

Christian Labour Association of Canada;
Competing From the Outside

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An Analysis of the Competitiveness of a Small
Alternative Union

By,

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Abstract:

The Christian Labour Association of Canada (CLAC) is a relatively small but growing independent Canadian labour union that has attracted a great deal of criticism from many mainstream unions. CLAC's basis in Christian principles, which emphasize cooperation and reconciliation over conflict and reject the socialist notion of class struggle, have led the organization to develop a unique approach to labour relations that puts it at odds with traditional Canadian unions and labour organizations. This approach also seems to have contributed to strong membership growth over a period when the membership of other unions was stagnant or in decline.

This paper attempts to provide some insights on CLAC's competitiveness by squaring its alternative approach to labour relations with its strong growth relative to other unions.

The findings of this paper build on existing research and literature on CLAC's background and philosophical underpinnings and are based heavily on firsthand interviews with workers and union executives. The key findings of this paper are that CLAC's competitiveness is strongly related to its conciliatory brand of labour relations, its organizational structure, which is rooted in its founding role as a religiously based cultural institution, and finally its position outside of the Canadian Labour Congress umbrella. Another important conclusion is that the competitiveness of unions is heavily influenced by its ability to align its values and organizational culture with the values and identities of workers and the specific regulatory and economic environment in which they work.

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Introduction

The Christian Labour Association of Canada (CLAC) is a relatively small but growing independent Canadian labour union established by Dutch Calvinist immigrants in the 1950's. CLAC's chief distinction from other Canadian unions has been its espousal of a "Christian view of labour relations that emphasizes cooperation and reconciliation over conflict" (CLAC n.d.), its rejection of the socialist notion of class struggle and its disassociation with the broader Canadian labour movement (Thomas 2002). This divergent philosophical underpinning led CLAC to develop unique approaches and strategies towards organizing and collective bargaining that have carved a narrow, solitary path in Ontario's labour relations landscape and put it at odds with traditional Canadian unions and labour organizations.

What makes CLAC a focal point for many mainstream unions is that there is strong evidence that CLAC's alternative approach to labour relations seems to be contributing to strong membership growth just as membership at many other unions in Canada remains stagnant or is in decline. Hence, the key objective of this paper is to analyze CLAC's competitiveness by squaring its alternative approach to labour relations with its strong growth relative to other unions. It is my hope that this analysis of CLAC's success may provide some important insights that could potentially contribute to the ongoing dialogue on strategies for union renewal.

In this paper I will build on existing research and literature on CLAC's background and philosophical underpinnings, Christian Unionism and the determinants of workers' preferences for unionization to argue that CLAC's competitiveness is strongly related to its conciliatory brand of labour relations, its organizational structure, rooted in its founding role as a religiously based cultural institution, and its position on the outside of the Canadian Labour Congress (CLC) umbrella.

As there is no single set of data that can explain competitiveness, the research that forms the basis for this paper approaches competitiveness from a multipronged approach involving an analysis of collective agreements, statistical and demographic data and first hand interviews with workers, CLAC executives and Union organizers.

The paper is organized into four core sections; the first section draws on existing CLAC publications and previous academic work to provide a background of CLAC's development into a recognized labour union in Ontario. Tracing its expansion from construction to other sectors of the economy, the section lays out the basic tenets of the organization's philosophy and how they have influenced CLAC's organizational structure, strategic direction and practices in response to changes in Ontario's evolving economic and regulatory labour relations landscape.

The second section will provide an overview of the economic and regulatory environment of the long-term care (LTC) sector - CLAC's largest sector - and discuss the compatibility of this environment with CLAC's values and Christian principles. In this section I will also discuss some potential opportunities and challenges for unions looking to expand membership in this important growth sector of the economy.

The third section is based primarily on firsthand accounts from interviews conducted with workers from one unionized long-term care facility. I will outline some of the major challenges and concerns identified by workers, their views on the instrumentality of unions in addressing those concerns, and the factors that contributed to the displacement of CLAC by OPSEU.

The final section will provide an analysis of CLAC's competitiveness by drawing on the insights laid out in the first three sections. Given CLAC's prominent position in the LTC sector, I will discuss how CLAC's key defining features contribute or detract from its competitiveness in the context of the LTC sector.

[CLAC's History and Philosophical Underpinnings](#)

CLAC emerged on Canada's labour relations scene in 1952, established by Christian reformed Dutch Immigrants in the South-western regions of Ontario. Through its early years, between the 1950s and 1970s, CLAC's membership remained concentrated in the Dutch community and primarily within the construction industry (Grootenboer 2005).

The pace of growth over the first decade was also constrained by its difficulties in gaining legal status due to its Christian underpinnings.

Since gaining trade union status in Ontario in 1963 CLAC has gained further recognition by provincial Labour Boards in Manitoba, Saskatchewan, Alberta, and British Columbia, as well as on a national scale, by the Canada Industrial Relations Board (Canadian Labour Congress 2008). Its membership has also widened in scope from its construction roots to include: the transportation, hospitality, manufacturing and healthcare sectors.

Although membership growth remained modest through the 70's and 90's it accelerated significantly over the last decade. CLAC has proven to be especially effective in attracting large numbers of workers and dislodging mainstream unions - particularly in the healthcare and construction industries. In fact, CLAC's organizing numbers are higher than many unions in Canada and they are continuing to grow just as many other unions remain stagnant or are declining. CLAC's Canadian membership topped 51,000 members in 2009, an increase of 82% from the 28,000 members claimed by CLAC in 2002 (CLAC n.d.). This increase is dramatically greater than the overall rise in union membership in Canada.

CLAC's anti-establishment approach to labour relations and its striking growth in membership over a period of time when mainstream union membership has been static, and union density in decline (Eaton 2005), has attracted a flurry of criticism from mainstream unions, and even declarations of all out war by many (Georgetti 2008).

Mainstream Canadian unions and labour organizations, including the CLC and OFL do not recognize CLAC as a 'genuine trade union' arguing that CLAC's cooperative and conciliatory relationship with employers is really just a form of outright collusion driven by a shared desire to keep real unions out (Georgetti 2008). CLAC has been openly accused by labour leaders "for cutting sweetheart deals with employers that undercut union rates of pay" (Georgetti 2008). CLAC has also been heavily criticized for its undemocratic organizational structure, poor representation of its members, and its steadfast rejection of 'class struggle' and opposition to strike action, a philosophy CLAC attributes to its basis in Christian principles (CLAC 2006).

The criticism of CLAC and its relative success as an alternative union is a paradox of sorts, in that if CLAC brings a disproportionate benefit to employers vis-a-vis their members (relative to other traditional unions), and workers ultimately select the union that best represents their interests - how can CLAC be growing at such a rapid pace? A key objective of this paper is to explain this very question.

Voluntary recognition by employers is often cited by union leaders as the main source of CLAC's strength (Georgetti 2008; OPSEU n.d). The argument being, that employers fearing certification by one of the mainstream unions sign an agreement with CLAC to keep other unions out. Although this could partially explain CLAC's rapid growth, it can realistically be only part of the puzzle. CLAC must also be realizing some significant success in organizing non-unionized workplaces and raiding the membership from other unions. Though there is little data about the success rate of CLAC raiding attempts, there is anecdotal evidence that CLAC does raid more than other unions (Canadian Labour Congress 2008).

To begin to square the criticisms of CLAC with its relative success and growth in membership, one must first understand the context in which the organization came into existence, along with the culture, beliefs and philosophical views of the organization's founding members.

When CLAC was established in Canada in 1952 its founding mandate was much broader and espoused a more varied set of objectives than that of exiting mainstream unions in Canada. CLAC's most discernible attribute is its basis on religious principles. According to Article 2 of CLAC's constitution: "CLAC bases its policies and actions on the

Christian principles of social justice and charitable relationships among people, as taught in the Bible” (CLAC 2006). Another section of the constitution states that the “[r]emoval of injustice should not be sought through class conflict or revolution but through actions that respect proper authority and democratic principles” (CLAC 2006).

This espousal of religious based principles and the rejection of the notion of class struggle contrasts with the philosophies of most mainstream unions and plays a significant role in shaping CLAC’s conciliatory approaches to labour relations.

CLAC’s conciliatory approach was further shaped by the organization’s overarching objective of establishing and reinforcing the integrity of the Dutch Calvinist community; not only was it created to serve as a trade union, to represent the interests of Dutch Calvinist workers who felt uncomfortable with joining existing mainstream unions (Grootenboer 2005), but it also served as one of many Dutch cultural institutions - of which both workers and employers were members. It is easy to imagine a situation in which the interests of the broader community may come into conflict with that of a particular subset of workers from within that community. For example, if a large community employer who gave financial support to the church and other community institutions was threatened by the potential of a strike or work stoppage by workers in the community demanding a wage increase, and the union representing those workers was also partially funded by the church, which in turn was supported by the employer, the union maybe compelled to resolve the dispute in a more conciliatory manner.

I argue that this ‘dual organizational role’, combined with its distinctly Christian principles, were the two main factors that shaped the association’s conciliatory approach

to labour relations. And though the religious convictions and Dutch ethnicity of CLAC's membership have become diluted since its establishment, conciliation and community building remain engrained in the organizational culture and enshrined in its constitution.

A starting point for understanding the motivations for the establishment of CLAC, and its controversial approach to labour relations, is describing the concept of social pillarization and its role in influencing the motivations of CLAC's founding members.

Netherlandic Pillarization was the "practice of ideological and religious groups forming distinct units that cut vertically across social classes" (van Dijk 2001). Since the early nineteenth century Dutch society was divided into three main pillars; the Roman Catholic, Dutch reformed Church (Protestant), and non –denominational, consisting of socialists, secular liberals and others with no religious affiliation (Thomas 2002). Each of these pillars had its own parallel organizations such as churches, schools, political parties and labour unions that reinforced each other and acted to "channel all Dutch political and social action along the cleavage lines of religion and class" (Rochon 1984). The majority of Dutch people were, as Rochon puts it: "guided from cradle to grave by these organizations" (Rochon 1984).

The pervasiveness of these divisions was attested to by CLAC Research Director Gideon Straus in an interview with Robert Thomas. He explains:

...you could go to a reformed Church, a Reformed school; your family habits would be deeply shaped by the Reformed world view and you could go to a

reformed university if you are so inclined and so forth. All your social interactions other than with the state itself would be in a reformed bubble of pillar.

(Thomas 2002)

According to Ganzevoort, a Dutch-Canadian historian, the “segregation cut across class and economic barriers and created a situation in which group members preferred to associate only with those who shared their ideology” (van Dijk 2001). The potency of these divisions can be further illustrated by the motto of the Dutch Calvinists: “in isolation is our strength” (van Dijk 2001).

This voluntary segregation remained in effect well into the middle of the twentieth century when Dutch immigrants took their cultural and social structures to their new homelands (van Dijk 2001). When Dutch immigrants arrived in Canada, some 143,300 between 1948 and 1962, (van Dijk 2001), members of the Catholic and Socio-Democratic pillars were absorbed into existing Canadian institutions (Rochon 1984). But, as there were no existing institutions reflecting the Dutch Calvinist world view, deeply convicted members of the Dutch Reformist community chose to establish their own reformist organizations.

In the span from 1930 to 1950 Protestant Dutch immigrants built a relatively large number of Reformed Christian Churches and faith based organizations, compared to other immigrant groups at the time (Thomas 2002). Some of the most notable of these included: The Christian Reformed Church, the DUCA credit union, a Christian political party, a network of elementary schools and several universities, including Redeemer

Collage in Ancaster, the Institute for Christian Studies in Toronto, and two trade unions; the largest of these being the Christian Labour Association of Canada (Thomas 2002).

The driving force for the establishment of this web of organizations was rooted in the world view of Dutch Calvinism that “Christians should take part in creating alternative formations that were formed explicitly on Christian basis to reform society into the image of the creator, and that this reform should not simply be held to the institutional church, but must also apply to politics and to the wider society” (Thomas 2002). Hence, when CLAC was established it was done in the context of this world view, and as part of the Dutch Reformists’ broader effort to build and reinforce other Reformist institutions.

