti Québécois's recipe for a new social contract, a fact that virtually condemned the government's exercises in concerted action to futility.⁹⁵

IV. CONCLUSION

This chapter has examined three interrelated components of the Parti Québécois's labour policy. In the first section, I discussed the Lévesque government's minimal labour standards legislation (Bill 126), arguing that this was the legislative means whereby the PQ reached out to unorganized workers and attempted to create a constituency for its political project. The PQ chose to enact regulatory legislation to deal with the problem of working conditions among the non-unionized sections of the workforce, rather than live up to the pledge contained in its program to create some form of sectoral bargaining--which would have greatly increased the power of trade unions--for two reasons. First of all, the dominant faction in the PQ was suspicious of the union leadership (with the notable exception of the FTQ), believing it to be overly militant and unrealistically of touch with the vast majority of Québécois--for whom the government spoke. This hostility and suspicion on the part of the PQ hierarchy toward the organizations of labour ruled out any reform, such as sectoral bargaining, that would drastically increase the strength of union leaders. Secondly, the PQ was perfectly aware that sectoral bargaining would have alienated the business community to an even greater extent than the reforms of the Labour Code (Bill 45) had already done. When Bill 126 was enacted, the referendum on sovereignty-association had not yet been called, and thus the PQ government could not risk alienating the support of certain sections of the business community, feeble though it might have been. Bill 126 may not have constituted a radical attack on the rights and interests of capital in the province, but the timing and content of this legislation cannot be understood without an appreciation of the PQ's political objectives.

In the second section of the chapter, I examined the Parti Québécois's legislation regulating occupational health and safety (Bill 17). Couched in the language of social partnership and setting out in detail the rights and duties of workers and employers for the maintenance of health and safety in the workplace, Bill 17 entailed a much more important limitation on managerial prerogatives than had been the case with Bill 126. And although the PQ contended that the legislation was designed to delegate responsibility for occupational health and safety to the social partners, it actually spawned an enormous growth in the state bureaucracy, something that was consistent with the Parti Québécois's statist and interventionist ideology. This policy, perhaps more than any other measure enacted by the Lévesque administration, reflected primarily the government's own objectives; both labour and capital balked at the legislative and bureaucratic straitjacket imposed by the government.

In the third and final section of this chapter, I discussed the the PQ's assiduous efforts to instill a national consciousness in the social partners and lay the conditions for a new social contract in the province. Economic summits, a tripartite National Productivity Institute, an attempt to create a system of concerted action for the reduction of unemployment in the province: these were some of the more important manifestations of the PQ's neo-corporatist objectives. I argued that, initially, the efforts at consensus-building corresponded to the government's desire to create a broad coalition of classes in favour of the independence project. After the defeat of the referendum in 1980, and the onset of a severe economic recession, organized concerted action in the province became even more systematic than it had previously been. This reflected the PQ's desire to forge strong links with private-sector unions (represented by the FTQ) and certain sections of the business community (the PME) in the province, in order to retain its increasingly tenuous hold on power. In neither

case (pre- and post-referendum) did the policy of concerted action have the effects for which the government had hoped.

Taken together with chapter seven, the analysis of this chapter demonstrates that the various labour relations reforms implemented by the PQ government between 1976 and 1985, while hardly revolutionary, nonetheless reflected the political objectives of the governing party or the occupational ambitions of the new middle class, or a combination of the two. This is true of the reforms of the Labour Code (Bill 45 and Bill 17), the law on minimal labour standards (Bill 126), the law on occupational health and safety (Bill 17), and the government's various attempts at concerted action. No matter how contradictory the long-term effects of these reforms were—in terms of creating an unbridgeable chasm between the technocratic elite and the subordinate groups it seeks to mobilize—in the short run these initiatives did succeed in providing the PQ with a much-needed margin for manoeuvre in the run-up to the referendum. These reforms also created a unique environment for business in Quebec, one far more subject to state regulation than any other jurisdiction in North America, a fact that the various organizations of business never cease to lament.

In the next chapter I will examine the one component of the Parti Québécois's labour policy that was more or less an unmitigated disaster—its handling of negotiations with its own employees in the public and parapublic sectors. I will show that the PQ, a nominally social-democratic government, adopted brutally repressive measures to discipline these workers in the early 1980s, after the onset of the deep recession in 1980-81. Far from lending credence to a functionalist interpretation of the state's actions, however, I contend that this episode again points to the importance of political variables in the determination of state policy.

CHAPTER EIGHT ENDNOTES

¹Normand Dugas, "Et si, en plus d'un pays le gouvernement réservait un syndicat aux travailleurs du Québec," Ligne directe 8:5 (April 1980), p.14 (my translation). Ligne directe is the official publication of the CEQ.

²Ibid., p.11.

³Claude Rondeau and Jacques Bélanger, "Le syndicalisme dans l'entreprise: tendances récentes et analyse," in Jacques Bélanger et al., eds., La Syndicalisation dans le secteur privé au Québec (Quebec: PUL, 1983), pp.22-23.

⁴For a discussion of sectoral bargaining, see Robert Sauvé, "La négociation collective sectorielle," Relations industrielles 26:1 (January 1971), pp.3-23; Léo Roback, La syndicalisation sectorielle (Montreal: Institut de recherche appliquée sur le travail, 1977).

⁵Roch Denis, Luttes de classes et question nationale au Québec, 1948-1968 (Montreal and Paris: Presses socialistes internationales/Etudes et documentation internationales, 1979), p.75. See also chapter two above.

⁶Roback, La syndicalisation sectorielle, pp.23, 31. See also Michel Pelletier, "Les conditions minimales de travail: Une réponse aux besoins des travailleurs non-organisés," in Laurent Bélanger et al., eds. La détermination des conditions minimales de travail par l'Etat (Quebec: PUL, 1980), p.64. For the report itself, see Claude Castonguay et al., "Rapport du groupe de travail sur la politique de salaire et des conditions minima de travail," Travail-Québec 11:3 (numéro spécial, May 1975), pp.5-141.

⁷Pelletier, "La conditions minimales de travail," pp.70-1; Jean-Claude Picard, "Québec songe à imposer à tout employeur une sorte de 'contrat collectif' de base," Le Devoir, 14 February 1977.

⁸Mémoire a la commission parlementaire du travail et de la main-d'oeuvre sur le projet de loi 126, included in Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, Commission permanente du travail et de la main-d'oeuvre, 22 March 1979, Annexe A, p.B923.

⁹See Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, Commission permanente du travail et de la main-d'oeuvre, 8 March 1979, p.B236.

¹⁰CEQ, Un gouvernement de plus en plus conservateur (Quebec City, 26 March 1981), pp.20-26.

¹¹Pelletier, "Les conditions minimales de travail," p.77.

¹²Mémoire ... sur le projet de loi 126, in Québec, Journal des Débats, 22 March 1979, pp.B922-23. See also ibid., 21 March 1979, pp.B762-63 for the reaction of the Association des manufacturiers canadiens.

¹³Pierre Fortin, "Les conditions minimales de travail: Leurs conséquences économiques?", in Bélanger et al., eds. La détermination des conditions minimales de travail par l'Etat, pp.138-39. Fortin had been appointed to lead a government inquiry on the minimum wage shortly after the PQ came to power.

¹⁴CEQ, Un gouvernement de plus en plus conservateur, p.22.

¹⁵Parti Québécois, Official Program, 1978 Edition (adopted at the 6th National Convention held in Montreal, May 1977), ch.6, articles 2d, 2e, and 9, p.34.

¹⁶Dugas, "Et si, en plus d'un pays," p.12. See also Max Nemni, Normand Dugas, and Denis Michaud, "Bâtir un syndicalisme d'affaires," Cahiers du socialisme 6 (Fall 1980), pp.220-23.

¹⁷Lévesque, La passion du Québec, pp.75-6 (my translation).

¹⁸Dugas, "Et si, en plus d'un pays," p.14. See also Nemni, Dugas and Michaud, "Bâtir un syndicalisme d'affaires," p.242. Jean-Daniel Reynaud, in his article, "Les sociétés néo-libérales et la transformation du rôle de l'Etat dans la détermination des conditions de travail," in Bélanger et al., eds. La Détermination des conditions minimales de travail par l'Etat, p.213, makes the interesting point that "les bas salaires ou les ouvriers semi-qualifiés, ce sont des groupes abstraits et indéfinis, ressemblant plus à la clientèle potentielle d'un parti politique qu'à la base traditionnelle d'un syndicat."

¹⁹Pierre Marois, "Foreward," in Québec, Ministre d'Etat au développement social, Occupational Health and Safety: Quebec's Policy for the Health and Safety of its Workers (Quebec: Editeur officiel, October 1978), p.v.

²⁰Ibid., pp.61, 184.

²¹Ibid., p.197 (emphasis added).

²²Ibid., p.204 (emphasis added). The White Paper noted that "compulsory joint committees ... are not very productive unless they meet a real need felt by workers or employers. The committee must therefore be the outcome of the initiative of one of the two parties concerned, or both."

²³Ibid., pp.206-7.

²⁴Marois and the unnamed sources are both quoted in Lysiane Gagnon, "Plus de droits aux travailleurs," La Presse, 20 September 1979, p.A7. For the FTQ's position on Bill 17, see Lysiane Gagnon, "La FTQ d'accord avec le principe de concertation," La Presse, 13 September 1979.

²⁵CEQ, Un gouvernement de plus en plus conservateur, p.32 (my translation).

²⁶Gagnon, "La FTQ d'accord avec le principe de concertation."

²⁷Gagnon, "Plus de droits aux travailleurs," p.A7.

²⁸Ghislain Dufour, "Relations du travail 1979-1980," Revue commerce: le point (édition annuelle sur l'économie), February 1980, p.134. See also Gilles Provost, "Le projet de loi 17 devrait être récrit au complet (CPQ)," Le Devoir, 13 September 1979, p.14 and Robert Gibbens, "Agency to Oversee Industrial Health System Worries Business," Globe and Mail, 3 November 1979.

²⁹Gagnon, "Plus de droits aux travailleurs," p.A7.

³⁰Etienne Giasson, "Table ronde: La santé et la sécurité dans l'entreprise," in Rodrigue Blouin et al., eds., Régimes de santé et sécurité et relations du travail (Québec: PUL, 1984), p.126.

³¹Monique Simard, "Commentaire," in ibid., p.107.

³²Florian Ouellet, "Concertation et participation: mythe ou réalité?", in ibid., pp.88-9.

³³The comments by Dufour, Hétu, and Larose are found in "Table ronde--Déceptions et espoirs," in ibid., pp.245, 252, 267.

³⁴Bernard Solasse, "Le nouveau régime: une alternative à l'option syndicale," in Bélanger et al., eds. La Détermination des conditions minimales de travail par l'Etat, p.154.

³⁵William D. Coleman, "The Political Economy of Quebec," in Wallace Clement and Glen Williams, eds., The New Canadian Political Economy (Kingston and Montreal: McGill-Queen's Press, 1989), p.167. The two authors to whom Coleman refers are Jean-Jacques Simard, La longue marche des technocrates (Montreal: Editions Albert Saint-Martin, 1979), and Gilbert Renaud, A l'ombre du rationalisme (Montreal: Editions Albert Saint-Martin, 1984).

³⁶Pierre Fournier, La concertation au Québec: étude de cas et perspectives (Quebec: Commission consultative sur le travail et la révision du code du travail [Beaudry Commission], 1986), p.19.

³⁷"Speech to the Economic Club in New York," Globe and Mail, 26 January 1977, p.B2.

³⁸Québec, Bâtir le Québec, p.100.

³⁹Ibid., pp.85-6.

⁴⁰La concertation au Québec, p.11.

⁴¹For a more complete examination of the PQ's neo-corporatist strategy, see A. Brian Tanguay, "The Parti Québécois and the Politics of Concerted Action: A New Corporatism?", M.A. thesis, Carleton University, Ottawa, 1980 and A. Brian Tanguay, "Concerted Action in Quebec, 1976-1983: Dialogue of the Deaf," in Alain-G. Gagnon, ed., Quebec: State and Society (Toronto: Methuen, 1984), pp.365-85. My discussion here draws partly on these earlier analyses as well as on Fournier's detailed study, La concertation au Québec.

⁴²Leo Panitch, "Recent Theorizations of Corporatism: Reflections on a Growth Industry," British Journal of Sociology 31:2 (June 1980), pp.159-187. It should be noted that the terms "tripartism," "concerted action" (which in French is rendered as concertation), and "liberal" or "neo-corporatism" are all treated as rough equivalents in this analysis. Gerhard Lehmbruch makes a useful distinction between sectoral corporatism, in which interest associations are granted representational monopolies and privileged access to the state (as in the case of agricultural groups in France, or construction unions and employers in Quebec), and corporatist concertation. The latter involves tripartite coordination at the national level in order to manage industrial conflict and preserve economic stability and competitiveness; this corresponds to the system of socioeconomic summits established by the PQ government. See Lehmbruch's article, "Concertation and the Structure of Corporatist Networks," in John H. Goldthorpe, ed., Order and Conflict in Contemporary Capitalism (Oxford: Oxford University Press, 1984), pp.62-3.

⁴³Stephen Cohen, Modern Capitalist Planning: The French Model (Cambridge MA: Harvard University Press, 1969), pp.233, 254.

⁴⁴See John H. Goldthorpe, "The End of Convergence: Corporatist and Dualist Tendencies in Modern Western Societies," in John H. Goldthorpe, ed., Order and Conflict in Contemporary Capitalism (Oxford: Oxford University Press, 1984), p.339 (Goldthorpe is highly critical of this perspective) and Bob Jessop, "Corporatism, Parliamentarism and Social Democracy," in Philippe Schmitter and Gerhard Lehmbruch, eds., Trends Toward Corporatist Intermediation (Beverly Hills and London: Sage, 1979), pp.185-212.

⁴⁵Leo Panitch, "Trade Unions and the Capitalist State," New Left Review no.125 (Jan.-Feb. 1981), p.38.

⁴⁶Ibid., p.43.

⁴⁷Winton Higgins, "Political Unionism and the Corporatist Thesis," Economic and Industrial Democracy 6:3 (August 1985), p.363. In view of the prevailing pejorative connotations of the term "corporatism," Higgins prefers to describe these structures as instances of "political unionism." It must be noted that Higgins ignores the other half of the equation--what do the state and business derive from this form of exchange?

⁴⁸David R. Cameron, "Social Democracy, Corporatism, Labour Quiescence and the Representation of Economic Interest in Advanced Capitalist Society," in John H. Goldthorpe, ed., Order and Conflict in Contemporary Capitalism (Oxford: Oxford University Press, 1984), pp.173-74.

⁴⁹Wolfgang Streeck, "Neo-Corporatist Industrial Relations and the Economic Crisis in West Germany," in John H. Goldthorpe, ed., Order and Conflict in Contemporary Capitalism (Oxford: Oxford University Press, 1984), p.294.

⁵⁰For a complete list of the conferences, see Québec, Secrétariat des conférences socio-économiques, Le bilan des conférences socio-économiques du Québec, de mai 1977 à septembre 1980 (1980) and Le bilan des conférences socio-économiques, de décembre 1981 à octobre 1985 (1985). See also Fournier, La concertation au Québec, p.20.

⁵¹Québec, Secrétariat permanent des conférences socio-économiques, Le bilan des conférences socio-économiques du Québec, de mai 1977 à décembre 1978 (March 1979), pp.6-7.

⁵²Quoted in Michelle La Santé, "Les sommets et les conditions du dialogue entre les agents socio-économiques du Québec," OSE 1:5 (January 1979), pp.6-7. For a summary of the Secretariat's very visible role in the operation of the economic summits, see Secrétariat permanent des conférences socio-économiques, Le bilan des conférences socio-économiques, pp.8-12.

⁵³Québec, Rapport: le sommet économique (Pointe-au-Pic, May 1977), p.27 (my translation). See also CSN, Positions de la CSN défendues au sommet économique (24-26 May 1977), pp.3-6.

⁵⁴CSN, Positions de la CSN au sommet économique de Montebello (March 14-15 1979), pp.20-22.

⁵⁵Québec, Le bilan des conférences socio-économiques, pp.27-56.

⁵⁶Quoted in Michel Morin, "Une demi-douzaine de projets majeurs devraient débloquer," Le Devoir, 26 February 1981 (my translation).

⁵⁷FTQ, Sommet économique: nos positions (Montebello, 14-16 March 1979), p.1.

⁵⁸Fournier, La concertation au Québec, p.23. In Ontario, Fournier notes, housing starts were up by only 8 percent in 1984; the increase for Canada was a paltry 3 percent.

⁵⁹*Ibid.*, p.29. See also Bertrand Marotte, "Quebec Union Getting Fond of New Capitalistic Ways," Globe and Mail, 13 February 1989.

⁶⁰Fonds de solidarité des travailleurs du Québec, Notes pour une intervention devant la Commission Beaudry (7 December 1984), p.2, quoted in Fournier, La concertation au Québec, p.31.

⁶¹CSN, Positions de la CSN défendues au sommet économique, p.6.

⁶²CEQ, Bilan critique de nos relations avec l'Etat (November 1983), p.21.

⁶³The CEQ completely rejected the notion of concertation sociale, while the CSN indicated that it was somewhat premature to be discussing the creation of a Conseil économique et social. Even the FTQ was sceptical of this proposal, claiming that the "objective conditions necessary for this form of concerted action did not yet exist in Quebec." Only the CSD unequivocally supported the proposal. Of the major employers' organizations, the Association des manufacturiers canadiens and the CPQ willingly embraced the idea, while the Chambre de commerce voiced some reservations about the structure and objectives of such an organization. See Québec, La conférence au sommet Québec, Rapport, (1982) pp.261-76.

⁶⁴Fournier, La concertation au Québec, p.21.

⁶⁵Fournier reaches the same conclusion in *ibid.*, p.21.

⁶⁶On the National Productivity Council, see Leo Panitch, "Corporatism in Canada," Studies in Political Economy 1 (Spring 1979), p.67.

⁶⁷Fournier, La concertation au Québec, p.14. Fournier notes that the CPQ did relent and join the INP's board of directors in 1982.

⁶⁸Institut national de productivité, Les orientations INP (n.d.), pp.5-6.

⁶⁹See Fournier, La concertation au Québec, pp.14-15. See also Centre des Dirigeants d'Entreprise, Les réalisations de l'Institut National de Productivité et le problème de l'accroissement de la productivité au Québec, Mémoire soumis au conseil d'administration de l'Institut National de Productivité (Montreal, 1 May 1981).

⁷⁰This discussion of the Table nationale de l'emploi draws on Fournier, La concertation au Québec, pp.11-13. For the size of the FTQ delegation, see FTQ, Prendre notre place, Rapport du Secrétaire-général, 19^e congrès (Quebec, 25-29 November 1985), p.5.

⁷¹Quoted in Fournier, La concertation au Québec, p.12. See also FTQ, Prendre notre place, p.5: "Contrairement à la CSN et au Conseil du patronat, la FTQ n'a mis aucune tiédeur quant à sa participation à la Table nationale de l'emploi et nous croyons qu'il y a là un lieu où peut se réaliser la plus grande coordination gouvernementale en matière d'emploi."

⁷²Fournier, La concertation au Québec, pp.12-13. As Charles Maier has pointed out: "Every move toward the organization of corporate interests is simultaneously a step toward exclusion of those not subsumed in a state-supervised structure of bargaining. To credential unions is to consign nonunion labor to a marginal status of passive citizenship." See his article, "Fictitious Bonds ... of Wealth and Law': On the Theory and Practice of Interest Representation," in Suzanne Berger, ed., Organizing Interests in Western Europe (Cambridge: Cambridge University Press, 1981), p.55.

⁷³FTQ, Prendre notre place, p.5.

⁷⁴According to Robert Dean, the necessary infrastructure for a tripartite full-employment policy had not yet been fully established when the Liberals took power in December 1985, and the Bourassa government quickly dismantled the inchoate institutions created by the PQ. Robert Dean, Interview, Montreal, 27 January 1989.

⁷⁵See Parti Québécois Programme, Edition 1989 pp.35-39. I was present at the special convention as an observer.

⁷⁶Québec, Commission consultative sur le travail, Le Travail: Une responsabilité collective, Rapport final de la Commission consultative sur le travail et la révision du code du travail (1985), p.1 (emphasis added).

⁷⁷Parti Québécois, Official Program, 1978 Edition, p.34.

⁷⁸Michel Vastel, "Johnson créera une commission de réforme des lois du travail," Le Devoir, 8 October 1977, p.1; Pierre Bellemare, "Anti-scabs: Johnson reste inflexible devant le patronat," Le Devoir, 9 November 1977.

⁷⁹Conseil du Patronat du Québec, Colloque sur la négociation sectorielle (Montreal, 26 May 1978), pp.2,6.

⁸⁰Québec, Ministère du Travail et de la Main-d'oeuvre, Rapport de Monsieur André Thibodeau sur l'opportunité de la création d'une commission d'étude de de révision du code du travail du Québec (1978), pp.1, 2. According to Thibodeau, a lawyer, it would have been "premature" to create the sort of commission of inquiry desired by Johnson and the PQ government—a desire shared by the CPQ, which wanted a forum for denouncing the pro-union cast of the PQ's labour policy, but rejected by all three labour federations, which feared that a commission would serve as a pretext for inaction on pressing labour relations problems. To create a commission of inquiry into reform of the Labour Code, Thibodeau warned, would be to run the risk of further politicizing labour relations in the province.

⁸¹FTQ, Déclaration politique de la FTQ, 3^e congrès extraordinaire (Montréal, 2 November 1985), pp.6-7. In 1985, the FTQ executive recommended that the federation officially endorse the PQ in the upcoming provincial election, but this resolution was defeated by the membership at a special convention. See Don MacPherson, "Louis Laberge Suffers Uncommon Humiliation," The Gazette, 5 November 1985, p.B3.

⁸²Commission consultative sur le travail, Audiences publiques sur le travail et la révision du Code du travail—Document de consultation (1984), p.7 (my translation).

⁸³Ibid.

⁸⁴Commission consultative sur le travail, Le Travail: une responsabilité collective, p.2.

⁸⁵Ironically, it was the trade unions themselves that had been the most vocal critics of the old Commission des relations du travail (abolished in 1969), which they had characterized as overly political and too solicitous of the interests of employers. See chapter 4 above.

⁸⁶Gregor Murray, "Liberals Still Silent on Labor Code Reform," The Gazette, 25 March 1986, p.B3.

⁸⁷For a complete summary of the CPQ's list of demands and proposals for revision of the Labour Code, see its brief to the Beaudry Commission, Pour des lois du travail qui favorisent la création d'emplois au Québec, Mémoire à la Commission consultative sur le travail (November 1984), 235 pp. Along with the CDE, the CPQ was probably one of the more moderate critics of the PQ government's labour legislation. The Quebec Chamber of Commerce and the Association des manufacturiers canadiens were both much more militantly laissez-faire, advocating a full-scale deregulation of the provincial economy, along Thatcherist lines.

⁸⁸See Sheila McGovern, "Labor Commission 'Played God' in Report, Business Group Says," The Gazette, 23 January 1986; Jocelin Dumas, "La Chambre de commerce se montre décue de la «perspective syndicalisante» du rapport Beaudry," Le Devoir, 23 January 1986, p.17; Lisa Binsse, "Le rapport Beaudry: la réaction des patrons surprend par sa démesure," La Presse, 25 January 1986, p.A-10; Paul Durivage, "Le rapport de la Commission Beaudry ne contient rien en faveur de l'employeur," Le Devoir, 28 January 1986, p.13.

⁹⁰See Alain G. Gagnon and Khayyam Z. Paltiel, "Toward Maitres chez nous: The Ascendancy of a Balzacian Bourgeoisie in Quebec," Queen's Quarterly 93:4 (Winter 1986), pp.731-49; Daniel Latouche, "Les nouveaux capitalistes," L'Actualité (Oct. 1984), pp.47-57; and Ramsay Cook, Canada, Quebec, and the Uses of Nationalism (Toronto: McClelland and Stewart, 1986), pp.87-116.

⁹¹Paul Roy, "Laberge évoque le climat social «pourri» des années 70," La Presse, 9 February 1986, p.4.

⁹²Raymond Johnston, "Le rapport Beaudry est au centre d'un enjeu social majeur," La Presse, 25 February 1986, p.B3.

⁹³François Lemenu, "La FTQ relève trois aspects positifs du Rapport Beaudry," Le Devoir, 22 January 1986, p.6.

⁹⁴François Lemenu, "La commission Beaudry propose une révision profonde du Code du travail," Le Devoir, 21 January 1986, p.1; Jean Francoeur, "Orphelin de naissance," Le Devoir, 21 January 1986, p.6.

⁹⁵Paule des Rivières, "Une patate chaude dont personne ne veut," Le Devoir, 6 November 1987, p.1.

⁹⁶In a personal communication to the author (letter, dated 29 October 1987), Henry Milner, who was on the PQ executive during the early 1980s, argues that "union adventurism" and irresponsibility were largely to blame for the failure of concerted action under the PQ. I would argue that the "bloody-mindedness" of business was an even more important factor in the breakdown of tripartism in the 1980s.

