

Jim Stanford – 5 minute rebuttal

Thank you, Frank and Charlotte. Thank you for those I think very thoughtful and balanced remarks.

I want to talk a little bit about the content of our Magna deal and this whole strategy of voluntary recognition. A huge number of unions, not just the CAW by any stretch of the imagination, have identified voluntary recognition as a potentially fruitful area for new organizing and I think this reflects that tightrope analogy that I put up before.

How do you get to a voluntary recognition agreement with an employer? You have to have some kind of power in the first place. You have to be able to impose some kind of credible threat to the employer. We were in that position with Magna clearly as a result of our earlier organizing efforts at places like Integram, and as a result of the leverage we could bring to bear on Magna through the Big Three, their major customers. So unless you have the power, some kind of power, why on earth does the employer voluntarily recognize the union? Clearly they are not going to. Then once you have some power, you try to leverage it into as much progress as you can. You are saying, “Well we can either go to war, or we can have some kind of detente. We can come up with some kind of an agreement that we can both live with that respects or reflects the key principles, the key deal breakers that the two sides have, and then get the foot in the door and see what happens.” Our effort, our strategy, at Magna was quite deliberate in this regard.

In 1999 we tried to use our Big Three leverage, we pushed Chrysler out to a strike deadline to get them to accept voluntary recognition at Magna, which wasn't even their company. That didn't work. Then we did get a foothold at the Integram the plant in Windsor through traditional card check effort, a traditional organizing effort, but they were tying that up completely at the Board and we weren't having any progress. We eventually used leverage again through the Big Three to get them to accept the union at Integram and at two other facilities. So we had three out of fifty Magna plants unionized after 25 years of trying. Our strategy was to use the power that that leverage gave us to expand to the whole base, and that means coming up with a deal that Magna

is comfortable with, that will not destroy or significantly undermine their business. They obviously had issues on the table. We moved them a lot during the course of negotiating the framework for fairness, including a three-year cycle for collective bargaining and the full arbitration of the contract. We have a full-time union rep at every facility at Magna and that's important. We have a lot of existing CAW units with no full-time reps, so you know, one full-time unit, one full-time rep at each facility is not the greatest representation but it's far from the worst. It's clearly a significant step forward. The workers have to vote by secret ballot on accepting the union, so it's clearly not a sweetheart type of a deal. They have a collective agreement. If you look at the Windsor Modules agreement, it's a very high-quality agreement. Full seniority rights including seniority-based transfers to other CAW-represented Magna plants, which is very important as the industry is restructuring. National representation from the union, secret ballot ratification of contract changes every three years, and the right to participate in a broader union movement. Those are all very important steps forward.

On the other hand, Magna had their demands, their deal breakers, and we were faced with the necessity if we wanted this to go ahead of accepting some of the structures that they had built up in their facilities over the years. Now one of the things that was crucial in our decision in the CAW and our debate and our outcome in CAW - we had a very good debate within the CAW, the outcome was overwhelming but it was I think a very healthy debate - was the experience at the three locations where we had organized Magna. Those agreements as well, even though they were more traditionally arranged, also all incorporated features of the Frank Stronach fair enterprise system including employee advocates, the concern-resolution process, and so on. And we found - I think this is a very Gramscian point frankly, I think it's lovely - that once you put alongside the union structure as parallel to the Stronach sort of model, then the union structure ended up showing tremendous influence and the union leadership that came out of those three plants were for all intents and purposes equal to the union activists of any of our other facilities.

There was a beautiful moment at our CAW Council debate when we approved this whole thing in December when a guy named Moe Soydanbay, who is the newly elected employee advocate from the Windsor Modules plant, the first plant that we signed up under the Framework for Fairness, was introduced to the crowd. He said a few words and got this huge standing ovation,

and he looked like the cat who had just swallowed a mouse because he had joined the movement and yes he was called the employee advocate but he's a full-time trade unionist. Charlotte I have to clarify this, management has no role whatsoever in the selection of union representation at any level, so that is an absolute falsehood that some of the critics of the deal circulated. The language of our contract at Windsor Modules is very clear on that. But it is an indirect system of selection, again it's not unheard of in some of our existing facilities. At the end of the day the rep will be a union activist with a mandate from his constituency. This guy who stood up to great applause and the first ever employee advocate recognized at our council is definitely a union activist.

Let me talk a little bit about the right to strike because there are some incredible ironies here. When we negotiated the agreement at Windsor Modules, the first plant to joint under the fairness system, the critics denounced it and said it was a fix. You were going to get those wages anyway. Then just down the road at TRW, where we had a local with the traditional right to strike, well it turns out it wasn't a fix. They had a hell of a strike at TRW, one that shut down the Windsor assembly plant - and if anybody knows the auto industry that's a very significant event - and they ended up with lower wages than we have at Windsor Modules under the Framework for Fairness. What's more, the Integram plant in Windsor, the Magna plant where we did have the right to strike, just settled the contract with zero wage increase because the Magna plants, like everywhere else, are suffering restructuring and the pressure on them to cut wages was intense. So they ended up - they had the right to strike - and settled for zero. We didn't have the right to strike at Windsor Modules and got better wages than we had where we had a hell of a strike at TRW. At New Venture Gear the UAW had the full right to strike and it didn't protect them from two-tier wages. So, whether you have the right to strike or not is not an automatic guarantee of whether you are going to succeed in bargaining or not. That is clear.