Entrenched in the Reformist world view, the first Dutch immigrants to gain employment in Canadian unionised workplaces were uncomfortable with the secular nature and the foreign way Canadian trade unions operated (Grootenboer 2005). One significant difference is that under the North American system bargaining units are, for the most part, employer based and do not allow for multi-union representation, as is common in Europe. Under the Dutch system of federations of unions familiar to immigrants, each federation was composed of “semi-autonomous unions which operated in different sectors of the economy” (Rochon 1984). Separate unions were established for factory workers, builders, transport workers, agricultural workers, restaurant and hotel employees, civil servants, artists, etc. There were between fifteen and twenty separate unions within each of the three pillars (Rochon 1984).

Not only were existing unions void of the Reformist world view they were brought up with all their lives, but workers could not join a Christian union as individuals even once

CLAC was established. This conundrum would prove to be a major source of frustration and conflict in CLAC's early years. The challenges associated with the establishment of a new union in foreign labour relations landscape limited CLAC's ability to organize outside the local community base.

In an interview between Thomas and Gideon Strauss, Strauss describes CLAC's first organizing efforts:

Probably the early organizers of CLAC in Canada would have been a combination of ordinary working folk who were required to join existing trade unions to be able to have access to work in specific workplaces, and when reading the documentation from these trade unions would have felt themselves uncomfortable because of a sense of dissonance of their most deeply held convictions and the stated basic principles of these trade unions. ...these were deeply held convictions for them. Arguing that it is the responsibility of Reformed Christians to engage with every area of life and it was imperative of them to do this through organizations rather than as a lone individual.

(Thomas 2002)

In 1952, after years of loose worker affiliations, reps of four Ontario Local groups met at a London YMCA to create a national organization to establish a leadership and adopt a constitution to give direction and organizational structure to the formation of CLAC (Grootenboer 2005).

The pluralist world view of the Dutch Reformist community compelled the founding members to create the new trade union patterned on the principles and practices of the European Christian union movement and model its constitution after the Christian Labor Association of the United States (CLA-USA) established by Dutch immigrants to the US twenty years earlier. (Grootenboer 2005).

CLAC's founding efforts were also supported by the Dutch Christian federation known as the National Federation of Christian Trade Unions (CNV), which viewed the New World as an opportunity to spread the Christian Labour movement (Grootenboer 2005). The CNV commissioned Frans P. Fuykschot of the Christian International Workers Association (PCIWA) to set up an international office in Canada to assist in the establishment of CLAC (Grootenboer 2005). Patterning the new organization and its constitution after existing Dutch and American organizations was an efficient solution, as it provided an organizational frame work consistent with the Reformist world view, as well as much needed resources. However, the import and adoption of foreign constitutions and structures resulted in significant challenges for the organization in its early years.

In an interview with Thomas, Gideon Strauss, CLAC Research Director, likened the union to a “flower, or maybe more accurately a Tulip, transplanted from its native soil to a foreign environment” (Thomas 2002). A major component of the native soil from which CLAC was transplanted was Christian Unionism. It is especially important in the context of explaining CLAC's opposition to the notion of class struggle in its approach to labour relations.

Although Christian Unionism was common in many European countries at the time it was not prevalent in North America. The single employer, single-union representation based bargaining unit system was also foreign to Dutch immigrants (Grootenboer 2005).

Christian Unionism itself first emerged in Europe late in the 19th century, promoted by the Catholic Church as an alternative to Socialism in bringing meaningful reform for workers caught up in the conflict stemming from industrialization (Grootenboer 2005).

In 1891 Pope Leo XIII issued the *Cyclica Rerum Novarum*, an open letter sub titled *On the Conditions of Labor* to all Catholic Bishops. The document stated the Church's position on the mutual duties between labour and capital and the government and its citizens. It supported the rights of labour to form independent trade unions, rejected communism and unrestricted communism, whilst affirming the rights of private property" (Pasture 1994). The *Rerum Novarum* was "a reaction against the increasing influence of the socialist idea of class struggle with trade union associations, which had originally been neutral" (Pasture 1994). The following passage (45) from the *Rerum Novarum* describes the concept of natural justice that should guide the worker-employer relationship:

Let the working man and the employer make free agreements, and in particular let them agree freely as to the wages; nevertheless, there underlies a dictate of natural justice more imperious and ancient than any bargain between man and man, namely, that wages ought not to be insufficient to support a frugal and well-behaved wage-earner. If through necessity or fear of a worse evil the workman

accepts harder conditions because an employer or contractor will afford him no better, he is made the victim of force and injustice.

(The Vatican 1891)

The *Rerum Novarum* led to the formation of Protestant and Catholic trade unions in many western European countries from the late 19th to early 20th century (Pasture 1994). The first Christian unions were interdenominational (open to both Catholics and Protestants), but were eventually split along Catholic and Protestant lines when between 1906 and 1912 Dutch bishops “forbade Catholic workers from becoming members of the largest CNV union because it had refused to accept a spiritual advisor appointed by the archbishop” (Pasture 1994). This resulted in Catholics leaving the CNV, leaving behind only the members of the Reformist pillar of Dutch society.

This split led the CNV to adopt new Christian principled statutes in its constitution which narrowed the scope of its representation to the Reformist pillar of Dutch society in an “attempt to resist being swallowed by re-organizations and de-pillarization underway in Europe” (Pasture 1994). When CLAC was established in Canada these same statutes, relating to the distinctiveness of religious principles of the Reformist Pillar were adopted by CLAC’s constitution. However, since neither the Dutch Catholic nor the Social Democratic pillars existed in Canada, the exclusive intent of the original statutes to restrict membership to the Christian pillar was redundant. In hindsight, this language was luggage that may have been better left behind in Europe as, according to Grootenboer: “the practical application of [Christian] membership became a source of much confusion, bitter internal strife and external rejection” (Grootenboer 2005).

When CLAC's Hamilton Local made its first application for certification in 1954 to represent workers from Bosch and Keuning Ltd., the Christian basis of CLAC's constitution became a significant impediment to achieving trade union status. Although CLAC constitution does not require adherence to the Christian faith, it does include a pledge to uphold Christian principles. When examining CLAC's application for certification, the Ontario Labour Relations Board (OLRB) found exception to the membership pledge to hold up the constitution, because of its inclusion of the Christian principles. The specific concern was that "upholding the constitution would serve to impose restrictions on eligibility for membership" (Grootenboer 2005). When Fuykschot was called to give evidence on the point and asked specifically would a Mohammedan be accepted into CLAC ranks? He answered 'no' (Grootenboer 2005).

Although some argue Fuykschot misinterpreted the questions, confusing interest in joining with ability to do so (Grootenboer 2005), the outcome of his testimony resulted in the OLRB turning down CLAC's application for trade union status citing the "anti-discrimination provisions of both the Labour Relations Act and the Fair employment Practices Act in its decision" (Grootenboer 2005).

The OLRB ruling was a major setback for CLAC and generated "internal debates, centering on what changes to the constitutional language would negate the finding of discrimination without compromising CLAC's future as a distinctly Christian trade union" (Grootenboer 2005).

The legal certification impasse prompted some members to put forth a motion to remove the biblical basis of the constitution and the requirement for Scripture readings and prayer

at the beginning of union meetings. Proponents of this motion argued that a Christian constitution was not required to run a Christian union (Thomas 2002). However, the motion failed, due in part to the strong religious beliefs held by many of the organization's younger members, and ultimately resulted in a split of the union.

Supporters of the motion formed the Christian Trade Unions of Canada (CTUC) which received prompt certification from the OLRB after making the necessary amendments to its constitution (Thomas 2002). The CTUC operated under Fuykschot's leadership, but remained limited to the Hamilton area. The death of Fuykschot in 1965, and its stagnant growth, ultimately led to merger with CLAC in 1979 (Grootenboer 2005).

In 1963, six years after CLAC's first failed certification attempt, CLAC gained its first certification when the Supreme Court of Ontario (OSC) overruled a decision of the Ontario Labour Relations Board (OLRB) to deny CLAC's attempt to organize the Tange Construction Company of Trenton, Ontario.

The Board's argument rested on the assertion that unions, as secular institutions, required a degree of religious neutrality. The council for CLAC argued that secularism itself was a no less biased view and religiously un-neutral one than that of CLAC (Grootenboer 2005). CLAC's council pointed to the demanded adherence to class struggle in the constitutions of other unions as evidence of the non-neutral position of secular unions. A section of the International Association of Machinists (1961) constitution was referenced as an example. It stated that "...those who toil should use their rights of citizenship intellectually through organizations founded upon class struggle" (Thomas 2002).

On May 2nd, 1963, Chief Justice of the OSC, McRuer ruled that the OLRB had no legal evidence on which it could base its findings that the Union was discriminatory within the meaning of the statute, and hence, overturned the OLRB decision to refuse CLAC certification (Grootenboer 2005). The spirit of the decision by the OSC is well captured by J. C. McRuer now infamous statement “if Marxists can have a union, why shouldn’t the Christians” (Canadian Labour Congress 2008).

With the McRuer decision CLAC gained certification as a trade union in Ontario, with certification in BC and Alberta following shortly after. But its conflict with mainstream unions only intensified. CLAC continued to vigorously oppose any notions of class struggle and remained committed to its conciliatory brand of labour relations; reframing the labour movements fight for the right of freedom of association along opposing world view lines of Christian versus Marxist Socialist (Grootenboer 2005).

With its Christian principles intact CLAC grew its membership and expanded to a broad range of sectors. However, CLAC’s rejection of class struggle and reluctance to resort to strike action, and its advocacy for a European modeled system of multi-union representation, further isolated it from the CLC and OFL affiliated unions, cementing its place firmly in the outer circle of the labour movement. This position only contributed to the criticism but, also proved to be a source of potential strength. The latter will be discussed in the third section.

In order to grow beyond the confines of its Dutch Reformist community CLAC needed to appeal to an increasingly diverse workforce (racially, culturally and religiously), which

required loosening its tight affiliation with the same Church instrumental to its establishment (Canadian Labour Congress 2008).

Today, CLAC asserts that it is not a religious institution, rather that its “approach to the workplace is based on Christian social principles” that stress integrity, respect, partnership, fairness and community (CLAC n.d.). When I asked Hank Beekhuis, CLAC’s Ontario Provincial Director, about the role religion played in CLAC today he down played its significance: “The religious underpinnings are rather old, and reflective of the larger religious base at the time -30 years ago. Now it has developed into certain value standards that we try to deliver” (Beekhuis 2011).

Isobel Farrell, CLAC Regional Director, added:

When we talk about why CLAC exists, it's not about who we are or who you are, it's how we live out our work life together and how we are going to treat our co-workers and how we want management to treat us and how we're going to treat management back. And i think people respond positively to that because at the end of the day its common sense, if you treat someone with respect you might actually get that respect back. And if you can be those types of leaders in the workplace and have our stewards can provide that example to me that's what CLAC is about.

(Farrell 2011)

Modern CLAC remains unapologetically Christian in its founding and guiding philosophy, however, it has managed to evolve from its role as a Dutch cultural institution. Its current rank-and-file membership includes workers from many ethnic and

religious backgrounds and is somewhat more reflective of the mosaic of cultures that exist in modern day Canada (Beekhuis 2011). However, strong ties to its foundations in pillarized Dutch culture remain, and the community culture established during its foundation continues to shape its labour relations strategies, policies and organizing tactics. The fact that CLAC maintains a preference for staff from the Dutch Christian Reform community (Beekhuis 2011), insinuates that the Christian world view is still considered a superior alternative to everything else (Canadian Labour Congress 2008). Further evidence that the “Christian” in CLAC’s name remains salient is its continued ties to The Christian Reformed Church (CRC) and other religiously based institutions. The Christian Reformed Church (CRC) takes pride in the formation of the Christian Labour Association which it considers part of the church’s overall mission (Canadian Labour Congress 2008). And pillar sovereignty continues to be, crucial to the church’s ideological and theological mission (Canadian Labour Congress 2008).

