Sous la direction de
Edited by

**Jason Foster**
**Patrice Jalette**
**Wassila Merkouche**
**Yao Yao**

# Nouveaux dialogues et conversations émergentes en relations industrielles
# New Dialogues and Emerging Conversations in Industrial Relations

Préface de / Preface by **Bradley Weinberg**

**TRAVAIL ET EMPLOI**

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Nouveaux dialogues et conversations émergentes en relations industrielles

New Dialogues and Emerging Conversations in Industrial Relations

## TRAVAIL ET EMPLOI

Collection dirigée par Mathieu Dupuis, Dalia Gesualdi-Fecteau, Christian Lévesque, Gregor Murray et Nicolas Roby

Le monde du travail connaît aujourd'hui des transformations profondes et multiples. Celles-ci résultent de divers facteurs de perturbation, dont la prolifération des technologies numériques, l'accélération des changements climatiques, les crises sanitaires et les atteintes à la santé, la dissolution des frontières de l'entreprise, la réorganisation des chaînes d'approvisionnement, la dualisation des marchés du travail, les chocs démographiques et les pénuries de main-d'œuvre.

Cette collection met en lumière les recherches et les débats qui permettent de mieux comprendre ces évolutions. La recherche fondamentale et appliquée en sciences sociales, en droit et en gestion doit jouer un rôle clé, à la fois dans l'élaboration de cadres théoriques et dans la formulation de solutions concrètes aux défis rencontrés par les acteurs du monde du travail et les communautés dans lesquelles ils évoluent. En favorisant des analyses interdisciplinaires et comparatives, cette collection entend contribuer de manière concrète aux réflexions et aux débats sur l'avenir du travail.

La collection Travail et emploi s'appuie sur les travaux du Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT), un centre d'excellence international et interuniversitaire consacré à l'étude des enjeux théoriques et pratiques associés aux transformations du travail et de l'emploi (www.crimt.net).

*Liste des titres parus dans la collection disponible à la fin de l'ouvrage*

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# Table des matières
# Table of Contents

# Préface

**Dr Bradley Weinberg**
**Président de l'Association canadienne des relations industrielles**

En 1963, un groupe de chercheuses et chercheurs et de praticiennes et praticiens partageant un intérêt commun pour les relations entre les travailleuses et travailleurs et les employeurs s'est réuni pour créer l'Association canadienne des relations industrielles (ACRI). Dès le départ, l'ACRI a été conçue comme un lieu où celles et ceux qui pratiquaient les relations industrielles ainsi que celles et ceux qui les étudiaient pouvaient se réunir pour mieux comprendre la nature du travail, les relations d'emploi ainsi que la dynamique entre les employeurs et les travailleuses et travailleurs. Et depuis plus de 60 ans, l'ACRI joue un rôle unique dans les relations de travail au Canada, faisant efficacement le pont entre le monde universitaire et celui de la pratique.

La direction de l'ACRI a lancé ce projet de livre en 2022. Il vise en partie à célébrer le 60$^{e}$ anniversaire de l'ACRI. Mais ce livre est également l'occasion de faire le point sur les changements qui se sont produits dans le monde du travail et de l'emploi au cours de ces 60 années et d'envisager ce qui pourrait se passer dans l'avenir. Les questions et les défis auxquels les fondatrices et fondateurs de l'ACRI ont été confrontés sont très différents des sujets que nous examinons aujourd'hui. Mais il existe également une continuité au cours de ces 60 dernières années. La nature des relations de travail n'a pas fondamentalement changé, et les employeurs ainsi que les travailleuses et travailleurs continuent d'être engagés dans la même dynamique de va-et-vient qui a suscité la curiosité des membres fondateurs à l'époque. Il est plus que jamais nécessaire que les universitaires et les praticiennes et praticiens se réunissent pour mieux comprendre le travail et l'emploi. C'est l'objectif principal de cet ouvrage.

Les chapitres de cet ouvrage offrent un éventail de perspectives et d'approches pour l'étude et la pratique des relations industrielles aujourd'hui. Certains présentent de nouvelles recherches et approches théoriques. D'autres réfléchissent à la nature des relations industrielles et à l'équilibre entre la pratique et la théorie. Les chapitres adoptent des approches créatives et uniques – parfois ludiques – du sujet, dans le but d'offrir aux lectrices et lecteurs de nouvelles perspectives sur ce domaine d'étude et de pratique de longue date. Dans l'ensemble, le livre reflète l'évolution du domaine interdisciplinaire des relations industrielles au Canada et son orientation pour les décennies à venir.

