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# Renewal in Canadian Public Sector Unions Neoliberalism and Union Praxis Renouvellement syndical dans le secteur public au Canada Néolibéralisme et action syndicale Renovación en los sindicatos del sector público canense Neoliberalismo y praxis sindical

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### Résumé de l'article

Dans plusieurs régions du monde, le secteur public subit une profonde réforme sous la gouverne de décideurs politiques et de gestionnaires épousant les préceptes du néolibéralisme. Au Canada, les employés du secteur public vivent plusieurs difficultés depuis le milieu des années 70. Malgré l'opposition parfois farouche de leurs syndicats face à cette réforme néolibérale, ils n'ont pas obtenu les résultats escomptés. Les défis posés par le néolibéralisme couplés au peu de succès obtenu jusqu'à présent par les syndicats suggèrent le besoin de renouveler l'action syndicale et de penser autrement les réponses possibles face à cette réforme. Cet article propose une conceptualisation théorique des modes d'action syndicale propre à stimuler la discussion en matière de renouvellement syndical face à la réforme du secteur public au Canada. De plus, il évalue l'expérience syndicale dans le secteur public canadien sous l'égide néolibérale et examine à ce propos différentes pistes pour susciter le renouvellement de l'action syndicale. Cet article conclut que c'est en tant que mouvement social que les syndicats du secteur public ont la meilleure capacité à renouveler leur action.

Le thème du renouvellement syndical anime de nombreuses discussions portant sur les changements qui devraient être opérés au sein des syndicats et sur les objectifs que ces derniers devraient prioriser. Les différentes opinions à ce propos militent explicitement ou implicitement pour un mode d'action particulier. Se demander quelle forme de syndicalisme devrait être pratiquée facilite la compréhension des difficultés rencontrées actuellement par le mouvement syndical.

Il y a quatre modes d'action syndicale pertinents à l'étude du renouvellement syndical au Canada : le syndicalisme corporatif, le syndicalisme social, le syndicalisme axé sur la mobilisation et le syndicalisme en tant que mouvement social. Le mode d'action syndicale le plus courant au Canada est le syndicalisme social. Ce mode se rapproche du syndicalisme corporatif mais s'en distingue par ses intérêts politiques progressistes et élargis. Le mode d'action le plus influent est celui axé sur la mobilisation. Ce mode d'action prévoit l'utilisation de tactiques de mobilisation dans l'organisation et l'adoption d'une orientation axée sur la justice sociale, tout en étant prêt à faire des concessions et à s'engager dans un opportunisme politique pour recruter de nouveaux membres. Ce mode d'action sollicite la participation des travailleurs mais est différent d'un mode où le syndicat serait démocratiquement contrôlé par ses membres. Le syndicalisme en tant que mouvement social a comme principal objectif stratégique la construction d'un vaste mouvement social alliant différentes organisations syndicales et communautaires dans le but commun de faire changer la société. Le pouvoir de ce mode d'action réside dans le contrôle démocratique que les membres exercent au sein de leur organisation.

Le passage d'un État social-démocrate à une administration publique propre à stimuler et soutenir la compétitivité économique est au cœur de la restructuration globale du secteur public. Ce changement impulsé par le néolibéralisme n'est ni profitable aux usagers des services publics, ni aux travailleurs de ce secteur ou à leur syndicat. Ce processus peut être analysé comme étant un effort pour « dégraisser » l'administration publique, c'est-à-dire la transformer pour propulser l'État dans l'ère de la production à faible coût.

La façon la plus adéquate de déterminer quel mode d'action syndicale favorise le mieux le renouvellement des syndicats est d'analyser les défis auxquels font face actuellement les syndicats du secteur public. Malgré la forte présence syndicale dans ce secteur (principalement parce que les gouvernements et administrateurs publics ont préféré tenter d'affaiblir les syndicats plutôt que de les éliminer), ces syndicats ont rencontré de nombreuses difficultés depuis la fin du boom économique d'après-guerre (les « Trente glorieuses »). Les travailleurs du secteur public font face à des conditions de travail difficiles, des pertes d'emplois, l'érosion de leurs salaires et de leurs avantages sociaux ainsi que de leurs droits syndicaux.

L'expérience du syndicat des employés du secteur hospitalier (HEU) met en lumière la gravité de la menace pesant sur le secteur public. En 2002, le gouvernement de la Colombie-Britannique a légiféré pour retirer au HEU les mesures de protection contre le recours à la sous-traitance, donnant lieu à 8 000 pertes d'emplois. Malgré le fort militantisme des membres et un niveau inhabituel de solidarité, le syndicat fit des concessions majeures avant de mettre fin à la grève de 2004. Cet exemple ne doit pas être perdu de vue et nous pouvons envisager d'autres actions gouvernementales semblables afin d'amoindrir les acquis syndicaux, surtout lorsque ces acquis constituent des obstacles à la restructuration du secteur public conformément aux préceptes du néolibéralisme.

Pour l'instant, il n'y a pas lieu de croire que ces attaques envers le secteur public sont près de s'arrêter et les inquiétudes des travailleurs de ce secteur sont appelées à croître. Si les syndicats espèrent intégrer ces inquiétudes à leurs efforts afin de se renouveler, il devient impératif que les travailleurs perçoivent leur organisation syndicale comme une organisation pouvant effectivement modifier positivement leur milieu de travail tout comme leur organisation. Le mode d'action syndicale en est la clé. Les syndicats qui s'efforcent d'intégrer différents besoins pour augmenter la démocratie syndicale et développer un pouvoir leur permettant de contester les changements en milieu de travail tout en acquérant ou conservant les mesures de protection contre la privatisation du secteur public sera à même de transformer les intérêts de ses membres en activisme syndical.