Although “CLAC and the CRC remain separate from one another legally, they are highly cross-fertilized and continue to work very closely together” (Canadian Labour Congress 2008). CLAC staff and union representatives are commonly recruited from religious colleges such as CRC affiliated Redeemer University College, which CLAC sees as a “natural fit since Redeemer provides its students with a solid Christian worldview... giving them the ability to understand, articulate and apply the Christian social principles upon which CLAC is based” (Canadian Labour Congress 2008) (confirmed by Hank Beekhuis during interview).

The degree to which CLAC strives to maintain its Christian underpinnings and common community of interest is reflected in its organizational structure, which too, is often criticized by mainstream unions for its undemocratic character.

According to the CLAC constitution, CLAC's organizational structure consists of elected Local Boards responsible for the activities of each individual local and its bargaining units; an elected National Board, which oversees the overall governance of the union; and a Staff Council and Executive, consisting of all appointed CLAC representatives, responsible for much of the day-to-day running of the organization (CLAC 2006).

Though this may be a similar structure to many union organizations, a closer review of the Constitution reveals two important features that act to restrict entrance to any individuals with opposing views or attitudes into the union's executive decision making structure, limiting the power of rank-and-file members to shift CLAC from its Christian principled path.

The first of these features is the powerful role played by the appointed Staff Council in the organization. According to the Constitution, Staff Council members are not elected. Rather, they are appointed by the National Board; yet their influence and power within the union is greater than that of elected officials (Canadian Labour Congress 2008).

The Staff Council is, according to the Constitution: "responsible for promoting the interest of CLAC within the framework of this constitution, the decisions of the National Board, and the National Convention" (CLAC 2006). This includes authority to: conclude, execute, or administer collective agreements on behalf of CLAC or an affiliated local, appoint stewards, bargaining committee members and CLAC Representatives to serve as

officers of a local board (CLAC 2006). The Council also plays a central role in shaping the overall direction of the organization through the coordination and approval of legal action, the monitoring of organizational performance and the approval of expansion and organizing strategies (CLAC 2006).

In addition to the administrative powers, Staff Council representatives are also given voting rights at National Conventions giving them even greater influence over decisions and in shaping the direction of the organization and further diminishing the relative influence of the rank-and-file members.

The ability of CLAC's rank-and-file members to make any fundamental changes within the organization is further inhibited by restrictions for eligibility to run for local and national office outlined in the Constitution. At the local level, nominees are selected by the local board members based on a set of criteria including length of membership in the local, service as a union steward, contribution to - and willingness to promote - the union (CLAC 2006). Perhaps the most notable of these criteria is that nominees must "fully agree with and defend this Constitution and its supplements A and B;" - which include an adherence to CLAC's version of Christianity and "Christian principles" (CLAC 2006). Therefore, any member not in support of any aspect of the Constitution, or deemed "not qualified to give leadership that is in harmony with [the] Constitution," would not be eligible to stand for election (CLAC 2006). The arguably subjective evaluation and approval of the nominee's credentials by the Local Board restricts any opportunities for members with views divergent from the status quo to seek election, even if they happened to represent the majority of members. Moreover, if the eligibility to serve in office by

any individual depends on that individual's agreement to defend the constitution, then it could be argued, that the Constitution could never be subject to change; even if did not reflect or enshrine the will of the rank-and-file membership.

CLAC's organizational structure, enforced by its Constitution, acts to reinforce its community culture and is exclusionary to ideas and attitudes that conflict with founding principles. Furthermore, CLAC's development in isolation from the broader labour movement has shaped a culture defined by inclusion and exclusion based on common community interests. From this point of view the broader interests of employers and workers overlap, and must be considered part of the same sphere, requiring a conciliatory approach to labour relations that takes these common interest into account. This contrasts with mainstream unions who view the interests of workers as the sole basis for organizational inclusion.

This divergent approach to labour relations has played to CLAC's advantage as it is more palpable to many employers. And voluntary recognition of collective agreements by employers is often cited by union leaders as the main source of CLAC's strength (Georgetti 2008, Ontario Public Service Employees Union n.d.). However, voluntary recognition by employers can realistically be only part of the puzzle of CLAC's rapid growth. CLAC must also be realizing some significant success in organizing non-unionized workplaces and raiding the membership from other unions.

In approaching an analysis of CLAC's growth it is necessary to do so in the context of the interaction of environmental pressures specific to regions and sectors of the economy.

Each industry, with in each region of Canada, faces a set of unique workforce

demographics, distinct employment and labour relations regulations and varied economic conditions that impact unions ability to organize.

A review of CLAC's current membership in Ontario provides clear evidence that the organization has expanded from its roots in construction into a number of other industries. In the last decade none have contributed more to its growth in membership than the healthcare industry - specifically, the long-term care (LTC) sector. An analysis of current CLAC collective agreements in Ontario shows that over 60% of CLAC's membership is concentrated in the healthcare services sector, with construction a distant second at 25%. (Ministry of Labour 2011) Given, the high concentration of CLAC's membership within the LTC sector, any analysis of CLAC's growth would benefit from a closer look at this sector to understand whether its distinct characteristics make it a particularly attractive target for CLAC relative to other mainstream union.

The following section will provide an overview of some of the key features of the LTC sector and discuss how this leads to some potential opportunities and challenges for unions looking to expand membership in the sector. Then relying primarily on firsthand accounts based on interviews conducted with workers from one unionized long-term care facility I will outline some of the major challenges and concerns indentified by workers in the sector and their views on the instrumentality of unions in addressing those concerns.

In the final section I will discuss to what degree; CLAC's position outside of the labour movement circle, its religious underpinnings and conciliatory approach to labour relations impact its competitiveness relative to other mainstream unions in the sector.

Opportunities and Challenges for Unions in Ontario's Long-term Care Sector

With the back drop of declining union membership and density, the healthcare industry, and especially the long-term care (LTC) sector, has emerged as a fertile target for union organizing. Increased employer resistance; along with technological innovations in global communications, increased capital mobility, growth of the service sector, shifts in demographics and the emergence of non-standard work forms, have all tended to undermine union strength (Eaton 2005). However, the healthcare industry has remained immune to many of these factors, making it attractive for unions looking to regain membership lost in other sectors of the economy.

The first and foremost attraction is that long-term care is a growth market. The rising healthcare demands attributed to Ontario's aging population, and the labour intensive nature of regulated care work, have contributed to rising employment requirements across a wide breadth of occupations. The aging demographics of Canada's population means that demand for long-term care facilities, and associated employment, will only increase over the next decade(s). According to the Conference Board of Canada the number of Ontarians in need of long-term care will rise to nearly 238,000 by 2035, up from about 98,000 today (Conference Board of Canada 2011). This strong growth in demand, and anticipated demand, has allowed healthcare workers to maintain some level of leverage relative to employers compared to other industries.

A second feature of the sector that contributes to the leverage of workers is that just as demand rises due to demographics, the relative number of workers to meet demand is

falling. According to Statistics Canada data, cited by the Conference Board, the proportion of the working population (persons aged 20-64) relative to the number of people aged 85 or older (those most likely to need LTC) is falling (Conference Board of Canada 2011). The Conference Board estimates that the ratio of the working population to those 85 and older will fall from 19 to 1, where it was in 2009, to 10 to 1 by 2035; increasing the difficulty in recruitment for the future LTC workforce (Conference Board of Canada 2011).

While immigration is expected to be a key source for meeting Canada's future labour requirements it is unlikely to fill the demand gap in the healthcare sector. A short supply of health and LTC workers is not limited to Ontario; labour supply challenges in healthcare is a critical issue facing many countries, thus limiting the potential to rely on immigration to meet demand. A survey by the Organization for Economic Co-operation and Development (OECD) cited by the Conference Board report found that: "Staff qualifications and shortages were the greatest concern to LTC policy makers in OECD countries" (Conference Board of Canada 2011). The authors of report conclude that: "With a declining birthrate and an aging population this labour-intensive industry—in which approximately 80 per cent of operating budgets is devoted to salaries and benefits— will be hard pressed to find and retain sufficient staff" (Conference Board of Canada 2011).

In other sectors of the economy where rising labour costs (or labour availability) have become issues, work is often outsourced or production is moved offshore. However, the

nature of healthcare does not make it subject to these pressures, which have weakened union representation in other traditional sectors of the economy (Clark and Clark 2006).

Current and future human resource challenges are further compounded by the human aspect of care work. Although technology may contribute to some productivity gains care work is and will remain a labour intensive industry due to the necessary human element involved in patient care. The degree to which care work tasks such as administering medications, bathing, dressing and feeding patients, can be deskilled and bureaucratized, as described in Braverman's de-skilling thesis (Braverman 1974), is limited due to the inherent variability and uncertainties associated with human care. The nature of the industry also requires many jobs in the sector to have some degree of specialized training, putting structural constraints on labour supply.

With rising demand and significant supply constraints facing the industry labour is armed with a greater degree of bargaining power, relative to many other service sectors in the economy. However, rising demand and limited government resources have also left workers facing a number of challenges.

Another defining feature of Ontario's LTC industry is its large size and complexity. According to Statistics Canada, in 2009 there were a total of 1,798 residential care facilities in Ontario, with 758 homes for the aged. The majority of these facilities are private for-profit homes, with municipal-run and charitable not-for-profit homes also providing services (Statistics Canada 2011).

The LTC sector is also heavily regulated and constituted by a diverse network of facilities, delivering varying levels of care, that rely on competencies and occupations from multiple industries, including hospitality, accommodation and health services.

The *Ontario Long-Term Care Homes Act (2007)* requires that LTC facilities deliver a full range of services in each home or LTC centre. Facilities must provide ‘basic accommodation,’ which not only includes lodging in a standard room in the home, but also “housekeeping services, maintenance, dietary services, laundry and linen services, administrative services and raw food” (Government of Ontario 2007). In addition to basic accommodation, facilities are also required to provide a range of health services that include the availability of 24/7 on-site professional nursing services, as well as a high level of “individualized personal care” (Government of Ontario 2007). This involves assistance with activities of daily living including hygiene care and grooming, the provision of general recreational or activation programs and social programming. The range of health services can vary, but may also include intermittent health professionals’ services, including therapies, social work and pharmacy and physician services (Conference Board of Canada 2011).

The delivery of such a broad range of specialised services involves dozens of occupations requiring varying degrees of skills and training. From hospitality workers; such as cooks, cleaning, janitorial staff, and trades and maintenance workers; to personal support workers (PSW’s), registered nurses (RN’s), social workers and administrators. The number of different occupations means there is no single union that is a natural fit for the

LTC sector, rather workers in the sector are represented by quite a number of unions from different sector backgrounds.

A review of collective agreements provided by Ontario Ministry of Labour (MOL), with an expiry date of 2010 or later, reveals a total of 17 different unions have a total of 880 agreements with either a nursing or old age homes.¹

Table 1 illustrates the diverse number of unions with different sector backgrounds that represent workers in Ontario's LTC sector. From the perspective of total workers represented, the largest union by far is the Service Employees International union (SEIU) with over 23,600 workers covered by 232 separate collective agreements. The Canadian Union of Public Employees (CUPE), Canadian Auto Workers (CAW), CLAC and the Ontario Nurses Association, round out the top five. It is important to note that workers in most LTC facilities are covered by a single agreement with a single union. However, Registered Nurses and Registered Practical Nurses at many larger facilities are in separate bargaining units represented by the Ontario Nurses Association. This explains why the ratio of agreements to members is so much lower for the Ontario Nurses Association. This mosaic of unions representing workers in a diverse range of public and private facilities, with varying levels of care, makes the sector a particularly confusing one to navigate from labour relations perspective, and also creates a very competitive environment for unions looking to organize workers.

¹2010 was chosen as the cut off because there exists a significant delay between the time a new collective agreement is signed and when it is available from the MOL. Agreements reached in 2010 would most likely be excluded from the analysis. The number of agreements and workers represented may not be exact due to the incompleteness of MOL data.

