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EQUITY BARGAINING/BARGAINING EQUITY

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ABSTRACT

Drawing on material from the United Kingdom and other countries of the European Union, the United States, Australia and Canada, this introduction considers the following themes relevant to equity bargaining/bargaining equity: labour market shifts, state restructuring and bargaining equity; bargaining equity in the context of equal opportunity and human rights legislation; the equity agenda in collective bargaining which includes an exploration of workplace versus family-friendly flexibility; strategies for challenging the generic worker in collective agreements; the challenge of desegregating the demographics and process of negotiations; and finally, the importance of building union support for equity bargaining and bargaining equity, both inside unions and through coalitions and alliances.

Given the enormous scope of these issues, the discussion is suggestive rather than exhaustive; it highlights strategic directions to support the equity project. It also points to gaps in research. Much of the available scholarship has focused on gender. For the equity project to move forward, understandings of the resonance in the workplace of race, ethnicity, citizenship, sexuality, age, and ability will need to be greatly enhanced, and in particular, the experience of intersectional discrimination.

The Resources section of this document includes an annotated list of union documents relevant to equity bargaining, Canadian government sources on equity bargaining, searchable databases, an annotated bibliography of secondary sources, information on the extensive research project on Equal Opportunity and Collective Bargaining in the European Union, annotations of relevant material from the International Labour Office (ILO), and an index by subject.

It is hoped that this document will offer a multitude of ideas about how to bargain on any particular equity issue, facilitate the cross-fertilization of equity bargaining strategies across unions, and provide support to equity researchers in unions and universities. This document also demonstrates a convergence of equity bargaining concerns across vastly differing union movements, and cultural and national contexts. Indeed, much can be learned from the union organizing, government initiatives and research in other countries, in particular, in the European Union.

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“Compassionate and Other Family Related Leave Provisions.” Bargaining Advisory, No. 13 (June 2004), pp. 1-6.	
“Credit for Equity Work”, Draft Letter of Understanding, Dalhousie University.	
“Equity Clauses”, compiled by Jennifer Bankier for the CAUT Status of Women Conference, Regina, October 1998. “Family-Friendly Clauses in Canadian University Contracts,” Katherine Bischoping. CAUT Bargaining for Equity Conference. February, 2003.	
“Increasing Representation of Designated Groups on Campus.” Bargaining Advisory, No. 11 (February 2004), pp. 1-11.	
“Maternity and Parental/Adoption Leaves.” Bargaining Advisory, No. 12 (May 2004), pp. 1-8.	
“Model Clause for Accommodation of Academic Staff with Disabilities.” 2003.	
“Model Clause on Non-Discrimination.” May 2003.	
“Model Clause on Positive Action to Improve the Status of Women.” 1986.	
“Model Clause on Pregnancy and Parental Leave.” 2001.	
“Model Clause on Violence in the Workplace (2001-6).” 2000.	
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“Collective Bargaining Survey for Women,” 1996.	
“Model Language on Harassment-Basic,” nd.	
“Model Language on Harassment-Extensive,” nd	
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"Aboriginal Rights Resource Tool Kit." 2005.

"Bargaining for Equality," CLC Women's Symposium, November 1-3, 1998.

"The MORE We Get Together: Disability Rights and Collective Bargaining Manual," 2004

"Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges." By A. Jackson and G. Schellenger. CLC Research Paper #11, 1999.

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"Article 40: Encouraging Women to Apply", CUPW Collective Agreement, 2003.

Canadian Union of Public Employees (CUPE) PG 72

"A Decade of Breaking Through at the Bargaining Table." Equal Opportunities/L'Egalite des chances Information Kit, nd.

"Bargaining Equality: A Workplace For All," 2004.

"Bargaining Strategies: Up With Women's Wages", March 2000.

"Employment Benefits for Lesbian and Gay Workers and Their Families – Bargaining Issues and Contract Language," February 1990.

First Nations and Metis Bargaining:

PARTNERSHIP AGREEMENT between Saskatchewan Association of Health Organizations and Canadian Union of Public Employees Health Care Council and Saskatchewan Intergovernmental and Aboriginal Affairs, 2000.

PARTNERSHIP AGREEMENT Between Canadian Union Of Public Employees [CUPE Saskatchewan] and Saskatchewan Intergovernmental and Aboriginal Affairs, 2000.

"Harassment - the Bargaining Approach." Harassment Awareness Kit, October 1991.

"Winning Out at Work: "Employment Benefits for Lesbian and Gay Workers and Their Families." 2001.

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"Bargaining Equality: Joining Hands in Solidarity." 2001.

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"Collective Bargaining in the Provincial Public Sector, 1990-1999," March 1999.

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"Collective Bargaining Series: #2 Employee Assistance Programs," Sept. 2001.

"Collective Bargaining Series: #3 Rest Between Shifts," Sept. 2001.

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“Collective Bargaining Series for Women: #5 Maternity Leave (a) Anti-discrimination Clauses and Amount and Duration of Benefits,” Sept. 2001.
“Collective Bargaining Series for Women: #6 Pensions/Retirement Benefits,” Oct. 2002.
“Duty to Accommodate,” November, 2002.

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“Maternity and Family Leave Policies at Ontario Universities,” Andrea Levan. With research by the OCUFA Status of Women Committee, May 2003.

Ontario Federation of Labour (OFL)PG 78
“Bargaining for Work and Life,” Alice de Wolff. Produced by the Ontario Coalition for Better Child Care, OFL, CLC, and the Feminist Political Economy Network, Graduate Women’s Studies Program, York University, November 2003.

Ontario Public Service Employees Union (OPSEU)PG 79
“Network for Better Contracts: Working Group on Equity and Inclusion,” 2001.

Public Service Alliance of Canada (PSAC)PG 79
“Meeting Member’s Needs: Negotiating Family Care.” Issues – Hot Topics for Collective Bargaining, No. 6 (April 2003), pp. 1-12.
“Same-Sex Benefits: Making Progress in the Courts and at the Negotiating Table.” Issues – Hot Topics for Collective Bargaining, No. 1, (nd) pp. 1-8.

Saskatchewan Union of Nurses (SUN)PG 79

“Article 4.03: Representative Workforce”, 2002-2005.

Trades Unions Congress (TUC) UKPG 80
“TUC Equality Audit”, London: TUC, 2005.
“A TUC Guide for Union Negotiators on Lesbian, Gay, Bisexual and Trans Issues.” London: TUC, 2006.
“Who’s Looking After the Children? A Trade Union Guide to Negotiating Child Care.” London: TUC, 2006.

United Steelworkers of America (USWA)PG 81
“It’s a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities,” National Policy Conference, Updated and Revised, 2004..
“Bargaining Equality”, United Steelworkers and Machinists Union, Joint National Women’s Conference, 2001.

3. GOVERNMENT SOURCE MATERIALPG 82

- Ritchie, Laurell. "Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work." City of Toronto Equal Opportunity Division, 1987.
- Rochon, Charles Philippe, ed. "Work and Family Provisions in Canadian Collective Agreements." Human Resources Development Canada Labour Program, 2000.

4. SEARCHABLE DATABASESPG 83

- Canadian Association of University Teachers [CAUT]
- NEGOTECH [Human Resources and Social Development Canada]

5. SECONDARY SOURCE MATERIALPG 83

- Adams, Jane and Julie Griffin. "Bargaining for Equality." In Union Sisters, eds. Linda Briskin and Lynda Yanz. Toronto: The Women's Press, 1983, pp. 182-197.
- Akyeampong, Ernest. "Collective Bargaining Priorities." Perspectives on Labour and Income, Vol. 6, No.8 (August 2005), pp. 5-10.
- Axworthy, Christopher. "Affirmative Action Clauses for Women in Academic Appointments and University Collective Agreements: The Dalhousie Experience." Resources for Feminist Research (RFR/DRF), Special Issue on Women and Trade Unions, Vol. 10, No. 2 (July 1981), pp. 46-49.
- Barron, Lisa A. "Ask and You Shall Receive? Gender Differences in Negotiators' Beliefs About Requests for a Higher Salary." Human Relations, Vol. 56, No. 6 (2003), pp. 635-662.
- Burgmann, Meredith. "Women and Enterprise Bargaining in Australia." In Equity Under Enterprise Bargaining, ed. Suzanne Hammond. Working Paper 33. Sydney: Australian Centre for Industrial Relations Research and Teaching (ACIRRT), June 1994, pp. 27-32.
- Bertone, Sandina. "Immigrant Workers and Enterprise Bargaining." In Equity Under Enterprise Bargaining, ed. Suzanne Hammond. Working Paper 33. Sydney: Australian Centre for Industrial Relations Research and Teaching (ACIRRT), June 1994, pp. 33-42.
- Bewley, Helen and Sue Fernie. "What do Unions do for Women?" In Representing Workers: Trade Union Recognition and Membership in Britain, eds. Howard Gospel and Stephen Wood. New York: Routledge, 2003, pp 92-118.
- Colling, Trevor and Linda Dickens. Equality Bargaining - Why Not? Equal Opportunities Commission Research Series, UK: Her Majesty's Stationery Office, 1990.
- Colling, Trevor and Linda Dickens. "Selling the Case for Gender Equality: Deregulation and Equality Bargaining." British Journal of Industrial Relations, Vol.36, No.3 (1998), pp. 389-411.
- Colling, Trevor and Linda Dickens. "Gender Equality and Trade Unions: A New Basis for Mobilization?" In Equality, Diversity and Disadvantage in Employment, eds. Mike Noon and Emmanuel Ojbonna. Palgrave, 2001, pp. 136-155.
- Cook, Alice, Val Lorwin and Arlene Daniels. "Collective Bargaining." In The Most Difficult Revolution: Women and Trade Unions. Ithaca: Cornell University Press, 1992, pp. 79-106.
- Cook, Alice. "Collective Bargaining as a Strategy for Achieving Equal Opportunity and Equal Pay: Sweden and West Germany." In Equal Employment Policy for Women, ed. Ronnie Steinberg Ratner. Philadelphia: Temple University Press, 1980, pp. 53-78.
- Creese, Gillian. "Gendering Collective Bargaining: For Men's Rights to Women's Issues." Canadian Review of Sociology and Anthropology, Vol. 33, No.4 (1996), pp. 437-456.
- Cuthbertson, Wendy. "Demanding Daycare: Autoworkers Win Historical Agreement on Child Care." Our Times, Vol. 3, No.1 (February 1984), pp. 12-13

- Dickens, Linda. Collective Bargaining and the Promotion of Equality: the Case of the United Kingdom. Geneva: ILO, 1993.
- Dickens, Linda, Barbara Townley and David Winchester. Tackling Sex Discrimination through Collective Bargaining: The Impact of Section 6 of the Sex Discrimination Act 1986. Equal Opportunities Commission Research Series, London: Her Majesty's Stationery Office, 1988.
- Erickson, Christopher L. et al. "Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiation." British Journal of Industrial Relations, Vol. 40, No. 3 (Sept. 2002), pp. 543-567.
- Fudge, Judy. "The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader Based Bargaining." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. University of Toronto Press, 1993, pp. 231-248.
- Grundy, Lea and Netsy Firestein. "Bargaining for Families." New Labour Forum, Vol. 2 (Spring 1998), pp. 19-25.
- Hall, Phillipa and David Fruin. "Gender Aspects of Enterprise Bargaining: The Good, the Bad and the Ugly." In Dimensions of Enterprise Bargaining and Organisational Relations, ed. David Morgan. Sydney: Industrial Relations Research Centre, University of NSW, 1994, pp. 77-129.
- Hall, Richard. "Gender Equity and Enterprise Bargaining." Working Paper No. 57. Presented to the "Workplace Equity in the New Millennium Conference," at the National Key Centre for Industrial Relations, Monash University, 24 June, 1999.
- Hammond, Suzanne and Raymond Harbridge. "Women and Enterprise Bargaining: The New Zealand Experience of Labour Market Deregulation." The Journal of Industrial Relations, Vol. 37, No. 3 (Sept 1995), pp. 359-376.
- Harbridge, Raymond and Glen Thickett. "Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue." New Zealand Journal of Industrial Relations, Vol. 28, No. 1 (2003), pp. 75-89.
- Heery, Edmund and John Kelly. "Do Female Representatives Make a Difference? Women Full Time Officials and Trade Union Work." Work, Employment and Society, Vol. 2, No. 4 (Dec. 1988).
- Hunt, Gerald, ed. Laboring for Rights: Unions and Sexual Diversity across Nations. Philadelphia: Temple University Press, 1999.
- Kainer, Jan. "Gender, Corporate Restructuring and Concession Bargaining in Ontario's Food Retail Sector." Relations industrielles/ Industrial Relations, Vol. 53, No. 1 (1998), pp. 183-206.
- Kolb, Deborah M. Is It Her Voice or Her Place That Makes a Difference? : A Consideration of Gender Issues in Negotiation. Kingston: Industrial Relations Centre, Queen's, 1992.
- Kolb, Deborah. "Negotiation Through a Gender Lens." In Reader in Gender, Work, and Organization, eds. Robin Ely, Erica Foldy, Maureen Scully and the Centre for Gender in Organizations, Simmons School of Management, Simmons College. Malden, MA: Blackwell, 2003.
- Kumar, Pradeep. "Collective Bargaining and Women's Workplace Concerns." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. University of Toronto Press, 1993, pp. 207-230.
- Kumar, Pradeep and Lynn Acri. "Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience." Relations Industrielles, Vol. 47, No. 4 (Autumn 1992), pp. 623-653.
- Kumar, Pradeep and Gregor Murray. "Union Bargaining Priorities in the New Economy: Results from the 2000 HRDC Survey on Innovation and Change in Labour Organizations in Canada." Workplace Gazette, Vol. 4, No. 4 (Winter 2001), pp. 43-55.
- Lester, Gillian. "Toward the Feminization of Collective Bargaining Law." McGill Law Journal, Vol. 36, No. 4 (December 1991), pp. 1181-1221.
- Lester, Anthony and Dinah Rose. "Equal Value Claims and Sex Bias in Collective Bargaining." Industrial Law Journal, Vol. 20, No. 3 (September 1991), pp. 163-175.
- Martikainen, Rita. "Gender Matters in Collective Bargaining." In Gender Practices in Working Life, eds. Liisa Rantalaiho and Tuula Heiskanen. New York: St. Martin's Press, 1997, pp. 52-65.
- McDermott, Patricia. "Pay Equity and Collective Bargaining in Ontario." Prepared for the Centre for Research on Work and Society, 1994.

- McDermott, Patricia. "Pay Equity Challenge to Collective Bargaining in Ontario." In Just Wages: A Feminist Assessment of Pay Equity, eds. Judy Fudge and Patricia McDermott. Toronto: University of Toronto Press, 1991, pp.122-137.
- Moran, Don. "Aboriginal Organizing in Saskatchewan: The Experience of CUPE." Just Labour, Vol.8 (2006), pp. 70-81.
- Moran, Dan. "Partnerships and Patience: Organizing Strategies for Aboriginal Communities." Our Times (April-June 2005), pp. 12-17.
- Nash, Peggy. "Bargaining for Child Care: Our Own Pilot Project." Our Schools Our Selves, No. 25 (September 1992).
- O'Regan, Catherine and Clive Thompson. Collective Bargaining and the Promotion of Equality: the Case of South Africa. Geneva: ILO, 1993.
- Paquette, Janice. "Issues of Concern to Women in Current Public Sector Union Negotiation in Quebec." [Special Issue on Feminist Practice in Quebec] Resources for Feminist Research/Documentation sur la recherche féministe, Vol. 15, No. 4 (Dec 1986-Jan 1987), pp. 12-15.
- Pennell, Joan. "Consensual Bargaining: Labour Negotiations in Battered-Women's Programs." Journal of Progressive Human Services, Vol. 1, No. 1 (1990), pp. 59-74.
- Prentice, Susan and Curtis J. Pankratz. "When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities." The Canadian Journal of Higher Education, Vol. 33, No. 2 (2003), pp. 1-26.
- Strachan, Glenda and Burgess, John. "The Incompatibility of Decentralized Bargaining and Equal Employment Opportunity in Australia." British Journal of Industrial Relations, Vol. 38, No. 3 (2000), pp.361-381.
- Taylor, Marilyn. "Revising Collective Agreements to Promote Employment Equity for Women." Les Cahiers de la FAPUQ, Vol. 1, No. 1 (1990), pp. 20-25.
- Tourand, Kenneth. "Embracing Aboriginal Values and Traditions in a Unionized Environment." Journal of Aboriginal Economic Development, Vol. 4, No. 1 (Fall 2004), pp. 14-21.

6. EQUAL OPPORTUNITY AND COLLECTIVE BARGAINING IN THE EUROPEAN UNION

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Publications

- Bercuson, David and Linda Dickens. "1. Defining the Issues." In Equal Opportunities and Collective Bargaining In Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1996.
- Kravaritou, Yota. "2. Exploring the Situation". In Equal Opportunities and Collective Bargaining in the European Union. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.
- Bercuson, David and Anni Weiler. "3. Innovative Agreements: An Analysis." In Equal Opportunities and Collective Bargaining In Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1999.
- Dickens, Linda. "4. Illuminating the Process". In Equal Opportunities and Collective Bargaining In Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1998.
- Bleijenbergh, Inge, Jeanne de Bruijn and Linda Dickens, Linda. 5.Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining. Dublin: European Foundation for the Improvement in Living and Working Conditions, 2001.

Special Issue of Transfer: European Review of Labour and Research On "Gender and Collective Bargaining" Vol. 6, No.2 (2000).

- Dickens, Linda Mia Latta and Anni Weiler. "Introduction: Equal Opportunities and Collective Bargaining in Europe - A Major Research Project." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 187-192.

- Dickens, Linda. "Collective Bargaining and the Promotion of Gender Equity at Work: Opportunities and Challenges for Trade Unions." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 193-208.
- Bergamaschi, Myriam. "Tackling Gender Segregation in an Italian Provincial Administration." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 242-253.
- Buchinger, Birgit, Ulrike Gschwandtner and Erika Pircher. "Equal Opportunities and Collective Bargaining in Austria." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 272-289.
- de Bruijn, Jeanne and Inge Bleijenbergh. "Equal Opportunities and Collective Bargaining in the Netherlands: A Good Case in Contract Catering." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 254-271.
- Martikainen, Riitta. "Equal Pay through Collective Bargaining? Experiences from Finland. Transfer: European Review of Labour and Research." Vol. 6, No. 2 (2000), pp. 227-241.
- Weiler, Anni. "Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?" Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 209-226.

7. INTERNATIONAL LABOUR OFFICEPG 106

- Lim, Lin, Sriana Ameratunga and Carmel Whelton. The Role of Trade Unions in Promoting Gender Equality: Report of the ILO-ICFTU Survey. Geneva: Gender Promotion Programme, International Labour Office, 2002.
- Lim, Lin, Sriana Ameratunga and Carmel Whelton. "Promoting Gender Equality Through Collective Bargaining (Booklet 2)." In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002.
- Lim, Lin, Sriana Ameratunga and Carmel Whelton. "The Issues and Guidelines for Gender Equality Bargaining (Booklet 3)." In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002.

8. INDEXPG 109

PART I:

EQUITY BARGAINING/BARGAINING EQUITY: A THEMATIC INTRODUCTION, A STRATEGIC AGENDA AND A RESEARCH FRAMEWORK

“Equity is an essential element in the strategy for effective bargaining, organizing and shaping public policy... Equity is both a question of human rights and a question of strategy(3).... [B]argaining informed by equity principles and practice is *good bargaining* (1)”. Ontario Public Service Employees Union (OPSEU), 2001.¹

Drawing on material from the United Kingdom and other countries of the European Union, the United States, Australia and Canada, this introduction considers the following themes relevant to equity bargaining/bargaining equity: labour market shifts, state restructuring and bargaining equity; bargaining equity in the context of equal opportunity and human rights legislation; the equity agenda in collective bargaining which includes an exploration of workplace versus family-friendly flexibility; strategies for challenging the generic worker in collective agreements; the challenge of desegregating the demographics and process of negotiations; and finally, the importance of building union support for equity bargaining and bargaining equity, both inside unions and through coalitions and alliances.

In his review of bargaining for equity in Canada, Kumar (1993:224) concludes that “The Canadian labour movement, in recent years, has placed a high priority on collective bargaining for achieving labour market equality for women and improving their work environment.... Collective bargaining is viewed as a more effective tool [than legislation] for a fundamental and progressive change, in both leading social and labour-market legislation and ensuring its effective implementation through the incorporation of clauses of special interest to women in collective agreements.” Among other issues, this paper assesses the evidence about the efficacy of legislation and bargaining as vehicles for equity, and the degree to which unions are prioritizing equity in collective bargaining.

Given the enormous scope of these issues, the discussion is suggestive rather than exhaustive; it highlights strategic directions to support the equity project. It also points to gaps in research. Much of the available scholarship has focused on gender. For the equity project to move forward, understandings of the resonance in the workplace of race, ethnicity, citizenship, sexuality, age, and ability will need to be greatly enhanced, and in particular, the experience of intersectional discrimination.

It is hoped that this document will offer a multitude of ideas about how to bargain on any particular equity issue, facilitate the cross-fertilization of equity bargaining strategies across unions, and provide support to equity researchers in unions and universities. This document also demonstrates a convergence of equity bargaining concerns across vastly differing union movements, and cultural and national contexts. Indeed, much can be learned from the union organizing, government initiatives and research in other countries, in particular, in the European Union.

In the following discussion, ‘equity bargaining’ refers to the process of bargaining, bargaining strategy and includes issues such as the gender of negotiators. ‘Bargaining equity’, on the other hand, refers to the issues on an equity agenda. Disaggregating the two helps to problematize the relationship between them. In fact, equity bargaining may well be the foundation for successfully bargaining equity.

¹ The Equity Framework used by the Ontario Public Service Employees Union (OPSEU) distinguishes a principled and a strategic approach to equity. In the former, equity is a question of human rights, a goal (ie., we work ‘for equity’) and a moral imperative; in the latter, equity is a strategy, a means to an end (ie., equity as a tool for negotiating better contracts), and a necessity for the survival and growth of the organization. From a principled approach, a union advocates for benefits for equity groups; from a strategic approach, it encourages more active participation of equity groups in the union. Extracted from handout on OPSEU OPS Mobilizing Campaign Back ground materials distributed by Jan Borowy, OPSEU staff at the “Advancing the Union Equity Agenda” Conference in March 2005 sponsored by the Centre for Research on Work and Society at York University.

Without a shift in who is negotiating, and how they negotiate, there may be little change in what is negotiated. Or to put it more broadly, unions need to link the struggles around diversity, equity and representation *inside* unions to the collective bargaining process and agenda.

The choice of the language of ‘equity’ rather than ‘equality’ rests on the difference-sensitive meaning of equity in legal and policy contexts in Canada (from the important 1984 Abella Commission on Equality in Employment). Equity is used to acknowledge that sometimes equality means ignoring differences and treating women and men the same, and sometimes equality means recognizing differences and treating women and men differently. Equity refers, then, to what is fair under the circumstances (also called substantive equality and in contrast to the more narrow formal equality). This understanding of equity informs the following discussion.

Labour Market Shifts, State Restructuring and Bargaining Equity

Any discussion about the possibilities for bargaining equity needs to be framed by a consideration of economic and state restructuring. In the Canadian labour market, workers face increasingly-precarious employment, privatization, contracting out, and competitive wage bargaining across national boundaries. Such shifts have created a hostile environment for unions, undermined union density, impacted on the relationship between the local and national levels of unions (Murray et al, 1999) and led to union mergers. Bargaining strategies and priorities have changed as unions face demands for concessions and seek greater job security for their members. Such restructuring may be coincident with decreased corporate commitments to equity initiatives. Wajcman argues that “Corporate restructuring is causing equity issues to move down rather than up the policy agenda. Trends in management and organizational practice are moving away from facilitating equality initiatives.... Fairness and equity in jobs are contingent upon a kind of certainty and stability that is being rapidly disrupted in many workplaces and completely eroded in others” (1998: 162).

Furthermore, restructured work is less easily subject to pay and employment equity legislation. Chicha (1999) refers to “implicit deregulation” to describe the growing difficulty applying these laws in the current context (283). She points out that these laws were structured to function in relation to a traditional labour market but the “relatively stable and precise boundaries that delimited the employer’s identity, the status of workers, work schedules, job content, job skills and compensation methods are giving way to a workplace characterized by imprecise, continuously changing contours” (284). She argues that “these changes reflect a fundamental trend towards a growing individualization of employment rules and practices ... [which] throw into doubt the suitability of the methodological foundations of equity laws, in which the concept of group and collective comparisons are so crucial” (299). In a similar vein, Fudge (2000) argues that the long term success of pay equity policies are challenged by two features of economic restructuring -- attacks on the public sector and the decline in young men’s wages:

“Since the vast majority of pay equity policies only apply to the public sector, the systematic attacks on the size and wages of the public sector labour force will undermine the potential of pay equity initiatives to improve women workers’ wages. Similarly, since men’s wages are the norm upon which the pay equity enterprise is based, the decline in young men’s wages threatens such policies’ long-term potential for increasing women’s wages, although the wage gap is likely to shrink. In a labour market in which men are doing what has traditionally been considered to be women’s work and women’s employment patterns are polarizing, pay equity has a limited potential to be transformative” (341-42.).

Concomitantly, the state has been dismantling social programs, overtly diminishing its commitment to equity initiatives and decreasing the social wage, thereby intensifying pressure on collective bargaining to address such issues. The growing intervention of the state into the management of labour relations,

especially in the public sector has been very significant. Panitch and Swartz (2003) argue that such state interventions challenge the very basis of free collective bargaining.² The trend toward the adoption of various statutory incomes policies began with the implementation of compulsory wage and price controls in 1975 which led to a massive worker protest in 1976. In 1982, the Public Sector Compensation Restraint Act (Bill C-124) imposed a two year statutory wage restraint on public employees and suppressed the right to bargain and strike; most provinces followed suit. Statutory incomes policies were complemented by the growing use of back-to-work legislation and the increased designation of public sector workers as essential, thereby removing their right to strike (5).

The National Union of Public and General Employees (NUPGE) and the United Food and Commercial Workers (UFCW) have recently launched a major campaign to defend free collective bargaining. They point out that since 1982 the federal and provincial governments have passed 170 pieces of legislation that have restricted, suspended or denied collective bargaining rights. “This has created a ‘human rights deficit’ for Canada. Canada now has one of the worst records of any Western country in the actual experience of labour rights by working people. Seventy International Labour Organization (ILO) complaints have been filed... [T]he ILO has reached decisions in about 59 and found that freedom of association principles had been violated in 44 of the cases.”³

In this troubled context, what has been the attitude and practice of unions around bargaining equity in particular? Unfortunately there are few studies on this topic. For the UK, Colling and Dickens (2001: 136) have researched ‘equality bargaining’. They too draw attention to “deregulation and individualisation of the employment relationship” and the “privatisation of equality” as the state stands back “from any regulatory role” (see also Coling and Dickens, 1998). They explore union interest in employment equity before and after the 1997 election of a Labour government in Britain. They find that unions became more female-friendly between the years of 1979 and 1997, and more interested in “women’s issues” such as equal pay and equal opportunity in order to attract female membership and remain viable in a changing workforce. They identify the following paradox: “This hostile environment for trade unions, however, fostered a greater willingness to address the interests of women members, both current and potential. Unions, it could be said, ‘discovered’ the need to act effectively on behalf of women at a time when their ability to do so was particularly constrained.”

In an earlier piece, Dickens (1998: xi) also shows that “some EO [equal opportunity] measures may be more likely to be taken up when bargaining occurs in adverse economic circumstances.” She suggests that when wage settlements are low, it is possible to bargain on equity issues.⁴ Stinson (2006) points to the difference between items which are costly to the employer, such as wages, and those items which are not, such as anti-harassment training or seniority systems which benefit equity-seeking groups. Although the latter are not costly, Stinson (2006: 89-90) argues, however, that “these gains are also vulnerable under the conditions of a new economy since they give workers a sense of rights and entitlement when employers are seeking to have a vulnerable and divided workforce.”

These are challenging times for the equity project. Undoubtedly context sets limits. Yet in all economic and political realities, attention to equity issues remains not only possible but also necessary -- in order to support workers from marginalised groups and to challenge attempts by corporate capital to deepen exploitation of racial and gender differences.

² They point out that paradoxically, these interventions coincide with the patriation of the Canadian Constitution in the early 1980s: “As the Canadian state finally moved to formally guarantee liberal democratic freedoms in an indigenous constitution, so it simultaneously moved toward restricting those elements of liberal democracy which specifically pertain to workers’ freedoms” (4).

³ From Collective Bargaining in Canada: Human Right or Canadian Illusion?

<www.labourrights.ca/acrodocs/Book_Summary.pdf>. For more information about the campaign, go to <www.labourrights.ca>. See also Fudge and Brewin (2005).

⁴ Curtin (1999) notes about Australia that “women often make gains during times of economic expansion and attempt to preserve them in times of recession” (65).

Collective Bargaining Regimes

An OECD (1996) study concluded that “the incidence of low pay is directly related to the degree of labour market deregulation and that this incidence is particularly widespread among unskilled workers and other vulnerable groups, including women workers who are often segregated into low paying occupations and part-time employment” (reported in Strachan and Burgess, 2000: 374). Evidence about the impact of decentralized bargaining on equity gains in countries where centralised collective bargaining is being dismantled sheds an interesting if oblique light on Canada where decentralized bargaining has predominated. It also helps to make visible the difficulties inherent in Canada’s decentralized system.

Dramatic and aggressive decentralization has been a key project of neo-liberal governments, especially in Australia and New Zealand. Scholarly assessments of the impact are unequivocal: what is often called ‘enterprise bargaining’ has had a negative impact on women and other vulnerable groups of workers. In Australia, the deregulation of the industrial relations system is considered by women unionists as “the biggest threat to women’s wages and conditions” (Curtin, 1999: 55). Like many others, Curtin points out that “the more decentralised the wage system, the wider the gender gap between male and female earnings” and the greater the leverage for those with “the most bargaining power, that is, full-time workers in industrially strategic positions, a minority of whom are women” (55).⁵ In a parallel argument, Burgmann (1994) draws attention to the differential impact on those in strong and weak Australian unions:

“The tensions that are present in the trade union movement over the issue of enterprise bargaining are not between the left and the right, but between the strong unions and the weak unions. This also mirrors the division between men and women workers. The leaders of the strong, efficient, well-organised traditionally militant unions, like the Metalworkers are not fearful of a move towards enterprise bargaining because they know they can deal with it ... The unions that have most to worry about ... are the conservative non-militant unions, like the Clerks and the Shop Assistants. The workers, of course, who will suffer under these conditions are women” (32).

Strachan and Burgess (2000: 361) concur: “The continued decentralization and de-collectivization of the Australian industrial relations system will increase both vertical and horizontal work-force inequality and will leave many women workers in an increasingly vulnerable position.” And further, “the enterprise bargaining agenda is clearly contributing to a growing schism between the well organized, well represented and professional and skilled workers, and the non-organized, unskilled/semi-skilled and unrepresented, a group that includes many women workers” (374). New Zealand studies show similar patterns: contracts engendered through enterprise bargaining and decentralization impact women negatively. The erosion of the awards system has had a particularly detrimental effect on “women’s jobs” which supposedly require little skill and has stripped women in these jobs of the bargaining power guaranteed through strong unionization (Hammond and Harbridge, 1995).⁶

In Canada, forms of sectoral and pattern bargaining do exist in some industries and regions, for example, in the auto industry, among hospital workers in Canadian Union of Public Employees (CUPE),

⁵ In an earlier assessment, Hall and Fruin (1994) drew the same conclusion: decentralized bargaining is especially detrimental for women workers since women’s work is particularly responsive to “neo-management” approaches, whereby flexibility – in tasks, hours and wages – is lauded and expected. Stable wages, training, accessible recruitment, equal pay and benefits for women are casualties of decentralized bargaining as strong, organized union representation is weakened.

⁶ Similar patterns are evident elsewhere. For example, in the 1980s, bargaining in South Africa was decentralized. While collective agreements procured through centralized bargaining with industrial councils had extended to non-unionized workers, one-third of whom were women, decentralized bargaining has eroded such benefits (O’Regan and Thompson, 1993).

historically among meat packers; however, by and large, Canada has relatively decentralized bargaining. This bargaining regime has weakened collective bargaining strength, and bargaining for equity in particular, and likely increased the gaps between professional and working class women. Research suggests that, for Canada, moves towards broader-based, sectoral or centralized bargaining will help support a equity agenda and offer more protection and better wages for women workers, especially the low paid (Fudge, 1993).⁷

“Cross-national analysis of labour market gender inequality supports the proposition that a more interventionist regime, with centralized IR [industrial relations] processes and union involvement in economic policy-making, is most conducive to higher relative earnings for women. This centralization of processes allows a degree of wage compression, facilitates strategies to address low pay, and allows comparison across the labour market when valuing jobs. It also allows decisions to flow through the labour market to all women workers, especially the low paid” (Strachan and Burgess, 2000: 367).

It is noteworthy that the World Bank has endorsed co-ordinated bargaining. A 2002 study (Aidt and Tzannatos) concludes that “coordinated collective bargaining leads to better economic outcomes.... Countries with highly coordinated collective bargaining tend to be associated with lower and less persistent unemployment, less earnings inequality and wage dispersion, and fewer and shorter strikes... In terms of productivity growth and real wage flexibility, countries with highly coordinated bargaining tend to perform slightly better” (12). Although the authors include the necessary caveat about the importance of taking the general economic and political environment into account, these findings suggest that coordinated bargaining also supports positive macroeconomic trends.

Alternative Forms of Bargaining as an Equity Strategy

Cobble and Michal (2002: 243) argue that for the US: “The dichotomous, adversarial model of labour relations, still dominant today, is not a good fit for today’s workforce.”

“In many work places the roles of employer and employee are blurred: employees work in teams, take responsibility for control over quality, work design, and work organisation, and may even take on such ‘management’ functions as hiring, firing, and co-worker discipline. Indeed, for many service and white-collar workers, the quality of the service they provide and the amount of control they exert over the service interaction or the provider-client exchange is as central to their financial security and job satisfaction as the employer employee relationship. Many front-line service workers, for example, desire a new kind of unionism in which preserving the intrinsic rewards of the service encounter - seeing the patient’s health improve, calming a distraught two-year old - is seen as a critical aspect of employee representation.... Indeed, the majority of workers (regardless of industry and occupation) indicate a desire for a less combative unionism. They want a union that helps secure the success of the enterprise, enables employees to advance individually and collectively, and responds to workers’ psychological as well as their economic needs.”

⁷ “Gaining Ground: Strategic Directions Program for CUPE, 2005-2007,” the main 2005 Convention Document of CUPE, emphasises the importance of common bargaining objectives and greater co-ordination of bargaining. “We are more likely to make gains and breakthroughs – and significantly turn things around for CUPE members – if we are all pushing for improvements in the same areas” (6-9). Available at <<http://cupe.ca/www/convention2005/gainingground>>.

Cobble and Michal's concerns above about the limits of 'combative unionism' may reflect the weakness of the union movement in the United States. Their comments also resonate with what is sometimes called integrative, interest-based [IBB], win-win or co-operative bargaining, or mutual gains negotiations (in contrast to the more conventional adversarial or competitive bargaining).⁸ Adversarial bargaining assumes conflict and recognizes the different interests of management and labour. In contrast, IBB assumes that bargaining outcomes are achievable in which both sides win. The issue of power, then, is seen to be less relevant.

Particular issues may lend themselves to one form of bargaining or the other; for example, wages and job security are likely to be adversarial issues; on the other hand, health and safety and pensions may be issues around which co-operation is possible, perhaps through joint committee structures. Not surprisingly, neoclassical and managerial paradigms favour some form of IBB and deny the significance of conflicts of interest. Generally studies show that managers are more likely to prefer this form of bargaining than unions since studies show that "adopting a more problem-solving approach by unions will make them more vulnerable to concessions or management power tactics" and unions make more concessions in IBB bargaining (Todd and Hebdon, 2006). Interestingly, however, Cutcher-Gershenfeld, Kochan, and Wells (2001: 9-10) found that "female negotiators tend, on average, to give a higher rating to IBB in comparison with male negotiators. ... Moreover, there is a gap in views between union and management male negotiators but very similar views between union and management female negotiators."⁹ They also found that overall there was more disagreement about the use of IBB in large bargaining units.

Although undoubtedly problematic to assume, as IBB bargaining does, that issues of power can ever be set aside, it may also be that for women workers, women negotiators and those who work in client or care-driven sectors, alternative forms of bargaining will be a more important part of the bargaining arsenal.¹⁰ In her study of the unionization of fourteen Canadian and six American battered-women's programs, Pennell (1990) found that "The conventional adversarial model of labor-management negotiations and the unions' role in protecting its members' economic interests appear to conflict with egalitarian relationships, consensual decision making, and social movement goals of small collectively oriented workplaces." She suggests that 'consensual bargaining' offers an alternative since it "permits the battered-women programs to maintain their sense of collectivity while addressing distinct interests of their workers. Most significantly, consensual bargaining permits a synthesis of the culture of a women's program with that of the traditionally male-dominated labor union and, thus, offers a model for the unionization of other small, feminized service organizations"(70). Pennell concludes: "The strength, flexibility, and ultimate compatibility of the labor union and feminist movements are evident ... in their ability to integrate adversary bargaining and consensual decision making into ...consensual bargaining" (60).¹¹ It is striking that both Cobble and Michal's and Pennell's examples refer to areas of service work

⁸ This discussion relies heavily on Chapter 7 of Todd and Hebdon (2006). I am grateful to Bob Hebdon for sharing the draft manuscript and for discussing IBB with me.

⁹ Although not specifically about collective bargaining, see interesting parallels with Kolb's 1992 discussion of the differences between how women and men negotiate. See section below on "Desegregating Negotiations".

¹⁰ In a discussion of the changing nature of militancy in the services sector, Bordogna and Cella (2002: 600) point out that, unlike strikes in traditional industrial sectors, which are "directed against a single opposing party", in the service sector there is the "indeterminacy of the opposing party". This different configuration may mean a "negotiation process in which there is no clear-cut dichotomy between workers and management. Moreover, the most damaging consequences of strike action do not directly affect the formal opposing party, but rather the users of the services, whether these are individuals or other enterprises."

¹¹ Gillian Lester (1991) makes parallel arguments about possible changes to collective bargaining law. She points out that "The right to strike is a primary, perhaps the primary, lever of worker power under collective bargaining law. At the same time, alternative methods of problem solving may better fit the sensibilities and encourage the participation of many workers, such as women, who fail to see strikes as the optimal path to dispute resolution. This creates a paradox. Power, as traditionally conceptualized in the collective bargaining relationship, sits opposed to the full participation collective bargaining seeks to encourage" (1212). Although Lester acknowledges the availability of

where women workers predominate. To effectively represent the needs of women workers, many of whom work in caring and client-driven sectors, may well mean inventing alternative approaches to bargaining. These may draw on the tradition of IBB but will, at the same time, need to ensure that women's interests are protected.

Bargaining Equity, and Equal Opportunity/Human Rights Legislation

This section explores the differential contributions of collective bargaining and legislation to the equity project. Research suggests that both play an important role, and that the greatest success may come from a multi-pronged strategy. In a recent document, the National Union of Provincial and General Employees-NUPGE (2003: 4) argues that, in Canada, “the traditional approach to gender equality bargaining was that unions relied on legislation to achieve and protect equality issues.” In fact, Kumar (1993: 221) found that most collective bargaining gains for Canadian women have been made in areas where legislative standards have been mandated. This emphasis on a legislative framework for equality is consistent with research done elsewhere. In a comparative analysis of collective bargaining agendas and structures in Britain, Austria, Germany, Sweden and the United States, Cook, Lorwin and Daniels (1992) found that collective bargaining is more effective in situations of strong equity legislation, even in countries with centralized bargaining systems. In Sweden, for example, they conclude that “it is not centralization that has benefited women but a social policy that has placed [equality] at the center of national welfare” (105). In Austria, another country with centralized bargaining, weak equality legislation renders centralization moot, and unions do not bargain equality effectively.

A major project on equal opportunities and collective bargaining in the countries of the European Union (sponsored by the European Foundation for the Improvement in Living and Working Conditions) emphasized the “importance of the legislative framework for equal opportunities”. It concluded:

“A legal framework favourable to equality measures appears to have been necessary, if far from sufficient, to get the social partners to address equality issues in bargaining. Legislation may actually require the social partners to take equality action (or empower or allow them to do so), or – less directly – it may give equality issues prominence. Legislation can symbolise public policy concern for equality and play an agenda-setting role in collective bargaining. The pursuit of equal opportunities through collective bargaining is likely to be aided if legislation enacts positive measures to promote equality, requires specific action by the social partners – procedural or substantive - and provides for the monitoring of results and effective sanctions” (Bleijenbergh, de Bruijn and Dickens, 2001: 11).¹²

conciliation and mediation, she argues for “consultation between organized labour and management in decisions affecting control of the enterprise (1213).... Power through the use of the strike and lockout weapons of economic force is at least partially replaced by power through the sharing of economic decision-making control. In addition to facilitating positive change in the overall bargaining milieu, I would expect the structures put in place by these schemes also to be conducive to more direct measures for promoting workplace equality”(1214-5). Although the calls for joint decision-making may be naïve, her argument attempts to address the need to make the collective bargaining process more relevant and accessible to women workers.