S'engager dans un tel mode d'action syndicale demande de profonds changements pour la plupart des syndicats. Malgré les forces inhérentes au syndicalisme axé sur la mobilisation, les expériences internationales et, à moindre échelle, canadiennes (l'exemple de la section locale 3903 du SCFP est discuté) nous apprennent que le syndicalisme comme mouvement social, en construisant son pouvoir autour de la démocratie syndicale et en organisant ses actions vers la formation d'un mouvement social large, est le mode d'action syndicale le plus apte à répondre efficacement aux besoins actuels des travailleurs du secteur public.

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# ***Renewal in Canadian Public Sector Unions***

## ***Neoliberalism and Union Praxis***

**DAVID CAMFIELD**

*Challenges from employers and governments and the limited success of public sector union responses suggest the need for renewal in Canadian public sector unions. This article engages with discussions of union renewal by way of theoretically conceptualizing the modes of union praxis relevant to Canadian unions. It then examines the nature of neoliberal public sector reform and assesses the experiences of Canadian public sector unions under neoliberalism. In this difficult context, unions that are able to make progress in the interconnected development of greater democracy and power will be more capable of channelling workers' concerns into union activity. This, along with international and Canadian evidence, highlights the significance of the praxis of social movement unionism to union renewal in the public sector.*

Around the world, the public sector is undergoing extensive “reform” at the hands of governments and managers committed to neoliberal precepts. In Canada, public sector workers have experienced many difficulties since the mid-1970s. As Joseph Rose (2004) has argued, the current era of public sector collective bargaining is one in which employers are consolidating gains made in the 1990s and attempting to achieve new ones. In addition, the contemporary period is characterized by an uneven process of constructing what has been dubbed the “lean state,” whose implications for public

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sector workers include work intensification and the spread of precarious employment. Although public sector unions have sometimes actively opposed neoliberal “reform,” they have often had little success.

Neoliberal challenges and the limited success of union resistance to them suggest that union renewal is needed, and creates openings within public sector unions for renewal initiatives. However, union renewal is not an unproblematic concept. There are contending visions of what it should entail. This article approaches the issue of union renewal by way of theoretically conceptualizing the modes of union praxis relevant to Canadian unions. On the basis of an analysis of public sector “reform” and an assessment of Canadian public sector union experiences under neoliberalism and their implications for the future of these unions and for their renewal, it concludes that the most promising direction for union renewal would be the development of the praxis of social movement unionism.

Methodologically, this article involves theory-building and second-order analysis. The discussion of the case of the Hospital Employees’ Union (HEU) draws on confidential semi-structured interviews with key informants conducted during research on HEU (Camfield, 2006); references to interviewees are anonymous, identified by union affiliation and a letter-number code, with union officers labelled O-# and staff as S-#. The article’s analytical perspective is also informed by reflection on my experiences as a member of the Canadian Union of Public Employees (Locals 3903 and 3906) from 1996 to 2002.

### ***UNION RENEWAL AND MODES OF UNION PRACTICE***

“Union renewal” is not an unambiguous notion. It is usually uncontroversial to argue that unions in the advanced capitalist countries have suffered losses in membership and density, that their influence has been reduced, and that unions must change in order to regain lost ground. Noticeably different viewpoints emerge when the causes of union retreat are raised and, even more so, around the questions of *in what ways* unions should change and what the *strategic objectives* of unions should be. This should come as no surprise to people familiar with the history of working-class movements, which has seen intense debates about how unions should respond to restructuring (e.g., Green, 1980: 48–66; Heron, 1996: 31–42, 51–52). There is no reason why we should expect anything different today.

Rather than defining union renewal in terms of density and membership numbers alone (e.g., Rose and Chaison, 2001) or discussing it in relation to broadly-defined challenges (e.g., Kumar and Murray, 2003), I believe it is more helpful to accept that union renewal is a very broad theme or field

of discussion within which there is bound to be a diversity of perspectives on how unions should change and what their objectives should be. All contributions to discussions of union renewal implicitly assume or explicitly advocate particular forms of unionism and the thinking that informs them (I refer to specific combinations of union activity and ideology as modes of union praxis). Putting the question of what kind of unionism can and should be practised at the centre of discussions of union renewal helps to elucidate what is being proposed to address the labour movement's current difficulties.

This question of what kind of unionism is a multi-faceted one. For example, Murray has suggested there are six "axes of differentiation," along whose continua unions define themselves (2002: 115):<sup>1</sup>

1. extent of the collectivity represented (e.g., one craft, one industry, all workers)
2. range of interest (e.g., the worker as wage-earner only or also as citizen or as community member regardless of citizenship status)
3. stance towards social relations in general (e.g., acceptance, reform, radical change)
4. level of representation (e.g., workplace only, industry, or society)
5. methods (e.g., collective bargaining only, or also support for a political party and/or social mobilization)
6. cooperation or conflict

To these I would add an additional axis:

7. relationship between members and union (degree of membership participation, initiative and democratic control)

With this complexity in mind, I contend that we can identify four modes of union praxis relevant to discussions of union renewal in Canada: *business unionism*, *social unionism*, *mobilization unionism* and *social movement unionism*. Although Kumar and Murray write that "three prototypical configurations of union character and/or ideology are generally prevalent in North America: business unionism, social unionism and social movement unionism" (Kumar and Murray, 2006: 81), as I explain below, I believe that the category of social movement unionism as it is deployed by many researchers (Kumar and Murray being only two examples) actually subsumes under one label two quite different modes of union praxis, *mobilization unionism* and genuine *social movement unionism*. This distinction is related to the seventh axis of differentiation proposed above.

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1. The axes are Murray's while some of the illustrations are my own. Care must be taken to understand the third axis in a multi-faceted manner. For example, a union might seek radical change in class relations while accepting prevailing gender relations.

It is possible to portray efforts to create more dynamism in unions in which *business unionism* is dominant as “renewal,” even though no fundamental change to union praxis is involved. The aim here is to rejuvenate a unionism that basically accepts existing social relations, has a narrow focus on collective bargaining, usually adopts a cooperative concessionary approach with employers, allows for very little initiative or democratic control by members, and usually supports the political direction taken by the NDP in recent years. This perspective has had relatively few proponents in contemporary discussions of union renewal, with good reason: the kind of business unionism practised by so many unions in the US and Canada since the middle of the twentieth century has been a major cause of organized labour’s problems (Moody, 1988; Davis, 1986).