CHAPTER NINE:

The Lévesque Government and the Common Front:

The Failure of a Dream

'We had hoped to make labour our partner ... But it's been no use. The public service unions want lifelong security, they want clauses that limit their work mobility to a radius of fifty kilometres, and their appetite for money has no limit. There would be nothing left for social programs, nothing for day-care centres, nothing for the aged, nothing for the handicapped.'

Gérald Godin, quoted in Graham Fraser, PQ: René Lévesque and the Parti Québécois in Power (Toronto: Macmillan, 1984), p.187.

I. ECONOMIC CRISIS, THE REFERENDUM, AND THE PUBLIC SECTOR

One of the most poignant ironies of the PQ's tenure in power was its failure to "civilize" labour relations in the public and parapublic sectors, despite the fact that the party had extremely close ideological ties to the unions in these sectors, and numerous PQ militants had pursued careers in the public sector before entering politics. In spite of these seemingly auspicious conditions, and notwithstanding the PQ's assiduous efforts to forge a new social contract with organized labour and business in the province, relations between the government and the Common Front were every bit as poisoned as they had been during the Bourassa era, apart from a brief and rather tense "honeymoon" prior to the 1980 referendum on sovereignty-association. During its nine years in office, the PQ government resorted to lois matraques to end public-sector strikes on nine different occasions (see Table 7.1 above), a record every bit as lamentable as that of the much-maligned Bourassa administration. That a government with a self-proclaimed "favourable prejudice toward labour" would trample on the right to strike as willingly and frequently as the Parti Québécois did between 1976 and 1985, appears to lend considerable support to Carol Levasseur's contention that all governments, no matter their ideological stripe, have been forced by the current crisis of advanced capitalism to adopt increasingly

coercive measures in order to re-create the conditions for successful capital accumulation. In the words of Levasseur,

... l'Etat a désormais pour mission stratégique d'assainir l'organisation du rapport salarial fordiste et de faire prévaloir des normes de travail, de production, et de consommation susceptibles d'assurer un nouvel essor de la logique du capital et du règne de la marchandise: que ce soit à travers le plafonnement autoritaire de la progression du salaire direct, le freinage du rythme de croissance du salaire indirect, l'accentuation de la mobilité et de la précarité de la main-d'oeuvre, la consolidation des mécanismes d'incitation au travail ou le renforcement des dispositifs répressifs dans la gestion des conflits sociaux. Un nouveau type d'Etat est ainsi en train de naître dans le sillage de l'actuelle croisade contre l'étatisation et la bureaucratisation rampantes de la société civile: l'Etat-disciplinaire.¹

Along with the increasing frequency of coercive labour legislation during the Parti Québécois's two terms in office, its ruthless attempts to restrain the growth of provincial expenditures on social welfare, health, and education after the onset of the recession in the early 1980s can be cited as further evidence of the drift toward the disciplinary state.

In this chapter, I argue that the "disciplinary state" hypothesis, despite its surface plausibility, is inadequate for understanding the PQ administration's interventions in public-sector labour relations between 1976 and 1985. Like all functionalist arguments, Levasseur's interpretation paints history with deceptively broad strokes, and ignores altogether the finer details (which are not merely "background") of policy formulation. In the analysis below, I contend that the deterioration in the relations between the PQ government and its employees was not simply a mechanical reflection of changes in the world capitalist economy (the onset of the most severe recession since the 1930s in 1981-82). Rather, the provincial state's actions were directly related to the rejection of the indépendantiste project in the May 1980 referendum. The shift in public-sector labour policy, from neo-corporatist concertation in the pre-referendum period to outright coercion after 1981 was largely the product of internal conflicts in the Parti Québécois brought on by the defeat of

the referendum in 1980. The loss of the party's raison d'être--the commitment to political independence for Quebec--allowed those elements within the PQ which had never been very sympathetic to social democracy or to the trade unions to increase their control over government policy. After the victory of the "No" forces in the May 1980 vote, followed by the PQ's surprising election win a year later, the second Lévesque government was no longer forced to balance the competing demands of mutually antagonistic classes in an effort to hold the fragile independence coalition together. A perception among certain cabinet ministers who controlled key economic portfolios that too much had been sacrificed to the public-sector unions in the run-up to the referendum accounted for the high-handed and coercive stance adopted by the government in the 1982 round of bargaining. Without the defeat of the referendum, then, and the concomitant shift in the balance of power within the PQ, the second round of public-sector bargaining conducted by the Lévesque government might have had a very different outcome. An attention to politics in its broadest sense, therefore, is necessary to understand the evolution of the PQ's public-sector labour policy.

This chapter also focuses on the "displacement strategy" (to use the terminology introduced in the opening chapter) pursued by the Lévesque government. During the two rounds of public-sector bargaining (1979 and 1982-83), the PQ sought to play off private-sector workers and the unorganized sections of the workforce against those in the public-sector, portraying the latter as greedy and coddled "fat cats" whose demands, if met, would impose additional financial hardships on an already overburdened working class. Hints of this strategy are evident in Gérald Godin's 1979 musings, cited as the epigraph to this chapter. As part of this strategy, the PQ further centralized negotiations in the public sector, for political as much as economic reasons. If centralized bargaining enabled Finance Minister Parizeau to

retain governmental control over the major item in the provincial budget, it also allowed him to manipulate public opinion more efficiently than if bargaining had been decentralized. Highly publicized encounters between the peak associations of labour and a few top government officials, obviously, are a much more effective forum for the massaging of public opinion and the fashioning of political symbols than sparsely attended meetings between low-level officials held in school basements or out-of-the-way motels. Moreover, unlike any previous administration, Parizeau and his colleagues--not the Common Front--invariably took the initiative in politicizing bargaining.

This displacement strategy represented a gamble on the part of some members of the PQ government (Lévesque, Parizeau, Bérubé) that the party could broaden its electoral appeal beyond its classe gardée--the new middle class--to other sectors of the Quebec population (administrators, francophone capitalists, white-collar workers in the private sector). A perceptible shift in the nature of the PQ's voting support had occurred in the 1981 election, as I will demonstrate below, and the government's bargaining strategy in 1982-83 was at least in part designed to cultivate its ties with these sectors of the Quebec population. The displacement strategy was not really necessary during the 1979 round of bargaining, since the government preferred instead to purchase labour peace through material concessions to the unions. This generosity, I argue below, was dictated by the approaching deadline for the referendum on sovereignty-association.

During the 1982-83 round of negotiations, however, the government chose to inflame the group jealousies of different sections of the workforce because the political and economic situation was vastly different from what it had been three years earlier: the referendum had been defeated, the PQ was being transmogrified into a contemporary version of the Union Nationale, and the worst economic downturn since

the depression of the 1930s was laying waste to the provincial economy. In 1982-83 this displacement strategy was successful in a very limited sense, since it did mobilize public opinion behind the government's inflexible posture towards the Common Front. The following analysis will demonstrate, however, that the long-term costs of this approach were catastrophically high, since it helped to accelerate the PQ's decline and fall after 1983.

My argument, then, is substantially different from Levasseur's. Instead of viewing the apparent shift in the Parti Québécois's bargaining strategies between 1979 and 1983 as being the ineluctable product of changing economic conditions, I emphasize the continuity between the two rounds of negotiations. As chapter seven demonstrated, the PQ had always had a pronounced authoritarian streak in its ideology and program, and once in power this was directed specifically against those groups that dared to defy L'Etat du Québec, the embodiment of the collectivity, which the dominant faction in the PQ styled itself. Government officials constantly singled out the public-sector unions--especially their leaders--as being guilty of "class egoism," of putting their own sectional interests before the objectives of the nation. This latent authoritarianism was present in many of the public pronouncements of government leaders during the 1979 round of bargaining, as I will show, but did not lead to a repressive strategy because of the government's overriding need to maintain the fragile unity of the independence coalition. Three years later, the PQ gave free rein to the authoritarian elements in its ideology, and crushed the public-sector unions because of the latter's refusal to submit to the authority of the provincial state. Throughout this entire drama, which amounted to nothing less than the death pangs of the twenty-year period of modernization inaugurated by the Quiet Revolution, business in the province played the role of passive spectator. Even though capital may ultimately have benefited from this spectacle--in the sense that the PQ

government's suicidal strategy led to the election of a government much more sympathetic to business--I argue that this was an accidental by-product of the PQ's actions, rather than their intended effect.

The remainder of this chapter is divided into two sections. In the first, I examine the changes made in the public-sector bargaining regime immediately after the Parti Québécois took power, as well as the first round of negotiations between the government and its employees. These negotiations took place at a critical political juncture in 1979, just months before the referendum on sovereignty-association was to be held. With an extremely limited margin for manoeuvre--the PQ did not want to jeopardize the prospects for the passage of the referendum by sparking a full-scale confrontation with the Common Front, especially since the unions that comprised the Common Front were in many cases the staunchest supporters of the government's independence option--the Lévesque administration adopted a frankly conciliatory posture towards the unions. Jacques Parizeau, the government's chief negotiator (along with Lucien Bouchard, former chief counsel for the Cliche Commission), made far-reaching concessions to the unions, both on monetary and "normative" issues.² This strategy of rapid and unexpected concessions appeared to catch the Common Front off guard, but it did not entirely eliminate the strikes and political ganegmanship that had characterized previous rounds of public-sector bargaining. The administration sought to minimize the effectiveness of labour militancy by unabashedly playing on the nationalist sympathies of the union rank-and-file, arguing that workers sympathetic to the goal of independence ought to place the national interest before their own sectional concerns. This first round of public-sector bargaining, therefore, provides ample evidence of the state's ability to enhance its autonomy from powerful social groups through the manipulation of political discourse

and the forging of collective solidarities, a process I discussed in the opening chapter. Not satisfied with this technique alone, however, the government also invoked special legislation that effectively removed the trade-union leadership from the decision-making process in their own organizations, compelling the membership to vote on the government's proposals before a legal strike could occur. This tactic illustrated once again the PQ hierarchy's distrust of union leaders, as well as its conviction that it was more in tune with the rank and file than were the overly radical and demagogic (in the PQ's eyes, of course) leaders.

Section two examines the second round of public-sector bargaining conducted by the PQ government in 1982-83. If the first round was relatively peaceful, the 1982 negotiations were every bit as violent and chaotic as those that had occurred while the Liberals were in power. This bitter struggle between the PQ and the Common Front put the final nail in the coffin of the PQ's nationalist project and marked the end of the phase of organizational growth of the labour movement that had been launched by the Quiet Revolution as well. The unions emerged from their battle with the PQ considerably weakened organizationally and adrift philosophically. Much of the damage had been inflicted by the displacement strategy adopted by the PQ during the 1982 round of bargaining: the government's claims that the public-sector unions were merely privileged and coddled groups in society, "corporatist" in the French sense of the word (which connotes, essentially, organizational self-interest), found a receptive audience in the Quebec public. The PQ managed to mobilize substantial public support behind its hard-line stance toward the Common Front unions, but this was, in reality, a Pyrrhic victory, for it cost the Parti Québécois the bulk of its most committed supporters. In many respects, the government's actions during its negotiations with what was to be the last incarnation of the Common Front constituted an act of electoral self-immolation.

The second section concludes with a discussion of the Parti Québécois's legislative response to the fiasco of 1982-83. After twenty years of increasingly centralized negotiations in the public sector, the PQ implemented legislation in June 1985 (Bill 37)³ that entailed a significant decentralization of bargaining. The bill also established a mechanism for tying the compensation of public-sector employees to wage rates in the private sector, something every provincial government had attempted to do since the Union Nationale implemented its politique salariale in 1968-69. Finally, the legislation placed severe restrictions on government employees' right to strike. In effect, Bill 37 serves as the epitaph for the experiment in public-sector labour relations inaugurated by the Lesage government twenty years earlier. It also represents one of the final acts of a dominant class in decline, for the entire history of the francophone new middle class in Quebec between 1960 and 1985 had been intimately bound up with the implacable centralization of governmental decision-making.⁴ That the new middle class ultimately failed to realize its ambitious political objectives does not constitute a refutation of the central claim of this dissertation, namely that the capitalist state can formulate and act on preferences that diverge considerably from those of powerful social groups, such as business. The analysis below confirms the extent to which the PQ's actions corresponded primarily to the state's own organizational and political objectives, and underscores the variety of techniques employed by the state—material concessions, creation of collective identities, substitution of the state for the legitimate organizations of labour, and outright coercion—to enhance its autonomy and achieve its objectives.

II. THE 1979 ROUND OF BARGAINING: PURCHASING SOCIAL PEACE

(i) The Martin-Bouchard Report and Its Aftermath (1978):

Hypercentralization of Public-Sector Bargaining

One of the first steps taken by the Parti Québécois government after assuming power was to explore the possibility of reforming the bargaining regime in the public sector in the hope of reducing the conflict and strife that had characterized negotiations almost since the advent of the new, liberalized, legislative framework in the mid-1960s. On July 27 1977, the Lévesque government created a task force to study the existing public-sector bargaining regime and make recommendations for its reform. In the order-in-council establishing the task force, the government noted that

des malaises profonds ont marqué les relations de travail dans les secteurs public et parapublic au cours des dernières années ... [A] l'origine de ces malaises on retrouve, parmi les principales causes, diverses lacunes du régime actuel des négociations collectives dans ces secteurs et plus généralement un manque d'adaptation de ce régime aux particularités des relations de travail dans le domaine public....⁵

The need for new legislation in this area was all the more pressing in view of the trade unions' systematic boycott, during the 1976 round of bargaining, of the procedures for maintaining essential services set down in Bill 253 (see chapter six). The task force consisted of Yves Martin, a former deputy minister of education, as president; Lucien Bouchard, who acted as the government representative on the commission; and Michel Grant, an official with the Syndicat canadien de la fonction publique (FTQ) at the time.⁶

Maurice Lemelin, in his survey of public-sector labour relations in Quebec since the Quiet Revolution, notes that many observers and public officials had high hopes for the Martin-Bouchard Commission.⁷ In view of the obvious expertise of the commissioners and the PQ's fairly close ties with the labour movement, many

industrial relations experts believed that the Lévesque government could take advantage of the relative calm (in labour relations, at any rate) in the post-election period to introduce innovations into the system of bargaining. These hopes were dashed, however, by the somewhat timid nature of the report's ninety-eight recommendations, which advocated little more than a modest tinkering with the existing system. Among the principal recommendations of the Martin-Bouchard Commission were further centralization of bargaining and a more streamlined schedule of negotiations, to allow no more than nine months from the moment bargaining begins to the time when the unions obtain the legal right to strike (see the bottom [unbroken] line in Figure 9.1). The latter proposal aimed at shortening the painfully drawn-out process that had characterized previous rounds of bargaining, which had sometimes lasted for more than two years. The report also proposed a system of compulsory mediation beginning in the sixth month of negotiations, which would last for a maximum period of two months (see bottom line in Figure 9.1). Its final major recommendation was to create two commissions, one to keep the public informed of the status of bargaining in the public sector, the other (tentatively dubbed the Comité protecteur des bénéficiaires) to ensure the maintenance of essential services in the case of labour disputes.

On the contentious issue of the structure of negotiations, the commissioners rejected calls for a substantial decentralization of bargaining, which was then being touted by some experts as a panacea for the problem of labour strife in the public and parapublic sectors. To go back to the decentralized system that existed prior to 1967 (the Union Nationale's Bill 25, adopted that year, being the first step toward centralization of bargaining), the commissioners argued, would require one of two things. Either the provincial government would have to delegate to the local level full powers for financing education, health care, and welfare, or it would have to

transfer to the municipalities and regions the resources necessary to maintain uniform standards of social services. In the first case, disparities in the standard of care offered by each region or locality would inevitably emerge, as a consequence of the varying financial resources of each area. This kind of patchwork welfare state would in all likelihood encourage the public-sector unions to use whipsawing tactics, precisely the phenomenon that led to centralization of negotiations at the provincial level in the first place. In the second case, the provincial government would ineluctably be drawn into the bargaining process because of its desire to oversee the expenditure of what would be, in essence, its own money.

Since decentralization of negotiations was deemed impossible and undesirable by the Martin-Bouchard Commission, it recommended a more rational, and thus even more centralized, system of public-sector bargaining. According to the report, the ponderously slow pace of negotiations was largely due to the fragmentation of public-sector employers: the provincial government was represented by three different ministries (education, social affairs, and public service), which at times competed with each other and against the Treasury Board and the Department of Finance for the state's scarce resources. As well, local employers' associations (hospitals, school boards) were involved in the negotiations, and their objectives and interests often conflicted with those of the provincial government. To resolve this problem, the Martin-Bouchard Commission proposed that a single governmental organism, the Treasury Board, be given ultimate responsibility for conducting collective bargaining in the public sector.⁸

This recommendation met with the whole-hearted approval of the government's chief economic minister, Jacques Parizeau, for whom any decentralization

... redonnerait plus de pouvoirs d'une part aux institutions (commission scolaires, hôpitaux, collèges) et d'autre part aux syndicats locaux, mènerait «au chaos que j'ai bien connu dans les années 60, ce gigantesque Woodstock où il y avait 200 tables de négociation et une

épouvantable surenchère»....Parizeau préfère, lui, «prendre le risque d'une grève générale de temps à autre pour garder le contrôle budgétaire». Pourtant, en Ontario par exemple, les négociations dans le secteur hospitalier se font régionalement. Mais M. Parizeau estime que l'Etat ne peut pas laisser cette responsabilité à des institutions qui risqueraient, pour régler à tout prix, de «crever le plafond budgétaire», sachant bien que le gouvernement comblera le déficit après coup.⁹

This quotation demonstrates how little government thinking on the structure of public-sector bargaining had changed since the mid-1960s. Consistent with his centralizing and technocratic biases, Parizeau also indicated in his interview with Lysiane Gagnon that he wanted to see a stronger and more united Common Front, not because he was enamoured of left-wing thinking, but simply because this would make negotiations in the public sector much more efficient.¹⁰

On the question of essential services, the Martin-Bouchard Commission recommended the abrogation of Bourassa's Bill 253, which it labelled a spectacular failure (see also chapter six above), and the creation of a three-person Comité protecteur des bénéficiaires (CPB), whose members would be chosen by the Office des professions. The CPB was to intervene at four different stages of the negotiating process (see the top [broken] line in Figure 9.1):

i) Before negotiations had actually begun, the Comité was to call on the expertise of various groups involved in the health care sector in order to determine the basic guidelines for essential services. At the same time--and this recommendation fit nicely with the PQ government's neo-corporatist proclivities--the CPB was to "sensitize public opinion to the necessity for all citizens, whether they be hospital staff, trade unionists, or hospital users [bénéficiaires], to assume their individual and collective responsibilities for the maintenance of these essential services."¹¹

ii) Between January 1 and May 15, the Comité would assist the provincial and local bargaining tables in the definition of essential services, by providing expert studies to the parties involved. It would have no power to compel the trade unions to submit to its recommendations, however.

iii) Between May 15 and October 1, the CPB would indicate to the unions that had not yet concluded an agreement with their employers whether the lists of essential personnel they had provided to the Comité were adequate. Once again, the CPB's function seemed to be limited to that of moral suasion: it could publish its criticisms of the unions' lists, and, if need be, it could recommend to the lieutenant-governor-in-council that the right to strike of those unions which had not provided satisfactory lists of essential personnel be delayed until they had come up with an adequate designation.

iv) After October 1, the Comité would monitor the provision of essential services in those establishments affected by a labour stoppage. It would have the power to recommend to the lieutenant-governor-in-council that a strike be suspended if adequate levels of essential services were not being maintained.

**Figure 9.1: Timetable for Collective Bargaining in the Public Sector
Proposed by the Martin-Bouchard Commission**

ÉCHÉANCIERS INTÉGRÉS DE LA NÉGOCIATION DES CONDITIONS DE TRAVAIL ET DE LA DÉTERMINATION DES SERVICES ESSENTIELS

LÉGENDE:
SERVICES ESSENTIELS - - - - -
CONDITIONS DE TRAVAIL _____

Source: Québec, Commission d'étude et de consultation sur la révision du régime des négociations collectives dans les secteurs public et parapublic, Rapport Martin-Bouchard (Québec: Editeur officiel, February 1978), p.140.

The PQ government acted quickly to implement the Martin-Bouchard Commission's major recommendations, introducing three bills into the National Assembly at the end of May 1978. Bill 50, The Public Service Act¹², Bill 55, An Act Concerning the Organization of Employers and Employees for Collective Bargaining in Education, Social Affairs, and Government Corporations,¹³ and Bill 59, An Act Modifying the Labour Code,¹⁴ were all ratified on June 23rd. Bills 50 and 55 further centralized negotiations in the public and parapublic sectors by investing responsibility for all major aspects of collective bargaining with the Treasury Board. Bill 59 repealed the Bourassa government's legislation on essential services in the public sector (Bill 253) and created a Conseil d'information sur les négociations that would inform the public of the issues at stake in bargaining, the respective positions of the parties, and the differences between them. Comprising five to seven members named by the chief judge of the Labour Court, the Conseil d'information would be dissolved after each round of bargaining. Bill 59 also established a Conseil sur le maintien des services de santé et des services sociaux en cas de conflit du travail; the Lévesque government evidently preferred this cumbersome but seemingly neutral title to the one proposed in the Martin-Bouchard Report--Comité protecteur des bénéficiaires. This council was to be composed of five to seven members named by the chief judge of the Labour Court, in consultation with the Commission des droits de la personne, the Association des conseils de médecins et dentistes du Québec, the Comité provincial des malades, and any other association representing third parties who might possibly be harmed by a public-sector strike. The Conseil sur le maintien des services was to fulfil the same advisory and publicity functions as the Martin-Bouchard Report had proposed for the CPB, and, like the Information Council established by Bill 59, it was to be ad hoc, lasting only for the duration of one round of public-sector bargaining.

Bill 59 stipulated that the representative associations of employees and employers in the public and parapublic sectors had to agree on the number of workers to be designated essential in the various social services before a legal strike could be called. If the two sides failed to reach an agreement, then the union would submit its own list to the Conseil sur le maintien des services. If the lieutenant-governor-in-council were of the opinion that a strike, either apprehended or in progress, in one of the social services jeopardized the health or safety of the public, then it could suspend the right to strike for a period of up to thirty days. In other words, if the Conseil sur le maintien des services or cabinet did not feel that the unions would maintain essential services during a stoppage, Bill 59 contained an alternative to emergency legislation.

Granting the unions the ultimate responsibility to determine the level of essential services to be maintained during a work stoppage was considered by many observers to be yet another sign of the PQ's favourable prejudice towards labour. This "concession" to the trade unions was an equivocal one, however. The government believed that the unions would systematically flout any law on essential services that they considered illegitimate, as had been the case with Bill 253 in 1976. Why not allow the unions, then, to determine essential services, since this would allow the government to "establish clearly the responsibility of the unions before public opinion"¹⁵ in the event that essential services were not maintained during a strike? Thérèse Lavoie-Roux, a Liberal MNA, discerned in Bill 59 a "Machiavellian strategy" on the part of the PQ to shift the burden of responsibility for public safety onto the unions, and to ensure that the latter bore the brunt of public dissatisfaction if essential services were not performed. Lavoie-Roux sagely noted that this strategy, clever though it appeared to be, amounted to playing with fire, since an outraged public opinion would not likely distinguish between the unions which it held

responsible for the endangerment of its health and safety, and the government which through its inaction had allowed the situation to deteriorate in the first place.¹⁶

In summary, the PQ did modify the public-sector bargaining regime in the light of the Martin-Bouchard Commission's recommendations. Negotiations were centralized and streamlined, and two quasi-independent commissions were established, one to oversee the maintenance of essential services, the other to disseminate information on the status of bargaining to the public. Bill 59, as we saw, also contained provisions enabling cabinet to suspend an apprehended or actual strike for a period of thirty days, if it considered the stoppage to pose a threat to public health and safety. Ironically, the complex machinery set up by Bills 50, 55, and 59 was short-circuited by the government itself during the 1979 round of public-sector bargaining. The PQ instead preferred to tug at the nationalist heartstrings of government employees in order to achieve an agreement without a large-scale strike. When this strategy met with only qualified success, the Lévesque administration resorted to the favourite weapon of various Quebec governments when confronted with a public-sector strike, real or apprehended: emergency legislation. As we shall see in the next two sections of this chapter, however, the Parti Québécois's emergency legislation (in 1979) was quite unlike anything that had been implemented before.

(ii) Government and Union Strategies

During the 1979 Round of Bargaining

The 1979 round of public-sector bargaining took place in the shadow of the impending referendum on sovereignty-association. Many of the Lévesque government's actions during this round--its desire to conduct negotiations with the Common Front in public, before a full complement of media representatives; its tactic of giving in to the unions without protest on a number of key bargaining points; and its attempt to foster public resentment against the supposedly coddled, fat-cat public-sector workers, in order to make the Common Front unions think twice before going on strike--can only be explained by referring to the imminent deadline for the PQ's political project. With its first mandate rapidly drawing to a close (an election would have to be held before November 1981, and was more likely than not to be called for some time in 1980, or so it appeared at the moment negotiations began), the PQ government had to reach an agreement with its employees as expeditiously as it could, if the referendum were to be conducted in as serene a climate as possible. Avoiding a spectacular confrontation between the government and its employees, of the sort that had erupted in 1972, thus became the administration's overriding objective during this round of bargaining.