¹² Increasingly members of the European Union are looking to European employment law “to provide a ‘floor of rights’ upon which they could build” (Colling and Dickens, 2001: 142). Dickens offers evidence of the “agenda-setting role of both national and European equality law”. For example, the emergence of sexual harassment and parental leave on the bargaining agendas in a number of countries (including Ireland, Greece and Spain) followed European initiatives in these areas (Dickens, 2000: 196). Hardy and Adnett (2002: 162) consider the impact of legal frameworks at the level of the European Union: “By providing a legal framework to combat discrimination against people ‘based on gender, racial or ethnic origin, religion or belief, disability or age or sexual orientation’, Article 13 [introduced into the European Union under the Treaty of Amsterdam in 1999] offers employees unprecedented grounds to sue their employers. For example, in the UK, the longer qualifying periods required for part-time workers

See Box 1 for the provocative Italian Equality Law which puts the onus on the discriminator to prove his/her innocence.

BOX 1: ITALIAN LAW PROMOTING EQUALITY OF THE SEXES

“In Italy a law promoting equality between the sexes and abolishing all forms of discrimination between men and women at the workplace was unanimously approved by Parliament in 1991. A significant feature of the law is that where there is an allegation of discrimination, *the onus is on the alleged discriminator to prove his or her innocence*. Charges may be brought against an employer, or other organization, without having to prove a specific instance of discrimination. All that is necessary is to provide coherent factual or statistical evidence in such areas as recruitment, pay rates, task and job assignments, transfers, promotions or dismissal showing that one sex is, directly or indirectly, more favoured by the policy than the other. The organization will then have the burden of disproving the evidence.” Lim, Ameratunga and Whelton, 2002b: 13.

In the European Union, equal opportunities are a key Employment Guideline. Bleijenbergh, de Bruijn and Dickens highlight the role of collective bargaining in supporting this Guideline. “Since collective bargaining plays an important role in the determination of the terms and conditions of employment … it is therefore a key mechanism for mainstreaming equality in employment” (2001: 3). They recommend that national governments take a variety of initiatives to ensure that collective bargaining plays a role in mainstreaming equal opportunities. See Box 2. These recommendations offer a framework for envisioning possibilities for the Canadian context as well as a reference point for a comparison between Canada and the European Union.

In Canada, the restricted scope of collective bargaining, its largely decentralized structures and adversarial nature may limit the possibilities for widespread negotiation of meaningful equity measures and help to explain the tendency for unions to demand government intervention into the labour market.¹³ Sweden provides an interesting contrast to Canada.¹⁴ There the strength of the unions, a long tradition of centralized bargaining structures through labour centrals, corporatist rather than adversarial bargaining, and a considerably wider scope for negotiations (to include such issues as workplace democracy) have meant, in general, a focus on collective bargaining rather than on legislation. Indeed, the union centrals, especially LO [Landsorganisationen i Sverige: about 3 million members and 24 unions] have traditionally argued for self-regulation and have often tried to prevent direct state intervention into the labour market. Stemming from the 1938 Saltsjöbaden agreement, Swedish corporatism has emphasized that “labour market parties would themselves settle their differences through negotiation and that the state would not intervene through legislation” (Acker, 1992: 8). The unions have strongly resisted the development of equality (Jämställdhet) legislation arguing that women’s concerns could be addressed most effectively through bargaining. To the extent, then, that the Swedish unions have taken up workplace equality issues around wages, hiring and promotion, it has largely been through negotiations.

to pursue unfair dismissal claims was held to be contrary to Article 141 of the treaty and the Equal Treatment Directive: a ruling that led to the complete removal of hours qualifications for all statutory rights in the UK, including the right to paid maternity leave.”

¹³ This is not to excuse the fact that, as NUPGE (2000: 4) also points out, “Historically … concerns and interests of women have been overlooked in the bargaining process. Where proposals that benefit women made it to the bargaining table, they were ‘traded-off’ early or viewed as subordinate issues.” Equity bargaining strategies are considered in a later section.

¹⁴ This comparison of Sweden and Canada is extracted from Briskin (1999: 150-54).

BOX 2: PROMOTING EQUALITY BARGAINING - INITIATIVES FOR NATIONAL GOVERNMENTS AND THE EUROPEAN COMMISSION

“National governments should seek to utilize (or establish) mechanisms to disseminate good practice in equality bargaining, for example by stimulating national expertise centres and expert groups and by ensuring that attention is paid to equality in the administrative collection and review of agreements.

National Action Plans should report at least on quantitative developments on the decrease of the pay gap between the sexes, changes in horizontal and vertical sex segregation and the increase of female negotiators in collective bargaining.

National governments should develop equality legislation and review how new and existing equality legislation requires action by the social partners, and facilitate and monitor such action.

National governments should ensure action by the social partners to promote collective bargaining includes an equality dimension.

The European Union, national member states and local authorities should reserve funds for equality areas, for example, child care facilities and care leave facilities, to guarantee equal opportunities for employees and self-employed persons with care responsibilities while they are undergoing training.

The European Commission’s technical and financial support to the social partners could involve funds for the appointment and/or training of equality officers or the creation of joint equality bodies on national, company or sectoral level.

The European Commission should ensure equality is mainstreamed into legislative measures promoting social dialogue and collective bargaining, such as provisions relating to European Works Councils and the proposed national level consultation and information bodies.

The European Commission should maintain a database on the results of equality bargaining throughout the EU.” Bleijenbergh, de Bruijn and Dickens, 2001: 1

At the same time, “The [Swedish] unions, especially the LO, had been the initiating agents, or at least actively supported, legislative and administrative efforts related to income tax reform, day care, parental leave and labour market measures to reduce sex segregation” (Qvist, Acker and Lorwin, 1984: 271). Extensive social policy, especially on family issues, has thus reduced the issues about which the unions need to bargain yet also set a public policy reference point.

The Swedish approach has led to significant successes; however, with the recent dismantling of centralized bargaining structures, equality legislation in that country is increasing in importance. In fact, in a recent assessment of equal opportunities, Dahlberg (1997) found that as a result of the 1991 Equal Opportunities Act¹⁵, “collective agreements have become even less important in practice” (36). In relation to the crucial issue of wages, “collective agreements are a means of meeting the requirement of the Equal Opportunities [EE] Act for monitoring of the wages of women and men. The EE Office also has the

¹⁵ For example, under the terms of the 1991 Equality Act, employers of more than 10 employees must draw up a plan aimed at promoting equality which ensures that 'working conditions shall be appropriate for both men and women; facilitates 'the combination of gainful employment and parenthood', ensures that 'no employee is subject to sexual harassment', and promotes occupational integration. (See the Act Concerning Equality Between men and Women: Swedish Code of Statutes 1991: 433).

power to challenge the actual wage fixing carried out by employers as possible wage discrimination, irrespective of whether a collective agreement exists.” She concludes that “due to increased state monitoring of equal opportunities and the strengthening of the ban on wage discrimination, we have seen a considerable increase in the possibilities and inclination of employees to react against gender-linked wage discrimination.... Intervention through legislation has been a more effective tool for changing gender-based power structures that the co-operation of the social partners themselves through collective bargaining and collective agreements” (36-38).

In Canada, given weaker government commitment to the welfare state, and the difficulties and limits of adversarial and fragmented bargaining, unions have often been forced to seek legislative intervention more aggressively in order to pursue similar equality gains. In Canada, pressed by the demands of an organized movement of union women, and increasingly of other marginalized groups, unions have been active advocates for legislation about equality -- pay equity, employment equity and protection against sexual and racial harassment.

However, this route may be less successful in the current context. As Chicha (1999) points out, current pay equity and employment equity legislation, designed for a traditional labour market, are no longer such useful vehicles. Second, labour market legislation in Canada continues to be weak, especially minimum wage and employment standards legislation, which are of critical importance to women workers and workers from other vulnerable groups, and which to some extent set a floor for collective bargaining. Strong employment standards are also relevant to unionized workers as they decrease incentives to contract out (Fudge, 1991).¹⁶

Given the reality of weak legislation, declining government commitments to equality measure, and changes wrought by restructuring and globalization, the Canadian Labour Congress (CLC) has concluded: “The labour movement in Canada has come to realize that we cannot rely on legislation to achieve and protect equality issues. Collective bargaining is a much more effective mechanism for ensuring that these rights exist.... Therefore, it is essential that equality issues become central to collective bargaining objectives” (Canadian Labour Congress, 1998: 1) and “lead the law” (Kumar, 1993: 209).

In fact, some research suggests that collective bargaining may help to ensure the implementation and expansion of equity-supporting legislation, and may also offer considerable advantages over legal regulation in relation to “flexibility, acceptability, legitimacy, enforcement and voice”.

“Collective bargaining, resting on representative structures, provides a way of giving women a voice; an ability to define their own needs and concerns and to set their own priorities for action... The interaction of law and collective bargaining can be expected to vary with the tradition, culture and industrial relations system of the particular country. However, even in those countries where statute law is the main instrument of regulation, collective bargaining can play an important role in the positive mediation and implementation of legal standards and legal rights,

¹⁶ Non-unionized workers, many of whom are in difficult to organize industries such as private services, and who are often in non-standard and precarious employment relations such as causal, part-time, and temporary work are covered by the weak provincial Employment Standards Acts (ESA), what Fudge has called “labour law’s little sister” (Fudge, 1991). These ESA cover minimum wages, maximum hours of work, over-time rates, termination notice and statutory holidays and by the 1960s, maternity and parental leaves. Vosko (2002) points out the gendered significance of the bi-furcation in industrial relations system. The majority of workers covered not by collective agreements but under the ESA, the considerably weaker of the two systems, have traditionally been women and other marginalized workers. “Employment standards were ill-enforced, they provided levels of social protection inferior to those normally extended through collective agreements and they typically excluded or extended differential protections to highly vulnerable non-standard workers such as home-based workers. Thus, the system of provincial and federal employment standards legislation that evolved parallel to collective bargaining legislation in the post-war era was also subordinate to it. Collective bargaining and minimum standards legislation were simultaneously dichotomized and gendered along the axes of the standard/non-standard employment distinction and the secondary/primary sector dichotomy” (Vosko, 2002: 45).

turning formal rights into real rights and substantive outcomes at the workplace” (Dickens, 2000: 196).¹⁷

In her overview of 15 European Union Member States, Kravaritou (1997) found that in countries where bargaining, rather than legislation, helps regulate employment, agreements tend to take up equal opportunities in a broader way.

“It is in the countries where bargaining plays an important role in regulating employment conditions that the integration of bargaining and equal opportunities is most developed, with, for example, the inclusion of new issues (such as affirmative action or sexual harassment) in traditional bargaining processes. In countries where legislation plays a more important role in regulating employment conditions, collective agreements aimed at helping women combine work and family or at encouraging the alignment of women’s careers with men’s are regarded as promoting equal opportunities. While this makes some reference to equal opportunities by considering the particular situation of women, the measures concerned merely ‘perpetuate the logic of the masculine norm’” (xiv).

In fact, Warskett (1996) argues that an over-emphasis on legislation can weaken collective bargaining initiatives. For example, in relation to the Ontario campaign for pay equity,

“feminists, both in the union and women’s movement, argued that negotiations over pay equity should be kept separate from general collective bargaining. The fear was that negotiations for equal pay would be marginalized on the collective bargaining agenda. Seeking the solution to women’s unequal pay in pay equity legislation has resulted in the problem being removed from the general collective bargaining table and therefore also from general debate in the labour movement, resulting in marginalization occurring any event” (617).

Undoubtedly, the relationship between negotiating and legislating equity is complex and contextual. In fact, gains in bargaining equity in Canada may well depend upon a multi-pronged strategy which emphasizes the links between legislation and bargaining, and simultaneously builds alliances with social movements outside the unions (Briskin, 1999 and 2002). A recent report from the International Labour Organization (ILO) comes to a similar strategic conclusion:

“The promotion of equality in the workplace cannot be separated from the wider public role of unions. It is when unions are active in pushing for supportive legislation and in monitoring implementation of such legislation, in public awareness raising campaigns, in working closely with the government and employers and forging alliances with other civil groups, that they tend to be most effective in promoting gender equality in the work environment” (Lim, Ameratunga and Whelton, 2002: 37).

¹⁷ The ILO Union Resource Kit on promoting gender equality through collective bargaining [Booklet 2] also emphasizes that even where there is equal employment opportunity legislation, “unions can help to ensure that it is effectively implemented and monitored”, and furthermore, “bargaining equality measures means that resolution for complaints can be accessed through the grievance procedure, a quicker and less costly process” (Lim, Ameratunga and Whelton, 2002: 10). Jennifer Bankier, a professor of law at Dalhousie University makes a similar point: “It’s very important that equity measures be implemented through collective bargaining.... If this is not done in a way that allows violation of the equity procedures to be enforced through the grievance clauses, there is a serious risk that management will pay only lip service to equity measures, without complying in any meaningful way” (Email to CAUTeq listserv, 8 Jan 2003).

Interestingly, Le Feuvre (citing Mazur, 2006: 3-4) attributes the lack of implementation of France's 2001 update of its 1983 law on equality in employment which obligated employers and unions both to negotiate and report about professional equality (i.e., equality at work) [see Box 3]¹⁸ to inadequate links to grass roots women's groups and lack of mobilisation in civil society. She speaks of "the under-representation of grass-roots women's rights groups in all stages of the policy elaboration and implementation process" and the lack "of mobilisation and support for such measures in civil society in general"(7).

In the first instance, legislation may offer a critical foundation; however, unions will not only need to ensure the implementation of equality legislation, but also move toward innovative equity bargaining and a rich equity agenda. Organized equity-seeking constituencies inside unions, and progressive alliances across sectors will likely be necessary to encourage unions to take up this task and become equity champions for all marginalized groups.

BOX 3: EQUALITY IN EMPLOYMENT, FRANCE, 2001

Enactment of the law of 9 May 2001 on equality in employment, reinforcing the 1983 law.

- Obligation to undertake specific negotiations on professional equality and to integrate this theme into all negotiations both at the corporate level and at the branch level and, in order to do so, to refer to the comparative status report on general conditions of employment and training for women and men in private companies. Decree N° 2001-832.
- Obligation to negotiate specifically on professional equality every three years.
- The equality contract is broadened to cover all actions in this area through a collective agreement, and it may be put into practice by all employers, including voluntary associations.

Application Decree N° 2001-1035.

From Le Feuvre and Andriocci, 2001.

Impact of Human Rights Legislation on Collective Bargaining

In addition to equality legislation (such as the Pay Equity Acts), human rights legislation in Canada has had a significant impact on the interpretation of collective agreements and on ensuring workplace equity. In 2003, the Supreme Court ruled that "the substantive rights and obligations of human rights codes are incorporated into every collective agreement, even in the absence of a non-discrimination clause" (Jackson, 2005: 231). This followed a number of important rulings, in particular, the 1999 decision on the Meiorin case ('duty to accommodate') brought forward by the British Columbia Government Employees

¹⁸ Jacqueline Laufer (2003) notes that the 2001 law makes employment equity a major theme in collective bargaining. The 1983 Act introduced equal value and shifted the onus to the employer to produce the justification for unequal pay. It also introduced reporting mechanisms to monitor sexual equality, the objective of which was "to strengthen the process of collective bargaining between employers and trade unions, and to integrate a concern for professional equality into collective bargaining. This was part of a more general concern for increasing the responsibility and the autonomy of the social partners – organized labor, management, and in some firms representative work councils"(430). The third objective was to introduce the principle of positive action. "Management and union were clearly designated as the key agents in the process of implementation of equal opportunities with collective bargaining expected to encompass equality at work." (430). In assessing the impact of the 1983 law, she concludes, as does Le Feuvre (2006) that it has been limited. In particular, Laufer suggests that "unions have had difficulty in knowing how to position themselves in relation to questions of equality at work. ... and management has generally taken the initiative, deciding how action plans should be formulated and what their content should be" (433-34).

Union (BCGEU, a component of NUPGE). In this case, firefighter Tawney Meiorin was laid off after failing the fourth component of the job fitness test – a 2.5 kilometre run to be completed in 11 minutes. Her time was 11:49. The Court agreed that Meiorin was a victim of sex discrimination. The Meiorin decision placed “a positive obligation on employers to design workplace standards and requirements so that they do not discriminate (i.e., the employer must take proactive action to ensure these standards and requirements are not discriminatory). In other words, there is now a positive obligation on the employer to design the workplace so that equality and accommodation are built in to all policies and practices” (NUPGE, 2002: 2). To put it another way, this ruling shifted employer responsibility from the fair application of rules to the conception and codification of these rules (Jackson, 2005: 231).¹⁹

In addition to the obligation to interpret collective agreements in the light of external legislation such as pay equity and human rights acts (Peirce, 2003: 247), the Supreme Court rulings have also indicated that unions can be liable for discrimination and may have to demonstrate pro-active attempts to address the discrimination.

“Intent to discriminate need not be proved for a finding of illegal discrimination to be reached. Now, a concept of ‘constructive’ or ‘systemic’ discrimination applies, under which workplace rules and collective agreement provisions can be found discriminatory, regardless of their intent, if they have a disproportionate effect on an individual employee... [B]oth unions and employers have been required to accommodate such adversely affected employees up to point of ‘undue hardship’. ... [T]he duty to accommodate may even extend to rewriting collective agreement provisions or agreeing to waive their application” (Peirce, 2003: 223-4).

Industrial relations specialists have raised some concerns about the implicit shift represented in these rulings from the principle of collective rights and power to individual and group rights. Peirce suggests that these rulings may “fly in face of core collective bargaining principles, such as equal application of collective agreement provisions and the barring of special treatment for individual workers without the union’s express consent and approval” (Peirce, 2003: 224).

Although unions may feel threatened by the interventionist role of the courts, these shifts also open up opportunities to bring pressure on management through grievances, bargaining, and human rights complaints; and for equity-seeking groups to threaten unresponsive unions with similar action.²⁰ Feminist research has consistently demonstrated inherent inequalities in collective agreements. Perhaps the shift toward industrial justice through other mechanisms will encourage unions to do equity audits of collective agreements and increase their commitments to bargaining equity while simultaneously pressuring employers to take up their responsibilities. Certainly in a neo-liberal era of serious attacks on collective bargaining regimes and rights, the importance of human rights legislation as an equity vehicle may increase.²¹

The Equity Agenda in Collective Bargaining

It has been more than a thirty-year struggle on the part of the movement of Canadian union women to pressure unions to take up issues of child care, reproductive rights, sexual/racial harassment and violence

¹⁹ Canadian Labour Congress (CLC) has developed a useful manual on negotiating disability rights: “The MORE We Get Together: Disability Rights and Collective Bargaining Manual,” 2004. Available at <http://canadianlabour.ca/index.php/more_campaign>.

²⁰ I appreciate conversations with Judy Fudge which helped to clarify the import of these court rulings.

²¹ Whether union members have a right under the law to seek redress for what they see as discrimination in collective bargaining, for example, collective agreements which reinforce gender discrimination in wage scales, has been the subject of some debate in the British context. See, for example, Lester and Rose (1991) who consider whether sexual discrimination in collective bargaining in the UK can be addressed through the Sex Discrimination Act (the SDA) or the Equal Pay Act (the EPA). See also Strachan and Burgess, 2000.

against women, pay equity, and employment equity among others. Around each of these issues, union hierarchies questioned the legitimacy of unions addressing such issues. With each victory, the boundaries of what constitutes a legitimate union issue have shifted, the understanding of what is seen to be relevant to the workplace has altered, and the support for social unionism has increased.

Innovative union initiatives have translated these kinds of issues into collective bargaining language and have demonstrated the flexibility and potential of collective bargaining as an equity tool. See Box 4 for some examples. Some Canadian Auto Worker (CAW) locals now have Women's Advocates in the workplace trained to deal with women's concerns around violence, harassment or any other form of discrimination;²² and anti-discrimination and human rights training for membership, union leadership and front-line management personnel. They have also developed language for and won protection against discipline procedures for women who lose time at work as a result of an abusive family situation (Nash, 1998).²³ The CAW is probably best known for its initiatives around child care:

“The CAW negotiated the first Canadian private sector child care fund with American Motors in 1983. The employer agreed to pay two cents for every hour worked by every employee into a fund that was used to help employees pay fees in registered child care facilities. Since then, the CAW has expanded the fund, and operates its own child care centers. The 1999 agreement with Ford and Daimler/Chrysler includes a \$10/day fee subsidy for spaces in licensed non-profit care, and the creation of a \$150,000 a year fund to enhance existing licensed services by extending hours or adding infant care. Because the fund will contribute approximately \$15 million to licensed non-profit centers over the course of one agreement, employers as well as members have a significant interest in the creation of a national program. In the 1999 agreement Daimler/Chrysler agreed to write a joint letter to the Prime Minister supporting the formation of a national child care program” (de Wolff, 2003: 51; see also Nash, 1999).²⁴

Undoubtedly the feminization²⁵ of the union membership has supported the shift toward gendering the collective bargaining agenda. In fact, in 2004, for the first time, the unionization rate for women was slightly higher than for men: 31 per cent for women and 30 per cent for men; by 2002 women were half of all union members in Canada (Morissette, Schellenberg and Johnson, 2005: 5). Kumar (1993: 223) points to the different equity-related areas taken up by public and private sector unions. He concludes that “the relatively greater success of unions in the public sector and in larger bargaining units appears to be related to different employer attitudes, the higher percentage of women in the public sector, and the significantly greater bargaining strength of the unions.” The public sector unions have pushed demands for maternity leave, flexible work hours, and anti-discrimination provisions in collective bargaining in response to their female-dominated membership. They have “negotiated significant improvements in wages and working conditions. Special attention was paid to correction of long-standing salary anomalies in lower-paid, largely female-dominated job classifications” (Peirce, 2003: 259-60).²⁶ Some public sector

²² See also Alberta Federation of Labour (AFL). “Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace,” 1997.

²³ For the specific contract language, see Canadian Auto Workers (CAW). “Model Language on Harassment-Extensive.” Available at <<http://www.caw.ca/whatwedo/humanrights/antiharassment.asp>>.

²⁴ See also the 2006 TUC document: Who’s Looking After the Children? A Trade Union Guide to Negotiating Child care.

²⁵ Feminization speaks to changing demographic profiles.

²⁶ Peirce (2003: 279-80) raises an important issue about the difference in the scope of bargainable issues in the public and private sector. “In the private sector, the parties are free to negotiate pretty well any provision they want pertaining to the terms and conditions of employment, so long as it is not illegal. In most public sector acts, the scope of bargainable issues is severely limited.... What this means in practical terms is that many issues that are central to private sector bargaining become management rights in public sector more or less by default. These issues include the criteria for appointments, promotions, layoffs, job classification, and technological organizational

unions have engaged in lengthy and bitter disputes with their employers to address pay inequities, for example, the struggle for Bell workers by the Communications, Energy and Paperworkers Union (CEP) (Swift, 2003), and for federal government workers by the Public Service Alliance of Canada (PSAC). A victory was finally achieved for PSAC workers in 1999 after 15 years of bickering with the government and several court cases. This three billion dollar award affected 230,000 PSAC members and former members, the majority of whom were women who were earning less than \$30,000 a year (Public Service Alliance of Canada, 2002).²⁷ In May 2006 an agreement was reached to settle the 14-year dispute over pay equity at Bell Canada. Eligible employees will receive 104.3 million dollars.²⁸

BOX 4: TRANSLATING EQUITY ISSUES INTO COLLECTIVE BARGAINING LANGUAGE

“Service Employees International Union Local 660 negotiated telecommuting standards for county employees under which workers telecommute voluntarily, while spending some days each week at the office. Employees working at home receive all benefits including overtime and are eligible for workers’ compensation for job-related accidents” (Lim, Ameratunga and Whelton, 2002b: 43).

“In the UK transport industry, a number of equal opportunities recruitment initiatives were adopted to tackle sex segregation on the railways. Gender recruitment targets were set; recruitment training was provided for all involved in the selection process; recruitment centres were established and staffed by personnel trained in equal opportunities; recruitment advertising ensured that images and text were gender and culture fair. All-women teams were recruited for certain jobs (e.g. track workers) and recruitment drives were fronted by women technicians acting as role models” (Bleijenbergh, de Bruijn and Dickens, 2001: 5).

“In the electricity industry in Ireland, it was agreed that special training, including single-sex training, may be required to prepare women for participation in non-traditional roles, especially supervisory and management roles. Job rotation, subject to work requirements, is facilitated and women are to have equal opportunities in this regard” (Bleijenbergh, de Bruijn and Dickens, 2001: 5).

“An enterprise agreement in the German steel industry notes that sexual harassment leads to adverse consequences for the workplace atmosphere, work performance and well-being of the staff members. Sexual harassment is defined as including sexual actions and behaviour which are a punishable offence under criminal law and other sexual harassment and demands, sexually determined physical contact, remarks of a sexual nature, as well as the display of pornographic material which are clearly disapproved of by the person affected. It is the perception of the harassed employee which determines whether or not harassment has occurred. The prohibition extends to staff visiting from outside companies” (Bleijenbergh, de Bruijn and Dickens, 2001: 9).

Akyeampong (2005) examines collective bargaining priorities in Canadian agreements signed in 1999 and 2000 using data from the Workplace and Employee Survey (WES). He notes: “Growing demands for

change.” More research needs to be done on how these sectoral differences impact on the relative success of bargaining and mainstreaming equity.

²⁷ Warskett (2000: 336-7) notes the limits of a legislated settlement: “In the case of the PSAC, despite the mobilization of the membership around the issue of equal value, the fact that the main battle was fought in the courts means that the issue has not become embedded in the collective bargaining experience and practice of the union.”

²⁸ For more information on the Bell chronology, go to <http://www.cep.ca/human_rights/equity/bell/bell_e.html>. Despite the apparent success in both of these cases, Fudge (2000) raises important questions about the long term potential of a pay equity strategy. For example, shepoints to the fact that coincident with the pay equity claims of Bell workers, the company restructured its enterprise by selling its telephone operator division to a US-based company. Female employees saw their wages drop from \$19.50 an hour to \$12. The final settlement in 2006 affected only back pay.

fairness and equity, both in the workplace and elsewhere, have also been a driving factor in collective bargaining. The post World War II era saw a large influx of immigrants, the mass entry of women into the workforce, a rise in feminism, and greater calls for equality and human rights” (6). He finds increasing inclusion rates on occupational health and safety (83% by 2001), job security/layoffs 82%), pay equity (68%), education and training (67%), employment equity (62%) and contracting out (60%). Employment and pay equity provisions were more likely to appear in settlements in heavily unionized transportation, communication and utilities, and in education and health. In the latter, 82% of agreements had pay equity provisions compared to the overall rate of 68%; 78% had employment equity provisions compared to 62% overall.

Other data also indicate significant shifts in collective bargaining coverage. In 1986, Human Resources and Social Development Canada (HRSDC) began analysing collective agreement provisions. Table 1: *Selected Collective Agreement Provisions, 1986, 1995, 2004* demonstrates increasing coverage of key gendered issues. For example, in 1986 only 2.5 per cent of agreements (covering 5.6 per cent of employees) had affirmative action provisions; by 1995 this had increased to almost 11 per cent of agreements (covering 14.8 per cent of employees); in 2004 16.7 per cent of agreements has such provisions (covering 30.8 per cent of employees). The Table also shows significant shifts in the areas of harassment, daycare and anti-discrimination clauses.²⁹

Significantly, in 1998, HRSDC substantially changed its coding procedures to reflect the addition of many new items on collective bargaining agendas. The list of coded provisions now include extensive items around family-related issues (such as child care, eldercare, family leave and responsibilities, and maternity, paternity and parental/partner leaves), and in coverage for lesbian, gay, bi-sexual and transgendered workers. Data indicates that over 15 per cent of agreements now offer paid leave for family responsibilities and 21 per cent of agreements specifically extend paid and unpaid family leave to those in same sex partnerships.³⁰ The annotated bibliography of union documents and the index below provide additional documentation of the equity issues at the negotiating table and in collective agreements.³¹

²⁹ See also Akyeampong (2005), Jackson and Schellenberg (1998) and Kumar (1993) for assessments of collective agreement coverage of equity issues in Canada.

³⁰ I am grateful to HRSDC for providing this data.

³¹ Rochon’s regularly-updated document on “Work and Family Provisions in Canadian Collective Agreements” is available on the website of HRSDC. This study considers family-friendly provisions found in major collective agreements with a focus on five areas: organization of working time; maternity, parental and adoption provisions; other leave and vacations; child care; and employee benefits. Each chapter offers examples of contract language.

Collective Agreement Provisions, Canada, Public and Private Sectors, 1986, 1995, 2004

August 19, 2005

Provision	1986				1995				2004			
	Agreements		Employees		Agreements		Employees		Agreements		Employees	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Anti-Discrimination Provision^c Clause exists specifying one or more prohibited grounds	403	36.0	1,030,494	44.2	419	37.2	1,167,671	47.0				
Clause exists incorporating the human rights code for fed or prov jur'n	105	9.4	301,867	13.0	209	18.6	592,400	23.8				
No provision	613	54.7	997,940	42.8	497	44.2	725,004	29.2				
Total	1121	100	2,330,301	100	1125	100	2,485,075	100				
Affirmative Action / Employment Equity Program^d												
Provision exists	28	2.5	129,520	5.6	118	10.5	368,820	14.8	120	16.7	668,740	30.8
No provision	1093	97.5	2,200,781	94.4	1007	89.5	2,116,255	85.2	599	83.3	1,504,170	69.2
Total	1121	100	2,330,301	100	1125	100	2,485,075	100	719	100	2,172,910	100
Sexual Harassment / Harassment Complaint Procedure^b												
Provision exists	162	14.5	623,662	26.8	393	34.9	1,457,431	58.6	289	40.2	1,200,040	55.2
No provision	959	85.5	1,706,639	73.2	732	65.1	1,027,644	41.4	430	59.8	972,870	44.8
Total	1121	100	2,330,301	100	1125	100	2,485,075	100	719	100	2,172,910	100
Day Care^a												
Provision exists	18	1.8	65,110	3.0	35	3.5	153,493	6.6	36	5.0	245,460	11.3
No provision	983	98.2	2,126,753	97.0	979	96.5	2,179,543	93.4	683	95.0	1,927,450	88.7
Total	1001	100	2,191,863	100	1014	100	2,333,036	100	719	100	2,172,910	100

Notes:

1. In 1986, HRDC began analysing collective agreement provision analysis. From 1986-1998, they included collective agreements which covered 200 or more employees under federal labour legislation and 500 or more employees under provincial labour legislation. From 1998 to 2004, they used a stratified sample approach. From 2005, HRSDC is returning to their previous sampling procedures; however this data is not yet available.
2. In 1998, the coding manual was substantially changed:
 - a. The 2004 data disaggregates two provisions relating to daycare: 'daycare facility exists in the workplace' and 'other reference to daycare'. In this table, these two provisions have been combined.
 - b. In 1986 and 1995, provisions on 'sexual harassment' are identified. In 2004, data on two provisions are included: "harassment complaints procedure" and "harassment help". Since some collective agreements may include both, only the data on 'harassment complaints procedure' (the larger of the two figures) are included. The removal of 'sexual' highlights the recognition of multiple forms of harassment.
 - c. In 2004 specific information on anti-discrimination provisions is not included
 - d. In 1986 and 1995, the language of 'affirmative action' is used. In 2004, the terminology is changed to 'employment equity' following Canadian usage.

Workplace versus Family-Friendly ‘Flexibility’

‘Flexibility’ has been central to neo-liberal workplace restructuring, and the discourse has often emphasized helping women with family responsibilities. “Part of the justification for the decentralization of the industrial relations system in Australia is that … a decentralized system more effectively promotes flexible employment conditions which in turn facilitates a better matching of employment and family care responsibilities” (Strachan and Burgess, 2000: 370). In contrast to this claim, Strachan and Burgess found that flexible hours of employment (what they call ‘intertemporal flexibility’, i.e., the spread of working hours) have meant “that many women are faced with more unsociable hours, less predictable hours and more unpaid working hours” (370).³² In the UK, the Trades Union Congress (TUC) calls for ‘positive flexibility’ where workers have more autonomy and choice in work-life issues rather than the ‘flexibility’ where management imposes forms of work organization on workers who have no opportunity to object (Bewley and Fernie, 2003: 97).

European Employment Guidelines stress “a balance between flexibility and security”. On the one hand, they point to “the desirability of family-friendly policies such as career breaks, parental leave facilities, possibilities for part-time working, and flexible working time. Opportunities for care time (such as parental leave, care leave or part-time work) in combination with care services (child care and elderly care facilities) would give employees the possibility to choose an arrangement which fits best with their individual needs or situation.” At the same time, “adaptability” focuses on “modernising the organisation of work, by introducing flexible working arrangements - such as the reduction of working time, the development of part-time work, lifelong training and career breaks - and including different contractual forms.”

Research demonstrates, and employers, at least in the EU, are also increasingly aware that family friendly policies are necessary: “Notwithstanding continuing high rates of unemployment in the EU, governments pursue such an increase [in family friendly employment policies] as a means of promoting social inclusion, reducing welfare dependency and, in the longer term, sustaining labour supply despite declining fertility rates. In addition, earlier retirement and the increased welfare demands of an ageing population have also encouraged an increase in female employment as a means of widening the tax base” (Hardy and Adnet, 2002: 159). This approach is confirmed by moves by the German government in 2006, although their motives might be linked to anti-immigration policies: “The German government is urging companies to develop more family-friendly policies in a bid to make working life more attractive for staff with young families and help reverse the country’s declining birth rate. Improved child-care facilities for employees, easing mothers’ re-entry into the workplace, and more flexible hours for young parents are among the goals.”³³ Evidence also points to many collective agreements which seek “to promote equality in working conditions for temporary and part-time workers, by introducing hourly wages, care facilities and training opportunities. Other agreements were concerned to promote part-time work in jobs higher up the occupational hierarchy and to improve the quality of part-time work and temporary work at lower

³² Hardy and Adnett (2002: 160) also found that flexibility has had particularly negative effects on European working women. “Flexible working time often involves patterns which meet employers’ requirements to adapt to temporal fluctuations in demand for goods and services, rather than employees’ own preferences. One consequence has been increased weekend and evening working, particularly in those services such as retailing that traditionally have disproportionately employed women. Additional problems for workers with dependants have been generated by the increase in the intensity of work in many European countries, the growth of unpaid overtime and a tendency for many workers to have to work longer hours than desired. Mothers employed full-time typically spend more than twice as much time as fathers on both child care and unpaid household work, and therefore face much greater conflicts in succeeding in contemporary labour markets.”

³³ From a Globe and Mail news account (25 Jan 2006) titled “Germany eyes family values in workplace to spur births’.

levels in the organisation or sector” (Bleijenbergh, de Bruijn and Dickens, 2001: 6).³⁴ See Box 5 on European Provisions which Promote Positive Flexibility.

BOX 5: EUROPEAN PROVISIONS WHICH PROMOTE POSITIVE FLEXIBILITY

“The German national sectoral agreement in banking states that part-time work should be possible at all occupational levels. An enterprise agreement referring to the sectoral agreement includes the introduction of part-time work in all areas of responsibility and in all departments, the checking of each vacancy to see if it could be done as a part-time job, and a statement in every internal job advertisement as to whether it could be filled by a part-timer.”

“An agreement in the Dutch building materials trade states that no jobs will be excluded in advance from part-time work. Vacancies and all new posts will be systematically evaluated to ascertain their suitability for part-time work.”

“An equal opportunities plan in a federal ministry in Austria challenges organizational norms as regards the balance between professional and family work, emphasizing men’s responsibilities for family work. It also questioned existing working time cultures.”

“An agreement in Portugal for the Post Office entitles employees with children under the age of 12 years, and those who are responsible for disabled family members to work part-time. In the banking sector, employees are entitled to part-time work to care for children under 12 years old. The 1996 agreement in the paper and cardboard industry entitles fathers and mothers with one or more children under 12 years of age to work on a reduced or flexible timetable.”

“In the railway sector in Spain, the 1995 agreement provides that the period of leave is taken into account in the worker’s length of service record; workers taking leave may take part in competitions for transfers and promotion as if they were still at work. In the retail trade in Spain, the 1995 agreement gives workers taking leave of absence the right to attend training courses, to facilitate their return to work. Absence for child care counts in the length of service records.” Examples from Bleijenbergh, de Bruijn and Dickens, 2001.

In Canada, taking more control over time at work has increasingly become a union focus, especially given data which shows that 20 per cent of Canadians worked regular weeks longer than 40 hours and only about half of those working overtime are paid (de Wolff, 2003: 21; see also White, 2002).³⁵ As de Wolff points out: “Many unions have recognized that addressing work and life issues for their members starts with negotiating reasonable workloads, limited overtime and enough flexibility in hours of work for workers to handle regular but unpredictable caring obligations” (20). In “Bargaining for Work and Life” (2003), she provides sample contract language and an encouraging list of union initiatives around limiting overtime and on-call work, shortening the work week, controlling shift schedules, making schedules accommodate workers’ needs and arranging for job sharing. For example, she reports that “CEP members who are clerical workers and technicians at SaskTel have every second Friday off work, for a total of 26 days a year. A rumour that management was planning to cut back these

³⁴ See the 2005 OECD study on reconciling work and family life for a comparison among Canada, Finland, Sweden and the UK. This study, however, makes almost no mention of the role of unions in supporting innovative measures.

³⁵ Unpaid overtime is not only a problem in Canada. In the UK, the TUC report that over five million people regularly do unpaid overtime giving their employers 25 billion pounds of free work every year. On Feb 24, 2006, the day when the average person who does unpaid overtime finishes the unpaid days they do every year and starts earning for themselves, the TUC sponsored a ‘work your proper hours day’. See <<http://www.worksmart.org.uk/workyourproperhoursday/>>.

days put the issue of time off to number one during bargaining in 2001” (23).³⁶ See Box 6 for examples of negotiated provisions on working time.

BOX 6: NEGOTIATING WORKING TIME

Overtime Should Be Voluntary, Not Mandatory

“Management agrees that overtime work shall be kept to a minimum. It is further agreed that overtime work shall be voluntary and that no employee shall be compelled to work overtime or shall be discriminated against for refusal to work overtime.” (UFCW Local 175 and Mitchell’s Gourmet Foods, 1998 - 2003)

No Overtime When Members are On Lay-Off

“In the event that there are employees on layoff status, the Company shall first call laid off employees capable of performing the work for any available work that would otherwise be worked as overtime, unless other arrangements are agreed to.” (CEP Local 63-0 and AvestaPolarit)

Split Shifts

“The Company may assign split [shifts] but only after having discussed the assignment with the union. A split [shift] shall be interpreted as one covering more than nine consecutive hours. For each one hour between work periods on a split [shift], one half (1/2) hours wages shall be paid.” (International Brotherhood of Electrical Workers Local 435 and NITS Communications, 1999 - 2002)

Schedule Accommodation

“An employee returning from maternity leave may be exempt from standby and callback until the child is one year old provided that other qualified employees in her area are available.” (Newfoundland Association of Public Employees and Government of Newfoundland, 1998 - 2001).

Prepaid Leave

“The Prepaid Leave Plan is plan developed ... to afford all employees the opportunity to take a six month or one year leave of absence and to finance the leave through deferral of salary in an appropriate amount from the previous years.... The following shall constitute the deferral make-up of the plan. i) two years of one-quarter of annual salary in each year followed by six months leave; ii) four years of one fifth of annual salary in each year followed by one year of leave.”

This agreement maintains employees’ seniority and benefit levels at regular salary level while in the plan and ensures that employees can return to the same job. (Office and Professional Employees International Union, Local 343, and Ontario Federation of Labour, 2002-2004)

Examples from de Wolff, 2003: 22-26.

In analyzing the degree of success achieved by national unions on bargaining priorities in Canada, Murray (2005: 105) reports that “unions were achieving a fairly high degree of success on the traditional bargaining agenda (protecting current wages and benefits), but much less success on new items, particularly the effects of workplace flexibility [such issues as contracting out and regulating workloads]. Unions were, however, able to achieve a high degree of success on gender, family, and working-time issues.”³⁷ It may be that the positive flexibility approach can be promoted as part of modernizing work (to use European terminology). Perhaps interest based bargaining (IBB) would be appropriate for these

³⁶ CEP has recently put together a manual on “Negotiating Shorter Hours” (nd) as an aid to collective bargaining on overtime, hours of work and schedules. More information available at <http://www.cep.ca/swtime_e.html>.