The most common mode of union praxis in Canada today is *social unionism* (Kumar and Murray, 2006). Social unionism has as its range of interest the worker as citizen as well as wage earner, and adopts a more critical stance towards prevailing social relations than does business unionism. It seeks to represent workers at the level of society as well as at the levels of the workplace and industry. This approach has “historically entailed a twofold agenda of collective bargaining and political action,” the latter “notably through support for a social democratic party and its policies” (82). Social unionism is often wary of greater militancy or democratic membership control and at best inconsistent in its membership mobilization efforts. This kind of unionism is similar in important ways to Canadian business unionism but is distinguished from it by its more progressive politics and broader range of concerns.

The most influential approach in today’s discussions of union renewal is the mode of union praxis most often associated with a number of US-based unions. This is commonly labelled “social movement unionism.” However, in my view the term *mobilization unionism* is preferable because it allows us to distinguish this mode of union praxis from a fourth mode for which the term social movement unionism is best reserved. Rick Fantasia and Kim Voss (2004) suggest that the SEIU, UNITE, HERE (now merged as UNITE HERE), the CWA, AFSCME and the UAW’s post-secondary education division, particularly the first three (now two) unions, exemplify a promising alternative to business unionism. It seeks to build unions “as organizational vehicles of social solidarity.” It is willing to use direct action to do so, targets employers with corporate campaigns, fights for card-check recognition rather than going through labour board-supervised elections, replaces a narrow concern with wages and benefits with a social justice approach, creatively uses a range of tactics, and has “a strong sense that successes *and* defeats occur in the context of a long-term process” of building a movement (Fantasia and Voss, 2004: 206, 127, 130, 128–131).

US unions associated with this mode have demonstrated a great deal of political flexibility or opportunism, depending on one's perspective (see Bernstein, 2004; Johnson, 2004b). Similarly, while willing to use militant tactics including mass direct action to win recognition from employers, some unions that operate in this mode have also shown themselves open to using cooperative means to the same end, including agreeing to concessions in exchange for organizing rights. Some have dubbed this a "density at all costs" approach (see Johnson, 2004a, 2004b). Active worker participation in contract administration and union campaigns is definitely a feature of this mode of unionism, but this is not the same as democratic member control and often the former takes place without much of the latter (Parker and Gruelle, 1999: 25–31). Staff in larger numbers play a leading role in this unionism. If we follow Richard Hyman in conceptualizing bureaucracy as "a corrosive pattern of *internal social relations* manifest in a differential distribution of expertise and activism; in a dependence of the mass of union members on the initiative and experience of a relatively small group of leaders—both official *and* 'unofficial'" (Hyman, 1989: 246), this mode of union praxis is undoubtedly bureaucratic.<sup>2</sup> It is the emphasis on activating members and willingness to be more militant and use methods other than conventional collective bargaining and support for a political party that distinguishes mobilization unionism from social unionism.

The major Canadian union in which this mode of praxis is most influential is the Canadian Auto Workers (CAW), though the CAW certainly differs in some respects from unions like the SEIU and UNITE HERE. For example, the CAW is not as focussed on organizing, and the CAW's official stance towards social relations, to use Murray's phrase, has been more radical, although it has been moving in a less radical direction (Gindin, 2006; "Where," 2006). The CAW is often regarded as a rather democratic union, but from its inception it retained undemocratic features of the UAW from which it split. Notable here is the Administration Caucus. Aside from a tiny short-lived Left Caucus in the late 1990s, the Administration Caucus has been the only caucus in the CAW. It functions at conventions as a vehicle for the union's central leadership to marshal local-level leaders and staff behind its proposals, with all in attendance at an Administration Caucus meeting expected to support its decisions on the convention floor. This has contributed to a "one party regime" political culture within the union in which democratic forms coexist with the decisive sway of a central leadership.<sup>3</sup> This justifies the identification of the dominant mode of

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2. On mobilization unionism in the US, see Early (2004) and Tait (2005: 195–202).

3. This assessment is based on personal observation and communication with several CAW activists over a decade, one of whom confirmed this formulation (Allen, 2006).

praxis in the CAW as mobilization unionism, rather than social movement unionism in the sense in which I, following authors such as Moody (1997: 4–5), use the term.

*Social movement unionism* shares the solidaristic orientation, concern with workers' lives on and off the job, militancy, and long-term perspective of mobilization unionism. Unions in which social movement unionist praxis is dominant may support a political party, but their strategic goal is to build a broad social movement of unions and community-based organizations to change society. This goal and these means influence how they approach collective bargaining and organizing; higher density is seen as a means to an end, not an end in itself, and collaborating with employers to help organize workers is rejected because it does not foster active memberships. Crucially, social movement unionism is also distinguished by its placement of democratic membership control at the centre of efforts to build union power. By developing workers' knowledge, skills, confidence and activity, it aims to erode bureaucratic social relations within unions (Moody, 1997; Parker and Gruelle, 1999; Kuhling, 2002; Schenk, 2003). In the US and Canada, it is the least common mode of union praxis. In Canada today, social movement unionism characterizes some locals of the Canadian Union of Public Employees (CUPE) and Canadian Union of Postal Workers (CUPW), as well as a number of locals of other unions.

The point here has been simply to clarify the modes of unionism that serve as reference points or models in discussions of union renewal in Canada today. Before the question of which mode of union praxis is most likely to be most effective in public sector union renewal efforts can be addressed, the situation of Canadian public sector unions today must first be analysed, beginning with a brief theoretical examination of the public sector "reform" processes that so affect these unions.