As for the public-sector unions, they were less united than at any time since 1967-68, largely because the victory of the PQ in 1976 had opened up divisions in the labour movement between those who enthusiastically endorsed the Lévesque government's nationalist and social democratic project and those who hewed to a more militant line, decrying the PQ as a "bourgeois" party like any other, and therefore no more trustworthy than Bourassa's Liberals had been. Evidence of the ideological confusion that racked the major union federations after 1976 was cited in

chapter seven: the most telling confirmation of this internal dissension was the defeat of Yvon Charbonneau as president of the CEQ in 1978 by a representative of the "péquistes" faction within the federation. Adding to this impression of disunity was the fact that an agreement among the three major federations to form a Common Front was not officially concluded until June 12, 1979. According to the calendar laid out in the Martin-Bouchard report, negotiations were to have begun over six months earlier! Moreover, the Common Front was weaker than at any time since 1972: government civil servants (over 30,000 non-professional workers, represented by the SFPQ), nurses, and employees of Hydro-Québec and the Société des alcools du Québec all bargained on their own, and were the targets of the government's assiduous efforts at "reverse whipsawing." That is, the PQ attempted to conclude agreements with these independent unions before negotiating in earnest with the Common Front. These agreements, it was hoped, would then serve as the pattern for contracts with the Common Front itself.

François Demers, who in 1979 was in charge of public relations and information for the public-sector unions in the CSN, has depicted the situation of the Common Front in 1979 in the following stark terms:

A l'automne 1979, quand s'ouvre la phase cruciale des négociations, jamais le Front commun n'a été aussi isolé, y compris à l'intérieur du mouvement syndical. Jamais sa cause n'a eu aussi peu d'audience. Le gouvernement a imposé ses rationalités et il reste le maître incontesté du terrain du Bien Commun. Au cours d'une session de travail, les responsables d'information des syndicats de la CSN établissent ce constat de la façon suivante: «Le gouvernement garde la maîtrise incontestée du discours sur le Bien Commun et le projet de société. Le discours patronal voulant que les employés du gouvernement sont des privilégiés n'a même pas été égratigné. Personne n'a réussi jusqu'ici, du côté syndical, à faire croire à la mauvaise foi du gouvernement dans les négociations.... Le gouvernement continue de projeter l'image crédible qu'il ne cherche aucunement à jeter de l'huile sur le feu des conflits. Nous n'avons pas d'allié au-dehors du monde syndical ...¹⁷.

One of the factors that gave the PQ the upper hand in these negotiations was the approaching referendum: the numerous péquistes sympathizers within the Common

Front unions were as anxious as the government to conclude an agreement as rapidly as possible, so that collective bargaining would not jeopardize the nationalist project. This desire came into conflict with the objectives of the hard-liners in the labour movement (mostly in the CSN's Fédération des affaires sociales [FAS]), who wanted to drag out the negotiations as long as possible, in the hope that the PQ would be forced to adopt repressive measures to impose a contract. This would expose the Parti Québécois for the "bourgeois" government that it was, and, it was believed, incite greater mobilization and militancy among public-sector workers.¹⁸ However, it was the péquiste faction in the labour movement that triumphed on the matter of negotiating strategy.

Among the Common Front's main demands during this round of bargaining were the call for greater job security, better provisions for maternity leave, and compensation for those public-sector employees whose place of work was in an "isolated" area of the province (primes d'éloignement.) Its main demand, however, was for a minimum weekly salary of \$265. This was considered (using data gleaned from the Senate Report on Poverty) to be the absolute minimum needed to provide an average family with a standard of living just above the poverty line. As Lemelin notes, the unions comprising the Common Front agreed (though in some cases only half-heartedly) that the wage gap between the worst-paid sections of the public-sector workforce and the best-paid occupations ought to be reduced. In order to achieve these two objectives (minimum salary of \$265 and "equalization" of public-sector salaries), the Common Front proposed that the lowest-paid occupations receive a 26 percent pay increase in the first year of the new contract, while the highest-paid workers would see their salaries rise by a mere 1 percent.¹⁹ The Common Front also categorically rejected the government's attempt to tie public-sector compensation to wage increases in the private sector, claiming that

Chercher à enligner bêtement les structures du secteur public sur l'anarchie existant dans le secteur privé [c'est] maintenir et même accentuer les écarts entre les moins bien et les mieux rémunérés, accentuant la discrimination contre les femmes, pressuriser le plus possible ceux qui gagnent le moins, gruger au passage les augmentations salariales et limiter les droits parentaux ...²⁰.

It should be noted that the Lévesque government would take advantage of this egalitarian discourse in the 1982-83 round of bargaining by playing off the poorer paid sections of the workforce against those at the upper end of the pay scale (of which more below).

For its part, the PQ government attempted to negotiate in public as much as possible. It launched a public relations campaign in early 1978, the primary purpose of which was to convince the public (which, if polling data were accurate, did not need much convincing) that government employees were grossly overpaid in relation to similar categories of the workforce in the private sector. Citing studies done by the Treasury Board, Finance Minister Parizeau claimed that all sections of the public-sector labour force enjoyed a wage advantage vis-à-vis their private-sector counterparts. This advantage ranged from 6.6 percent, in the case of blue-collar employees, to 27 percent for office workers. On average, Parizeau asserted, the total compensation package of public-sector employees was 16.3 percent higher than that for comparable private-sector occupations.²¹ Beginning in 1978, government representatives constantly harped on the theme first laid down by Parizeau: public-sector workers were a relatively privileged group in Quebec; society's capacity to pay for this privileged status was being severely strained; government employees should therefore be "realistic" in their bargaining demands.

In order to drive this message home as effectively as possible, Parizeau proposed in early 1979 (before the Common Front had even been formed officially) that the government and public-sector unions meet at a public negotiating session, with hundreds of media representatives in attendance. This marked the first time in

the history of the Common Front that the government had taken the lead in making the negotiations as public--and political--as possible. After much vacillation, the Common Front agreed to the proposal; Demers suggests that the unions' hesitation derived from their reluctance to expose their fragile unity to public scrutiny. In the case of the CEQ, the new leadership did not want to draw too much attention to the teachers' comparatively high salaries, or to the potentially enormous cost of the federation's non-wage demands. The FTQ, for its part, was largely in agreement, at least in private, with the government's contention that public-sector unions were pampered and privileged, and many of its private-sector affiliates were saying as much. Only the CSN was unequivocally in favour of a public confrontation with the PQ government.²² When the public encounter finally did take place, on June 19 (only a week after the Common Front had been finalized), Parizeau emerged as the clear winner in the battle for the hearts and minds of the assembled scribes and television journalists.²³

As an indication of just how successful the government had been in disseminating its message, one might cite the following comments of Jacques Grand'Maison, a Dominican priest long associated with Quebec's left-wing intelligentsia:

Je pense ici à l'agressivité «rentrée» de bien des petits salariés du secteur privé qui, faisant face à la même inflation et à une forte taxation, tout en payant la plus dure facture de la baisse de l'activité industrielle ... voient des catégories privilégiées du secteur public revendiquer comme si la crise économique ne devait pas les affecter. Ces petits salariés le constatent bien concrètement quand ils se promènent dans les quartiers nantis de la ville où des fonctionnaires, des travailleurs sociaux, des professeurs et parfois des permanents de syndicat habitent à côté de gérants d'usine et de médecins.²⁴

Obviously, the Common Front could have argued, with a great deal of justification, that Grand'Maison had a distorted and tendentious view of the public sector, since it included a number of disparate occupations, from top-ranking civil servants and

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salaried professionals through teachers to comparatively humble clerks and janitors. The Common Front might also have pointed out that public-sector employees were not the only, or the most, privileged group in Quebec society, and that others--managers and owners, for instance, who were better able to bear the burden of economic restraint--ought to do their share to stabilize the economy. However, labour leaders either did not make a convincing case for this perspective, or, what is more likely, the public was in no mood to listen to organized labour. Survey data indicate that throughout the PQ's tenure in office, the percentage of Québécois who believed that unions had too much power steadily increased, from 54 percent in 1977 to 62 percent in 1982.²⁵

In view of the PQ government's success in winning the public relations battle with the Common Front during the early stages of the negotiations, its behaviour in the autumn of 1979 appears somewhat perplexing. In early September, when the two sides had not yet agreed on any of the bargaining issues, the government publicly announced that it was giving itself only three months, until December 1, in which to sign an agreement with the public-sector unions (both those in the Common Front and the independents). The unions, racked as they were by divisions between a leadership that was suspicious of the PQ (and even openly hostile toward it) and a rank-and-file and intermediate stratum that were much more overtly sympathetic to the government's political project and its timetable, simply went along with the government's desire to accelerate the pace of negotiations. Then, ~~soon~~ what unexpectedly, Jacques Parizeau bestowed on the unions a number of very generous "Christmas gifts." In September, he made large concessions to the Common Front's demands on isolation pay. In October, Parizeau acceded to the unions' demand on maternity benefits (20 weeks of paid leave), and in mid-November, public-sector

unions obtained improved job security provisions, which were already among the strongest of any jurisdiction in North America.²⁶

As Lemelin points out, these concessions were not the products of lengthy negotiations or tough compromises. Rather, they were granted more or less unilaterally, and surprised the government's "partners"—school boards, hospitals, and so on—as much as they did the unions. Lemelin relates an interesting incident that occurred at one of the sectoral tables (which operated alongside the central, or provincial table, and dealt mainly with non-monetary clauses): an employers' committee reached an agreement with an independent union on a certain clause, only to have the government offer substantially more the very next day!²⁷ This was clearly upsetting for the school boards and hospital associations involved in the bargaining process, and it was disconcerting as well for the militant tendency within the public-sector unions, whose rhetoric about the PQ being a bourgeois government every bit as rotten and authoritarian as the Bourassa regime did not seem to have much resonance after Parizeau's binge of concessions in the autumn of 1979.²⁸

Despite the government's blandishments, a number of unions in the Common Front began to make preparations in October for another general strike, which was scheduled to begin on November 13. Although the membership accorded strike mandates to the union executive by large majorities, Demers asserts that these votes were ambiguous: union leaders, he claims, were well aware that the rank and file were not as enthusiastic about a possible work stoppage as they had been in previous years, at least in part because of the impact such a conflict would have on the upcoming vote on sovereignty-association.²⁹ Nevertheless, in spite of these ambiguous strike votes, the PQ government felt compelled to take further action to prevent a possible conflict with the Common Front: not only was the referendum looming on the not-too-distant horizon, but, more immediately, the government was facing three

by-elections on November 14, which it desperately wanted to win. In this situation, the Lévesque administration decided to do two things: invoke emergency legislation, and play the "nationalist card."

(iii) Emergency Legislation, 1979-80:

The PQ Plays the Nationalist Card

On November 12 1979, the Parti Québécois government passed Bill 62, An Act Concerning Government Offers to Employees in the Education and Social Affairs Sectors and the Civil Service (the bill was introduced and received royal assent on the same day), to prevent a general strike in the public sector.³⁰ The bill imposed a two-week moratorium on public-sector strikes (from 13 November to 29 November). During this "cooling-off period" (Jacques Parizeau's description of the moratorium), the government would table its final offers to the unions in the National Assembly; these proposals would then be submitted to government employees for a secret-ballot vote. Labour Minister Pierre-Marc Johnson claimed that Bill 62 was not a run-of-the-mill loi matraque, of the sort that had been used so frequently by the Liberals when they were in power. After all, he argued, the legislation did not, strictly speaking, abolish the right to strike, nor did it impose draconian penalties on unions or workers. It simply suspended the right to strike for a brief period because union leaders were spoiling for a strike--for political reasons, he implied, namely to create chaos during the by-elections scheduled for November 14. A general strike at this stage of bargaining, Johnson claimed, would be premature and unwarranted, since considerable progress was being made at the negotiating tables, progress which the union leaders were ignoring because of their own political ambitions.³¹

Johnson's justification of Bill 62 merits being quoted at length, since it provides an important insight into the Parti Québécois's vision of the provincial state as protector of the unorganized, defender of the collectivity, and most legitimate representative of the trade-union rank and file (even more legitimate than their elected officials):

Dans quelle mesure est-ce qu'on peut permettre à de vieilles habitudes de négociation, d'échec en échec, depuis 1966, que ces vieilles habitudes nous amènent par distraction à une grève générale illimitée? C'est trop important et c'est trop grave pour que le gouvernement, au nom de l'ensemble des citoyens, ne sente pas qu'à certains égards il est le syndicat de la population et qu'il a, à ce titre, des devoirs envers sa base, qui est la population....Ce que nous disons, c'est que l'objectif de l'obtention des conditions de travail pour les gens des secteurs public et parapublic au Québec est en train de se réaliser dans les tables de négociation, que l'exercice du droit de grève comme moyen est en ce moment ou prématuré ou inopportun et, compte tenu des conséquences qu'il a sur l'ensemble de la collectivité ... il apparaît adéquat, non pas d'abolir le droit [de grève], mais d'en différer l'exercice pour que se fasse le travail qui doit se faire par les représentants de l'ensemble des salariés et par les représentants d'un gouvernement qui, jusqu'à maintenant, a démontré que le préjugé favorable qu'il a à l'égard des travailleurs n'est pas nécessairement un préjugé à l'égard des structures syndicales, mais un préjugé qui vise à favoriser l'ensemble des citoyens et surtout ceux qui sont le moins bien payés.³²

If government employees were given the opportunity to vote on the government's offers, Johnson seemed to be implying, instead of being held hostage to the radical posturing of the union leadership, then the entire dispute could be settled. Bill 62 was the government's way of short-circuiting the normal course of collective bargaining, of circumventing the union hierarchy in order to speak directly to the rank and file.

In terms of the questions addressed in this dissertation, Bill 62 was an extremely important piece of legislation, for a number of reasons. In the first place, its enactment signalled the abysmal failure of the complicated machinery set up by the PQ government only a few months earlier in response to the Martin-Bouchard Commission's recommendations (Bills 50, 55, and 59). The two councils created by

the government--to disseminate information on collective bargaining to the parties involved, as well as to the public, and to guarantee the maintenance of essential strikes during a work stoppage--had proven largely ineffectual and almost completely irrelevant to the negotiations. Although the Conseil d'information did publish a number of well-written and detailed synopses of the various positions of the bargaining parties, its reports were "suffused with such a concern for neutrality and with such an obvious fear of offending anybody whatsoever" that it did not have much of an impact on the bargaining process.³³ Once again, the Parti Québécois's faith in the beneficial powers of dialogue and its belief that consensus would replace conflict in public-sector collective bargaining if all the "facts" were equally accessible to everyone concerned, proved to be chimerical.

In addition, the government's hope that the Conseil sur le maintien des services essentiels might adequately ensure the provision of essential services during a work stoppage in the public sector proved illusory. Throughout the early part of the 1979 round of negotiations, the Conseil, headed by a former president of the CSN, Gérard Picard, was ponderously slow in its deliberations (its primary responsibility being to pass judgment on the adequacy of the lists of essential personnel provided by the various unions) and "prudent to the point of timorousness."³⁴ The Conseil's ineffectiveness was virtually guaranteed by its composition: instead of appointing representatives of third parties which might be harmed by a public-sector strike, as Bill 59 had stipulated, the chief judge of the Labour Tribunal chose to name union and management representatives from the hospital sector to the Conseil. Two of the people appointed to the Conseil, surprisingly, were associated with the Hôpital Notre-Dame in Montreal, the institution with what was probably the sorriest labour relations record in the provincial public sector.³⁵ In any case, the Lévesque government did not

really give the Conseil the opportunity to be tested by a conflict in the public sector, since Bill 62 halted the entire bargaining process.

Another intriguing aspect of Bill 62 was its overriding of the provision in Bill 59 that allows the government to suspend, for thirty days, any strike in the public sector that poses a danger to the health or safety of the collectivity. The official reason given by the PQ for ignoring this section in existing legislation and adopting yet another ad hoc law was that Bill 59 permitted the government to suspend strikes only on a case by case basis (from hospital to hospital, establishment to establishment).³⁶ Whatever the merits of this technical argument, there was another, more fundamental, reason for the PQ's failure to utilize the powers contained in Bill 59 to suspend strikes in the public sector. If the government had sought injunctions against certain public-sector unions, as Bill 59 enabled it to do, it alone would have borne the brunt of the unions' counter-attack, which would have inevitably centred on the claim that the PQ was a repressive "bourgeois government" like any other. The political fallout from such a measure would have been severely damaging for the PQ, especially at a time when it was seeking desperately to create a climate favourable to the passage of the referendum on sovereignty-association. By convening the National Assembly to debate a piece of emergency legislation, the government hoped that it would be able to spread the blame for the bill among several parties. The PQ knew that the Liberals and the Union Nationale would be compelled to support the legislation, if they were to be consistent with their own past behaviour, and if they were to have any hope of garnering the support of the growing numbers of voters who were "fed up" with public-sector strikes and wanted them either outlawed or drastically limited. As well, debate on Bill 62 provided the PQ with yet another forum for waging the public-relations campaign against the "fat-cat" public-sector unions that had proven quite successful to that point.

More than anything else, Bill 62 constituted an extraordinary governmental intrusion into the internal affairs of the public-sector unions in Quebec. The legislation implicitly questioned the representativeness of the trade-union leadership: as one editorialist for Le Devoir noted, in enacting Bill 62, the PQ was presuming that the Common Front employees were "misinformed, despite the deluge of publicity that had been unleashed, or that they were being led into a strike by leaders who refused to consult them."³⁷ Claude Ryan, then leader of the Liberal opposition in the National Assembly, pointed out that the PQ government was arrogating to itself a privilege that any employer in the province would dearly love to have: "When I was an employer myself [as editor of Le Devoir--ABT], I would have loved to be able to say to my unions, 'You are going to submit my offers to a secret-ballot vote of your members.' That would be fantastic for an employer. It is an awesome weapon to give to any employer."³⁸ That a self-styled social-democratic government would enact legislation like Bill 62 serves to underscore the latent authoritarianism in the Parti Québécois's approach to labour relations. If necessary, the government was implying, the state itself would assume the responsibility of representing workers or other groups in society, especially when the elected leaders of these groups espoused a philosophy or adopted tactics that jeopardized the PQ's political objectives. As Pierre-Marc Johnson so eloquently put it in the quote cited above, the PQ government may have had a favourable prejudice toward workers, but it did not have a favourable prejudice toward union organizations.

Bill 62 managed to exacerbate the internal divisions within the Common Front, and to dissipate what momentum it had had prior to November 12. And although it is impossible to gauge the effectiveness of the government's appeal to the nationalist sympathies of the union rank and file, there is no denying that senior

ministers made every possible effort to urge public-sector workers to obey Bill 62 out of a sense of duty to the cause of sovereignty-association. As Claude Morin put it:

We believe it is our responsibility to point out that people who will soon be asked to decide on their sovereignty should possess good sense, civic responsibility, the will for justice and awareness of the common good ... If we all come out of the present test winners, it will be an encouraging sign that we can face up to the great challenge that awaits us at the moment of the referendum."

Both the FTQ and the CEQ decided to delay any strike action; in the case of the teachers' union, the membership ignored their executive's exhortations to defy the law. A similar split between the union executive and the rank and file occurred within the SFPQ (the non-professional civil servants), where the president, Jean-Louis Harguindeguy, threatened to take his union out on an illegal strike, only to have to back down in the face of his membership's distinct lack of enthusiasm for such a move.⁴⁰

Only the CSN's Fédération des affaires sociales (by a slim margin) voted to defy the law. The FAS strike lasted for less than a week; at its height, it involved approximately 38,000 workers out of the more than 300,000 in the public and parapublic sectors.⁴¹ Further evidence of the disarray of the Common Front was provided when Fernand Daoust, secretary-general of the FTQ, criticized the illegal strike, thus providing Premier Lévesque with some moral ammunition to use against the FAS. This he did in a televised appeal to the hospital workers to end their strike. After Lévesque's television appearance, William Johnson rhapsodized that the Premier had managed to transform himself from the mere head of the government and "boss of the hospital workers [into] the conscience of the community, the outraged voice of the common people who have had more than enough of strikes in the public service." Johnson concluded that "the 'common front' is in total disarray, shamed, unable to sound the rhetoric of moral superiority and higher justice the way it did in the past. For the first time since public servants got the vote in 1964, it is the government, not

the unions, which is winning the confrontation."⁴² One need not share Johnson's unrestrained glee at the unions' predicament in order to acknowledge the validity of his assessment of who was winning the public relations battle during this round of bargaining.

Before the cooling-off period imposed by Bill 62 had expired, the government and the Common Front unions--with the exception of those in the education sector--reached an agreement on a new contract. The government acceded to the Common Front's demand for a minimum weekly salary of \$265, but this was granted only for the final year of the three-year agreement. Salaries of all public-sector workers were fully protected against inflation through a series of complicated cost-of-living escalator clauses. As well, the new contract reduced pay differentials among the various categories of government employees, providing for comparatively larger increases in the case of the most poorly paid workers.⁴³ In this respect, it was the FAS, whose members were generally the poorest paid employees in the public sector, that emerged as the big winner from the 1979 round of bargaining; its decision to stage an illegal strike paid off handsomely.⁴⁴

The government, however, was not exactly a "loser" in this arrangement, even though its fiscal margin of manoeuvre after 1979 was severely circumscribed by the generosity it had displayed during this round of bargaining. Indeed, a number of government leaders publicly congratulated themselves on the efficient, comparatively peaceful, and rapid (six months versus the customary eighteen to twenty months) manner in which the 1979 round of negotiations had been conducted.⁴⁵ As well, the government did succeed in reducing the differential between public-sector compensation and the wages and benefits that were paid to the unionized workforce in the private sector, one of its primary objectives during this round of bargaining. According to René Lévesque, prior to 1979 public-sector compensation had been 16.3

percent higher than that in the private-sector (defined restrictively as unionized firms with more than 500 employees). The contracts negotiated in 1979 reduced this gap to approximately 11 percent.⁴⁶ Finally, the PQ's beneficence toward the most poorly paid sections of its workforce provided it with an ideological weapon to use against the left-wing elements in the Common Front in future negotiations. After its remarkably generous settlement with the Common Front, and its concessions on such important and costly issues as maternity benefits, isolation allowances, and job security, the PQ was in a position to demand sacrifices from the better paid workers in the public sector--teachers, for instance--in order to pay for the new deal. This is precisely what would happen in 1982, during the next round of public-sector bargaining, when teachers and civil servants found themselves squeezed by their ideological commitment to improving the lot of the least fortunate in society and the PQ's invitation that they "put their money where their mouths were."

Bill 62 and the tentative agreement between the government and the Common Front in late November did not signal the end of the 1979 round of bargaining, however. As I noted above, the education sector was not part of the November agreement, and in January 1980 teachers and support staff went out on strike. After a two-week stoppage, the two sides reached an agreement on compensation issues. Negotiations on non-monetary issues such as teaching loads, which had profound implications for the cost of education in the province and thus for government expenditures as well, dragged on at the local level. Lemelin argues that many teachers were unhappy with the agreement reached at the central table, which they considered to be overly favourable to the lower-paid sections of the teaching force:

Tout au long de la négociation ... le Front commun avait maintenu son discours égalitaire. Il fallait augmenter les salaires des plus bas employés et diminuer l'écart entre les salariés des échelons supérieurs et inférieurs. Or, le règlement conclu à la table centrale respectait cet objectif. Avec l'adoption d'une formule exponentielle, les plus bas salariés recevaient une augmentation en pourcentage nettement

supérieure aux plus hauts salariés. En pratique, les enseignants étant les mieux payés se trouvaient les moins favorisés par cet accord.⁴⁷

In certain areas of the province, therefore, the local bargaining tables became the scene of bitter struggles between discontented unions and school boards determined not to give in to their employees any further than Parizeau had already done. Emergency legislation (Bill 113) was needed in October 1980 to end a series of regional teachers' strikes across the province.⁴⁸

In addition, approximately 11,000 Hydro-Québec employees, affiliated to unions that had withdrawn from the Common Front in 1972, went out on strike in early December 1979. Although power was maintained in the province by Hydro-Québec's supervisory personnel, there were numerous blackouts and other technical problems during one of the coldest winter months. After a three-week strike, the PQ decided to intervene with yet another ad hoc law, Bill 88.⁴⁹ Statements made by a number of cabinet ministers during the debate on the proposed bill are extremely important for what they reveal about the PQ's thinking on trade unions, the state's role in labour relations, and the duties incumbent on organized labour in the struggle for independence. Lévesque, for instance, was clearly embarrassed by his government's failure to conclude the 1979 round of public-sector bargaining without emergency legislation, but, taking up a theme that had first been laid down during the debate over Bill 62, he claimed that government intervention was necessary because union leaders were ignoring the wishes of the rank and file:

Je ... sais de bonne source, de source directe, qu'à la base, comme on dit si souvent, chez les syndiqués de la base, il y a eu beaucoup de membres frustrés, mais littéralement poignés ... dans la solidarité fondamentale de l'appartenance syndicale. Mais ils étaient aussi et ils se sentaient insultés par l'ignorance de leur opinion dont leurs propres dirigeants persistaient à faire la preuve, ce qui nous a amenés en conscience à légiférer d'urgence ...⁵⁰.