³⁷ See United Steelworkers of America. “It’s a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities” (2004) for bargaining suggestions and political strategies for negotiating work-family balance.

issues, but it is more likely that, in the Canadian context, some government intervention will be necessary to support such a shift.

Challenging the Generic Worker in Collective Agreements

The notion of the ‘generic worker’ which assumes a homogeneous and self-evident set of (class) interests among workers and among union members has traditionally framed ideas of union solidarity, influenced collective bargaining strategies and shaped collective agreement provisions. Certainly, it has often meant that women are forced to accommodate norms set by and for male workers. Equity bargaining and bargaining equity will hopefully lay to permanent rest generic assumptions and demands for gender-neutrality, and lead to innovative ways to take account of difference and specificity. The fact that Canada operates with a difference-sensitive meaning of equity means that the precedence exists for collective agreement provisions, in their search for substantive equality, to ignore differences and treat women and men the same, and also to recognize differences and treat women and men differently.

An equity perspective in collective bargaining issues involves the rejection of a generic frame and involves at least three kinds of initiatives: first, the introduction of increasingly complex ‘no discrimination’ clauses in collective agreements; second, the identification of specific platforms of concerns which address the needs of each equity-seeking group; and third, the recognition of the equity implications in the entire range of traditional collective agreement provisions, what could be called equity mainstreaming. This discussion also explores how equity issues are framed and identifies equity audits as an important tool.

No Discrimination Clauses

No discrimination clauses have expanded to include multiple grounds, for example, sexuality or gender identity. Such clauses also have the potential to be transformed into pro-active equal opportunities clauses through which the entire collective agreement can be read. See Box 7 for two such examples.

BOX 7: NON-DISCRIMINATION AND EQUAL OPPORTUNITIES CLAUSES

Article 1.2: Employee Rights, Canadian Media Guild (CMG), 2004-2009.

It is the intention of the parties that this agreement be interpreted and applied in accordance with its true intent and consistently with its objectives. The parties recognize that employees’ rights as defined in the collective agreement are relevant within a broad range of issues, including but not limited to discrimination, employment equity, pay equity, harassment, accommodation of disability, family and child care, job security, and training and education.

Trades Union Congress (TUC) Model Equal Opportunities Clause

The parties to this agreement are committed to the development of positive policies to promote equal opportunities in employment regardless of workers’ sex, marital status, sexual orientation, creed, colour, race, ethnic origins or disability. This principle will apply in respect of all conditions of work including pay, hours of work, holiday entitlement, overtime and shift work, work allocation, guaranteed earnings, sick pay, pensions, retirement, training, promotion and redundancy. The management undertake to draw opportunities for training and promotion to the attention of all eligible employees, and to inform all employees of this agreement on equal opportunities. The parties agree that they will revise from time to time, through their joint machinery, the operation of this equal opportunities policy. If any employee considers that he or she is suffering from unequal treatment on the grounds of sex, marital status, sexual orientation, creed, colour, race, ethnic origin or disability, he or she may take a complaint which will be dealt with through the agreed procedures for dealing with such grievances (quoted in Lim, Ameratunga and Whelton, 2002b: 17.)

Bargaining Agendas for Equity-Seeking Groups

The second strategy – developing specific agendas that address the needs of equity-seeking groups -- ensures recognition of differences based on social identities. For example, the protection against discipline procedures for women who lose time at work as a result of an abusive family situation bargained by the CAW acknowledges the pervasive domestic violence women face.³⁸ A landmark victory for CUPE at Ontario Hydro (Local 1) was a workplace harassment policy that not only included women, people of colour, people with disabilities, First Nations, and gays and lesbians, but also gave employees the right to leave work without loss of pay in an atmosphere of harassment (Das Gupta, 1998: 330). In 2000, CUPE in Saskatchewan signed a partnership agreement with government and employers to promote a “Representative Workforce Strategy”, a form of employment equity which seeks to ensure that workplace representation of Aboriginal People is in proportion to their working age population. This innovative initiative which includes education, training, succession planning and retention strategies focussed on the health care sector (Moran, 2006: 76-78).³⁹ The United Steel Workers of America (USWA) agreement with Anvil Range Mining Corporation permits First Nations employees to engage in their traditional economic activities and lifestyles, including hunting and fishing, and in their traditional religious observances, while maintaining continuing employment with the Company. CUPE 3903 has negotiated for eight weeks of Transsexual Transition leave from teaching with York University. Discussions of family benefits increasingly reject narrow and generic definitions of *family* that exclude gay and lesbian couples and have moved to open wide understandings of who constitutes family.⁴⁰ See Box 8 for an expansive definition of family. Scrutinising equity issues for their impact on diverse groups highlights diversity, and provides support for alliances across equity-seeking constituencies, for example, between women and marginalized male workers.

BOX 8: EXPANDING THE DEFINITION OF FAMILY

The Public Employees Union of Berkeley bargained to define immediate family as: the mother, father, grandmother or grandfather of the employee or of the spouse of the employee; the spouse, domestic partner, son or daughter of the domestic partner; the son, son-in-law, daughter, daughter-in-law, brother or sister of the employee; or any relative living in the immediate household of the employee (quoted in Lim, Ameratunga and Whelton, 2002b: 40).

Despite the importance of targeted provisions which address the needs of specific equity-seeking groups, Dickens (2000: 200-1) raises an important concern in relation to gender:

“In practice women’s measures can be double-edged for gender equality. Some, for example, may reinforce (in form or practice) the premise that women have, and should continue to have, primary responsibility for child care (and other dependent care) with a consequent intermittent (and ‘less committed’) attachment to the workforce than men, who are not seen as careers. On

³⁸ Another perhaps not unproblematic example refers to the 2005 round of bargaining by Australian Toyota workers which sought 12 days of paid menstrual leave. “Australian Manufacturer Workers Union national secretary Doug Cameron said production jobs were tough on some women during their monthly cycle and their problems should be recognized with a day’s leave every month” (*Globe and Mail*, 23 Feb 2005).

³⁹ As a result of this program, 1500 Aboriginal people have been hired which increased the participation of Aboriginal people from 1% to 5% in that sector (Moran, 2006: 78).

⁴⁰ For more on negotiating for sexual minorities, see the 2001 CUPE document on “Winning Out at Work: “Employment Benefits for Lesbian and Gay Workers and Their Families,” and the 2006 TUC Guide for Union Negotiators on Lesbian, Gay, Bisexual and Trans Issues.

this analysis, enhanced maternity or child care leave for women, although facilitating women's continued participation in waged work, may be problematic for equality."

However, Smithson and Stokoe (2005: 163-65) also point to the dangers of gender blind language, such as 'parenting' when, in reality, it is women who actually take up these responsibilities. "Our analysis suggests that masking or minimizing gender differences within gender-neutral language does not, as a strategy, appear to be working as a means for advancing gender equality. In other words, men do not normally 'do' flexible working and work-life balance, any more than they did family-friendly working."

It may be that directing both legislative and collective bargaining provisions specifically at men is part of the solution. Dickens (2000: 201) stresses the importance of bargaining provisions "targeted at men, such as paid paternity leave, which could help foster a greater sharing of social and occupational responsibilities and help challenge the 'male norm' in the organisation of paid work." She suggests that this approach may "offer more in terms of gender equality." Interestingly, Smithson and Stokoe (2005: 163) found that "if fathers make use of flexible working policies, charges of unfairness and worries of a backlash become transferred from women to parents". They conclude that "in a context where many more men do take part in flexible working schemes such as parental leave agreements, a backlash becomes less of a deterrent as flexible working is normalized."

Understanding labour market discrimination, recognizing the need for substantial organisational change and committing to social justice are all principles which should inform the construction of collective agreement language to ensure its support for the equity project. Hardy and Adnett (2002: 170) emphasize this point in their assessment of the state of family-friendly policies in the EU:

"Family-friendly employment regulations [have to be] coordinated with a strengthening of equal opportunities and equal pay regulations. Currently, the tentative steps taken to encourage the extension of family-friendly working practices through mandatory rights increase rather than reduce gender inequalities. This results from the failure to tackle large gender inequalities in the labour market and to design family-friendly measures that reflect and respond to those inequalities. Parental leave measures will only promote gender equality if those taking leave are highly compensated and not subjected to direct or indirect penalties on return, and if fathers have a higher uptake rate than mothers. ... A more immediate policy objective would be to encourage the substitution of market or public provision of caring activities for that of families, a change that is currently being promoted through the Employment Strategy."

The conclusion may well be that targeted equity provisions should focus on removing discrimination and barriers and advancing equal opportunity rather than the reconciliation of work and family life which has the potential to entrench women's responsibilities for child care and unpaid work (see Weiler, 2000: 210).⁴¹

Intersectional Bargaining

The agenda for bargaining equity has begun to consider the needs of diverse constituencies of workers based on race, ethnicity, citizenship, age, sexuality, ability and First Nations status, who are also marginalized in unions, and whose claims to citizenship inside unions have been consolidating. A growing concern is how to take account of what anti-racist feminist theorists have called "intersectionality" (see, for example, Zinn and Dill, 1996), that is, a person's membership in more than

⁴¹ In her study of equity in collective agreements, Kravaritou (1997: 43) also draws a contrast between "agreements which do not focus on making women employees available to meet the needs of their families but rather establish programmes of affirmative action, removing obstacles that prevent women from realising their potential at work on the same basis as men, either as employees ... as union members or as negotiators."

one marginalized group. In the university sector, affirmative action hiring clauses often include complex sets of rules for assessing candidates which take account of their membership in the groups designated under Canada's Employment Act, all of whom are dramatically under-represented in the full-time faculty (Saloojee, 2003).⁴² Some clauses do take account of candidates' membership in more than one designated group,

Intersectionality recognizes, in the first instance, that the categories 'women' and 'men' homogenize experience and obscure the differences among women and among men based on identities other than gender. A recent Ontario Human Rights Commission [OHRC] discussion paper (2001) uses an intersectional framework to develop "a contextualized approach to analyzing discrimination in multiple grounds complaints."⁴³ The OHRC recognizes that "intersectional oppression arises out of the combination of various oppressions which, together, produce something unique and distinct from any one form of discrimination standing alone...."

"An intersectional approach takes into account the historical, social and political context and recognizes the unique experience of the individual based on the intersection of all relevant grounds. ... [For example] In many cases, racial minority women experience discrimination in a completely different way than racial minority men or even women as a gender.... Applying an intersectional or contextualized approach to multiple grounds of discrimination has numerous advantages. It acknowledges the complexity of how people experience discrimination, recognizes that the experience of discrimination may be unique and takes into account the social and historical context of the group. It places the focus on society's response to the individual as a result of the confluence of grounds and does not require the person to slot themselves into rigid compartments or categories. It addresses the fact that discrimination has evolved and tends to no longer be overt, but rather more subtle, multi-layered, systemic, environmental and institutionalized... The situation of individuals who confront multiple grounds of disadvantage is particularly complex. Categorizing such discrimination as primarily racially oriented, or primarily gender-oriented, misconceives the reality of discrimination as it is experienced by individuals" (3-5).

The next stage of bargaining equity may depend upon deepening understandings of intersectionality to take account of the complexity of lived discrimination in the workplace.

Mainstreaming Equity

The third strategy -- mainstreaming equity⁴⁴ -- rests on identifying the equity implications in all collective agreement provisions, not just those which focus on specific "equality" issues, and not only on the basis of gender but also in reference to race, ethnicity, age, citizenship, sexuality and ability around which a more nuanced understanding of both experience and patterns of discrimination is urgently required. "'Core' negotiating issues such as working time, wage adjustment, flexibility, restructuring, etc, which do not come brandishing an equality label, are of central importance to the promotion of equality" (Dickens: 2000: 201). Undoubtedly, recognizing the equity implications in all bargaining issues will depend upon the political struggle to broaden and deepen understandings of equity.

⁴² See Canadian Association of University Teachers (CAUT). "Increasing Representation of Designated Groups on Campus." Bargaining Advisory, No. 11 (February 2004).

⁴³ I am grateful to Anver Saloojee for drawing my attention to this document.

⁴⁴ Gender mainstreaming is a central conceptual framework used by the ILO. "A strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres and at all levels, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality" (Lim, Ameratunga and Whelton, 2002a: 30).

Dickens (2000: 199) underscores that “gender-neutral terms in an agreement can have differential impact on men and women at work.” For example, Taylor (1990) argues that collective agreements in Quebec universities are often “covertly discriminatory” (20). By ignoring gendered power relations in recruitment and appointment, collective agreements reproduce status quo gender relations. Agreements often commit to a broad and “rhetorical” equity (25) without providing specific and practical guidelines for the implementation of equity in hiring procedures.⁴⁵

Perhaps more than any other issue, wage bargaining needs to be subjected to an in-depth equity analysis -- around race, gender and low wage status. In the context of changing structure of the labour market and the decline in standard employment, it may well be that the key equity challenge in the next decade will be addressing the needs of the most disadvantaged workers, many of whom are members of equity seeking groups. In this regard, Fudge (2006: 85) rejects two-tier wage or benefit plans and trying to “outlaw” precarious work. Instead, she identifies the following goals: “to bargain equality (not simply parity) of treatment for part-time, casual and temporary workers; ... to challenge the self-employed status of workers; to... bring temporary workers employed through employment agencies into the bargaining unit; and to develop links with groups of workers with different immigration statuses.”

In their study of the workplace, unionization rates and union experience of immigrants and racial minorities in Canada, Reitz and Verma (2004) found in relation to wages, that “overall racial disadvantage is little affected by unionization. ... [Although] union membership has a very substantial positive impact on wages the impact on relative wages of minorities is small” (848). They conclude that “most collective agreements have clauses that prohibit any discrimination based on race. Yet racial differences in wages are nearly the same within the unionized sector as they are within the nonunion sector” (852). These findings underscore the problems of “separating struggles for recognition from struggles for redistribution” (Warskett, 2003: 13).

The Canadian Association of University Teachers (CAUT) has developed a broad notion of ‘wage equity’ to address the complex of barriers which prevent equity-seeking groups from accessing wage fairness. Wage equity is differentiated from pay equity and equal pay: “Pay equity and equal pay for equal work only redress disparities identified at the time of the comparison and are limited in their capacity to look retrospectively or prospectively. Moreover, legislation usually restricts the coverage to male and female employees. The remedy is often a one-time adjustment to wages that does not necessarily prevent wage disparity from developing (or re-developing) in the future, or eliminate other discriminatory barriers to wage equality.”⁴⁶

In Canada, struggles around wage justice have taken a variety of forms. In the year 2000, CUPE organized a campaign on “Up With Women’s Wages” to help make women’s wages a priority at the bargaining table. Included in their campaign kit is a document on “Bargaining Strategies” which explores various strategies for equity wage bargaining: removing increment steps, flat wage increases, equalizing base rates, negotiating parity, paid parental leaves of absence, direct grants to raise women’s wages and stopping privatization and contracting out. As part of the campaign, CUPE undertook to create an additional 2000 union women’s committees.

In 2005, the Toronto and York Region District Labour Council launched the “Million Reasons” campaign which points to the more than a million workers in the Toronto region who earn less than \$29,800 a year. The campaign calls for good jobs, bargaining to raise standards, mass union organizing and restoring the social wage.⁴⁷ In 2006, the focus is on “A Million Reasons to Support Hotel Workers,” and is linked to a continent-wide UNITE HERE campaign to raise the wages, and health and safety

⁴⁵ Martikainen (1997: 64) uses two Finnish collective agreements – for sales people and for a large paper mill – to demonstrate the “indirect discrimination” obvious in many collective agreements. While many collective agreements claim gender neutrality, close scrutiny renders visible the naturalized male-bias and sexism of collective agreements. In the salespeople’s agreement, for example, predominantly-male negotiators, using the language of “gender neutrality,” exacerbated gender inequality by conflating “skilled” work with male-dominated jobs.

⁴⁶ “Wage Equity for Faculty in Equity-Seeking Groups: Why Contract Language is Important?” Bargaining Advisory, No. 8 (April 2003).

⁴⁷ For more information, see <http://www.labourcouncil.ca/amillionreasons/>.

standards of hotel workers.⁴⁸ These campaigns focus on what Judy Darcy, past president of CUPE has called “the paramount equity issue that is facing ...the trade union movement today [which] is the challenge of raising low paid workers’ wages” (2006: 59).

It may well be that a focus on pay equity has impeded this struggle, supporting the equalization of wages within classes and occupations but not narrowing the wage gap across them. In CUPE, pay equity and job evaluation have sometimes been rejected in favour of raising the wages of the lowest paid.

“There are instances where these implications of pay equity have been rejected by unionists who have instead fostered a concept of wage justice which rejects bourgeois notions of the market value of skills and labour. In Ontario, which was said to have the ‘best’ pay equity legislation of any Canadian province, applying to both the private and the public sectors, union locals organized by the Canadian Union of Public Employees refused to allow management’s conception of the value of skills to guide the outcome of the pay equity process. Operating with their own conception of justice, union presidents in many cases insisted that pay equity had to mean raising the wages of the lowest-paid workers even though the job evaluation plan did not justify the increase. But in general, because of the use of a range of factors in evaluating skill gradations, job evaluation methodology emphasizes and accentuates the skill differences between workers rather than gathering workers together on the basis of similarities and one common wage. Pay equity and its application through job evaluation therefore is often in contradiction with the need to raise the pay of those in the lowest part of the job hierarchy” (Warskett, 2000: 337).

In Sweden, a long tradition of solidaristic wage bargaining, now undermined by the breakdown of centralized bargaining, did focus on narrowing the wage gap between the highest and the lowest paid (most of whom were women). The Swedish case offers an important model; however, it is also true that although “a class driven policy of wage solidarity in LO did help women, its motivation was to make men’s wages more secure, that is, to reduce the competition of the bottom” (Englund, quoted in Briskin, 1999: 154). Wage justice strategies now need to take gender and race pro-actively into account.

Creative strategies to bargain gender-sensitive seniority clauses are also critical. In Seniority & Employment Equity for Women, Dulude (1995) documents the continuing, albeit it now largely indirect, discrimination faced by women workers as a result of seniority systems. “Indirect discrimination by seniority systems is much more pervasive than its overt forms. It mainly results from two differences between women and men in the labour force: as a group, women accumulate substantially less seniority than men; and large proportions of female workers are segregated in the least desirable jobs” (1995: 27). She finds that job segregation is often coincident with the “narrowest possible seniority units, meaning units which include fewer different occupations” (41). Dulude recognizes the importance of seniority to the protection of workers and concludes that “Women should support the retention of the seniority principle, but with the proviso that seniority systems must be modified to correct their discriminatory impact on female workers” (52). She outlines bargaining approaches to correct this discrimination. Concerning promotions, transfers and training, she suggests the following remedies: merging all units that do not reflect significant differences in employment skills and abolishing irrelevant barriers; calculating seniority on a plant wide basis combined with employer sponsored training programs; and taking affirmative measures to increase women’s seniority, such as attributing constructive seniority to female workers according to a defined formula⁴⁹. If layoffs and bumping are unavoidable, she calls for suspending bumping rules to ensure a minimum number of women necessary to create a receptive climate for female workers; calculating seniority on a plant wide basis to protect women’s jobs; and/or

⁴⁸ For more information, see <<http://www.hotelworkersrising.org/aboutcampaign.asp>>.

⁴⁹ See the language on “Credited Seniority For Designated Group Members” from the Grain Services Union (GSU) which uses constructive seniority measures. Available in the annotated list of union documents below.

temporarily suspending seniority rules for women or attributing to them the average seniority of employees from non-disadvantaged groups (137-8).

Some unions have taken on the potentially explosive issue of seniority. After a considerable struggle, members of the Canadian Union of Postal Workers (CUPW) agreed, in 2003, to alter seniority rules so that part-timers who become full time (and vice versa) do not lose their seniority when they change class of work. This change has been extremely important for the many women who work part-time in the post office. Caroline Lee, a dispatcher with the post office and a CUPW activist notes that the first attempt to make this change “sparked a huge backlash”. See Box 9 for details.

BOX 9: CHANGING SENIORITY RULES AS AN EQUITY INITIATIVE CAROLINE LEE, CUPW ACTIVIST⁵⁰

“There were great fears raised in the workplace that all of these women who ‘only worked part-time’ would bump all of the senior employees (read: primarily white men) off day shift. There were racist and sexist attacks against me as I was one of the fervent supporters of the proposed change. The referendum failed. While this was a setback, the union was undaunted and the activists pushed to change the seniority rules. A few years later, we tried again. From our past failure, we learned that a lot of educational material had to be prepared and we had to talk to our members to alleviate their fears. In CUPW, changes to seniority calls for a national referendum vote by its members. In order to vote, members had to attend an information meeting. If the vote is approved by the membership, we then had to negotiate the provisions with the employer, to change the collective agreement. Between the first and second referenda, some things had changed:

- More women were becoming involved in the union as activists and stewards.
- The part-timers were better organized.
- A group of younger militant members had taken some leadership positions.

This time, the referendum passed and it did not result in the huge flood-gates being opened. The referendum passed because our members saw it as an equity issue and it did not affect just part-timers:

- Women who are full-time who choose to work part-time for a few years while their children are growing up will no longer lose their seniority. If these same women transfer back to full-time work when their children are grown, they would not lose their seniority again.
- Similarly, those full-time workers who have been injured or have ailments may choose to work part-time.

The new method gave workers a lot more flexibility and more choices. Women could escape the part-time ghetto and could transfer to full-time positions by virtue of their seniority and their seniority continues to accumulate.”

Mainstreaming equity is of particular importance in the context of economic restructuring and globalization. Despite corporate claims about the neutrality of market-driven mechanisms and in contrast to the “narrative of eviction” in “mainstream accounts of the global economy ... [which] emphasize only technical and abstract economic dynamics and proceed as if these dynamics are inevitably gender-neutral” (Sassen, 1998: 82), race, gender, age and citizenship are inscribed in the politics of competition. Bargaining equity, then, is a task made more salient by the deepening exploitation of racial and gender differences by corporate capital. Shifts in economic and political context are thus co-incident with the re-

⁵⁰ From Caoline Lee’s presentation at the Conference on Advancing the Union Equity Agenda in March 2005. Reprinted with permission.

definition of and negotiation about the very meaning of equity itself, and by extension, bargaining equity, that is, changing economic realities generate new issues for unions (such as privatization) which will impact on workers in gender and race-specific ways. At both a strategic and analytic level, then, equity, restructuring and globalization cannot be separated, nor can workplace and union equity measures (Briskin, 1994).

In the European Union, an emerging consensus about mainstreaming equal opportunities positions collective bargaining as a central tool. “Since collective bargaining plays an important role in the determination of the terms and conditions of employment … it is therefore a key mechanism for mainstreaming equality in employment” (Bleijenbergh, de Bruijn and Dickens, 2001: 3). In this regard, Weiler calls for a “shift from ‘e-quality’ bargaining towards ‘quality’ bargaining based on a vision of a working world with equal opportunities for all employees regardless of their sex or family situation [to] create a more human working life in which employees can develop their potential” (2000: 225).

As a final aside, it is worth noting the calls to mainstream equal opportunities in human resource policies. Weiler (2000: 213) argues that “An approach dealing with equal opportunities as an integral element of human resource development can be more effective than equality plans as no step of transposition from an equality plan to the existing structure within a working organisation is required.” Weiler gives the example of job access and suggests that “agreements dealing with women’s advancement and equal opportunities as an integral element of human resource strategies are more promising than approaches which make women’s advancement an issue of justice or an isolated ‘investment’ in human capital.” See Box 10. However, Junter cautions about the tendency in many countries, and sometimes in the discourse of the EU itself, to promote equality between the sexes in employment as a means to an end, rather than as an objective in itself: “The main aim of equal opportunity policies should not be to improve the human resource management of the female workforce, to optimise the use of women’s ‘human capital’, to help companies solve their recruitment problems, to foster economic growth or local development. [Rather], equal rights and equal opportunities should be considered as a fundamental right to equality between women and men, an in-dissociable part of human rights in the economic and social spheres of society” (Junter, quoted in le Feuvre, 2006: 20).⁵¹

Framing Equity Issues

At different historical moments and with great variance across unions, equity-related issues have been framed as women’s issues, family issues, equity issues, workers’ issues and/or union issues. How the issues are framed reflects political struggles within unions, the degree of organizing among equity-seeking groups, the depth of equity consciousness among union members, and the extent of leadership commitment to equity. Undoubtedly each of these discursive framings has a unique political resonance and particular impact on bargaining success.

Creese (1996: 439) offers a relevant historical perspective on framing in her study of Office and Technical Employees Union [OCTEU Local 378] at British Columbia Hydro.

“In the 1940s, collective bargaining priorities were guided by explicit gendered assumptions favouring the rights of male breadwinners, redefined as universal workers’ rights. By the 1960s collective bargaining adopted assumptions of gender neutrality that made invisible the masculine norms still embedded in union traditions and the gender inequality built into the organization of the office. With the advent of trade union feminism in the 1980s, gender differences were again made visible through the articulation of women’s issues. However, women’s issues are defined

⁵¹ Le Feuvre (2006: 20) goes on to argue: “this fundamental human right would simply be defended by law and compliance would be obtained through direct sanctions. Examples from other EU countries show quite clearly that the courts have a central role to play in increasing the visibility and social legitimacy of equal opportunities as a principle rather than as an option.”

less as workers' rights than as women's special needs, and traditional union operations remain largely unquestioned. Women's issues are construed as the only union issues that are gendered, and the 'main business' of the union continues to reproduce male privilege."

BOX 10: CHANGING ORGANIZATIONAL CULTURES

A 1991 equality agreement in a French credit institution sought to improve job access for women and to reduce sex segregation, particularly in management posts. The agreement was distinguished by parity representation at all stages. Equality was considered part of general management strategy.

In the London Fire and Civil Defence Service in the UK, an equality audit was targeted explicitly at organisational culture. The approach adopted was modeled on the principle applied in health and safety audits, namely risk assessment. This involves identifying the areas of risk, assessing the degree of risk, and taking appropriate action. Implementation of the audit involved investigation of existing policies and procedures, and of patterns and trends in recruitment and selection, retention, promotion, grievance and discipline, training and development, promotion and career development.

In the 1994 local authorities agreement in Sweden, equal opportunities is seen as a strategic issue in restructuring local government. Sex segregation and the equal distribution of job opportunities is 'an important question in terms of democracy, power and efficiency' and, at managerial level, is regarded as relevant to the quality of decision-making. Equal opportunities is thus mainstreamed as a central operational principle for all relevant policy areas of the agreement.

A collective agreement covering a number of government institutions in Spain set up a committee with a majority of women (minimum of 60 per cent) with various responsibilities including examining company rules and ensuring women's participation in all activities. The committee has the right to participate in defining conditions governing job access and promotion and job evaluation, and the right to be involved in determining working conditions (e.g. health and safety). Examples from Bleijenbergh, de Bruijn and Dickens, 2001

She suggests that the frame of 'women's' issues may be particularly susceptible to marginalization:

"Defined as special needs that a progressive union will try to accommodate, rather than universal rights that unions must ensure, women's issues have not received high priority. Instead, women's issues alone are considered to have gender-specific consequences, and are relegated to secondary status by virtue of not being of general interest or benefit to all members. ... Moreover, the visibility of separate women's issues is enough to convince many members that women are actually privileged in contemporary collective bargaining, facilitating - a backlash against equity policies.... New approaches will not begin to occur, however, until unions recognize that, in a gendered world, all issues of collective bargaining are gendered and require scrutiny for differential effects on members" (453-4).

Too frequently, 'family' issues have been seen as outside union responsibility. Tellingly, a male hospital maintenance worker commented about the 1986 round of CUPE bargaining: "What's the union doing messing with family questions. We should have left out all these extra type issues and gone for more basic stuff like money. Don't get me wrong, the union has to stand up for everyone -- women too. But that leave for maternity cost all of us money" (quoted in White, 1990: 118). Such views highlight the critical role of political education.⁵² In a discussion of Australia, Curtin (1999: 57) points to the importance of

⁵² Christopher Axworthy (1981) argues that the push for affirmative action at Dalhousie University failed because of sexism among faculty. As a result, union members did not fully support the initiatives of negotiators for the

“Teaching men to see ‘women’s issues’ as mainstream industrial issues, relevant to men as workers, and requiring effective representation at the bargaining table.”⁵³ At the same time, ensuring an equity analysis of all issues will be critical.

Cobble and Michal (2002: 234) argue that the major transformation in labour market demographics, and its impact on family household organization is re-positioning what have traditionally been understood as women’s issues.

“[T]he issues women are articulating and the new institutional practices they are pioneering ... are salient for the twenty-first century workforce, male and female. The feminization of work and the transformation of the family have meant that the experiences of many men are coming to resemble those once associated solely with women. In the new competitive, restructured economy, men increasingly face low wages, lack of benefits, and economic insecurity. A greater proportion of men also hold service and white-collar jobs, work long dominated by women. And, with the rise of two-income families, more men now face what once was thought to be a peculiarly ‘woman’s problem’: how to balance the dual demands of paid work and family.”

NUPGE (2003: 4) claims that “Today, most unions understand that women’s issues are union issues and union issues are women’s issues.” Undoubtedly, the recognition that equity is “integral to all issues covered by collective bargaining” (Dickens: 1998, xi) is certainly the direction in which unions need to go. German activist Kerz-Scherf’s decade-old argument remains relevant: the dropping of issues of concern to women “will change only when the union recognizes that sex discrimination is not merely the concern of a special interest group but is a structural problem of the entire social order” (quoted in Cook, Lorwin and Daniels, 1992: 95). This underscores the importance of mainstreaming. Equity, then, is more than a particular, if ever-expanding, set of issues, but rather a lens through which all issues are analysed. It is not a project of balancing different interests but of seeking social justice for all workers on all issues.

Equity Audits and Implementation

In many collective agreements, issues of concern to equity-seeking groups are absent; in others, apparent neutrality masks commonsense biases. To address these problems, collective agreements can be subjected to an “Equity Audit”. Many Canadian unions have useful lists against which agreements can be assessed, and model clauses on a wide variety of equity issues. See Box 11.⁵⁴ Model clauses suggest creative ways of using collective bargaining to support an equity agenda, for example, the unusual proposal for ‘Credit for Equity Work’ (CAUT) listed in the Resources section. Bleijenbergh, de Bruijn and Dickens (2001: 10) also recommend an equity scan to assess consequences of proposed language: “An equal opportunities scan provides an analysis of the likely consequences on women and men of provisions in proposed agreements. Such a scan can be used to gender-proof draft (or pre-signature) collective agreements.”

Dalhousie Faculty Association around this issue. He concludes that union members must be educated about the importance of affirmative action in order to ensure a united front on equity.

⁵³ She goes on to say: “To this end, considerable work was required to educate unionists generally, and male industrial officers specifically, of the differential impact of bargaining outcomes on women and men.”

⁵⁴ See ‘Bargaining Issues’ in Index for many other useful documents which provide checklists and model clauses. For example, the “Collective Agreement Equity Audit” from the CAW (nd) available at <<http://www.caw.ca/whatwedo/women/pdf/EquityAudit.pdf>>

BOX 11: AUDITS AND MODEL CLAUSES

“Bargaining Equality: A Workplace For All” from CUPE (2004) is a comprehensive binder of information which opens with the union’s equality statement and an introduction on how to make equality issues a priority in bargaining. The sections discuss a broad range of equality issues and include a discussion of the issue, tools for self-auditing and sample collective bargaining language. Available online at <<http://www.cupe.ca/www/bargeq>>.

“The Issues and Guidelines for Gender Equality Bargaining”, Booklet 3 of Promoting Gender Equality: A Resource Kit for Unions from the ILO (Lim, Ameratunga and Whelton, 2002b) offers a very comprehensive list of issues for bargaining equality organized under five categories: ending discrimination and promoting equal opportunities, wages and benefits, family-friendly policies, hours of work, and health and safety. For each issue, there is an explanation, checklists for working with and thinking about the issue, text from relevant ILO documents, and examples from many countries. Available at <<http://www.ilo.org/public/english/employment/gems/download/3booklet.pdf>>.

“Bargaining Equality: Joining Hands in Solidarity” from CEP (2001) includes, for each issue, a brief background, a goal for negotiating and sample contract language (primarily from CEP contracts). Available at <http://www.cep.ca/human_rights/equity/eba_e.pdf>.

“Bargaining for Equality” from the CLC (1998) offers a comprehensive overview of the many equality-related issues. Although sample collective agreement clauses are not included, the manual outlines the significance of each issue, provides several positive solutions, and offers guidelines for negotiating. The document also includes an excellent bargaining checklist on each issue.

Audits can be done by provincial labour federations and central labour organizations in order to share best practices across unions, and develop joint and centralized campaigns. In this regard, the Trades Union Congress [TUC], the parallel UK organization to the CLC, passed an historic motion in 2001 to change its constitution: a commitment to equality is now a condition of TUC affiliation and each affiliate commits itself to eliminating discrimination within its own structures and through all its activities, including its own employment practices.⁵⁵ This constitutional change was accompanied by a comprehensive TUC equality auditing process on a bi-annual basis to maximize the dissemination and adoption of best practices throughout the trade union movement. The second audit released in 2005 focuses primarily on equality bargaining.⁵⁶

Currently, the key equality bargaining priorities in the TUC affiliates are measures to achieve equal pay, particularly for women; work-life balance and flexible working; parental rights; and race discrimination and equality issues. The Audit identifies policies, guidelines and briefing materials from member unions on these issues. It discusses the way these policies are communicated; the training unions provide for their negotiators -- interestingly training is most frequently provided to lay negotiators and least frequently to local full time officials (23); the extent to which unions have specific equalities reps; and the way progress in bargaining on equal opportunities issues is monitored (22). Finally the Audit reports in detail on bargaining achievements and offers contract language in the following areas: flexible working and work-life balance; parents and careers; women’s pay; black, minority ethnic and migrant workers; lesbian, gay, bisexual and transgender workers; religion and belief; age; health and safety; union learning and education; harassment and bullying; recruitment, training and career progression; monitoring

⁵⁵ Text of constitutional change available at <<http://www.tuc.org.uk/congress/tuc-5103-f0.cfm>>.

⁵⁶ The 2005 TUC Equality Audit is available at <<http://www.tuc.org.uk/equality/tuc-10487-f0.cfm>>.

of the workforce. The information was collected through an extensive survey; the form is included as an Appendix and easily could be adapted to the Canadian context.

In a talk to the conference on Advancing the Union Equity Agenda, sponsored by the Centre for Research on Work and Society in 2005, Lynn Bue, currently first Vice President of CUPW talked about “negotiating for the future” and stressed that it may take many rounds of bargaining to win a particular gain “but putting it on the table is central to the process of educating members and letting the employer know we are serious.” In fact, tracking the differences between what is put on the table, and what is actually negotiated, made possible by comparing and contrasting the many model clauses outlined below with actual clauses in collective agreements, helps to make visible the current trajectory of bargaining equity. Each equity clause has a history which needs to be documented: How did the clause get to the table? What kind of resistance to it emerged among union members and employers? What happened during negotiations? What kind of mobilization was organized to support it? What happened when it was lost in earlier rounds of bargaining? What happened when it was won?

This last question speaks to the critical importance of monitoring implementation of equity provisions. A recent ILO document (Lim, Ameratunga and Whelton, 2002c: 33) reports that “Unless there is proper implementation and monitoring, the gains achieved may be only on paper.” The data is instructive: “About 60 per cent of the unions, 44 per cent of the IUF affiliates and about 40 per cent of the national centres reported that they systematically monitor the implementation of collective bargaining provisions on gender equality.” The research project on equal opportunities and collective bargaining in the European union also found that “Where agreements with good equality potential had been concluded, the research found that the social partners were often less concerned with their implementation and monitoring. Thus, the full potential of the agreements was not always realised” (Bleijenbergh, de Bruijn and Dickens, 2001: 10). See Box 12 for some guidelines for ensuring implementation.

BOX 12: REALISING THE FULL POTENTIAL OF AGREEMENTS: MEASURES FOR EFFECTIVE IMPLEMENTATION

- binding targets or goals
- timescales for implementation
- the allocation of responsibility for implementation and its systematic monitoring and review
- training for those responsible for implementation
- mobilisation and active participation of women in implementation
- provision of information and criteria for transparent evaluation of progress
- effective sanctions.

From Bleijenbergh, de Bruijn and Dickens, 2001: 10.

Desegregating Negotiations

In their 1995 study of European unions, Braithwaite and Byrne found women concentrated “in certain committees and departments: women’s, social policy, training, and health and safety. Conversely, women are rare as committee members and department officials in the significant areas of economic and wages policy, collective bargaining and finance.” Little Canadian data is available. However, PSAC reports that in 2004, 60% of its membership were women but only 35% of its bargaining teams and its national Board of Directors.⁵⁷ Braithwaite and Byrne call for “desegregation” to achieve a better representation of women and conclude that this goal is “just as important an objective as increasing the overall proportions of women in decision-making” (52). Collective bargaining may well be the area most in need of desegregation, not only because of the limited participation of women and members of other equity-seeking groups, but also because “the unions’ collective bargaining structures and the persons who

⁵⁷ Thanks to David Orfald and Joanne Labine of PSAC for providing these figures.

participate in negotiations ... emerge as the source and seat of internal union power," a comment made in 1992 which remains true today (Cook, Lorwin and Daniels, 1192: 80).

The call to desegregate has been widespread. For example, the Beijing Platform for Action encourages "efforts by trade unions to achieve equality between women and men in their ranks, including equal participation in their decision-making bodies and in negotiations in all areas and at all levels" (paragraph 192 d, p. 113) (quoted in Lim, Ameratunga and Whelton, 2002). And it appears that some progress has been made. The ILO reports that unions are increasingly recognizing the importance of involving their women members in the negotiation process.

"42 per cent of the unions and IUF [International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association] affiliates, and the 69 per cent of the national centres that participate in collective bargaining negotiations reported having adopted a specific policy on including women in collective bargaining teams. Of those which have such a policy, a significant number have instituted training for women delegates in negotiation techniques and the preparation of negotiation documents" (Lim, Ameratunga and Whelton, 2002c: 29).⁵⁸

In order to ensure women's representation, their report also indicates that

"some unions have established quotas for women's participation, either by fixing a percentage (ranging from 33 per cent to 50 per cent), or in numerical terms (at least one or two women must be included in the team). Other unions stipulate that certain office-bearers (notably, the head of the equality committee, the director of the equality/women's department or a female executive member) must be included in collective bargaining teams. For other unions, the proportion of women included in the collective bargaining teams must reflect the proportion of women members of the union. A few unions include women in collective bargaining only when there are issues raised of particular concern to women" (29-30).

Not surprisingly, research shows that it does matter who is represented at the bargaining table (although to date, only the presence of women has been considered). Heery and Kelly's seminal study (1988) on full time union officers [FTOs] in the UK concluded that "female representatives do seem to 'make a difference' to the conduct of trade union work. The results suggest that women FTOs are more likely to make a priority of issues such as equal pay, child care, maternity leave and sexual harassment in collective bargaining" (502). A decade later, in extensive studies of the process of collective bargaining across many European countries, Dickens (1998: 34-5) concluded:

"The case studies contain many examples where ... the equality initiative would not have been taken; the good agreement would not have been reached, or progress on a particular issue made, had it not been for the involvement of women in the collective bargaining process. They also provide examples of where the absence or under representation of women was seen as hampering progress, with equality issues not being pushed ... and of equality proposals being watered down or marginalized in male-dominated bodies The presence of women among negotiators can be positive for equality bargaining in terms of the issues brought to the negotiating table, the

⁵⁸ Another interesting training initiative was organized by the Trades Union Congress in the UK. "The TUC also launched a scheme funded by the government's Union Learning Fund, to train 500 equal pay representatives by August 2002 in order to tackle the gender pay gap in the workplace. The main aim of this pilot scheme was to equip union activists and ordinary members with the skills necessary to work in partnership with employers in carrying out pay reviews. In practice it seems that the Kingsmill recommendations, together with a partnership approach, have formed the basis for a revitalization of many trade unions' moribund equal-pay campaigns" (Bewley and Fernie, 2003: 97).

determination of bargaining priorities, and in the contribution of expertise and knowledge of women's concerns and working conditions to achieve better, more effective, agreements."

In a 1994 Ontario study, McDermott conducted in-depth interviews with fifty-seven union negotiators which she analysed using Blum's categories of "feminist identified" and "labour identified". She concluded that personal bias determines the outcome of equal pay bargaining. Those interviewees who were "feminist identified" (18 out of 21 women) pushed for the best equal pay measures possible under the PEA [Pay Equity Act], but were often silenced by employers and by their "labour-identified" union "brothers". Those negotiators who were "labour identified" felt that pay equity could eclipse other important bargaining issues and, given the PEA's comparative foundation, lower men's wages. Given that the fractures between "feminist identified" and "labour identified" union negotiators reduce the PEA's potential for improving women's wages, McDermott advocated solidarity in negotiations between the two groups. In her view they must together bargain fair and equal wages against employers' propensities to lower wages and exploit gender divisions among employees and union negotiators.