### ***PUBLIC SECTOR REFORM, NEOLIBERALISM AND LEAN STATES***

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As a former Chief Economist of Ontario has written, "broad-based changes in the financing, administration and management of public service delivery" (Warrian, 1996: 11) are underway at all levels of the state not only in Canada but internationally. Some have gone so far as to dub this "a global revolution in the delivery of public services" (Massey, 1997: vi). It is widely understood that at the heart of this reorganization of the public sector is a shift from welfare state public administration to a public sector whose "primary objective [is] the fostering of a globally competitive economy" (Nolan, 2001: 185). For the most influential perspective on contemporary public sector "reform," this transition is absolutely necessary because of the

“fundamental economic constraint” (Warrian, 1996: 27) on governments today. The need to reorganize the public sector is often linked with economic globalization (e.g., OECD, 2000). For its proponents, such restructuring is a necessary and positive response to economic and political reality.

However, many critics have argued that public sector “reform” is not in the interests of the users of public services, public sector workers and their unions, and that “reform” is part of neoliberalism’s move from the welfare state to a state whose focus is the promotion of corporate profit and “flexibility” (Harvey, 2005; McBride and Shields, 1997; Shields and Evans, 1998). Neoliberalism is arguably not an unconstrained choice from a range of policy options, since “sovereign states via the exchange rate mechanism are interlocked internationally into a hierarchy of price systems ... [S]tates ... founded on the rule of money and law (as the source of their revenue and claim to legitimacy) are at the same time confined within limits imposed by the accumulation of capital on a world scale” (Burnham, 1995: 103). This helps us to understand why public sector reorganization is an international phenomenon. What different “reform” strategies have in common is their neoliberal orientation, with neoliberalism understood as a strategy to raise profit rates and alter the political balance of forces in society (Duménil and Lévy, 2004; Harvey, 2005).

An insightful way of conceptualizing public sector restructuring that is compatible with this theoretical perspective has been proposed by Alan Sears, who analyses neoliberal restructuring as a move from the broad welfare state built during the post-war boom decades to the “lean state.” This is a contested process developed through trial and error by governments and public sector managers in various countries over the course of years of experimentation and generalization. The lean state project is to reorganize social reproduction in ways that facilitate the spread and consolidation of lean production methods of work organization. It involves a new mode of the political administration of civil society by state power, a host of legal and administrative measures to produce “flexible” workers and “lean” persons. Within the public sector, lean state formation involves reducing the number of workers, introducing more precarious employment relations, and shifting service delivery into the hands of non-profit agencies and private corporations (Sears, 1999).

From this perspective, then, public sector “reform” is best understood as a neoliberal endeavour, and one dimension of systemic global processes of capitalist restructuring. What is taking place is not the dismantling of states but the building of states better suited to remaking societies in the age of lean production. Thus the challenges that Canadian public sector workers experience have roots that are both systemic and global.

### ***CANADIAN PUBLIC SECTOR UNIONS UNDER NEOLIBERALISM***

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In Canada the labour movement is now in its majority a movement of public sector unions. The percentage of workers employed in the broad public sector (government plus state-funded organizations such as hospitals, social service agencies, school boards, colleges and universities) is falling, reaching 21.3% in 2002, down from 25.1% in 1994 (Rose, 2004: 279). Between 1984 and 2005 private sector union density declined from 25.9% to 17.5%. Public sector density dipped slightly but, at 71.3% in 2005, was almost exactly the same level as in 1984 (72%) (Akyeampong, 2005). As a result of this resilience through years in which unionism in the private sector has weakened, today 55% of all union members in Canada are in the public sector.<sup>4</sup>

The fact that Canadian public sector unions have not suffered the kind of sharp decline experienced in, for example, Australia—where the number of union members in the public sector shrank by 41% between 1992 and 2001, causing density in the sector to drop from 67.1% to 47.9% and the sector's portion of total union membership to fall from 45.9% to 36.2% (Anderson, Griffin and Teicher, 2002: 65, 66)—does not mean that they have been unscathed by neoliberal restructuring. Public sector unions have faced many challenges since the end of the long post-war economic boom in the mid-1970s. Wage controls, back to work legislation and the involuntary extension of collective agreements became hallmarks of the increasingly coercive approach taken by governments towards public sector unions (Panitch and Swartz, 2003: 27–45; Palmer, 1992: 355–358).

What Rose (2004) dubs the “restraint” era (1982–1990) was followed by a period in which bargaining was marked by “retrenchment” (1990–1998). Wage cuts and freezes, mandatory unpaid days off, layoffs, involuntary contract extensions, temporary removals of the right to strike, and changes to arbitration procedures became common (Swimmer, 2001). Since the late 1990s, the current era of “consolidation” “has been characterized by the continued use of hard bargaining and reliance on legislation to restrict collective bargaining rights, preserve gains from the retrenchment years, and, in a few instances, secure additional gains” (Rose, 2004: 277) for employers. Responses to the first ever survey of all unions in Canada, conducted in 1997, indicate that “bargaining power is more likely to have decreased and less likely to have increased in the public sector than in the private sector” (Kumar and Murray, 2002: 7). This has led Kumar and Murray to describe the public sector as “a much more difficult environment”

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4. My calculation, from data in Akyeampong (2005).

for bargaining (23; see also 2001: 52), characterized by “a more volatile mix of conflict and cooperation” (2001: 46). Over the period 1980–2002, the growth of the Consumer Price Index outpaced that of public sector workers’ wages (Rose, 2004: 283). Net job losses have taken place in some segments of the public sector (279). Thus it is clear that even though union density has remained high, primarily because neither governments nor most broader public sector managers have tried to eliminate unions (preferring instead to weaken them), the past three decades and particularly the past twenty years have been difficult ones for public sector unions.