Ce projet s'inscrit dans le cadre du mandat confié au comité de direction de l'ACRI par son assemblée en 2020, qui consiste à prendre des mesures efficaces pour promouvoir et garantir une plus grande équité dans le domaine. *Nouveaux dialogues et conversations émergentes en relations industrielles* est le résultat tangible de cet engagement de l'ACRI. Cet ouvrage rassemble les voix émergentes et les vétérans du domaine et entremêle la pratique et l'étude des relations industrielles.

Au nom de l'actuel comité de direction de l'ACRI, je tiens à remercier le comité de rédaction du livre, les présidents successifs de l'ACRI et les membres du comité de direction ainsi que toutes les personnes qui ont contribué à la création de cet ouvrage pour leur travail et leur engagement dans ce projet. Je tiens également à remercier toutes les autrices et les auteurs des chapitres qui ont accepté de partager leurs réflexions, leurs mots et leur créativité dans ce livre, et sans lesquels la publication de cet ouvrage n'aurait pas été possible.

Et à vous, lectrices et lecteurs, j'espère que vous trouverez cet ouvrage instructif, éclairant et divertissant.

Souhaitons-nous encore 60 autres années de collaboration entre chercheuses-chercheurs et praticiennes-praticiens du domaine du travail sous l'égide de l'ACRI.

# Preface

**Dr. Bradley Weinberg**
**President of the Canadian Industrial Relations Association**

In 1963, a group of scholars and practitioners who shared an interest in the relationship between workers and employers gathered to create the Canadian Industrial Relations Association (CIRA). From the outset, CIRA was designed to be a venue where those who practiced industrial relations and those who studied it could come together to better understand the nature of work, the employment relationship and the dynamics between employers and workers. And for more than 60 years, CIRA has played a unique role in Canadian employment relations, effectively straddling the worlds of scholars and practitioners.

CIRA's executive launched this book project in 2022. In part, it is intended to celebrate the 60th anniversary of CIRA. But this book is also an opportunity to take stock of the changes that have taken place in the world of work and employment over the course of those 60 years and to consider what may happen in the future. The issues and challenges that CIRA's founders tackled look very different than the topics we examine today. But there is also continuity across these past 60 years. The nature of the employment relationship has not fundamentally changed, and employers and workers still engage in the same back and forth dynamics that sparked the founders' curiosity then. There is as much need as ever for scholars and practitioners to come together to better understand work and employment. That is the essential purpose of this book.

The chapters in this book offer a range of perspectives and approaches to the study and practice of industrial relations today. Some outline new research and theoretical approaches. Others reflect upon the nature of industrial relations and the balancing act of practice and theory. The chapters take creative and unique – and sometimes playful – approaches to the subject matter, with a goal of giving the reader fresh perspectives on this longstanding field of study and practice. Overall, the book is a reflection of where the interdisciplinary field of industrial relations in Canada has been and where it will go in the coming decades.

This book project is in line with the mandate given to CIRA's Executive Committee by its Assembly in 2020 to take effective actions to promote and ensure greater equity in the field. *New Dialogues and Emerging Conversations in Industrial Relations* is a tangible result of this CIRA commitment. As a collection, the book brings together emerging voices in conversation with veterans of the field and intertwines the practice and study of industrial relations.

On behalf of the current CIRA executive, I wish to thank the book editorial committee, the successive CIRA presidents and executive committee members, as well as all of those who assisted in the creation of the book for their work and commitment to the project. I also wish to thank all of the chapter authors for agreeing to contribute their thoughts, words, and creative spark to the book, and without whom the publication of this work would not have been possible.

And to the reader, I hope you find the book to be informative, insightful and entertaining.

Here's to another 60 years of bringing labour scholars and practitioners together under the umbrella that is CIRA.