Although gender was undoubtedly significant, McDermott's study focused not on the gender but on the politics of the negotiators.⁵⁹ In this regard, Dickens (1998: 35) emphasizes:

"The presence of women among negotiators does not guarantee action to promote collective bargaining for equality. There is a distinction between 'being there' and 'making a difference'. Female union negotiators, as well as male negotiators, will be acting on behalf of their normally mixed constituencies. There is nothing in the logic of liberal democracy to say that women elected from mixed constituencies should espouse the cause of women. The case studies indicate they are more likely to do this than are men, but the research also provides examples of women conforming to the traditional, male-centered agendas and priorities of bargaining."

Dickens' distinction between "being there" and "making a difference" highlights the limits of numerical strategies and raises the question of whether representational strategies should be linked to pro-equity perspectives rather than biological facts. Cockburn's distinction between sex proportional representation and the representation of organized interests in which women "are elected or appointed not as individuals and not simply as members of a gender category but specifically to speak for the members of a disadvantaged social group: women" is useful (1996: 20). It distinguishes two separate but not unrelated goals: changing the demographic profile of those who negotiate, on the one hand, and, on the other, ensuring that the concerns of equity seeking groups are addressed in bargaining.

It is also underscores the importance of resisting essentialist interpretations of women's practices or priorities at the negotiating tables. It is certainly possible to reject a gender-neutral frame *and* take account of difference without reference to essentialist ideas about women's nature.⁶⁰ A social construction and materialist approach can illuminate the reasons that many women prioritise issues differently, and some do not; and simultaneously recognize that male unionists and negotiators can be

⁵⁹ This highlights the limits of numerical strategies and raises the question of whether representational strategies should be linked to pro-equity perspectives rather than biological facts. Cockburn's distinction between sex proportional representation and the representation of organized interests in which women "are elected or appointed not as individuals and not simply as members of a gender category but specifically to speak for the members of a disadvantaged social group: women" is useful (1996: 20). It distinguishes two separate but not unrelated goals: changing the demographic profile of those who negotiate, on the one hand, and, on the other, ensuring that the concerns of equity seeking groups are address in bargaining.

⁶⁰ In a parallel discussion, I interrogate the notion that women union leaders lead differently. With reference to research on Australia, Canada, the UK, Sweden and the US, and based on a materialist social construction approach, I conclude that, despite the diverse contexts and cultures in these union movements, the fact that women in all four countries face patterns of discrimination on the one hand, and have access to constituency organizing and women-only education on the other supports the development of alternative leadership styles (Briskin, 2006).

educated (as well as politically pressured) to take up equity issues. Men can also ‘make a difference’ in bargaining equity.

Heery and Kelly (1988: 496) outline the priorities of male FTOs [full time officers]. They found that

“helping women (and members from ethnic minorities) is not a particularly high priority for most male FTOs.... Of much greater importance ... were improving basic wages, improving working conditions and protecting jobs. Of course action to further these objectives will benefit those women for whom the FTO has responsibility, but it remains that most male officers do not rank specific action to assist women very highly.... [M]ale officials may be more prepared to promote women’s interests where these can be presented as ‘traditional’ collective bargaining demands. There appears to be more suspicion of novel women’s issues such as sexual harassment and child care.”

However, it is also the case that “traditional” demands often reflect the needs of male workers. Colling and Dickens (1990: 34) found “that serving men’s interests and upholding existing structures and arrangements which favour men tended to be equated not with sectional concerns but with serving members’ interests. Male union negotiators we spoke to were often resistant to (and at times amused by) the idea that they might raise issues of particular importance to women, or try to improve the position of women within grading structures etc., because they took the view that they were there to represent ‘all the members’, not men or women.” Colling and Dickens conclude: “This gender-blind approach can hinder the pursuit of equality.” A decade later, Dicken’s research (2000: 205) finds some change in men’s attitudes: men may bargain for equality when mandated to do so by their organization; where they have personal commitment to equality; where such commitment is engendered through constructing shared interests in equality; and where training has helped overcome ignorance of women’s concerns and equality issues. Interestingly, she found a number of cases where “male negotiators who were bargaining for equality were in unions with internal equality structures which fed into the collective bargaining process directly”.

Bargaining style is also relevant. The central conclusion of Cutcher-Gershenfeld, Kochan and Wells (2001) is that process matters in collective bargaining: “the way bargaining is conducted has important implications for outcomes” (20). Although their article examines the possibilities of interest-based bargaining (IBB), this conclusion is also relevant to a discussion of gendered styles of negotiation. Understanding the significance of gender in the negotiations process itself is of particular importance, given the gendered readings of women’s negotiating style and the possible impact of gendered styles of negotiation on collective bargaining outcomes.

Kolb’s research is suggestive, although it does not focus specifically on union negotiations.⁶¹ She argues that women are inherently and insidiously disadvantaged in bargaining situations. This disadvantage results from gender differences that are “not natural, essential or biological, but have the effect of labeling behaviours as if they are” (1992: 8). In bargaining situations, not only do women and men act differently, gender differences in negotiations are anticipated. Women are expected - and generally expect themselves - to act in the following ways: first, women are expected to act relationally, to negotiate with the intent to community-build, not burn bridges. Second, women maintain a “contextualized view” throughout negotiations, always empathizing and connecting with their “opponents”. Lastly, women maintain a “communicative view of strategy” which incorporates all points of view at the table in order to produce a “win/win” solution. While women are expected to negotiate according to these feminized behaviours, men are stereotypically individualistic and competitive, ready to win the negotiation at any cost to community-building. Kolb argues that sexism - manifested in negotiation through the delegitimation of women’s negotiation style, the stereotyping of women’s

⁶¹ In addition to publishing extensively on this subject, Kolb has a website devoted to women and negotiation <<http://www.womensmedia.com/new/career-listening.shtml>>.

bargaining style as overly emotive and irrational, the attribution of women's negotiative strategies to their gender, and the maintenance of hyper-masculine bargaining rituals – validates “men’s” style of negotiating above “women’s”. So, even as women are expected to negotiate differently, these differences are met with skepticism and sexism.⁶² This discussion highlights what Todd and Hebdon (2006) call “intra-organizational bargaining”, that is, negotiating within the bargaining team itself. ILO recommendations offer some suggestions about how to ensure that intra-organizational bargaining does not work against an equity agenda. See Box 13.

BOX 13: GENDER IN THE NEGOTIATIONS PROCESS

Unions should:

- Promote the active participation of women on the negotiation teams;
- Establish the legitimacy of the female negotiators and strengthen their voice at the bargaining table by ensuring that:
 - they have been properly trained not only in negotiation techniques and procedures but also in gender equality issues;
 - they have been able through surveys, meetings, dialogue sessions, etc. to gather evidence of the concerns of the members and their support for gender issues;
 - they have access to solidarity networks for exchanging information and data and gathering support;
 - the support of the male leadership is evident to the female negotiators, the management and the rank and file membership;
- Ensure that each negotiator, male and female, has equal status as a qualified representative at the bargaining table;
- Ensure that female negotiators are given ample opportunities to present their demands and make their views heard at the bargaining table;
- Ensure that any gender equality demand presented is fully supported by all members, male and female, of the negotiating team.

From Lim, Ameratunga and Whelton, 2002a: 23.

Finally it is worth noting that gendered job segregation also raises a barrier to women's participation in union leadership, and in collective bargaining. Women's segregation in low-paid work with often unrecognized skills and little flexibility means that they are often not encouraged or chosen to be union leaders. “Union structures reflect the sex segregated character of the labour market and create barriers for women's advancement” (Braithwaite and Byrne 1995: 13).⁶³ Thus patterns of occupational stratification, gender power and union leadership intersect. A recent American study of custodians, clerks

⁶² In the fall of 2005, for the first time in Canada, “two women [Peggy Nash for the CAW and Allerton Firth for Ford Canada] were in the front seat of Big Three auto bargaining. They played a significant role in negotiating the tentative contract at Ford that set a pattern for the other auto giants.... The two negotiators received high praise for their work from colleagues because of strong communication skills, respect and trust between each other. Hargrove said the women played a strong role in resolving impasses in local negotiations affecting Ford plants in Windsor that could have held up a settlement” (Van Alphen, 2005). This gender breakthrough in regards to the players in this negotiation was significant enough to merit a story in the [Toronto Star](#); but given Kolb's arguments, the language used to refer to their negotiating skills is also instructive.

⁶³ Some earlier studies had similar findings. In their analysis of the scarcity of women union leaders, Koziara and Pierson (1981) argue that “women are also less likely than men to be in the high status, visible positions from which union officers are generally selected, and at least some men and women see women as inappropriate for union office” (30). Gannage's study of women garment workers found that the skilled crafts, dominated by men, controlled the union. She concluded that the view of women's work as marginal had consequences for women's trade-union participation (1986: 170).

and cafeteria workers who were members of the Communications Workers of America or the United Auto Workers, Coventry and Morrissey (1998: 291) confirmed this pattern: “Both gender and status discrimination seem to block unskilled women from positions of power within their union and from participation in union activities.” These studies are a sharp reminder that desegregating negotiations will depend not only on changes in internal union policy and practices but also in increased commitment to negotiate affirmative action, job training and pay equity, all of which offer a foundation for more equitable power-sharing inside unions.

Building Union Support for Equity Bargaining and Bargaining Equity

Desegregating negotiations is one strategy for enhancing equity bargaining; however, what needs to change is not only who negotiates or what issues are on the table. Structural and political initiatives by unions in three areas can improve the efficacy of bargaining for equity: increasing support to constituency organizing; building the relationship between union equity structures and collective bargaining; and working in coalition with community-based social movements.

Inside Unions

In an early study of public sector unions in Quebec using statistical path analysis, Nichols-Heppner (1984: 294) concluded that establishing women’s committees is a more effective strategy than seeking greater electoral representation, and that such committees “evoke more organizational responsiveness from unions” and are “the strongest determinant of the negotiation of collective agreement provisions favorable to women unionists.” Well-organized constituency committees enhance political representation and the power of equity-seeking groups, both of which are central to ensuring success in bargaining equity. Without organized political pressure, bargaining for equity is unlikely to succeed. As Kumar (1993) points out

“The attainment of the goals of a group of workers also depends on their political influence within the union. Because of the low participation of women in the negotiating process it is not surprising that, in many workplaces, women’s issues are still the first to be dropped at the bargaining table (209)... The efficacy and future potential of collective bargaining as an effective tool for achieving equality for women is dependent on how successful unions are in integrating women fully into union decision-making structures and programs” (226).

All evidence suggests that constituency organizing through Women’s Committees, Equity Committees, Human Rights Committees, Aboriginal Circles and Pink Triangle Committees is a key vehicle to this end (Briskin, 1993, 1999a, 2002). As importantly, unions need to build the structural and political links between equity structures and collective bargaining. In a UK study, Colling and Dickens (1990: 40) found that “equal opportunity structures and activity and negotiation structures and activity tend ... to operate in isolation”, a finding confirmed by Dickens (1998: xiii) in her study of unions in the European Union: “[W]ithin unions, structures facilitating the mobilization of women and the articulation of their concerns do not necessarily have institutionalized links with bargaining.” The links, then, between internal and external equity are critical: “women’s presence among union office-holders, decision-makers and negotiators is important ... because there is a link between women’s presence and power in trade unions (what may be termed internal equality) and the likelihood and capacity of unions seeking to promote equality through collective bargaining (external equality)” (Dickens, 2000: 203).

Effective linking of bargaining and equity structures may depend on maintaining a strategic balance between autonomy and integration. I have argued elsewhere that the success of constituency committees depends upon maintaining a strategic balance between autonomy from the structures and practices of the labour movement, and integration (or mainstreaming) into those structures (Briskin, 1999a). The autonomy pull supports fundamental revisioning of union practices and prevents political

marginalization -- the dissipation of the radical claims for inclusivity and democratization often embedded in separate organizing initiatives. Autonomy depends upon control over resources (including staff time and a budget); a decision-making rather than advisory function which offers jurisdiction over political and strategic initiatives (rather than having them vetted by a union executive or president), and an organized and politicized constituency to direct and support its work. Sufficient autonomy provides the foundation for a strong voice about women's concerns and the context for building alliances between union women and the community-based women's movement.

Integration into union structures prevents organizational marginalization, and creates the conditions for both resource allocation, and gendering union policy and strategy. Integration depends on an institutionally-protected mandate for women's committees (often through union constitutions or rule books); direct input into organisational decision making, for example, the ability of women's committees to send resolutions to conventions; a link to the collective bargaining process through demand setting and/or participation on negotiating committees; and a means to communicate with the entire membership, through union print and electronic media. Such integration helps to ensure legitimacy and access to resources. In recent years, the integration strategy most commonly adopted by constituency committees has been the demand for representation on leadership bodies. Although undoubtedly important, it may be timely for such committees to turn their attention more actively to the collective bargaining process. Building effective links to the bargaining process will depend on both integration measures (such as the right to have representation on the negotiating teams) and autonomy measures (such as the right to submit demands directly to negotiations).⁶⁴

Both autonomy and integration measures provide the basis for internal union campaigns around equity issues. White (1990: 115-118) details such a campaign for pay equity, improved maternity leave and protection for part-time workers among the Ontario hospital workers in their 1986 round of bargaining and argues that this campaign was critical to enhancing membership support for these issues. Cobble and Michal (2002: 244) also speak to the significance of internal organizing to support bargaining for equity. In their discussion of the organizing drive at Harvard University, they quote Kris Rondeau, one of the lead organisers, "We didn't organise against the employer. Our goals were simply self - representation, power, and participation". Cobble and Michal point out how

"more flexible, open-ended, and 'cooperative' structures enhanced their power vis-à-vis management. By creating structures that encouraged involvement, the union forged a powerful organisation in which commitment and creativity flourished. In their last round of negotiations, HUCTW [Harvard Union of Clerical and Technical Workers] won a 30 per cent wage increase, improved benefits, and in one of their hardest-fought battles, finally achieved raises, enhanced job security and benefit parity for part-time employees. HUCTW has paid attention to negotiating relationships as well as negotiating contracts."

In many cases, equity gains in collective agreements are attained as a result of strikes which rely on the support of all union members -- both women and men. For example, collective action was necessary to win pay parity for female workers at the Kenworth truck plant in Vancouver, British Columbia after a long tough strike in 1980. Maternity leave gains in Québec were a result of the 1979 Common Front strike and the 1981 national strike by CUPW. Pensions for women school cleaners in Hamilton Ontario, a benefit their male co-workers already had, was won in the 1981-82 strike (Darcy and Lauzon, 1983: 177-8).

⁶⁴ The ILO recommends that constituency committees should be able to submit demands for negotiations (Lim, Ameratunga and Whelton, 2002a: 14).

Coalitions and Alliances

Many Canadian strikes around equity issues have involved community and social movement support. Extensive coalition building not only with workers in other unions but with the community-based women's movement and sometimes other progressive social movements has often been critical to the continuation and sometimes the success of these strikes. (Briskin, 2002). For example, the six month Eaton's strike of low paid women retail workers in 1984 "inspired" the creation of the Women's Strike Support Coalition "which brought together women from both the labour and the women's movement in a committee that organized numerous highly successful support rallies", a strike also supported publicly by the Canadian Catholic Bishops' Committee and the Anglican Church of Canada (McDermott, 1993: 23). For many of the strikers, this was their first experience of the organized women's movement. The strikers led the International Women's Day March in Toronto in 1985, which involved more than 6000 marchers. Maria Cavalli who addressed the crowd on behalf of the strikers described "how she was overwhelmed by seeing so many women together cheering for the strikers" (McDermott, 1993: 32). From Nov 1987 to Feb 1988, a small group of women workers went on strike to obtain a 15 per cent wage increase and "wage parity with tellers at other Nova Scotia Banks"; in this strike, community support was critical (Baker, 1993: 74). In fact, there is a long tradition of organizing support for women strikers by the Canadian women's movement. For example, in the late 1970s and early 1980s, Egan and Yanz (1983) report the involvement of the International Women's Day Committee (IWDC) in Toronto in the following strikes: Radio Shack 1979 (Ontario), PSAC strikes, Bell Canada 1981 or 1982 (then Communication Workers of Canada-CWC, now CEP), Fotomat (United Steel Workers of Canada-USWA), Puretex workers (Confederation of Canadian Unions-CCU), Ontario Hospital workers (likely CUPE), postal workers 1981 (CUPW), Tel-Air Answering Services (CWC), Irwin Toys 1981 or 1982 (USWA), Blue Cross 1979 or 1980 (United Auto Workers-UAW, now CAW), and Mini-Skools 1983 (OPSEU).

Drawing on Olin Wright's distinction between structural power (both marketplace and workplace bargaining power) and associational power (trade unions, political parties, and cross class alliances with nationalist movements), Silver (2003) notes the increasing significance of the latter for workers in the current global context. In a revealing comparison of the militancy of textile workers in the nineteenth century and automobile workers in the twentieth century, Silver concludes that textile workers were consistently more militant than automobile workers.

"A crucial difference between workers in the two industries, however, was that textile workers' successes were far more dependent on a strong (compensatory) *associational* bargaining power (trade unions,, political parties, and cross class alliances with nationalist movements)....⁶⁵ Textile workers...had to develop a countervailing power based on citywide or region wide political and trade union organization. Likewise today, low-wage service workers ... have followed a community-based organizing model rather than a model that relies on the positional power of workers at the point of production. The Living Wage Campaign and the Justice for Janitors campaigns in the United States have sought to base labor organization in the community, severing its dependence on stable employment in any given firm or group of firms. As for textile workers historically, victory could not be achieved by relying mainly on the workers' autonomous structural bargaining power but rather depended on alliances with (and resources from) groups and strata in the community at large. If the significance of associational bargaining power is growing, then the future trajectory of labor movements will be strongly conditioned by the broader political context of which they are a part" (2003: 172-3).

In contrast to those in the heavily unionized manufacturing sector, both conventional bargaining strategies and the strike weapon may be weaker tools for women or members of other vulnerable groups, many of

⁶⁵ An analysis of the famous 1912 Lawrence strike of mill workers concluded that women strikers drew on community supports as a strategic asset (Cameron, 1985).

whom are in marginalized low paid jobs. Like those in public sector jobs where the community is heavily impacted by a strike, these groups may need to rely on the public for support. Successful strategies, then, to improve the conditions of the most marginalized workers and those in equity-seeking groups may rely on associational bargaining power mobilized not only in the event of strikes but also during organizing campaigns and negotiations. As noted by Silver (2003), this is evident in the remarkable “Justice for Janitors” campaign in Los Angeles among low wage immigrant workers in an industry “where the employer is elusive and where layers of subcontracting diffuse responsibility across multiple actors (owners of the buildings, renters and contractors)” (Erickson et al, 2002: 544). The campaign is noteworthy for the development of unusual forms of pattern bargaining by Service Employees International Union [SEIU].⁶⁶ In another example, the 1994 “rebirth” (Luce, 2002) of a living wage movement began when Baltimore passed a pioneering law which ensured that all city contractors pay a living wage. By 2001, 63 municipalities had passed living wage laws and another 70 were involved in negotiations (Reynolds, 2001: 31). American Unions have worked in coalition with social movements to support these campaigns which offer alternative mechanisms for bargaining equity and justice for low paid and sometimes un-unionized workers. In Ontario, a broad-based coalition “Ontario Needs a Raise” under the umbrella of the Ontario Coalition for Social Justice is demanding that the minimum wage be raised to \$10.⁶⁷ And Public Interest Alberta, in collaboration with many unions and the Alberta College of Social Workers, has recently begun organizing around living wage policies.⁶⁸ The 2006 UNITEHERE “Hotel Workers Rising” campaign described above is yet another example.

In “Promoting Gender Equality Through Collective Bargaining”, Lim, Ameratunga and Whelton of the ILO stress that “the overall bargaining strategy [must include] alliance building with equality seeking groups” (2002a: 19). Similarly, in her overview of the extensive research project on Equal Opportunities and Collective Bargaining in Europe, Dickens (2000: 204) argues that there needs “to be links to collectivities of women within the union and outside it.” However, she also notes that “the relationship between external women’s groups and trade unions in Europe is often tenuous or non-existent.” In contrast, Canadian women’s organizing has embraced alliances and coalitions across political current, sector and institution in order to bring women together from unions, political parties, and community-based groups to co-operate nationally, provincially and locally. This co-operation has meant that trade union women work with community-based feminist groups to build coalitions around key issues such as child care and pay equity, to pressure the union movement to respond to the feminist challenge and to support strikes. Trade union women, in turn, have had an important impact on the politics and practices of the Canadian women’s movement, weakening the tendency towards individualistic solutions and introducing (and re-introducing) a class perspective (Briskin, 1999a). Undoubtedly, the labour market positioning of workers of equity-seeking groups exacerbated by globalization and economic restructuring are making new forms of organising, bargaining, and militancy inside the unions and in communities both necessary and possible.⁶⁹

⁶⁶ Erikson et al reference Kochan and Katz’s definition of ‘pattern bargaining’: “an informal means of spreading the terms and conditions of employment negotiated in one formal bargaining structure to another. It is an informal substitute for centralized bargaining aimed at taking wages out of competition”(2002: 560-61).

⁶⁷ To reach the poverty line, a person working 35 hours a week needs an hourly wage of at least \$10. The minimum wage in Ontario is currently \$7.45 an hour. For more information about campaign, see <http://www.ocsj.ca/campaigns/>.

⁶⁸ For more information, see the Public Interest Alberta website at http://www.pialberta.org/program_areas/living_wage.

⁶⁹ ‘Community unionism’ which focuses on the unemployed and precariously employed has been one significant response to the current context in Canada. Community unionism includes efforts of unions to connect with non-labour community groups to unionize workers, so community-union alliances; attempts by community groups to organize non-unionized workers in precarious employment; and organizations which build the power of non-unionized workers and the working class community, for example, Workers’ Centres which create broad solidarities through education, networking and organising (Cranford and Ladd, 2003). Community unionism can include

Conclusion

The enormous changes in collective agreement provisions and in the overall bargaining agenda over the last thirty years demonstrate that collective bargaining is a flexible, responsive and creative process, one that can offer much support for the equity project. Ensuring an equity perspective around bargaining issues involves the rejection of a generic frame and at least three kinds of initiatives: first, the introduction of increasingly complex no-discrimination clauses in collective agreements; second, the identification of specific platforms of concerns which address the needs of each equity-seeking group; and third, the recognition of the equity implications in the entire range of traditional collective agreement provisions, that is, ‘equity mainstreaming’. Deepening understandings of intersectionality to take account of the complexity of lived discrimination in the workplace which will depend on a more nuanced understanding of the interaction of race, ethnicity, citizenship, sexuality, age, ability and gender, will be critical to the success of all three strategies. Equity, then, is more than a particular, if ever-expanding, set of issues, but rather a lens through which all issues are analysed. It is not a project of balancing different interests but of seeking social justice for all workers on all issues.

Since research demonstrates unequivocally that it does matter who is represented at the bargaining table, Canadian unions need to ensure the representation of equity-seeking groups in all stages of the bargaining process, and in particular, at the negotiating table. Research indicating that the process of bargaining affects outcomes suggests that gendered styles of negotiation also need to be explored more fully.

There is no doubt that the larger economic context is re-shaping the frame for bargaining equity; yet at the same time, strategies which take account of both the limits and possibilities of the current period are crystallizing. Undoubtedly, the equity project will be supported by moves to broader-based and sectoral bargaining which will depend upon unions overcoming jurisdictional and territorial struggles in order to work together. It may also mean inventing new forms of bargaining to represent the concerns of those who work in caring and client-driven sectors. Unions also need to take full advantage of existing legislative and human rights frameworks and compel employers to fulfill their obligations to equity-seeking groups. At the same time, pressure on governments is essential to improve equality legislation, particularly around pay equity and employment equity; labour market protection through better minimum wages and employment standards; and family-friendly innovations on leaves, child care, and all initiatives that support positive flexibility.

Structural and political initiatives inside unions can enhance the efficacy of both equity bargaining and bargaining equity. Unions need to increase support for constituency organizing; build the relationship between union equity structures and collective bargaining; and work in coalition with community-based social movements. Perhaps movements of equity-seeking groups inside unions, and the building of progressive alliances across sectors will be most instrumental in ensuring that Canadian unions become equity champions for all marginalized groups.

attention to location (constituency, site and issue based organizing) and process (levels of participation and styles of leadership) (Cranford et al, 2005).

Bibliography

Abella, Rosalie. Commission of Inquiry on Equality in Employment. Ottawa: Supply and Services Canada, 1984.

Acker, Joan. "Two Discourses of Reform and Women in the Future Welfare State." English manuscript. In Swedish in Kvinnor och mäns liv och arbete, ed. Annika Baude. Stockholm: SNS Förlag, 1992.

Aidt, Toke and Zafiris Tzannatos. Unions and Collective Bargaining: Economic Effects in a Global Environment. Washington: The World Bank, 2002.

Akyeampong, Ernest. "Collective Bargaining Priorities." Perspectives on Labour and Income, Vol. 6, No. 8 (August 2005), pp. 5-10.

Alberta Federation of Labour (AFL). "Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace," 1997.

Axworthy, Christopher. "Affirmative Action Clauses for Women in Academic Appointments and University Collective Agreements: The Dalhousie Experience." Resources for Feminist Research (RFR/DRF), Special Issue on Women and Trade Unions, Vol. 10, No. 2 (July 1981), pp. 46-49.

Baker, Patricia. "Reflections on Life Stories: Women's Bank Union Activism." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. Toronto: University of Toronto Press, 1993, pp. 62-86.

Bewley, Helen and Sue Fernie. "What do Unions do for Women?" In Representing Workers: Trade Union Recognition and Membership in Britain, eds. Howard Gospel and Stephen Wood. New York: Routledge, 2003, pp 92-118.

Bleijenbergh, Inge, Jeanne de Brujin and Linda Dickens. 5. Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining. Dublin: European Foundation for the Improvement in Living and Working Conditions, 2001. Available at
<<http://www.eurofound.eu.int/pubdocs/1999/18/en/1/ef9918en.pdf>>.

Bordogna, Lorenza and Gian Primo Cella. "Decline or Transformation? Changes in Industrial Conflict and its Challenges." Transfer, Vol. 4 (2002), pp. 585-607.

Braithwaite, Mary and Byrne, Catherine. Women In Decision-Making In Trade Unions. Brussels: European Trade Union Confederation, 1995.

Briskin, Linda. "Victimization and Agency: The Social Construction of Union Women's Leadership" Special issue on "Gender and Industrial Relations" of the Industrial Relations Journal, Vol. 37, No. 4 (2006), pp. 359-378.

Briskin, Linda. "The Equity Project in Canadian Unions: Confronting the Challenge of Restructuring and Globalization." In Gender, Diversity and Trade Unions: International Perspectives, eds. Fiona Colgan and Sue Ledwith. London: Routledge, 2002, pp. 28-47.

Briskin, Linda. "Unions and Women's Organizing in Canada and Sweden." In Women's Organizing and Public Policy in Canada and Sweden, eds. Linda Briskin and Mona Eliasson. Montreal: McGill-Queen's University Press, 1999, pp. 147-183.

Briskin, Linda. "Autonomy, Diversity and Integration: Union Women's Separate Organizing in North America and Western Europe in the Context of Restructuring and Globalization." Women's Studies International Forum, Vol. 22, No. 5 (1999a), pp. 543-554.

Briskin, Linda. "Equity And Economic Restructuring in the Canadian Labour Movement." Economic and Industrial Democracy, Vol. 15, No. 1 (1994), pp. 89-112.

Briskin, Linda. "Union Women and Separate Organizing." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. Toronto: University of Toronto Press, 1993, pp. 89-108.

Burgmann, Meredith. "Women and Enterprise Bargaining in Australia." In Equity Under Enterprise Bargaining, ed. Suzanne Hammond. Working Paper 33. Sydney: Australian Centre for Industrial Relations Research and Teaching (ACIRRT), June 1994, pp. 27-32.

Canadian Association of University Teachers (CAUT). "Increasing Representation of Designated Groups on Campus." Bargaining Advisory, No. 11 (February 2004).

Canadian Association of University Teachers (CAUT). "Wage Equity for Faculty in Equity-Seeking Groups: Why Contract Language is Important?" Bargaining Advisory, No. 8 (April 2003).

Canadian Auto Workers (CAW). "Model Language on Harassment-Extensive." Available at <<http://www.caw.ca/whatwedo/humanrights/antiharassment.asp>>.

Canadian Labour Congress (CLC). "The MORE We Get Together: Disability Rights and Collective Bargaining Manual," 2004.

Canadian Labour Congress (CLC). "Bargaining for Equality." CLC Women's Symposium, Nov 1998.

Canadian Union of Public Employees (CUPE). "Gaining Ground: Strategic Directions Program for CUPE, 2005-2007". Available at <<http://cupe.ca/www/convention2005/gainingground>>.

Canadian Union of Public Employees (CUPE). "Bargaining Equality: A Workplace For All." 2004.

Canadian Union of Public Employees (CUPE). "Winning Out at Work: "Employment Benefits for Lesbian and Gay Workers and Their Families," 2001.

Canadian Union of Public Employees (CUPE). "Bargaining Strategies: Up With Women's Wages", March 2000.

Chicha, Marie-Thérèse. "The Impact of Labour Market Transformation on the Effectiveness of Laws Promoting Workplace Gender Equality." In Women and Work, eds. Richard Chaykowski and Lisa Powell. Montreal: McGill-Queen's University Press, 1999, pp. 283-304.

Cobble, Dorothy Sue and Monica Michal. "On The Edge of Equality? Working Women And The US Labour Movement." In Gender, Diversity and Trade Unions: International Perspectives, eds. Fiona Colgan and Sue Ledwith. London: Routledge, 2002, pp. 232-256.

Cockburn, Cynthia. "Strategies for Gender Democracy: Strengthening The Representation of Trade Union Women in The European Social Dialogue." European Journal of Women's Studies, Vol. 3 (1996), pp. 7-26.

Colling, Trevor and Linda Dickens. "Gender Equality and Trade Unions: A New Basis for Mobilization?" In Equality, Diversity and Disadvantage in Employment, eds. Mike Noon and Emmanuel Ojbonna. Palgrave, 2001, pp. 136-155.

Colling, Trevor and Linda Dickens. "Selling the Case for Gender Equality: Deregulation and Equality Bargaining." British Journal of Industrial Relations, Vol. 36, No. 3 (1998), pp. 389-411.

Colling, Trevor and Linda Dickens. Equality Bargaining - Why Not? Equal Opportunities Commission Research Series, UK: Her Majesty's Stationery Office, 1990.

Communications, Energy and Paperworkers Union of Canada (CEP). "Bargaining Equality: Joining Hands in Solidarity." 2001. Available at <http://www.cep.ca/human_rights/equity/eba_e.pdf>.

Communications, Energy and Paperworkers Union of Canada (CEP). "Negotiating Shorter Hours", nd. Available at <http://www.cep.ca/material/books/swt/swtbook_e.html>.

Cook, Alice, Val Lorwin and Arlene Daniels. "Collective Bargaining." In The Most Difficult Revolution: Women and Trade Unions. Ithaca: Cornell University Press, 1992, pp. 79-106.

Coventry, Barbara and Morrissey, Marietta. "Unions' Empowerment of Working-Class Women: A Case Study." Sociological Spectrum, Vol. 18 (1998), pp. 285-310.

Cranford, Cynthia and Deena Ladd. "Community Unionism: Organizing for Fair Employment in Canada." Just Labour, Vol. 3 (2003), pp. 46-59. Available at <http://www.justlabour.yorku.ca/volume3/cranford_justlabour.PDF>.

Cranford, Cynthia, Tania Das Gupta, Deena Ladd and Leah Vosko. "Thinking Through Community Unionism." In Precarious Employment: Understanding Labour Market Insecurity in Canada, ed. Leah Vosko. Montreal: McGill-Queen's University Press, 2006.

Creese, Gillian. "Gendering Collective Bargaining: For Men's Rights to Women's Issues." Canadian Review of Sociology and Anthropology, Vol. 33, No. 4 (1996), pp. 437-456.

Cutcher-Gershenfeld, Joel, Thomas Kochan, and John Calhoun Wells. "In Whose Interest? A First Look at National Survey Data on Interest-Based Bargaining in Labor Relations." Industrial Relations, Vol. 40, No. 1 (2001), pp. 1-21.

Curtin, Jennifer. Women and Trade Unions: A Comparative Perspective. Aldershot: Ashgate, 1999.

Dahlberg, Anita. Selected Agreements in Sweden: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/24/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Darcy, Judy. "Inside Unions, At the Bargaining Table: Keynote address of the Advancing the Equity Agenda Conference." Just Labour, Vol.8 (2006), pp. 53-64. Available at <<http://www.justlabour.yorku.ca/index.php?page=toc&volume=8>>.

Darcy, Judy and Catheine Lauzon. "Bargaining for Equality." In Union Sisters, eds. Linda Briskin and Lynda Yanz. Toronto: Women's Press, 1983, pp. 171-197.

Das Gupta, Tania. "Anti-racism and the Organized Labour Movement." In Racism and Social Inequality in Canada. ed. Vic Satzewich. Toronto: Thompson Educational, 1998, pp. 315-334.

de Wolff, Alice. "Bargaining for Work and Life." Produced by the Ontario Coalition for Better Child Care, OFL, CLC, and the Feminist Political Economy Network, Graduate Women's Studies Program (York University), November 2003. Available at <<http://www.ofl-fto.on.ca>>.

Dickens, Linda. "Collective Bargaining and the Promotion of Gender Equity at Work: Opportunities and Challenges for Trade Unions." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 193-208.

Dickens, Linda. "4. Illuminating the Process." In Equal Opportunities and Collective Bargaining in Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1998. Available at <<http://www.eurofound.eu.int/pubdocs/1998/56/en/1/ef9856en.pdf>>.

Dulude, Louise. Seniority & Employment Equity for Women. Kingston: Queen's University, 1995.

Egan, Carolyn and Lynda Yanz. "Building links: Labour and the Women's Movement." In Union Sisters, eds. Linda Briskin and Lynda Yanz. Toronto: Women's Press, 1983, pp. 361-375.

Erickson, Christopher L. et al. "Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiation." British Journal of Industrial Relations, Vol. 40, No. 3 (Sept. 2002), pp. 543-567.

Fudge, Derek and John Brewin. Collective Bargaining in Canada: Human Right or Canadian Illusion? Ottawa: NUPGE and UFCW, 2005.

Fudge, Judy. "Equity Bargaining in the New Economy." Just Labour, Vol.8 (2006), pp. 82-87. Available at <<http://www.justlabour.yorku.ca/index.php?page=toc&volume=8>>.

Fudge, Judy. "The Paradoxes of Pay Equity: Reflections on the Law and the Market in *Bell Canada* and the *Public Service Alliance of Canada*." Canadian Journal of Women and the Law, Vol. 12 (2000), pp. 313-344.

Fudge, Judy. "The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader Based Bargaining." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. University of Toronto Press, 1993, pp. 231-248.

Fudge, Judy. Labour Law's Little Sister: The Employment Standards Act and the Feminization of Labour. Ottawa: Canadian Centre for Policy Alternatives, 1991.

Gannage, Charlene. Double Day Double Bind: Women Garment Workers. Toronto: Women's Press, 1986.

Hall, Phillipa and David Fruin. "Gender Aspects of Enterprise Bargaining: The Good, the Bad and the Ugly." In Dimensions of Enterprise Bargaining and Organisational Relations, ed. David Morgan. Sydney: Industrial Relations Research Centre, University of NSW, 1994, pp. 77-129.

Hammond, Suzanne and Raymond Harbridge. "Women and Enterprise Bargaining: The New Zealand Experience of Labour Market Deregulation." The Journal of Industrial Relations, Vol. 37, No. 3 (Sept 1995), pp. 359-376.

Hardy, Stephen and Nick Adnett. "The Parental Leave Directive: Towards a 'Family-Friendly' Social Europe?" European Journal of Industrial Relations, Vol. 8, No. 2 (2002), pp. 157-172.

Heery, Edmund and John Kelly. "Do Female Representatives Make a Difference? Women Full Time Officials and Trade Union Work." Work, Employment and Society, Vol. 2, No. 4 (Dec. 1988), pp. 487-505.

Jackson, Andrew. Work and Labour in Canada: Critical Issues. Toronto: Canadian Scholar's Press, 2005.

Jackson, Andrew. and Schellenberg, Grant. Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges. Ottawa: Canadian Labour Congress Research Paper #11, 1998.

Koziara, Karen and David Pierson. "The Lack of Female Union Leaders: A Look At Some Reasons." Monthly Labour Review, Vol. 104, No. 5 (1981), pp. 30-32.

Kravaritou, Yota. "2. Exploring the Situation." In Equal Opportunities and Collective Bargaining in the European Union. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Kolb, Deborah M. Is It Her Voice or Her Place That Makes a Difference? : A Consideration of Gender Issues in Negotiation. Kingston: Industrial Relations Centre, Queen's, 1992.

Kumar, Pradeep. "Collective Bargaining and Women's Workplace Concerns." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. Toronto: University of Toronto Press, 1993, pp. 207-230.

Laufer, Jacqueline. "Equal Employment Policy in France: Symbolic Support and a Mixed Record." Review of Policy Research, Vol. 20 (2003), pp. 423-442.

Le Feuvre, Nicky and Muriel Andriacci. "France: Employment and Women's Studies: The Impact of Women's Studies Training on Women's Employment in Europe." December 2001. Available at <<http://www.hull.ac.uk/ewsi/PDF%20Files/france%20report.pdf>>.

Le Feuvre, Nicky. "The Adoption and Enforcement of Equal Opportunity Measures in Employment: The Case of France in Comparative Perspective." In Women's Social Rights and Entitlements, eds. Audrey Guichon, Christien van den Anker and Irina Novikova. London: Palgrave, forthcoming 2006 .

Lester, Gillian. "Toward the Feminization of Collective Bargaining Law." McGill Law Journal, Vol. 36, No. 4 (December 1991), pp. 1181-1221.

Lester, Anthony and Dinah Rose. "Equal Value Claims and Sex Bias in Collective Bargaining." Industrial Law Journal, Vol. 20, No. 3 (September 1991), pp. 163-175.

Lim, Lin, Sriana Ameratunga and Carmel Whelton. "Introduction" In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002. Available at <<http://www.ilo.org/public/english/employment/gems/download/introduction.pdf>>.

Lim, Lin, Sriana Ameratunga and Carmel Whelton. "Promoting Gender Equality Through Collective Bargaining (Booklet 2)." In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002a. Available at <<http://www.ilo.org/public/english/employment/gems/download/2booklet.pdf>>.

Lim, Lin, Sriana Ameratunga and Carmel Whelton. "The Issues and Guidelines for Gender Equality Bargaining (Booklet 3)." In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002b. Available at <<http://www.ilo.org/public/english/employment/gems/download/3booklet.pdf>>.

Lim, Lin, Sriana Ameratunga and Carmel Whelton. The Role of Trade Unions in Promoting Gender Equality: Report of the ILO-ICFTU Survey. Geneva: Gender Promotion Programme, International Labour Office, 2002c. Available at <http://www.ilo.org/public/english/employment/gems/download/fin_rep.pdf>.

Luce, Stephanie. "The Full Fruits of Our Labor: The Rebirth of the Living Wage Movement." Labor History, Vol. 43, No. 4 (2002), pp. 401-409.

Martikainen, Riitta. "Gender Matters in Collective Bargaining." In Gender Practices in Working Life, eds. Liisa Rantalaaho and Tuula Heiskanen. New York: St. Martin's Press, 1997, pp. 52-65.

McDermott, Patricia. "The Eaton's Strike: We Wouldn't Have Missed It for the World!" In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. Toronto: University of Toronto Press, 1993, pp. 23-43.

McDermott, Patricia. "Pay Equity and Collective Bargaining in Ontario." Toronto: Centre for Research on Work and Society, York University, 1994.

Moran, Don. "Aboriginal Organizing in Saskatchewan: The Experience of CUPE." Just Labour, Vol.8 (2006), pp. 70-81. Available at <<http://www.justlabour.yorku.ca/index.php?page=toc&volume=8>>.

Morissette, René, Grant Schellenberg and Anick Johnson. "Diverging Trends in Unionization." Perspectives on Labour and Income, Vol. 6, No. 4 (2005), pp. 5-12.

Murray, Gregor. "Unions: Membership, Structures, Actions, and Challenges." In Union-Management Relations in Canada. 5th Ed., eds. Morley Gunderson, Allen Ponack and Daphne G. Taras. Toronto: Pearson Addison Wesley, 2005, pp. 79-111

Murray, Gregor, Christian Levesque, Nicolas Roby and Stephane Le Queux. "Isolation or Integration? The Relationship Between Local and National Union in the Context of Globalization." In Globalization and Patterns of Labour Resistance, ed. Jeremy Waddington. London and New York: Mansell Publishing, 1999, pp. 160-191.