The other thing on this point that's crucial is that there is nothing new about what the CAW did on that arbitration issue. Again this is where I think the quality of the debate, especially outside the CAW, over this issue last year was frankly appalling. I checked the OLRB data; there are 125 instances of unions in Ontario that accepted a voluntary arbitration system for resolving contracts over the last ten years. So, 125 other unions in Ontario have done this in the last ten

years where they had the right to strike but gave it up in order to arbitrate a contract dispute including, I might add, virtually everyone in the unions whose leadership stood up on the first day of the OFL convention to spend a whole day of their convention denouncing the CAW. That was extraordinarily destructive. I think that people saw that debate as a moment, wrongly in retrospect, a moment of weakness for Buzz Hargrove and a chance to launch politically and personally motivated attacks on the union.

I think one of the unanswered questions in my PowerPoint that I'd love to see some serious research on, whether it's from your department or the CIR or elsewhere, is to look honestly at the experience of other unions that have done voluntary arbitration - in the construction industry, in the manufacturing industry it's already widespread in Ontario, in public services - and find out what has been the experience. When the Steelworkers did this in the US steel industry, for example, it worked for a few years and then it was the companies that wanted out of the system because they wanted to go after concessions and they couldn't get concessions through an arbitrated system. In our system with Magna, the Framework for Fairness plants will automatically get a wage increase each contract equal to the consumer price (index) and in this day and age that's actually pretty good. That's going to be a better arrangement. So I think it's an open research question to study who else has done this (and it's surprising who has), what the impacts have been, how it evolves over time, what the jurisprudence is for how it evolves over time. Also to study the process of change within a previously non-union workforce once a real union arrives on the scene.

Frank: Thanks, Jim.

Charlotte Yates:

In responding to Jim I want to start by talking about how we understand the crisis that unions are in. There is no doubt that there is a crisis - of sorts. I mean there is a crisis in terms of declining union density. There is - particularly in the last little while - a crisis that is eroding the capacity of unions to bargain good wages, benefits, and so on, in part because of the economic downturn. But I think we also have to be very careful. If you look at Canada comparatively, and if you

even look at Canada in terms of total union membership, unlike other countries, like the US, many countries in Europe such as Germany, Australia, New Zealand, total union membership has gone up. Density is pretty stagnant but it's not plummeting. It's not New Zealand. It's not Australia. It's not the US in the 1970s. In fact, there has been erosion in density but the point is that you see continuing increases in total union membership. Now, this is not to say that total union membership enough to meet the increase in the levels of employment, but the point is you don't want to overstate a union crisis. However, to me the language of crisis is itself problematic because it begins to corner us into thinking "there is no alternative," to quote a very famous prime minister, and I think one of the problems for unions is that you cannot allow a crisis to push you into thinking "there is no alternative" because then you suddenly lose your bargaining capacity. So I think we need to pull back a bit. This language of crisis sounds like there's a train coming down on the tracks and we are in the way and we've got to get out of the way and there is only one way forward. I think that that's wrong. I think this kind of argument means that we don't have debate but also we don't look that there is evidence - there is research - showing how we can move forward.

But I also want to talk a little bit more about why we focus on union density. Union density is important. There is no doubt about that. So the higher the union density, the more influence you have on employment standards, on wages, the more influence you have on the nature of jobs, and so forth. But, union density is not the only thing that is important to unions and so we need to balance the fact that union density is important but so is the type of union you have and whether you have continued leverage as a union. And so as a result I think we need to open the debate a little bit wider. We can't just talk about union density. We have to say what kind of union? What is the role of unions? Is it to increase democracy in the workplace? Is it to improve people's representation in the workplace and what kind of union can build that?

I also want to respond to Jim's comments on giving up the right to strike. There are a couple of different ways in which I want to respond to that. I haven't looked at all the 125 unions referred to by Jim but I have looked at some of them and what I found is that you're right, there are a growing number of unions that are giving up - often temporarily - the right to strike. But they're not agreeing with the company in advance to give up the right to strike in perpetuity. Let me take the IBEW as an example. The IBEW has for many years given up the right to strike at every round of its bargaining. But the way in which it does this is, it puts a vote to its

membership to say, are you willing to give up the right to strike, and therefore that pushes the membership to make a choice and then the alternative to striking is that they embrace arbitration. Now whether you agree with what they're doing at that point, that's a very different system from when you give up the right to strike in perpetuity because it means that that membership has the right to say, "yes we will in fact give up the right to strike". So that's one difference and I think it is very, very important that workers have a say; if they want to give up the right to strike then that's their right, but I think to give it up on their behalf is another kettle of fish. The second way in which this IBEW agreement is different from the CAW is the IBEW has a wage adjustment mechanism. So let's say they don't get the wage increase that other trades do. Then they have a mechanism for revisiting those arbitrated wage settlements so that they are pushed up to the level of other trades. That system means that the union is piggy backing on the success of the other unions. Now that's been a tradition in construction for many, many years. But the point is that if you do that then it means that you have a mechanism that if arbitration fails you - at least in the wage area - you have a mechanism for returning to that issue. That's a kind of protective mechanism but it also means that it's an additional element to arbitration. So I'd like to look at all those other systems of dispute resolution because to suggest that all ways of giving up the right to strike are the same and equal, is just not the case. We have to be a little bit more careful there. The point is that many unions may give up the right to strike, but the conditions under which they do it, in fact, make a big difference.