Lévesque, Pierre-Marc Johnson, and Jacques Parizeau all claimed that the union leadership's refusal to submit salary proposals contained in a mediator's report to

their membership constituted an abuse of their power. This abuse, Parizeau argued, was made all the more repugnant by the fact that a small number of relatively well-off workers--Hydro-Québec technicians were earning upwards of \$40,000 a year--were depriving the vast majority of the population of one of the most essential services.⁵¹ It was necessary once again, the PQ leaders argued, for the government to act as the "trade union of the population" by compelling the union executives to consult their membership.

It was Yves Bérubé, the Minister of Natural Resources, who most eloquently underscored the PQ's plight in attempting to legislate against public-sector workers, the party's "natural allies" in the struggle for independence. Responding to Claude Ryan's taunting remark that the PQ was finally discovering how difficult it was for any party in power, notwithstanding its putative favourable prejudices toward the workers, to solve the problem of public-sector labour relations, Bérubé unwittingly laid bare the class nature of the Parti Québécois's entire nationalist project:

Je me suis engagé en politique parce que j'ai confiance qu'un peuple peut, a un moment donné, avoir suffisamment de fierté, de confiance en lui-même, de désintéressement, de sens des responsabilités vis-à-vis de l'ensemble de ses compatriotes pour dire: Je me lève et je m'assume....Evidemment, c'est dur quand, à un moment donné, ce sont nos alliés naturels qui ne comprennent pas. Je dis bien nos alliés naturels parce que c'est effectivement là que je retrouve tous mes militants engagés dans le Parti québécois, dans le mouvement syndical....C'est dur parce qu'il y a encore de nos militants qui croient dans le Québec, mais qui sont encore victimes de ces égoïsmes de classe. Ils ne se rendent pas compte qu'à un moment donné, lorsqu'on passe son temps à se regarder le nombril et qu'on a ramené tous les problèmes de la société à ses propres conditions matérielles, c'est la société elle-même qu'on détruit. Je ne peux pas comprendre comment on puisse être à la fois dévoué à l'idée d'un Québec et, en même temps, être incapable de faire des arbitrages quand son intérêt personnel est en cause....Il y a des égoïsmes de classe. Il va falloir que notre société mûrisse. Elle va mûrir uniquement si on lui montre le chemin du dépassement.⁵²

Bérubé here echoes Claude Morin's assertion that "responsible" indépendantistes ought to subordinate their "class egoisms" to the interests of the collectivity. If they did not,

then the state would be compelled to show them the path of enlightenment. This chilling invocation of Big Brother would take on even greater significance in the 1982 round of bargaining, when Bérubé was Minister of the Treasury Board and in charge of negotiations.

Bill 88 extended the existing contract of Hydro-Québec employees for three years, to December 1982. It modified the collective agreement, however, to incorporate some of the major recommendations made by the mediator, whose report the union leaders had refused to submit to their membership, thereby precipitating the entire conflict. Salary increases of 8 percent for each of the three years of the contract, full indexation to the cost of living, early retirement incentives, and a reduction in the work week from 40 to 38.75 hours (with no reduction in pay) were some of the most important concessions made to the unions.⁵³ Although the government was at pains to present this package as a fair deal for Hydro-Québec employees, it was nonetheless imposed on the workers, as so often had been the case in labour relations during the "bad old days" of the Bourassa administration. In the wake of Bills 62, 88, and 113, the PQ's promise to civilize labour relations in the public sector appeared to have gone the way of most utopian visions.

In summary, the first round of public-sector bargaining conducted by the Parti Québécois demonstrated quite convincingly that the Lévesque government was more concerned with its overarching political objectives--ensuring the success of the approaching referendum on sovereignty-association--than with the demands of organized business in the province. How else does one explain Finance Minister Jacques Parizeau's extraordinary generosity towards the Common Front during these negotiations? At a time when all the major business associations in the province were clamouring for a radical retrenchment of the state and a redistribution of the

province's wealth away from government expenditure to private investment, Parizeau acceded to the Common Front's demands on maternity benefits, isolation pay, job security, and indexation of salaries--all of which would have precisely the opposite effect to the one desired by capital. Further increases in state spending would be the inevitable consequence of Parizeau's beneficence; in the eyes of the main business organizations in Quebec, this would necessarily leave fewer resources at the disposal of private enterprise and set an undesirable precedent which private-sector employees would undoubtedly seek to emulate.

As Demers points out, these concessions made little sense from a strictly economic perspective, especially since public opinion seemed to be highly receptive to the government's message that public-sector workers were the beneficiaries of unseemly privileges, at least in comparison to their private-sector counterparts:

Si le PQ n'était que la courroie de transmission en territoire québécois des mesures de crise concoctées par la Bourgeoisie internationale, si le gouvernement Lévesque ne cherchait qu'à tailler une base d'accumulation et d'exploitation plus large pour la Bourgeoisie québécoise, il aurait dû se montrer encore plus mesquin, à partir de l'automne 1979, puisqu'il avait réussi à élargir la légitimité politique de sa cause.⁵⁴

The most convincing explanation for the Lévesque government's actions is that the need both to mollify the PQ's left-wing and to ensure the support of organized labour for the referendum precluded a hard-line approach to collective bargaining, whether or not the majority of Québécois were sympathetic to restrictions on the privileges of public-sector employees.

Even the PQ's emergency legislation--Bill 62 in particular--was unique, reflecting the government's conviction that the state, rather than the workers' own organizations, was the authentic representative of the aspirations of the rank and file. Each piece of ad hoc legislation was accompanied by a deluge of publicity aimed at convincing government employees that their responsibility to the collective interest--

the approaching referendum—demanded their acquiescence to the law. The vacillation and lack of solidarity that characterized the Common Front's response to Bill 62 indicated, I have argued, that the PQ's public relations offensive was more than a little successful.

During the 1979 round of public-sector bargaining, then, just as had been the case with private-sector labour policy (the anti-scab law, the law on labour standards, the law on occupational health and safety, and so on), the PQ very carefully tailored its actions to further the overriding objective of sovereignty-association. As the CEQ observed,

le gouvernement péquiste ... a pris des initiatives majeures en fonction d'une stratégie politique bien définie; il a préparé le terrain du référendum par la tenue de sommets économiques à grand déploiement, par la réalisation de programmes de publicité-propagande continuels. Chaque intervention politique était directement ou indirectement un appel au consensus, à l'harmonie, à la paix sociale, à la cohésion, à la fierté, etc.⁵⁵

Once the referendum had been held, and defeated, the delicate balancing act performed by the PQ government between 1976 and 1980 was no longer necessary:

Certains pourraient être tentés de croire que les interventions politiques du gouvernement du Parti québécois étaient strictement dictées par la conjoncture de référendum et qu'ayant perdu le référendum, le gouvernement va changer la nature et l'orientation de ses interventions.⁵⁶

According to the CEQ, this fear that the PQ might radically alter its style of governing was unrealistic and unfounded: if the PQ somehow managed to survive the upcoming provincial election, the CEQ affirmed, it would likely continue in its reformist ways, acting as a "good government," content to manage the status quo. As we have seen in chapters seven and eight, the second PQ government did not drastically change the style of its interventions in private-sector labour relations, despite the onset of the global recession in the early 1980s. In the case of the public sector, however, the CEQ's prognostication was sadly inaccurate, as the next section of this chapter will show.

III. THE PQ AND THE COMMON FRONT, ROUND TWO: AFTER THE REFERENDUM

(i) The 1981 Election and the "Union-Nationalization" of the Parti Québécois

On May 20, 1980, the long-awaited referendum on Quebec's constitutional future was finally held. Almost 60 percent of those voting rejected the Parti Québécois's complicated request for a mandate "to negotiate a new arrangement with the rest of Canada, based on the equality of nations..."⁵⁷. In his Memoirs, René Lévesque provides a wistful post mortem of the referendum defeat:

Thirteen years of high hopes and 'optimism of the will' had just collapsed. That hurt. Yet it was more hurtful to see the heavy curtain that had fallen, closing off the horizon. For the first time, during those few hours of May 20, our people had had a say in their own destiny, the same people who had been so pushed around by history....How many people are there in the world who have refused such a chance to acquire full powers for themselves peacefully and democratically?⁵⁸

With the collapse of its independence project, the Parti Québécois was left adrift, without philosophical or ideological bearings; it was a party without a vision. For not only did the May 20 referendum vote signal the demise of the party's constitutional option, it also prefigured the collapse of most of the social and economic policies pursued by the PQ during the first few years of its mandate. No longer was it necessary to perform the high-wire act required before 1980 to reconcile the mutually antagonistic interests of different classes in Quebec, which the PQ had done in the hopes of building a fragile independence coalition. With its twin national and social projects virtually dead, the Parti Québécois underwent a rapid metamorphosis after May 1980, from a programmatic or mass party of the sort discussed by Maurice Duverger,⁵⁹ to a party comme les autres. Its primary objectives after the defeat of the

referendum were to cling to power, to defend Quebec's interests as jealously as possible within the Canadian federal system, and to foster the development of francophone-owned businesses. Regarding this pro-business component of the PQ's new philosophy, Thomas Courchene has argued that the PQ "became, after the referendum, the most business-oriented or market-oriented government in Canada."⁶⁰ These sweeping changes in the philosophy and style of intervention of the second Lévesque government reflected what might be called the "Union-Nationalization" of the PQ.

As the two previous chapters have demonstrated, the PQ did not simply take a sharp right turn after the referendum defeat, far from it. In certain areas, such as private-sector labour relations, it remained quite faithful to the social democratic strand in its program. I have already argued that this was primarily because of the nature of the alliances formed by the Parti Québécois, and particularly its strong ties to the private-sector labour federation, the FTQ. On budgetary matters, however, the 1980 vote on sovereignty-association precipitated a veritable crise de conscience within the party hierarchy. Compelling evidence of this internal crisis and reorientation was initially found in Jacques Parizeau's 1980-81 budget, which was unveiled just a few days before a provincial election was called, an election which the PQ seemed destined to lose, in view of the referendum defeat and the string of embarrassing results it had suffered in every by-election it had contested since coming to power in 1976. Citing the effects of the U.S. recession, astronomical interest rates, and the province's already onerous tax burden and mounting deficit as constraints on his margin for manoeuvre, Parizeau claimed that the PQ government had no choice but to slash spending ruthlessly in order to restore some sanity to Quebec's finances. Although Parizeau coyly refrained from mentioning the generous settlements with the public-sector unions in 1979 as one of the preeminent causes of the government's

financial difficulties, it soon became clear that compensation for government employees was being singled out by the administration as the principal factor behind its budgetary problems.

The government set its objective at \$1 billion in cuts in overall state expenditures, with the brunt of the cutbacks—\$500 million—to be borne by the education and social affairs departments. Parizeau urged these ministries, and the numerous local employers who derived their operating revenues from the provincial government, to "watch their figures and keep their weight under control."⁶¹ These cuts were immediately denounced by all the major labour federations in the province, and by the associations of school boards and hospitals, for whom Parizeau's objectives were arbitrary and unrealistic.⁶² Parizeau was probably more than happy to live with these criticisms, so long as opinion leaders in the province and, most importantly, foreign investors, viewed his budget as a belated attempt to inject a little "fiscal responsibility" into Quebec's budgetary priorities. The cuts in corporate tax rates that Parizeau inserted into his 1981-82 budget alongside the massive reduction in social spending made it clear that the PQ's priorities were now much closer to those of other pro-business governments elsewhere in the country, even if vestiges of its erstwhile social democratic ideology remained.

This preoccupation with fiscal responsibility, deficit-cutting, and the cultivation of a Quebec-based capitalist class was even more pronounced after the PQ's surprising election victory in April 1981. In this election, the PQ was able to increase its share of the vote to 49 percent and take 80 seats, up from 71 in the previous election. This unanticipated result was largely due to the widespread satisfaction with the Lévesque government's performance during its first mandate—a SORECOM poll conducted during the 1981 campaign revealed that 60 percent of Québécois voters were generally satisfied with the PQ's performance.⁶³ The PQ victory was also assisted by the party's

promise not to hold another referendum on independence if re-elected. This ploy helped to attract new categories of voters, even while the party maintained a stranglehold on its core constituency of young, highly-educated francophones working in the public sector. On the latter point, Blais and Nadeau claim that the PQ in 1981 obtained "10% more votes among public-sector workers than among those in the private sector."⁶⁴ Since the authors were unable to disaggregate the category of public-sector employees (which therefore included both those working for the province and for the federal government), they estimated that the PQ's support among provincial employees was probably even higher than their statistics indicated. Blais and Nadeau speculated that the support for the PQ among public-sector workers was related both to the career aspirations of this social group, which still viewed the PQ as the party of state expansion, and to the greater job security of these workers. They would likely be "less fearful [than other employees] of the economic risks" posed by the re-election of the nation-list Parti Québécois, Blais and Nadeau claimed.⁶⁵

The PQ did manage to broaden its appeal in the 1981 election, however. Blais and Nadeau observe that the PQ made significant gains in the rural areas of the province during this election--previously it had very much been a Montreal-based party--as well as some inroads among non-unionized white-collar employees.⁶⁶ McRoberts argues that the 1981 election witnessed the cross-fertilization of the Parti Québécois and the old Union Nationale electorates: in 1981, the PQ "attracted new elements to its coalition among small-town and rural voters," the traditional preserves of the Union Nationale.⁶⁷ This broadening of the PQ's electoral bases helps to account for the Lévesque government's willingness to enact brutally repressive measures against public-sector workers in 1982-83, since these new categories of voters were by no means sympathetic to the economic demands of government employees.

Admittedly, however, this is at best a partial explanation of the PQ's seemingly suicidal behaviour after 1981.

More important than the changing nature of the PQ's electoral clientele after 1981 was the decisive shift in the balance of power within the government that the election completed. Gone were the old standard-bearers of the party's left wing, Robert Burns and Jacques Couture being the most noteworthy defections. Burns had resigned from the National Assembly in 1979, citing his health as the major reason for his departure, while Couture did not run for re-election. To be sure, there were still committed social democrats in the PQ caucus: Pierre Marois was re-elected, for instance, and two newcomers, Louise Harel and Robert Dean, infused some new blood into this faction. But the 1981 cabinet was much more conservative than its 1976 predecessor had been. Rodrigue Biron, former leader of the UN, was elected in 1981 as a péquist, and immediately elevated to the cabinet as Minister of Industry, Commerce, and Tourism. Raynald Fréchette, also a former Union Nationale MNA (from 1968 to 1970) was given a cabinet post as well, first as Minister of Revenue, and subsequently as Minister of Labour (as of September 1982).

Equally significant in this "blueing"⁶⁸ of the Parti Québécois was the appointment of Yves Bérubé as Minister responsible for Administration and President of the Treasury Board. As I have argued, Bérubé's conception of state-labour relations was essentially an authoritarian one, and this personal philosophy would have a profound impact on his handling of the 1982-83 round of public-sector bargaining, when he was the government's chief negotiator. While it is undoubtedly true that current members of the PQ caucus or party organization would want to present themselves in as favourable light as possible, and shift the blame for the unravelling of the péquist project in the early 1980s, it is nevertheless the case that in personal interviews three prominent members of the party all pointed to Bérubé's anti-union

zeal as one of the major causes of the 1982-83 fiasco.⁶⁹ I will return to this point below, but suffice it to say here that Bérubé's authoritarian streak was flagrantly apparent during the 1979 round of bargaining (as my analysis of Bill 88 above attests). The only differences between the two rounds of negotiations were that Bérubé occupied a much more important government post in 1982 than he had three years earlier, and after 1980 there were no political exigencies, such as an approaching referendum, to keep his authoritarianism in check.

After its return to power, the Parti Québécois's strategy for reducing the government deficit, already hinted at in Parizeau's pre-election budget, was systematically, even ruthlessly, laid out. Since there was no question of the new, "blue" PQ chopping subsidies to the business community (and I indicated in chapter seven that the government introduced a welter of special incentives and financial inducements to business, especially the francophone-owned PME), the one item in the provincial budget over which the state had considerable control was the compensation paid to its own employees (including government contributions to pension plans). As a number of government representatives had obsessively pointed out, this one item constituted over 50 percent of the provincial budget. Premier Lévesque, in his inaugural speech to the National Assembly in November 1981, noted that the salary increases and benefits granted to the public-sector unions during the previous round of bargaining amounted to \$1.35 billion for the 1981-82 fiscal year alone. These increases, he claimed, did not merely protect the purchasing power of public-sector workers, they "transferred to them a growing portion of the collective wealth."⁷⁰

The government accordingly undertook an intensive public relations campaign designed to convince the public-sector unions that the future of the collectivity

required them to renounce, voluntarily, some of the privileges that they had accumulated during the past two decades of collective bargaining. To many observers, the PQ appeared to be cutting its own throat, since it was attacking those sections of the population that had previously provided the party with its strongest political support. But as I have argued above, we need not be surprised by the peremptory and authoritarian manner in which the Parti Québécois implemented its anti-union strategy. This streak in the party ideology was quite apparent during the 1979 round of bargaining, especially during the debate over Bills 62 and 88. Comments made at that time by Lévesque, Pierre-Marc Johnson, Yves Bérubé, and Claude Morin eloquently underscored the government's distrust of union organizations, as well as its conviction that the state itself was the most authentic representative of the various groups in Quebec society, including workers. At that time, however, the need to keep the ship of state on relatively calm seas, in order to ensure the success of the impending referendum, militated against a "union-bashing" strategy, and in favour of bargaining concessions. With the referendum defeated, the PQ hierarchy could give free rein to its antipathy toward the "radical and demagogic" leaders of the major public-sector union federations. Only the FTQ, which had consistently displayed a willingness to collaborate with the PQ, and to assume its "responsibilities to the collectivity" (at least this is the way that the dominant faction in the PQ interpreted the FTQ's actions), was left relatively unscathed by the Lévesque government's repressive measures after 1980.

The public relations campaign to convince government employees of the need for self-sacrifice was played out in a variety of forums between June 1981 and June 1982. The first of these forums was another summit meeting of the "socioeconomic partners" held in Montreal on June 12, 1981, at the urging of the three labour federations, which wanted an opportunity to discuss--and protest--Parizeau's budget

cuts of a few months earlier. If the PQ had hoped that yet another "dialogue" among the various players involved in public-sector bargaining would produce a consensus on future compensation policy for the public sector, it was sadly mistaken, for the conference merely served to point up the yawning chasm separating the state from its other partners (local employers were no happier about the budget cuts than the unions themselves, as I noted above).

Yves Bérubé and Jacques Parizeau presented the government's case to the conference. With the aid of numerous charts and graphs, the two ministers sought to convince both the unions and the local employers that the provincial state was caught in the grip of a budgetary vice. Large chunks of provincial revenues, they claimed, were being diverted into debt servicing, contributions to the pension plans of government employees, social services, and salaries of public-sector workers. Since the government had already ruled out any further increases in taxes--Quebec generally being considered the province with the highest tax burden in the country--then there were very few options available for maintaining the deficit at a tolerable level, which was arbitrarily set at \$3 billion, the maximum that foreign investors were thought to be able to countenance. Bérubé noted that the government could continue to slash spending, as it had in the 1981-82 budget, but this would tend to harm those citizens most in need of state assistance. The other option was to restrain the growth of public-sector compensation: Bérubé casually observed that if salaries and benefits in the public sector had been tied to those in the private sector (including only the best-paid segment of this sector, namely unionized firms with 500 employees or more) in 1981-82, instead of being allowed to rise in accordance with the provisions of the 1979 collective agreement, the government would have saved \$1.2 billion. There would have been no need, therefore, for budget cuts, and the emergency summit would have been entirely unnecessary.⁷¹

Not surprisingly, the union federations categorically rejected the government's implication that excessive public-sector salaries and benefits were the principal cause of Quebec's budgetary crisis. Robert Gaulin, president of the CEQ, pointedly noted that Parizeau's budget cuts were reflections of political choices made by the government:

... la politique actuelle de coupures budgétaires, c'est une politique de transfert du coût de l'éducation à une autre génération ou à quelques années plus tard. Le dératrapage, les effets des coupures, il va falloir que ça se paie un jour.... Les coupures reflètent des choix politiques.⁷²

Among the other options available to the PQ, Gaulin claimed, was the rationalization of educational services across the province--the elimination of wasteful duplication of services, for example, through the consolidation of competing school boards. For the government to claim that it had no choice but to slash state expenditures or apply the brakes to public-sector salaries, Gaulin averred, amounted to nothing more than simple demagoguery.

In his inaugural address to open the third legislative session of his second government, René Lévesque returned to the theme of the unjustifiable gap between the wages and working conditions of public-sector employees and those of their counterparts in the private sector. He cited this disparity as one of the main sources of budgetary rigidity and the prime cause of the fiscal crisis afflicting Quebec. It was no longer possible--or ethical--to demand that unorganized and less powerful sections of society (whose employers were "not as generous as the state") pay for the privileges of public-sector workers, Lévesque argued.⁷³ Lévesque also pointed to the swollen numbers of public-sector workers, their iron-clad job security, the skyrocketing costs of health care in the province, and costly pension plans for government employees as additional burdens on the state, which it could not continue to meet in a period of economic contraction. Now that economic prosperity was a thing of the

past, Lévesque warned, certain privileged groups in society would have to adjust their behaviour and attitudes to fit with the new reality:

Précisément parce que les ressources sont limitées, ça exigera, de certaines catégories de citoyens qui ont joui d'une amélioration substantielle de leurs conditions de vie ces dernières années, qu'ils acceptent de mettre un frein à leurs exigences pour que nous puissions diriger notre action vers les problèmes des Québécois et des Québécoises qui sont les plus démunis et les plus vulnérables devant les difficultés actuelles. Cela supposera aussi, quand il sera question de rationalisation des services, de disparition de postes dans le secteur public et d'augmentation de productivité, entre autres par une mobilité des gens qui peuvent être interchangeables, qu'ils acceptent, qu'ils ne se contentent pas de dénoncer mais qu'ils acceptent aussi de remettre en question les conventions qui nous ont conduit à ces impasses.⁷⁴

For the first time, a government leader was hinting that the collective agreements negotiated in 1979 ought to be "reconsidered," since some of their clauses were deemed to be incompatible with the twin objectives of promoting economic growth in an age of decline and ensuring a minimal standard of living for the unorganized and powerless groups in Quebec society. Apart from making the obligatory genuflections before the altar of social partnership—Lévesque called on Québécois to demonstrate "national maturity," a "minimum of solidarity," and "collective enthusiasm" (élan collectif)—however, the government said little about how it intended to proceed on this matter.

An indication of what the Parti Québécois had in store for the public-sector unions came in January 1982, when the Montreal transit workers went on strike for the eighth time in as many years. After a week-long shutdown, accompanied by the usual traffic chaos (during a bitterly cold month) and the fraying of citizens' nerves, the government passed emergency legislation, Bill 47,⁷⁵ to end the strike. The three transit unions, however, voted to defy the legislation—a decision that the government considered illegitimate, since only a minority of workers bothered to vote.⁷⁶ A committee of legislators, including Guy Chevrette and Robert Dean, the newly elected péquiste MNA and former Quebec director of the United Auto Workers, met with the

transit workers' unions to explain the government's position. Dean was acting Minister of Labour at the time, replacing the ailing Pierre Marois, and it was his duty to inform the unions that the government would not back down in this conflict, or attempt to purchase social peace (as it had in 1979). In fact, if the transit workers continued to defy Bill 47, he warned, the PQ was considering "extremely rigorous" measures, including the "Reagan solution" of decertifying the unions involved.⁷⁷ In the face of the government's refusal to budge, the transit workers' unions voted to return to their jobs, and a full-blown crisis was averted.

Many observers discerned in the government's handling of the transit strike a harbinger of its strategy in the upcoming round of bargaining with the public-sector unions (whose collective agreements were due to expire on December 31 1982). In a press conference after the strike had ended, Lévesque reinforced this impression by claiming that the government's resolve on Bill 47 would signal to other public-sector unions that illegal strikes would no longer be "profitable" (as they had for the hospital workers in 1979). He also affirmed that the government's politique salariale during the upcoming round of negotiations would be much more restrictive than it had in 1979. Full indexation of salaries, for instance, would have to be abandoned:

I have the impression ... that this has become a sacred cow....But it is a thing which here as elsewhere will have to be renounced, at least for a certain time. To what point I can't say now, but I don't have the impression that we will be able to maintain it entirely. No one can dream in color right now about resources falling from the sky.⁷⁸

Lévesque once again called on the public-sector unions to exhibit a certain amount of "solidarity" (which seems to have become something of a péquiste mantra during this period) to help the province weather the economic downturn.⁷⁹ In an interview, Guy Chevrette revealed what the Parti Québécois government had in mind when it spoke of "solidarity": "during an economic crisis a social democratic government has the responsibility to spread out the effects of the crisis, just as it has the duty to share

the collective wealth during a period of economic prosperity."⁸⁰ The unions' quite reasonable protests that the government was not spreading out the burden of this restraint in an equitable way (business being largely spared by Parizeau's spending cuts, and the recipient of generous tax cuts) left no impression on either the government or public opinion.