Nash, Peggy. "Ring In The New Millennium With A National Child Care Program." Toronto Star, 8 Oct, 1999

Nash, Peggy. CAW Women's Bargaining Agenda. Canadian Auto Workers, 16 Oct, 1998.

National Union of Public and General Employees (NUPGE). "Report from the Women's Leadership Development Forum." 2003

National Union of Public and General Employees (NUPGE). "Duty to Accommodate." November 2002. Available at <<http://www.nupge.ca/publications/Duty%20to%20Accommodate.pdf>>.

Nichols-Heppner, Barbara. "Women in Public Sector Unions in Quebec: Organizing for Equality." Unpublished Phd Thesis, McGill, 1984.

Ontario Human Rights Commission. "An Intersectional Approach to Discrimination: Addressing Multiple Grounds in Human Rights Claims: Discussion Paper", 2001. Available at <<http://www.ohrc.on.ca/english/consultations/intersectionality-discussion-paper.shtml>>.

Ontario Public Service Employees Union (OPSEU). "Network for Better Contracts: Working Group on Equity and Inclusion." 2001.

O'Regan, Catherine and Clive Thompson. Collective Bargaining and the Promotion of Equality: the Case of South Africa. Geneva: ILO, 1993.

Organisation for Economic Co-operation and Development (OECD). Babies and Bosses: Reconciling Work and Family Life (vol 4). 2005.

Panitch, Leo and Donald Swartz. From Consent to Coercion: The Assault on Trade Union Freedoms. Aurora, Ontario: Garamond Press, 2003.

Peirce, Jon. Canadian Industrial Relations (2nd ed). Toronto: Prentice Hall, 2003.

Pennell, Joan. "Consensual Bargaining: Labour Negotiations in Battered-Women's Programs." Journal of Progressive Human Services, Vol. 1, No. 1 (1990), pp. 59-74.

Public Service Alliance of Canada (PSAC). Fighting for Pay Equity, Sept 2002.

Qvist, Gunnar, Joan Acker and Val Lorwin. "Sweden." In Women and Trade Unionism in Eleven Industrialized Countries, eds. Alice Cook, Val Lorwin and Arlene Daniels. Philadelphia: Temple University Press, 1994, pp. 261-285.

Reitz, Jeffrey G. and Anil Verma. "Immigration, Race, and Labor: Unionizing and Wages in the Canadian Labor Market." Industrial Relations, Vol. 43, No. 4 (October 2004), pp. 835-854.

Reynolds, David "Living Wage Campaigns as Social Movements: Experiences From Nine Cities." Labor Studies Journal, Vol. 26, No. 2 (2001), pp. 31-65.

Rochon, Charles Philippe, ed. "Work and Family Provisions in Canadian Collective Agreements." Human Resources Development Canada Labour Program, 2000. Available at <<http://www.sdc.gc.ca/>>.

Saloojee, Anver. "Chilly Climate – Negotiating Provisions to Ensure the Workplace is Free of Discrimination." Paper prepared for the Bargaining for Equity Conference of the Canadian Association of University Teachers [CAUT], 2003. Available at <<http://www.caut.ca/en/issues/equity/chillyclimate.pdf>>.

Sassen, Saskia. Globalization and its Discontents. New York: The New Press, 1998.

Silver, Beverly. Forces of Labour: Workers' Movement and Globalization since 1870. Cambridge: Cambridge University Press, 2003.

Smithson, Janet and Elizabeth Stokoe. "Discourses of Work-Life Balance: Negotiating 'Genderblind' Terms in Organizations." Gender, Work and Organizations, Vol. 12, No . 2 (2005), pp. 147-168.

Stinson, Jane. "Equity Bargaining in the New Economy." Just Labour, Vol.8 (2006), pp. 88-91. Available at <<http://www.justlabour.yorku.ca/index.php?page=toc&volume=8>>.

Strachan, Glenda and Burgess, John. "The Incompatibility of Decentralized Bargaining and Equal Employment Opportunity in Australia." British Journal of Industrial Relations, Vol. 38, No. 3 (2000), pp. 361-381.

Swift, Jaimie. Walking the Union Walk: Stories from CEP's First Ten Years. Toronto: CEP/Between the Lines, 2003.

Taylor, Marilyn. "Revising Collective Agreements to Promote Employment Equity for Women." Les Cahiers de la FAPUQ, Vol. 1, No. 1 (1990), pp. 20-25.

Todd, Andy and Bob Hebdon. The Theory and Practice of Collective Bargaining in Canada. Unpublished manuscript 2006. Forthcoming.

Trades Union Congress. A TUC Guide for Union Negotiators on Lesbian, Gay, Bisexual and Trans Issues. London: TUC, 2006. Available at ???

Trades Union Congress. TUC Equality Audit. London: TUC, 2005. Available at <<http://www.tuc.org.uk/equality/tuc-10487-f0.cfm>>.

United Steelworkers of America (USWA). "It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities." National Policy Conference, Updated and Revised, 2004.

Van Alphen, Tony. "At Auto Talks, Women Grabbed the Front Seat..." Toronto Star, 16 Sept 2005.

Vosko, Leah. "Rethinking Feminization: Gendered Precariousness in the Canadian Labour Market and the Crisis in Social Reproduction," Robarts Canada Research Chairholders Lectures, York University, 11 April 2002. Available at <http://www.yorku.ca/robarts/projects/lectures/pdf/r1_vosko.pdf>.

Wajcman, Judy. Managing Like a Man: Women and Men in Corporate Management. University Park, Pennsylvania: Pennsylvania State University Press, 1998.

Warskett, Rosemary, "Thinking through Labour's Organizing Strategies: What the Data Reveal and What the Data Conceal," paper presented at the Conference on "Gender & Work: Knowledge Production in Practice", York University, 2004. Available at <<http://www.genderwork.ca/cms/displaysection.php?sid=11>>.

Warskett, Rosemary. "Feminism's Challenge to Unions in the North: Possibilities and Contradictions." In Socialist Register 2001: Working Classes Global Realities, eds. Leo Panitch and Colin Leys. London: Merlin Press, 2000, pp. 329-342.

Warskett, Rosemary."The Politics of Difference and Inclusiveness within the Canadian Labour Movement." Economic and Industrial Democracy, Vol. 17, No. 4 (Nov 1996), pp. 587-625.

Weiler, Anni. "Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?" Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 209-226.

White, Jerry. Hospital Strike: Women, Unions and Public Sector Conflict. Toronto: Thompson Educational Press, 1990.

White, Julie. "A New Look at Shorter Hours of Work in the Communications, Energy and Paperworkers Union." Just Labour, Vol. 1 (2002), pp. 41-49. Available at <http://www.yorku.ca/julabour/volume1/jl_white.pdf>.

Zinn, Maxine and Bonnie Dill. "Theorizing Difference from Multiracial Feminism." Feminist Studies, Vol. 22, No. 2 (Summer 1996), pp. 321-331.

PART II: RESOURCES

1. INTRODUCTION

The Resources section of this document includes an annotated list of union documents relevant to equity bargaining, government sources on equity bargaining, searchable databases, an annotated bibliography of secondary sources, information and annotations of material from the major research project on Equal Opportunity and Collective Bargaining in the European Union, information and annotations of relevant material from the International Labour Office (ILO), and an index by subject. The material from Canadian unions is organized by union and includes model clauses, negotiated clauses, and information about composite documents on bargaining equity. The documents are listed alphabetically by title; the author, if available, appears after the title. Government and secondary sources are organized alphabetically by author.

Undoubtedly, many collective agreement clauses that impact on equity do not necessarily use equity language. Given the limits on time and resources, the union documents included here have a somewhat narrower focus than would be ideal and most often speak directly to equity issues. Despite this limit, it is hoped that this document will offer a multitude of ideas about how to bargain on any particular equity issue, facilitate the cross-fertilization of equity bargaining strategies across unions, and provide support to union and university equity researchers.

Wherever possible, web links and contact addresses have been provided. At the time of printing all the links included were active; however, it is often the case that when websites are updated, the links may no longer work. For your information, all the union documents listed here are part of a collection of Union Equity Documents available in the Archives of the York University Library.

2. UNION DOCUMENTS

Alberta Federation of Labour (AFL)

“Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace,” 1997.

Following a 1996 AFL workshop on violence against women in the workplace, this manual on contract language was produced. The objective was to create a guide that would assist union representatives and negotiating committee members in drafting contract proposals on workplace violence. The manual begins with a definition and discussion of workplace violence. Sample contract language is included on topics ranging from alarms and paging systems to support and counseling to workplace training programs. The manual also includes the Policy Statement on Violence Against Women adopted by the AFL Convention in 1991. Following the policy statement is a list of and contact information for various women’s groups, agencies and shelters for battered women in Alberta. The manual is not available electronically; however copies may be obtained by contacting the Alberta Federation of Labour, Women’s Committee, 10802 – 172 Street, Edmonton AB, T5S 2T3, 1-800-661-3995, <afl@afl.org>.

British Columbia Government Employees Union (BCGEU)

“Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers.” Calendar, 1982.

Published in 1982, this calendar was created in support of women workers in the BCGEU. Twelve contract clauses from BCGEU collective agreements were reproduced as examples of equality achieved through the collective bargaining process. The contract clauses include: the bridging of seniority after termination to raise a dependent child; retention and accrual of seniority while on maternity leave; adoption clause; sexual harassment clause; and a video display terminal clause outlining the medical provisions for clerical staff affected by continuous use of computers. The calendar is not available electronically and is no longer in print. This information is included because the calendar is an interesting idea that could be replicated. For more information on gender equity initiatives, contact the BCGEU at 4911 Canada Way, Burnaby BC, V5G 3W3, 1-800-663-1674 or visit their website at <<http://www.bcgeu.ca/index.php4>>.

British Columbia Teachers’ Federation (BCTF)

“Status of Women Bargaining Issues,” September 21, 1982.

Written by the Status of Women Committee, the “Status of Women Bargaining Issues”, part of a larger bargaining handbook, contains suggested clauses, recommendations, sample clauses, rationales, references to negotiated clauses in other jurisdictions and references to government legislation. The issues include: seniority; sexual harassment; substitute teachers’ and part-time teachers’ rights; maternity, paternity, parental and adoption leaves; education leaves; emergency leaves; communicable disease clauses; and birth control provisions.

While some of the issues are universal, such as sexual harassment and maternity leave policies, others are quite specific to teaching, such as the communicable disease clause allowing for additional sick days if a member contracts a childhood illness. The handbook is not available electronically and is no longer in print. For more information on gender equity initiatives contact the BCTF Professional and Social Issues Division, 100 – 550 West 6th Ave., Vancouver BC, V5Z 4P2, (604) 871-2283 or visit their website at <<http://www.bctf.bc.ca/>>.

Canadian Association of University Teachers (CAUT)

To access Bargaining Advisories requires a password. Contact the CAUT directly.

“Accommodation of Academic Staff with Mental Disabilities: Whose Duty is it?” Bargaining Advisory, No. 7 (April 2003), pp. 1-8.

This bargaining advisory reviews the fundamental principles faculty associations must consider when negotiating language to protect academic staff with disabilities, and those suffering from mental disabilities in particular. It offers key principles: importance of contract language, clear positive obligations in contract language; recognition that inclusion requires positive action; rejection of ‘one size fits all’ in employer’s obligation; reasonable accommodation does not mean minimal accommodation; the employer should bear cost of accommodation, and finally the need for an equity office with an effective accommodation policy. It also emphasizes the differences in mental and physical disabilities.

“Chilly Climate – Negotiating Provisions to Ensure the Workplace is Free of Discrimination,” Anver Saloojee. CAUT Bargaining for Equity Conference. January 31-February 1, 2003.

This paper, presented at the 2003 CAUT Bargaining for Equity Conference, explores a relatively under-explored area of equity policy: how university “climate” affects the equitable treatment of minority groups by both employers and unions. The author uses qualitative material to address the barriers faced by marginalized groups in retention and promotion within the universities, rather than the quantitative data on employment equity, that is, the numerical representation of marginalized groups. Saloojee sets out a series of recommendations for improving university employment equity practices. The paper is available at <http://www.caut.ca/en/issues/equity/chillyclimate.pdf>.

“Compassionate and Other Family Related Leave Provisions.” Bargaining Advisory, No. 13 (June 2004), pp. 1-6.

Recent Employment Insurance (EI) provisions for compassionate leave require changes in collective agreement language to supplement these legislative benefits. This bargaining advisory also examines other special leave provisions which might discriminate against employees with family-care responsibilities, and provides guidance on better language for academic staff who require accommodation for family-related care.

“Credit for Equity Work”, Draft Letter of Understanding, Dalhousie University, nd.

This is a draft letter of understanding about credit for equity work, an important issue in the university sector. Many unions have negotiated time off for union business and some like the CAW, have negotiated provisions for Women’s Advocates and Employment Equity Co-ordinators. However, there are particular concerns about the responsibility for equity work in the university environment. This draft was prepared by a group of five women in the context of possible settlement discussions with respect to a grievance at Dalhousie University challenging discrimination and academic freedom violations with respect to an aboriginal lesbian academic. Contact Jennifer Bankier for more information <bankier@dal.ca>.

DRAFT LETTER OF UNDERSTANDING

The Dalhousie Faculty Association and the Board of Governors of Dalhousie College and University are committed to the elimination of systemic, adverse effect and direct patterns of discrimination in the academy, and, in particular, to the elimination of discrimination based on race and sexual orientation. To that end, this and other relevant letters of understanding are entered into in an attempt to address and redress these recurrent patterns.

The parties agree that until racism and discrimination have been eliminated from the academy, Aboriginal and Racial minority faculty, librarians, and academic counsellors have a moral and ethical duty to advocate on behalf of Aboriginal and racial minority students. The role of women faculty with regard to advocacy on behalf of women students has long been recognized and it would be discriminatory to restrict this role for Aboriginal and racial minority faculty, regardless of the mechanisms that may be put in place by the institution to deal with Aboriginal and racial minority students’ concerns. There must be no retaliation against Aboriginal and racial minority faculty for fulfilling this moral and ethical obligation.

The parties also recognize that because of their limited numbers within the Academy, that Aboriginal and Racial Minority faculty, librarians, and academic counsellors will be expected to perform amounts of service through academic administration or counselling for or other service to students and community

groups that are greatly in excess of the normal workloads expected from White faculty, librarians, and academic counsellors. Aboriginal and Racial Minority faculty, librarians and academic counsellors shall receive credit for this additional workload in all evaluative processes carried out by Committees or Administrative Officers at Dalhousie.

In the event that Aboriginal or Racial Minority faculty are required to sit on three appointment or tenure and promotion Committees as a result of the provisions of Clause 4.03 of this Collective Agreement, they shall be entitled as of right to one half course release time from their normal teaching workload. If Aboriginal or Racial Minority faculty are required to sit on more than three appointment or tenure and promotion committees as a result of Clause 4.03 of this Collective Agreement, they shall be entitled as of right to one whole course release time from their normal teaching workload. The provisions of this paragraph shall apply mutatis mutandis to librarians and academic counsellors. The Parties recognize that Aboriginal and Racial Minority faculty, librarians, and academic counsellors may wish, but are not required, to engage in research concerning the impact of and reform of their field upon their own communities. The Parties recognize that such research constitutes the exercise of academic freedom on behalf of Aboriginal and Racial Minority faculty, and that such research must not be discredited because it differs from Eurocentric research within the Member's discipline. Aboriginal and Racial Minority faculty must receive the same credit for such research that other Members receive for Eurocentric research, and the Parties recognize that refusal to give credit for such research constitutes a violation of both the Academic and Non-Discrimination clauses of this agreement.

“Equity Clauses” compiled by Jennifer Bankier for the CAUT Status of Women Conference, Regina, Saskatchewan, October 1998, (182 pp).

This document is a list of equity clauses in university faculty association collective agreements. It was compiled through requests to faculty associations through the CAUT Gen listserv, searches of the CAUT Collective Agreement database (with assistance from CAUT staff) and detailed inspection of the full “hard copy” version of selected collective agreements. Available from the CAUT or <bankier@dal.ca>.

“Family-Friendly Clauses in Canadian University Contracts,” Katherine Bischoping. CAUT Bargaining for Equity Conference. February, 2003.

Prepared for the 2003 CAUT Bargaining for Equity Conference, this paper identifies ‘best-clauses’ around family-friendly provisions negotiated at Canadian universities. Bischoping reviews contract language and information in the CAUT Collective Agreements database, the CAUT Benefits Survey and several collective agreements and handbooks from various Canadian universities. She finds that although no individual Canadian university contract is family-friendly in its entirety, taken together, these contracts provide numerous avenues for making employment conditions more favourable to academic staff and their families.

Topics include inclusive language of non-discrimination clauses and definitions of spouses and families; employment insurance eligibility issues; adoption provisions; maternity and parental leave provisions; family leave policies as they affect tenured positions; child care; tuition support; caregiver or compassionate leave provisions; workload reduction options; and vacations and holidays. There is also an extensive bibliography. Information contained in the document relates solely to full-time academic staff and so does not address the family needs of part time or contract faculty who are disproportionately women. The paper can be obtained by contacting the author at <kbischop@yorku.ca>.

“Increasing Representation of Designated Groups on Campus.” Bargaining Advisory, No. 11 (February 2004), pp. 1-11.

This bargaining advisory provides assistance in negotiating collective agreement provisions to address the issue of under-representation of members of designated groups on campus. Although the advisory recognizes that reliable data are not available, it identifies a number of measures faculty associations can negotiate to help eliminate certain barriers at the hiring and retention stage. It also offers many examples of negotiated clauses from a variety of universities.

“Maternity and Parental/Adoption Leaves.” Bargaining Advisory, No. 12 (May 2004), pp. 1-8.

This Advisory addresses two important issues around negotiating parental and maternity leave provisions in collective agreements: the distinction between maternity and parental leave provisions; and protection for members should Employment Insurance cease to provide maternity or parental leave benefits. It offers examples of best negotiated and model clauses.

CAUT has prepared a set of model clauses on equity issues: on accommodation of academic staff with disabilities, on non-discrimination, positive action to improve the status of women (with a focus on appointments), pregnancy and parental leave, and on violence in the workplace. These are all available on line.

“*Model Clause for Accommodation of Academic Staff with Disabilities.*” Approved by Council, November 1999; Revised April 2000, November 2002. Revised by the Equity Committee, April 2003; approved by Council, November 2003. Available at <http://www.caution.ca/en/services/collectivebargaining/modelclauses/mc_accommodation.asp>.

“*Model Clause on Non-Discrimination.*” Approved by the committee of the Executive on Equity and the Executive Committee, November 2002. Approved by Council, May 2003. Available at <http://www.caution.ca/en/services/collectivebargaining/modelclauses/mc_nondisc.asp>.

“*Model Clause on Positive Action to Improve the Status of Women.*” Approved by the Board, February 1986. Available at <http://www.caution.ca/en/services/collectivebargaining/modelclauses/mc_positive.asp>.

“*Model Clause on Pregnancy and Parental Leave.*” Revised and approved by the CAUT Collective Bargaining and Economic Benefits Committee, June 2001. Approved by CAUT Council, November 2001. Available at <http://www.caution.ca/en/services/collectivebargaining/modelclauses/mc_pregnancy.asp>.

“*Model Clause on Violence in the Workplace (2001-6).*” Approved by the CAUT Council, April 29, 2000. Reviewed annually. Available at <http://www.caution.ca/en/services/collectivebargaining/modelclauses/mc_violence.asp>.

“Wage Equity for Faculty in Equity-Seeking Groups: Why Contract Language is Important?” Bargaining Advisory, No. 8 (April 2003), pp. 1-9.

In this Advisory, CAUT uses the term *wage equity* (inequality of opportunity to achieve equal wages and benefits) as opposed to *pay equity* or *equal pay*, to connote the broadest notion of equality in wage and benefits opportunities for academic staff in equity-seeking groups. Pay equity and equal pay for equal work only redress disparities identified at the time of the comparison and are limited in their capacity to look retrospectively or prospectively. Moreover, legislation usually restricts the coverage to male and female employees. The remedy is often a

one-time adjustment to wages that does not necessarily prevent wage disparity from developing (or re-developing) in the future, or eliminate other discriminatory barriers to wage equality.

Several employment practices and policies can contribute to wage inequity. Each of these practices and policies (employment systems) should be reviewed as comprehensively as possible to identify and remove barriers and to achieve true and continuing equity (pg. 4). Included is a list of practices and procedures that erect barriers to wage equity such as leave policies, inflexible work arrangement, insufficiency of on-site day care, salary negotiations at point of entry etc. CAUT emphasizes the importance of a wage equity study and provides suggested contract language to establish one.

Canadian Auto Workers Union (CAW)

“Canadian Auto Workers Women’s Guide”

In addition to describing the many programs for women in the CAW, this document outlines the paid educational leave (PEL) policy: “Each bargaining unit bargains a certain amount of money per member per hour to be set aside for the paid education leave program. Members are selected by their local union to attend the training at the CAW Family Education Centre in Port Elgin, Ontario. .. This program is open to all members in workplaces where PEL has been negotiated. All expenses including lost time and child care costs are covered.”

“Collective Bargaining Checklist and Suggested Collective Agreement Language”

On the issue of same sex benefits, this document contains a standard non-discrimination clause, and addresses the following issues: anti-harassment benefits, pension benefits, leave of absence, marriage/commitment ceremony leave and family leave of absence. Available at
http://www.caw.ca/whatwedo/pride/bargain_check.asp.

“Collective Agreement Equity Audit”

This document offers a tool to evaluate agreements before negotiations and directions and suggestions about bargaining priorities. Available at
<http://www.caw.ca/whatwedo/women/pdf/EquityAudit.pdf>.

“Collective Bargaining Survey for Women,” 1996.

This internal survey on the collective bargaining priorities of women in the CAW included six areas: hours of work; benefits and pensions; wages; health and safety; work organization; and harassment/violence in the workplace. Although the results were not made public, the survey found that “benefits and pensions” ranked as the top issue in all sectors of the union; on other issues, the results varied greatly by sector. The survey offers an example of how a self-auditing tool can help the union establish a profile of women’s priorities and set the direction for collective agreement negotiating. For a copy of the survey, contact the CAW at 416-497-4110.

“Model Language on Harassment-Basic” offers basic language for an harassment policy. Available at http://www.caw.ca/whatwedo/humanrights/model_basic.asp.

“Model Language on Harassment-Extensive”

This document includes language on the establishment of a “Joint Employment Equity Committee” whose functions include information gathering, barrier identification, the development of goals and timetables, and the investigation of harassment complaints. This committee also develops and implements anti-harassment employment equity training for all employees which includes three-day anti-harassment training for all union representatives and members of management and a one-day/half-day anti-harassment training program for all employees.

This text also includes language to support women who face domestic violence. For example, “the parties agree that when there is adequate verification from a recognized professional (i.e., doctor, lawyer, professional counsellor), a woman who is in an abusive or violent personal situation will not be subjected to discipline without giving full consideration to the facts in the case of each individual and the circumstances surrounding the incident otherwise supportive of discipline.”

Finally this text includes language on “Women’s Advocates” in the workplace: “The parties recognize that female employees may sometimes need to discuss with another woman matters such as violence or abuse at home or workplace harassment. They may also need to find out about specialized resources in the community, such as counsellors or women’s shelters, to assist them in dealing with these and other issues. For this reason, the parties agree to recognize that the role of women’s advocate in the workplace will be served by the CAW female member of the Joint Employment Equity Committee, in addition to her duties relating to employment equity. The trained CAW female employment equity representative will meet with female members as required, discuss problems with them and refer them to the appropriate community agency when necessary.” This unique and innovative program was first negotiated in 1993 at the Big Three Auto Companies and has been a ‘resounding success’. (Full text available at http://www.caw.ca/whatwedo/humanrights/model_ext.asp) See also “Joint Anti-Harassment Policy Letter Model Language. Available at [<http://www.caw.ca/whatwedo/humanrights/antiharassment.asp>](http://www.caw.ca/whatwedo/humanrights/antiharassment.asp).

In 1999, the CAW negotiated a position of a CAW National Employment Equity Co-ordinator whose role is to promote a planned, informed, and consistent approach to employment equity on behalf of the union throughout the company. Specifically, the coordinator, as a member of the Master Employment Equity Committee, helps to develop and implement the joint Employment Equity Plan. The coordinator conducts community outreach and other activities to promote employment equity on behalf of this Committee. The coordinator works closely with the Local Employment Equity Committees and makes recommendations to assist the committees in promoting equity in the workplace. This may involve advising with respect to community outreach initiatives, assisting with local work to develop and implement the joint Employment Equity Plan, coordinating education and communications efforts, and assisting with anti-harassment efforts or with the resolution of difficult complaints. For more information about this position, contact CAW.

“Rights, Equity, and Solidarity,” [Part II Collective Bargaining and Solidarity] Report to the 1999 Collective Bargaining and Political Action Convention.

This document outlines the current status of equity in CAW collective agreements and advances a program to expand equity initiatives in bargaining. It considers four areas: human rights

(including anti-racism, gay and lesbian rights, disability rights); the women's agenda, employment equity, and family issues.

“Social Justice Fund”

The CAW Social Justice Fund, first negotiated in 1990, provides solidarity assistance to non-profit and humanitarian projects within Canada and around the world. The employer pays into the Fund an amount per hour worked per worker. Like Paid Education Leave (PEL), the Social Justice Fund (SJF) is becoming a feature of more and more CAW collective agreements. It is a mark of CAW's commitment to the idea of social unionism. More information available at <<http://www.caw.ca/whatwedo/socialjusticefund/index.asp>>.

Canadian Labour Congress (CLC)

“Aboriginal Rights Resource Tool Kit,” 2005. Available at
<http://canadianlabour.ca/index.php/s4265305dbe412/Aboriginal_Rights_Re>.

This resource includes sections on ‘The Historical and Contemporary Situation of Aboriginal Peoples in Canada’, Demographic and Socio-economic profile of Aboriginal Peoples, Aboriginal Rights, Aboriginal Peoples and Labour Issues, and a list of resources. The section on Aboriginal Peoples and Labour Issues “includes information on Canadian labour movement’s efforts to address the challenges faced by Aboriginal Peoples in accessing employment. It describes how organized labour as a social justice movement has tried to ameliorate the barriers which prevent Aboriginal Peoples from participating in the labour force. The section has incorporated some sample collective agreement provisions, employment equity language, policy statement and partnership agreements, all of which have been developed with the goal of making the Canadian workforce more inclusive and representative of its Aboriginal population” (p. 5.1) This chapter notes that through collective agreements, the issue of representative workforce has been addressed by including special provisions on hiring, workplace preparation, in-service training and accommodation of spiritual or cultural observances.

Some of the texts included in this chapter of Resource Kit are:

*PARTNERSHIP AGREEMENT BETWEEN THE CLC AND THE CONGRESS OF ABORIGINAL PEOPLES which concludes with

THEREFORE the CLC and CAP are committed to work together to pro-actively address the Aboriginal labour force participation inequities in the twenty-first century and next millennium; and

THEREFORE the CLC and CAP will work together to develop and strengthen “Aboriginal voices” within the structures of the labour movement; and

THEREFORE CAP will assist the CLC and its affiliates in their anti-racism initiatives which will include the design of continuous learning opportunities; and

THEREFORE the CLC and CAP commit to the establishment of a joint committee whose mandate will include the development, implementation, and recommendation of processes and actions designed to eliminate systemic barriers which limit Aboriginal employment and/or economic, political, social and cultural rights.

*FIRST NATIONS EMPLOYMENTS OPPORTUNITIES IN THE COLLECTIVE AGREEMENT BETWEEN ANVIL RANGE MINING CORPORATION AND USWA which includes

00.10 The Company and the Union commit themselves to removing work rules which constitute a barrier to allowing First Nations employees of the Company to engage in their traditional economic activities and lifestyles, including hunting and fishing, and their traditional religious observances, while maintaining continuing employment with the Company. Accordingly, the Company and the Union agree that the Company may afford each First Nations employee with a First Nations Leave of Absence (hereinafter “FNLOA”), without pay but without loss of accumulated seniority, upon the written request of a First Nations employee which shall be provided to the Company with a copy to the Union not less than one week prior to the commencement of any portion of the FNLOA in question (minimum of one week period at a time), for a total of not more than ten (10) weeks in any calendar year. The FNLOA shall not accumulate from one calendar year to the next.

*Aboriginal Government Employees Network and Saskatchewan Government Employees Union: A PROPOSED IMPLEMENTATION PROCESS DESIGNED TO INCREASE ABORIGINAL EMPLOYMENT IN THE PROVINCES PUBLIC SECTOR WORKFORCE

*IBEW LOCAL 2034

Letter Of Intent LOI # 4/2000 which states *“The parties agree to work co-operatively to identify and remove systemic barriers to employment in order to facilitate equitable participation of qualified Aboriginal people and minorities in Manitoba Hydro’s workforce, in stable long-term employment.”*

“Bargaining for Equality,” CLC, November 1-3, 1998.

Prepared for the 1998 CLC Women’s Symposium organized by the Women’s and Human Rights Department, “Bargaining for Equality” is a comprehensive overview of the many equality-related issues confronted in the workplace. The introduction emphasizes the importance of collective bargaining as an equality mechanism, given the limits of Canadian legislation. Although sample collective agreement clauses are not included, the manual outlines the significance of each issue, provides several positive solutions, and offers guidelines for negotiating. It also includes an excellent bargaining checklist on each issue.

Included in this extensive discussion are issues surrounding: wages and benefits; gender neutral job classification systems; pensions; hiring, promotion and training; hours of work; job sharing; expectant and nursing mothers; leaves of absence; health, safety and the environment; workplace policies on AIDS/HIV; reproductive health and new reproductive technologies; right to refuse unsafe work; family responsibilities; family leaves; rights of vulnerable and precarious workers; home workers; child labour; discrimination; harassment; violence in the workplace; giving women a voice; part-time, temporary and casual work; transgendered workers; and the increase in unpaid work for women.

The document is not available electronically. For copies, contact the Women’s and Human Rights Department the Canadian Labour Congress, 2841 Riverside Dr., Ottawa ON, K1V 8X7, (613) 521-3400 ext. 202.

“The MORE We Get Together: Disability Rights and Collective Bargaining Manual,” 2004.

The MORE [“Mobilize, Organize, Represent and Educate”] campaign focusses on disability in the workplace and was officially launched by the CLC in 2001. The manual is a resource not

only for union negotiations around disability rights, but also for disabled union and community activists working to improve the conditions of workers with disabilities. It contains information, self-audit checklists and sample clauses. The manual's primary focus is on the duty to accommodate but it also addresses human rights, employment equity, privacy, training, job rights and seniority. For more information, there is a list of references, links and resources. Available at <http://canadianlabour.ca/index.php/more_campaign>.

"Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges." By A. Jackson and G. Schellenberg. CLC Research Paper #11, 1999.

This paper examines the impacts of collective bargaining on labour market outcomes for women workers in Canada, specifically with respect to pay, benefits coverage, the incidence of low pay and the extent of earnings inequality. It suggests ways that positive impacts could be extended through the expansion of collective bargaining coverage changes and public policy. Part I of the paper briefly reviews the literature on the impacts of collective bargaining on earnings, low pay, and earnings inequality. Part II provides some background on the labour market position of Canadian working women. Particular attention is paid to the situation of the majority of women who continue to work in lower paid, often insecure and part-time, clerical, sales, and service jobs. Part III provides empirical analysis based mainly on data from Statistics Canada's 1995 Survey of Working Arrangements. Part IV considers ways in which improvements in collective bargaining outcomes for women could be achieved through trade union action and changes to public policy.

Available at <<http://action.web.ca/home/clcpolcy/attach/rp11.pdf>>. This is a revised paper presented originally to the "Women and Work" conference sponsored by the John Deutsch Institute and the Canadian Workplace Research Network and later published in Women and Work, eds. Richard Chaykowski and Lisa Powell. Kingston, Queen's University Press, 1999, pp. 245-282.

Canadian Media Guild (CMG)

"Article 1.2: Employee Rights", 2004-2009.

1.2 Employee Rights

It is the intention of the parties that this agreement be interpreted and applied in accordance with its true intent and consistently with its objectives. The parties recognize that employees' rights as defined in the collective agreement are relevant within a broad range of issues, including but not limited to discrimination, employment equity, pay equity, harassment, accommodation of disability, family and child care, job security, and training and education. For greater clarity, the following outline of Employee Rights shall govern the interpretation and application of this agreement:

- a) *The Corporation and the Union recognize the inherent right of every employee to work in an environment characterized by mutual respect, dignity, fairness and well-being. The parties affirm their opposition to all forms of discrimination against and harassment of the employees.*
- b) *The Corporation commits to providing leadership and assistance to employees in an even-handed way.*
- c) *The parties are committed to the thoughtful resolution of disputes and issue of concern in a timely and responsible way. The parties also agree not to use technical arguments to impede the resolution process.*
- d) *Employees have the right to work in an environment that respects their personal privacy and is free from surveillance, either overt or covert, subject to legitimate security needs.*

e) The parties' respective rights under this Collective Agreement will be exercised in a fair and reasonable manner and consistent with the terms of this Agreement.

Canadian Union of Postal Workers

“Article 40: Encouraging Women to Apply”, CUPW Collective Agreement, 2003.

40.21 Encouraging Women to Apply

Both parties recognize that obligations are prescribed by the Employment Equity Act and in accordance therewith undertake to eliminate employment barriers in the workplace. The Committee shall make a particular effort to encourage women to apply for admission to apprenticeship programs and training programs. More particularly, the Committee shall propose precise measures concerning the availability of appropriate facilities for women. The Committee shall also examine and make recommendations on any question regarding the under-representation of women that may be incorporated into the Corporation's Employment Equity Plan, to support the participation of women in an apprenticeship environment.

....

In recognition of the Committee's undertaking in clause 40.21, when admission to the apprenticeship program is offered to employees in other groups, half of the positions shall be offered to the female employees who have applied. Should the number of female candidates be insufficient to fill all positions reserved for them, the positions that remain available shall be offered to male employees. The Committee shall establish the procedure to be followed to ensure the proper application of this paragraph.

Canadian Union of Public Employees (CUPE)

“A Decade of Breaking Through at the Bargaining Table.” Equal Opportunities/L’Egalite des chances Information Kit, 1980s.

This document was part of a Equal Opportunities Kit put together by CUPE in the mid-1980s. It lists breakthroughs by CUPE at the bargaining table around the following issues: no discrimination, equal pay for work of equal value, personal and sexual harassment, parental leave, child care, affirmative action, part-time workers’ rights, technological change, education leave and employee development, flex time, and transportation for night workers. Although bargaining has gone far beyond the particular gains listed here, it is noteworthy how many of the same issues are on the current bargaining agenda. The Kit also includes a booklet titled “Are you being discriminated against?” which offers a useful workplace checklist similar to an equity audit.

“Bargaining Equality: A Workplace For All,” 2004.

Produced by the Equality Branch of CUPE, this comprehensive binder of information opens with the union’s equality statement and an introduction on how to make equality issues a priority in bargaining. The sections discuss a broad range of equality issues such as: child care; discrimination; duty to accommodate; equality and health and safety; family responsibility and other leaves; harassment and violence; maternity and parental leave; pensions and benefits; wage discrimination and pay equity. Each section includes a discussion of the issue, tools for self-auditing and sample collective bargaining language. Available at
<http://www.cupe.ca/www/bargeq>.

“Bargaining Strategies: Up With Women’s Wages”, March 2000.

“Up With Women’s Wages” was a 2000 campaign to help make women’s wages a priority at the bargaining table, in part through the creation of 2000 union women’s committees. Included in the kit of material is a detailed document on “Bargaining Strategies” for improving women’s wages. It addresses removing increment steps, flat wage increases, equalizing base rates, negotiating parity, paid parental leaves of absence, direct grants to raise women’s wages and stopping privatization and contracting out. Available from CUPE at women@cupe.ca or 613-237-1590. For a description of the campaign and successful struggles around pay equity, see “Up with Women’s Wages” in Organize (CUPE), June 2000.

“Employment Benefits for Lesbian and Gay Workers and Their Families – Bargaining Issues and Contract Language,” February 1990.

This information kit was prepared by the Research and Equal Opportunities Departments of CUPE in response to many requests from union locals and staff for contract language and information regarding employment benefits for lesbian and gay workers and their families. This kit that not only presents a path for negotiating equal employee benefit plans for lesbian and gay workers, but also speaks to the broader underlying problem of discrimination based on sexual orientation. It contains a discussion on ending discrimination in benefits coverage, a paper on bargaining issues and contract language including examples of negotiated definitions, a paper on insurance issues, and information on legal decisions and current litigation which provides information on various court decisions. Included is a list of insurance carriers who have agreed to provide equal coverage to same sex partners and their dependents, “On Our Own Terms” by John Bailey (Our Times, Dec 1989) and two pamphlets: “Understanding Homophobia” produced by the Pink Triangle Services/Les Services du triangle rose, and a pamphlet on “Winning Out At Work.” The kit is currently not available online. Contact the National Pink Triangle Committee, CUPE, 21 Florence St., Ottawa ON, K2P 0W6, or online at [<http://www.cupe.ca/www/nationalcommittees/4988>](http://www.cupe.ca/www/nationalcommittees/4988).

“Harassment - the Bargaining Approach.” Harassment Awareness Kit, October 1991.

The Harassment Awareness Kit contains CUPE’s Equality Statement, the Policy Statement on Sexual Harassment, a working paper on “What is Harassment” and “Harassment-The Bargaining Approach” which includes model clauses, and finally “Questions and Answers about Co-worker Sexual Harassment”.

First Nations and Metis Bargaining:

PARTNERSHIP AGREEMENT between Saskatchewan Association of Health Organizations and Canadian Union of Public Employees Health Care Council and Saskatchewan Intergovernmental and Aboriginal Affairs, 2000.

“The parties to this Agreement recognize that First Nations and Metis persons are not represented in the health sector employment in proportion to their potential labour force numbers. Therefore, the parties agree that specific initiatives are required by health sector employers, health sector employee unions and by other stakeholders including the Aboriginal community, the two senior levels of government and the education/training institutions, to prepare and develop the Aboriginal workforce and to facilitate the integration of Aboriginal persons into health sector occupations.”

The parties therefore mutually agree in principle to work together to address the following general employment related issues. Details to be addressed in implementing this agreement shall include but not be limited to those issues identified in Appendix A to this agreement:

1. Identify and remove existing barriers to Aboriginal employment which may be contained
2. in the terms of current collective agreements with health sector employers;
3. Develop a health sector to Aboriginal community communications strategy;
4. Develop an Aboriginal community to health sector employer communications strategy;
5. Participate in career information and planning events within the Aboriginal community;
6. Develop a health sector training needs communications strategy with the appropriate training institutions;
8. Work with health sector employers to adopt a strategy to recruit, hire, train and retain
9. Aboriginal workers.”

PARTNERSHIP AGREEMENT [on First Nations and Metis persons] BETWEEN CANADIAN UNION OF PUBLIC EMPLOYEES [CUPE SASKATCHEWAN] AND SASKATCHEWAN INTERGOVERNMENTAL AND ABORIGINAL AFFAIRS, 2000.

The parties to this Agreement are aware that First Nations and Metis persons are underrepresented at all levels in the Saskatchewan labour force. The parties mutually agree in principle that initiatives to increase Aboriginal employment are needed which are specifically designed to encourage potential Aboriginal workers to participate in and be integrated into the provinces labour force and into workplaces where CUPE has collective agreements, in proportion to their potential labour force numbers.

To achieve a CUPE labour force membership in which Aboriginal persons are representative, the parties to this agreement will co-operate in undertaking the following general initiatives which will include but not be limited to issues identified in Appendix A to this agreement:

1. Review provisions in current collective agreements with Saskatchewan employers to identify potential barriers to Aboriginal employment and draft a model collective agreement which is designed to give Aboriginal candidates equal access to all occupational levels currently covered by collective agreements and which are currently accessible only by current employer staff.
2. To recommend and promote the use of this model collective agreement by CUPE Saskatchewan and Intergovernmental and Aboriginal Affairs to CUPE's affiliated locals for negotiating collective agreements;
3. To promote specific language which commits the union and the employers with whom CUPE has collective agreements to work together to achieve a future workforce in which Aboriginal workers are “representative” based on their workforce numbers;
4. Publicly promote the concept of an Aboriginal representative workforce with union members in particular and to the general public;
5. To review existing labour legislation to identify potential legislative barriers to Aboriginal employment and to recommend changes to legislation to remove such barriers;
6. To develop a strategy to assist union members to enhance their understanding of Indian and Metis issues;
7. To co-operate in promoting post-secondary training opportunities for Aboriginal students including a strategy on establishing an education assistance program which may include scholarships and bursaries.

“Winning Out at Work: “Employment Benefits for Lesbian and Gay Workers and Their Families” 2001.

This kit updates the earlier 1990 version. It includes three sections: Bargaining Issues and Contract Language; Insurance Issues; and Partner Recognition Litigation: Winning Out at Law (including an update on recent arbitration, court and tribunal decisions). The kit is currently not available online. Contact the National Pink Triangle Committee, CUPE, 21 Florence St., Ottawa ON, K2P 0W6, or online at <<http://www.cupe.ca/www/nationalcommittees/4988>>.