I want to say one other thing about giving up the right to strike and that is that I have been asked on many occasions, largely in my debate with Buzz, about how you can give up what you don't have. So, when I was on CBC, I was floored by what Buzz said to me, "But Charlotte, the Magna workers didn't give up anything; they didn't have the right to strike in the first place." And I found myself dumbfounded. And I thought, well I guess that's true in some ways because if I think of the right to strike as a commodity, like any other commodity, then if I didn't have a candy yesterday, then I have not got a candy to give up. But I would make a different argument now - I thought a lot about this because it's tested me, because it's forced me to think about why I think the right to strike is so important. The answer was brought home to me by my research on immigrants and migrant workers. And - I see you nodding your head and asking what could be the connection - the reason is, the right to strike is about rights. When someone comes to Canada and they don't have full rights and they work towards citizenship and they become a citizen, then

they get full rights. We don't say you can become a Canadian citizen but that does not entail the full rights associated with that citizenship. Belonging to a union is a form of industrial citizenship. Not all people can exercise that right, but once someone does get the chance to be a member of the union, then with that comes a bundle of industrial citizenship rights and one of those rights is the right to strike. You may not use that right associated with industrial citizenship just as someone chooses not to vote; you may chose not to exercise that right but the point is having that right to strike is a fundamental right and I would argue that that's been one of the fundamental bases upon which unions have been built in Canada and elsewhere. Thanks.

Frank: Thanks, Charlotte, so Jim has five minutes for a rejoinder now.

Jim: Just out of curiosity Frank, what is the difference between a rejoinder and a rebuttal anyway?

Charlotte: I have no idea.

Frank: I'll tell you after I hear yours.

Jim: A rejoinder is a rebuttal to the rebuttal, I guess. But what if I want to rejoin her rejoinder? That's just annoying. Time's ticking now. Of the 125 unions, by the way, at the ORLB that have done voluntary recognition, yours is one of them Charlotte, as I understand.

Charlotte: We don't have a union actually. We have an employee association, definitely not a union.

Jim:

It's an association that settles its contracts by arbitration. There are other academic unions that do the same and they seem to be doing alright, but anyways. One thing - again, I have to respond on the basis of the facts - there is nothing in the Magna Fairness Framework, whatever the hell it's called, about perpetuity, forever, permanent. And legally you cannot give up something that has a legal right forever, perpetuity, or whatever. There is an interesting case with UNITE HERE which has done this - and they didn't have the whole leadership of the OFL lining up to denounce it, when I last checked. In fact they're in the OFL. This is an agreement that we have with Magna to arrange for our folks to have without interference a vote in the workplace, and in this day and age I think that's important.

I mentioned all the industries where non-union companies are setting the pace in terms of technology, profitability, employment growth - and how important it is for unions to get in there. Magna is a clearly one of them. This is kind of a form of sectoral bargaining, actually. Magna is 25 percent of the auto parts sector in Canada, and the framework that we've set out here, which includes a wage adjustment mechanism, an automatic one. Hence our people in those plants will do better than our people in normally unionized auto parts plants where we can't get any wage increases these days. It's a sector-wide system.

I was interested to read about the Dofasco situation with the Steelworkers, and Buzz wrote to Wayne Fraser to congratulate him for getting the foot in the door there. If you could have Magna unionized, if you could have Dofasco unionized, two of the outposts of non-union activity, I think that would be a huge step forward for our movement. I am told today that the Steelworkers have withdrawn from the Dofasco thing. I don't know if that's true or not. There's something about it on the internet, but that would be a shame. We have not said there is no alternative, and we have not said there is a terrible crisis therefore we have to do something that is unpalatable. We have not said that. There is a terrible crisis. I think this is a historic chance for the union to stop happening here what has happened in the US, but we should only do things not because there's a crisis and not because other unions did them, but because they make strategic sense in a given time and a given place.

And there are other alternatives which we are also pursuing. There are other ways of getting voluntary recognition. We have this incredible story right now with Dana. Dana is an auto parts multinational that went into Chapter 11 bankruptcy in the US and they set up a two-tier wage system with the Steelworkers and the UAW in the US, coming out of bankruptcy protection just like the Delphi agreement. Then, as a quid-pro-quo, they gave those two U.S. unions, the Steelworkers and the UAW, opposition-free access to all the non-union Dana plants in North America, including - believe it or not - six plants in Canada. Somebody forgot to tell the judge that Canada is not a fucking 51st state, if I can use the technical term. Well, we found a way to squeeze the employer. The thing about Buzz Hargrove, he can always find a way to squeeze the employer - right to strike or no right to strike. And low and behold we had opposition-free access to the six non-union plants in Canada, too. We already represented four union Dana plants in

Canada and now we've certified three more. The UAW certified one of them and then the plant closed, even though the UAW had gone to that plant and said, "join us because we'll protect your jobs." I think we are going to get a fourth one as well. That's an incredible example of voluntary recognition, and we're doing other things too: sectoral organizing, community based, corporate based campaigns. We're exploring actively the whole idea of minority unionism, of going into workplaces where you can't get a certified majority under traditional Board rules, but where you start to organize fighting back anyway. We can learn from the experience of other countries like Britain and Australia where they no longer have the majority unionism model.