**Table 1: Number of Employees Represented by
Collective Agreements with Long-term Care Facility
Employers; by Union**

Union	Number of Agreements	Employees Represented
SERVICE EMPLOYEES INTL	232	23,687
CDN PUBLIC EMPLS (CUPE)	66	11,142
CDN AUTO WORKERS	158	9,833
CHRISTIAN LABOUR ASSOCIATION (CLAC)	82	5,647
ONT NURSES ASSN	211	3,422
LABOURERS	23	2,613
FOOD & COMMERCIAL WORKERS	45	1,924
UNITED STEELWORKERS (USW)	26	1,428
ONT PUBLIC SERVICE EMPLS	13	1,238
CNFIU DIRECTLY CHARTERED	5	558
COMMUNICATIONS ENERGY PAPERWKR	4	200
INTL OPERATING ENGINEERS	8	158
TEAMSTERS	2	90
MACHINISTS	2	67
UNITE HERE	1	62
CDN HEALTH CARE WKRS(C.H.C.W)	1	55
DUNDAS MANOR ASSN OF NURSES	1	25
Total	880	62,149

Source: (Ontario Ministry of Labour)

The fragmented landscape in the healthcare sector, with respect to union representation, is partially attributed to different groups of health care workers gaining union representation at different times. Support and service workers such as “hospital orderlies, cleaners, dietary and maintenance staff joined unions as far back as the 1940’s and had done much of their most successful bargaining during the years of expansion of the public sector and health care system” (Haiven and Haiven 2008). While, professional occupations (including nurses) did not approach unionization and collective bargaining until the mid

1970's (Haiven and Haiven 2008). The late adoption of union representation according to Haiven and Haiven was attributed to the professional culture of this group of workers, which deterred them from participating in trade unionism (Haiven and Haiven 2008). Moreover, many occupations in the professional class were already represented at the bargaining table by professional societies (Haiven and Haiven 2008). This changed in 1974 when the "Supreme Court of Canada ruled that these professional societies could not be legal bargaining agents because they were employer-dominated" (Haiven and Haiven 2008).

This ruling set off a rush of applications for collective bargaining rights for allied health professions. However, the large number of distinct occupations presented a huge challenge for provincial labour relations boards, as "it was simply impossible to allow each and every profession to have its own union representation" (Haiven and Haiven 2008). The result was that many allied health professional occupations were absorbed by industrial unions already representing other support workers. The nursing profession, however, was more clearly delineated from other occupations which compelled labour relations boards' in most provinces to allow nurses to form separate bargaining units represented by provincial nurses' associations (Haiven and Haiven 2008). This resulted in "fewer clashes among unions over who will represent this group" (Haiven and Haiven 2008).

The wide array of services delivered, and the breadth of occupations involved in running a LTC facility, offers an important human resource role for unions to play in establishing the organizational framework through the institution and enforcement of collective

agreements. Although this is a common role played by unions in other sectors of the economy it is particularly salient in the LTC sector because due to the nature of care work, workplace disorganization places a disproportionate burden on the workers. In an industrial setting poor human resource practices may result in greater frustration and lower moral among workers, which could lead to lower productivity and less commitment to the workplace. In the care oriented workplace environment, constituted by workers with a strong commitment to the people they take care of, the burden of added stress resulting from poor practices is shouldered entirely by the workers.

The value of this human resource management role was confirmed in an interview with Hank Beekhuis, CLAC's Ontario Provincial Director. When asked about the key benefits unions provide to workers in the industry he said the following:

You [unions] help structurally organize the workplace. Often workplaces are disorganized, [there will be] 85 employees and 85 different wage rates. A union puts structure in the workplace. What are your shifts, expectations, who is fulltime, who is part time; in some ways unions provide an HR function for employers.

(Beekhuis 2011)

In a 24/7 work environment, formalizing a fair and equitable distribution of shifts between full and part-time workers, and setting and enforcing access to overtime and premium shifts can significantly reduce the level of stress and anxiety for workers.

Without a formal agreement, many important aspects of the work environment are left to the arbitrary decisions of profit maximizing administrators.

The intense pace of growth in demand for healthcare services is resulting in systemic changes aimed at reducing costs and increasing efficiencies. Given the labour intensive nature of care work, Paul Clark points out that: “labour costs have been one of the prime targets of managed care’s cost-containment efforts” (Clark and Clark 2006). One can assume that as cost-containment efforts intensify they will tend to have a disproportionately high, and detrimental, impact on healthcare workers; requiring them to do more with less.

An increased strain on workers, resulting from cost-containment efforts, can lead to a greater demand for representation among workers, resulting in potential opportunities for unions to regain membership. It is therefore not surprising that with the back drop of declining union membership and density, the healthcare industry - and especially long-term care (LTC) sector - has emerged as target for union organizing.

Registered nurses (RN’s) and personal service workers (PSW’s) represent the largest group of LTC professionals. For the many reasons outlined earlier, as well as anecdotal and empirical evidence from studies in the US, RN’s and PSWs might be a particularly fertile target for union organizers (Clark and Clark 2006). However, organizing these workers can also prove to be quite challenging. Research by Paul Clark, about the attitudes of healthcare workers towards unionization in the US, found that there is a common perception among healthcare professionals “that union involvement [is] inappropriate and unprofessional. [And that,] nurses in particular, have historically struggled with the conflict they see between union representation and their obligation to their patients” (Clark and Clark 2006). Although the attitudes among nurses in Canada

may be slightly less anti-union than in the US, my interviews with care workers and organizers confirm they share the same sense of obligation to their patient's, and that workers would generally not support any increases in pay or benefits secured by their union if they felt it was at the expense of their patients' care (Boggs 2011, Employee 2011).

Hence a union's ability to successfully organize and grow in this sector depends on a lot more than on whether it can simply secure the highest wage package for workers; it depends on a holistic understanding of their workplace concerns. Though it is probably true that in all industries "the potential for unions' to grow depends on their ability to address the specific concerns and challenges faces by workers (Fiorito, Gallagher and Greer 1986), the specific concerns of workers involved in care work are quite unique. Aspects of care work, in particular, have been identified by Donna Baines as a motivator of workers, female workers specifically, to "work under almost any conditions as long as it is for a higher cause (Baines 2010). Research by Clark, also suggests that the openness of healthcare workers to unionization is "greatly influenced by the degree to which they believe a union can help them address one of their most important concerns - the quality of patient care" (Clark et al. 2000; Clark et al. 2001). Gaining further insight into the concerns of LTC workers in Ontario, and their attitudes towards the instrumentality of unions in addressing those concerns, could provide valuable insight that could be used to improve organizing success for unions in the sector, and provide further insight into CLAC's success. The next section explores the concerns of LTC workers based primarily on my interviews with workers at a home for the aged, in Ontario.

The Instrumentality of Unions; Discussions with LTC Workers

The primary objective of conducting the interviews with LTC workers was to get firsthand accounts of some of the individual concerns of workers, based on actual experiences at the workplace, and to learn about their perceptions of the role of unions in resolving those concerns.

What made the prospect of interviewing workers at this particular home so exciting was that two years prior to starting this research, employees at here switched their union representation to OPSEU after more than 20 years of representation by CLAC.

Subsequently, CLAC attempted a raid of the facility, but was rejected by nearly 80% of the employees. (Ontario Public Service Employees Union n.d.) The displacement of CLAC by OPSEU, and the attempted raid by CLAC, offers a unique and valuable opportunity to conduct interviews with employees represented by two different unions with different philosophical underpinnings. Not only was this an opportunity to document the concerns of LTC workers, but also the factors that affect their preferences for collective representation. What's more, their experience with organizing efforts by competing unions, and the raid attempt by CLAC, also provided an opportunity to gain insight into their organizing tactics and strategies.

With over 100 employees at the LTC facility, I was confident I would be able to entice workers to speak with me. With help from the union representative, invitations to participate were forwarded to all staff in the facility, along with the objective of the research and a copy of the questions to be discussed. In total only four workers took up the invitation to participate and visited me at the nearby Days Inn over the two day period

I was there. The four employees I interviewed were all women and all had been working as RN's or PSW's for well over 10 years. Though I would have liked to speak to more employees, it became clear to me that the challenges faced by workers and the gruelling long hours described to me were certainly contributing factors to the light turnout. It was a good thing (for me) that the workers I did interview had lots to say, and I greatly valued the opportunity to speak with each of them.

The development of the interview questions was informed by two separate pieces of research. The first was a study conducted by Fiorito, Gallagher and Greer, who lay out a hypothesis that the “decision of individuals to unionize is rooted in job related concerns and worker views of the instrumentality of unions as strategy for resolving those concerns, relative to the perceived costs or negative consequences of unionism” (Fiorito, Gallagher and Greer 1986). The second influence was Freedman's book *What Workers Want*, which was based on the findings from the Worker Representation and Participation Survey (WPRS), the largest survey of workers ever conducted in the US.

The key interview questions I asked workers were focused on identifying the main workplace concerns of the workers and their views on the instrumentality of unions in addressing those concerns. Workers were also asked about their perceptions of the benefits of unionization in the LTC sector, and about differences between CLAC and OPSEU representation. The next section is based primarily on their responses.

Challenges Identified by Workers

When I asked workers to highlight some of the specific challenges they faced at their workplace, the most common workplace concerns identified included influence on workplace decisions, wages and benefits and state of labour-management relationship. Specifically, the top concerns related to high workloads, inequitable treatment by management, lack of specialized training and health and safety issues. Despite these concerns, all workers said they loved their jobs and that all of their concerns were rooted in their concern for the residents they cared for.

Managing workloads was the primary challenge identified by workers. Workers acknowledged that they work in a highly regulated industry in which minimum per patient care time is legislated and that management's primary concern was to minimize costs, which tends to depend on their ability to maximize the workload of frontline employees. However, they felt there was a certain degree of flexibility in how those requirements are met, and that the relationship between individual frontline workers and management had a significant impact on how the workload is distributed. They also felt that the resulting high workloads greatly increased stress levels and had a detrimental impact on health and safety of workers.

All interviewees identified being over worked as the key concern in their workplace. All cited too much to do and too little time as a cause of stress and conflict. One worker felt that the increased pressure on management to reduce costs resulted in "stopwatch care" and characterized the changes occurring in her workplace as "going from nursing to

assembly line work. ...the demands put us in a position that we are forced to say to residents 'you've had your 8 minutes, sorry' (Employee 2011).

The amount of time allotted to each resident has fallen, but the requirements to provide quality care have stayed the same. One worker provided the following example of the challenges faced by frontline staff.

We're getting them out of bed with a mechanical lift, washing them, dressing them, in 8 minutes; when it probably takes an able bodied person 30 min 45min to get ready. And some folks are fighting you and beating you, and you're supposed to do it in eight minutes, ten minutes tops. It's extremely challenging. ...it's the residents who really suffer because they aren't getting the proper care. But it looks good on paper - that's all that matters.

(Employee 2011)

According to workers interviewed, a lack of support from management exacerbates the workload issue and was a key source frustration. The problem most often cited was the lack of extra help when required. One worker recalled a time when she needed help when she had to transport a person to hospital and simultaneously distribute medication to other residents. "I phoned the charge RM and the response was she couldn't help because she had not had a break, or lunch yet. 'Welcome to the no break - no lunch club', I said. When you phone and ask for help you should get it, not get questioned" (Employee 2011).

Generally, workers were also frustrated by rigid staffing policies that did not recognize the fluctuations in day-to-day workloads. Examples included situations where an employee called in sick and the shift would not be filled forcing workers to work short staffed and pick up the slack.

According to the experience of one worker, inadequate staffing levels commonly resulted in unpaid extended work shifts and limited opportunities for breaks.

The work shifts are supposed to be 8 hours, but in reality I'm usually they're 10 to 12 hours with no breaks; I don't get a coffee break, I don't get a supper break and I'm lucky if I get to go to the washroom. ...And you don't put in for overtime. If you do you're just told to be better organized and that there's no need for overtime. It doesn't matter if someone fell, broke a hip or died; you just need to be better organized.

(Employee 2011)

Another concern I identified was health and safety in the workplace. According to workers interviewed many of the health and safety issues were directly related to the stress and pressure from being overworked and lacking training in certain areas. Workers cited not having another person to help you when you needed it and attempting to do the job alone as a major cause of accidents. One worker testified: "The stress and pressure result in many health and safety issues. Cutting corners taking chances etc. ...because the workload, a lot of young people getting hurt early and frustrated" (Employee 2011).