Robert Dean, believing the government to be "frozen at the switch," and heading ineluctably into a major confrontation with the Common Front, proposed the idea of another economic summit, a "summit of solidarity," in order to discuss solutions to the economic crisis.⁸¹ This "Summit of Solidarity," held in Quebec City April 5-7, turned out to be anything but a harmonious meeting of minds; it exposed yet again the dialogue of the deaf that was the leitmotiv running through this round of bargaining. Lévesque, Parizeau, and Bérubé constantly returned to the theme of a budgetary "hole" of some \$700 million that the PQ government somehow had to fill. That is to say, if the government took no emergency measures, the budget deficit would increase from \$3 billion in 1981 to \$3.7 billion in 1982. In his 1981-82 budget, Parizeau had already made the claim that \$3 billion was considered to be the maximum deficit Quebec's foreign creditors would be able to tolerate. This budgetary hole, Lévesque explained, was created mainly by the government's refusal to increase foreign borrowings, which would add to the provincial debt, in order to finance the multifarious programs for which the state was responsible. There were only three possible options for filling this hole, he claimed: further cuts in state spending, this time to the bone ("couper dans le vif"), another hike in taxes, or a total or partial freeze on public-sector compensation.⁸² Government representatives made it clear that the first two alternatives were not really options at all, since whatever fat there was in the provincial budget had been trimmed in 1981 (with Parizeau's \$1 billion in cuts),

and Quebec's taxes were already the highest in the country; any further increases would inevitably stifle economic growth.

As for the third option, Bérubé noted:

... il ne fait aucun doute que le Québec paie bien ses employées, tant au niveau du salaire que des bénéfices marginaux. Cette année, par exemple, l'alignement dès avril des employés de l'Etat sur les niveaux de rémunération en vigueur au sein des grandes entreprises québécoises se traduirait par une économie de la masse salariale de l'ordre d'un milliard de dollars. Il n'est pas question de faire porter aux employés de l'Etat tout le fardeau de la crise. Rien ne serait plus injuste! Mais peuvent-ils en être complètement exemptés?...Il reste que les augmentations de salaire de juillet et de décembre vont représenter un coût net à l'Etat de l'ordre de 670 millions de dollars. Cela pose aujourd'hui indéniablement un problème. On ne peut passer sous silence le fait que l'ordre de grandeur de ces augmentations équivaut pratiquement à celui du déséquilibre financier, ce qui représente sensiblement la valeur de l'écart entre le privé et le public.⁶³

In short, Bérubé argued, either public-sector workers would have to give up voluntarily the cost-of-living increases contained in their collective agreement (which were to be paid out at the end of June and December, and which amounted to \$670 million, almost enough to fill the budgetary "hole"!), or the government would have to recoup the money by dispensing with job security in the public sector and proceeding with "massive" layoffs. It was truly a Hobson's choice the PQ government was offering its erstwhile allies!

All of the major union federations greeted the government's litany of woe with considerable scepticism. They also rejected every one of the "options" for filling the budgetary hole laid out by the administration. Robert Gaulin of the CEQ observed that the government's own background papers clearly indicated that external shocks--the second OPEC crisis in the wake of the Iranian revolution, and the world-wide recession and credit crunch--were primarily responsible for Quebec's economic difficulties:

Pourquoi faudrait-il donc que la seule solution passe par «des décisions à prendre ici», dans la magie d'une solidarité englobant uniformément tous les agents économiques québécois sans distinction?

La CEQ rejette cette approche qui consiste à créer l'impression que les travailleurs, en particulier les syndiqués, sont l'un des facteurs de cette crise alors qu'ils en sont d'abord les cibles et les victimes, tout comme le sont les classes populaires en général.⁸⁴

Norbert Rodrigue of the CSN echoed the CEQ president's sentiments, and warned the government not to attempt to make workers the scapegoats for the recession. Louis Laberge of the FTQ expressed bewilderment at the strange coincidence apparent in Bérubé's figures: the cost-of-living allowances granted to public-sector workers in 1982 just happened, miraculously, to add up to the government's budgetary hole! If the government displayed a little imagination, he argued, it could easily find other budget items, aside from employee compensation, to fill the gap: transfers to private enterprise for 1982 amounted to some \$440 million, Laberge observed, and the cost of purchasing Asbestos Corporation alone would probably equal the entire budgetary hole.⁸⁵ In contrast to the CSN and CEQ's categorical rejection of the government's efforts at dialogue, however, the FTQ offered specific counter-proposals that might help Quebec out of the economic morass: Corvée-Habitation, to stimulate the construction industry, and a workers' investment fund to help preserve jobs. Both proposals, as we have seen in the previous chapter, were eventually put into action, but they did not preclude the clawbacks of public-sector salary increases.

In sum, the much-ballyhooed "Summit of Solidarity" actually served to set the stage for the brutal and mutually destructive confrontation between the PQ government and the public-sector unions in the winter of 1982-83. Robert Dean, in hindsight, labels the entire process a "complete washout."⁸⁶ The union federations did not seem to believe that the Parti Québécois government would go through with its threat to roll back some of the gains--job security, full indexation of salaries--made in collective bargaining by public-sector employees. And it certainly never occurred to the unions that the PQ would attempt to open up legal collective agreements--which the government itself had signed only two years earlier--for the purpose of clawing

back the wages and benefits needed to fill the budgetary hole. The unions were preparing for the upcoming round of bargaining as though nothing had changed since 1979, or as if they had a substantial segment of public opinion on their side, which, as the survey data cited earlier attest, they did not. This attitude was deeply distressing to government officials, none more so than the former trade unionists in the PQ cabinet. These ex-teachers and civil servants could not believe that the unions could be so insensitive to the government's plight, especially since Bérubé and Parizeau, they claimed, had "opened the books" to the unions for the first time in Quebec's history.⁸⁷ The next section of the chapter examines the destructive conflict that was sparked by this dialogue of the deaf between labour and the state in the early months of 1982.

(ii) La Raison d'Etat: Opening Up the Collective Agreements

On April 15, 1982, just one week after the "Summit of Solidarity," the government unveiled its proposals for dealing with the budgetary crisis. Essentially, the government asked the public-sector unions to open up their existing collective agreements and accept a "modulated salary freeze." Instead of the cost-of-living increases included in the contracts (which were to be paid out in two instalments, on June 30 and December 31 1982), the employees would receive increases inversely proportional to their base salaries.⁸⁸ The lowest-paid sections of the workforce would see their salaries rise by approximately 8 percent between June 30 1982 and June 30 1983, while those in the middle pay brackets would receive a 4 percent hike. Those employees in the highest pay brackets (over \$37,000 a year) would have their salaries frozen. In this manner, the government hoped to save some \$600 million, nearly enough to cover its so-called budgetary hole. Not surprisingly, all three union

federations rejected the PQ's offer, calling instead for negotiations on a new collective agreement to begin immediately (June 1), and for the government to promise that it would not unilaterally modify existing contracts or pension arrangements.⁸⁹

The union's response to its offer was taken by the government to signify outright rejection, and in late May, 1982, the Lévesque administration took steps to recover, through legislation, what the unions would not give up voluntarily. First, on May 20, it introduced Bill 68 into the National Assembly. This legislation modified existing pension plans for employees in the public and parapublic sectors, most notably by removing the provision for full indexation of benefits that had previously been in effect. Henceforward, protection of benefits against inflation would kick in once the Consumer Price Index had exceeded 3 percent. Costs of the regime would be equally shared by employees and the government.⁹⁰

The government's second measure to recoup the salary increases it had granted its employees in 1979 was announced in Parizeau's budget speech on May 25 1982:

Les centrales syndicales et la plupart des syndicats indépendants ont ... opposé une fin de non-recevoir aux propositions gouvernementales de réouverture négociée des conventions collectives. Le Premier ministre a fait connaître ... la décision du gouvernement de ne pas réouvrir unilatéralement cet été les conventions collectives et donc de respecter sa signature jusqu'à la date d'expiration des conventions fixée au 31 décembre 1982. Cela était fondé sur la crédibilité de l'Etat face à ses engagements et sur la notion même d'intégrité.

Par ailleurs, en pleine récession, alors que des centaines de milliers de gens sont en chômage et que ceux qui travaillent acceptent de plus en plus souvent des révisions de conventions collectives, renonçant ainsi à des augmentations ou même acceptant des baisses de salaires pour sauver leurs emplois, nous ne pouvons laisser se poursuivre la présente situation. Vingt pour cent de la main-d'oeuvre disposant à la fois de la sécurité d'emploi et de rémunérations fort élevées par rapport au reste de la population, ne peuvent continuer à avoir des conditions telles que nous ayons, comme gouvernement, à taxer encore et davantage le secteur privé et ses travailleurs.⁹¹

In order to compel employees in the public sector to "share the burden of the recession," which their less fortunate counterparts in the private sector were already doing, Parizeau indicated that the government would introduce legislation within two

days to take back, between January 1 and March 31 1983, whatever increases it paid out to its employees between June 30 and December 31 1982! This proposal underscored the patent absurdity of Parizeau's claim that the government would not unilaterally modify the existing collective agreements because it did not want to undermine its own credibility or integrity.

Bill 70 was duly introduced into the National Assembly on May 26 1982, and passed one month later.⁹² The legislation extended existing contracts in the public and parapublic sectors from December 31 1982 to April 1 1983, and applied an across-the-board salary cut of 18.85% during this period, which would recover \$521 million. It also abolished, for 1983, any provision for advancement-through-the-ranks or salary increases based on seniority, thereby saving another \$122 million.⁹³ Bill 70 also stipulated that salaries would again be raised on April 1 1983, according to the provisions of the "modulated freeze" that the unions had already rejected. To illustrate the effect Bill 70 would have on the salaries of public-sector employees, Le Devoir gave the following examples of two hypothetical workers, the first having an annual salary of \$13,150, and the second an annual income of \$43,277. In the case of the low-paid worker, his or her gross pay (biweekly) would fall from \$563 on December 31 1982 to \$455 for the following three months; on April 1 1983, it would rise to its former level of \$563. For the highest-paid workers, the progression would be as follows: \$1,815 every two weeks on December 31 1982, to \$1,473 for the following three months, to \$1,659 on April 1 1983.⁹⁴ During the first three months of 1983, therefore, Bill 70 would ensure that the lowest-paid workers were hit the hardest by the across-the-board salary cuts (since these rollbacks would constitute a larger percentage of their wages), in contrast to the government's April proposal for a "modulated freeze," which would have placed most of the burden on the highest-paid workers.

There was a provision in Bill 70 for the unions to negotiate an alternative deal, however: provided that the total sum handed over to the government was \$521 million (which would equal the cost-of-living increases granted during the last six months of the existing contract), the unions were free to make any arrangement for protecting the salaries of the poorly paid sections of the workforce that they wished to make. This, then, was the "choice" offered to the unions by the PQ: either "negotiate" wage cuts, in which case the highest-paid sections of the workforce would bear the brunt of restraint (and the unions would be compelled to live up to their ideological commitment to greater equality--this underscores the Machiavellian nature of the PQ's strategy), or let the government pass legislation to cut all public-sector salaries equally, in which case the major burden would fall on the shoulders of those least able to pay. Claude Ryan, who was still leader of the opposition Liberal Party, denounced Bill 70 as an attempt to make public-sector workers the scapegoats for Parizeau's own financial mismanagement, and warned that the law could well provoke a "social explosion."⁹⁵ Lise Bissonnette, the highly respected editorialist for Le Devoir, castigated the Parti Québécois for its "immoral abuse of power ... [T]he government risks reducing to ashes a social peace that is worth much more than Mr. Parizeau's \$600 million."⁹⁶

It was in this hypercharged atmosphere that formal negotiations for the next collective agreement--which was to take effect after the provisions of Bill 70 had expired in mid-1983--began. Clearly, there was little left to actually "negotiate," since the government's salary offers and wage cutbacks had already been enshrined in Parizeau's budget for 1982-83. What the government was offering to the unions was a slightly better deal within the constraints laid down by Bill 70. The Common Front experienced its habitual birth pangs, and came into official existence only on October 11 1982, four months after the passage of Bill 70. It had not yet completely

formulated its list of demands or decided on its bargaining strategy when the government, again citing the economic crisis as a pretext for acting unilaterally, introduced Bill 105 into the National Assembly on December 9 1982. The bill imposed over one hundred collective agreements on the various unions in the public sector. The sessional papers containing the clauses of these numerous decrees ran to almost 80,000 pages, a ten-foot high mountain of paper that no legislator could possibly have hoped to wade through in the two days allocated for debate on the bill!⁹⁷ Graham Fraser quotes one unnamed PQ cabinet minister after Bill 105 passed third reading: "I feel ... the serenity of the beaver who gnaws off his paw to free himself from a trap."⁹⁸ Nevertheless, Bill 70 and 105 were beginning to exact their toll on party unity: Guy Bisailon resigned from the PQ caucus when Bill 70 was adopted, and Louise Harel, who had voted against Bill 70, strongly opposed Bill 105. The government had made no effort to negotiate in good faith with its employees, she contended; "I refuse to countenance ... the idea that only brutal methods can make the employees and their unions listen to reason."⁹⁹

Bill 105 stipulated that the new contracts imposed on public-sector workers would all expire on December 31, 1985.¹⁰⁰ It also contained a "carrot" to attract the support of the lowest-paid categories of public-sector employees: comparatively smaller rollbacks of the wages of these workers during the first three months of 1983. In debate over the proposed legislation, Lévesque once again returned to one of the cherished themes of the PQ leadership, namely that the government was forced to act in order to "protect" the most poorly paid sections of the public-sector workforce, who were being abandoned by their union leaders. As in the case of Bill 70, the government continued to "negotiate" with the public-sector unions, in the hopes of striking special deals (which would consist at best of minor modifications in the state-imposed contracts) with some of the independent unions which did not belong to the

Common Front. If the government could get one union to assent to its decrees, the PQ reasoned, then trade union solidarity would collapse like a house of cards. This strategy, as the next section of the chapter will show, was a partial success: the government did succeed in breaking the Common Front, which was even less unified than in 1979. Ultimately, however, this was a Pyrrhic victory, since it contributed to the PQ's electoral downfall three years later.

(iii) Bill 111: The Fruits of 'Neo-Duplessisme'

As I mentioned above, negotiations, of a sort, did continue between the government and the public-sector unions, even after Bill 105 was passed. The Common Front, after some vacillation on the timing of strike action--the hospital workers (FAS) were in favour of immediate stoppages, before Christmas, while the CEQ wanted to postpone any action until after the holidays--announced that an escalating series of strikes would begin with a teachers' walkout on January 26, culminating in an unlimited, province-wide general strike by February 1.¹⁰¹ Lemelin notes that Lévesque, Parizeau, and Bérubé met with union leaders in mid-January in an abortive attempt to hammer out an agreement on the government's decrees. During this period, public support for the Common Front appeared to dwindle even further. Claude Brunet, the leader of the Comité des malades--which consisted of patients in hospitals and psychiatric wards who wanted the government to abolish the right to strike in the social affairs sector--made a highly publicized, if futile, attempt to obtain injunctions preventing strikes in a number of health institutions. And in contrast to previous rounds of public-sector bargaining, when student groups had automatically supported the teachers' unions, a number of student organizations (the

Regroupement des associations étudiantes universitaires and the Associations collégiales) denounced the Common Front's actions just prior to the general strike.¹⁰²

As planned, teachers at all levels of Quebec's educational system walked off their jobs on January 26 and 27; this was followed by a mass demonstration in Quebec City, during which some 35,000 public-sector workers protested against the Parti Québécois's repressive legislation.¹⁰³ Before the general strike could gain momentum, however, the government achieved the break in union solidarity that it desired: some 16,000 nurses, represented by three different unions (none of which belonged to Common Front) signed a pact on January 30; this was followed by an agreement with paramedical personnel (dietitians, physiotherapists, and so on) shortly after. The more militant Fédération des affaires sociales also reached a tentative agreement with the government on January 31, before their strike had begun, only to have it rejected by the union's Federal Council, an executive body comprising some 800 representatives from the component unions of the FAS. When the Federal Council sought a renewed strike mandate from the union membership, however, it was rebuffed, with over 55 percent voting against a strike. As Gérard Hébert notes, this series of reversals in the FAS was indicative of the tensions between the executive and the rank and file in the Quebec labour movement.¹⁰⁴ It was, perhaps, also a sign that the PQ's concerted public relations campaign had borne fruit. On February 5, for instance, the government placed a three-page advertisement in a number of Quebec newspapers outlining the agreements that had already been concluded with the three nurses' unions, and calling on the FAS to endorse them. The government's offers would remain valid only so long as there was no illegal strike, the advertisements pointed out.¹⁰⁵ Ironically, at a time when the government was invoking images of impending economic catastrophe unless the public-sector unions

renounced their cost-of-living increases, it was also spending millions of dollars in this public relations battle with the unions!¹⁰⁶

The breaks in the tenuous unity of the public-sector unions (the civil servants' union, SFPQ, also signed a deal with the government in early February) left the CEQ isolated in its battle with the Parti Québécois. Teachers, among the highest paid public-sector workers, were facing more than just salary cuts: the government was also proposing that work loads at all levels be dramatically increased (10 percent at the primary level, 15 percent at the secondary level, and 13 percent in the CEGEPs). In full-page advertisements in the Quebec press, the government proudly drew attention to the fact that it was demanding that teachers reserve more of their time to meet the needs of the students: "For the sake of the quality of education, everyone must do a little bit more."¹⁰⁷ The advertisements also promised that class sizes would not increase under the new contract--small consolation for the teachers, considering the government's other proposals.

After a series of abortive attempts to conclude an agreement with the CEQ, the Lévesque government introduced emergency legislation, Bill 111, to put an end to the teachers' three-week illegal strike (illegal only because the government had already short-circuited the bargaining process and decreed working conditions in the public sector until the end of 1985). In many respects, Bill 111 was a throwback to the repressive style of state intervention that had characterized the "dark ages" of the Duplessis regime. At the time it was passed, there were widespread rumours that the PQ cabinet was considering even stronger measures to break the teachers' strike, including the "Reagan Option" of decertifying the unions.¹⁰⁸ Marcel Pépin, the former president of the CSN, had already pointed to the growing similarities between the PQ and the Union Nationale in early December 1982, when he and a small number of disaffected intellectuals and trade unionists founded the Mouvement socialiste, a left-

wing alternative to the increasingly repressive Parti Québécois. The Lévesque government's response to the economic crisis, he claimed, indicated that the PQ had finally ripped off its social-democratic mask, exposing a latter-day version of the Union Nationale:

The PQ has buried independence. It has buried sovereignty-association. It has buried hope. But it has disinterred one thing: the statue of Duplessis. In the field of cultural policy, that is unquestionably its most spectacular achievement. The only monument built in six years of power. It disinterred the statue first. Then the ideas. Finally, the actions. It has invented nothing, but only drafted a new chapter in our history, a chapter entitled neo-duplessisme.¹⁰⁹

As I pointed out in the opening passages of this dissertation, Bill 111 included extremely stringent penalties for individual employees who failed to return to work. Unions would be subject to heavy fines and the loss of their dues check-off if they did not take the necessary measures to ensure an orderly resumption of work, while employees would lose three years' seniority for each day they remained off the job after the passage of the law. The government could also proceed with mass firings if it considered that the teachers at a particular institution had not returned to work in sufficient numbers, or it could modify by decree the existing regulations in the contract governing hiring and firing, in order to ensure that the necessary personnel were present to provide an adequate level of service. Bill 111 also reversed the traditional onus of proof under common law: employees who did not return to work by the date specified in the legislation (February 17 1983) would be presumed guilty of violating the law, unless they could prove their innocence.¹¹⁰ Finally, in a highly symbolic move, the legislation suspended both the Quebec Bill of Rights and the federal Charter of Rights and Freedoms, a measure that was roundly condemned by civil libertarians in the province. Francine Fournier, president of the Commission des droits de la personne du Québec, sent a telegram to Premier Lévesque in which she called for the immediate withdrawal of this "totally unacceptable" law.¹¹¹ Gérard

Bergeron, a well-known political scientist, wrote that Bill 111 was "probably 'the harshest piece of legislation in Quebec's history.'"¹¹²

Despite some initial resistance by the CEQ to Bill 111, the teachers' resolve quickly crumbled in the face of the state's heavy artillery. In early April, the teachers' unions, by a slim majority, finally accepted the recommendations of a conciliator's (Raymond Désilets) report, in which some improvements in teaching loads were granted.¹¹³ This finally brought the 1982 round of public-sector bargaining to a close. It also put finis to the last, dismal chapter in the Parti Québécois's experiment in concerted action (Bill 37, discussed in the next section, serves as a sort of epilogue to this drama). In the wake of Bill 111, PQ membership levels dropped precipitously, from over 200,000 in February 1982, to 160,000 in November of that year (the vast majority of whom held expired cards), to a mere 80,000 in February 1985.¹¹⁴ Not all of this decline can be attributed to disaffection over Bill 111 and its antecedents, obviously, but the Lévesque government's handling of the 1982 round of public-sector bargaining undoubtedly played an important part in the PQ's organizational disintegration.¹¹⁵

A similar fate befell the party's standing in the polls: at the end of March, 1983, only 19 percent of decided voters in Quebec indicated that they would support the Parti Québécois in a provincial election (as opposed to 41 percent opting for the Liberals), a drop of 17 percentage points in one year. Yvon Charbonneau, president of the CEQ (which had commissioned the poll, conducted by the Centre de recherche sur l'opinion publique [CROP]), contended that the survey results proved that "people in the real world" were abandoning the government in droves because of its authoritarian measures against working-class Québécois.¹¹⁶ One study by André Blais and Jean Crête indicates that the PQ's share of the vote among public-sector employees was 18 percent lower in 1985 than it had been in 1981 (accounting for a

drop of 3 percentage points in the party's total share of the vote), although they point out that other variables contributed to the party's electoral downfall as well.¹¹⁷

Two former Parti Québécois cabinet ministers, in separate interviews, readily acknowledged that Bills 70, 105, and especially 111, constituted an act of political suicide. Guy Chevrette affirmed that the PQ, "as a social democratic government, had a noble objective, but acted in a very maladroit fashion." It would have been far easier, he said, and politically less costly, simply to have decreed a wage freeze on July 1 1982.¹¹⁸ According to Robert Dean, Bill 111 was an "overreaction" on the government's part to the public-sector unions' rejection of its contract offers. The government did not have much latitude, he claimed, but there were alternatives to Bills 70, 105, and 111. What heated everything up, he argued, was the arbitrary nature of Bill 105, which unilaterally imposed a salary cut on public-sector employees. Dean maintained that the Lévesque administration did not give the collective bargaining process--or its own legislation (the reforms implemented after the Martin-Bouchard Commission Report was released)--an opportunity to function properly. Politically, Bill 111 caused irreparable harm to the PQ, by alienating for good some of the party's strongest supporters.¹¹⁹

How does one explain the Parti Québécois's electoral "suicide"? On the face of it, Bill 111 and the legislated wage rollbacks that precipitated the confrontation between the PQ and the unions appear to confirm the thesis advanced by Carol Levasseur and others, namely that all capitalist states, no matter what the ideological predisposition of the party controlling their institutions, are compelled by the current economic crisis to adopt repressive measures in order to re-create the conditions for successful capital accumulation. From this perspective, the Parti Québécois's behaviour during the first round of public-sector collective bargaining constituted a brief deviation from the new logic of capital; the attempts to smash public-sector

unions in 1982-83 revealed the disciplinary state lurking beneath the PQ's disingenuous social democratic rhetoric.