So it's not that there is no alternative. There are many alternatives and we have to explore all of them and see what works. And I'm optimistic that the Magna system will work for us. We've had good results so far, both in developing genuine trade unionism in the places that have already been organized and hopefully doing the same at the new plants that join. You know the test for us will be that the Magna workers have to vote to do this. We have to make a convincing case that the union dues they pay will be worth it to them. But I also think some of these other areas for experimentation and innovation are going to pay off as well. And the thing that distresses me more than anything else about the Magna debate was the way it went on, and if anything would cast a chill over innovation in the labour movement it would be the way that that debate occurred. And hopefully, with our very constructive and comradely tone, tonight will show there is a better way to have these discussions. Thank you.

Frank: Thanks Jim. Charlotte, five minute rejoinder.

Charlotte: I too was puzzled by the rejoinder, because I think the response to the response to the response becomes this endless derivative...

Jim: I've got to respond to that.

Charlotte: Oh good. I'm glad. I'm sure you do and that's why I wanted to be last, because I always know you have the last word if you can. Alright. I want to say a couple of more things about the right to strike and then I want to talk about language. And in part... poor Jim ... in part I'm arguing with him, but I'm also in part using this as an opportunity to argue with Buzz. And that's okay because I think that if a debate becomes acrimonious - hopefully you have

heated debates - I assume we do and then out of that we move forward and we learn from one another. I worry about what the impact is of giving up the right to strike - regardless Jim of what you say about the number of unions that have given up the right to strike, the number of unions that have negotiated through arbitration. I also know that there are a lot of workers who were covered by arbitration who would rather have the right to strike and have fought in years past to gain that right to strike. In many cases workers who at one time may have the right to strike were forced into arbitration and were forced by neoconservative governments to either narrow the scope of the number of workers who had the right to strike or expand the notion of those who were covered by arbitration. So I say again, this is not a situation "we are all in this together, we're all giving up the right to strike so its hunky dory". I accept that if that's the price *you* had to pay then maybe that's the price *you* had to pay. But we have to think very carefully about how we argue that because all these other people are covered by arbitration, that means that it's all working so honky dory for them. I'll tell you the Nova Scotia health workers are faced with being forced to lose their right to strike and you're part of that struggle. They don't think it is hunk dory to lose their right to strike. What I worry about is that the Magna deal is symbolically much more important. I know that it's hard to be at the front lines and UNITE HERE and many other unions may not have been the object of heated discussion at the OFL, but the point is that the Magna deal is important because it has a much wider impact. It has a much wider significance and in part that is because the deal involves the CAW. It's also because of the potential impact, I think it has on other unions. If I were Magna, I would argue that being unionized but not having the right to strike in a sector where everybody else does, man oh man that's a serious competitive advantage. You can say yes I am unionized, we've got all this great system but we will not be going on strike. But the right to strike is important. Look at TRW (an auto parts firm in Windsor) where your own union has just come out of a strike and I would say did very well with the TRW. A short difficult strike but the union did very well. No, they did not get the same thing as Magna workers, but they did remarkably well. So in that sense I think we again need to be very, very careful about what the implications of this deal are and I know that Buzz has said that he will hold the line. He doesn't want this to bleed into other work places and other sectors. The problem here is that I think that it may bleed into other unions. It may be that other unions that are in the auto part sector - and there are at least two that have a significant toehold in the auto parts sector - may face the pressure from this deal. Is that really what you

want to do to gain at the disadvantage of those unions? I don't know if that's a particularly good long-term strategy. Similarly, it worries me when I hear Buzz and others quoted in the newspaper when they say 'sure we'll negotiate this with other corporations'. Would Linamar (another auto parts giant with multiple factories) maybe be interested in this kind of deal? If this becomes the dominant pattern in a sector like auto parts, potentially then it does have a spill-over effect. And about this I think we need to have meaningful debate about why we need to protect the right to strike and I think that's why this is such an important part of the debate for me. My final, and I probably won't use my five minutes, but I do want to say a little bit about language. It's about embracing the language of competitiveness. If you look at what's happened in unions - actually for years now - I thought there was a kind of ironic similarity to the crisis that the CAW was in today and what Steel went through in the 1980s. I mean Steel lost fifty-five thousand members in a matter of a few years. They were in a free fall, free for all, I mean a freefall! Jim and I are in a free for all! They were in freefall; they had a major crisis of membership and they explored all kinds of co-operative mechanisms and they did try and do some innovative things and it's ironic because at that time the CAW, which was in a stronger position and their industries were stronger, was very critical of the Steelworkers. Now, the CAW is in a similar crisis. I understand that the embrace of competitiveness has ended up, perhaps being the price we are paying right now for the kind of dominance of neo-liberalism. But I think regardless of whether you have to accept the language of competitiveness, at least do it critically, because language does matter. And again to quote Buzz, it may be that "a rose is a rose is a rose by any other name". But if, in the course of union debate, we didn't change language, then we would still be using the masculine pronoun every time we referred to a worker as though women weren't workers. Language is important and language shapes who we are but also who we include and who we exclude and the language of competitiveness, the language unions use in these kind of agreements, become incredibly important. Just as the CAW resisted the notion of associates and insisted on calling people workers, it's important to continue to insist that we call grievances 'grievances' and that we say there is opposition to management. Yes, you can work with management because most unions have always thrived on working with management. The only way collective bargaining functions is if you work with management, but there is a point at which that cannot be. Thanks.