The lack of training, especially in dealing with people with mental health issues was also identified as a major health and safety concern. “We have a lot of mental health issue and there’s no in-house training to deal with them; it’s a very mentally stressful job if you don’t have the training” (Employee 2011).

A third contributor to health and safety concerns stems from worker’s fear of bringing their concerns to management. One worker said:

We’ve got unsafe work forms, but people are too afraid to fill them out. Either your hours will be cut, or they’ll give you staff you don’t want to work with, making you have to carry the entire work load. So you’re going to get punished one way or another. ...Management tells you if this is too much for you there are 30 people waiting for your job.

(Employee 2011)

The conclusions I came to in discussing the workplace concerns workers is that care work tends to result in situations that cannot be planned and budgeted for. The interviewees were frustrated by the efforts of administrators to apply Taylorist benchmarking measures to gauge success. In speaking with the workers it was clear that the human factor adds not only a level of unpredictability, incompatible with micro management techniques, but that the consequences of failing to meet the desired objectives does not fall on the managers responsible for meeting those objectives. Rather, the consequences are born by the frontline workers who are responsible, and feel personally obligated, to deliver an

unwavering level of care no matter what. For them there are no other options. It's not a matter of missing quota; it's a matter of life or death.

LTC Workers' Views on the Role of Unions

After discussing the workplace concerns with the workers I then asked their views about what role unions should play in their workplaces. The opinions of workers about the benefits of union representation in their workplace was not related to poor wages or benefits, but rather in maintaining equitable treatment of workers by management and allowing workers to provide a high quality of care to the residents. When I asked one worker about the importance of a union's ability to negotiate better wages, she said "sure it's important, but its [money] got to come from somewhere, so it's not most important if it means less staff or decreased level of care for residents" (Employee 2011).

It was very clear to me that the women I spoke with considered themselves professionals and put a primary emphasis on care of the residents. It was not the sort of professionalism that manifests itself as a detachment from their patients in lieu of an espousal of managerial professionalism, concerned with meeting budgetary targets (Baines 2010), but rather of providing their patients with the highest level of care and compassion. This commitment to professionalism among the frontline workers I interviewed was also shared by the women that organized Harvard's support staff, documented by John Hoerr in his book *We Can't Eat Prestige*. In fact, the similarities go beyond a shared commitment to professionalism; both groups of workers were also driven by the goal of

improving their workplaces. According to Hoerr, the Harvard workers “didn’t want to be appealed to on the basis of self-interest, but can sometimes become interested in the union because of newer issues such as making science better, being more professional etc” (Hoerr 1997). Based on my interviews, the LTC workers did not appear to be driven to collective representation primarily by self-interest, but out of a concern for improving the workplace and the quality of care for the residents.

The experiences of organizing the predominantly female Harvard workers, documented by Hoerr, also revealed that although workers were generally satisfied with wages and benefits, the union could provide them with a community from which workers could draw safety and gain strength and confidence in themselves” (Hoerr 1997). The workers I interviewed seemed to echo this view of unions as enforcers of fair and equitable treatment. In fact, the most often cited benefit of union representation was the buffer role unions played between frontline workers and management.

In a 24/7 work environment where human care is required around the clock, the way in which the work hours are structured; how they are allocated between RNs and PSWs, fulltime and part-time workers, and which individual workers gain access to which shifts appears to be the most important issue for workers and the biggest source of conflict between workers and management. Having a fair and transparent mechanism for distributing hours, allocating shifts and posting jobs in a fair and equitable manner was very important to all workers interviewed.

There was a consensus among workers interviewed that the desire for fair and equitable treatment of workers was the main catalyst for union representation and was what led to

the initial certification of CLAC. Without the protection of a collective agreement workers felt they would be exposed to favouritism an unfair treatment in their workplace.

As one interviewee put it:

If they (management) like you, that's great. If not, they can really make your life difficult. It gets very personal. It's who ever kisses the most ass gets the perks; they may not be the best worker. Who is doing their job on the floor doesn't seem to matter. Even though you may be a good worker, they can be very hard on you. I think that's why they [workers] went to a union in the first place.

(Employee 2011)

As is the case with most shift workers, how shifts are distributed between full and part-time workers, and that regularity of those shifts, can be significant quality of life issue. Workers I spoke with felt that the unions play an important role in establishing and enforcing clear rules and procedures that protect them from potential bias of managers in determining their work loads and schedules. Also, they felt that the ability to put in a grievance through the union, rather than challenging the management as an individual, was very valuable.

The value of unions in securing fair wages and benefits and making sure overtime was being paid were also important and should not be glazed over. However, based on the interviews I believe the salience of this role is eclipsed by the role unions play in the establishment and enforcement of rules and HR procedures through the collective agreement. Without it workers are left to fight for their livelihoods individually with

management, risking falling out of favour and losing preference. It is a catch 22; if they voice opposition they risk losing shifts and stability, if they remain silent they may stand to gain at the expense of someone else, benefiting from their complacency. This type of environment seems to reward worker complacency and pits workers against one another, removing any leverage for improving workplace conditions.

The Displacement of CLAC by OPSEU

Interviewing workers at also presented an opportunity ask workers about their preferences for representation by a specific union. The displacement of CLAC by OPSEU provides a unique opportunity to gauge what workers value and expect from union representation. A large study in the US found that 90% of union members support keeping their union (Freedman and Rogers 2006). According to the study's authors, the best explanation is grounded in a well established phenomenon called the 'endowment effect', which assumes "people value what they have more highly than something else of identical value that they don't possess simply because they have the former" (Freedman and Rogers 2006). Hence, an opportunity to gain insight into factors that led workers to oust one union they had, (for 20 years) for another they did not, should reveal important clues on what LTC workers want from their unions.

The workers interviewed were all long time employees that were there long before CLAC's displacement, so they had relatively long experience with CLAC's representation. It is important to mention that although, an invitation to participate in the

interviews was open to all workers no CLAC supporters chose to participate. It is also important to highlight the fact the opinions expressed by the hand full of interviewees are from a single retirement home and do not necessarily reflect, nor should characterize, CLAC's representation in other retirement homes. They do, however, provide some insight into the nature of the organization and failings in the case of this particular home.

When employees were asked what led to OPSEU displacing CLAC as the union representing workers, interviewees cited a lack of consistency in the enforcement of rules and processes within the collective agreement, favouritism for CLAC supporters and a perceived collusion of CLAC representatives with management.

The most common criticism of CLAC's representation was related to a lack of consistent enforcement of the rules and processes within the collective agreement. Workers interviewed all perceived a bias for certain workers over others. One worker felt that "if you were one of the stewards, or one of the steward's friends, they were much more willing to represent you" (Employee 2011).

One interviewee felt that many of the CLAC supporters, some of whom were stewards in the past, were "well looked after [and] ...they didn't want to lose their perks, ...there were a lot of perks if you were a steward. Even to this day if CLAC's in town they will wine them and dine them. ...The people on the CLAC board were happy all the time, the rest of us not so much" (Employee 2011).

One interviewee recounted a specific instance of favouritism:

There was a girl let go three times, and she should have been let go permanently; she was a lousy worker. CLAC spent \$20k on arbitration and she's still a lousy worker. How did she manage to get her job back? She was on the CLAC board. She was one of their reps. I know wonderful girls who were let go because of injury but never even received physio. Nothing. [Meanwhile] more qualified workers can't get a job. We also see a lot of [CLAC) relatives.

(Employee 2011)

A second complaint related to the lack of consistency in the application of rules and procedures around the posting of jobs. According to most interviewees CLAC was ousted primarily because the employees were generally frustrated because of the perception of unfairness. As one put it “people were saying let’s follow the contract, let’s have the same rules for everybody” (Employee 2011).

An interviewee recounted an example of a PSW that wanted to go from housekeeping to nursing. She recounted that:

Instead of the job being posted internally, like out lined in the agreement, the CLAC reps made a deal with the two workers and management without posting the position. They just figure no one wants them - but they still have to post them internally. CLAC allowed it because they're used to doing that way.

(Employee 2011)

Another example was given when one the interviewees told me about the frustrations she encountered when trying to make the transition from PSW to RPN:

When I was going through the transition from a PSW to RPN I was working as a PSW waiting for a RPN position to be posted; As I was waiting for the position they posted for RPNs externally. I had to go to the manager,[and say] listen this is what you've done.

Although I was there over 15 years, I had to apply for the job through the outside posting. We have homeland seniority, we're a unionised facility; and here I am applying through an outside posting. I had to grieve it. I went and phoned CLAC and they said let's have a 'meeting'; so there was no formal grievance. However, I got a formal apology from management, and they did repost the jobs.

The frustrating thing is I had to take the initiative; I had to do it all. I had to arrange the meetings... there was all kinds of [similar] situations, so many things happened over the years.

(Employee 2011)

A third complaint by workers was the lack of professionalism exhibited by CLAC reps when it came to dealing with grievances. One problem identified by an interviewee was that the lack of privacy when submitting grievances, which made doing so quite intimidating. "If you put in a grievance with CLAC the next day the whole building would hear about it. With OPSEU you don't hear about the grievances" (Employee 2011). The worker said that she felt this was done to dissuade employees from filing grievances.

Another criticism was that when employees did grieve something many of their grievances would never be formally filed. This was not uncovered until OPSEU organizers got involved. An employee recounts how it was discovered:

I didn't know any other union other than CLAC so we didn't know how things were done elsewhere ...i just knew something wasn't right with CLAC. ...when I'd put a grievance in with CLAC they'd say they brought it to management, but then nothing would happen. I only learned our grievances weren't being filed when we tried to bring OPSEU in and they ask whether I had ever signed a grievance? I've never signed grievance in all the years i've been there [I told them], to which the OPSEU organizer told me, well then, you've never had a grievance. That's when I said Oh.

...It was only when OPSEU organizers asked for any outstanding grievances that CLAC had claimed to file on behalf of members, and found none, did the workers realize that all the grievances they thought had been filed on their behalf didn't even exist.

(Employee 2011)

The other major concern identified by workers I interviewed that led to the displacement of CLAC was the perception that there was an improper relationship between CLAC and management. Workers I interviewed felt that CLAC had a tendency to represent the

interests of management over the interests on the workers. From one worker's perspective:

Their [CLAC's] whole mid set is different. Their make-up of a union is different. They want to talk it out [with management]. It wasn't anything for them to go out in the hall with management and leave us out. We wouldn't know what they'd be discussing. In retrospect you ask yourself were we talked into certain things? With OPSEU they don't leave, you're a team, managements a team. It's good for [labour/management] relations to keep that professional barrier.

(Employee 2011)

Another worker recounted a specific incident with a worker that was suspected of a drug addiction problem. "At the meeting CLAC sat on the side of management. That resonated with me. What kind union do we have representing us?" (Employee 2011).

A number of workers were also upset with CLAC for how they negotiated with management, and their reluctance to push for the things the workers wanted. One worker put it this way: "They always compromised saying management won't go this way or that way, but they never got us anything. It was always take, take, take" (Employee 2011).

One worker mentioned that during CLAC's raid attempt, one of CLAC's arguments for getting rid of OPSEU was that "OPSEU is [too] hard and that this is why they're not getting anything done" (Employee 2011). The worker said CLAC would brag about their ability to negotiate deals with management instead of going to arbitration. But in the eyes

of this particular worker CLAC was: “clearly just going to bed with them” (Employee 2011).

From the perspective of one long term employee CLAC was “welcomed into the home by management and they wanted CLAC to come back in. ...They were upset when CLAC didn’t come back in” (Employee 2011). The account one worker provided of the day of the vote when CLAC lost its raid attempt to displace OPSEU perhaps gives the clearest signs of the cozy relationship that had been established between CLAC and management:

The day of the vote the head of HR was sitting in the room when the votes were being counted and you could see his face just went beet red and he walked out of there just furious. He thought this was a done deal and CLAC was coming back, and they could smooth things over.

(Employee 2011)

According to a number of workers interviewed, the final straw for workers was the aggressive style of campaigning CLAC undertook when OPSEU was trying to replace CLAC. One worker recounted:

The people that were reps for CLAC were very aggressive. I had people approach me while I was working with residents; that’s neither the time nor place. I had to brush by to get past them. Very aggressive; I don’t know whether they choose aggressive people or if they’re trained that way.