This evaluation is sharpened when one considers the experience of working in the public sector. Cuts and new forms of work organization, sometimes associated with privatization and other changes related to the ongoing shift in the form of the state, have translated into work intensification and greater insecurity. Studies of public sector labour processes paint a picture of inadequate staffing, increased workloads and more precarious employment (Armstrong and Armstrong, 2003: 102–132; Baines et al., 2002; Healy, 2002). Responses to the 1997 all-union survey suggest that managerial efforts to lower costs, downsize, contract-out, privatize and use temporary and part-time workers are “systematically more acute in the public sector than in the private sector” (Kumar and Murray, 2002: 5). Reports of increased workload were “even more pronounced in the public sector” (6). Private sector union officials were 2.8 times more likely than their public sector counterparts to report success in negotiating “the pace and nature of workplace change” (22). The same survey indicated that “the decline in worker confidence in management and job security was more pronounced in the public sector compared with the private sector” (Kumar, Murray and Schetagne, 1998: 80). Responses to a similar survey in 2000–2001 indicated that public sector unions were more likely to report the growth of multi-tasking (Kumar and Murray, 2001: 45). In short, public sector workers face difficult workplace conditions as well as job losses, the erosion of pay and benefits, and attacks on union rights.

As in the private sector, union responses to these difficulties have varied. Unionism in the public sector spans a spectrum from a non-adversarial professionalist orientation that seeks close labour-management cooperation and abhors strikes (e.g., the Canadian Association of Professional Employees) all the way to social movement unionism (e.g., some CUPE and CUPW locals). Many public sector unions have put up little resistance to government policies and management initiatives that have negative effects on those who deliver and use public services. In some cases official leaderships have accepted such moves, seeking only to negotiate how they are implemented. In others, unions unaccustomed to collective struggle have found themselves ill prepared to mobilize members and allies. A minority

of unions has responded vigorously to try to fend off employer demands for concessions.<sup>5</sup> Dealings with hostile governments have led some unions of teachers, nurses and university faculty to draw closer to the rest of the labour movement and affiliate with the Canadian Labour Congress.

In the recession of the early 1990s and the years of neoliberal ascendancy that followed, the level of strikes in the public sector dropped significantly. Between 1990 and 1997, it averaged 875 000 person-days per year, down from 1 267 000 in the years 1985–1989 and less than half of the 1 800 000 of the 1980–1984 period. This downward trend was reversed in the late 1990s: person-days struck averaged 1 019 000 in 2000–2002 even though governments continued to use back to work legislation and, in some cases, reclassified groups of workers as “essential service” providers (Rose, 2004: 285–287). One reason for workers’ greater propensity to strike was the growth of government fiscal surpluses in the late 1990s and the desire to make up for the give-backs unions had earlier negotiated or which had been forced on them by legislation in the name of deficit reduction. Employer demands for deeper concessions, often associated with the development of a lean state, have also provoked more strikes.

The recent experience of HEU in British Columbia (BC) highlights the magnitude of the threats facing public sector unions today.<sup>6</sup> HEU represents over 90% of the multiracial and mostly-female health support workforce in BC’s hospitals and long-term care facilities. Over the years it had succeeded in making substantial gains for this traditionally low-paid workforce, including a real measure of pay equity, and has been more militant and politically progressive than most unions in Canada. In January 2002, the BC Liberals passed Bill 29, the Health and Social Services Delivery Act. This removed the strong no contracting-out language from the collective agreement that covers most HEU members along with some other health care workers. The legislation also eliminated successor rights and other contract provisions. It was “arguably ... the most severe government intrusion into collective agreements in Canadian history” (Thompson and Bemmels, 2003: 108), and completely consistent with the project of building a lean state.

The contracting-out of HEU jobs began soon after Bill 29 became law, and disproportionately affected services in which women workers of colour were employed (HEU O–3; “Women,” 2004). HEU responded by attempting to educate and mobilize members, running campaigns to sway public opinion, and organizing protests, including a day of strike action

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5. The studies collected in Swimmer (2001) suggest this pattern, as does Reshef and Rastin (2003).

6. What follows draws on the much more extensive discussion in Camfield (2006).

and rallies. HEU negotiators reached a tentative agreement that allowed for the contracting-out of up to 3500 Full-Time Equivalents (FTEs) over three years and made concessions on wages, vacations and hours. Members rejected this deal by 57% (HEU S-1; HEU S-2; HEU O-1; HEU O-3). To add to HEU's troubles, in July 2003 it became known that Local 1-3567 of the Industrial, Wood and Allied Workers (IWA) was being voluntarily recognized by Sodhexo, Aramark and Compass, multinational firms vying for the contracted-out work, even though none of these corporations had yet signed contracts for the work or hired any of the employees to be represented by the IWA. The "partnership agreements" signed by IWA 1-3567 were six-year contracts that set wages, benefits and rights at levels far below those won by HEU (Cohen and Cohen, 2004).

Faced with demands for major concessions, HEU struck on April 25, 2004. The response of many of the over 40 000 members was so strong that many HEU locals were hard-pressed to provide essential services. Many other health care workers did not cross their picket lines, and some joined them. It was no surprise when the BC government brought in back to work legislation on April 28. What was unexpected was the severity of Bill 37, which imposed a contract that cut wages by 11% retroactive to April 1 (and therefore clawbacks from recently-paid wages), extended the work-week from 36 to 37.5 hours with no pay increase (an additional 4% pay cut), included no protection against contracting-out, and weakened other language.

HEU's Provincial Executive (PE) decided to defy the law despite the serious penalties to which employers and the courts have recourse in such cases. Members' determination actually increased, and the strike became "a lightning-rod for people's feelings" (HEU S-1) about the neoliberal provincial government. Unionized and non-unionized supporters flocked to HEU picket lines. On April 29, some 100 BC Hydro workers struck in support of HEU, and the next day saw some 18 000 CUPE members and smaller numbers from other public and private sector unions walk off the job in the largest solidarity strike action in BC since 1983 (Palmer, 1987: 65-68). Even more extensive solidarity action by unions and community groups was planned for May 3. But on May 2 an agreement was reached to end the strike. The wage cuts would not be retroactive, job losses "as a direct result of contracting out" were limited to 600 FTEs over two years, \$25 million in severance funds would be provided, and strikers would not be disciplined (*Memorandum*, 2004). The HEU PE voted to accept the memorandum, and the strike ended. Members were not given a chance to vote on the memorandum.