Communications, Energy and Paperworkers Union of Canada (CEP)

“Bargaining Equality: Joining Hands in Solidarity.” 2001.

Prepared by the CEP Research Department, “Bargaining Equality” is an aid to collective bargaining on issues of concern to women and other equity-seeking groups. For each topic area, a brief background, a goal for negotiating and sample contract language (primarily from CEP contracts) are included. The document addresses discrimination; harassment; employment equity; equal pay; rights for gay, lesbian, bisexual and transgendered workers; persons with disabilities; part-time work; hours of work and family leave; and child care. The document is a work in progress and will be updated periodically. Available at <http://www.cep.ca/human_rights/equality/eba_e.pdf>.

“Negotiating Shorter Hours”, nd.

This manual is a guide to collective bargaining on overtime, hours of work and schedules. Each section includes a background discussion and sample collective agreement clauses. Available at <http://www.cep.ca/material/books/swt/swtbook_e.html>.

Grain Services Union (GSU)

CREDITED SENIORITY FOR DESIGNATED GROUP MEMBERS

Agreement between the Saskatchewan Wheat Pool and the Grain Services Union [GSU] In effect from Jan 1993 to Jan 1995.

...
2. Effective January 1, 1993, credited seniority will be available to employees who are designated group members for the purposes of bidding on vacancies and maintenance of employment in cases of layoff and recall where designated group members are under-represented within an occupational grouping.

3. Designated group members will be credited seniority in the amount of one-half of the average service of all the above-noted -bargaining units as determined by the participation of the GSU members in the Saskatchewan Wheat Pool/Grain Services Union(C.L.C.) Pension Plan. The amount of credited seniority shall be 6.2 years.

4. Twelve occupational groupings will be used to determine whether there is sufficient representation from designated group members in an occupational group. The determination of sufficient representation and the occupational groupings shall be made by the Saskatchewan Wheat Pool Grain Services Union Employment Equity Joint Committee.

5. Postings of vacancies will indicate which designated groups may exercise credited seniority rights due to under-representation in the occupational group in which the classification is categorized.

6. In the matters of filling of vacancies, layoff, and recall from layoff, a designated group member who is eligible to exercise credited seniority and whose seniority is less than the amount of credited seniority set out in Section 3 above shall have his/her seniority adjusted to the credited amount for the purpose of applying the appropriate provisions of the Collective Agreement.

7. In the event two or more employees are eligible to use credited seniority to bid on a vacancy, or to maintain employment in event of a layoff or recall from layoff, the employee's actual seniority will be used as determining factor to break the tie. In the event of two or more employees having the same actual seniority, the tie shall be broken by lot.

8. It is recognized and understood that the above provisions do not constitute an abrogation of the existing provisions of the collective agreement with respect to qualifications, ability and merit in the application of seniority rights.

9. Credited seniority will only be available for use by employees who are designated group members once they have completed the probationary period as set out in the applicable collective bargaining agreements.

10. The credited seniority for an employee who is a designated group member shall cease to exist when the employee's actual seniority as defined by the collective bargaining agreement equals the credited seniority.

National Union of Public and General Employees (NUPGE)

“Bargaining for Equality.” Susan Attenborough, 1982.

One in a series published by NUPGE (then called the National Union of Provincial Government Employees), this booklet is a handbook for negotiating equality in the workplace. Published in 1982, the text focuses on convincing the male membership to support equality policies. Although the language is somewhat outdated, the issues are generally the same: no-discrimination, seniority, parental leave, child care, sexual harassment, affirmative action, and part-time work. The booklet includes a section on strategies for negotiating.

“Collective Bargaining in the Provincial Public Sector, 1990-1999,” March 1999.

Available at

[<http://www.nupge.ca/publications/MiscPDFs/collective-bargaining-overview-99.PDF>](http://www.nupge.ca/publications/MiscPDFs/collective-bargaining-overview-99.PDF).

For each of the NUPGE components, this document provides a detailed list of the results of collective bargaining and legislative interventions into bargaining between 1990-99.

Collective Bargaining Series:

In the collective bargaining series listed below, there are six one-page pamphlets on Casualization, Employee Assistance Programs, Rest Between Shifts, Flexible Work Hours, Time Off in Lieu of Overtime Pay, and Health Care, all issues of relevance to women workers. Each pamphlet explains the issue, and offers bargaining ideas and/or collective agreement clauses.

“Collective Bargaining Series: #1 Casualization,” June 2001.

Available at

[<http://www.nupge.ca/publications/Gen%20CBAC/gen%20Casualization%20Final.pdf>](http://www.nupge.ca/publications/Gen%20CBAC/gen%20Casualization%20Final.pdf).

“Collective Bargaining Series: #2 Employee Assistance Programs,” Sept. 2001.
Available at
[<http://www.nupge.ca/publications/Gen%20CBAC/gen%20EmployAssistProg.pdf>](http://www.nupge.ca/publications/Gen%20CBAC/gen%20EmployAssistProg.pdf).

“Collective Bargaining Series: #3 Rest Between Shifts,” Sept. 2001.
Available at
[<http://www.nupge.ca/publications/Gen%20CBAC/gen%20RestBetweenShifts.pdf>](http://www.nupge.ca/publications/Gen%20CBAC/gen%20RestBetweenShifts.pdf).

“Collective Bargaining Series: #4 Flexible Work Hours,” Sept. 2001.
Available at
[<http://www.nupge.ca/publications/Gen%20CBAC/gen%20FlexibleWorkHours.pdf>](http://www.nupge.ca/publications/Gen%20CBAC/gen%20FlexibleWorkHours.pdf).

“Collective Bargaining Series: #5 Time Off in Lieu of Overtime Pay,” Sept. 2001.
Available at [<http://www.nupge.ca/publications/Gen%20CBAC/gen%20TOILOfOvertime.pdf>](http://www.nupge.ca/publications/Gen%20CBAC/gen%20TOILOfOvertime.pdf).

“Collective Bargaining Series: #6 Healthcare,” March 2002.
Available at [<http://www.nupge.ca/publications/Medicare/6_Medicare_Alert.pdf>](http://www.nupge.ca/publications/Medicare/6_Medicare_Alert.pdf).

Collective Bargaining Series for Women:

In this collective bargaining series, there are six one-page pamphlets on sexual harassment, workplace child care committees, Short-Term Family illness Leave, Nursing Services, Maternity leave and Pensions/Retirement Issues, all issues of importance to equity bargaining.. Each pamphlet explains the issue, and offers bargaining ideas and/or collective agreement clauses.

“Collective Bargaining Series for Women: #1 Sexual Harassment,” June 2001. Available at
[<http://www.nupge.ca/publications/Women%20CBAC/wom%20SexualHarrassment.pdf>](http://www.nupge.ca/publications/Women%20CBAC/wom%20SexualHarrassment.pdf).

“Collective Bargaining Series for Women: #2 Workplace Child Care Committees,” Sept. 2001.
Available at
[<http://www.nupge.ca/publications/Women%20CBAC/wom%20WorkplaceChild.pdf>](http://www.nupge.ca/publications/Women%20CBAC/wom%20WorkplaceChild.pdf).

“Collective Bargaining Series for Women: #3 Short-Term Family Illness Leave,” Sept. 2001.
Available at
[<http://www.nupge.ca/publications/Women%20CBAC/wom%20ShortTermIllness.pdf>](http://www.nupge.ca/publications/Women%20CBAC/wom%20ShortTermIllness.pdf).

“Collective Bargaining Series for Women: #4 Nursing Services,” Sept. 2001. Available at
[<http://www.nupge.ca/publications/Women%20CBAC/wom%20NursingServicesp65.pdf>](http://www.nupge.ca/publications/Women%20CBAC/wom%20NursingServicesp65.pdf).

“Collective Bargaining Series for Women: #5 Maternity Leave (a) Anti-discrimination Clauses and Amount and Duration of Benefits,” Sept. 2001. Available at
[<http://www.nupge.ca/publications/Women%20CBAC/wom%20Maternity%20Leave%201.pdf>](http://www.nupge.ca/publications/Women%20CBAC/wom%20Maternity%20Leave%201.pdf)

“Collective Bargaining Series for Women: #6 Pensions/Retirement Benefits,” Oct. 2002.
Available at [<http://www.nupge.ca/publications/Women%20CBAC/women_Pensions.pdf>](http://www.nupge.ca/publications/Women%20CBAC/women_Pensions.pdf).

“Duty to Accommodate,” November, 2002.
Available at [<http://www.nupge.ca/publications/Duty%20to%20Accommodate.pdf>](http://www.nupge.ca/publications/Duty%20to%20Accommodate.pdf).

Although not directly on collective bargaining, this document outlines the implications around ‘duty to accommodate’ and negotiating non-discrimination arising out of the 1999 Supreme Court decision

on the Meiorin case brought forward by BCGEU/NUPGE. In this case, Tawney Meiorin was laid off after failing the fourth component of the job fitness test – a 2.5 kilometre run to be completed in 11 minutes. Her time was 11:49. The Court agreed that Meiorin was a victim of sex discrimination.

“The duty to accommodate in the workplace is the legal requirement for employers to proactively eliminate employment standards, requirements, practices or rules that discriminate against individuals or groups on the basis of a prohibited ground, such as race, sex, disability, age and so on... Prior to Meiorin, the duty to accommodate a worker only arose when a problem had been identified. For example, the worker was not able to perform the job in the traditional manner. In this case, the worker had an obligation to advise the employer of the need to be accommodated and the employer had an obligation to ensure that difficulties arising out of discrimination based on a prohibited ground were accommodated. Employers, and the Union, were legally required to take reasonable actions to eliminate the effects of employment practices or rules that discriminated against individuals or groups on the basis of a prohibited ground, such as race, sex, age and so on. The Meiorin decision however, broadened that definition to place a positive obligation on employers to design workplace standards and requirements so that they do not discriminate (i.e., the employer must take proactive action to ensure these standards and requirements are not discriminatory). In other words, there is now a positive obligation on the employer to design the workplace so that equality and accommodation are built in to all policies and practices.”

Ontario Confederation of University Faculty Associations (OCUFA)

“Maternity and Family Leave Policies at Ontario Universities,” Andrea Levan. With research by the OCUFA Status of Women Committee, May 2003.

Prepared by the OCUFA Status of Women Committee, this document analyzes maternity and family leave policies for full time faculty at Ontario universities in order to assess whether policies address problems of discrimination against full-time women faculty and librarians, encourage their full participation and equality, or perpetuate systemic discrimination. Information from the collective agreements and faculty policies was taken from the websites of 17 Ontario universities on November 1, 2002. The data are presented as a series of comparative lists, ranging in topic from terms of maternity leave and remuneration to tenure and sabbatical provisions. The data focuses solely on full-time faculty. Although sometimes covered by full-time agreements, part-time faculty, who are disproportionately women, are likely to be in separate bargaining units or non-unionized. This document is the first stage in a larger project to review all faculty policies and collective agreements to assess their impact upon women faculty and librarians. Available at <www.ocufa.on.ca/swc/maternity.pdf>.

Ontario Federation of Labour (OFL)

“Bargaining for Work and Life.” Alice de Wolff. Produced by the Ontario Coalition for Better Child Care, OFL, CLC, and the Feminist Political Economy Network, Graduate Women’s Studies Program, York University, November 2003.

This manual is intended to provide union and community activists with a review of the strategies Canadian unions have used in bargaining and campaigning for conditions that make it easier for workers to manage their life and caring responsibilities. The *Workplace Checklist for Creating Work-Life Balance* is the first resource in the manual, and offers a summary of the bargaining strategies and policy observations which support workers through major life events, phases and crises. Chapter 1 summarizes gains made by unions in the last decade, describes the current concerns of workers, and takes up a number of persistent myths about work-life issues. Chapter 2

looks at unions' strategies for taking more control over time at work. It includes a campaign checklist and resources. Chapter 3 compares Canada's legislation around life-related leaves with that of other countries, and then looks at union's experience with parental, caring and other leaves. It includes a campaign checklist and resources. Chapter 4 reviews child care and health care policies, and compares Canada's child care programs with those of other countries. It examines union successes introducing workplace programs like child care, eldercare and employee assistance programs and includes a campaign checklist and resources. Chapter 5 is a checklist for union activists, with a list of general resources about life-work issues. Available at <<http://ofl.ca/index.php/library/>>.

Ontario Public Service Employees Union (OPSEU)

"Network for Better Contracts: Working Group on Equity and Inclusion," 2001.

The goal of the Network for Better Contracts is to enhance the use of equity as an essential element in the strategy for effective bargaining, organizing, and shaping public policy. Bargaining informed by equity principles and practice is good bargaining, according to the Network. This document considers equity as a strategy for bargaining rather than a goal. It explores how to organize across constituencies and differentiates between a principled and a strategic approach to equity bargaining. For a copy of the document, contact the OPSEU Provincial Human Rights Committee, 100 Lesmill Rd., Toronto ON, M3B 3P8, (416) 443-8888.

Public Service Alliance of Canada (PSAC)

"Meeting Member's Needs: Negotiating Family Care." Issues – Hot Topics for Collective Bargaining, No. 6 (April 2003), pp. 1-12.

This paper examines both the need and options for negotiating family care. It describes the current situation, considers key recommendations for moving public policy forward, and outlines the government response, the Quebec model and the union response. In particular, it emphasizes the value of child care funds, and includes the full text of the CUPW child care fund language and the recently negotiated language for a child care fund for UPCE [Union of Postal Communications Employees/PSAC].

"Same-Sex Benefits: Making Progress in the Courts and at the Negotiating Table." Issues – Hot Topics for Collective Bargaining, No. 1, (nd) pp. 1-8.

This paper outlines union successes in ensuring that all negotiated benefits are available to same-sex couples. It includes the PSAC policy on sexual orientation, various clauses in PSAC agreements and a discussion of the ongoing struggle with the Treasury Board on these issues.

For copies of these documents, contact PSAC at 613-560-4200 or email <bargaining@psac.com>.

Saskatchewan Union of Nurses (SUN)

ARTICLE 4.03 REPRESENTATIVE WORKFORCE (2002-2005)

(a) General Provisions

The Union and the Employer agree with the principle of achieving a representative workforce for Aboriginal workers. The Employer shall develop, implement, monitor and evaluate initiatives designed to facilitate employment of Aboriginal RN/RPN's in

proportion to the provincial working population

(b) Workplace Preparation

The Employer agrees to implement, in consultation with the Union, educational opportunities for all Employees to raise awareness of cultural differences with an emphasis on Aboriginal people. Payment for such educational opportunities shall be in accordance with Article 41.02 (a).

ARTICLE 4.04 ACCOMMODATION OF SPIRITUAL OR CULTURAL OBSERVANCES

Every reasonable effort will be made to accommodate an Employee in order for her to attend or participate in spiritual or cultural observances required by faith or culture. It shall be incumbent upon the Employee to provide the Employer with reasonable notice of such observances.

Trades Union Congress (UK)

Trades Union Congress. A TUC Guide for Union Negotiators on Lesbian, Gay, Bisexual and Trans Issues. London: TUC, 2006. Available at

[<http://www.tuc.org.uk/equality/tuc-11663-f1.cfm#tuc-11663-1>](http://www.tuc.org.uk/equality/tuc-11663-f1.cfm#tuc-11663-1).

In addition to outlining the legal rights accorded to lesbian, gay, bisexual and trans people in the United Kingdom, an extensive section on workplace negotiating issues includes discussion of workplace benefits, pension schemes, provisions of time off, bullying and harassment, the impact of domestic violence on work, and a special section on trash workplace issues. The document also considers issues of monitoring and equality action plans.

Trades Union Congress. Who's Looking After the Children? A Trade Union Guide to Negotiating Child Care. London: TUC, 2006. Available at

[<http://www.worksmart.org.uk/rights/viewsubsection.php?sun=89>](http://www.worksmart.org.uk/rights/viewsubsection.php?sun=89).

"This guide is aimed at trade union reps and negotiators and ... establishes some of the steps that union reps can take to determine and build support for child care and family friendly policies in the workplace; and by setting out some of the options which could consider when approaching employers about child care in particular places" (6). It includes a detailed discussion of four options: on-site or workplace nurseries, partnership schemes, out-of-schools care and child care vouchers and salary sacrifices. It also offers answers to employers' arguments against child care.

TUC Equality Audit. London: TUC, 2005.

Available at [<http://www.tuc.org.uk/equality/tuc-10487-f0.cfm>](http://www.tuc.org.uk/equality/tuc-10487-f0.cfm).

In 2001, the Trades Union Congress [TUC], the parallel UK organization to the CLC, passed an historic motion to change its constitution: a commitment to equality is now a condition of TUC affiliation and each affiliate commits itself to eliminating discrimination within its own structures and through all its activities, including its own employment practices. Available at [<http://www.tuc.org.uk/congress/tuc-5103-f0.cfm>](http://www.tuc.org.uk/congress/tuc-5103-f0.cfm). This constitutional change was accompanied by a comprehensive TUC equality auditing process on a bi-annual basis to maximize the dissemination and adoption of best practices throughout the trade union movement. The second audit released in 2005 focuses primarily on equality bargaining. The information was collected through an extensive survey (the form is included as an Appendix)

Currently, the key equality bargaining priorities in the TUC affiliates are measures to achieve equal pay, particularly for women; work-life balance and flexible working; parental rights; and

race discrimination and equality issues. The Audit identifies policies, guidelines and briefing materials available from member unions on these issues. It discusses the way these policies are communicated; the training unions provide for their negotiators -- interestingly training is most frequently provided to lay negotiators and least frequently to local full time officials (p. 23); the extent to which unions have specific equalities reps; and the way progress in bargaining on equal opportunities issues is monitored (p. 22). Finally the Audit reports in detail on bargaining achievements and offers actual contract language in the following areas: flexible working and work-life balance; parents and careers; women's pay; black, minority ethnic and migrant workers; lesbian, gay, bisexual and transgender workers; religion and belief; age; health and safety; union learning and education; harassment and bullying; recruitment, training and career progression; monitoring of the workforce.

United Steelworkers of America (USWA)

"It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities," National Policy Conference, Updated and Revised 2004.

This USWA document is a guide to negotiating family-friendly policies to assist in balancing the demands of work and family responsibilities. Topics addressed are child and elder care; gay, lesbian, bisexual and transgendered rights; family responsibility care including compassionate care leave; and maternity, partner/paternity, parental and adoptive leaves. Each topic includes several options for negotiating, a list of audit questions about current provisions, and tips on how to lobby for legislative change. It also contains statistical information regarding the discords between work and life responsibilities. Available at
[<http://www.usw.ca/program/adminlinks/docs//Balancing_Act.pdf>](http://www.usw.ca/program/adminlinks/docs//Balancing_Act.pdf).

"Bargaining Equality", United Steelworkers and Machinists Union, Joint National Women's Conference, 2001.

This binder of information is divided into 7 sections. Section 1: Bargain the Best is an introductory section explaining collective bargaining. Section 2: Bargain the Bottom Line examines the importance of collective bargaining to achieving good wages, pensions and benefits. Section 3: Bargain the Balancing Act offers negotiating suggestions about balancing work and family issues. Section 4: Bargain to Protect our Health addresses women's health and safety concerns, with special emphasis on negotiating anti-harassment policies and procedures. Section 5: Bargain Education and Training recognizes the importance of negotiating access to training and education leave to improve and enhance the skill level of women. Noteworthy are the educational leave program paid for by the employer; literacy skills training; and tuition reimbursement programs. Section 6: Bargain the Law summarizes some of the more recent and significant arbitration and court decisions that may affect bargaining; and Section 7: Bargain Solidarity includes documents about the 2000 World March of Women discusses the "Humanity Fund" negotiated by USWA in 1985. Members contribute a penny-an-hour to the Fund which are often matched by the employer.

A booklet with Facilitator Notes for running a workshop on "Bargaining Equality" is available from the United Steel Workers at 416-544-5969.

3. GOVERNMENT SOURCE MATERIAL

Ritchie, Laurell. "Women Workers and Labour Organization in Toronto: A Paper Prepared for the City of Toronto's Institute on Women and Work." City of Toronto Equal Opportunity Division, 1987.

This discussion paper explores the limit and opportunities for women in labour organizations and unions in Canada and more specifically, in Toronto. Topics touched upon include: the early history of women in the labour force; the present state of unionization of women and the barriers to the organization of women workers; benefits for women in unions; contract provisions of special interest to women workers; union approaches to women's equality beyond collective bargaining procedures; the impact of labour relations legislation on women workers; the working condition of immigrant and visible minority women; the impact of industry restructuring trends on women workers; and conclusions and recommendations put forth to the City of Toronto on how to improve upon the challenges and barriers faced by women in the workplace.

Of particular interest are the Appendices B and C. Appendix B lists contract provisions of special interest to women workers in Metropolitan Toronto, and bargaining initiatives for women workers put forth by their unions (including CAW, CUEW, CUPE, PSAC, YUSA, ONA, ILGW, and USWA). These clauses cover equity issues such as parental leave, child care, discrimination, sexual harassment, affirmative action, and pay equity. Also included are areas that have gender-specific impacts such as education, contracting out, health and safety, part-time work, and technological change. Appendix C is a list of union equity initiatives, model clauses and proposals, and the employers' responses.

Although most proposals date from the 1970s to 1987, they offer insight into the evolution of equity bargaining. The City of Toronto's Equal Opportunities Division in the Management Services Department has since been disbanded and the paper is currently not available electronically. For more information, contact Laurell Ritchie at <ritchiel@caw.ca>.

Rochon, Charles Philippe, ed. "Work and Family Provisions in Canadian Collective Agreements." Human Resources Development Canada Labour Program, 2000.

This study focuses on family-friendly provisions found in major collective agreements and is meant to help employers, unions, labour practitioners, researchers and the public gain a better understanding of policies and practices conducive to the balancing of work and family responsibilities; identify innovative practices; assess the feasibility of implementing such arrangements in a variety of contexts; and to explore some of the emerging priorities regarding this issue. The study considers five areas: organization of working time; maternity, parental and adoption provisions; other leave and vacations; child care; and employee benefits. Each chapter offers examples of contract language, and contains detailed analyses, including statistical charts which illustrate trends in collective bargaining from 1988 to 1998. The study is available through Human Resources and Social Development Canada. It is also regularly up-dated on line at <<http://www.sdc.gc.ca/en/lp/spila/wlb/wfp/31pdf.shtml>>.

4. SEARCHABLE DATABASES

“Collective Agreements Database,” Canadian Association of University Teachers (CAUT). Available at <<https://www.caut.ca/agreements/login.asp>>

The Collective Agreements Database is an exhaustive list of collective agreement clauses bargained by the member faculty associations of the CAUT. It is an excellent resource for researchers and for member associations who wish to consult the collective agreements of other faculty associations. The database can be searched for complete agreements or for specific articles on equity bargaining issues. For example, searching for “parental leave” resulted in 200 returns. The Database is accessible only by authorization, that is, a username and password is required. Contact the Canadian Association of University Teachers (613-820-2270; acppu@caut.ca) or a university faculty association.

“Negotech,” Workplace Information Directorate, Human Resources and Social Development Canada. Available at <<http://206.191.16.137/negotech/EN/FindRoot.asp>>.

Negotech is an important Canadian labour relations resource. It includes a sampling of negotiated contract clauses and collective agreements from bargaining units of 100 or more employees under provincial jurisdiction, all large bargaining units of 500 or more employees, and all bargaining units under federal jurisdiction. There are two ways to search the database: a full text search of the last two collective agreements, or a selective search using specific fields such as union name or settlement dates.

5. SECONDARY SOURCE MATERIAL

Adams, Jane and Julie Griffin. “Bargaining for Equality.” In Union Sisters, eds. Linda Briskin and Lynda Yanz. Toronto: The Women’s Press, 1983, pp. 182-197.

This article is an early introduction to collective bargaining for equality. The authors discuss why women should be active participants in the bargaining process, cite several victories and outline expectations for the future. They define the terms most often associated with collective bargaining and speak to some of the factors affecting successful negotiations. Adams and Griffin then take the reader through a point-by-point breakdown of how to successfully use the bargaining process to negotiate issues important to women workers. They discuss bargaining committees, negotiations, the need to exert pressure, what happens during breakdowns in negotiations, the grievance procedure and the importance of consciousness raising and social change. Sample clauses and explanations are provided for several key issues including: pay equity; maternity leaves; family leaves; child care; parental leaves; and union meetings on work time. It continues to be an excellent introductory resource for women’s committees and negotiating teams.

Akyeampong, Ernest. “Collective Bargaining Priorities.” Perspectives on Labour and Income, Vol. 6, No.8 (August 2005), pp. 5-10.

This article examines collective bargaining priorities in Canadian agreements signed in 1999 and 2000 using data from the Workplace and Employee Survey (WES). Akyeampong notes that “Growing demands for fairness and equity, both in the workplace and elsewhere, have also been a driving factor in collective bargaining. The post World War II era saw a large influx of immigrants, the mass entry of women into the workforce, a rise in feminism, and greater calls for

equality and human rights” (6). He finds increasing inclusion rates on occupational health and safety (83% by 2001), job security/layoffs (82%), pay equity (68%), education and training (67%), employment equity (62%) and contracting out (60%). Employment and pay equity provisions were more likely to appear in settlements in heavily unionized transportation, communication and utilities, and in education and health. In the latter, 82% of agreements had pay equity provisions compared to the overall rate of 68%; 78% had employment equity provisions compared to 62% overall.

Axworthy, Christopher. “Affirmative Action Clauses for Women in Academic Appointments and University Collective Agreements: The Dalhousie Experience.” Resources for Feminist Research (RFR/DRF), Special Issue on Women and Trade Unions, Vol. 10, No. 2 (July 1981), pp. 46-49.

As a representative for the Dalhousie University’s Faculty Association (DFA), Axworthy describes the pitfalls and frustrations of bargaining gender equity hiring guidelines with the University’s Board of Governors (BOG). Their refusal to include affirmative action in the collective agreement meant gender equity in faculty hirings was more difficult to achieve. His experience convinced him of the necessity of using the collective agreement as a vehicle for equity in hiring. Axworthy also highlights the importance of union members backing the push for affirmative action by union negotiators. Primarily due to sexism among its own ranks, the DFA did not fully support negotiators. Axworthy concludes that union members must be educated about the importance of affirmative action in order to ensure a united front on equity.

Barron, Lisa A. “Ask and You Shall Receive? Gender Differences in Negotiators’ Beliefs About Requests for a Higher Salary.” Human Relations, Vol. 56, No. 6 (2003), pp. 635-662.

Men and women negotiate different salary amounts, but little research has investigated whether their salary requests differ and how their beliefs might affect their negotiating behaviour. Qualitative data from post-negotiations interviews show differences in the nature of men and women’s beliefs about requesting a higher salary. Quantitative findings from simulated negotiations show that men made significantly larger salary requests than women and that beliefs were related to these requests. (Abstract, 635)

Bertone, Sandina. “Immigrant Workers and Enterprise Bargaining.” In Equity Under Enterprise Bargaining, ed. Suzanne Hammond. Working Paper 33. Sydney: Australian Centre for Industrial Relations Research and Teaching (ACIRRT), June 1994, pp. 33-42. Find at <<http://www.acirrt.com/>>.

Bertone concludes that for well organized skilled NESB (non-English speaking background) workers, enterprise bargaining may offer significant benefits; others will likely suffer. She also points out the contributions NESB workers can make in the workplace: “In a world where our export markets are increasingly non-English speaking markets; and where the drive to participate in the Asian region is a pre-eminent national goal of economic and political policy, it would be ridiculously wasteful and inefficient to overlook the immense reservoir of skills and knowledge held by NESB workers. Just as we have come to acknowledge the role that gender plays in the workplace, and the inefficiency of gender stereotyping of work, it is time that more recognition is given to the potential damage to our economic interests of ethnocentric stereotyping at work” (40).

Bewley, Helen and Sue Fernie. "What do Unions do for Women?" In Representing Workers: Trade Union Recognition and Membership in Britain, eds. Howard Gospel and Stephen Wood. New York: Routledge, 2003, pp. 92-118.

Bewley and Fernie assess the role of trade unions in monitoring equality legislation and in promoting family-friendly policies in collective bargaining. They note the distinction drawn by the Trades Union Congress (TUC) in the UK between “flexibility” (where management imposes forms of work organization on workers who have no opportunity to object) and ‘positive flexibility’ (where workers have more autonomy and choice in work-life issues, indicating a considered approach to work-life balance) (97). They outline union policies on equal pay and family-friendly working from various UK unions. They then consider how successful unions have been in negotiating policies of benefit to women in comparison to non-unionized workplaces. The results are unequivocal: workplaces with union recognition were almost twice as likely to have a formal written policy on equality of treatment; twice as likely to collect statistics on career progression; four times as likely to monitor promotions by gender; and three times as likely to review selection procedures to identify indirect discrimination. They were also more likely to provide flexible working and help with child care.

Burgmann, Meredith. "Women and Enterprise Bargaining in Australia." In Equity Under Enterprise Bargaining, ed. Suzanne Hammond. Working Paper 33. Sydney: Australian Centre for Industrial Relations Research and Teaching (ACIRRT), June 1994, pp. 27-32. Find at <<http://www.acirrt.com/>>.

Burgmann presents a negative assessment of the move from centralized to enterprise bargaining. Her conclusion focuses on the differential impact on workers in strong and weak unions: “The tensions that are present in the trade union movement over the issue of enterprise bargaining are not between the left and the right, but between the strong unions and the weak unions. This also mirrors the division between men and women workers. The leaders of the strong, efficient, well-organised traditionally militant unions, like the Metalworkers are not fearful of a move towards enterprise bargaining because they know they can deal with it because they have been, in the past, a good efficient union. The unions that have most to worry about in a move towards enterprise bargaining are the conservative non-militant unions, like the Clerks and the Shop Assistants. The workers, of course who will suffer under these conditions are women” (32).

Colling, Trevor and Linda Dickens. Equality Bargaining - Why Not? Equal Opportunities Commission Research Series, UK: Her Majesty's Stationery Office, 1990.

Britain's 1986 Sex Discrimination Act included no redress for sex discrimination in collective bargaining. Issues of concern for women, such as sexual harassment, pay equity, and equal opportunity are thus bargained only on a voluntary basis. Through interviews and document analysis, Colling and Dickens study three unions, the GMB (General, Municipal, Boilermakers and Allied Trade Union), NUHKW (National Union of Hosiery and Knitwear Workers) and the AEU (Allied Engineers Union) to determine whether unions exercise their voluntary ability to bargain for women's equality. They conclude that these unions do not, on the whole, bargain for equality issues.

They identify two major reasons for the unwillingness of unions. First, given that the structure of negotiations is both “conservative” and “parochial”, current collective bargaining contexts are not ideal for introducing controversial issues by often inexperienced women negotiators. Second, women's lack of participation in unions and on executives means that their concerns are often ignored, debased and silenced by male executives. It is not surprising, then, that equality issues are not on the bargaining table.

Colling, Trevor and Linda Dickens. "Selling the Case for Gender Equality: Deregulation and Equality Bargaining." British Journal of Industrial Relations, Vol. 36, No. 3 (1998), pp. 389-411.

This article explores the implications of deregulation for gender equality. A comparative outcomes-based study of British Gas suggest that deregulated systems are characterized by inequality and that action on inequality has become conditional upon the making a business case, an approach that is insufficient for the task. The prospects for voluntary, joint regulation to further equality in the wake of radical deregulation are limited. Responsibility for equality in the workplace has been privatized, the state as regulator has stood back and managers have reclaimed equality policy within managerial prerogative. Some re-regulation is required to help bargainers exploit fully the potential of joint regulation for equality. (Abstract, 389)

Colling, Trevor and Linda Dickens. "Gender Equality and Trade Unions: A New Basis for Mobilization?" In Equality, Diversity and Disadvantage in Employment, eds. Mike and Emmanuel Ojbonna. Palgrave, 2001, pp. 136-155.

Collins and Dickens explore union interest in employment equity before and after the 1997 election of a Labour government in Britain. From 1979 to 1997, Britain experienced a major decline in union membership and in the legitimacy of unions and collective bargaining. As a result of Conservative governments, and of the neo-right, anti-union economic agenda, unions revised their priorities to reflect the feminization of the labour market. Using the TUC (Trades Union Congress) as an example, Collins and Dickens demonstrate that unions became more female-friendly between the years of 1979 and 1997, and more interested in "women's issues" such as equal pay and equal opportunity in order to attract female membership and remain viable with the changing workforce. The 1997 election of a Labour government more sympathetic to unions but also with a strong interest in joining the European Union which demands that all member states implement equality provisions in their workforces raised new questions: now that the crisis is past, and a sympathetic government is in power, will unions take EU-inspired government interest in equality seriously, and also continue to represent women's interests in collective bargaining?

Cook, Alice, Val Lorwin and Arlene Daniels. "Collective Bargaining (Chap 3)." In The Most Difficult Revolution: Women and Trade Unions. Ithaca: Cornell University Press, 1992, pp. 79-106.

Cook, Lorwin and Daniels offer a comparative analysis of collective bargaining agendas and structures in Britain, Austria, Germany, Sweden and the United States. The authors argue that collective bargaining is more effective in situations of strong equity legislation, even in countries with centralized bargaining systems. In Sweden, for example, "it is not centralization that has benefited women but a social policy that has placed [equality] at the center of national welfare" (p. 105). In Austria, a country also with centralized bargaining, poor equity legislation renders centralization moot, and unions do not bargain equality effectively.

The authors also argue that although women's participation in the negotiation process is important, unions rarely appoint women to such positions and those women who are appointed often maintain a male-centered perspective. As a result, strong union- and equity-positive legislation furthers women's equality more than women negotiators. However, in countries like the United States where equality legislation is weak, collective bargaining is essential to further women's workplace equity, and unions must strengthen their commitments for bargaining equality.

Cook, Alice. "Collective Bargaining as a Strategy for Achieving Equal Opportunity and Equal Pay: Sweden and West Germany." In Equal Employment Policy for Women, ed. Ronnie Steinberg Ratner. Philadelphia: Temple University Press, 1980, pp. 53-78.

Cook compares equality bargaining and bargaining structures in Sweden and Germany. She concludes that due to a number of structural and historical factors, collective bargaining for equality issues like equal pay and equal opportunity has been more successful in Sweden. First, collective bargaining in Sweden has for the most part been strongly centralized which is more favourable to bargaining for equality issues. In Germany, where decentralized bargaining prevails, unions often must settle with employers who strongly oppose issues like equal pay and equal opportunity. Second, Swedish unions have a more systemic understanding of women's issues, and incorporate this understanding into bargaining. Whereas German negotiators bargain primarily for equal pay, Swedish unions fight for women's education and fight against sex segregation, based on the recognition that equal pay cannot be achieved unless these supposedly peripheral issues are addressed. Third, while both Swedish and German unions fair poorly in the hiring and election of women negotiators and high-ranking union officers, Swedish unions have a greater commitment to equal representation in unions.

Creese, Gillian. "Gendering Collective Bargaining: For Men's Rights to Women's Issues." Canadian Review of Sociology and Anthropology, Vol. 33, No. 4 (1996), pp. 437-456.

This paper explores the involvement of unions in the process of gendering work through a postwar case study of one office union. For fifty years, the Office and Technical Employees' Union, Local 378, has negotiated gender hierarchies in their bargaining with B.C. Hydro. Collective bargaining strategies favouring the rights of male breadwinners gradually gave way to assumptions about gender neutrality, which were in turn challenged by trade union feminism and the articulation of women's issues. By the 1990s women's issues were construed as the only union issues with gender-specific consequences, yet the "main business" of the union continued to reproduce male privilege. This study raises important questions for equity strategies in the workplace. (Abstract, 437)

Cuthbertson, Wendy. "Demanding Daycare: Autoworkers Win Historical Agreement on Child Care." Our Times, Vol. 3, No.1 (February 1984), pp. 12-13.

This article recounts a major victory by the Canadian Auto Workers (CAW) -- the negotiation of subsidized daycare for workers at a plant in Stratford, Ontario. The significance of the CAW agreement, Cuthbertson argues, extends beyond workers at this plant, since CAW agreements often set patterns for other collective agreements. Moreover, the child care agreement sent a clear message to all union organizers: if women's issues are not addressed by governments, unions must take up the slack through collective bargaining.

Dickens, Linda. Collective Bargaining and the Promotion of Equality: The Case of the United Kingdom. Geneva: ILO, 1993.

This report discusses field research in retail, banking, and national and local government. Successful cases of equality bargaining are highlighted, and external and internal factors which have been significant in promoting women's equality through collective bargaining are explored. Achievements in equality bargaining relate to a "short" agenda of including particular provisions of benefit to women, at best aiding women within existing structures. Progress on the "long agenda" of transforming the existing structures has yet to materialize. (Excerpts from Preface, pg. iii). Appendix 3 of this document contains examples of UK union documents on equality

bargaining including “Negotiating for the Parents’ Charter (GMB), “Job Sharing: A Negotiators Guide” (BIFU) and the Charter for Women at Work (TUC, 1990).

Dickens, Linda, Barbara Townley and David Winchester. Tackling Sex Discrimination through Collective Bargaining: The Impact of Section 6 of the Sex Discrimination Act 1986. Equal Opportunities Commission Research Series, London: Her Majesty’s Stationery Office, 1988.

This report explores the relationship between collective agreements and employment discrimination, and evaluates the impact of section 6 of 1987 Sex Discrimination Act (SDA). The report draws on primary data obtained in interviews with some thirty negotiators from both the national and company level. Interviews were conducted also with other personnel such as trade union research staff and women’s officers. The report also examines collective agreements and other relevant documents including internal reports, company hand-books and bargaining submissions. The report is divided into five sections: the introduction; an overview of collective bargaining in Britain; an examination of three sectors – local authorities, finance and retail; an analysis of collective agreements; and an overview of some approaches to removing discrimination from the workplace through collective bargaining. (Excerpts from Introduction, pg. 3-4)

Erickson, Christopher L. et al. “Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiation. British Journal of Industrial Relations, Vol. 40, No. 3 (Sept. 2002), pp. 543-567.

This article examines an important recent organizing success of the US labour movement: the “Justice for Janitors” campaign in Los Angeles among low wage immigrant workers in an industry “where the employer is elusive and where layers of subcontracting diffuse responsibility across multiple actors (owners of the buildings, renters and contractors)” (544). It illustrates the potential for unions to overcome the pro-employer bias of labour laws, and the value of appealing to the wider public and building coalitions. Noteworthy are the unusual forms of pattern bargaining, what Kochan and Katz have defined “as an informal means of spreading the terms and conditions of employment negotiated in one formal bargaining structure to another. It is an informal substitute for centralized bargaining aimed at taking wages out of competition” (560-61) developed by Service Employees International Union [SEIU]. The authors argue that this campaign suggests conditions under which unions might survive and thrive in the service sector in the twenty-first century. (From Abstract, 543)

Fudge, Judy. “The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader Based Bargaining.” In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. University of Toronto Press, 1993, pp. 231-248.

Fudge argues that the feminization of the workforce, occurring since the 1970s, has exposed the gendered assumptions of Canadian labour law and the limits of collective bargaining. The expansion of “women’s” jobs which are often part time, temporary, underpaid and non-unionized demonstrates that collective bargaining has traditionally worked for only a select “upper crust” of Canadian workers. In the context of a feminized work force, collective bargaining must shift to incorporate broad-based, as opposed to fragmented, unionization.

Using the Ontario Labour Relation Board’s criteria for the establishment of “bargaining units”, Fudge argues that the fragmentation of unions into bargaining units has proven detrimental to women workers. It has been based on the nature of work and the function of workers, and since “men’s work” and “women’s work” have been divided by skill and function, men and women are generally in separate bargaining units. Thus women, segregated in jobs that are supposedly

“unskilled”, have not held as much bargaining power as men. Such gendered fragmentations, which are the invention of employers, must be subsumed by a broad-based approach to collective bargaining in which unions cooperate to establish improved conditions and benefits for *all* workers.

Grundy, Lea and Netsy Firestein. “Bargaining for Families.” New Labour Forum, Vol. 2 (Spring 1998), pp. 19-25.

Grundy and Firestein focus on the significance of child care to working women and the importance of collective bargaining as a strategy to achieve innovative child care solutions in the United States. In the US, the Taft-Hartley Act which legally prohibited unions from bargaining for child care benefits was only amended after 1968. Subsequently US unions began to bargain on child care and related issues. The article documents two successful struggles: the Harvard Union of Clerical and Technical Workers (HUCTW) who, in 1989, won an innovative first contract which included \$3000-\$4000 cash grants for licensed child care per semester. In 1994 the Hotel Employees and Restaurant Employees International Union (HERE) Local 2 won child and elder care subsidies. The article also includes examples of unions addressing child care needs through collective bargaining in the form of child care centres, extended hours and before and after school care, parental leave, sick time to care for family members, short term leave and flexible work schedules.