(Employee 2011)

Another worker recounted her discomfort with CLAC's non-employee representatives campaigning in the building.

Because they were the existing union they had access to campaign the building.

They would come in and walk the halls. I wasn't comfortable with that. There are people I've never seen before walking the halls while vulnerable residents are in bed or undressing and many are confused. When I took my concerns with management they said they're allowed to be in the building.

(Employee 2011)

The same worker recounted how some CLAC supporters during the campaign would put 'Vote CLAC' buttons on confused residents and making them wear them all day. She recalled how discussed she felt by members "using them as dummies and campaigning with them" (Employee 2011).

Workers also cited general discomfort with the level of aggression CLAC showed during both OPSEU attempt to certify and CLAC's counter raid: "CLAC had Picket lines at the driveway stopping workers and visiting families. They were in the parking lot every day was ridiculous. I wouldn't say it was harassing, I'd call it intruding in people's space" (Employee 2011).

The last time there was an attempt to displace CLAC workers that didn't support CLAC got lipstick on their car, flat tires ...it was bad" (Employee 2011).

Based on my interviews with workers it appears that the displacement of CLAC by OPSEU was brought about primarily by CLAC's poor administration of the collective agreement such that it enforced the rules of the agreement with an apparent bias that favoured insiders and discriminated against outsiders. Although this may be a common problem at many unionized work places, in the case of CLAC at this particular retirement home, the insiders and outsiders were defined by their religion and allegiance to CLAC. Moreover, although CLAC appeared to make positive gains in the beginning it appears it had lost the confidence of workers' in its ability to address their concerns and affect positive change.

An Analysis of CLAC's Competitive Position

In this section I will draw on the insights laid out in the previous sections to provide an analysis of CLAC's competitive position. Given CLAC's prominent position in the LTC sector, I will discuss how CLAC's key defining features contribute or detract from its competitiveness in the context of the LTC sector. Specifically, I will examine CLAC's conciliatory approach to labour relations, the religious aspects of the organization, the organizational structure and its position outside the mainstream labour movement.

CLAC characterizes its labour relations approach as 'progressive,' and one that "[promotes] cooperation between workers and their employers, while many mainstream unions view CLAC's 'progressive' approach as merely a form of collusion with employers which results in poor representation of workers and keeps 'real' unions' out of workplaces (Canadian Labour Congress 2008).

Whether progressive labour relations, or a form of collusion, CLAC's policy of "employing measures and practices [to] minimize the occurrence of unnecessary labour disputes" (CLAC 2006) is undoubtedly leveraged by CLAC to sell its brand of unionism to both workers and employers. CLAC's strong presence in the LTC sector suggests CLAC's brand of unionism may resonate with care workers. The natural question that arises in trying to explain CLAC's competitiveness is to what degree can CLAC's brand of conciliatory unionism explain its prominent position in the LTC sector?

The North American labour relations system has been defined by decades of conflict between workers and employers, strikes and lockouts, all played out in the public eye as

both sides fight for public opinion and broader political gains. The labour relations system pits labour against management in a perpetual zero sum game of net winners and losers.

Unions have gained a reputation as militant organizations, and many seem to embrace this portrayal commonly referring to members as rank-and-file as if they were “soldiers lined up in the trenches prepared to go over the top when the whistle blows” (Hoerr 1997).

However, various workplace studies and surveys conducted over the last decade provide evidence that workers may have grown weary of the traditional adversarial approach to the resolution of labour-management disputes and realization of increased wages and benefits. Many of these studies also provide evidence that workers do not view themselves as soldiers fighting for the side of labour, but as workers with a “dual commitment or dual loyalty” to both their union and their employer (P. Clark 2009). This sense of dual commitment among workers may be an important factor in shaping their preference for more cooperative approaches to labour management relations.

Findings from the Worker Representation and Participation Survey (WPRS), the largest survey of workers ever conducted in the US, suggests a strong appetite among workers for more conciliatory and cooperative relationships with their managers. One of the top findings of the WPRS was that workers “wanted cooperation over a strong organization” (Freedman and Rogers 2006). This came to a surprise to labour organizations, and many AFL-CIO executives, who assumed that workers preferred a strong union (Freedman and Rogers 2006).

Moreover, the WPRS found that even those workers displeased with their treatment by managers did not feel the long-run solution was institutionalized conflict. Rather, the vast

majority wanted a “positive relationship with management, not a war” (Freedman and Rogers 2006). The survey also revealed a preference among workers for workplaces jointly run by management and workers over ones run solely by workers” (Freedman and Rogers 2006) This presents a potential challenge for union strategists who have typically relied on hard bargaining and brinkmanship tactics to achieve gains for workers.

If this conciliatory attitude is shared by Canadian workers, and there is no reason to think otherwise, then CLAC’s brand of conciliatory labour relations could certainly have some appeal for a large proportion of workers. Moreover, this appeal may be even stronger among LTC workers who tend to view workplace conflict as unprofessional, especially if it poses a potential to negatively impact the level of care received by residents (Boggs 2011, Clark and Clark 2006).

Given the conflict-averse attitudes shared by LTC workers CLAC’s brand may be a particularly good fit with the LTC ‘market’- or the consumers of unionization - and may contribute to a higher level of comfort for those workers that maybe otherwise uncomfortable with unionization. CLAC’s brand of labour relations may also be more palatable to workers already open to unionization, especially if CLAC could demonstrate efficacy in resolving disputes and negotiating similar benefits and working conditions as other unions.

In addition to be able to convince workers they can be instrumental in resolving their concerns a union’s competitiveness is also dependant on its ability to attract members and secure competitive wages and benefits relative to other workplaces and other unions.

Although workers may value cooperative labour relations in the workplace the value they place on competitive wages and benefits cannot be overlooked.

The tendency for LTC workers to be averse to workplace conflict may be especially advantageous to CLAC's competitiveness in the sector due to the sector's unique regulatory framework that limits work action. "The *Hospital Labour Disputes Arbitration Act* (the ACT) prohibits strikes and lock-outs where collective bargaining involves employees of hospital, nursing homes and homes for the aged" (Government of Ontario n.d.).

Although the restrictions on collective work action vary with the level of care delivered at a particular facility, the regulatory restrictions on strikes and lockouts play to CLAC's competitive position as they fit rather conveniently with CLAC's philosophical opposition to strike action and might make traditional unions feel a bit impotent.

With no possibility of strikes or lockouts in a large proportion of LTC workplaces CLAC does not have to defend its reservations against strike action from criticisms made by competing mainstream unions. Workers cannot strike irrespective of which union represents them. However, workers may feel a greater level of comfort with CLAC because of a possible perception that a union that avoids the strike tool to begin with may be more experienced in reaching settlements with other methods.

The second important aspect of the ACT is that in lieu of the right to strike and lockout it proscribes mandatory binding arbitration if the parties are unable to reach a negotiated settlement and find themselves at a bargaining impasse (Government of Ontario 2007).

This caveat is important because of the tendency of arbitrators to award wages and wage

increases on the basis of similar arbitrations decisions (Haiven and Haiven 2008). This, for all practical purposes, takes wages out of the bargaining equation and enables CLAC to secure wages on par with other unions without having to resort to hard bargaining tactics.

If arbitration does indeed result in levelling out wages, the wage gap between LTC workers employed in the same occupation should be marginal across like facilities, irrespective of which union they are represented by. To test this theory I reviewed eight collective agreements, chosen at random; four CLAC and four from other unions representing workers at LTC facilities in the province. While trying to maintain some degree of randomness, the agreements also had to be comparable. Therefore I selected agreements that covered at least 40 workers, and that covered facilities outside the GTA. I also chose agreements with duration of 36 months between 2008 and 2011 so that economic conditions during negotiation would have been comparable.

Table 2 shows a summary of average combined wage rates for RN's and PSW's for 2008, 2009 and 2010, as well as the yearly percentage change. The results show that CLAC's combined average wage rate between 2008 and 2009 is 98.4% percent of the average wage rate for all union wages reviewed. The annual wage increase was slightly below the 3.2% average and equal to the 3.1% increase in 2010.

Although the results are by no means conclusive, or statistically representative, they do not show CLAC wages, or the rate of annual wage increase, to be significantly different than other unions. Hence, based on this straw poll analysis CLAC's conciliatory approach does not seem to result in any disadvantage to workers in terms of wages.

Table 2 – comparison of union wage rates and increases for RN’s and PSW’s

Union	Average Hourly Wage				% Chg	
	2008	2009	2010	3yr Avg	08/09	09/10
CLAC	\$ 19.22	\$ 19.71	\$ 20.31	\$ 19.75	2.6%	3.1%
OPSEU	\$ 20.31	\$ 20.92	\$ 21.55	\$ 20.93	3.0%	3.0%
SEIU	\$ 21.22	\$ 21.85	\$ 22.51	\$ 21.86	3.0%	3.0%
UFCW	\$ 19.19	\$ 19.99	\$ 20.62	\$ 19.93	4.2%	3.2%
Average	\$ 19.40	\$ 20.02	\$ 20.64	\$ 20.02	3.2%	3.1%

Source: A review of collective agreements provided by the MOL

Though a more in depth analysis of collective agreements might reveal some variation, especially between municipal and privately owned facilities, the tendency of collective agreements negotiations to end up in arbitration implies all aspects of the wage and benefit packages should reflect industry norms. Even if settlements do not end up in arbitration, the knowledge of the likely outcome would tend to set narrow expectation bands for negotiators on both sides of the tables. This assumption was confirmed in an interview with Hank Beekhuis, *CLAC Ontario Provincial Director*, when I asked him his views on interest arbitration in the LTC sector: “Interest arbitration’ tends to level everything out. Now that’s good if you’re at the bottom moving up, but it’s not very positive if you are at the top.” (Beekhuis 2011) Mr. Beekhuis also felt frustrated by some of the limitations arbitration imposes:

[arbitration] stifles creativity, you are punished for innovation and it’s very frustrating. For example if there was a bargaining unit that really doesn’t want 8% in pension they’re happy with 6%, but they would rather have an additional 2% in wages , the arbitrator would say no even though the total compensation

package is the same. Arbitration is comparative, what does everybody else settling at? The trend is \$150 for vision, why do you deserve more? It forces the union to have the same as everybody else. If you wanted to go in a different direction you really can't.

(Beekhuis 2011)

Although frustrated by the restrictions in flexibility that results from arbitrated settlements, Beekhuis felt it was a net positive, and highly preferable to threat of strike action. “Unions tend to talk a lot about the right to strike. [But,] you get any business agent from any union in a room and they'll tell you arbitration is the way to go” (Beekhuis 2011).

This attitude was shared by most healthcare workers when they first gained collective bargaining rights, especially nurses. In fact most allied health professions were “reluctant to use the strike weapon, [citing] ethical considerations... [and] some even had an anti-strike prohibition written into their constitutions” (Haiven and Haiven 2008). However, since the mid 80's “practically all nurses' unions had dropped this caveat. Issues related to wages and benefits, working conditions, health and safety pushed nurses to launch several waves of strike activity – notwithstanding the legal regime” (Haiven and Haiven 2008). Today illegal work actions are extremely rare and interest arbitration is the most common medium for resolving bargaining impasses related to wages benefits. In this environment CLAC's competitive position, derived from its conciliatory approach to labour relations, remains well protected; the organization maintains its ability to obtain

wages and benefits on par with other workplaces represented by other unions (with less conciliatory reputations).

The trouble with arbitration replacing the right to strike, according to Haiven and Haiven, the authors of a Centre for Policy Alternatives report: *Is Compulsory Arbitration a Good Substitute for the Right to Strike in Health Care?*, is that its scope tends to be limited to dealing with “marginal adjustments” to wages and benefits and “is not effective in resolving the big problems of human resource management, recruitment and retention” (Haiven and Haiven 2008).

To address the concerns identified by workers related to increasing influence in the workplace and structural problems such as the allocation of resources in most efficient places that improve quality of care, arbitration falls short and thus requires unions to be instrumental in resolving issues outside wages and benefits. As the case of LTC workers at the home I studied illustrates, the ability to achieve average levels of wages and benefits does not satisfy the expectations or wants of LTC workers.