Frank:

Thank you very much, Charlotte. So now I'd like to open up the floor to questions from the audience, so maybe we can take people and if you could please keep your questions short and not more than one or two minutes otherwise I may have to *[rings bell]*. I haven't had a chance to use it yet and tonight I'm anxious. So, if you could just indicate which person you are directing your question to or perhaps to both and if you could also just indicate your own name before you ask a question, I'd appreciate that. So go ahead, Sir.

Questions

Romero (Landin?) with United Steelworkers. ...to be tough on him but ...dealing with the right to strike, that's the main issue this evening but one thing that people didn't mention, I don't think, was that one of the reasons why there aren't that many strikes is because employers don't want them. It's not just that the unions call them. Employers have learned that there is a consequence but I want both panellists to talk about one issue that is dear to my heart and that is about democracy in the workplace. And, the problem I have with the Magna deal is the lack of democracy in the selection of union representation and I would argue that if that same policy that was put into the Magna deal tried to be put into an existing CAW unit you would probably decertify, that the people on the shop floor didn't have their own voice in selection of who represents them on the shop floor. The other part is also the complex grievance procedure that's in there, which I would say that typical shop floor employees do not usually get into that kind of process because I'm a staff rep and I have a hard time understanding it so if you could talk about those two points, the selection of the worker representative, especially since, I gotta tell you, I don't think that either Buzz Hargrove or Leo Gerard would ever get elected with that kind of language cause part of it says that you have to have a good employment record to be elected so those two guys would still be on the shop floor.

Answer

Jim:

Perhaps I'll start by explaining how it works on both those counts, the shop floor elections and the grievance procedure.

There is secret ballot election of the area reps from the shop floor only by CAW bargaining unit members. So there's this group, this committee in the plant called the Fairness Committee, that is composed half of the labour reps and half of management reps from each area and shift of the plant. And in each area and shift of the plant, the bargaining unit members elect by secret ballot, their own rep to the Fairness Committee. So that is a secret ballot shop floor election. There is no participation for management and I think those people will be genuine representatives. I think where there was more controversy was over how the employee advocate who is a full-time rep for the whole facility is chosen and this again reflects existing practice at those plants and Magna was unwilling to shift. This practice will involve a subcommittee of the bargaining unit reps on the Fairness Committee, so a subcommittee of the union stewards if you like, looking at the applicants for the position, coming up with a short list, making a recommendation. Then, as Charlotte says, the national union approves the recommendation and then they're subject to secret ballot, yes or no ratification by the shop floor members of the plant. So that is not our preferred system, absolutely not, but there is no involvement in management in that and again it's not unheard of elsewhere. We do have some units in our system today where the full-time chair of a plant is elected by the committee of stewards in the plant, so you already have that indirect system. Now that's different obviously from having them elected by the shop floor individuals, so we'll have to see how that goes. And we'll experiment with that, but the role of the national union I think is a safeguard there to ensure that the representation structure does exist and we will have a genuine full-time rep in each facility.

The grievance procedure, frankly, I'm really not concerned with, greatly. It is a different system. They call it their Concern Resolution Process and you go through several steps, but you have binding arbitration to enforce the contract at the end of the day, just like we do in existing facilities. Frankly we have a multi-step grievance procedure in our existing facilities as well, where you have to go through several hoops before you get to arbitration and that's part of running an effective union operation in a facility. If you throw hundreds of grievances at the employer, you're frankly not doing your membership a service because you're not going to address those grievances meaningfully. So, you do go through several steps but you have arbitration at the end. Our experience in the three Magna plants that we have that also had that

system in the collective agreement, was you very quickly get, when you need to, to the real grievance system and it hasn't made much of a difference.

Charlotte's point about the language: I think it will tell at the end of the day. There is obviously some fuzzy wuzzy language in that whole document. But you have a real union that's going to make sure that it works for the members.

Charlotte:

Obviously Jim is the one who really can answer on this, but I have a couple of concerns that maybe Jim would have to respond to as well. And I was just skimming through the Framework of Fairness agreement and it's the appendix B which really does worry me because if I look at the Fairness Committee I see first of all the Fairness Committee is members selected by employees, but there are also members appointed by management so it's the kind of bipartite system that navigates through this document. Workers who are part of that Fairness Committee, have to achieve a certain seniority, have to have a certain work record, and that has not been the case historically in other plants. And the question is, what impact will this have on representation? I guess to me, one way of answering this question is if I was to flip this round in terms of the framework of analysis, I suppose one could argue that the German unions had two parallel systems of representation within the workplace and they were able to co-opt one to be more union friendly than it was initially designed. Perhaps this is a model that the CAW could in fact move towards using the Magna model. The problem is, I'm not sure that this is the time when the CAW has either the strength to do that - maybe it does, I'm not sure - but the other side of it is that I think also having the right to strike, having somewhere to put that extra pressure on the employer, is absolutely critical to make these changes. So to move forward, whether it be moving forward inch by inch, you still to make those changes. I was also concerned about the representative structure and what seemed to be a longer period for grievances. Most of the literature on grievances shows workers hate the lengthening of this because it just delays, delays, delays the resolution of any work place complaints and in fact it doesn't function very well in the workplace either because it builds up tensions because things don't get resolved.