Hall, Phillipa and David Fruin. “Gender Aspects of Enterprise Bargaining: The Good, the Bad and the Ugly.” In Dimensions of Enterprise Bargaining and Organisational Relations, ed. David Morgan. Sydney: Industrial Relations Research Centre, University of NSW, 1994, pp. 77-129.

Hall and Fruin review twenty Australian enterprise bargaining agreements in order to assess the consequences of decentralized bargaining for women. They conclude that decentralized bargaining is especially detrimental for women workers since women’s work is particularly responsive to “neo-management” approaches, whereby flexibility – in tasks, hours and wages – is lauded and expected. Stable wages, training, accessible recruitment, equal pay, and benefits for women are casualties of decentralized bargaining which weakens union representation.

Hall, Richard. “Gender Equity and Enterprise Bargaining.” Working Paper No. 57. Presented to the “Workplace Equity in the New Millennium Conference,” at the National Key Centre for Industrial Relations, Monash University, 24 June, 1999. Find at <<http://www.acirrt.com/>>.

This paper addresses the effect of enterprise bargaining on women in Australia with particular reference to the gender pay gap. He compares the wage determination principles of the traditional system and enterprise bargaining. He identifies an “enterprise bargaining gender pay gap”. However, he also finds that overall the gender pay gap is not increasing which he argues is a result of the lowering of men’s wages.

Hammond, Suzanne and Raymond Harbridge. “Women and Enterprise Bargaining: The New Zealand Experience of Labour Market Deregulation.” The Journal of Industrial Relations, Vol. 37, No. 3 (Sept 1995), pp. 359-376.

Hammond and Harbridge analyze labour contracts in New Zealand negotiated after the 1987 Employment Contracts legislation which decentralized the industrial relations. This new system removed bargaining from the centralized, government-involved awards system which had previously protected the wages and benefits of women workers. Considering issues such as wage rate, wage increases, employee bargaining power, clock hours, regular work hours, and penalty

rates, Hammond and Harbridge conclude that contracts engendered through enterprise bargaining and decentralization impact women negatively. The erosion of the awards system has had a particularly detrimental effect on “women’s jobs” (which supposedly require little skill) and stripped women in these jobs of the bargaining power guaranteed through strong unionization.

Harbridge, Raymond and Glen Thickett. “Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue.” New Zealand Journal of Industrial Relations, Vol. 28, No. 1 (2003), pp. 75-89.

Harbridge and Thickett analyze collective bargaining agreements following the 1999 election of a left-leaning and pro-union Labour Government in New Zealand. This government attempted to redress the damage to pay equity by the 1987 Employment Contracts legislation by introducing, in 2000, the Employment Relations Act which re-introduced fairness to the employment relations system and re-legitimized unions.

In order to assess the degree to which the new Employment Relations Act is a successful leverage for pay equity in collective bargaining agreements, the authors analyzed 3,372 collective bargaining settlements, dividing each into “mainly male” and “mainly female”, depending on the numbers of men and women in each union. They examined wages and wage fixing, wage changes, minimum wage rates, clock hours, regular working weekdays, penal rates, leave (annual, sick, domestic, bereavement, long service, parental), and redundancy provisions. They concluded that New Zealand women, employed predominantly by the state in education and health, are more likely than men to be covered by large collective agreements negotiated by centralized unions (which are better equipped to negotiate equal pay provisions and gender-specific benefits). Second, the re-legitimization of unions through the Employment Relations Act has been essential for women workers, particularly in the area of pay equity and leave. Women have much better leave provisions than men, and, while a gender pay gap still exists, women in centralized unions have much better wages than those not represented by these bodies.

Heery, Edmund and John Kelly. “Do Female Representatives Make a Difference? Women Full Time Officials and Trade Union Work.” Work, Employment and Society, Vol. 2, No. 4 (Dec. 1988), pp. 487-505.

Heery and Kelly explore the commitment of women who work as full time union officials (FTO) to bargain women’s issues. Their study is based on non-participant observation of and questionnaire distribution to men and women FTOs in seven large British unions: TGWU, GMB, AEU, ASTMS, EETPU, NUPE and NALGO. Their findings suggest that women FTOs do care more for women’s issues than male FTOs, and push for the improvement of part-time working conditions, daycare, maternity leave provisions, wages, and anti-harassment measures through bargaining. The authors come to a self-professed “volunteerist” (504) as opposed to structural conclusion, arguing that women FTOs do have a lot of room to manoeuvre, and a great deal of say in union bargaining agendas.

Heery’s and Kelly’s findings also highlight the importance of age, education, and experience. Younger, more educated and less experienced women FTOs find women’s issues more important. Similarly, those male FTOs who are young, highly educated, and white-collar find women’s issues more important than older, less educated and more experienced men. “Helping women (and members from ethnic minorities) is not a particularly high priority for most male FTOs.... Of much greater importance... were improving basic wages, improving working conditions and protecting jobs. Of course action to further these objectives will benefit those women for whom the FTO has responsibility, but it remains that most male officers do not rank specific action to assist women very highly.... [M]ale officials may be more prepared to promote women’s interests

where these can be presented as ‘traditional’ collective bargaining demands. There appears to be more suspicion of novel women’s issues such as sexual harassment and child care” (496).

Kainer, Jan. “Gender, Corporate Restructuring and Concession Bargaining in Ontario’s Food Retail Sector.” Relations Industrielles/Industrial Relations, Vol. 53, No. 1 (1998), pp. 183-206.

This paper examines collective bargaining at three major supermarket chains in Ontario. It argues that the retail unions in this sector have a long history of business unionism which is no longer effective in the face of aggressive corporate demands for concessions. Unions are now unable to defend the full-time and most secure segment of their membership since the corporate drive for labour flexibility is rapidly expanding the part-time workforce and eroding wage levels. Because women are disproportionately represented in the low-wage part-time category and have the least access to full-time positions, they are the most vulnerable to corporate restructuring. The gender specific implications of restructuring are examined in an analysis of the recent province-wide strike at the Miracle Food Mart chain. (Abstract, 183)

Kolb, Deborah M. Is It Her Voice or Her Place That Makes a Difference? : A Consideration of Gender Issues in Negotiation. Kingston: Industrial Relations Centre, Queen’s, 1992.

Influenced by feminist theorists like Chodorow, Gilligan, and MacKinnon, Kolb argues that women are inherently and insidiously disadvantaged in bargaining situations. This disadvantage results from gender differences that are “not natural, essential or biological, but have the effect of labeling behaviours as if they are” (8). Not only do women and men act differently in bargaining situations, gender differences in negotiations are *anticipated*. Women are expected - and generally expect themselves - to act in the following ways: first, women are expected to act relationally, to negotiate with the intent to community-build, not burn bridges. Second, women maintain a “contextualized view” throughout negotiations, always empathizing and connecting with their “opponents”. Lastly, women maintain a “communicative view of strategy” which incorporates all points of view at the table in order to produce a “win/win” solution. While women are expected to negotiate according to these feminized behaviours, men are stereotypically individualistic and competitive, ready to win the negotiation at any cost to community-building.

Kolb argues that sexism - manifested in negotiation through the delegitimation of women’s negotiation style, the stereotyping of women’s bargaining style as overly emotive and irrational, the attribution of women’s negotiative strategies to their gender, and the maintenance of hyper-masculine bargaining rituals – validates “men’s” style of negotiating above “women’s”. So, even as women are expected to negotiate differently, these differences are met at best with skepticism and at worst with an infantilizing sexism. In conclusion, Kolb argues that women’s style of negotiation must be recognized as legitimate and as good (if not better than) men’s bargaining style. Second, negotiation must be re-tooled to end all sexism at every level, at every stage, of the bargaining process.

Kolb, Deborah. “Negotiations Through a Gender Lens.” In Reader in Gender, Work, and Organization, eds. Robin Ely, Erica Foldy, Maureen Scully and the Centre for Gender in Organizations, Simmons School of Management, Simmons College. Malden, MA: Blackwell, 2003. Also available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=314462>.

Kolb explores gender equity in bargaining processes. “Traditional views of gender in negotiation focus on differences between men and women. Even though the focus is presumably on men and women, it is really only women who are implicated - they are either similar to men or different

from them" (paper abstract). Differences in women's bargaining styles are identified and highlighted, and either disparaged or appreciated. These two frames, Kolb argues, do not produce equity in negotiations, as they simply add women and their essentialized differences to negotiation practices, rather than analyzing or critiquing the sexism built in to the very foundations of negotiating. Kolb advocates conducting negotiations through a gender lens to highlight the challenges of social position; the ways gender and legitimacy are negotiated in bargaining interactions, and the possibilities for transformative outcomes. This alternative frame takes into account the fluid power dynamics of gender in every stage in the negotiation process.

Kumar, Pradeep. "Collective Bargaining and Women's Workplace Concerns." In Women Challenging Unions: Feminism, Democracy and Militancy, eds. Linda Briskin and Patricia McDermott. University of Toronto Press, 1993, pp. 207-230.

This article explores the relationship between equality legislation and collective bargaining agendas in Canadian unions. Given that equity in employment is poorly legislated, particularly provincially, Kumar maintains that collective bargaining is the key vehicle to ensure women's equality in the labour force. It is important, then, for unions to incorporate equality issues like child care, equal pay, part-time worker's right, family leave, and sexual harassment into their negotiations. Although unions such as CUPE, NUPGE, CAW, USWA, CTF, and ONA have policy statements and a collective-bargaining agenda on women's workplace concerns, the unions bargain equality issues such as sexual harassment, contracting-out restrictions, health and safety, quality-of-work-life, schedule flexibility, affirmative actions, health-and-welfare, and rights for part-time workers with "mixed success" (219). Kumar attributes this failure to resistance on the part of both employers and union representatives both of whom fail to prioritize women's issues during collective bargaining.

Kumar, Pradeep and Lynn Acri. "Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience." Relations Industrielles, Vol. 47, No. 4 (Autumn 1992), pp. 623-653.

This paper examines the bargaining agenda of major Ontario unions with respect to women's issues, and evaluates their efforts towards incorporating specific clauses pertaining to these issues into their collective agreements. The study reveals that union efforts to achieve a better deal for women have had mixed success. (Abstract, 623) The article considers gender neutral language; no discrimination clauses; sexual harassment; affirmative action and employment equity; family related leaves and responsibilities of all kinds; child care; technological change; and part-time workers' rights. It documents the frequency in which these clauses appear in the collective agreements of six unions: CUPE, OPSEU, CAW, USWA, CWC, and ONA.

Kumar, Pradeep and Gregor Murray. "Union Bargaining Priorities in the New Economy: Results from the 2000 HRDC Survey on Innovation and Change in Labour Organizations in Canada." Workplace Gazette, Vol. 4, No. 4 (Winter 2001), pp. 43-55.

Collective bargaining is at the heart of unions' attempts to protect and improve the wages and working conditions of their members. Negotiations invariably reflect the particular environmental features of the industries in which they take place as well as the comparative organizational capacities and the broader philosophies and objectives of the parties to the negotiation. The article examines bargaining environments, labour-management relations, trends in union representation and bargaining approaches. It identifies key trends in bargaining as perceived by the major labour organizations across Canada based on survey data from over 120 unions with memberships of over 500. It reveals the trends in bargaining priorities and the areas in which

unions had the most bargaining success. Time reductions, flex time and child care provisions fared poorly in both the priorities and the successes. (Abstract, 43)

Lester, Gillian. "Toward the Feminization of Collective Bargaining Law." McGill Law Journal, Vol. 36, No. 4 (December 1991), pp. 1181-1221.

Lester argues that Canadian collective bargaining law is flawed because it fails to address the concerns of a substantial segment of the work force and overlooks women as a rich source of insight into the dynamics of the bargaining environment. She explores the problems inherent in the classical contractualist model, arguing that current collective bargaining law reflects these weaknesses and echoes a morality and ideology which are stereotypically masculine. By analysing the legal and practical structures of collective bargaining, the author illustrates the ways in which the "morality of the workplace" is manifested differently between men and women.

The author then examines the ideological difference between public and private work and its effects on the unionised workplace, and considers how this distinction situates women as subordinate to men. Based on an analysis of dispute resolution, certification, unfair labour practices and bargaining unit determination, the final part of the article is devoted to suggestions for structural change in collective bargaining law. The author proposes ways in which feminist insight can be used to replace the current oppositional structure of collective bargaining with more cooperative mechanisms for resolving disputes. (Abstract, 1181)

Lester, Anthony and Dinah Rose. "Equal Value Claims and Sex Bias in Collective Bargaining." Industrial Law Journal, Vol. 20, No. 3 (September 1991), pp. 163-175.

This article explores British labour law and sexual discrimination in wages and benefits. Looking at a specific case, "June Wray and others v. Thomas De La Rue Ltd, SOGAT 82, and the Newcastle Branch of SOGAT 82", the authors question whether sexual discrimination in collective bargaining can be addressed by the Sex Discrimination Act (the SDA) or the Equal Pay Act (the EPA). In the June Wray case, women workers sued both the employer, security printers Thomas De La Rue, and their union, SOGAT '82 for equal pay, claiming both employer and union had, through collective bargaining, short changed women working "women's jobs". The women sued under the auspices of both the SDA and the EPA, claiming not only obvious pay discrimination (covered under the EPA) but also indirect discrimination through years of "under bargaining" women's work on the part of both union and employer (covered under the SDA). Eventually, the suit was settled without a tribunal ruling, and thus no legal precedent was set. Anthony and Rose argue that equal pay is but should not be recognized under the SDA; rather equal pay discrimination should be redressed under the EPA.

Martikainen, Riitta. "Gender Matters in Collective Bargaining." In Gender Practices in Working Life, eds. Liisa Rantalaaho and Tuula Heiskanen. New York: St. Martin's Press, 1997, 52-65.

Martikainen uses two Finnish collective agreements – for sales people and for a large paper mill – to demonstrate the "indirect discrimination" (64) obvious in many collective agreements. While many collective agreements claim gender neutrality, close scrutiny renders visible the naturalized male-bias and sexism of collective agreements. In the salespeople's agreement, for example, predominantly-male negotiators, using the language of "gender neutrality," exacerbated gender inequality by conflating "skilled" work with male-dominated jobs.

The women in the Finnish paper mill successfully protested similar inequality. However the decentralization of unions and collective bargaining since the 1980s is making not only such

protest difficult but also all union negotiating difficult, particularly negotiations involving gender equity. Employers with an increasingly feminized workforce bargain in the best interest of their profit margins. Despite these problems, Martikainen concludes that any negotiations that *can* be conducted with employers must be undertaken with a commitment to gender equity and not gender neutrality. They must reflect the specificity of “women’s work”, recognize the particular needs of women in the workforce, and commit to pay equity.

McDermott, Patricia. “Pay Equity and Collective Bargaining in Ontario.” Prepared for the Centre for Research on Work and Society, 1994.

This paper considers whether Ontario unions are equipped to negotiate pay equity following the 1989 Ontario Pay Equity Act which McDermott suggests is “arguably the most extensive equal pay legislation in the world” (1). Since it is primarily implemented through collective bargaining in both private and public workplaces, its effectiveness in improving women’s wages depends largely upon union negotiators’ perspectives and biases.

McDermott conducted in-depth interviews with fifty-seven union negotiators which she analysed using Blum’s categories of “feminist identified” and “labour identified”. She discovered that personal bias determines the outcome of equal pay bargaining. Those interviewees who were “feminist identified” (18 out of 21 women) pushed for the best equal pay measures possible under the PEA, but were often silenced by employers and by their “labour-identified” union “brothers”. Those negotiators who were “labour identified” felt that pay equity would eclipse other important bargaining issues and, given the PEA’s comparative foundation, lower men’s wages. These fractures between “feminist identified” and “labour identified” union negotiators reduce the PEA’s potential for improving women’s wages. McDermott advocates solidarity in negotiations between “feminist identified” and “labour identified” union negotiators who must together bargain fair and equal wages against employers’ propensities to lower wages and exploit gender divisions among employees and union negotiators.

McDermott, Patricia. “Pay Equity Challenge to Collective Bargaining in Ontario.” In Just Wages: A Feminist Assessment of Pay Equity, eds. Judy Fudge and Patricia McDermott. University of Toronto Press, 1991, pp. 122-137.

McDermott studies the implications for collective bargaining of Ontario’s 1988 Pay Equity Act (PEA) which monetarily compensates for systematic wage discrimination against “women’s work”. She considers whether this compensation should be negotiated through regular collective bargaining practices or separately from collective agreements. She concludes that collective bargaining for pay equity is appropriate if the Pay Equity Act results in the re-distribution of wages from “men’s work” to “women’s work”. If, however, the Act results in the reduction of men’s wages, compensating for women’s wages whilst appeasing the employer through the overall reduction of wages, collective bargaining may not suffice. Indeed, such a scenario would more than likely create fractures in the union, further exacerbating sexist sentiments among union members.

Moreover, negotiations which are based on “men’s work” and “women’s work” reify the gendered essentialness of such work, an essentialness created by the employer’s classifications of “skilled” and “unskilled” labour. In this instance, unions would not only reproduce sexism in the union, but also re-articulate gender essentialism. While McDermott argues that pay equity is something for which unions must strive, the overall consequences of Ontario’s PEA must be considered before any decisions about *how* to achieve pay equity are made.

Moran, Dan. "Partnerships and Patience: Organizing Strategies for Aboriginal Communities." Our Times (April-June 2005), pp. 12-17, and Moran, Don. "Aboriginal Organizing in Saskatchewan: The Experience of CUPE." Just Labour, Vol. 8 (2006), pp. 70-81. Available at <<http://www.justlabour.yorku.ca/index.php?page=toc&volume=8>>.

Moran negotiates all the first nation agreements for CUPE locals in Saskatchewan (by 2045, the population in that province will be about one-third aboriginal). He identifies a range of obstacles from the lack of understanding by white workers to opposition from "some aboriginal leaders [who] believe unions don't have any jurisdiction on their reserves or in their institutions, and are developing their own labour codes". He notes that recently an Ontario court decided that "labour laws do apply on reserves - as long as they don't conflict with traditional ways."

Moran identifies various CUPE initiatives: a first Nations organizer who educates on reserves in order to build a positive image of the union; training and sensitizing CUPE staff in Saskatchewan; developing model contract language; recognizing the importance of hiring First-Nation or Metis organizers; approaching the whole community rather than just the workers; hiring a First Nations education coordinator, who has helped develop training for over 14,000 health care members, and is working with employers to create a representative workforce; and ensuring that aboriginal people are trained and qualified so that they can compete for jobs on a level playing field.

Moran also recounts a variety of successes: collective-agreement language that recognizes the inherent right to self-government, the role of elders, and that provides leave for spiritual or special bereavement duties, and to accommodate hunting seasons. CUPE has also negotiated partnership agreements*, and employment equity in order to increase aboriginal employment. Approximately 1,500 aboriginal people have been hired since the partnership agreements were signed. Prior to signing the agreement the participation rate of aboriginal people was one per cent; it is now five per cent.

*For the text of two such agreements, look in the CUPE listing in the Union Resources section.

Nash, Peggy. "Bargaining for Child Care: Our Own Pilot Project." Our Schools Our Selves, No. 25 (September 1992).

"Bargaining for Child Care" provides examples of successful collective bargaining around child care by the Canadian Auto Workers. Nash describes two pilot daycare projects, one a supplemented daycare in Stratford, Ontario and one a fully-funded daycare for shift workers in Windsor, Ontario. In a neo-liberal climate, Nash argues, when federally-funded daycare remains elusive, unions must take up government slack through collective agreements. In the name of gender equity, unions must commit to issues of primary importance to women, like child care, in order to allow all women full access to the workforce.

O'Regan, Catherine and Clive Thompson. Collective Bargaining and the Promotion of Equality: the Case of South Africa. Geneva: ILO, 1993.

O'Regan and Thompson outline South African policies around gender equity and explore whether strengthened women's labour rights have accompanied the "climate of widespread change" (1) following the fall of Apartheid. While South Africa's new Bill of Rights, drafted by the nascent ANC government, incorporates anti-sexist policies and rights for women, the authors conclude that gender discrimination in the labour market is not sufficiently addressed.

They point to the reasons for continued gender inequality in the South African labour force. First, women workers, ghettoized in community, social and personal services, and accommodation, financial and business services, earn far less than men. Second, while South Africa's Labour Relations Act does forbid unfair labour practices which include sex discrimination, this Act does not pertain to many areas of work in which women are employed (i.e., domestic labour), does not preclude discriminatory hiring and recruitment practices, or allow special provisions for maternity and pregnancy. Third, following the lead of many other countries in the 1980s, South Africa decentralized bargaining. While collective agreements procured through centralized bargaining with industrial councils had extended to non-unionized workers, one-third of whom were women, decentralized bargaining has eroded such benefits. Finally, those unions left with bargaining powers often ignore gender by implementing "gender blind" policies. Even those unions who claim to support gender equality and which have women in leadership positions, have been unable to make headway around issues such as child-care, health care, flexibility in working hours, sexual harassment, home worker's and part-time worker's rights, and affirmative action.

Paquette, Janice. "Issues of Concern to Women in Current Public Sector Union Negotiation in Quebec." [Special Issue on Feminist Practice in Quebec] Resources for Feminist Research/Documentation sur la recherche féministe, Vol. 15, No. 4 (Dec 1986-Jan 1987), pp. 12-15.

Paquette considers the future of the Common Front, an alliance of "steely-eyed radicals" (12) from Quebec centrals: the CNTU (Confederation of National Trade Unions), the FTQ (Federation des Travailleurs du Quebec) and CEQ (Centrale de l'enseignement du Quebec/Quebec Teaching Congress). This article was published in 1987, four years after the devastating 1982/1983 bargaining process in which the Parti Quebecois government slashed social services, undertook massive layoffs, reduced salaries and broke strikes. Most of these consequences fell on the already-burdened shoulders of women, whose jobs, insecure and (supposedly) dispensable to begin with, were the first to go. As the traditional caregivers of family units, women also took up the slack of reduced medical care, education and elder care. Paquette surveys these losses, urging the Common Front to consider women's issues in the upcoming bargaining with Bourassa's Liberals. She hopes that the Common Front, which includes many women, will unite and struggle not only to regain some of what was lost in the 1982/1983 negotiations, but also to make gains around anti-sexual harassment and affirmative action policies. This article is of historical interest.

Pennell, Joan. "Consensual Bargaining: Labour Negotiations in Battered-Women's Programs." Journal of Progressive Human Services, Vol. 1, No. 1 (1990), pp. 59-74.

The conventional adversarial model of labor-management negotiations and the unions' role in protecting its members' economic interests appear to conflict with egalitarian relationships, consensual decision making, and social movement goals of small collectively oriented workplaces. Based on a study of the unionization of fourteen Canadian and six American battered-women's programs, the process by which these conflicts are acknowledged and resolved is examined (abstract, 59). "Since the adversary approach of unions is especially uncomfortable in small closely bonded groups, workers may experience aggressive organizing strategies as disagreeable and unjust. On the other hand, the cooperative approach of the project may suppress real conflicts of interests. Thus, staff also see the need for labor-management negotiations. The evolution of consensual bargaining permits the battered-women programs to maintain their sense of collectivity while addressing distinct interests of their workers. Most significantly, consensual bargaining permits a synthesis of the culture of a women's program with that of the traditionally male-dominated labor union and, thus, offers a model for the unionization of other small, feminized service organizations"(70). Pennell concludes: "The strength, flexibility, and ultimate

compatibility of the labor union and feminist movements are evident, however, in their ability to integrate adversary bargaining and consensual decision making into a process referred to here as ‘consensual bargaining’”(60).

Prentice, Susan and Curtis J. Pankratz. “When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities.” The Canadian Journal of Higher Education, Vol. 33, No. 2 (2003), pp. 1-26.

This article uses research originally undertaken for The University of Manitoba Faculty Association’s Generation Gap Task Force. It addresses the issue of formal written family leave policies at 47 Canadian universities by analyzing the status of pregnancy, paternity, adoptive, and parental leave policies in force in March 2000. Rather than highlighting best-clauses, the article considers overall policy patterns at Canadian universities. It shows that most current university policies create income loss and disruption, and are discriminatory due to gender regulation and familialism. These policies privatize reproduction through income loss, and by failing to create a work-family balance, they perpetuate sexist and familialist assumptions about men and women, ‘natural’ and adopting parents, and hetero- and homosexual couples. Prentice and Pankratz conclude that improved faculty family leave policies would benefit all academics and eliminate one aspect of the systemic discrimination faced by female faculty.

Strachan, Glenda and Burgess, John. “The Incompatibility of Decentralized Bargaining and Equal Employment Opportunity in Australia.” British Journal of Industrial Relations, Vol. 38, No. 3 (2000), pp. 361-381.

“Profound changes have occurred in the industrial relations system in Australia since the mid-1980s as the system of centralized regulation has been replaced by collective bargaining at the level of the enterprise. This has corresponded with the considerable expansion of women’s employment, mainly in part-time and temporary jobs. At the same time, recognition of the disadvantaged position of women in the work force has resulted in the enactment of laws to promote equal employment opportunity”(361). However, Strachan and Burgess point out that the anti-discrimination legislation is based on individual complaints and solutions, and does “not alter the widespread patterns of employment discrimination” (362). Affirmative action legislation only covers those in workplaces of 100 or more employees. For the increasing numbers of women in part time and casual work, there is no legislative protection. The authors consider the impact of enterprise bargaining on these workers in particular. They conclude that “the continued decentralization and de-collectivization of the Australian industrial relations system will increase both vertical and horizontal work-force inequality and will leave many women workers in an increasingly vulnerable position” (361). Finally, in contrast to claims that decentralization of bargaining would promote gender equity by increasing family-friendly arrangements through flexible hours of employment (what they call ‘intertemporal flexibility’), the authors’ evidence suggests “that many women are faced with more unsociable hours, less predictable hours and more unpaid working hours”(370).

Taylor, Marilyn. “Revising Collective Agreements to Promote Employment Equity for Women.” Les Cahiers de la FAPUQ, Vol. 1, No. 1 (1990), pp. 20-25.

Taylor calls for bargaining equity, especially around recruitment and appointment procedures for professors in Quebec Universities. She argues that collective agreements in Quebec universities are often “covertly discriminatory” (20). By ignoring gendered power relations in recruitment and appointment, collective agreements reproduce status quo gender relations. Agreements often commit to a broad and “rhetorical” equity (25) without providing specific and practical guidelines

for the implementation of equity in hiring procedures. Taylor provides examples of three Quebec universities which, since 1990, have written recruitment and appointment provisions concerning gender equity into collective agreements (UQUAM, Concordia), or added gender equity as addendums to agreements (Laval). To varying degrees, these three universities have implemented the strategies Taylor argues are integral to equal hiring practices: ensuring that notices of available positions reach qualified women candidates; ensuring that women feel invited to apply; promoting the appointment of qualified female candidates, competence being equal; ensuring that the selection process is conducted in a more open fashion to reduce the possibility of gender discrimination in evaluations and decisions; and implementing provisions for accelerating appointments of women.

Tourand, Kenneth. "Embracing Aboriginal Values and Traditions in a Unionized Environment." Journal of Aboriginal Economic Development, Vol. 4, No. 1 (Fall 2004), pp. 14-21.

In 1998, the Nicola Valley Institute of Technology (NVIT) in British Columbia, an Aboriginal public post-secondary institution, certified as a trade union, one of the few aboriginal organizations to do so. Union and management bargaining committees both agreed "that the collective agreement must be reflective of Aboriginal culture and traditions in order for it to be effective at NVIT" (18). Tourand identifies the following cultural norms: the tradition of consensus decision-making, a respect for the wisdom of the Elders, a belief in the extended family, and a special relationship to the land. The agreement contains a number of clauses reflective of NVIT's uniqueness as an aboriginal institution which help to ensure that employees are able to function with some degree of Aboriginal values and norms (14).

Article 1.2 Uniqueness: The parties recognize NVIT as a unique Aboriginal post secondary institution that has a preference for hiring Aboriginal staff, teaching Aboriginal curriculum, and maintaining Aboriginal culture, values, and traditions.

Article 14 Discipline, Suspension, Dismissal: The Employer may choose to use an Aboriginal traditional method for conflict resolution, or may choose to use a different method.

Article 16.1.4 Posting: NVIT reserves the right to favour persons of Aboriginal ancestry in hiring and promotion, as justified under an exemption to the BC Human Rights Act. NVIT is committed to filling vacant positions with an Aboriginal person.

6. EQUAL OPPORTUNITIES AND COLLECTIVE BARGAINING IN THE EUROPEAN UNION

A major research project sponsored by the European Foundation for the Improvement in Living and Working Conditions in Dublin sought to identify the positive links between collective bargaining and the advancement of equal opportunities, and the modernization of collective bargaining in the countries of the European Union.

For Phase One of the project, researchers provided a report on the equality debate, and the nature, structure and level of collective bargaining in their country. Phase Two of the project focused on selected agreements in fourteen countries. Each researcher was asked to identify fifteen agreements deemed "good" in their national contexts in terms of the potential for promoting equality. Phase Three presented case studies on particular workplaces in twelve countries. Each researcher was asked to illuminate the bargaining process that evolved around a particular collective agreement using secondary material such as

internal union communications as well as in-depth interviews with key actors in the bargaining process in order to uncover internal and external factors which influenced the agreement (From an overview of the project, see Dickens, Latta and Weiler, 2000). One thread of interest to North Americans is the positive effect of European Union legislation on equal opportunities bargaining in specific member countries. In fact the European Commission is now emphasizing collective bargaining as a mechanism to achieve equal opportunities (de Bruijn and Bleijenbergh, 2000: 256-7).

Five overview publications are available on this project, all of which are available at <<http://www.eurofound.eu.int/index.htm>>. Search using the title of the project. There was also a special issue in 2000 on “Gender and Collective Bargaining” of Transfer: European Review of Labour and Research. The European Foundation also publishes a yearly document on “Industrial Relations Developments in Europe” which includes updates on equal opportunities and diversity issues. The 2004 report can be found at <<http://www.eurofound.eu.int/publications/htimlfiles/ef0572.htm>>.

OVERVIEW PUBLICATIONS

Bercuson, David and Linda Dickens. “1. Defining the Issues.” In Equal Opportunities and Collective Bargaining in Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1996.

This paper discusses the concepts which are central to research on collective bargaining and equal opportunities for women and men in Europe: equal opportunities, collective bargaining and “good practice” collective agreements. It details what constitutes a “good agreement” considering those which may appear to be good agreements, and those which appear good once they are considered in context (26-28).

Kravaritou, Yota. “2. Exploring the Situation”. In Equal Opportunities and Collective Bargaining in the European Union. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

This paper provides a holistic overview of national situations in the fifteen European Union Member States in 1997 with regards to equal opportunities and collective bargaining. In addition to an overview on women in the labour market, it considers three areas: the participation of women at the various levels of collective bargaining - in short, the place of women in the various organs of the “social dialogue” between management and labour; the impact of collective bargaining and collective agreements on equal opportunities in the member states; and national experiences in forging theoretical and practical links between collective bargaining and equal opportunities.

The paper concludes that “Although the situation varies from country to country, women are generally under-represented in the governing and negotiating bodies of social partner organisations. Agreements by and large give equal opportunities an exceptional or marginal status, and do not reflect women’s needs. Where agreements do make equal opportunities provisions, these tend to perpetuate the existing male-centered ethos by giving women the opportunity to harmonise or combine family and work responsibilities - especially in southern Europe. Bargaining remains overwhelmingly dominated by a traditional outlook which has been rendered obsolete by social and economic developments” (xiv-xv). However, Kravaritou also identified “perceptible breakthroughs” which “have been achieved by collective agreements which do not focus on making women employees available to meet the needs of their families but rather establish *programmes of affirmative action*, removing obstacles that prevent women from

realising their potential at work on the same basis as men, either as employees... as union members or as negotiators" (43).

Bercuson, David and Anni Weiler. "3. Innovative Agreements: An Analysis." In Equal Opportunities and Collective Bargaining In Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1999.

This report begins from the premise that the issue of collective bargaining and equal opportunities has increased in importance, given the feminization of the European labour market and the need for employment policies and trade union strategies to respond to such changes. It provides an overview of the most innovative "leading edge" collective agreements on equal opportunities issues from each of the fifteen EU members states in 1998. The authors note that particular sectors across different countries have produced good equal opportunities agreements and explore the possibility of "transposition" across sector and country. They also note that "good" equal opportunities agreements are to be found in some, but not all, the national subsidiaries of multinational enterprises.

The report distinguishes between self-declared equal opportunities agreements, such as positive action agreements including equality plans or agreements with a stated relevance to gender equality; and those which are explicitly anti-discrimination agreements which aim to tackle invisible discrimination in the implementation of apparently neutral agreements. The report then presents the details of such "good" agreements on the following issues: organizational cultures/structures; job access/sex segregation: recruitment, training, promotion; pay equity: transparency, wage setting criteria and machinery, level of pay negotiations, compensatory mechanisms; sexual harassment; reconciliation of work and family life: parental leave, family leave, career breaks, child care; and working time: reduced working time and part-time work, job-share.

Of particular interest is the focus on "challenging organizational cultures and structures ... with a view to changing the gendered nature of their employment practices. The focus is on changing the nature of the organization to make it more suitable for the employment of women, rather than on seeking to have women adapt to existing male-oriented working patterns. This approach focuses on the embeddedness of gender relations in all organizational structures and processes and concludes that isolated policies and changes will have little positive, equal opportunities impact as long as organizational culture remains unaltered" (31).

Dickens, Linda. "4. Illuminating the Process" In Equal Opportunities and Collective Bargaining in Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1998.

The fourth in this series on collective bargaining in the EU explores five issues: mechanisms to inject equal opportunities into the collective bargaining process; environmental factors in relation to the economy, the labour market, the legislative framework and the state favourable to equality bargaining; organizational factors favourable to equity bargaining, both in the workplace and in the union; the significance of gender in bargaining; and imagining a modernized collective bargaining. Although Dicken's research does provide some evidence that equal opportunities are "fair weather" policies, it also indicates that "some EO measures may be more likely to be taken up when bargaining occurs in adverse economic circumstances. Further, if there is sufficient underpinning for the equality measures in agreements they can survive adverse changes in economic context." She concludes that "the 'fair weather' view of EO arises because EO is seen as separate from other ('mainstream') issues, rather than integral to all issues covered by collective bargaining" (xi).

Dickens finds that “Women’s presence in negotiation is important for two reasons. The proportional presence of women and proper representation of women’s concerns in collective bargaining is important as a democratic principle. Secondly, women’s presence is important because there is a link between women’s presence (internal equality) and collective bargaining outcomes (external equality). The presence of women among negotiators can be positive for equality bargaining in terms of the issues brought to the negotiating table, the determination of bargaining priorities, and in the contribution of expertise and knowledge of women’s concerns and working conditions to achieve better, more effective, agreements.” The research also suggests that men may bargain for equality when mandated to do so by their organization; where they have personal commitment to equality; where such commitment is engendered through constructing shared interests in equality; where training has helped overcome ignorance of women’s concerns and equality issues, and where male negotiators are in unions or companies with internal equality structures which feed into the collective bargaining process.

Bleijenbergh, Inge, Jeanne de Bruijn and Linda Dickens. 5. Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining. Dublin: European Foundation for the Improvement in Living and Working Conditions, 2001.

The last paper in the series links some of the main findings of the Foundation’s Equal Opportunities and Collective Bargaining projects with the European Employment Strategy. The authors point to the “growing consensus about mainstreaming equal opportunities within the general policies in the European Union” (2) and emphasize the key role of collective bargaining in this undertaking. To address the two key areas identified in the European Employment Guidelines for strengthening equal opportunities -- tackling gender gaps (which includes improving women’s job access and career progress, promotion and training and closing the gender pay gap) and reconciling work and family life -- means changing organisations rather than simply adapting women.

In their discussion of mainstreaming equal opportunities, they focus on employability and adaptability and point out that the research provides many examples where introducing equal opportunities considerations into negotiations did not add costs or dilute adaptability, but rather improved the image and performance of the organisation or sector. Finally they recommend concrete strategies to promote bargaining on equal opportunities, in the pre-agreement (including increasing the number of female bargainers), agreement and post agreement phase. The paper includes many excellent examples from the best collective agreements negotiated in the European Union.

SPECIAL ISSUE ON “GENDER AND COLLECTIVE BARGAINING” OF TRANSFER: EUROPEAN REVIEW OF LABOUR AND RESEARCH VOL 6, NO.2 (2000).

Dickens, Linda Mia Latta and Anni Weiler. “Introduction: Equal Opportunities and Collective Bargaining in Europe - A Major Research Project.” Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 187-192.

Dickens, Linda. “Collective Bargaining and the Promotion of Gender Equity at Work: Opportunities and Challenges for Trade Unions.” Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 193-208.

“Four areas are discussed to make the case for the importance of harnessing collective bargaining for the promotion of equality. These concern contemporary European developments; advantages

of collective bargaining compared with other strategies for promoting equality in employment [Dickens includes an extended discussion of the advantages of collective bargaining over legal regulation in relation to flexibility, acceptability, legitimacy, enforcement and voice]; the benefits which can accrue to unions from making a positive link between equality and collective bargaining, and the negative consequences of failing to make such a link.” (author abstract)

Dickens then explores two strategies to include women in collective bargaining: adding women to bargaining teams and including women’s concerns in negotiations. On the latter, she notes the limits of a focus on ‘women’s measures’ (like enhanced maternity leave) which may reinforce women’s responsibility for child care and suggests alternatively the importance of provisions targeted at men which “challenge the ‘male norm’ in the organisation of paid work” (200). She calls “for an equality dimension in all bargaining, a gender perspective on all issues. In this sense there is not necessarily an ‘equality agenda’ separate from the bargaining agenda” (201). On the issue of bargaining teams, she concludes that “women’s presence among union office-holders, decision-makers and negotiators is important also because there is a link between women’s presence and power in trade unions (what may be termed internal equality) and the likelihood and capacity of unions seeking to promote equality through collective bargaining (external equality)” (203). She points to many of the project’s case studies for evidence of the positive impact of women’s involvement in collective bargaining.

Bergamaschi, Myriam. “Tackling Gender Segregation in an Italian Provincial Administration.” Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 242-253.

“Bergamaschi focuses on the equal opportunities policies adopted by one Italian province, highlighting specific measures in the public sector for elimination of gender segregation. According to Bergamaschi, the innovative characteristic of this specific agreement is in the way it aims to tackle gender segregation as a problem related rather to the quality of the labour demand than to women per se. The way the wide-ranging plan of action did not relate merely to women’s problems, but also affected the overall functioning of this authority was essential - and made the agreement a more powerful tool for change. The agreement mainly tackled indirect discrimination inherent in recruitment and selection practices and thus functioned as a driving force for change in these areas.” [Summary from Dickens, Latta and Weiler, 2000: 190.]

Bergamaschi recounts the tensions between the women trade union representatives who adopted “an ambivalent and lukewarm attitude which contrasted with the innovative approach of other women in positions of managerial responsibility” who were “stauch” supporters of equal opportunity policies (250). She explains the pressures on the trade union women which prevented them from supporting the plan; she see them as “hostages” to an industrial relation model which handicaps women. She argues that “the female TU representatives felt virtually powerless to fully espouse the cause of gender protection for fear of contravening the general principles (for example, that the criteria for promotion should be seniority and experience) underpinning the organization to which they belong” (252). She concludes that by maintaining a view of the workforce as a homogenous group, the trade union was unable to recognize the nature of diversity.

Buchinger, Birgit, Ulrike Gschwandtner and Erika Pircher. “Equal Opportunities and Collective Bargaining in Austria.” Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 272-289.

“Buchinger, Gschwandtner and Pircher investigate women’s advancement against the background of the framework conditions in the private sector in Austria. The Equal Opportunity Law for the

private sector mandates only the equal treatment of women, while the corresponding provisions in the federal public sector include the positive advancement of women as well. Although there are a number of encouraging plant agreements and plans on women's promotion, the authors' conclusion is ambivalent as the social partners only hesitantly adopt the possibilities which the amended labour law offers to set up general framework conditions for positive initiatives and concrete measures. A few exceptional firms have written binding measures in the form of company-level agreements but there are no generally applicable standards with respect to time frame for implementation or possible sanctions for failure to comply" [Summary from Dickens, Latta and Weiler, 2000: 191).

The authors conclude that "the Social Partnership continues to be oriented upon a male lifestyle and the interests derived from it; women are for the most part excluded from decision-making positions and negotiation processes; open discrimination has indeed been largely eliminated in the collective agreements, but this has done nothing to change the extreme earnings differentials between the genders.... This situation is accompanied and sustained by a deficiency of political will to set up legal framework conditions with sanctions built in (such as a law mandating "positive actions") in order to nurture the establishment of structures of a non-discriminatory nature" (287).

de Bruijn, Jeanne and Inge Bleijenbergh. "Equal Opportunities and Collective Bargaining in the Netherlands: A Good Case in Contract Catering." Transfer: European Review of Labour and Research, Vol. 6, No. 2 (2000), pp. 254-271.