HEU's experience has important implications for other public sector unions. The stripping of collective agreement provisions by legislation in

order to open the door to contracting-out was no accident. Nor was it an irrational act by a government inflamed by anti-union animus, or “Lotus Land” exceptionalism. The attack on HEU was a feature of the kind of neoliberal restructuring that is building lean states around the world. The fact that BC employers were able to contract-out the jobs of some 7917 workers by August 2004 (Murphy, 2004), followed by hundreds more under the 2004–2006 collective agreement, despite intense opposition from a large and militant union will not go unnoticed by employers in other provinces. Nor will it escape attention that employers succeeded in extracting major concessions despite the unusual level of solidarity action for HEU. For these reasons, we can expect more legislated attacks on collective agreement provisions, particularly those that are obstacles to privatization and other elements of the lean state.<sup>7</sup>

Although neoliberalism is a reality across Canadian jurisdictions, there are important variations in its practice. The most intense confrontations with public sector unions often follow the replacement of an NDP government by a more right-wing government, as was the case in Ontario after the election of the Conservatives in 1995 and in BC after the Liberal victory of 2001. However, the construction of the lean state is an integral element of neoliberalism. The pace and scope of this process in Canada cannot be predicted, but will probably increase when the next cyclical economic downturn puts pressure on state revenues. That said, it would be a mistake to see contracting-out, privatization and other aspects of building the lean state as simply or even primarily responses to fiscal pressures. As explained earlier, such measures are related to a global shift in the form of the state, which is taking place even where governments are running large surpluses.

Faced with restructuring and government readiness to use its legislative powers against unions, some public sector workers have been able to defend themselves successfully or even make small gains. But mass political protests in which public sector unions have played a leading role, such as the Days of Action in Ontario (Camfield, 2000) and Quebec’s Day of Disruption in December 2003 and other large demonstrations, have not forced neoliberal governments to change course, although they may have slowed the pace of restructuring. In the opinion of one long-term observer (and CUPW staffer), “I tend to think that the labour movement is heading into a major crisis” (Bickerton, 2004); as a CUPW official has put it, the experience of public sector unions in Canada remains one of “the successive

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7. The restoration of the right to collectively bargain class size and composition—revoked by legislation in 2002 as part of the lean state agenda for public education in BC—was a key issue in the October 2005 strike by the BC Teachers’ Federation (BCTF) (Camfield, 2005).

drubbing of unions in collective bargaining or via draconian legislation ... right-wing hammerings we continue to endure with, frankly, no end in sight” (Hoogers, 2004: 13). This suggests that discussion of union renewal is eminently relevant for these unions.

### ***UNION RENEWAL IN THE PUBLIC SECTOR***

Considerations of public sector union renewal in Canada should begin with the recognition that the public sector is undergoing neoliberal restructuring, as seen in the building of a lean state and the features of the consolidation era of bargaining. For public sector workers, this means average wage increases barely higher than the growth of the CPI (Rose, 2004),<sup>8</sup> demands for concessions, and the threat of privatization and contracting-out. The restriction of collective bargaining rights and the right to strike is routine. Job losses and the spread of precarious employment continue, as do the intensification of work and a change in the ethos of public sector work as managers promote the culture of the lean state. In these conditions, insecurity, fear and lack of confidence in management all figure prominently in workers’ experience. As restructuring continues, these sentiments can be expected to intensify.

Such feelings do not, however, translate smoothly into stronger union support. They can easily reinforce contemporary forms of competitive individualism (Secombe and Livingstone, 2000: 99–103). However, they can also lead workers to respond in solidaristic ways. If unions wish to tap into concerns that arise in the workplace and channel them in the direction of union renewal, it is critical that workers see their unions as, first, organizations that could possibly make positive change in the workplace and, second, as *their* organizations, for whose activity they themselves are responsible. Here the mode of union praxis is key.

The first issue, the union as a force that can make a difference in the workplace, raises a problem: most unions have a “focus on periodic contract bargaining and ongoing contract enforcement, combined with an acceptance of management’s right to introduce new technologies and restructure work” which is “out of synch with the reality of ongoing change in the workplace” (Richardson, 2004: 9). Changing this focus is no small matter. It entails the difficult task of finding creative ways to develop the capacity to skirmish and sometimes do battle on the frontier of control despite collective agreements that enshrine management’s rights. In addition, as the experience of HEU suggests, making a difference in the

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8. Rose’s data is drawn from settlements for units of 500 or more workers; the inclusion of smaller bargaining units might reveal lower average wage increases.

workplace requires the ability to gain and preserve contractual protection from various kinds of privatization. Like contesting changes in the labour process, this is a matter of capacities, of power. The HEU strike and the 2005 BCTF strike underscore how difficult it is for public sector unions to win high-stakes strikes against neoliberal governments; for unions to win such strikes would require even more power than unions and their allies mobilized in these two cases (Camfield, 2005, 2006).

The second issue, the belief of workers that unions are their own organizations, involves more than trying to persuade workers that a union is “us” rather than “them” (staff and officials). The heart of the matter is the democratic control of unions by an active membership. This too involves challenges, since the levels of democracy and activity in public sector unions vary enormously and there are many barriers to raising them, including institutionalized sexism, racism and heterosexism (Briskin, 2003). The issue of democracy is intimately linked to that of power. Active democratic involvement strengthens union power and practical evidence of union power encourages member involvement; conversely, a low level of power discourages participation and commitment, which in turn saps union strength (Parker and Gruelle, 1999).