# Remerciements
# Acknowledgments

Les codirecteurs et les codirectrices de cet ouvrage souhaiteraient remercier les auteurs et autrices pour leurs contributions inspirantes, les personnes qui les ont épaulés pour l'évaluation des chapitres, Blandine Emilien, Sari Madi, Jonathan Michaud et Tina Sharifi, les membres du comité de direction de l'Association canadienne des relations industrielles pour leur soutien au cours des années, le Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT) qui les a accueillis dans sa collection et aidés dans la préparation de cet ouvrage, en particulier Gregor Murray et Dalia Gesualdi-Fecteau, ainsi que l'équipe des Presses de l'Université Laval, qui a contribué avec grand professionnalisme à la réalisation de cet ouvrage.

The book's editors would like to thank the authors for their inspiring contributions, along with the people who supported them in evaluating the chapters, Blandine Emilien, Sari Madi, Jonathan Michaud, and Tina Sharifi; the members of the Canadian Industrial Relations Association's Executive Committee for their support over the years; the Interuniversity Research Center on Globalization and Work (CRIMT), which welcomed us into its collection and assisted us in the preparation of this work, in particular Gregor Murray and Dalia Gesualdi-Fecteau, and the team of the Presses de l'Université Laval for its highly professional contribution to producing this book.

# Nouveaux dialogues et conversations émergentes en relations industrielles

## Une introduction

**Jason Foster et Patrice Jalette**

Pendant de nombreuses décennies, l'Association canadienne des relations industrielles (ACRI) a été au cœur de l'évolution du domaine concerné par l'étude de « toutes les facettes des personnes au travail » (notre traduction) (Kochan, 1980, p. 1). L'ACRI a été créée en 1962 par un groupe d'universitaires et de praticiens du travail ayant pour mandat, comme l'indique sa constitution, de « promouvoir la recherche, la discussion et l'éducation dans le domaine des relations industrielles au Canada » (ACRI, s. d.). Par le biais de sa conférence annuelle, de ses conférenciers invités (et plus récemment de webinaires) et de sa revue affiliée, *Relations industrielles / Industrial Relations*, l'ACRI a été le chez-soi des chercheurs et des praticiens intéressés par un large éventail de sujets liés au travail, y compris la syndicalisation, les relations patronales-syndicales, le droit du travail et de l'emploi, les politiques publiques, la santé et la sécurité au travail, la psychologie industrielle et la gestion des ressources humaines. Elle a été le lieu où les membres ont pu discuter de la nature de ce domaine en constante évolution.

Ce qui nous amène à l'objectif de ce livre. À l'approche du 60e anniversaire de l'ACRI, il y a quelques années, les membres ont réfléchi à la manière dont les RI ont changé (ou pas) au cours de ces nombreuses décennies. À bien des égards, les mêmes débats ont fait rage tout au long de l'existence de l'ACRI : le statut des RI en tant que discipline indépendante, l'érosion de la place des RI dans les écoles de commerce et la manière d'étudier et d'explorer au mieux les différentes dimensions du travail et de l'emploi. Les universitaires et les praticiens se demandent encore si leur rôle est d'être un observateur neutre de la relation de travail ou s'ils doivent prendre une position active pour défendre la qualité du travail et les droits des travailleurs. En outre, ce domaine s'est toujours fortement appuyé sur le travail empirique de recherche ancré dans la réalité des milieux de travail, parfois au détriment de ses fondements théoriques et conceptuels.

Mais il y a aussi de nouveaux dialogues et de nouvelles conversations qui ont émergé : des questions sur la manière d'aller au-delà de l'étude des institutions et des structures pour examiner comment ces institutions sont ancrées dans le genre, la race et d'autres inégalités ; des discussions sur la manière de rendre le domaine des RI lui-même plus inclusif et plus diversifié. Les défis pressants de notre époque s'imposent à la discipline. Le changement climatique et la migration des travailleurs ont de profondes répercussions sur le travail et ne peuvent être ignorés. L'essor de l'IA et d'autres technologies continue d'accroître les incertitudes quant à l'avenir du travail et de l'emploi. Il est également nécessaire de traduire l'important effort de décolonisation des institutions canadiennes dans le domaine du travail.