Another important characteristic of the healthcare sector, salient in the analysis of the impact of CLAC’s conciliatory approach on its competitive position, is that the healthcare workforce is predominantly female. According to Statistics Canada’s Labour Force Survey, in 2010 women made up 85% of the healthcare and social assistance sector in Ontario (Statistics Canada 2011). This statistic is particularly important because there is anecdotal evidence that female dominated workplaces, especially made up of professional women, may tend to oppose strike action and favour more conciliatory approaches of employee-employer relations.

The Harvard union of support workers, like CLAC, also developed a reputation for avoiding strike action, though not for ideological anti socialist reasons as in CLAC's case. Rather, the Harvard union made a conscious tactical choice, influenced by the dominant role of women in the organization. The example of the Harvard union also reveals important clues about differences between women and men in their attitudes concerning the power unions' yield in their relationship to management.

There are generally two ways in which a union can leverage power against an employer. The first is by "enforcing a web of rules that impedes managerial flexibility" (Hoerr 1997). The second is to back up their demands with the threat of strike action (Hoerr 1997). According to Hoerr, unions led by men have a greater tendency to resort to the hard power of strike action: "The test of [male led] organizations' spirit and solidarity – indeed, of its will to exist – is the ability to strike on demand" (Hoerr 1997). Hence, according to Hoerr, any avoidance of, or reluctance to use, the strike weapon by unions would by "masculine logic, be attributed to organizational weakness (Hoerr 1997). The feminine perspective appears to be quite different.

In the case of the HUCTW, the union went out of its way to avoid strike action, not out of weakness, but out of strength (Hoerr 1997). The HUCTW union leaders were cognisant of the fact that "Harvard employees did not join the union out of a hatred of Harvard; and did not want to be part of a union that did" (Hoerr 1997). They were also aware of the fact that their constituency was "college educated men and women [who] knew nothing of unionism or the history of the organizing struggle" (Hoerr 1997). The leaders felt 'whipping up strike sentiment' would only portray unionism as constant "preparation for

a triennial contract battle” (Hoerr 1997). According to one of the union’s leaders “having to walk around with a fist always raised was not [the female led] union’s idea of what life in a union should be” (Hoerr 1997).

The union’s form of strength was exemplified in one round of bargaining with Harvard when negotiations went six months beyond the deadline without the union even holding a strike vote and yet resulted in modest improvements on economic issues (Hoerr 1997).

The Harvard union’s approach demonstrated that soft power, in the form of the resistance to resort to the threat of strike action, was indeed effective in achieving results. As Hoerr put it: “[A]ll things considered the rejection of strike probably demonstrated strength, a feminine kind of strength, rather than weakness as defined by men” (Hoerr 1997).

It is easy to draw parallels between the women who organized Harvard and the female dominated LTC sector. Both are constituted by a predominantly female, professional workforce with a generally positive attitude about the nature of their work and not primarily concerned with wages and benefits. Rather, both groups have a shared desire to improve the workplace and level of professionalism through non-conflictual means.

If organizing workplaces dominated by women with professional convictions was not a big enough challenge for competing unions, the fact that these professionals are not at the top of the average pay scale poses another obstacle. Fear.

In the opinion of Lois Boggs, an OPSEU organizer I interviewed: “because care workers tend to be predominantly women, [who are] low paid and often the single income earner [they are] afraid they’ll lose their job if they unionize” (Boggs 2011). If job stability is

indeed a greater concern for women than men it would imply a greater aversion to conflict and confrontation in the workplace and could deter women from seeking union representation out of fear of repercussions from their employers. This fear factor was identified by the same organizer as major challenge to organizing workers in the LTC sector. She recalled one instance where she had to take significant precautions to meet with a group of predominantly female workers: “I had to meet one group of workers at a gazebo in a park 20 km from their workplace because they were terrified of being seen” (Boggs 2011).

If CLAC can demonstrate the benefits of representation with a conciliatory labour relations message that makes women more comfortable with union representation it could be a significant competitive advantage in female dominated sectors, especially if CLAC can convince workers that their brand of unionism is favoured by their employer.

Convincing workers that their employer would condone a union might be a difficult sell given employers are known to be generally anti-union and employ “sophisticated management human resource policies designed to avoid unionization, and aggressive anti-union tactics by employers during certification campaigns” (Eaton 2005). However, employers’ efforts to keep unions out have not been as effective in the health care sector as in other service sectors. With union density significantly higher in the healthcare sector than other industries it is easy to see how a union offering a conciliatory brand of labour relations might be alluring for some employers facing the prospect of certification by other unions with less conciliatory reputations. The CLC estimates that “in certain jurisdictions between 25% and 40% of all collective agreements negotiated by CLAC are

voluntary recognition agreements with friendly employers” (Canadian Labour Congress 2008). OPSEU goes further by claiming the majority of CLAC members come from employers that voluntarily recognized CLAC collective agreements” (Ontario Public Service Employees Union n.d.). Although these estimates must be taken with some degree of caution, there is reason to believe that CLAC has a higher rate of voluntary recognition by employers than other unions.

The appeal of less conflict for employers is clear as it would result in lower costs associated with litigation and legal fees as well as tied up human resources. It is certainly plausible that faced with a higher probability of unionization in the healthcare sector employers would choose voluntary recognition if for as mainstream unions put it “no other reason than to keep unions without” (Canadian Labour Congress 2008).

Even if employers do not sign a voluntary agreement with CLAC the perception of a preference by an employer may be enough sway many workers. As we learned from the WPRS, workers too, want conciliatory and cooperative relationships with their employers. If there is a known preference among managers for a particular union it may influence a worker’s decision.

CLAC’s conciliatory brand of labour relations has competitive advantage in the LTC sector. With limitations on work action and interest arbitration levelling wages and benefits CLAC can secure comparable wages for workers that tend to share distaste for workplace conflict.

The CLAC ‘brand’ may also resonate better with women, who make up the majority of the LTC workforce. The anecdotal example of the Harvard union provides evidence that hard power approaches to conflict resolution and negotiations may not resonate as strongly at female dominated workplaces. Finally, employers faced with union certification may be more open to voluntarily recognize CLAC, or employ less aggressive anti-union tactics with the perception that CLAC’s approach would result in less (costly) conflict.

However, any of the competitive advantages associated with a conciliatory approach to labour relations are nullified if a union is ineffective in enforcing the collective agreement and addressing the central concerns of LTC workers such as high workloads and inequitable treatment by management. A hard lesson learned by CLAC at the particular home I studied.

CLAC’s Religious Underpinnings:

CLAC’s Dutch Calvinist underpinning is another distinctive feature that potentially impacts the organization’s competitive position, relative to other unions, and may play an especially significant role in the context of the LTC sector.

Alliances between unions and religious organizations are not new. Faith-based organizations have commonly supported union organizing campaigns both as prominent players in labour-community coalitions and in the form of interfaith committees with a labour focus (Sziarto 2008). There is a particularly long tradition in the United States of

religious involvement in labour struggles. Since 1990 faith based labour-community alliances have formed in over sixty cities across the United States (Sziarto 2008).

More recently, religious involvement with labour issues has occurred in the forms of congregation-based community organising groups working with labour on living wage campaigns, interfaith committees doing strike support, or long-term religion-labour alliances building lasting relationships between unions and faith communities (Sziarto 2008).

The strategic benefit of forming alliances with faith based organizations to support organizing campaigns, according to Sziarto, is that they add “a certain moral authority to campaigns that are otherwise perceived as based solely on out of fashion class notions of struggle and can also mask perceptions that unions are simply acting in their own self-interest” (Sziarto 2008).

What differentiates CLAC from faith - labour coalitions is that CLAC is a faith based labour organization. There is no clear division of where the union starts and religion stops. Without this demarcation it is difficult to decipher which policies are faith based and which ones are driven by its responsibilities to represent the interests of workers. CLAC would argue that under the Christian world view they are one and the same, but again, employers encapsulated by the former raises conflict of interest concerns with respect to the latter.

Although CLAC’s religious underpinning may be comforting for workers that share a Christian world view, it is off putting for others. A number of workers I interviewed

shared personal concerns with CLAC's religious basis. One employee I spoke with felt that workers who did not share the religious beliefs espoused by CLAC were perceived as second class, and did not receive the same level of representation.

When you actually read the constitution (if you can get one) If you're not a Christian in good standing you can be booted. When I had been involved in trying to dislodge them they told me that they will continue to represent me, but I have been disloyal and i wasn't a good Christian,

I find they're constitution goes against human rights. We have gay member, who feels alienated, and why shouldn't she, she's an abomination to them.

(Employee 2011)

Though the unequal treatment of insiders and outsiders may be common at many unionized work places, anecdotal evidence based on my interviews with workers suggests that CLAC's basis for unequal treatment of insiders and outsiders is defined by religion.

CLAC's religious basis is also problematic because Canadian public institutions are presumed to be secular and pluralistic, and devoid of any religious identities. Hence, CLAC's blurred religious-labour philosophy does not fit with our Western political philosophy which "tells a story of progress in which religion is excluded from the political" (Sziarto 2008).

Though Christian principles form much of the basis for the organization's conciliatory approach, which seems to be a net competitive advantage in the LTC sector, CLAC's

religious basis seems to be much more a liability than an advantage once outside the rural Christian community. And although mainstream labour strategy of social movement unionism often stresses the coming together of labour and community, the community is only made up of workers. By comparison CLAC's definition of community includes a narrow subset of workers (specifically Christian), as well as employers.

CLAC's Organizational Structure

CLAC's role as a religious community institution has contributed to a tight-knit centralized organizational structure that allows a greater level of control over policies and direction than other unions. Their centralized organizational structure allows CLAC to realize efficiencies and divert resources to one-on-one organizing efforts and establish individual relationships. Though CLAC's structure has often been criticized by other unions for being un-democratic it is cited by CLAC executives as its main competitive advantage.

According to Hank Beekhuis, one specific advantage of CLAC's organizational model is that it does not employ organizers; rather, it relies on professional representatives to organize workers.

CUPE for example essentially cuts them [local representatives] loose and gives them their own local and their own funding and don't complain you're the union so fix it. We operate from a different perspective.

We have professional representatives that have degrees, CHRP designations; we highly train them in our model of doing things. If reps are just elected its either the loudest one or good bad whatever, you get who you get, if you don't like them you vote in someone else who doesn't know what they're doing.

(Beekhuis 2011)

According to Beekhuis, CLAC maintains a ratio of 700 members to one rep. Another advantage of this structure according to Beekhuis is that:

the reps that know the industry [are the ones] actually dealing with day to day issues. Our reps are driven professionals. We have elected stewards in our facilities but they will work with the reps who are ultimately responsible for the representation.

(Beekhuis 2011)

The high ratio of representatives to members also allows reps to spend more time at workplaces and identify any possible problems or disputes. It also allows them to detect any discontent related to CLAC representation and detect any raid attempts by other unions.

Another advantage of not employing organizers cited by Beekhuis was that it improves relationship building and promotes one-on-one organizing and accountability. “You organize you deliver. It's all about relationship building. ...Otherwise you get into the sales approach where the sales approach does all the selling and then another person has to deliver the service and live up to the expectations” (Beekhuis 2011).

This according to Isobel Farrell, *CLAC Regional Director*, is especially effective in the healthcare sector: “There are a lot of women and there is not a lot of mobility in the facility. There is an opportunity to connect with them across departments” (Farrell 2011)

CLAC’s centralized structure also allows it to have its own pension plan, not pooled with other unions, which is an important incentive for many members to stay with the union.

This hinders the efforts of other unions to raid CLAC workplaces. The role of the pension is explained by an OPSEU organizer:

In private homes the worker’s pension plan is through a private RRSP with CLAC so there is a perceived risk of losing pensions. Pension was a major issue in the maple view drive. Until government makes changes the pension is going to be a huge issue.

If we come in and displace CLAC and have to set up a new pension plan, that pension has to be vested for two years before any money can change hands. For employees with five or less years to go to retirement it’s a risk they don’t want to take.