Unions that can make progress in addressing the interconnected needs to deepen union democracy and to develop power to engage in contestation along the frontier of control and win and preserve strong contractual protection from privatization will be more capable of channelling worker concerns into union activism. This will better position them to resist demands for concessions and the building of a lean state. Unions that do not attempt to resist neoliberal “reform” of the public sector will miss important opportunities to prove their relevance to members’ key concerns and to motivate higher levels of member participation and commitment. Acquiescence to the reengineering of the public sector virtually guarantees that unions will lose members through layoffs and various forms of privatization while a growing proportion of the remaining workforce endures heavier workloads and precarious employment. Trying to renew public sector unions so they are more capable of contesting restructuring at least offers the possibility of more favourable outcomes.

Forging a unionism willing and able to resist neoliberal measures would require profound changes for most public sector unions. If the goals of union renewal are to include deepening democracy and developing greater power to contest workplace change, and to gain and preserve contractual protection against privatization, both social unionism and mobilization unionism are inadequate. The limits of public sector social unionism have become clear as a result of its general lack of success in resisting neoliberalism. Mobilization unionism has shown more potential in making gains in organizing and

collective bargaining. However, the experience of HEU, whose dominant mode of praxis was mobilization unionism,<sup>9</sup> suggests that the greater militancy, member involvement and willingness to expand the repertoire of methods of action of this kind of unionism are not enough for unions faced with hostile employers and governments. HEU was able to salvage some protection against contracting-out from its 2004 strike. Yet its members were not allowed to decide whether to accept a concessionary settlement or, as many wished, to instead attempt to escalate solidarity action to try to achieve a more favourable outcome (which, as I have argued elsewhere [Camfield, 2006], was possible). The HEU experience and, more generally, the importance of developing greater union democracy and power in the face of public sector “reform” confirm what others have written about the democratic limitations of what I call mobilization unionism and the relevance of social movement unionism (Eisenscher, 1999; Early, 2004; Moody, 1997, 1999; Parker and Gruelle, 1999; Tait, 2005).<sup>10</sup>

International experience suggests that unions with a social movement unionist praxis are best suited to contest restructuring measures. When unions frame employer demands and neoliberal “reforms” as contrary to the interests of both union members and the users of public services, they are more likely to elicit broad support than when opposition is couched in narrower terms. Prior union support for other unions and community groups will make them more likely to support calls for solidarity. Such solidarity is more likely to be translated into effective action where unions have previously been attempting to build a broad social movement along with community organizations. Mass direct action and democratic self-organization have been key to major union (and other movement) victories (Moody, 1997; Clawson, 2003; Gordon and Mathers, 2004; Morris and Clawson, 2005).<sup>11</sup>

The weakness of social movement unionist praxis in the Canadian labour movement means that there are few documented recent Canadian experiences that demonstrate its potential for union renewal. One example is CUPE Local 3903, the union of teaching assistants, graduate assistants and contract faculty at York University. Beginning in the mid-1990s, activists worked to foster not only membership mobilization in support of the local’s bargaining demands but also a highly democratic culture. This

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9. On HEU, see Camfield (2006).

10. This is not to suggest that a more favourable outcome for HEU members would have been assured if HEU’s dominant mode of union praxis had been different. As one reviewer put it, HEU was facing “the full weight of the state.”

11. The withdrawal of the French government’s First Employment Contract in April 2006 as a result of the pressure of a mass social movement confirms this assessment.

involved vigorous debate and challenges to conventional relations between bargaining team, executive and membership, leading to the adoption by membership meetings of motions demanding “more accountability from, as well as communication and consultation with, the bargaining team” (Kuhling, 2002: 78). These influenced the conduct of the local’s eleven-week strike of 2000–2001. This was organized in an unusually democratic way which enhanced members’ participation, solidarity and commitment; among the elements of this democracy were frequent mass membership meetings (some of which made important tactical decisions), daily open Strike Committee meetings, and a bargaining team that was usually “accountable and responsive to an active (rather than passive) membership, taking direction from the membership on an ongoing basis” (78). The local’s record of active support for other unions on and off campus and for several community organizations drew it widespread backing and helped it to frame the strike as one in defence of public education. When the employer used provincial law to force a vote on an offer, two of the local’s three units rejected it and held out to win a no-concessions settlement with significant gains for the lowest-paid members (Kuhling, 2002). While it is possible that the local’s members would have responded in a similar way to a forced vote if the character of their union had been different than it was, social movement unionist praxis succeeded in promoting and sustaining participation, solidarity and commitment through an eleven-week strike, achieving the mutually-reinforcing connection between democracy and power identified by Parker and Gruelle. Union praxis is not the sole determinant of union power or strike outcome—the nature of the employer and the socio-economic and political contexts are certainly relevant too—but it undoubtedly had a significant impact in this strike. In 2005, the local’s social movement unionist praxis—extensive membership consultation, Departmental Mobilization Committees, and a mass membership meeting two days before the strike deadline that voted to strike unless significant gains were made in short order—enabled it to win major gains without a strike (Hole and Bird, 2006).

Analysis of the neoliberal challenges to public sector unionism, the necessity for unions that wish to contest it to develop greater power and democracy, and international and Canadian union experiences lead to the conclusion that developing social movement unionism would be the most effective course for renewal in Canadian public sector unions. Although mobilization unionism has strengths, social movement unionism’s commitment to building power through a highly democratic praxis that links workplace organizing with a broad movement-building orientation makes it best suited for responding to the challenges facing public sector workers today. This is not to say that it is a panacea for public sector unions,

given the daunting challenges they face. Nor does this mean that its spread is probable. Other modes of praxis are deeply ingrained and difficult to change. Nevertheless, restructuring and the “successive drubbing” of public sector unions will continue to generate worker discontent, crises such as those undergone by HEU and BCTF, and periodic upsurges of collective action. In these lie possibilities for change.