En outre, les membres de l'ACRI reconnaissent que la discipline elle-même est en pleine mutation. Les premiers pionniers du domaine ne sont plus parmi nous, tandis que certains parmi les plus anciens piliers de la discipline envisagent sérieusement de se retirer sous peu. Heureusement, cela ouvre la voie à une nouvelle génération de chercheurs et de praticiens qui remettent en question les hypothèses énoncées il y a longtemps et apporteront de nouvelles perspectives, tout en honorant la longue tradition des RI au Canada.

Le 60$^{e}$ anniversaire de l'ACRI a semblé être un moment approprié pour faire sortir certaines de ces conversations et considérations des salles de conférence et des couloirs des départements pour les transposer dans les pages d'un livre. Le comité de direction de l'ACRI a décidé de lancer un projet de livre qui rassemble la communauté de du domaine pour engager des conversations sur l'avenir du travail au Canada et dans le monde, ainsi que sur l'avenir des RI. Un comité éditorial a été créé pour diriger le projet. L'objectif était de créer un ouvrage différent de la plupart des publications scientifiques. Les auteurs des chapitres ont été encouragés à adopter divers formats et approches pour aborder ces questions urgentes. En particulier, l'ACRI souhaitait que le projet soit un véhicule d'engagement entre les universitaires et les praticiens plus établis et ceux qui sont encore au début de leur carrière. Enfin, conformément à l'engagement de longue date de l'ACRI à soutenir ses membres dans les deux langues officielles, le livre devait être publié en anglais et en français. Le plan initial était de traduire tous les chapitres pour créer des versions anglaise et française du livre. Toutefois, des contraintes financières ont forcé le comité éditorial à opter pour une publication bilingue. Bien que nous soyons conscients que cela pourrait restreindre le public de certains chapitres, nous espérons que les lecteurs seront en mesure de se faire une idée dans ces pages de l'évolution de l'étude et de la pratique des RI au Canada.

Ce chapitre introductif commence par rappeler quelques-uns des débats qui ont longtemps animé et stimulé le domaine, et dont certains se poursuivent encore. La deuxième partie du chapitre présente la structure du livre et donne un aperçu des chapitres qui le composent.

## 1. DÉBATS PASSÉS ET PERSISTANTS

La question de la définition des relations industrielles a suscité de nombreux débats parmi les universitaires et les praticiens depuis des décennies, car les relations industrielles revêtent de nombreuses formes. Sur le lieu de travail, il s'agit du va-et-vient des relations entre l'employeur et le travailleur, englobant les structures et les règles de gestion de la relation d'emploi. Dans les universités, il s'agit de l'étude des relations inhérentes au travail et à l'emploi, ainsi que des contextes économiques, sociaux et politiques dans lesquels elles s'inscrivent. Traditionnellement, beaucoup associent les relations industrielles aux éléments structurels spécifiques du travail d'après-guerre que l'on trouve dans les usines, les fonderies et les manufactures. D'autres ont mis l'accent sur le lien des RI avec les lieux de travail syndiqués. Ce débat, qui anime encore certains, s'est quelque peu apaisé, la grande majorité des chercheurs se contentant d'une définition large et simple telle que celle proposée par la British Universities Industrial Relations Association (BUIRA) : « L'étude du travail et de l'emploi sous toutes leurs formes. » (Notre traduction) (Clarke *et al.*, 2009, p. 46)

Il existe même un désaccord sur la question de savoir si les relations industrielles constituent une discipline et une profession à part entière, ou simplement un sous-ensemble du monde plus vaste de la gestion, de la sociologie, de l'économie et des sciences politiques[1]. Aujourd'hui, nombreux sont ceux qui évitent l'étiquette, préférant les expressions plus larges de « relations du travail » ou « relations d'emploi ». Nombreux sont ceux qui affirment que les relations industrielles sont dépassées par l'expression plus souple et plus applicable au lieu de travail de gestion des ressources humaines.

La discipline officielle des relations industrielles (RI) au Canada est étroitement liée à l'émergence du modèle Wagner de relations professionnelles dans l'après-guerre. La première école de RI du Canada a ouvert ses portes à l'Université Laval en 1944, suivie quelques mois plus tard par l'Université de Montréal en 1945. Le premier centre de RI du Canada anglais a été créé à l'Université Queen's en 1961, tandis que le Centre for Industrial Relations de l'Université de Toronto a ouvert ses portes en 1965 (Hébert, 2013). C'est au cours de cette période d'après-guerre que les relations industrielles se sont

1. Cette question a été étudiée de manière approfondie dans un ouvrage publié sous les auspices de l'ACRI (voir Hébert, Jain et Meltz, 1988).