(Boggs 2011)

The strength of the CLAC model is its centralized structure that allows for greater top down control that is systematic efficient and strategic. CLAC’s strategic focus on control and efficiency is summed up well by Hank Beekhuis: “we want to be the first union to be ISO 9001 certified. We’re not there yet” (Beekhuis 2011).

CLAC’s structure for better or worse enables the organization to function much more like a business with an ability to reinforce a corporate culture focused on a strategic objective

of growth compared with mainstream unions which embody a political oriented structure , which although less centralized and more ‘democratic’ limits their abilities to focus resources and make strategic decisions.

The final competitive advantage enjoyed by CLAC is its ‘alternate’ status which stems from its position outside the CLC umbrella.

With over 15 unions from different sector backgrounds representing LTC workers at facilities across Ontario, and the fact that a wide range of occupations are often organized into single bargaining units,² would lead one to assume a high degree of competitiveness between unions in this sector.

However, the CLC’s constitution explicitly forbids inter-union competition and the signing of each other’s members. CLAC’s position outside the CLC umbrella excludes them from this pact and allows them to raid facilities where workers may be unsatisfied with their working conditions or level of representation. “It’s true that CLAC probably does more raiding of bargaining units than most other unions, but that’s strictly function of the Canadian Labour Congress’s no-raid pact – other than going non-union , disgruntled CLC affiliated union members have very few options outside CLAC” (Grootenboer 2005). - And vice versa.

Moreover, CLAC’s relatively strong growth and position on the outside of the CLC pact contributes to a sense of threat felt by mainstream unions which in turn fuels further criticism of CLAC and its policies.

² Based on a review of all available collective agreements provided by the ministry of Labour. In the vast majority of cases each individual employer was associated with a single agreement number

Though many criticisms may be well founded, one must keep in mind that problems relating to perceived fair treatment in the workplace and un-resolved grievances exist at any unionized work place. Many of the concerns identified by workers that led to the displacement of CLAC are shared by workers at hundreds of LTC facilities represented by various unions. Frustrated overworked workers are dissatisfied customers of unionization and prime targets for raiding.

The non-raid pact limits the ability of one union to exploit the frustrations of a specific workplace to lure them with a promise of change. CLAC's position on the outside enables them to do just that, offer an alternative. Whether they can deliver or not is irrelevant, like in politics the allure of a quick fix alternative is strong. However, the 'endowment effect' (Freedman and Rogers 2006) tells us that the level of discontent among workers must be strong enough to outweigh the fear of the unknown.

Many aspects of CLAC's brand of labour relations may be appealing to many workers and employers in the LTC sector, conversely aspects such as its religious underpinnings and perceptions of being in collusion with employers when conciliatory labour relations go too far, as seems to be the case at the home I studied, are significant liabilities. Despite its small size CLAC will continue to influence labour relations landscape so long as it remains on the outside of the broader labour movement.

Conclusion:

A major conclusion of this paper is that the ability of unions to be successful in organizing is determined by far more than their instrumentality in securing competitive wages and benefits for workers. A union's success, and its competitiveness relative to other unions, is also determined by its ability to align its values and organizational culture with the values and identities of workers and the specific regulatory and economic environment in which they work. Therefore, any approaches to developing effective organizing strategies would greatly benefit from a comprehensive understanding of workers' attitudes towards their workplaces, their employers, their work (their patients in the case of LTC workers), towards unionization itself and finally to their self identities. The case of the Harvard union is an example of how successful alternative approaches to labour relations and organizing can be developed around the identities of a particular group of workers. In the case of CLAC, the organizational culture of the union was not built around the identities of a particular workplace, rather the identities of a transplanted cultural community.

When assessing CLAC's competitiveness it is important to keep in mind that CLAC's distinctive philosophy, founded in Calvinist principles, and its conciliatory approach to labour relations do not stem from the organization's strategic pursuit to compete with existing Canadian unions. They are a function of the organization's transplant from the roots of a pillarized Dutch society to Canada; CLAC's founding members were motivated by a desire to establish a labour association that reflected the beliefs of Dutch Calvinist workers and reinforced the integrity of the community as a whole. Hence, CLAC's

conciliatory approach stems from its 'dual role' of union and religious community institution forced to reconcile the interests of the workers (union role) with the interests of the broader community (community institution role) where the interests of both employers and workers overlap.

Though the role of religion in the organization has become somewhat diluted since its establishment the founding members' battle to retain the Christian principles in its early years, led CLAC to evolve in a state of conflict with the labour relations system and in isolation from the broader labour movement. Moreover, although diluted and stretch beyond a strictly religious context, CLAC's religious principles continue to be a major influence and contribute to an organizational culture of inclusion and exclusion based on these shared religious beliefs. What is more, CLAC's Constitution allows the organization to maintain a tightly centralized organization and gate keep access to executive level and leadership positions based on the criteria of upholding shared values and a commitment to CLAC's conciliatory brand of labour relations.

CLAC remains a relatively small union but it has been successful in sectors and individual workplaces where its conciliatory brand of labour relations resonates with the identities of workers. It is thus not surprising that CLAC's strength is in the LTC sector in which workers share a greater sense of professionalism and disdain for workplace conflict, often associated with traditional unionism. Christian principles also connote care and compassion, which may also resonate with many workers in the care sector.

CLAC's success in the LTC sector is also bolstered by the regulatory environment in the healthcare sector, which limits work action and proscribes interest arbitration to settle

disputes, enabling CLAC to secure competitive wages and benefits while appealing to workers' preference for conciliatory workplace relations.

CLAC's membership growth has indeed been striking over the last decade, but it must be qualified that its growth was from a small starting point and the pace of this growth is unlikely to be sustained. CLAC's centralized exclusive organizational structure allows the organization to pool resources and maintain tight control over philosophy and strategic direction. However, its basis for exclusion and inclusion on religious and philosophical grounds limits its ability to grow beyond small pockets of strength in certain regions and sectors. CLAC's broader appeal is limited by those same religious and philosophical beliefs. Not only because Canada is a multicultural mosaic, inclusive of a wide spectrum religions and philosophical views, which limits CLAC's appeal on religious basis, but also because our Western secular view of public institutions limits CLAC's appeal to the non-religious population.

Finally, although employers in certain industries may in fact favour CLAC over other unions, an important advantage from a competitive perspective, it cannot entirely explain CLAC's growth. As we witnessed in the case of workers at the home I studied, in the end, it is workers that choose their union not employers. Thus for unions to remain competitive and mount successful organizing campaigns it is ultimately up to unions to adopt policies, organizational cultures and strategies that resonate with the identities of workers' and take great care in understanding their personal workplace concerns.

Appendix:

Methodology:

Due to the limited availability of academic research on CLAC, The investigation of CLAC's competitiveness required a multipronged approach based heavily on first hand interviews with workers, union organizers and CLAC executive. The primary research also included a review of Statistics Canada Census and Labour Force Survey data, as well as, collective agreements and collective agreement data obtained from Ontario's Ministry of Labour.

Details on Methodology and Sources:

1. Statistical scan union membership based on collective agreement data from the MOL to identify CLAC's areas of strength relative to other Canadian unions.
2. Statistics Canada Census profile of the Health Care industry's labour force (North American Industry Classification System 2002 - 6230 Nursing and Residential Care Facilities (6231 to 6239) was used to provide details about the industry's workforce: gender, age, education, ethnicity etc.
3. Wage difference between workers represented by different unions was based on a comparison of a sample of 8 wage scales from collective agreements in the Health Care Industry, purchased from the MOL.
4. **Interviews with union organizers and CLAC executives.** A total of four formal interviews were conducted, two with organizers from OPSEU and UFCW and one with two CLAC Executives simultaneously. The interviews were conducted face-to-face at the interviewees' respective offices. Interviewees were invited to participate by email and interviewed in between May and June. The interview questions are found in appendix ii.

Interviewees:

1. Hank Beekhuis Ontario Provincial Director – CLAC

2. Isobel Farrell, Regional Director – CLAC
3. Lois Boggs, Organizer, OPSEU
4. Kevin Shimmin, National Representative, UFCW

5. Interviews with LTC employees - Case study of workers involved in CLAC raid of “OPSEU local1 “

Union leaders at OPSEU assisted with the recruitment of workers at the home by sending out an email to members about the research project, inviting individuals interested in participating to contact me directly. The email included background about the research and its objectives, a copy of the interview guide, and the estimated duration of the interview.

Being mindful that workers may not be comfortable discussing their personal workplace concerns in front of fellow workers, interviews were conducted individually and responses were not attributed to individuals. This respected the privacy of interviewees and allowed workers to share opinions openly and without influence or coercion from others. Interview quotes were simply cited as ‘employee’ so that comments could not be traced back to single individual.

Interviews were conducted in-person, at a restaurant inside a motel near the home over a two day period. Interviewees received the key questions ahead of time.

Interviews were scheduled 20 minutes apart to minimize the chance of two participants seeing each other. Interviews were recorded (audio) with consent of the interviewees.

In total four long-time employees were interviewed for this research.

Interview Questions:

Interview Questions for LTC Workers.

1. What is your job at the residence? Please describe your responsibilities and day to day activities?
 - a. How long have you worked at this facility?
 - b. What are some specific challenges you face related to your work?
 - c. How satisfied are you in terms of your influence on workplace decisions?
 - d. How satisfied with the wages and benefits?
 - e. How satisfied with the state of labour-management relationship?
 - f. What is the most satisfying part of your job?
2. In your opinion, what are some of the most important benefits unions should deliver for workers in your workplace?
3. What are the types of workplace concerns/issues that you would expect a union to resolve? Are there any specific examples that you can recall when either CLAC or OPSEU have been successful or un-successful in resolving such concerns?
4. In your opinion, what lead to OPSEU displacing CLAC as the union representing workers?
 - a. Were there major complaints/concerns about CLAC's representation of workers?
 - b. What did OPSEU organizers say or do to persuade workers to vote out CLAC?
 - c. What kind of improvements to working conditions or pay did OPSEU feel they could achieve?
 - d. How did management react to OPSEU's attempt to displace CLAC? Did they exhibit a preference one way or another?
 - e. Were there any arguments from workers about voting against OPSEU representation?
5. How did you become aware that CLAC was attempting to re-represent workers at this facility?
 - a. What kinds of things did CLAC organizers do or say to persuade workers to vote for CLAC representation? (posters, pamphlets etc.)
 - b. What kind of improvements to working conditions or pay did CLAC feel they could achieve?
 - c. How did management react to the CLAC certification drive? Did they say or do anything to persuade workers one way or another?
 - d. Were there any arguments from workers about voting for CLAC representation?
6. How do you feel union representation, in general, (both CLAC and OPSEU) has impacted workers and patients? (Positive benefits, negative impacts, other)
 - 6(a) How about in terms of:
 - a. Influence on workplace decisions?
 - b. Wages and benefits?
 - c. General working conditions?
 - d. Quality of care?
 - e. Relationship with management relationship?
 - f. Benefits for the community?

Finally, is there anything that you would like to add, or is there anything you thought we should talk about that we have not discussed?

Thank you for your time. If you have any questions about this research please contact me any times.

Interview questions; CLAC executive and Union Organizers.

1. In your opinion, what are some of the most important benefits unions can deliver for workers in the long-term care sector?
2. What are the types of workplace concerns/issues that you hear from your members working in the long-term care sector? What are some specific examples where your union has been successful or un-successful in resolving these concerns?
3. In your opinion, what are the key challenges of organizing and representing workers? Are there any challenges unique to the long-term care sector?
4. What kind of strategies does your organization develop and utilize to overcome these challenges? Are there any examples where these strategies have been successful or un-successful?
5. In your opinion, what are some of the factors that contribute to CLAC's growth and its ability to successfully organize workers in Ontario's long-term health care sector?
6. How well do you feel CLAC represents workers in the long-term care sector relative to other mainstream unions? (Positive benefits, negative impacts, other)
 - 6(a) How about in terms of:
 - a. Influence on workplace decisions?
 - b. Wages and benefits?
 - c. General working conditions?
 - d. Quality of care?
 - e. Relationship with management relationship?
 - f. Benefits for the community?

Finally, is there anything that you would like to add, or is there anything you thought we should talk about that we have not discussed?

Thank you for your time. If you have any questions about this research please contact me any times.

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