Despite its apparent plausibility, there are some glaring weaknesses in this argument. The most obvious flaw is to be found in the response of international and domestic capitalists to the PQ's extremely harsh legislation. Far from welcoming Bills 105 and 111 as much-needed "strong medicine" (which was the Lévesque government's own position), most representatives of capital were disturbed by, or openly hostile to, the legislation. The Federation of School Commissions, the government's bargaining "partner," expressed its surprise at the severity of Bill 111, calling it "the harshest law ever passed in Quebec." The Quebec Chamber of Commerce, for its part, denounced the government's suspension of civil liberties.¹²⁰ And American investors, the group whose favour Finance Minister Jacques Parizeau was so eager to curry, did not see the PQ's measures as merely a "slimming treatment" for a bloated and voracious state. According to Graham Fraser, Bill 70 and its offspring

... showed that the government not only misunderstood union negotiations, it also misunderstood the credit-evaluation system. Some veterans of Wall Street credit rating from outside Quebec argued convincingly that Bill 70 was responsible, single-handedly, for Quebec's loss of its AA credit rating. Wall Street, the argument went, disliked instability, and unilaterally taking back salary increases was asking for trouble. Since the whole purpose of the exercise was to keep Quebec's deficit fixed at the arbitrary figure of \$3 billion which the government had decided was acceptable to public opinion, the operation was hardly a success.¹²¹

It is my contention that the best way to explain the Parti Québécois's seemingly suicidal and irrational behaviour in 1982-83 is by focussing on the internal dynamics of the party and the ideological tensions that racked it. As I mentioned above, the defeat of the referendum opened up a window of opportunity for the hardliners in the Parti Québécois--those, like Bérubé, whose commitment to social

democracy had always been tenuous at best. So long as the fate of the referendum on sovereignty-association had remained undecided, the authoritarian inclinations of the party elite had been kept more or less in check by the need to retain the support of the labour movement (although there were certainly glimpses of this tendency even in such ostensibly pro-labour legislation as Bill 45, as the previous two chapters have attested). With the defeat of the referendum, and the consequent transformation of the Parti Québécois into a political party comme les autres, there was no longer any need to mollify union leaders, and an attack on public-sector wages became the most attractive option for coping with the recession.

All three péquiste MNAs whom I interviewed (Chevrette, Dean, and Harel) pointed to Bérubé's inflexibility as one of the most important contributing factors to the fiasco of Bill 111. According to Chevrette, Bérubé and his senior civil servants in the Treasury Board took advantage of the economic crisis in order to claw back more money than was strictly necessary to fill the budgetary hole. "The government took back portions of the previous collective agreements, which created major problems later for industrial relations. That was a mistake."¹²² Bérubé, however, was not solely responsible for the Parti Québécois's suicidal strategy in 1982-83, no matter how comforting this view might be for revisionists within the party. Judging from Lévesque's own comments during the confrontation, the premier shared Bérubé's desire to smash the union leadership, as did other top party officials. To some members of the PQ caucus, the public-sector unions were once again placing their own sectional interests ahead of those of the collectivity. The Minister of Cultural Affairs, Clément Richard, formerly chief legal advisor to the Common Front, sneeringly referred to the teachers in the CEQ as "neo-bourgeois" who were trying desperately to preserve their financial privileges and make "ordinary workers" pay the price.¹²³ As I argued in chapters seven and eight, this anti-union sentiment was an

integral part of the PQ's ideology, which stressed the state as the most authentic representative of all Québécois, no matter what their social class. The anti-unionism of leading party members was exacerbated by the authoritarian, étatiste elements in the party philosophy. Camille Laurin's justification of Bill 111 was an eloquent reminder of this authoritarian strand in the péquiste ideology:

Une troisième raison pour laquelle il est urgent d'adopter cette loi de retour au travail, c'est que précisément cette grève est illégale....D'autant plus ... qu'on s'attaque ainsi à cet Etat québécois qui était devenu beaucoup plus qu'un Etat provincial ordinaire en vertu de la mission qui était la sienne, qui avait acquis au fil des années, de ces 20, 25 dernières années, un pouvoir, un prestige, une force qui était nécessaire pour l'épanouissement de notre identité et de notre collectivité.¹²⁴

One can see here that Laurin was returning to the same rhetorical vein that had been mined so extensively by the PQ leadership during the 1979 round of public-sector bargaining: equating a contrary position in collective bargaining with an attack on the sanctity of the Quebec state. As Lise Bissonnette of Le Devoir noted:

M. Laurin ... confond la soumission à l'autoritarisme de son parti avec le devoir des individus envers les institutions et les lois. En se scandalisant d'un «assaut contre l'Etat» et qui plus est, avec un trémolo, contre «l'Etat québécois» dont la «force est nécessaire à l'épanouissement de notre identité», M. Laurin montre bien jusqu'où peut aller l'obsession nationale quand elle tient lieu de toute mesure.¹²⁵

In sum, "reasons of state" and party ideology were crucial determinants of the Lévesque government's actions in the 1982-83 round of public-sector bargaining. The defeat of the referendum, and the shift in the balance of forces within the Parti Québécois during the 1981 election, allowed the pro-business faction in the party (Parizeau, Bérubé, and to an increasing extent, Lévesque himself) to determine policy virtually without opposition. Believing that too much had been conceded to the public-sector unions in the pre-referendum round of negotiations, Parizeau and Bérubé sought to take advantage of the economic crisis to restore some order to the provincial budget. Clearly, the PQ hoped that its budgetary measures, by trimming state spending, would assuage foreign investors and encourage the growth of a

francophone business elite. These were obviously important variables in determining the timing and content of the Lévesque administration's labour relations policies after the PQ's 1981 election victory. But a desire to teach a lesson to the union leadership, which the party hierarchy had always distrusted, and to assert state hegemony over the rank and file, were equally important factors in shaping the Lévesque regime's bargaining strategy.

Even if capital ultimately benefited from these policies (and it did, inasmuch as they led to the defeat of the PQ and the election of the strongly pro-business Liberals in 1985), this cannot count as an explanation of their timing or content. For one thing, the major organizations of capital were appalled by the government's capricious and arbitrary behaviour in 1982-83, by its brazen disregard for its own contractual obligations. They also denounced the PQ for failing to cut the size of the state (it merely slowed its growth, in their view) and for doing nothing about the accumulated privileges--iron-clad job security, extensive maternity benefits, and so on--which it and its predecessors had bestowed on government employees. To some observers, this may seem like a specious distinction between what is actually desired by capital and what merely benefits capital, since the most important fact is that the Lévesque government did try to crush the public-sector unions, as advocates of the disciplinary state thesis would have predicted. The analysis in this chapter, however, has sought to demonstrate that the PQ's actions after 1981 can only be understood in terms of the extremely generous settlements of 1979--which themselves were politically motivated.

(iv) Bill 37: The Retreat from Hypercentralization

In the wake of Bill 111 and its political fallout, the Lévesque administration sought to create a workable bargaining regime, a "new equilibrium," that would once and for all solve the problem of public-sector negotiations and eliminate the triennial psychodramas that tended to lead to the defeat of provincial governments. In December 1983, the executive council published a report on Quebec's public-sector bargaining framework, as it compared to those existing in a number of other industrialized countries--Great Britain, West Germany, Belgium, France, Italy, the United States--and elsewhere in Canada.¹²⁶ The authors of the report concluded that Quebec was significantly more "generous" or "liberal" towards government employees than was the case in Western Europe or the United States, in terms of the number of organizational privileges that were bestowed on unions (Rand Formula, anti-scab measures, representative monopoly). This was combined with a highly centralized pattern of negotiations, unlike anything else in North America, making for a system of labour relations in which the bargaining strength of labour was maximized:

Le régime de relations de travail dans le secteur public québécois ... conjugue simplement le maximum de droits syndicaux à un mécanisme de négociations permettant aux pressions syndicales d'avoir le maximum d'impact. Dans un tel contexte, le gouvernement a le choix de faire les concessions qu'impose la situation ou de suspendre le fonctionnement du régime même....Ce n'est pas un hasard en effet si au Québec, depuis une vingtaine d'années et sous quatre gouvernements différents, les conflits de travail ont dégénéré en conflits sociaux et ont abouti ultimement devant l'Assemblée nationale pour trouver leur dénouement à l'extérieur des règles du jeu convenues au départ. Notre système de relations de travail dans le secteur public n'a pas encore trouvé son point d'équilibre.¹²⁷

The Quebec government could therefore choose either to revoke or circumscribe the accumulated organizational privileges of the public-sector unions--which the authors made clear was not really an option at all--or it could take steps somehow to

decentralize negotiations, thus ending a twenty-year trend towards ever greater centralization.

Ultimately, the PQ government chose the latter strategy. In early 1984, Michel Clair, the new President of the Treasury Board, issued a "consultative document" on reforming the bargaining regime in Quebec's public sector.¹²⁸ This document posed four questions to the government's social partners (the rhetoric of social partnership, as the two previous chapters have demonstrated, did not die with Bill 111):

—How should the government maintain an "equilibrium" between the public- and private-sector labour markets? What sort of mechanism should exist to provide ongoing comparisons of wages and compensation in the two sectors?

—Should negotiations be decentralized, and if so, how and when?

—Should the length of time between rounds of bargaining be shortened, in favour of a more or less continual adjustment of working conditions to reflect changing circumstances?

—How should one settle disputes, especially in the social affairs (hospital) sector? Should the right to strike be retained without restriction?

At the conclusion of the document, Michel Clair noted that the attitudes of the parties to bargaining would also have to be changed along with the legislative framework, if Quebec were to avoid the kind of hostilities witnessed every three years between 1972 and 1983. With this objective in mind, the government was proposing to establish two permanent committees, one to elaborate the basic guidelines for a wages policy, "especially by analyzing comparative data on the evolution of overall compensation in the private and public sectors," and the other to study employment, technological change, retraining and similar matters.¹²⁹

The response of the "social partners" to Clair's consultative document, and to the avant-projet de loi which he tabled in the National Assembly in December 1984, once again underscored the unbridgeable gap between labour and business in Quebec, at least insofar as the framework of public-sector negotiations was concerned. The

four labour federations (CEQ, CSD, CSN, and FTQ) and a number of local unions representing public-sector employees formed the Coalition pour le droit de négocier, which called for immediate withdrawal of Clair's proposed legislation. The PQ administration, according to the Coalition, was attempting to establish a "permanent regime of governmental decrees" in place of true collective bargaining.¹³⁰ For its part, the Conseil du Patronat endorsed the principal recommendations contained in Michel Clair's avant-projet de loi—decentralization of negotiations, and the tying of public-sector remuneration to compensation in the private sector. The CPQ, however, argued that the average level of benefits and wages in the private sector ought to serve as the standard for public-sector compensation, rather than the more generous formulas traditionally used by Quebec governments. It also wanted the government to adopt a harder line on the question of union democracy (particularly the supervision of strike votes; the guarantees contained in Bill 45 were deemed insufficient), and to implement a complete ban on the right to strike in hospitals, electrical generating industries, and water commissions.¹³¹

On May 2, 1985, the PQ government introduced Bill 37, An Act Concerning the Process of Negotiations of Collective Agreements in the Public and Parapublic Sectors, into the National Assembly.¹³² This legislation essentially took up the proposals set forth in the avant-projet six months earlier; the Coalition pour le droit de négocier complained bitterly that the government had virtually thumbed its nose at the unions' demands and had introduced legislation that would warm the hearts of capitalists in the province.¹³³ Bill 37 contained four major provisions. First, it created a tripartite Institut de recherche et d'information sur la rémunération, which was to inform the public, by means of an annual report, of the comparative evolution of compensation in the private and public sectors. Secondly, the law stipulated that collective bargaining over salaries in the public sector would be allowed only in the

first year of a three-year collective agreement; during the second and third years of the contract, the government would determine salaries by decree, based on the annual reports of the Institut de recherche et d'information sur la rémunération. Thirdly, Bill 37 decentralized negotiations on a wide range of non-monetary issues. Henceforward, such items as grievance procedures, the role and duties of union representatives, the deduction of union dues, and so on, would be negotiated at the local level while salaries and benefits would be the principal item negotiated at the provincial level. Collective bargaining at the local level would be permanent (that is, the two sides would be free to modify any non-monetary item in the contract, at any time during its three-year lifespan), but the right to strike would be banned during this period--disputes over these non-monetary matters would be resolved through arbitration. Finally, the Conseil des services essentiels, the permanent organization that had replaced the ad hoc Conseil sur le maintien des services de santé et des services sociaux en cas de conflit du travail initially set up by Bill 59 in 1978,¹³⁴ was given sweeping quasi-judicial powers to intervene during public-sector work stoppages. For the hospital sector, the legislation decreed that between eighty and ninety percent of personnel, depending on the type of institution involved, would be designated as essential.

Bill 37 represented the final repudiation by the Parti Québécois of the Quiet Revolution philosophy of public-sector labour relations. In effect, it did for the public sector what the Bourassa government had done to the province's construction industry, creating a completely state-dominated system of labour relations in which the capacity for "free" collective bargaining is largely illusory. In setting up the Institut de recherche et d'information sur la rémunération, an organization similar to the federal Pay Research Bureau, the PQ was evidently hoping that the unions would either exercise restraint spontaneously in light of the data published by the institute,

or that public opinion would help to keep the unions in line. The government may also have been trying to shift some of the responsibility for wage determination in the public sector onto an allegedly neutral third party--something previous provincial administrations had resolutely refused to do. Whatever the motivation behind the creation of this organization, there is little doubt that the future will witness heated battles between both sides over the definitions and criteria employed in the determination of public-sector compensation. Often, this sort of approach degenerates into a battle between different data sets, the government with one set of figures, private-sector employers with another, and labour with a third. There is little evidence to date that interest arbitration--the use of third parties to determine terms and conditions of employment--is a panacea for the thorny problem of dispute resolution in the public sector.¹³⁵

More importantly, Bill 37 represented the final act of a new middle class that had lost the political leadership it had exercised since the early 1960s. During debate on the second reading of Bill 105 in December 1982, Liberal MNA Richard French emphasized the extent to which the fate of the new middle class in Quebec had been inextricably linked with centralization of state structures:

La crise actuelle est avant tout la crise d'une classe dominante, la crise d'une coalition d'intérêts, la crise d'une coalition de pouvoirs dont nos amis d'en face sont l'expression politique la plus récente. La classe dominante dans la politique québécoise, depuis une quinzaine d'années, a dicté le vocabulaire de la politique, a défini la problématique de l'agenda public, a exprimé ce qu'elle jugeait être les questions les plus importantes à débattre....La classe dominante avait certaines marques de commerce. Son modèle d'innovation, son modèle du progrès, son modèle de prise de décisions était centralisateur et c'est à une centralisation du pouvoir et de l'innovation qu'on a assisté depuis 20 ans.¹³⁶

The defeat of the referendum on sovereignty-association in 1980, coupled with the onset of the severe recession in the early 1980s, finally halted this relentless drive toward ever greater centralization, and ended the political domination of the new

middle class. Bill 70, Bill 105, Bill 111, and, finally, Bill 37 were the means whereby this class signed its own death warrant (in political terms, of course).

I have argued that we cannot understand this series of events solely by referring to prevailing economic conditions, although it would be ludicrous to suggest that these had no influence at all on the PQ's actions between 1976 and 1985. Economic-based explanations of the government's policies, however, capture only one side of this process, for the PQ's actions in the early 1980s were determined in large part by the political, ideological, and organizational factors to which I have alluded: the economic fallout from the orgy of concessions in the previous round of negotiations, which had been designed to further the government's indépendantiste objectives; the shift in the balance of power within the PQ after the referendum defeat and the 1981 election; and the latent authoritarianism in the party ideology, which prompted a brutally repressive response against those groups--in this case the public-sector unions--which dared to put their own sectional concerns before those of L'Etat du Québec.

IV. CONCLUSION

This chapter has examined the Parti Québécois's public-sector labour relations policy from 1976 to 1985. The thrust of my argument has been that the Lévesque government's behaviour during the two rounds of bargaining was not entirely consistent with a strict "disciplinary-state" interpretation, as put forward by Levasseur and others. In 1979-80, for instance, government negotiators made some extraordinary eleventh-hour concessions to the Common Front on the issues of maternity leave, job security, mobility, cost-of-living protection, and wages. As Demers suggests, these

concessions were granted while the government had one eye glancing furtively in the direction of the referendum.¹³⁷ After losing the referendum in 1980, the PQ was less and less solicitous of the public-sector unions and of its own left-wing. Increasingly, it made populist appeals to the "average Québécois" and attempted to portray the Common Front unions--especially the leadership--as parochial and unreasonable, with more than a little success. But the desire to capitalize on public opinion does not completely account for the brutality of Bill 111 (and this chapter in no way wishes to make light of this law's brazen disregard of civil liberties or trade union-rights and freedoms). The government's excesses can best be attributed to a desire to teach a lesson to the social partner that it considered to be more concerned with its own material and organizational prerogatives than with the aspirations of the collectivity.

When one considers the full range of the Parti Québécois's labour policies between 1976 and 1985--its reforms of the Labour Code, the laws on occupational health and minimal labour standards, its efforts at concerted action, and the two rounds of public-sector bargaining conducted while it was in office--it becomes clear that the Quebec state during this period was no mere dupe of economic forces. What is striking about the PQ's policies is the extent to which they were moulded by the exigencies of the nationalist project before 1981. The sweeping powers that all of these reforms conferred on the state conformed closely to the technocratic, and in some cases authoritarian brand of social democratic étatisme espoused by the dominant faction in the party. Centralization of bargaining was closely tied to attempts by the government to politicize negotiations, to make them a battlefield for the hearts and minds of Québécois. Almost every intervention in labour relations was designed to solidify the inter-class independence coalition, or add new partners to it. Nationalist symbols were manipulated in a blatant attempt to get the unions to support or acquiesce in the government's nationalist project.

The failure of the referendum, and the economic downturn after 1980, did not produce an appreciable change in private-sector policy, largely because of the mutually beneficial relationship that had grown up between the PQ government and the FTQ. In the case of public-sector labour relations, by contrast, the changed political and economic circumstances of the early 1980s did elicit a coercive response from the state, primarily because of the mutual antipathy between the CSN and CEQ, on the one hand, and the technocratic faction of the PQ on the other. Public-sector labour policy after 1981 does indeed demonstrate that there are economic limits to state autonomy, which is something I have not denied at any point in this dissertation. I would simply add that within the parameters set by these economic conditions a wide range of responses by states are made possible by the different preferences, intentions, and projects that motivate state actors. Moreover, on occasion, state actors can use the variety of resources (which I have labelled, following Nordlinger, "autonomy-enhancing capacities") at their disposal to break through the constraining structures, to reshape the political and economic environment so that it is more congruent with their objectives. This is precisely what the Parti Québécois attempted to do, with more than a little success, between 1976 and 1981.

So what? This would be the predictable response of a convinced functionalist. In the end, capital triumphs, and the state does its bidding, willy-nilly, no matter what twists and turns there are on the path to this inevitable outcome. At best, these critics would continue, I have provided a lengthy gloss on Marx's aphorism that men and women make their own history, but not under circumstances of their own choosing. In the conclusion to this dissertation, I will suggest why this sort of criticism is invalid and attempt to answer the imaginary functionalist critics with whom I have been having a debate in this and previous chapters.

CHAPTER NINE ENDNOTES

¹Carol Levasseur, "De l'Etat-providence à l'Etat-disciplinaire," in Gérard Bergeron and Réjean Pelletier, eds., L'Etat du Québec en devenir (Montreal: Boréal, 1980), p.327.

²A normative issue is one which refers to working conditions or any other non-monetary item.

³L.Q., 1985, ch.12 (received royal assent on June 19 1985).

⁴See Richard French's comments during the debate on second reading of Bill 105 in Québec, Assemblée Nationale, Journal des Débats, 3^e session, 32^e Législature, 10 December 1982, pp.6896-6899. I will return to French's trenchant analysis of the break-up of the Quiet Revolution coalition in a later section of this chapter.

⁵Québec, Commission d'étude et de consultation sur la révision du régime des négociations collectives dans les secteurs public et parapublic, Rapport Martin-Bouchard (Quebec: Editeur officiel, February 1978), p.vii.

⁶Grant resigned from the task force on January 5 1978, only a month before its final report was submitted to the government. See ibid., p.xi.

⁷Maurice Lemelin, Les négociations collectives dans les secteurs public et parapublic (Montreal: Editions Agence d'ARC Inc., 1984), p.165.

⁸Rapport Martin-Bouchard, pp.72-3.

⁹Lysiane Gagnon, "La ronde des bureaucrates"/"La société blessée," Tiré-à-part no.24 (Université Laval, Département des relations industrielles, 1980), pp.23-4 (emphasis added).

¹⁰Ibid., p.13.

¹¹Rapport Martin-Bouchard, p.141 (my translation); see also Lemelin, Les négociations collectives, pp.239-40.

¹²L.Q., 1978, ch.15.

¹³L.Q., 1978, ch.14.

¹⁴L.Q., 1978, ch.52.

¹⁵Rapport Martin-Bouchard, p.132. The report is quoting from a brief submitted to the commission by the Office des professions.

¹⁶Lysiane Gagnon, "La ronde des bureaucrates"/"La société blessée," p.16.

¹⁷Chroniques impertinentes du 3^{ème} Front commun syndical (Montreal: Nouvelle optique, 1982), p.127.

¹⁸Ibid., pp.50-1.

¹⁹Lemelin, Les négociations collectives, p.189. Both Lemelin and Demers, in Chroniques impertinentes, ch.2, indicate that not all unions in the Common Front were equally committed to this egalitarian strategy, with the teachers (CEQ) and the civil servants represented by the FTQ being the most reluctant to sacrifice their own material interests to the goal of equalization.

²⁰"Exposé des coordonnateurs du Front commun à la réunion publique du 12 juin 1979," p.32, quoted in Lemelin, Négociations collectives, p.188.

²¹All figures are cited in ibid., p.186.

²²Demers, Chroniques impertinentes, pp.52-4.

²³Ibid., p.54.

²⁴Le Devoir, 30 January 1979, quoted in ibid., p.121.

²⁵Survey data from the Conseil du Patronat du Québec cited in Alain G. Gagnon and Khayyam Z. Paltiel, "Toward Maîtres chez nous: The Ascendancy of a Balzacian Bourgeoisie in Quebec," Queen's Quarterly 93:4 (Winter 1986), p.738. During the same period, the percentage of respondents agreeing that private enterprise had too much power in Quebec declined, from 17 in 1977 to 8 in 1983. Government, like the unions, was a target of increasing public scepticism during this period: in 1977, 24 percent of respondents thought it had too much power; by 1983, this figure had grown to 40 percent.

²⁶Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, 12 November 1979, p.3498. See also Jean-Robert Tapin, "Aperçu de la dernière ronde de négociation dans les secteurs public et parapublic," Le Marché du travail 1:6 (October 1980), pp.32-41.

²⁷Lemelin, Les négociations collectives, p.193.

²⁸Lemelin, ibid., pp.193-95, reaches essentially the same conclusion as Demers, Chroniques impertinentes, pp.131-32.

²⁹Chroniques impertinentes, p.132.

³⁰L.Q., 1979, ch.50. For debate on second and third readings of the bill, see Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, 12 November 1979, pp.3482-3558.

³¹Ibid., pp.3484-85.

³²Ibid.

³³Lysiane Gagnon, "La ronde des bureaucrates"/"La société blessée," p.9.

³⁴Ibid. (my translation).

³⁵Ibid., p.17.

³⁶See Pierre-Marc Johnson's comments in Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, 12 November 1979, p.3533.

³⁷Jean-Claude Leclerc, "Un constat d'échec," Le Devoir, 13 November 1979 (my translation).

³⁸Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, 12 November 1979, p.3488 (my translation).

³⁹Quoted in The Ottawa Citizen, 17 November 1979.

⁴⁰William Johnson, "Rub Against Labor Makes Lévesque Shine," Globe and Mail, 21 November 1979, and William Johnson, "Pigeons Get a Bitter Lesson From the PQ," Globe and Mail, 26 November 1979.

⁴¹Lemelin, Les négociations collectives, p.197.

⁴²Johnson, "Rub Against Labor Makes Lévesque Shine."

⁴³Tapin, "Aperçu de la dernière ronde de négociation," pp.34-39.

⁴⁴Demers, Chroniques impertinentes, p.143.

⁴⁵Pierre-Marc Johnson, for instance, drew attention to the "amélioration sensible et objective de la situation [en 1979], cette accélération du déroulement de la négociation, ce maintien déjà plus civilisé des services à la population qui a marqué la dernière négociation ... " See his speech, "Les services essentiels et la dernière ronde de négociation: Bilan et perspectives," reprinted in Université Laval, Département des relations industrielles, Tiré-à-part no.23 (1980), pp.2-4.

⁴⁶Québec, Assemblée nationale, Journal des Débats, 3^e session, 32^e Législature, 9 November 1981, p.7 (this was Lévesque's "inaugural speech" to open this session of the legislature).

⁴⁷Lemelin, Les négociations collectives, pp.197-98.

⁴⁸L.Q., 1980, ch.22 (ratified on 24 October 1980).

⁴⁹L.Q., 1979, ch.62 (received royal assent on 18 December 1979).

⁵⁰Québec, Assemblée nationale, Journal des Débats, 4^e session, 31^e Législature, 18 December 1979, p.4675.

⁵¹Ibid., p.4658.

⁵²Ibid., p.4671 (emphasis added).

⁵³Details of the contract are found in ibid., pp.4647-48.

⁵⁴Chroniques impertinentes, pp.129-30.

⁵⁵CEQ, Un gouvernement de plus en plus conservateur: Réflexion critique sur l'exercice du pouvoir de gouvernement du Parti Québécois de 1976 à 1981 (Quebec, 26 March 1981), p.114.

⁵⁶Ibid., p.115.

⁵⁷The complete wording of the referendum question, along with an excellent analysis of the campaign and the voting results, can be found in Kenneth McRoberts, Quebec: Social Change and Political Crisis, 3rd ed. (Toronto: McClelland and Stewart, 1988), ch.9. The referendum wording is found on pp.321-22.