épanouies, à la fois en tant que profession et en tant que discipline universitaire, ce qui explique qu'elles soient souvent associées aux vastes milieux de travail industriels, courants à l'époque.

Les premiers chercheurs et praticiens en relations industrielles ont développé une vision critique de la réalité des relations entre employeurs et travailleurs dans un paysage économique, social et politique en rapide évolution, et ont contribué à façonner les structures juridiques et institutionnelles qui définissent aujourd'hui le régime de l'emploi et du travail au Canada. La plupart des premiers travaux se sont concentrés sur les structures et les institutions et ont cherché à comprendre l'effet du nouveau régime sur les travailleurs et les employeurs.

Les chercheurs et les praticiens en RI ont également été confrontés aux réalités du contexte canadien. Le Canada possède 14 systèmes de relations industrielles basés sur 14 juridictions en matière de droit du travail, ce qui complique inévitablement la pratique et l'étude des RI au pays. Le code juridique et les traditions industrielles uniques du Québec ont donné naissance à une communauté de RI prospère et distincte dans cette province[2]. Les réseaux de RI du Canada ont évolué pour reconnaître et embrasser les particularités linguistiques, culturelles et juridiques du Québec.

À mesure que le contexte économique et politique du Canada évoluait dans la dernière partie du XX^e^ siècle, le domaine des RI changeait lui aussi. Les chercheurs ont commencé à examiner l'influence des stratégies modernes de ressources humaines sur les relations de travail et à explorer des sujets émergents tels que les répercussions de la technologie sur le lieu de travail, les préoccupations en matière de santé et de sécurité au travail, la stagnation du mouvement syndical et la montée du néolibéralisme et de l'austérité. Au XXI^e^ siècle, le domaine continue d'évoluer, intégrant les questions de mondialisation, d'équité

2. À notre connaissance, le seul ouvrage explorant la diversité des systèmes de relations professionnelles canadiens sur une base géographique provinciale a été publié sous les auspices de l'Association canadienne des relations industrielles (voir Thompson, Rose et Smith, 2003).

et de diversité, de réconciliation et de crise climatique dans les contextes de travail[3].

## 2. LE CONTENU DU LIVRE : NOUVEAUX DIALOGUES ET CONVERSATIONS ÉMERGENTES

Les 16 chapitres retenus pour figurer dans l'ouvrage témoignent d'une représentation équilibrée des perspectives universitaires et pratiques, ainsi que des voix anglophones et francophones. Ils couvrent un large éventail de sujets dans le domaine des relations industrielles, y compris le travail et la crise climatique, l'équité, la diversité, l'inclusion dans les milieux de travail contemporains, l'avenir des syndicats au Canada ainsi que les effets de la technologie sur le travail humain. Nous avons organisé les chapitres en quatre sections principales reflétant les grands thèmes abordés par les contributions individuelles.

La première section, intitulée « Défis actuels et persistants pour les années à venir », regroupe cinq chapitres examinant différentes questions qui sont urgentes aujourd'hui et qui continueront de présenter des défis dans un avenir proche. Le livre commence par une conversation imaginée par Jonathan Michaud entre un écologiste et un syndicaliste sur le rôle du mouvement syndical dans la protection de la planète contre une catastrophe environnementale. Michaud explore les complexités du rôle des syndicats dans la défense des travailleurs, même si ces derniers travaillent dans des industries nuisibles à l'environnement, tout en contribuant à la protection de l'environnement, à l'adaptation écologique et à l'atténuation des effets de la pollution. À travers ce dialogue, Michaud soutient qu'il existe des voies vers une convergence de la justice environnementale et de la justice du travail.

Dans le chapitre 2, Michael H. F. Thorburn poursuit l'examen des réponses syndicales au changement climatique et aux défis

3. Sur l'évolution des relations industrielles et leur avenir dans un monde du travail turbulent, voir aussi l'ouvrage collectif dirigé par Hodder et Mustchin (2024).

environnementaux par le biais d'une étude plus empirique portant sur la négociation des « clauses vertes » dans les conventions collectives canadiennes. Thorburn identifie les différentes formes de clauses qui traitent des initiatives environnementales clés et permettent aux travailleurs de prendre des mesures dans l'intérêt de la protection de l'environnement sur le lieu de travail. Thorburn soutient que les clauses vertes suscitent un intérêt croissant mais demeurent un aspect sous-estimé des relations entre les syndicats et les employeurs.