Jim:

The one piece of Romero's question I forgot to answer was this issue of the work record. There is a general description in the Framework of Fairness about the sort of person who makes a good employee advocate. In the contract we have, which will be the same contract at the other units, the only requirement is the seniority. You have to have three years' seniority to run for the full-time steward position. That's the only prerequisite.

Frank: Thank you. Our next question. Yes, Sir?

2. My name is Paul [*inaudible*] and I would like to take advantage of the other responses section of the title and ask for a general comment regarding the United Steelworkers essentially waving the white flag on their effort to unionize Dofasco.

Answer

Jim:

Again I don't know anything other than I saw with a couple of emails today, so I don't know the circumstances of that. Frankly, I was encouraged to hear of the effort at Dofasco, I thought again I don't know what the arrangement that the Steelworkers made with Dofasco was, but I think anything that would help us to organize a leading edge icon of non-union private enterprise would be a huge step forward so if in fact that's true, I'll be as disappointed as Romero and his comrades in his union.

Charlotte:

I really have nothing to add except the fact that coming from Hamilton and reading what has ended up being blogs, editorials, and so forth, the workforce there is pretty divided and I think the Steelworkers - there's a lot of them here tonight so you may want to ask them about what's happening there - but certainly the workforce in Dofasco was pretty divided between whether they needed a union or whether they didn't.

Frank: Okay. Thank you. Ah yes, next question?

Herman[?] [inaudible] I used to work at CAW and I was involved in [inaudible] and just a couple of points I want to ask a question about. There are a number of things which a lot of us are a little concerned about. One was that in the Framework for Fairness it says that the people who are the union representatives on the Fairness Committee are not allowed to act as union reps. You're not supposed to act as union reps. It's the whole notion that it sort of took too much of Stronach's system without [inaudible] justice for [inaudible] purposes so I don't think it's really true that when we read it that there really is independence in representation. In Integram and the other places that were organized under the old system they do have independent representation and maybe the grievance procedure is problematic [inaudible] too much to be worked out. Secondly, is that the very fact that the way that union reps are chosen is subject to negotiation is in fact totally different [inaudible] than other facilities [inaudible] I guess the third thing was that if you read the collective agreement – and when I read it I was pretty shocked – it says in part A of the collective agreement that it can't be arbitrated, that it can't be changed, and part A is all of these representational structures. So reading it, it seemed to say that you can't change it, you can't negotiate, that you can't change the representational structures. I guess the final thing that really bugged a lot of us was that there really was [inaudible] secret ballot. Yes, the final days [inaudible] are accountable but building up to it every organized face of the union the leadership is there to make sure that people can't be challenged [inaudible] and it really bugged us that here is this organizational that traditionally had a very democratic, at least had a democratic, had very, very little space for democracy. The thing was unveiled on I think it was the 25th of October, it wasn't until December when they had the big council vote and in the midst of the council debate, before people debated, they unveiled this Windsor module, which had been organized before people [inaudible] and it really bugged a lot of people. The people who had been part of the criticism, who tried to criticize it, were denounce [inaudible] incredible [inaudible] I know a lot of people say rotten things to each other on a personal level but fundamentally there's a lot of badmouthing [inaudible] very, very unfair. But the final thing was that [inaudible].

Frank: If you could just wrap up, Sir. There are quite a lot of parts to your question.

I'd like to ask you the question, you said there's a problem – and we all know this – between having to win things for their members and making sure the employers are still around. What about the third piece about actually, and this is one of the things that really bugged us, is that what about changing that environment, adjusting that environment where *[inaudible]* employers are facing what they're facing and *[inaudible]* they should be challenging *[inaudible]* and it seems that the CAW really has fallen down on that *[inaudible]* this is what we saw back *[inaudible]* is problematic but I'd like to know how *[inaudible]*.

Jim:

Well, in terms of how we adjusted the proposal, I can assure you that the final Framework of Fairness in all its corporatist glory is quite a bit different than how it was originally proposed to us. It was Magna that proposed this, and we ensured that it reflected what we would view as key issues of principle. I think this is a principled approach to try and get the union built at a company that's very, very important in a very important industry. Secret ballot ratification of the union, secret ballot ratification of the contract, binding arbitration as a final stage in enforcing the contract, having a three-year cycle for the contract, full-time representation in each plant, and full access by national representatives to the union, and full participation by the Magna members including the employee advocates in all the programs and activities of the union. So we'll be taking the employee advocates from the Magna plant and sending them out to P.E.L. for our union training and our steward training and everything else. So, those were the principle issues that we forced Magna to change in order to accept it. But of course we didn't get everything, and I think that's in the nature of voluntary recognition agreements. Just like collective bargaining, you never get the perfect deal but does it give you something that you can build on.