⁵⁸René Lévesque, Memoirs, trans. Philip Stratford (Toronto: McClelland and Stewart, 1986), p.310.

⁵⁹Maurice Duverger, Political Parties, trans. B. North and R. North (London: Methuen, 1954), pp.62-71.

⁶⁰"Market Nationalism," Policy Options 7-8 (Oct. 1986), p.7, cited in McRoberts, Quebec, p.377.

⁶¹Québec, Ministère des Finances, 1981-1982 Budget: Budget speech (delivered before the Assemblée nationale by Mr. Jacques Parizeau, Minister of Finance and President of the Treasury Board, on March 10, 1981), p.28.

⁶²See Louis-Gilles Francoeur, "Toutes les centrales syndicales dénoncent les coupures du budget," Le Devoir, 12 March 1981, p.6; Marie Laurier, "L'Association des hôpitaux estime que leur avenir s'annonce sombre," Le Devoir, 12 March 1981, p.6.

⁶³Survey results are cited in McRoberts, Quebec, p.343. According to McRoberts, "the high level of overall satisfaction probably had less to do with specific aspects of the Lévesque government's performance than with confidence in René Lévesque himself: 50 percent of the SORECOM respondents found Lévesque the party leader best able to govern, with only 23 percent opting for [Claude] Ryan...." Ibid.

⁶⁴André Blais and Richard Nadeau, "L'appui au Parti québécois: évolution de la clientèle de 1970 à 1981," in Jean Crête, ed., Comportement électoral au Québec (Chicoutimi: Gaëtan Morin Editeur, 1984), p.293 (my translation).

⁶⁵Ibid., p.294.

⁶⁶Ibid., pp.301-303.

⁶⁷McRoberts, Quebec, p.381.

⁶⁸The conservative elements in Quebec's party system have traditionally been designated bleu, in contrast to the more liberal rouges.

⁶⁹Robert Dean, Interview, Montreal, 27 January 1989; Guy Chevette, Interview, Quebec City, 31 May 1989; Louise Harel, Interview, Quebec City, 31 May 1989.

⁷⁰Québec, Assemblée nationale, Journal des Débats, 3^e session, 32^e Législature, 9 November 1981, p.7

⁷¹Québec, Secrétariat permanent des conférences socio-économiques du Québec, Les compressions budgétaires dans les secteurs de l'éducation et des affaires sociales--Rapport (Rapport des délibérations de la rencontre publique tenue à Montréal le 12 juin 1981 entre des présidents de centrales syndicales, des partenaires patronaux et des ministres du gouvernement du Québec), pp.20-21.

⁷²Ibid., p.52 (emphasis added).

⁷³Québec, Assemblée nationale, Journal des Débats, 3^e session, 32^e Législature, 9 November 1981, p.8.

⁷⁴Ibid., p.9.

⁷⁵L.Q., 1982, ch.1 (received royal assent on January 15). The legislation suspended the workers' right to strike and the Montreal Urban Community Transit Commission's (MUCTC) right to lock out for a period of four months. Lévesque was certainly not unaware of the fact that "it takes two to make a strike," and that the MUCTC had to shoulder its share of the blame for the sorry state of affairs in transit labour relations. See "Will Get Tougher, Levesque Tells Unions," Globe and Mail, 20 January 1982.

⁷⁶The most militant of the unions, the maintenance workers, had 2,200 members at the time. Of these, 1,000 showed up for the crucial vote, and only 700 or so actually voted. The margin in favour of defying the law was 475 to 234. See "Dilemma for the PQ," Globe and Mail, 20 January 1982.

⁷⁷William Johnson, "No Sense in Ignoring the Writing on the Wall," Globe and Mail, 21 January 1982.

⁷⁸Quoted in "PQ Ready for Tough Wage Talks," Globe and Mail, 22 January 1982.

⁷⁹Michel Roy, "Pour éviter le pire," Le Devoir, 23 January 1982, p.12.

⁸⁰Guy Chevette, Interview, Quebec City, 31 May 1989 (my translation).

⁸¹Robert Dean, Interview, Montréal, 27 January 1989. See also "Il faut renoncer à l'indexation, avertit Lévesque," Le Devoir, 22 January 1982, p.1.

⁸²Québec, Secrétariat permanent des conférences socio-économiques, La conférence au sommet Québec 1982: Rapport (April 1982), pp.18-19.

⁸³Ibid., p.82.

⁸⁴Ibid., p.45 (emphasis added).

⁸⁵Ibid., pp.91-2.

⁸⁶Interview, Montréal, 27 January 1989.

⁸⁷Robert Dean, Interview, Montreal, 27 January 1989. Louise Harel confirms Dean's analysis: Interview, Quebec City, 31 May 1989. Guy Chevette, however, puts most of the blame for the subsequent fiasco squarely on the shoulders of Yves Bérubé,

whom he accuses of being overzealous. Interview, Quebec City, 31 May 1989. I will return to this point later in the chapter.

⁸⁸Lemelin, Les négociations collectives, p.207.

⁸⁹Ibid., pp.208-9.

⁹⁰L.Q., 1982, ch.33, ss.8 and 17.

⁹¹Québec, Ministère des Finances, Budget 1982-1983: Discours sur le budget, prononcé à l'Assemblée nationale par M. Jacques Parizeau, Ministre des Finances, le 25 mai 1982, p.22 (emphasis added).

⁹²L.Q., 1982, ch.35 (received royal assent on 23 June 1982).

⁹³Fraser, PQ, p.324.

⁹⁴Gilles Lesage, "En 3 mois, 310,000 employés subiront des baisses de 18.85%", Le Devoir, 27 May 1982, p.1.

⁹⁵Quoted in Lesage, "En trois mois ...", Le Devoir, 27 May 1982, p.1.

⁹⁶Lise Bissonnette, "Un abus de pouvoir," Le Devoir, 27 May 1982, p.16.

⁹⁷Fraser, PQ, p.330. See also Joan Dougherty's comments in Québec, L'Assemblée nationale, Journal des Débats, 3^e session, 32^e Législature, 10 December 1982, p.6929.

⁹⁸Fraser, PQ, p.330.

⁹⁹Ibid., p.331. See Harel's comments in Québec, Assemblée nationale, 3e session, 32e Législature, 10 December 1982, pp.6926-28. Harel would later abstain during the first two readings of Bill 111, the PQ's brutal response to the illegal teachers' strike of January-February 1983. She knuckled under to party discipline and voted for Bill 111 on third reading, however, when Lévesque personally made it clear to her that she would be expelled from caucus if she did not. Louise Harel, Interview, Quebec City, 31 May 1989.

¹⁰⁰L.Q., 1982, ch.45, art.10.

¹⁰¹Lemelin, Les négociations collectives, p.215.

¹⁰²Ibid., pp.215-16.

¹⁰³Gilles Lesage, "La manifestation attire 35,000 syndiqués déterminés à tenir tête au gouvernement," Le Devoir, 31 January 1983, p.2.

¹⁰⁴Gérard Hébert, "Public Sector Bargaining in Quebec: A Case of Hypercentralization," in Mark Thompson and Gene Swimmer, eds., Conflict or Compromise: The Future of Public Sector Industrial Relations (Montreal: Institute for Research on Public Policy, 1984), pp.272-74.

¹⁰⁵See Le Devoir, 5 February 1983, pp.7-9. Part of the advertisement read: "Bien que rejetées par le Conseil fédéral de la FAS, ces offres demeurent toujours valables, mais ne pourraient plus être considérées comme maintenues en cas de grève illégale" (emphasis in the original).

¹⁰⁶Yves Bérubé admitted in the National Assembly that his government had spent \$1.67 million on the advertising campaign, eliciting widespread indignation and derision from the opposition. See Gilles Lesage, "L'Assemblée se réunit dans une atmosphère de camp retranché," Le Devoir, 16 February 1983, p.10.

¹⁰⁷Le Devoir, 29 January 1983, p.11 (my translation).

¹⁰⁸This rumour was confirmed by Louise Harel, Interview, Quebec City, 31 May 1989 and Robert Dean, Interview, Montreal, 27 January 1989.

¹⁰⁹Quoted in Ramsay Cook, Canada, Quebec, and the Uses of Nationalism (Toronto: McClelland and Stewart, 1986), p.114. Pépin is referring to the Lévesque government's decision to erect a statue of former Premier Maurice Duplessis in front of the National Assembly, a statue which had been gathering dust in a government storage room for a number of years.

¹¹⁰L.Q., 1983, ch.1, art.17-18.

¹¹¹Rodolphe Morissette, "La Commission réclame l'abandon immédiat du projet," Le Devoir, 17 February 1983, p.2.

¹¹²Gérard Bergeron, Pratique de l'Etat au Québec (Montreal: Editions Québec/Amérique, 1984), p.158. Bergeron notes that Yvon Charbonneau of the CEQ "made a bizarre, last-ditch effort to intercept the lieutenant-governor during the night and convince him to use his power of reservation in order to set aside Bill 111," an attempt that was entirely unsuccessful. Ibid. (my translation). See also McRoberts, Quebec, p.373.

¹¹³Hébert, "Public Sector Bargaining in Quebec," p.273; Jean-Pierre Proulx, "La menace de grève est écartée dans les écoles," Le Devoir, 9 April 1983, p.1; Bernard Descôteaux, "La CEQ dit oui au rapport," Le Devoir, 16 April 1983, p.1.

¹¹⁴Harold Angell, "Duverger, Epstein and the Problem of the Mass Party: The Case of the Parti Québécois," CIPS 20:2 (June 1987), Table 2.

¹¹⁵The PQ's ill-advised flirtation with the old Union Nationale's constitutional option of "national affirmation" was another factor in its fall from power.

¹¹⁶Bernard Descôteaux, "La popularité de PQ fond de 36% à 19%," Le Devoir, 29 March 1983, p.1.

¹¹⁷André Blais and Jean Crête, "La clientèle péquiste en 1985: caractéristiques et évolution," Politique 10 (Fall 1986), pp.22-24. McRoberts contends that in the by-election in the riding of Louis Hébert (Claude Morin's old constituency) not long after the events of 1982-83, "public-sector workers apparently were responsible for the stunning reversal of the PQ's standing." See Quebec, p.376.

¹¹⁸Guy Chevrette, Interview, Quebec City, 31 May 1989 (my translation).

¹¹⁹Robert Dean, Interview, Montreal, 27 January 1989.

¹²⁰Both quoted in Gilles Provost, "Réprobation unanime," Le Devoir, 17 February 1983, p.2.

¹²¹Fraser, PQ, p.329.

¹²²Guy Chevrette, Interview, Quebec City, 31 May 1989 (my translation).

¹²³"Clément Richard se sent très à gauche," Le Devoir, 19 February 1983, p.2.

¹²⁴Québec, Assemblée nationale, Journal des Débats, 3e session, 32e Législature, 15 February 1983, p.7563 (emphasis added). The other two reasons for invoking Bill 111, according to Laurin, were that the school year was being jeopardized and the parties to the dispute were locked in an impasse that seemingly had no resolution.

¹²⁵"De la légitimité," Le Devoir, 16 February 1983, p.8.

¹²⁶Jean-Claude Cadieux and Jean Bernier, Caractéristiques du régime de relations de travail dans le secteur public de certains pays industrialisés, (Quebec: Conseil exécutif, Secrétariat du Comité des priorités, 12 December 1983).

¹²⁷Ibid., p.60.

¹²⁸Ministre délégué à l'Administration et Président du Conseil du Trésor, Recherche d'un nouvel équilibre: Réforme du Régime de négociation du secteur public (Quebec, 1984).

¹²⁹Ibid., p.15 (my translation).

¹³⁰Coalition pour le droit de négocier, Projet de plate-forme intersyndicale sur le régime de négociation du secteur public, 29 January 1985, p.3. This document argued that Clair's proposals would lead to a "régime permanent d'exception pour les salariées et salariés du secteur public." Ibid., p.2. See also Coalition pour le droit de négocier, Mémoire sur le Projet de loi 37, présenté à la Commission du budget et de l'administration, 15 May 1985, and CSN, Mémoire présenté à la Commission parlementaire sur le régime de négociation des conventions collectives dans les secteurs public et parapublic (Montreal, 31 January 1985).

¹³¹CPQ, Mémoire présenté à M. Michel Clair sur le document "Recherche d'un nouvel équilibre--Réforme du régime de négociation du secteur public" (August 1984), pp.19-20. See also CPQ, Un projet qui va dans la bonne direction, mais pas assez loin, Mémoire à la Commission permanente du budget et de l'administration sur l'avant projet de loi sur le régime de négociation des conventions collectives dans les secteurs public et parapublic (January 1985).

¹³²L.Q., 1985, ch.12 (ratified on 19 June 1985).

¹³³Coalition pour le droit de négocier, Le droit de négocier en péril (n.d.), p.1.

¹³⁴Bill 72 (L.Q., 1982, ch.37) had created a permanent Conseil des services essentiels, consisting of two labour representatives, two representatives of public-sector employers, and three members chosen by the government in consultation with the Commission des droits de la personne, the Office des personnes handicapées, and other similar organizations. This Conseil was obviously closer to the spirit of the Martin-Bouchard recommendations than the ad hoc Conseil sur le maintien des services ... which had proven so ineffectual during the 1979 round of bargaining.

¹³⁵See the collection of essays in Joseph M. Weiler, ed., Interest Arbitration (Toronto: Carswell, 1981). The point about the PQ's Institut de recherche et d'information sur la rémunération being a battleground between competing data sets was made by Gene Swimmer, in a telephone conversation with the author, Ottawa, 25 April 1986.

¹³⁶Québec, L'Assemblée nationale, Journal des Débats, 3^e session, 32^e Législature, 10 December 1982, pp.6896-97.

¹³⁷Demers, Chroniques impertinentes, p.28.

PART V:
SUMMARY AND CONCLUSIONS

CHAPTER TEN:

Rediscovering Politics:

Organized Labour, Business, and the

Provincial State in Quebec

I. A SUMMING UP

One of the main reasons that I undertook this study was my growing dissatisfaction with functionalist models of state policy, which appeared to me to imprison political actors in an iron cage of predetermined historical outcomes. It is more than a little ironic that the theoretical enterprise of Louis Althusser and Nicos Poulantzas, which was originally formulated to free historical materialism from the burden of economic and class reductionism, should have resulted in a stifling determinism when applied to the study of Quebec's political and economic development over the last few decades.¹ In my reading of the studies undertaken by Dorval Brunelle, Gilles Bourque and Anne Legaré, Jean-Marc Piotte, and Pierre Fournier (all of which were discussed in earlier chapters), I was struck by the tendency to depict recent history in Quebec as a play involving a very limited cast of characters. One fraction of the Quebec bourgeoisie launched the Quiet Revolution when the existing social relations of duplessisme became a drag on its ability to reproduce itself and expand the sphere of its economic influence. Another fraction ensured the election of the pro-American Bourassa government in the 1970s to help consolidate the supremacy of foreign monopoly capital. Yet another fraction of the same class helped to elect the Parti Québécois, so that francophone capital could carve out greater economic space for itself. And on it went. Perhaps I am guilty of caricature or parody here, and perhaps it is true that Brunelle and the rest were consciously exaggerating the reductionist elements of their analyses as a form of protest against what they saw as the prevailing idealism of the social sciences in Quebec. Nonetheless, it cannot be denied that in the great majority of these structuralist analyses of Quebec's development since the Quiet Revolution, classes other than the bourgeoisie were almost always reduced to cameo roles or bit parts in

the process of social change. And politics, the clash between competing visions of the good life, was nowhere to be found.

At the outset of this dissertation I outlined my objections to the sort of analysis performed by Brunelle and others, and I indicated that I would rely on a case study of Quebec's labour policy between 1960 and 1985 to demonstrate the plausibility of an "actor-centred" approach to the study of state behaviour. The term "actor-centred" is obviously a bit of a misnomer, since I clearly stated in the introductory chapter that adequate theories of state policy must incorporate both the intentions of human actors (agency) and the objective conditions within which they operate (structure).² But since my study is primarily a reaction against the theoretical one-sidedness of functional explanation, I have chosen to label my approach "actor-centred," inasmuch as it gives far greater stress to the desires, objectives, and strategies of human actors (including state actors) than theorists like Piotte or Brunelle or Levasseur would allow.

I have deliberately avoided the more popular label of "state-centred theory," primarily for tactical reasons. It is my impression that a great deal of pointless controversy has been generated by the very term "state-centred." The label has provided some critics with ammunition to claim that adherents of the approach (Skocpol, for instance) are guilty of substituting one form of reductionism (statist) for another (sociological). Although I do not believe that all state-centred theorists are guilty as charged (some clearly are, but others, such as Theda Skocpol and Leslie Pal, are not), I have nevertheless eschewed the label in an attempt to draw attention to the state's interaction with other social actors--business, labour, and political parties, for example--in its efforts to translate its own preferences into policy outputs. In short, the state is treated as an autonomous entity (in the sense that its preferences are not simply the transposition of societal demands) whose freedom of action is

constrained by the desires and projects of other social groups. Adopting this perspective emphatically does not imply that my analysis must necessarily slide into the kind of facile functionalism that treats all state actions as inevitably favouring the objective interests of a particular social class (if only in the "long run"), as previous chapters have demonstrated.

I selected the field of industrial relations as the basis for my study because it is an area in which the influence of capital could be expected to be very great, insofar as it concerns the place and power of the working class in capitalist society and the rights and prerogatives of management. If it was found that even in this policy sector the state had some autonomy from capital, or was able to rely on a variety of autonomy-enhancing capacities to neutralize the opposition of capital to its initiatives, then a strong case could be made for the claim that the capitalist state is able to formulate and pursue its own objectives. It would also lend support to my contention that politics has an independent explanatory status, that it cannot be reduced to a mere epiphenomenon of class struggle.

The remainder of this chapter is divided into two sections: in the first, I assess the validity of the claims made above about state autonomy and the importance of politics in the explanation of policy outcomes. In the second, I discuss, and attempt to rebut, some of the many possible objections to my approach. Before doing this, however, a very brief summary of the main trends uncovered in the preceding analysis is in order.

If one were to summarize in a phrase the major trend in labour relations in Quebec during the twenty-five-year period studied here, it would be this: the enormous expansion of the role of the state in union-management relations. This is obvious in terms of sheer legislative output, as the number of labour laws enacted by

each successive administration has increased steadily: from nine during the Quiet Revolution (1960-66), to twenty during the Union Nationale interregnum (1966-70), to thirty-eight during the Bourassa government's two terms in office (1970-76), and finally to forty-four during the Parti Québécois's tenure in power (1976-85). The use of back-to-work legislation has become commonplace: four such laws were enacted by the Union Nationale, all for the public and parapublic sectors (the Lesage administration relied on injunctions instead of emergency legislation), seven by Bourassa (six for the public sector, one for the construction industry), and nine by the PQ (all for the public sector).³ Collective agreements were frequently imposed on employees in the public sector and in the quasi-public construction industry. Successive governments passed a welter of laws enabling the state to intrude into the internal affairs of unions and employers' associations. Various material and organizational inducements were offered by the state to selected labour and business associations in an attempt to obtain their agreement to implement, or at least abide by, government policy objectives.

This extension of the tentacles of the state into hitherto "private" domains of labour-management relations was evident in each of the three areas of labour relations that I isolated for study. In what I have called the private sector,⁴ the state, by virtue of Bill 45 (the anti-scab law, 1977), compels trade unions to observe certain democratic procedures for the holding of strike votes, contract ratifications, and the election of officials. As a result of amendments to Bill 45 (Bill 17, 1983), the state prohibits the contracting out of production during a legal work stoppage, something that all employers' associations have virulently denounced as an infringement upon the rights of property. The state, unilaterally and without even the pretence of consulting representative associations of workers and employers, also determines the minimum wage in the province (Bill 126, the Law on Labour Standards, 1979). And as a result

of the Law on Occupational Health and Safety (Bill 17, 1979), the state is now present on tripartite safety commissions which firms of a certain size have been compelled to establish. The state has also added to its panoply of regulatory agencies the Commission de la santé et de la sécurité au travail, an already large and expanding bureaucratic entity with sweeping powers of investigation.

In the construction industry, the state is omnipresent. An administrative agency, the Office de la construction du Québec, is invested with far-reaching powers to determine working conditions and benefits for construction workers, to adjudicate jurisdictional disputes between rival labour associations, and to ensure that contractors meet certain minimal vocational qualifications. A single, compulsory employers association, the Association des entrepreneurs en construction du Québec, has been created, and for a time a de facto union monopoly was granted to the FTQ by the Bourassa government. Because of the spectacularly negative consequences of this policy largesse—the rampage at the James Bay sites in 1974—the Bourassa government's ill-advised experiment in centralized bargaining with a union monopoly has been abandoned, and union pluralism is once again the norm. The government has arrogated to itself the right to amend, extend, or repeal a duly signed collective agreement in the construction industry—without the consent of the parties involved—if it deems such an action necessary to protect the public interest (Bill 201, 1974). And in almost every round of province-wide "bargaining" between the AECQ and the labour federations under the highly centralized system established by the Union Nationale and Liberal governments since 1968, the government itself (either by legislation or by order-in-council) has had to impose a collective agreement.

In the public sector, the state quickly moved away from the commitment it initially made in 1964-65 to refrain from interfering in collective bargaining and to allow the private-sector model of industrial relations to take root. Beginning in 1966,

successive governments proceeded to strip the nominal employers in the health, education, and social welfare sectors--local school boards, hospital associations, and so on--of virtually all their authority over labour relations, which was then handed over to the Treasury Board, the Minister of Finance, and the Ministers of Social Affairs and Education. The Union Nationale, the Liberals under Bourassa, and the Parti Québécois all sought to tie wage increases for public-sector employees to compensation levels in the private sector, without allowing the unions any real opportunity to bargain over these matters. Section 99 of the Labour Code, allowing for the use of injunctions, a fact-finding board, and a cooling-off period in the event of a public-sector strike that might endanger public health or safety, was largely abandoned in favour of increasingly coercive, even dictatorial, back-to-work legislation (Bill 25 to Bill 111). And the PQ, with Bill 37 (1985), invested the Conseil des services essentiels with wide-ranging quasi-judicial powers to intervene in public-sector work stoppages. This legislation also made a mockery of the right to strike, by designating very high proportions of employees (over eighty percent in the case of health care workers) as essential. By 1985, the rights to bargain collectively and to strike in Quebec's public sector had become as illusory as they were in the province's construction industry.

All of the developments described above could be explained quite easily from a functionalist standpoint, and throughout this study I have continually referred to specific examples of such attempts. The reforms of the Labour Code contained in Bill 45 and its amendments, for example, could be dismissed (and have been) as relatively minor modifications of the status quo whose coercive features--the legal guarantees of "union democracy"--outweigh any potential benefits that they were supposed to provide for the organized working class. In the case of labour policy in the construction industry, Michèle Savard Baby and Jean-Marc Pottie have interpreted the

Union Nationale and Liberal government's interventions as necessary to unify a fragmented capitalist class and to demobilize and disorganize a powerful organized workforce. The ultimate objective of the government's labour policy for the construction industry (and neither Pottle nor Savard Baby makes any real distinction between the UN and the Liberals, in keeping with their assumption that partisan differences have little effect on state outputs in a capitalist social formation), they argue, was to encourage the elimination of small and medium-sized contractors and thereby promote the eventual stabilization of the industry under the hegemony of large-scale capital. These two theorists pointed to the policy of wage parity, which favoured the large Montreal-based firms over their smaller regional counterparts, as evidence for this intention on the part of policy makers. And, as I acknowledged in chapters four and five, during the 1970s smaller construction firms in the province did seem less capable of competing with the Montreal-based contractors.⁵

In the case of public-sector labour policy, Diane Ethier, Jean-Marc Pottle, and Carol Levasseur, to name a few, have all viewed the actions of successive provincial governments as being determined by the changing nature of the capitalist system. Levasseur has probably articulated this idea most forcefully and rigorously: in the post-OPEC phase of late capitalism, when the long boom of the postwar period has definitely come to an end, and profits are being relentlessly squeezed, a new state form is necessary "to ensure the renewed progress of the logic of capital and the reign of commodities (la marchandise)...."⁶ Wage cutbacks for public-sector employees, greater job flexibility, and an erosion of the accumulated organizational privileges of these workers are all dictated by the new reality. Written in 1980, Levasseur's argument was obviously strengthened by the savage attack on trade union rights that was made by the self-described social democratic Parti Québécois government in 1982-83.

I do not deny that many of the policies enacted by successive provincial governments in Quebec, from Lesage's Liberals to the Parti Québécois, reflected a close convergence of interests between the state and business (or sections of it). It should not surprise anyone that most of the time state actors are highly solicitous of the interests and desires of the capitalist class. After all, the survival of most governments is contingent on the preservation of economic prosperity, as Peter Hall has observed:

To pursue policies that so damage the interests of capital as to discourage investment and the expansion of production is to court electoral defeat. Regardless of the role of businessmen in electoral campaigns, then, the political leaders of a capitalist democracy are likely to be especially sensitive to the concerns of private capital.