"This article presents a "case-study on the Dutch contract catering sector, which has a collective agreement including detailed provisions on child care and steps to tackle sexual harassment. Contract catering, a relatively new sector in the Netherlands, underwent rapid expansion in the nineties. The sector is characterised by a high proportion of female employees (75 per cent), three quarters of whom are employed in a part-time capacity, and a relatively low degree of organisation. As in the rest of the Netherlands, industrial relations in this sector are strongly institutionalised and the whole process of preparation, bargaining and implementation of collective agreements takes place in a consultative body for labour and management, namely the Contract Catering Joint Committee.

The attention paid to equal opportunities dates from the first bargaining round conducted in the catering sector at the end of the eighties. In that period societal attention to the topic was combined with strong economic growth in the sector and the employers' wish to attract female employees. Especially re-entering women were expected to combine the right service-directed attitude with the willingness to work flexible hours. An infrastructure of (female) experts on equal opportunities from within the trade unions activated personal involvement of some (male) negotiators in the topic. During consecutive bargaining rounds framework agreements were concluded on affirmative action, parental leave, child-care provision and sexual harassment. Especially the fact that working groups of labour and management were set up on the last two topics contributed to the relatively successful outcome in respect of these arrangements" (Author abstract).

Martikainen, Riitta. "Equal Pay through Collective Bargaining? Experiences from Finland" Transfer: European Review of Labour and Research." Vol. 6, No. 2 (2000), pp. 227-241.

"The article by Martikainen provides an interesting example of a specific national strategy that has been designed to reduce pay gaps in Finland. The social partners have, in the context of negotiating national framework agreements, introduced certain equality supplements to sectors

which are predominately female-dominated and low-paid. These supplements serve in reducing the pay gap in the sectors in question, as well as providing a practical tool for change. Follow-up research has also been carried out on the effect of these supplements. Research seems to indicate that the supplements are an effective tool... [although some] critics claim... that equality supplements are actually counter-productive in taking the edge off women's wage demands and in keeping them quiet." [Summary from Dickens, Latta and Weiler, 2000: 190.]

Weiler, Anni. "Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?" Transfer: European Review of Labour and Research. Vol. 6, No. 2 (2000): 209-226.

The article presents an overview of the findings from the whole research project on innovative collective agreement provisions in six areas: organisational cultures and structures (with a focus on recruitment, promotion and training), job access/gender segregation, pay equity, sexual harassment, parental leave and working time. Weiler draws an important distinction between regulations which address women's opportunity and/or barriers in working life, and those which deal with reconciling work and family life (and which have the potential to entrench women's responsibilities for child care and unpaid work). She also stresses the importance of integrating rather than isolating equal opportunities policies, for example, as part of human resource development plans. She sees this approach as "more promising than approaches which make women's advancement an issue of justice or an isolated 'investment' in human capital" (213).

She also distinguishes two kinds of pay equity strategies: the job evaluation approach to achieve more equity in assessment of jobs, and the leveling out of wage structures which focuses on structural disadvantages in a pay hierarchy. The latter approach, widespread in Sweden and in the tradition of solidaristic wage bargaining, offers higher increases for the lower pay grades, often using special funds set aside for this purpose. She notes that such an approach is "contrary to new developments in pay determination that aim at relating pay to performance" (216). In her conclusion, she underscores the importance of mainstreaming equal opportunities and considering "the gender dimension in all issues of collective bargaining, checking the outcome with regard to equal opportunities" (225).

PHASE THREE CASE STUDIES

Bergamaschi, Myriam. Equal Opportunities and Collective Bargaining in the European Union: A Case Study of the Provincial Municipality of Milan. Working Paper WP/97/74/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1998.

Bleijenbergh, Inge. Equal Opportunities and Collective Bargaining in the European Union: A Case Study on Contract Catering from the Netherlands. Working Paper WP/97/76/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Brown, Josephine. Equal Opportunities and Collective Bargaining in the European Union: A Case Study on the Electricity Supply Board from Ireland. Working Paper WP/97/73/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997

Brumlop, Eva. Equal Opportunities and Collective Bargaining in the European Union: A Case Study of Volkswagen in Germany. Working Paper WP/07/71/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Colling, Trevor. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study of British Gas in the UK](#). Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Dahlberg, Anita. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on Municipality from Sweden](#). Working Paper WP/97/79/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Junter-Loiseau, Annie. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on La Mutualite Sociale Agricole de Finistere from France](#). Working Paper WP/97/70/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1998.

Karamessini, Maria. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on the National General Agreement from Greece](#). Working Paper WP/97/72/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Lince, Maria Antonia. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on Research into an Instrument of Collective Regulation from Portugal](#). Working Paper WP/97/77/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Martikainen, Riitta. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on the Equality Award from Finland](#). Working Paper WP/97/69/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Valbjorn, Lotte. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on Coloplast A/S Thisted from Denmark](#). Working Paper WP/97/68/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Wiuame, Nathalie. [Equal Opportunities and Collective Bargaining in the European Union: A Case Study on the Belgian Food Industry](#). Working Paper WP/97/67/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

PHASE TWO: ON SELECTED AGREEMENTS

Alemany, M. Carme. [Selected Agreements from Spain: Equal Opportunities and Collective Bargaining in the European Union](#). Working Paper WP/97/23/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Bercusson, Brian. [Selected Agreements from the United Kingdom: Equal Opportunities and Collective Bargaining in the European Union](#). Working Paper WP/97/25/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Bergamaschi, Myriam. [Selected Agreements from Italy: Equal Opportunities and Collective Bargaining in the European Union](#). Working Paper WP/97/19/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Bleijenbergh, Inge and Jeanne de Brujin. [Selected Agreements from the Netherlands: Equal Opportunities and Collective Bargaining in the European Union](#). Working Paper WP/97/21/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1998.

Browne, Josephine. Selected Agreements from Ireland: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/18/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Buchinger, Birgit, Ulrike Gschwandtner and Erika Pircher. Selected Agreements from Austria: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/11/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Dahlberg, Anita. Selected Agreements in Sweden: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/24/EN. Dublin: European Foundation for the Improvement in Living and Working Conditions, 1997.

Do Carmo Nunes, Maria. Selected Agreements in Portugal: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/22/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Junter-Loiseau, Annie. Selected Agreements from France: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/15/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Kravaritou, Yota, Zinovia Kadiyannaki and Vassilios Kourtis. Selected Agreements from Greece: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/17/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Laroche-Reeff, Monique. Selected Agreements from Luxembourg: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/20/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

Martikainen, Riitta. Selected Agreements from Finland: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/14/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1998.

Valbørn, Lotte. Selected Agreements from Denmark: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/13/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1998.

Wuiame, Nathalie with Françoise Goffinet. Selected Agreements from Belgium: Equal Opportunities and Collective Bargaining in the European Union. Working Paper WP/97/12/EN. Dublin: European Foundation for the Improvement of Living and Working Conditions, 1997.

7. INTERNATIONAL LABOUR OFFICE (ILO) OF THE UNITED NATIONS

In 2002, the Gender Promotion Programme of the ILO published the final report of a 1998-99 ILO-ICFTU survey on The Role of Trade Unions in Promoting Gender Equality. Accompanying the report is a resource kit for unions on Promoting Gender Equality. In addition to an introductory booklet, there are six booklets:

- Booklet 1: Promoting gender equality within unions;
- Booklet 2: Promoting gender equality through collective bargaining;
- Booklet 3: The issues and guidelines for gender equality bargaining;
- Booklet 4: Organizing the unorganized: informal economy and other unprotected workers;
- Booklet 5: Organizing in diversity; and
- Booklet 6: Alliances and solidarity to promote women workers' rights.

Each resource booklet is structured to highlight the issues and concerns relating to the promotion of gender equality and the protection of vulnerable workers; present guidelines and practical tools for action; facilitate learning from the experience of others by providing actual examples of action and operational strategies that have succeeded or failed, and, where possible, by identifying the factors making for success or failure in particular contexts; and indicate the scope for, and the advantages of, cooperation and collaboration between trade unions and employers' organizations, governmental and nongovernmental organizations and other groups in civil society (from the Introduction). Also included is an excellent glossary of terms related to promoting gender equality in unions. This material is all available at <<http://www.ilo.org/public/english/employment/gems/advance/trade.htm>>.

Lim, Lin, Sriana Ameratunga and Carmel Whelton. The Role of Trade Unions in Promoting Gender Equality: Report of the ILO-ICFTU Survey. Geneva: Gender Promotion Programme, International Labour Office, 2002.

Chapter Four of this report focuses on gender equality bargaining. An important finding is that unions are increasingly recognizing the importance of involving their women members in the negotiation process. "To this end, 42 per cent of the unions and IUF [International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association] affiliates, and the 69 per cent of the national centres that participate in collective bargaining negotiations reported having adopted a specific policy on including women in collective bargaining teams. Of those which have such a policy, a significant number have instituted training for women delegates in negotiation techniques and the preparation of negotiation documents." In order to ensure women's representation, the report indicate that "some unions have established quotas for women's participation, either by fixing a percentage (ranging from 33 per cent to 50 per cent), or in numerical terms (at least one or two women must be included in the team). Other unions stipulate that certain office-bearers (notably, the head of the equality committee, the director of the equality/women's department or a female executive member) must be included in collective bargaining teams. For other unions, the proportion of women included in the collective bargaining teams must reflect the proportion of women members of the union. A few unions include women in collective bargaining only when there are issues raised of particular concern to women" (29-30).

Lim, Lin, Sriana Ameratunga and Carmel Whelton. "Promoting Gender Equality Through Collective Bargaining (Booklet 2)." In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002.

This booklet examines the reasons union should promote gender equality through bargaining and includes the text of the ILO Collective Bargaining Convention (1981). In its discussion of

preparing for gender equality bargaining, it recommends that the gender equality or women's committee, department or unit should be able to formally submit demands for negotiations (14). It considers what should happen during negotiations and recommends that the overall bargaining strategy includes alliance building with equality seeking groups (19); and it explores strategies to use at the negotiating table. The final section emphasizes the importance of follow up by publicizing equality gains and monitoring implementation of equity agreements.

Lim, Lin, Sriana Ameratunga and Carmel Whelton. "The Issues and Guidelines for Gender Equality Bargaining (Booklet 3)." In Promoting Gender Equality: A Resource Kit for Unions. Geneva: Gender Promotion Programme, International Labour Office, 2002.

This booklet offers a very comprehensive list of issues for bargaining equality organized under five categories: ending discrimination and promoting equal opportunities, wages and benefits, family-friendly policies, hours of work, and health and safety. For each issue, there is an explanation, checklists for working with and thinking about the issue, text from relevant ILO documents, and examples from many countries.

8. INDEX

This index is meant to be a quick reference tool for searching out documents related to specific subject areas. Each entry is organized by the union's name for union documents or the author's name for secondary sources. Page numbers have been provided for those documents that are all encompassing in their content and address a variety of issues. For documents that speak to a specific subject, no page numbers have been provided even though the documents may also touch upon other issues within the context of the original subject being explored. For example, the CLC's paper on disability rights "*The MORE We Get Together*" addresses health and safety issues but does so in the context of disability rights and therefore has only been listed under the Disability Rights heading.

Aboriginal/ Metis and First Nations Organizing

CLC. *Aboriginal Rights Resource Tool Kit*.

CUPE. *First Nations and Metis Bargaining*.

Moran. *Aboriginal Organizing in Saskatchewan: The Experience of CUPE*.

Moran. *Partnerships and Patience: Organizing Strategies for Aboriginal Communities*.

Tourand. *Embracing Aboriginal Values and Traditions in a Unionized Environment*.

SUN. *Representative Workforce*.

Adoption Leave and Provisions

BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.

BCTF. *Status of Women Bargaining Issues*.

CAUT. *Family-Friendly Clauses in Canadian University Contracts*.

CAUT. *Maternity and Parental/Adoption Leaves*.

CLC. *Bargaining for Equality*, pg. 12.

KUMAR, and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pg. 638.

NUPGE. *Bargaining for Equality*, pp. 26-27.

OCUFA. *Maternity and Family Leave Policies at Ontario Universities*, pp. 5-6.

PRENTICE and Pankratz. *When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities*, pp. 11-12.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 67-73.

USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.

USWA. *Bargaining Equality*, Section 3.

Affirmative Action

See also *Employment Equity*

AXWORTHY. *Affirmative Action Clauses for Women in Academic Appointments and University Collective Agreements: The Dalhousie Experience*.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 633-635.

NUPGE. *Bargaining for Equality*, pp. 52-55.

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 131-34, 151.

Assistance Programs

AFL. *Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace*, pp. 8-9.

CAW. *Model Language on Harassment-Extensive*.

NUPGE. *Collective Bargaining Series: #2 Employee Assistance Programs*.

OFL. *Bargaining for Work and Life*, pp.. 48-49, 54-56.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 149-156.

USWA. *Bargaining Equality*, Section 3.

Bargaining

See *Bargaining Equity*, *Bargaining Issues*, *Enterprise Bargaining*, and *Bargaining Decentralization/Centralization*

Bargaining Decentralization/Centralization

See also *Enterprise Bargaining*

COOK. *Collective Bargaining as a Strategy for Achieving Equal Opportunity and Equal Pay: Sweden and West Germany*.

COOK, Lorwin and Daniels. *Collective Bargaining*.

MARTIKAINEN. *Gender Matters in Collective Bargaining*.

O'REGAN and Thompson. *Collective Bargaining and the Promotion of Equality: the Case of South Africa*.

STRACHAN and Burgess. *The Incompatibility of Decentralized Bargaining and Equal Employment Opportunity in Australia*.

Bargaining Equity

ADAMS and Griffin. *Bargaining for Equality*.

BARRON. *Ask and You Shall Receive? Gender Differences in Negotiators' Beliefs About Requests for a Higher Salary*.

BERCUSON and Weiler. *3. Innovative Agreements: An Analysis*

BERGAMASCHI. *Tackling Gender Segregation in an Italian Provincial Administration*.

BEWLEY and Fernie. "What do Unions do for Women?"

BLEIJENBERGH, de Bruijn and Dickens. *Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining*.

BUCHINGER, Gschwandtner and Pircher. *Equal Opportunities and Collective Bargaining in Austria*.

CAW. *Collective Bargaining Survey for Women*.

CAW. *Rights, Equity, and Solidarity*.

CLC. *Bargaining for Equality*.

COLLING and Dickens. *Equality Bargaining - Why Not?*

COLLING and Dickens. *Selling the Case for Gender Equality: Deregulation and Equality Bargaining*.

COLLING and Dickens. *Gender Equality and Trade Unions: A New Basis for Mobilisation?*

COOK, Lorwin and Daniels. *Collective Bargaining*.

CREESE. *Gendering Collective Bargaining: For Men's Rights to Women's Issues*.

CUPE. *A Decade of Breaking Through at the Bargaining Table*.

DE BRUIJN and Bleijenbergh. *Equal Opportunities and Collective Bargaining in the Netherlands: A Good Case in Contract Catering*.

DICKENS. *Collective Bargaining and the Promotion of Equality: the case of the United Kingdom*.

DICKENS. *Collective Bargaining and the Promotion of Gender Equity at Work*.

ERICKSON et al. *Justice for Janitors in Los Angeles: Lessons from Three Rounds of Negotiation*.

GRUNDY and Firestein. *Bargaining for Families*.

KRAVARITOU. *2. Exploring the Situation*.

LIM, Ameratunga and Whelton. *Promoting Gender Equality Through Collective Bargaining*.

LIM, Ameratunga and Whelton. *The Role of Trade Unions in Promoting Gender Equality*.

MARTIKAINEN. *Equal Pay through Collective Bargaining? Experiences from Finland*.

- MARTIKAINEN. *Gender Matters in Collective Bargaining*.
- OPSEU. *Network for Better Contracts: Working Group on Equity and Inclusion*.
- O'REGAN and Thompson. *Collective Bargaining and the Promotion of Equality: the Case of South Africa*.
- PAQUETTE. *Issues of Concern to Women in Current Public Sector Union Negotiation in Quebec*.
- RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 15-16, 125-158.
- TUC. *TUC Equality Audit*.
- WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Bargaining Issues

- ADAMS and Griffin. *Bargaining for Equality*.
- BERCUSON and Weiler. *3. Innovative Agreements: An Analysis*.
- BEWLEY and Fernie. *What do Unions do for Women?*
- BLEIJENBERGH, de Bruijn and Dickens. *Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining*.
- CAW. *Collective Agreement Equity Audit*.
- CAW Rights, Equity, and Solidarity.
- CAW. *Collective Bargaining Survey for Women*.
- CAW. *Women's Bargaining Agenda*.
- CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 4.
- CLC. *Bargaining for Equality*.
- CLC. *Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges, Part I*.
- CUPE. *A Decade of Breaking Through at the Bargaining Table*.
- CUPE. *Bargaining Equality: A Workplace For All*
- CUPE. *Harassment - the Bargaining Approach*.
- AKYEAMPONG. *Collective Bargaining Priorities*.
- FUDGE. *The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader Based Bargaining*.
- KOLB. *Is It Her Voice or Her Place That Makes a Difference? : A Consideration of Gender Issues in Negotiation*.
- KRAVARITOU. *2. Exploring the Situation..*
- KUMAR. *Collective Bargaining and Women's Workplace Concerns*.
- KUMAR and Murray. *Union Bargaining Priorities in the New Economy: Results from the 2000 HRDC Survey on Innovation and Change in Labour Organizations in Canada*.
- LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*.
- NUPGE. *Collective Bargaining in the Provincial Public Sector, 1990-1999*.
- O'REGAN and Thompson. *Collective Bargaining and the Promotion of Equality: the Case of South Africa*.
- PAQUETTE. *Issues of Concern to Women in Current Public Sector Union Negotiation in Quebec*.
- PENNELL. *Consensual Bargaining: Labour Negotiations in Battered-Women's Programs*.
- TAYLOR. *Revising Collective Agreements to Promote Employment Equity for Women*.
- TUC. *TUC Equality Audit*.
- WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Bereavement Leave and Provisions

- CAUT. *Compassionate and Other Family Related Leave Provisions*.
- CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
- CLC. *Bargaining for Equality*, pg. 11.
- ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp.. 99-103.

USWA. *Bargaining Equality*, Section 3.

Child Care/Daycare

ADAMS and Griffin. *Bargaining for Equality*, pp. 194-195.
BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.
BERCUSON and Weiler. 3. *Innovative Agreements: An Analysis*.
CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
CAUT. *Equity Clauses*, pg. 164.
CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 40.
CLC. *Bargaining for Equality*, pg. 21.
CUPE. *Bargaining Equality: A Workplace For All*, section B.
CUTHBERTSON. *Demanding Daycare: Autoworkers Win Historical Agreement on Child Care*.
GRUNDY and Firestein. *Bargaining for Families*.
KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 639-640.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp 33-36.
NASH. *Bargaining for Child Care; Our Own Pilot Project*.
NUPGE. *Bargaining for Equality*, pp. 28-32.
NUPGE. *Collective Bargaining Series for Women: #2 Workplace Child Care Committees*.
OFL *Bargaining for Work and Life*, pp. 40-59.
PSAC. *Meeting Member's Needs: Negotiating Family Care*.
RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 148-9.
ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 91, 129-138.
TUC. *Who's Looking After the Children? A Trade Union Guide to Negotiating Child Care*.
USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.
USWA. *Bargaining Equality*, Section 3.

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CAUT. *Accommodation of Academic Staff with Mental Disabilities: Whose Duty is it?*

CAUT. *Model Clause for Accommodation of Academic Staff with Disabilities*.

CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 25.

CLC. *The MORE We Get Together: Disability Rights and Collective Bargaining Manual*.

Discrimination

See *Non-Discrimination*.

Duty to Accommodate

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CAUT. *Accommodation of Academic Staff with Mental Disabilities: Whose Duty is it?*

CAUT. *Chilly Climate – Negotiating Provisions to Ensure the Workplace is Free of Discrimination.*

CAUT. *Equity Clauses*, pg. 75.

CAUT. *Model Clause for Accommodation of Academic Staff with Disabilities.*

CUPE. *Bargaining Equality: A Workplace For All*, section D.

NUPGE. *Duty to Accommodate*.

USWA. *Bargaining Equality*, Section 4.

Education, Training and Apprenticeships

AFL. "Education Fund Training and Self Defense Courses" and "Workplace Training Programs on Violence" in *Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace*, pp. 6, 9.

BCTF. *"Education Leave for First Degree" Status of Women Bargaining Issues, Section N.*

CAW. *Canadian Auto Workers Women's Guide*.

CLC. "*On-the-Job Training" and Paid Education or Training Leave*" in *Bargaining for Equality*, pp. 6, 14.

CUPW. *Article 40*.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 640-642.

LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 18-20.

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 135-38, 152.

TUC. *TUC Equality Audit*, pp. 37-39.

USWA. *Bargaining Equality*, Section 5.

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CLC. *Bargaining for Equality*, pg. 21.

NUPGE. *Collective Bargaining Series for Women: #4 Nursing Services*.

OFL *Bargaining for Work and Life*, pp. 46-59.

PSAC. *Meeting Member's Needs: Negotiating Family Care*.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pg. 93.

USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.

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CAUT. *Chilly Climate – Negotiating Provisions to Ensure the Workplace is Free of Discrimination*

CAUT. *Equity Clauses*, pp. 82-124.

CAUT. *Model Clause on Positive Action to Improve the Status of Women*.

CAUT. *Increasing Representation of Designated Groups on Campus*.

CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 9.

CLC. *Bargaining for Equality*, pg. 5.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 633-635.

TAYLOR. *Revising Collective Agreements to Promote Employment Equity for Women*.
TUC. *TUC Equality Audit*, pp. 39.
USWA. *Bargaining Equality*, Section 2.

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BERTONE. *Immigrant Workers and Enterprise Bargaining*.
BURGMANN. *Women and Enterprise Bargaining in Australia*.
HALL. *Gender Equity and Enterprise Bargaining*.
HALL and Fruin. *Gender Aspects of Enterprise Bargaining*.
HAMMOND and Harbridge. *Women and Enterprise Bargaining: The New Zealand Experience of Labour Market Deregulation*.
HARBRIDGE and Thickett. *Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue*.

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Expectant and Nursing Mothers

CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
CAUT. *Model Clause on Pregnancy and Parental Leave*.
CLC. *Bargaining for Equality*, pg. 9.

Equal Opportunities

BERCUSON and Weiler. *Innovative Agreements: An Analysis*.
BERCUSON and Dickens. *Defining the Issues*.
BLEIJENBERGH, de Bruijn and Dickens. *Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining*.
COOK. *Collective Bargaining as a Strategy for Achieving Equal Opportunity and Equal Pay: Sweden and West Germany*.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 14-17.
STRACHAN and Burgess. *The Incompatibility of Decentralized Bargaining and Equal Employment Opportunity in Australia*.
WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

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ADAMS and Griffin. *Bargaining for Equality*, pg. 194.
BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.
BCTF. *Status of Women Bargaining Issues*.
CAUT. *Compassionate and Other Family Related Leave Provisions*.
CAUT. *Equity Clauses*, pp. 146-164.
CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 33.
CLC. *Bargaining for Equality*, pg. 10, 20.
CUPE. *Bargaining Equality: A Workplace For All*, section F.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 635-637, 639.

LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 39-40.

NUPGE. *Bargaining for Equality*, pp. 18-19.

NUPGE. *Collective Bargaining Series for Women: #3 Short-Term Family Illness Leave*.

OCUFA. *Maternity and Family Leave Policies at Ontario Universities*, pg. 11.

OFL *Bargaining for Work and Life*, pp. 30-40.

PSAC. *Meeting Member's Needs: Negotiating Family Care*.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 83-106.

TUC. *TUC Equality Audit*, pp. 28-29.

USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.

USWA. *Bargaining Equality*, Section 3.

Gender Neutral Language

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pg. 630.

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BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.

BCTF. *Status of Women Bargaining Issues*.

BERCUSON and Weiler. "3. Innovative Agreements: An Analysis

CAUT. *Equity Clauses*, pp. 3-64.

CAW. *Model Language on Harassment-Basic*.

CAW *Model Language on Harassment-Extensive*.

CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 4.

CLC. *Bargaining for Equality*, pg. 26.

CUPE. *Bargaining Equality: A Workplace For All*, section G.

CUPE. *Harassment - the Bargaining Approach*.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 631-633.

LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 21-24.

NUPGE. *Bargaining for Equality*, pp. 33-34.

NUPGE. *Collective Bargaining Series for Women: #1 Sexual Harassment*.

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp.130, 150-1.

TUC. *TUC Equality Audit*, pp. 38-39.

USWA. *Bargaining Equality*, Section 4.

WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Health and Safety

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AFL. *Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace*, pg. 7.

BCTF. *Status of Women Bargaining Issues*.

CAW. *Collective Bargaining Survey for Women*.

CLC. *Bargaining for Equality*, pp. 15-17, 19.

CUPE. *Bargaining Equality: A Workplace For All*, section E.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 45.
NUPGE. *Bargaining for Equality*, pp. 41-44.
RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 139-40, 153-4.
ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 74-82.
TUC. *TUC Equality Audit*, pp. 35-37.
USWA. *Bargaining Equality*, Section 4.

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CLC. *Bargaining for Equality*, pg. 23.
RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 72-74.
ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 40-46.

Hours of Work

ADAMS and Griffin. *Bargaining for Equality*, pp. 195-196.
BERCUSON and Weiler. "3. Innovative Agreements: An Analysis
CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
CAW. *Collective Bargaining Survey for Women*.
CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 33.
CEP. *Negotiating Shorter Hours*.
CLC. *Bargaining for Equality*, pp. 6-7.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 41-44.
NUPGE. *Bargaining for Equality*, pp. 16-17.
NUPGE. *Collective Bargaining Series: #3 Rest Between Shifts*.
NUPGE. *Collective Bargaining Series: #4 Flexible Work Hours*.
OFL *Bargaining for Work and Life*, pp. 20-29.
ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 13-27.
TUC. *TUC Equality Audit*, pp. 25-28.
WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Human Rights

See also *Non-Discrimination and Minority Worker Rights and Representation*

CLC. *Bargaining for Equality*, pp. 21, 25.

Job Access

See *Employment Equity*

Job Classification

CLC. *Bargaining for Equality*, pg. 3.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, p. 28.

Job Evaluation

See *Job Classification*

Job Sharing

CLC. *Bargaining for Equality*, pg. 8.
DICKENS. *Collective Bargaining and the Promotion of Equality: the Case of the United Kingdom*.

LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 43-44.
ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 32-39.
USWA. *Bargaining Equality*, Section 3.

Labour Law, Legislation and Bargaining Equity

BLEIJENBERGH, de Brujn and Dickens. *Strengthening and Mainstreaming Equal Opportunities through Collective Bargaining*.
COOK, Lorwin and Daniels. *Collective Bargaining*.
DICKENS. *Collective Bargaining and the Promotion of Gender Equity at Work*.
FUDGE. *The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader Based Bargaining*.
HARBRIDGE and Thickett. *Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue*.
KRAVARITOU. 2. *Exploring the Situation*.
LESTER. *Toward the Feminization of Collective Bargaining Law*.
LESTER and Rose. *Equal Value Claims and Sex Bias in Collective Bargaining*.
MCDERMOTT. *Pay Equity Challenge to Collective Bargaining in Ontario*.
USWA. *Bargaining Equality*, Section 6.

Language

See *Gender Neutral Language*.

Lesbian, Gay, Bisexual and Transgendered Rights

CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
CAW. *Collective Bargaining Checklist and Suggested Collective Agreement Language: Pride*.
CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 22.
CLC. *Bargaining for Equality*, pg. 33.
CUPE. *Employment Benefits for Lesbian and Gay Workers and Their Families – Bargaining Issues and Contract Language*.
CUPE. *Winning Out at Work: “Employment Benefits for Lesbian and Gay Workers and Their Families*.
HUNT. *Laboring for Rights: Unions and Sexual Diversity across Nation*.
PSAC. *Same-Sex Benefits: Making Progress in the Courts and at the Negotiating Table*.
TUC. *A TUC Guide for Union Negotiators on Lesbian, Gay, Bisexual and Trans Issues*.
TUC. *TUC Equality Audit*, pp. 33-34.
USWA. *It’s a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.

Maternity Leaves and Provisions

See also *Parental Leaves, Paternity Leaves and Family Leaves and Responsibilities*

ADAMS and Griffin. *Bargaining for Equality*, pp. 193-194.
BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.
BCTF. *Status of Women Bargaining Issues*.
BERCUSON and Weiler. “3. Innovative Agreements: An Analysis
CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
CAUT. *Maternity and Parental/Adoption Leaves*.
CAUT. *Model Clause on Pregnancy and Parental Leave*.
CLC. *Bargaining for Equality*, pg. 11.
CUPE. *Bargaining Equality: A Workplace For All*, section H.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 36-38.

- NUPGE. *Bargaining for Equality*, pp. 20-27.
- NUPGE. *Collective Bargaining Series for Women: #5 Maternity Leave (a) Anti-discrimination Clauses and Amount and Duration of Benefits*.
- OCUFA. *Maternity and Family Leave Policies at Ontario Universities*, pp. 1-2.
- PRENTICE and Pankratz. *When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities*, pp. 7-10.
- ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 47-66.
- USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.
- USWA. *Bargaining Equality*, Section 3.

Medical Leaves and Provisions

- AFL. *Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace*, pg. 8.
- BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.
- BCTF. *Status of Women Bargaining Issues*.
- CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
- CLC. *Bargaining for Equality*, pp. 13, 19, 34.
- KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pg. 637.
- NUPGE. *Bargaining for Equality*, pp. 18-19.
- NUPGE. *Collective Bargaining Series for Women: #4 Nursing Services*.
- NUPGE. *Collective Bargaining Series: #6 Healthcare*.
- ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 83-94.

Minority Worker Rights and Representation

- CAUT. *Equity Clauses*, pg. 79.
- CAUT. *Increasing Representation of Designated Groups on Campus*.
- CAUT. *Policy Statement on "Equity"*.
- RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 47-59.
- TUC. *TUC Equality Audit*, pp. 31-33.

Non-Discrimination

- CAUT. *Chilly Climate – Negotiating Provisions to Ensure the Workplace is Free of Discrimination*.
- CAUT. *Equity Clauses*, pp. 1-2.
- CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
- CAUT. *Model Clause on Non-Discrimination*.
- CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 2.
- CLC. *Bargaining for Equality*, pg. 25.
- CMG: *Article 1.2: Employee Rights*
- CUPE. *Bargaining Equality: A Workplace For All*, section C.
- CUPE. *Employment Benefits for Lesbian and Gay Workers and Their Families – Bargaining Issues and Contract Language*.
- DICKENS, Townley and Winchester. *Tackling Sex Discrimination through Collective Bargaining: The Impact of Section 6 of the Sex Discrimination Act 1986*.
- KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 630-631.
- LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 12-13.
- NUPGE. *Bargaining for Equality*, pp. 10-13.

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 128-130.

Overtime Work

See also *Hours of Work*

CEP. *Negotiating Shorter Hours*.

CLC. *Bargaining for Equality*, pg. 6.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 8-10.

NUPGE. *Collective Bargaining Series: #5 Time Off in Lieu of Overtime Pay*.

USWA. *Bargaining Equality*, Section 3.

Parental / Partner Leaves and Provisions

See also *Maternity Leaves and Paternity Leaves*

ADAMS and Griffin. *Bargaining for Equality*, pp. 194-195.

BCTF. *Status of Women Bargaining Issues*.

CAUT. *Family-Friendly Clauses in Canadian University Contracts*.

CAUT. *Maternity and Parental/Adoption Leaves*.

CAUT. *Model Clause on Pregnancy and Parental Leave*.

CLC. *Bargaining for Equality*, pg. 13.

CUPE. *Bargaining Equality: A Workplace For All*, section H.

DICKENS. *Collective Bargaining and the Promotion of Equality: the Case of the United Kingdom*.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pg. 638.

OCUFA. *Maternity and Family Leave Policies at Ontario Universities*, pp. 3-4.

PRENTICE and Pankratz. *When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities*, pp. 12-15.

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp.125-128 and 145-8.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 67-73.

USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.

USWA. *Bargaining Equality*, Section 3.

WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Part Time, Temporary, Contract and Casual Work

See also *Hours of Work*

BCTF. *Status of Women Bargaining Issues*.

CAUT. *Equity Clauses*, pp. 178-187.

CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 29.

CLC. *Bargaining for Equality*, pp. 7, 33.

CLC. *Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges, Part II*.

DE BRUIJN and Bleijenbergh. *Equal Opportunities and Collective Bargaining in the Netherlands: A Good Case in Contract Catering*.

KAINER. *Gender, Corporate Restructuring and Concession Bargaining in Ontario's Food Retail Sector*.

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 642-643.

- LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 41-42.
- NUPGE. *Bargaining for Equality*, pp. 57-58.
- NUPGE. *Collective Bargaining Series: #1 Casualization*.
- RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 69-71, 140-41, 155-157.
- ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 28-31.
- STRACHAN and Burgess. *The Incompatibility of Decentralized Bargaining and Equal Employment Opportunity in Australia*.

Paternity Leaves and Provisions

See also *Maternity Leave and Parental Leave*

- BCTF. *Status of Women Bargaining Issues*.
- CAUT. *Family-Friendly Clauses in Canadian University Contracts*.
- CAUT. *Maternity and Parental/Adoption Leaves*.
- CLC. *Bargaining for Equality*, pg. 12.
- KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pg. 638.
- NUPGE. *Bargaining for Equality*, pp. 25-27.
- OCUFA. *Maternity and Family Leave Policies at Ontario Universities*, pg. 7.
- PRENTICE and Pankratz. *When Academics Become Parents: An Overview of Family Leave Policies at Canadian Universities*, pp. 15-16.
- ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pg. 71.
- USWA. *It's a Balancing Act: A Steelworkers Guide to Negotiating the Balance of Work and Family Responsibilities*.
- USWA. *Bargaining Equality*, Section 3.

Pay Equity

See also *Wages and Benefits*

- ADAMS and Griffin. *Bargaining for Equality*, pg. 193.
- BARRON. *Ask and You Shall Receive? Gender Differences in Negotiators' Beliefs About Requests for a Higher Salary*.
- BERCUSON and Weiler. *3. Innovative Agreements: An Analysis*
- CAUT. *Wage Equity for Faculty in Equity-Seeking Groups: Why Contract Language is Important?*
- CEP. *Bargaining Equality: Joining Hands in Solidarity*, pg. 14.
- CLC. *Bargaining for Equality*, pg. 3.
- CLC. *Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges, Part I*.
- COOK. *Collective Bargaining as a Strategy for Achieving Equal Opportunity and Equal Pay: Sweden and West Germany*.
- CUPE. *Bargaining Equality: A Workplace For All*, section J.
- LESTER and Rose. *Equal Value Claims and Sex Bias in Collective Bargaining*.
- MCDERMOTT. *Pay Equity and Collective Bargaining in Ontario*.
- MCDERMOTT. *Pay Equity Challenge to Collective Bargaining in Ontario*.
- NUPGE. *Bargaining for Equality*, pp. 45-51.
- RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 23-24, 135-36, 151-52
- TUC. *TUC Equality Audit*, pp. 29-31.
- WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Pensions

CAW. *Collective Bargaining Survey for Women*.
CLC. *Bargaining for Equality*, pg. 4.
CUPE. *Bargaining Equality: A Workplace For All*, section I.
LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 29-30.
NUPGE. *Collective Bargaining Series for Women: #6 Pensions/Retirement Benefits*.
TUC. *TUC Equality Audit*, pp. 37.
USWA. *Bargaining Equality*, Section 2.

Personal Duties

BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.
NUPGE. *Bargaining for Equality*, pg. 56.

Personal Leaves and Provisions

CLC. *Bargaining for Equality*, pg. 14.
NUPGE. *Bargaining for Equality*, pp. 18-19.
ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 95-118.
USWA. *Bargaining Equality*, Section 3.

Privatization

COLLING and Dickens. *Selling the Case for Gender Equality: Deregulation and Equality Bargaining*.
RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 63-65, 138.

Scheduling

See *Hours of Work*.

Segregation

See *Employment Equity*

Seniority

BCGEU. *Bargaining for Equality: A Calendar of Contract Clauses of Interest to Women Workers*.
BCTF. *Status of Women Bargaining Issues*.
GSU. *Credited Seniority for Designated Group Members*
NUPGE. *Bargaining for Equality*, pg. 14.

Sexual Harassment

See *Harassment*.

Social Justice and Solidarity

CAW. *Social Justice Fund*.

Technological Change

KUMAR and Acri. *Unions' Collective Bargaining Agenda on Women's Issues: the Ontario Experience*, pp. 640-642.
NUPGE. *Bargaining for Equality*, pp. 35-41.
RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 141-43.

Time Off/Credit for Equity Work

CAW. *Model Language on Harassment-Extensive*

CAUT. Credit for Equity Work, Draft Letter of Understanding.

Unpaid Work

CLC. *Bargaining for Equality*, pg. 34.

Vacations and Statutory Holidays

CAUT. *Family-Friendly Clauses in Canadian University Contracts*.

CLC. *Bargaining for Equality*, pg. 10.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 118-128.

Violence in the Workplace / At Home

See also *Health and Safety* and *Harassment*

AFL. *Violence Against Women: A Workplace Solution, A Manual to Assist Local Unions in Bargaining Issues of Violence in the Workplace*.

CAUT. *Model Clause on Violence in the Workplace* (2001-6.)

CAW. *Collective Bargaining Survey for Women*.

CLC. *Bargaining for Equality*, pp. 11, 28.

CUPE. *Bargaining Equality: A Workplace For All*, section G.

LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 51-53.

Wages and Benefits

See also *Pay Equity*

BERCUSON and Weiler. 3. *Innovative Agreements: An Analysis*.

CLC. *Bargaining for Equality*, pp. 3, 5.

CLC. *Unions, Collective Bargaining and Labour Market Outcomes for Canadian Women: Past Gains and Future Challenges, Part I*.

CUPE. *Employment Benefits for Lesbian and Gay Workers and Their Families – Bargaining Issues and Contract Language*.

CUPE. *Bargaining Strategies: Up With Women's Wages*.

HARBRIDGE and Thickett. *Gender and Enterprise Bargaining in New Zealand: Revisiting the Equity Issue*.

LIM, Ameratunga and Whelton. *The Issues and Guidelines for Gender Equality Bargaining*, pp. 25-27.

MARTIKAINEN. *Equal Pay through Collective Bargaining? Experiences from Finland*.

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 11-14.

ROCHON. *Work and Family Provisions in Canadian Collective Agreements*, pp. 139-149.

USWA. *Bargaining Equality*, Section 2.

Women Negotiating

ADAMS and Griffin. *Bargaining for Equality*.

BERGAMASCHI. *Tackling Gender Segregation in an Italian Provincial Administration*.

CLC. *Bargaining for Equality*, pg. 30.

COLLING and Dickens. *Equality Bargaining - Why Not?*

DICKENS. *Collective Bargaining and the Promotion of Gender Equity at Work*.

FUDGE. *The Gendered Dimension of Labour Law: Why Women Need Inclusive Unionism and Broader Based Bargaining*.

HEERY and Kelly. *Do Female Representatives Make a Difference? Women Full Time Officials and Trade Union Work.*

KOLB. *Is It Her Voice or Her Place That Makes a Difference? : A Consideration of Gender Issues in Negotiation.*

KOLB. *Negotiation Through a Gender Lens.*

KRAVARITOU. 2. *Exploring the Situation.*

LIM, Ameratunga and Whelton. *Promoting Gender Equality Through Collective Bargaining.*

LIM, Ameratunga and Whelton. *The Role of Trade Unions in Promoting Gender Equality.*

MARTIKAINEN. *Gender Matters in Collective Bargaining.*

McDERMOTT. *Pay Equity and Collective Bargaining in Ontario.*

RITCHIE. *Women Workers and Labour Organization in Toronto: A Paper Prepared for the City or Toronto's Institute on Women and Work*, pp. 1-7, 32, 35.

Work-Life Balance

See *Hours of Work, Child Care/Daycare, Eldercare, Family Leaves and Responsibilities, Job Sharing, Maternity Leaves and Provisions, Parental/Partner Leaves and Provisions, Paternity Leaves and Provisions, and Personal Leaves and Provisions*

Work Organization/Organizational Culture

BERCUSON and Weiler. 3. *Innovative Agreements: An Analysis*

CAW. *Collective Bargaining Survey for Women.*

WEILER. *Innovative Agreements on Equal Opportunities: New Horizons of Collective Bargaining?*

Restructuring Work and Labour in the New Economy (RWL-INE) is an alliance of researchers and trade union partners that includes twenty-two scholars from ten Canadian universities working from the perspective of ten disciplines, nine union-based collaborators, and eleven trade union representatives from private and public sector unions and the Ontario and Canadian federations of labour.

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