In terms of the space for debate, Herman, I mean in all honesty I love you and see you as a comrade but I think you're absolutely wrong on that. I have been at CAW for fourteen years and I've never seen such a debate. There was debate all over the place and I went to twenty debates where it was debated and more people stood up and denounced it. Now yes, people were lobbying, people were pushing, but there was no suppression of democracy. Anybody, any rep, had the right to stand up and state their views and vote against it and at the end of the day many people did. The thing I found that was interesting was the sort of a generational shift within the

union. The opposition where it came from within the CAW was from what I would view as a sort of traditional core manufacturing centre of the union. Places like DeHavilland in Toronto strongly opposed this, and these are groups that went on strike every three years whether they had anything to strike about or not. So it was very much part of their culture. In the newer side of things, in the union, the service-sector people, the public-sector people, many of whom have dealt with arbitration, they were strongly supportive of the Magna deal. They know that it's quite wrong to say you can't build a union under an arbitration system.

There's another very interesting question, one that deserves some research. How are workplace practices and relationships going to change in the Magna plants as the union comes in? Are you looking for a research project? This would be a good one. I will make this open invitation as well for folks if there are people in labour studies departments or elsewhere. This is a huge natural experiment that is going to occur where you have this system, a rather paternalistic fair enterprise participatory system that's been built up at Magna plants, which is now going to have a union and a union contract to go with it. I think that is going to be a fascinating experiment and we're quite open to working with honest academics and others to study how that occurs.

Frank: I think that's a redundancy Jim.

Jim:

Of course. Well put. I withdraw that. Quite intent on working with any credible researchers who want to look at this. On the jurisprudence: there is jurisprudence out there, go and look at the at the Board decisions and the court decisions about what happens in situations where you have a union that accepts voluntary arbitration, and then how it evolves down the road. So I think it will be interesting to study that experience. I don't know if the Supreme Court decision will change it or not. The Framework of Fairness was not a response to the Supreme Court decision. It may be that the Supreme Court decision enhances efforts to change things like this down the road, I'm not sure. But clearly, again I stress there's nothing in the Framework of Fairness that says it's permanent and forever. We have made a long term commitment to this way of doing things in the course of getting Magna's acceptance for our people to go into their plants without opposition. Anyone who has organized knows full well how active, sophisticated, ruthless

employer opposition can stop nine union drives out of ten, and that it's a night and day situation when you take that opposition off the table.

So this is, I think, a very important experiment for us to try and do this. The challenge will be for us to get the support of the members in doing that, to convince them that it is worth the dues that you pay for what we give you. Giving up the right to strike is not going to hurt our organizing. Let me tell you, the last word you ever, ever, ever mention in an organizing drive is "strike". Okay? So that claim of the critics, why would members join a union when they have given up the right to strike, was absolute ignorance, that particular argument. And then our task will be to show that we can build a union and make a difference in peoples lives as we go forward. There will be some fascinating research and experimentation. Magna is aware of that jurisprudence as are we, as is any good labour law student, and so it will be interesting to see how it all unfolds. A good Ph.D. project if you're at that level Nathaniel, or even a master's project, I'd say.

Frank: Ah, yes. Further questions? Yes?

Yes, my name is *[inaudible]* so *[inaudible]* it appeared to me that you made quite a good piece for correlation over the last thirty odd years between the number of strikes and *[inaudible]* decreasing density of the labour movement *[inaudible]* unionization *[inaudible]* so what would be *[inaudible]* Magna *[inaudible]* is this an example for the union or is this just *[inaudible]*.

Jim:

I think it's absolutely true that there is a close correlation between the rise and fall of strike frequency and the rise and fall of union density and the rise and fall of other indicators of workers' social, political, economic empowerment if you like - things like the social wage, social programs, industrial policy, the level intensity of regulation, and so on. The rise of that during the golden age, and the fall of it under neo-liberalism, is absolutely correlated with the rise and decline in workers' share of the GDP. So the question is how do we turn that around. You do not have the legal right to strike in Canada if you're not in a certified bargaining unit. So,

Charlotte, it's quite wrong to say that Magna will have an advantage in an industry where everyone else has the right to strike. Most auto parts...

Charlotte: I mean that the unionized plants have the right to strike.

Jim:

Okay. So we would view this as a first step, getting certified, getting organized, building a union to be able to try and re-regulate labour's share and turn around that decline in labour's share of the GDP. Herman asked about the CAW's lack of critique of that broader context, because you're right I think it is very important to identify and challenge that broader context rather than just solely fighting to do what we can within that context. And again that's where I will commend this submission we made about the resource oriented restructuring of our economy and the sorts of things that would be required to have a more regulated, a more developed, more diversified economy. I think that is also an economy which would be more amenable to union organizing. But I think your point is absolutely bang on that the rise and fall of union activity is absolutely correlated with what's happened, and this would be one of many different avenues that we want to pursue as part of our struggle to turn that around.

Charlotte:

I actually would disagree with Jim on this and I think that if you look at union density and union strikes rates, they don't actually strictly correlate with the GDP. I mean peaks in strike rates, they're correlated with pushing the rate of unionization up so if you look at the immediately post-war period, high rates of strike correlated exactly in the period when union density is going up. You also find that there are spikes in union density. If you look carefully at the union data, at the strike figures, what you find is strike figures peak around certain key events. So if you look at labour's struggles against wage and price controls, you see there is a considerable spike there in the early period of that. If you look at the Days of Action, there are a series of political, government action as well as other events that correlate with high strike rates. So I think we have to be careful. Because I think that if we accept that declining union density correlates with declining strike rates, then I think that we are matching them far too closely and we don't investigate other events, other things going on such that union strike rates can also go up when

union density is not high. It's not that one is dragging the other down. We still have union density of 30 percent. Our strike rates have gone down recently far more rapidly than the union density rate and it's partly because of what employers are doing, it's partly because of what governments are doing, and it's partly because of the overall insecurity of employment. So I think to match them too closely, is a misunderstanding and this has, I think, implications for how we understand union renewal.