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## **RÉSUMÉ**

### **Renouvellement syndical dans le secteur public au Canada : néolibéralisme et action syndicale**

Dans plusieurs régions du monde, le secteur public subit une profonde réforme sous la gouverne de décideurs politiques et de gestionnaires épousant les préceptes du néolibéralisme. Au Canada, les employés du secteur public vivent plusieurs difficultés depuis le milieu des années 70. Malgré l'opposition parfois farouche de leurs syndicats face à cette réforme néolibérale, ils n'ont pas obtenu les résultats escomptés. Les défis posés par le néolibéralisme couplés au peu de succès obtenu jusqu'à présent par les syndicats suggèrent le besoin de renouveler l'action syndicale et de penser autrement les réponses possibles face à cette réforme. Cet article propose une conceptualisation théorique des modes d'action syndicale propre à stimuler la discussion en matière de renouveau syndical face à la réforme du secteur public au Canada. De plus, il évalue l'expérience syndicale dans le secteur public canadien sous l'égide néolibérale et examine à ce propos différentes pistes pour susciter le renouvellement de l'action syndicale. Cet article conclut que c'est en tant que mouvement social que les syndicats du secteur public ont la meilleure capacité à renouveler leur action.

Le thème du renouveau syndical anime de nombreuses discussions portant sur les changements qui devraient être opérés au sein des syndicats et sur les objectifs que ces derniers devraient prioriser. Les différentes opinions à ce propos militent explicitement ou implicitement pour un mode d'action particulier. Se demander quelle forme de syndicalisme devrait être pratiqué facilite la compréhension des difficultés rencontrées actuellement par le mouvement syndical.

Il y a quatre modes d'action syndicale pertinents à l'étude du renouveau syndical au Canada : le syndicalisme corporatif, le syndicalisme social, le syndicalisme axé sur la mobilisation et le syndicalisme en tant que mouvement social. Le mode d'action syndicale le plus courant au Canada est le syndicalisme social. Ce mode se rapproche du syndicalisme corporatif mais s'en distingue par ses intérêts politiques progressistes et élargis. Le mode d'action le plus influent est celui axé sur la mobilisation. Ce mode d'action prévoit l'utilisation de tactiques de mobilisation dans l'organisation et l'adoption d'une orientation axée sur la justice sociale, tout en étant prêt à faire des concessions et à s'engager dans un opportunisme politique pour recruter de nouveaux membres. Ce mode d'action sollicite la participation des travailleurs mais est différent d'un mode où le syndicat serait démocratiquement contrôlé par ses membres. Le syndicalisme en tant que mouvement social a comme principal objectif stratégique la construction

d'un vaste mouvement social alliant différentes organisations syndicales et communautaires dans le but commun de faire changer la société. Le pouvoir de ce mode d'action réside dans le contrôle démocratique que les membres exercent au sein de leur organisation.

Le passage d'un État social-démocrate à une administration publique propre à stimuler et soutenir la compétitivité économique est au cœur de la restructuration globale du secteur public. Ce changement impulsé par le néolibéralisme n'est ni profitable aux usagers des services publics, ni aux travailleurs de ce secteur ou à leur syndicat. Ce processus peut être analysé comme étant un effort pour « dégraisser » l'administration publique, c'est-à-dire la transformer pour propulser l'État dans l'ère de la production à faible coût.

La façon la plus adéquate de déterminer quel mode d'action syndicale favorise le mieux le renouvellement des syndicats est d'analyser les défis auxquels font face actuellement les syndicats du secteur public. Malgré la forte présence syndicale dans ce secteur (principalement parce que les gouvernements et administrateurs publics ont préféré tenter d'affaiblir les syndicats plutôt que de les éliminer), ces syndicats ont rencontré de nombreuses difficultés depuis la fin du boom économique d'après-guerre (les « Trente glorieuses »). Les travailleurs du secteur public font face à des conditions de travail difficiles, des pertes d'emplois, l'érosion de leurs salaires et de leurs avantages sociaux ainsi que de leurs droits syndicaux.

L'expérience du syndicat des employés du secteur hospitalier (HEU) met en lumière la gravité de la menace pesant sur le secteur public. En 2002, le gouvernement de la Colombie-Britannique a légiféré pour retirer au HEU les mesures de protection contre le recours à la sous-traitance, donnant lieu à 8 000 pertes d'emplois. Malgré le fort militantisme des membres et un niveau inhabituel de solidarité, le syndicat fit des concessions majeures avant de mettre fin à la grève de 2004. Cet exemple ne doit pas être perdu de vue et nous pouvons envisager d'autres actions gouvernementales semblables afin d'amoindrir les acquis syndicaux, surtout lorsque ces acquis constituent des obstacles à la restructuration du secteur public conformément aux préceptes du néolibéralisme.

Pour l'instant, il n'y a pas lieu de croire que ces attaques envers le secteur public sont près de s'arrêter et les inquiétudes des travailleurs de ce secteur sont appelées à croître. Si les syndicats espèrent intégrer ces inquiétudes à leurs efforts afin de se renouveler, il devient impératif que les travailleurs perçoivent leur organisation syndicale comme une organisation pouvant effectivement modifier positivement leur milieu de travail tout comme leur organisation. Le mode d'action syndicale en est la clé. Les syndicats qui s'efforcent d'intégrer différents besoins pour augmenter la

démocratie syndicale et développer un pouvoir leur permettant de contester les changements en milieu de travail tout en acquerrant ou conservant les mesures de protection contre la privatisation du secteur public sera à même de transformer les intérêts de ses membres en activisme syndical.

S'engager dans un tel mode d'action syndicale demande de profonds changements pour la plupart des syndicats. Malgré les forces inhérentes au syndicalisme axé sur la mobilisation, les expériences internationales et, à moindre échelle, canadiennes (l'exemple de la section locale 3903 du SFCP est discuté) nous apprennent que le syndicalisme comme mouvement social, en construisant son pouvoir autour de la démocratie syndicale et en organisant ses actions vers la formation d'un mouvement social large, est le mode d'action syndicale le plus apte à répondre efficacement aux besoins actuels des travailleurs du secteur public.