Thus, the conjunction of a liberal democratic polity and a capitalist economy confers an unusual degree of systemic power on capital. Their power is systemic in the sense that capitalists need not take concerted action to actualize it.⁷

My case study certainly provides ample confirmation of Hall's observations. All of the governments studied above, even the Parti Québécois, were openly supportive of most of the basic demands of capital, both foreign and domestic, because they viewed the cultivation of a healthy economy as essential to their own political survival. As with the vast majority of political parties in the industrialized democracies, none of the parties that formed the government in Quebec during the time period examined here was remotely revolutionary, or intent on reversing the balance of power between labour and capital. This was especially true of the aggressively free-enterprise administrations of the Union Nationale (1966-1970) and Robert Bourassa's Liberals (1970-1976), which promised to scale back provincial state spending from the levels attained during the Quiet Revolution and to free up additional monies for the promotion of capital accumulation. Business associations--particularly the fledgling Conseil du patronat du Québec (CPQ)--also enjoyed easy access to government

decision makers between 1966 and 1976, which was denied to labour organizations, as we have seen above in chapters four, five and six.

This convergence between the interests of business and those of the state was also quite evident during the Lesage administration. As I argued in chapter three, the Lesage government's project of modernizing the provincial state apparatus and introducing contemporary notions of planning and concertation into the economy was endorsed by a coalition of class forces, including a significant section of francophone employers. Business groups in the province may have been quite leery of the more étatiste and nationalist elements in the Liberals' program (the takeover of hydroelectricity, for example, or the creation of the Caisse de dépôt), but they were by no means antipathetic to the government or its fundamental objectives.

In the case of the Parti Québécois government (1976-1985), an argument could be made that despite the anti-business rhetoric of some prominent cabinet ministers (Lise Payette, Camille Laurin, and Jacques Couture, for example) and the presence of unequivocal socialists like Robert Burns in the government, it was no less beholden to the interests of capital than any of its predecessors had been. The PQ quietly shelved the more radical elements in its program: the commitment to eliminate "all forms of worker exploitation," for instance, was jettisoned, as was the party's pledge to establish a state holding company, along the lines of the Italian Institute for Industrial Reconstruction (IRI). Premier René Lévesque also made a highly publicized pilgrimage to New York in order to allay the fears of foreign investors that his government was planning to implement its "socialist" program. Peter Hall, Ralph Miliband, and many others have suggested that such policy restraint is characteristic of most social democratic regimes fearful of antagonizing capital.⁸ And, as I showed in chapter nine, the PQ government did enact brutally repressive measures against its own employees in 1982-83, during the worst recession since the 1930s. The PQ's

timorousness in the face of foreign investors and domestic capital, as well as its coercive labour policy during its second term in office, would appear to lend strong support to the claims of William Coleman and others that this regime, notwithstanding its social democratic rhetoric, "favoured the interests of capital over labour...."⁹

Although there is a great deal of circumstantial evidence to support a functionalist interpretation of labour policy in Quebec between 1960 and 1985, it in fact rests on a highly selective reading of the relevant data. In a sense, adopting a functional explanation of state policy can be likened to observing a landscape out of the wrong end of a pair of binoculars: the basic features of the terrain may be recognizable, but the overall image is a far from accurate representation of reality. Instead of viewing the labour policies of successive governments in Quebec as the mechanical reflections of the changing needs of capitalism, therefore, I have chosen to depict them as responses to a complex web of political and economic factors, not all of which can be reduced to differing expressions of class conflict (not even in the "last instance"). State actors are usually able to choose from among a number of competing alternatives when framing policy, even though their options may be severely circumscribed by the need to maintain a healthy economy and business confidence. Furthermore, the choices made by state actors need not always correspond to the demands of capital: in some cases, these choices may actually harm the immediate and long-term interests of the dominant class, or sections of it, as previous chapters have demonstrated.

In the remainder of this section, I discuss those elements that are given short shrift (or, to carry my binoculars analogy a bit further, that are "out of focus") in a functionalist analysis, but which have been emphasized in my study: the political projects of state actors and the independent role of the technostructure in formulating

labour policy. This second factor refers to the phenomenon of "bureaucratic initiative," according to which state actions reflect the organizational objectives or career ambitions of the bureaucracy, and not necessarily the interests of capital.

In chapter one above, I posed the question of whether politics matters in the determination of state actions. Politics, as I noted, comprises a number of different levels of activity: at its most basic, in liberal democracies, it concerns the electoral struggle and the strategic considerations of governments intent on preserving their hold on power. These sorts of considerations obviously did have an important influence on the timing and nature of provincial labour policy during the period studied: one need only refer to the Bourassa government's dogged efforts--many of them patently illegal--to utilize André Desjardins and FTQ-Construction as a private electoral army to be reminded of this fact. As I demonstrated above, Desjardins wangled a number of policy concessions from the Liberals--a commitment to provide his union federation with a de facto monopoly of representation in the construction industry, for example--in exchange for his assistance in the struggle against the nascent Parti Québécois. As we have seen, this incestuous and often illicit relationship between the Liberal government and FTQ-Construction had a profoundly deleterious impact on the subsequent course of labour relations in the provincial construction industry.

A second illustration of the impact of electoral considerations on labour policy is to be found in the substantial material concessions made by a series of governments to the Common Front unions at moments when coercion would have seemed the more logical strategy. This was true of Jean Cournoyer's generosity towards public-sector unions during the 1972 round of bargaining, and also of Jacques Parizeau's impersonation of Santa Claus during the pre-referendum negotiations in

1979. In the latter case, however, much more than a mere election was at stake: public-sector negotiations, if they were mishandled, risked jeopardizing the success of the upcoming referendum. What is particularly intriguing about the PQ government's orgy of concessions to the Common Front in 1979 was their timing: they came at a point when public opinion was solidly arrayed behind a hard-line stance in bargaining, and when the administration's concerted public-relations campaign, portraying public-sector workers as greedy and coddled "fat cats," had seemingly won over a large segment of the electorate. The concessions only make sense if the PQ viewed a peaceful settlement to the bargaining as more important than any notions of fiscal responsibility or budget belt-tightening.

At a more fundamental level, as Gianfranco Poggi has argued, the essence of politics is to be found in the attempts made by different actors to "constitute the collectivity, to impart to it [a] distinctiveness or sense of common destiny....The collectivity is not a datum. It is itself the product of politics, which must first create it and can only then defend it."¹⁰ This conception stresses the creative aspects of political activity: the articulation of collective projects and the attempt to mobilize specific social groups in support of a particular vision of the just order. This process usually involves an attempt by collective actors (political parties, social movements) to "capture" the state: only by gaining control of the institutions of the state can collective actors mobilize sufficient social support for the realization of their political projects.

As we have seen, this understanding of politics helps to shed light on the Lesage government's labour policy during the Quiet Revolution. The Liberals did indeed have a political project--modernization of the Quebec economy and administrative apparatus--which necessitated alliances with specific social groups, most notably the newly formed state middle class employed in the burgeoning public

bureaucracies. The nature of the Liberals' project of modernization, and the alliances it required, help to explain the disparity between the Lesage government's private- and public-sector labour policy, which, as I argued in chapter three, was much more favourable toward its own employees than it was toward the vast majority of private-sector workers.

Politics need not always be so "creative," however. At other times--what we might call, following Thomas Kuhn, periods of "normal politics"--a political party's project, its vision of the just order, is latent or inchoate, or it involves the straightforward desire to safeguard the status quo. This was the case in Quebec during the Union Nationale interregnum (1966-1970) and the Bourassa administration (1970-1976). During this decade, actors within the structures of the state did play a key role in the determination of labour policy, but the state itself was not as active in the process of forging new collective projects as the Liberal government had been during the Quiet Revolution. The UN, for example, was virtually a captive to the technocrats installed by the Quiet Revolution reforms, and this profoundly influenced the course of state policy in both the public sector and the quasi-public construction industry. The Liberals, for their part, established a parallel bureaucracy under Paul Desrochers responsible for the dispensation of patronage, and this duplessiste style of politics shaped the government's construction-industry labour policy. Policy in the public sector was influenced by the growing ideological conflict between the Bourassa regime and the militantly nationalist labour movement. The desire of some (but not all) of the members of the Bourassa government to crush the trade unions, which were considered to be in league with the Parti Québécois, was counterproductive, inasmuch as it often led to invigoration of the labour movement. Such was the case with the jailing of the three Common Front leaders in 1972, which revived a previously demoralized and disorganized union movement. In short, then, the labour

policies of the Union Nationale and Liberal administrations, both of them strongly pro-business were not always straightforward reflections of societal demands. And in neither case were the results of the state's policies entirely anticipated or "functional" for the interests of capital.

With the election of the Parti Québécois government in 1976, politics reverted to the creative mould of the Quiet Revolution: like Lesage's Liberal Party, the PQ did have a coherent political project. And labour policy was tailored to fit the needs of this overarching project--the creation of a multi-class coalition in favour of political independence for Quebec. As chapters seven, eight, and nine have shown, virtually every aspect of the PQ's labour policy during its first term in office was formulated to ensure the success of the impending referendum on sovereignty-association. This was true of the anti-scab law, the regulatory legislation enacted in 1979 (the laws on labour standards, and on occupational health and safety), the assiduous efforts to cultivate a "national consciousness" through tripartite consensus-building, the extremely generous concessions made to the Common Front unions during the 1979 round of bargaining, and the blatant attempt by government leaders to play on the nationalist sympathies of public-sector employees in a last-ditch effort to avert a public-sector strike in the months before the referendum was to be held. It was only after the failure of its independence project, and the concomitant shift in the balance of forces within the Parti Québécois, that the government's labour policy took a coercive turn. And, as I noted in chapters seven and nine, this shift toward coercion occurred only in the public-sector, primarily for ideological reasons--the antipathy felt by the dominant faction in the PQ for the leadership of the public-sector unions. In the private sector, the PQ adopted measures that showed it to be anything but a dupe of capital. Bill 17, which tightened up one of the main loopholes in the anti-scab legislation by prohibiting the contracting out of production during legal work

stoppages, created an industrial relations environment vastly different from the prevailing North American pattern. This was by no means a trivial or unimportant policy innovation.

In essence, then, the political projects of different provincial governments--modernization of the state apparatus in the case of Lesage's Liberals, sovereignty-association in the case of the Parti Québécois--impelled these administrations to formulate labour policies that were often inimical to the interests of capital (either certain sections of it, or as a whole), even if they did not pose a revolutionary threat to the status quo. Even in the case of the militantly laissez-faire governments of the Union Nationale and Robert Bourassa's Liberals, the labour policies adopted, though explicitly designed to meet the demands of capital, often had contradictory effects. I discuss this notion in greater detail below, when I examine the role of the technostructure and the unintended consequences of state actions.

A second element that is downplayed in functionalist analyses of labour policy in Quebec is the autonomous role of the technostructure in developing these policies. One of the most important trends in labour relations during the twenty-five year period studied here was the inexorable centralization and politicization of bargaining in both the public sector and the construction industry. In the public sector, centralization of collective bargaining was in part the product of the commitment of a series of provincial governments, starting with the Lesage administration, to the ideology of modernization. As I pointed out in chapters three and four, this objective required the elimination of wage differentials between different regions and different categories of workers. It also required the elimination of hidebound or niggardly local employers who were unwilling to pay their employees at levels commensurate with those prevailing in Montreal or Quebec City. Once the Lesage administration

had committed the provincial state to this objective, it was virtually impossible for subsequent regimes (the Union Nationale, for example), without running the risk of extremely negative political fallout, to revert to previous hiring practices based on petty patronage, even if they had wanted to.

Centralization was also the product of the Quebec technostructure's infatuation with efficiency and rationalization: top civil servants like Jacques Parizeau, Claude Morin, Yves Martin, Claude Bélanger, Roch Bolduc and a host of others were convinced that a centralized bargaining regime was the most efficient way of controlling the growth of state expenditures. It is worth noting that Jacques Parizeau was the principal architect of this highly centralized and "rational" system, first as adviser to the Liberal and Union Nationale administrations in the 1960s, then as the mentor of the technocrats who replaced him once the Bourassa government acceded to power, and finally as the Minister of Finance and chief government negotiator in the PQ government after 1976. For Parizeau, the risks inherent in centralized bargaining—the possibility of heightened industrial militancy and politicization of negotiations, with the potential threat of a catastrophic, province-wide general strike in essential services—were worth taking, since the system allowed the state full control over the most important item in the provincial budget. Centralized bargaining also permitted the government to exercise its "plenary authority," in the form of emergency legislation, much more rapidly and efficiently than would have been the case if negotiations had been decentralized. As I pointed out in chapter nine, government leaders like Parizeau believed that in any confrontation with the public-sector unions, in which the legitimacy of the state itself was at stake, the government would invariably "win." As it turned out, this was an overly sanguine view.

It strains credulity to argue that the decision of successive governments in Quebec to create the most centralized public-sector bargaining regime of any

jurisdiction in Canada was somehow inscribed in the deep economic structures of the province, when the experience of other provinces (Ontario, for instance) shows that other strategies were possible. Lysiane Gagnon has perceptively observed that it was the technocrats in both the government and the labour movement who benefited the most from this ponderous and hyperbureaucratized bargaining system:

Il se passe que d'énormes bureaucraties--l'une patronale et l'autre syndicale--s'affrontent, dans un univers presque clos et à toutes fins utiles inaccessible au commun des mortels, et que ce lourd appareil de négociation qui n'a, signalons-le, aucun équivalent ailleurs au monde, est animé comme tous les appareils technocratiques par son propre désir d'expansion et obéit à ses propres objectifs. La machine est si complexe qu'on ne sait même pas exactement combien de personnes exactement y sont impliquées: probablement de deux à trois mille, à un titre ou à un autre. Les coûts? Ils sont astronomiques ...¹¹

In view of the negative consequences that this centralized system had for business in the province, it is difficult to maintain that these developments were necessary to meet the changing needs of capital. Whether in terms of the spectacular triennial confrontations in the public sector or the increased organizational strength of the labour movement, or the generous package of benefits and iron-clad job security won by government employees (which then became the negotiating targets of private-sector unions), the consequences of the drive toward centralized bargaining in Quebec's public sector were anything but uniformly beneficial to capital.

Chapters four, five, and seven uncovered a similar dynamic at work in construction industry labour relations. In this case, centralized bargaining, though endorsed by both the major contractors' associations in the province and the FTQ, primarily reflected the desire of government policy makers to eliminate the pernicious influence of the powerful international craft unions in the industry. As we have seen, it was the technocrats in the Ministry of Labour--Robert Sauvé above all--who formulated this policy. For Sauvé, centralized bargaining would make the associations of labour and employers more responsible in their collective actions, and permit the

concerted action of the social partners. Of course, things did not turn out quite the way that Sauvé or other government officials had anticipated, largely because of the intractable rivalries between the FTQ and the CSN, and because of the obstinate refusal of most contractors to cooperate with one another. Ultimately, the Bourassa government subverted this system for its own political objectives: it cut secret and illegal deals with FTQ-Construction in the hopes of securing labour peace on the James Bay sites, only to have its machinations lead to one of the most violent labour conflicts in the province's history. Further centralization and state control of the construction industry after 1975 were designed to limit the political damage to the Bourassa regime's reputation, not to strengthen one or another fraction of capital. As I argued in chapter seven, the province's contractors and construction unions may complain about this heavily bureaucratized and tightly regulated system, but they both derive important benefits from it, and thus there is as yet little incentive to change it.

In summary, labour policy in Quebec between 1960 and 1985, while responding in part to the interests and demands of capital, also reflected the political and organizational objectives of state actors. Indeed, my analysis has shown that no adequate explanation of the evolution of labour policy in Quebec is possible without a consideration of the role played by the technostructure in the elaboration of this policy, or of the nationalist and federalist projects that motivated government and bureaucratic actors. My analysis has also demonstrated that although the state has at its disposal an impressive array of autonomy-enhancing devices, ranging from material concessions (of the sort bestowed by the Bourassa government on FTQ-Construction), to the manipulation of political language and the creation of collective solidarities (as occurred, especially, during the Parti Québécois's tenure in power), it

is not always able to achieve its objectives. This is not only because the state has to contend with the possible opposition of powerful social groups such as labour and capital (although clearly this is an important factor in determining the ultimate outcome of state action) but because the institutional and ideological context inevitably conditions and modifies a state's actions. Actual outcomes, as we have seen, may be a far remove from the intended consequences of state policies, and this factor must be considered whenever an attempt is made to explain the decision to adopt a given policy.

It is also important to note that the degree of unity of the state varies over time, as does the nature of the relationship between the ruling political party, the technostructure, and dominant social groups. The Parti Québécois, for example, enjoyed much greater freedom to manoeuvre (and thus to act on its own preferences) than the Union Nationale, since the latter was largely a captive to the bureaucracy and lacked a solid electoral constituency in modern Quebec society. This helps to explain the differences in the approaches of the two governments to industrial relations reform, in both the private and the public sectors.

The picture of the state and the policy process that emerges from this analysis, therefore, is an extremely complex one. It combines elements of what has been dubbed "neo-institutionalism" with a greater emphasis on human agency in the shaping of state actions. Albo and Jenson have suggested that these are two separate responses to the theoretical cul-de-sac of functional analysis:

The limits to the class-analytical approach provoked two divergent responses. One stressed the capacity of states to undertake autonomous actions, making choices in accordance with their own institutional needs....[T]here was greater stress on the interests of the state itself and on conflicts within its internal bureaucratic and political institutions. This line of analysis can be called neo-institutionalism. The other response attempted to rethink how human agency shapes state actions, primarily by stressing the importance of struggles over ideology and meaning systems in determining the structures of power relations within civil society.¹²

My distinction between normal and creative politics is an attempt to tap into both dimensions referred to in the quote above. I hope that whatever my approach might have lost in eclecticism, it has gained in richness and complexity.

Obviously, there are a number of possible objections to my model of the policy process, and in the final section of this chapter I will briefly consider two such criticisms.

II. POSSIBLE CRITICISMS OF THE APPROACH

One of the possible criticisms of the approach developed in this study is that it has been falsified by contemporary developments in the "real world." In a recent talk entitled "The State Debate and Intellectual Retreat,"¹³ Leo Panitch drew attention to the "paradox" surrounding the emergence of state-centred theory: it became an intellectual movement—or, depending on one's parti pris, a "growth industry" and academic fad (which is Panitch's view)—during the 1980s, a period when the limits to the autonomy of the state from capital in all industrialized societies were never more obvious. How can one possibly speak of state autonomy in an era when virtually all governments in the western world are tripping over themselves to implement measures that reflect the neo-liberal agendas of the corporate community? Cutbacks in welfare spending, attacks on universal social programs and on welfare "scroungers," moves toward greater job flexibility, limitations on hard-won trade-union rights, free trade (both in Canada and globally), the current fascination with, and glorification of, the values of rugged entrepreneurialism (from Donald Trump to Robert Campeau, before the latter's fall from grace): how does one square these developments with a theoretical approach that insists on the unqualified autonomy of the capitalist state?

Even erstwhile pluralist thinkers such as Charles Lindblom and Robert Dahl, after all, have "discovered" the veto power of business, and in their recent work have been at pains to demonstrate that the political marketplace assumed by classical pluralist thinking is really an oligopoly dominated by capital.¹⁴ So could it not be said that the perspective sketched here is out of phase with both the real world and prevailing intellectual opinion?

My first response to this sort of criticism is that state-centred theory (and even though I have avoided the use of this label, my approach is clearly inspired by that of Skocpol and Pal) does not assume the absolute autonomy of the state from capital in every instance, for all time. One of the essential features of this perspective is its emphasis on the variability of state autonomy, and its demand for concrete historical investigations to determine the limits and nature of this autonomy in particular societies.

A second response to this criticism is that not all state-centred theorists are blind to the moral or ethical shortcomings of the present economic order. But this does not mean that the present drift (or, in some cases, stampede) toward neo-liberalism is purely the product of business domination of state policy. Even in the seemingly uncongenial environment of the 1980s, I would argue, historical and empirical analyses of the sort carried out in this dissertation can help us to understand the evolution of state policy in liberal democracies. What we must avoid at all costs is the type of simplistic reductionism that views the changes of the 1980s as being solely determined by one class, the bourgeoisie (or various fractions of it). This view might be suitable for a morality play (and conspiracy theories always make for great entertainment), but it is not appropriate in the social sciences.

A second, more fundamental criticism of my approach centres on the notion of causality on which it is based. Panitch, in the talk to which I alluded earlier, claimed that state-centred theorists substitute a "laundry list" of potential explanatory factors for a true "pattern of determination." To put it even less charitably, one might contend that the emphasis on the multiple causes of state policies and on the unintended consequences of state actions, which have been prominent themes in my analysis, reduce historical outcomes to accidents, and rob us of the ability to make causal connections between events. Aficionados of Kurt Vonnegut novels might see a certain parallel between the bleak and absurd view of causality contained in The Sirens of Titan and my own.

While it is true that the stress on the multiple causes of events contained in this work and in the state-centred approach as a whole results in "messy" social science, I believe that this is a necessary and acceptable price to pay for a perspective that treats human actors as agents with intentions and the ability to modify their behaviour in the light of experience (to return to the quotation from Alex Callinicos cited as the epigraph to chapter one). If this means that social scientists can never attain the degree of causal certainty that obtains in the hard sciences (physics in particular)--and I believe that this is indeed one of the implications of my study--then perhaps it is time that we ceased trying to stuff human actions and events into the Procrustean bed of a "pattern of causality." I am not so foolish as to think that one empirical study like my own can decisively resolve the debate between the proponents of methodological naturalism (who see no epistemological differences between the natural and social sciences) and those who call for a hermeneutic approach based on the intentions of human actors. My study ought to be taken as a plea for methodological pluralism, for an approach that focusses equally on both structures and agents. By rejecting determinism, no matter how seductive this type

of approach might be (in the sense that it holds out the possibility that we can confidently predict the future), we open up the future, and free human actors from the iron cage of predetermined historical outcomes. In a word, we show that their struggles do matter.

CHAPTER TEN ENDNOTES

¹I in no way wish to tar all the adherents of this particular school of neo-Marxism with the same brush. In some cases--Rianne Mahon's work on the Canadian textile industry comes to mind here--the use of Althusser's and Poulantzas's theoretical framework has resulted in a subtle and complex account of the behaviour of a particular capitalist state. See Rianne Mahon, The Politics of Industrial Restructuring: Canadian Textiles (Toronto: University of Toronto Press, 1984). Leslie Pal has also quite justifiably noted that in many cases the application of Althusserian concepts such as "overdetermination" and "relative autonomy" has "actually contributed to a more supple Marxism that could accommodate ... complex causal patterns ... " State, Class, and Bureaucracy (Kingston and Montreal: McGill-Queen's Press, 1988), p.183, n.35.

²These conditions are objective in the sense that they are not willed into existence by any one actor.

³These data are culled from Tables 4.0, 5.1, and 7.1 above. No table was generated for the Lesage years, since too few labour laws were passed to warrant such an effort.

⁴I explained in the first chapter that some of the policies considered under this rubric--the so-called anti-scab law (Bill 45) of 1977, for example--affected both the private and public sectors, but their greatest impact was likely to be on the former. This is true of the regulatory legislation passed by the Parti Québécois as well--the Law on Labour Standards and the Law on Occupational Health and Safety.

⁵See Gérard Hébert, Labour Relations in the Quebec Construction Industry, Part I: The System of Labour Relations (Ottawa: Economic Council of Canada, 1977), p.142.

⁶Carol Levasseur, "De l'Etat-Providence à l'Etat-disciplinaire," in Gérard Bergeron and Réjean Pelletier, eds., L'Etat du Québec en devenir, (Montreal: Boréal Express, 1980), p.327 (my translation).

⁷Peter Hall, Governing the Economy (New York: Oxford University Press, 1986), p.262.

⁸Ibid., p.263. See also Ralph Miliband, The State in Capitalist Society (London: Quartet Books, [1969] 1973), especially pp.71-97.

⁹William D. Coleman, "The Political Economy of Quebec," in Wallace Clement and Glen Williams, eds., The New Canadian Political Economy (Kingston and Montreal: McGill-Queen's University Press, 1989), p.173.

¹⁰The Development of the Modern State (Stanford CA: Stanford University Press, 1978), p.11 (my emphasis). See also the discussion in chapter one above.

¹¹"La ronde des bureaucrates"/"La société blessée," Université Laval, Département des relations industrielles, Tiré-à-part no.24 (1980), p.1 (my emphasis).

¹²Gregory Albo and Jane Jenson, "A Contested Concept: The Relative Autonomy of the State," in Wallace Clement and Glen Williams, eds., The New Canadian Political Economy (Kingston and Montreal: McGill-Queen's University Press, 1989), p.200.

¹³Delivered to the Department of Political Science Colloquium Series, Wilfrid Laurier University, Waterloo, Ontario, 7 February 1990.

¹⁴Robert Dahl, Dilemmas of Pluralist Democracy (New Haven and London: Yale University Press, 1982) and Charles Lindblom, Politics and Markets (New York: Basic Books, 1977).

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