Frank: I think we have time maybe for one more question. Ah, yes.

Hi, my name is Sarah Declerk [?.]I was very pleased that Charlotte brought up the point that union density isn't the only thing that is important in the labour movement and that it is also the kind of union that matters and I agree wholeheartedly and I would just add that I agree that what unions do matters a whole lot as well and that includes what unions do with the strike weapon when they have it. I guess the question for both of the panellists that I have is just to return to a really simple question, which is why do we organize unions in the first place. And, I ask the question because I firmly believe that the reason that we organize unions in the first place doesn't just have to do with this thing that was written a lot about, which is the union advantage, but it has to do also with building organizations that allow us to take control over our workplaces and also over our lives more broadly and that it's that process of organizing and taking that control and fighting back against the employer that actually builds our capacity as a class to take on not just the employer but capitalism as well and so I wonder what the impact of the Framework for Fairness is not just on, say wages, benefits, seniority, right to strike, but on that process that really I think is instrumental to building our capacity to take on much more than, just say, Magna. So, I wonder if both panellists can comment on that.

Charlotte:

Frank, I feel like we're chipmunks. You know, when you get stuck in the door because you're both anxious to be so polite. Alright let me start.

I want to talk a little bit about why we build unions. One could say "gosh, Charlotte, you're *just* a labour studies professor", what do you know. I have been active and closely allied with unions,

but I also have studied very carefully the question of union renewal and I think there are many reasons for union renewal. It's interesting because different groups of workers seek unions for very different reasons. So I think you're right to say that for the unions themselves, often expanding union membership is about gaining greater union leverage - it's about increasing union density and with that having more influence over the labour market. And as Jim said, you use strikes strategically but you certainly don't organize a workplace by striking because you're not asking people to join in order to strike. I would totally agree with this. But the point is why do people, why do workers build unions? and why do unions build unions? The reasons may be a little different. Workers join unions because they want some control over their work place. They want some control over a place where they spend more than a third of their life - half of their waking time, at least, is spent at work. Sometimes more. As a result I think people are looking for more control. They're looking for more dignity. Often if you look at why people join unions they don't join unions because they think they're going to get a significantly greater wage increase. They know that right now in the present market, that is not going to happen but they do want to have the right to say "I need advance warning when I am scheduled a shift". "I need to know that instead of the legal minimum number of hours I get because I'm a part timer, that I might get more hours because of the union." "I might have some kind of recognition that I deserve to be treated with respect, that just because I work in a lousy service sector job doesn't mean I'm stupid and doesn't mean that I'm dumb; it just means I'm stuck in a service-sector job." I think unions offer all of these things to workers through representation. So I think it is important to return to these issues and I think it is very easy to get caught up in the debates over union density. I know I do, I mean when you're studying union renewal stuff, that's partly what it is about. But I think that's part of the inconsistency between what unions want and what workers want. I want to make a final comment because this is where my research has taken me. Quite frankly, women want unions more than the men do. I mean there is unequivocal evidence that woman are much more interested in unionization than men and if they're given the same chance as men to join unions they'll join. And the reason for this is, there are very particular pressures that woman face in the workplace and I would argue that unions have proven to be the only organizations capable of dealing with them and unions have not in fact yet captured and mobilized that force. Personally I would argue, if I was betting on the future of the union movement, I'd bet on organizing more women as women not just as workers.

Jim:

Well put. Wow, I agree with all that. I will point out that in the Magna contract we get a women's advocate in each plant who will be there for the women in the plant. Why do we organize unions in the first place? Wages and benefits are a part of it. I wouldn't say they are the leading part of it anymore. I agree with you but they're certainly a big part of it and if you try to organize a union and bring back a contract that doesn't have wages and benefit in it, watch out. But the more immediate cause and stimulus is around respect, is around security, protection against arbitrary treatment, those are the things that really get people signing cards. Equality. Representation. I don't know of many members in our union anyway who joined the union to build our capacity to take on capitalism. There are socialists in the union movement and I count myself among them. I hope Herman doesn't keel over from a heart attack when I say that. And I think our hope is that unions can play a role in the broader social struggle, but I think it's a mistake to try and view unions as socialist organizations. They clearly aren't. Our members clearly are not there but you know, my hope as being a union activist and a socialist, is strengthening the power base of unions and broadening the range of issues that they take on, is going to be part of strengthening our capacity to challenge capitalism.

Frank: Thanks, Jim. Thanks, Charlotte. Let me just call up John Brown up now to wrap things up.

John Brown:

Thanks, Frank. It falls to me to thank you all for coming. Thank Barb and Stephanie for organizing this. Acknowledge again the award winners and thank our two guests that I am going to do the usual propagandistic thing and give them some more wonderful Woodsworth gifts. So, on your behalf, thank you both.