Dans le chapitre 3, Amélie Bernier et Renée Michaud jettent un regard neuf sur la question complexe de l'adéquation formation-emploi en faisant dialoguer deux champs des relations industrielles, les politiques publiques du travail et de l'emploi et la gestion des ressources humaines. Structuré comme une pièce de théâtre en trois actes, ce chapitre vise une compréhension plus cohérente de ce défi persistant dans le monde du travail.

Le chapitre 4 examine la question contemporaine de la protection des normes du travail à l'ère des accords de libre-échange abolissant les droits de douane. Fernanda Brandão Cançado et Amanda Athayde proposent une analyse juridique minutieuse du mécanisme d'intervention rapide en matière de travail prévu par l'Accord États-Unis–Mexique–Canada (ou ACEUM, le pacte qui succède à l'Accord de libre-échange nord-américain [ALENA] et qui a été négocié en 2018). À travers l'examen de deux cas, elle constate que le mécanisme a le potentiel d'améliorer les protections du travail au Mexique, dans les limites du langage négocié par les parties.

Le dernier chapitre (chapitre 5) de cette section est consacré au télétravail. Ayesha Tabassum constate que les recherches sur ce phénomène ont produit des résultats contradictoires. Comprendre l'effet du télétravail est devenu plus urgent depuis le début de la pandémie de COVID-19, car un nombre croissant de travailleurs continuent à travailler à domicile même après la levée des restrictions. Tabassum tente de comprendre et de surmonter ce paradoxe déroutant en construisant un cadre intégré pour mieux comprendre l'interaction complexe des facteurs qui façonnent les résultats du télétravail pour les travailleurs et les organisations.

La deuxième section, intitulée « Vers des lieux de travail plus équitables, plus diversifiés et plus inclusifs », s'intéresse à la manière de rendre le travail et l'emploi plus égalitaires. Dans le chapitre 6, Arijana Haramincic utilise un dialogue avec un aîné inuit pour mettre en évidence les difficultés à faire entendre les voix indigènes sur les lieux de travail canadiens. Intégrant des formes indigènes de narration dans son chapitre, Haramancic ancre la discussion dans l'expérience de la vie au Nunavut, tout en dégageant des idées qui peuvent être appliquées de manière plus universelle sur les lieux de travail et dans les communautés à travers le Canada, offrant des recommandations sur la manière de mettre en avant les voix indigènes et multiculturelles dans la recherche en RI.

Dans leur chapitre (chapitre 7), Tina Sharifi, Marlee Mercer et Jelena Zikic utilisent également la conversation, cette fois-ci des entretiens directs avec des professionnels de la santé, pour explorer comment les approches des soins aux patients peuvent soutenir les efforts visant à accroître l'équité, la diversité et l'inclusion sur les lieux de travail dans le secteur de la santé. Elles explorent comment la traduction de l'éthique des soins aux patients en une prise de conscience des obligations éthiques de respecter les identités et expériences diverses des travailleurs de la santé peut conduire à des espaces de travail plus sûrs et plus inclusifs.

Au chapitre 8, Blandine Emilien et Wassila Merkouche reviennent sur la présentation qu'elles ont donnée en plénière d'ouverture à la conférence annuelle de l'ACRI en 2022, alors qu'elles étaient encore en début de carrière. En racontant leurs parcours personnels et professionnels, Emilien et Merkouche brossent un tableau poignant du milieu universitaire en tant que lieu de travail pas toujours aussi accueillant qu'on ne le croit. Leur chapitre parle du travail continu d'équité dans le domaine des RI, et au sein même de l'ACRI, ainsi que de la nécessité de faire davantage pour adopter pleinement un véritable sens de l'équité et de la diversité.

Dans le quatrième chapitre (chapitre 9), Tania Saba aborde la question de la diversité dans les équipes de direction et les conseils d'administration. Elle construit un dialogue basé sur trois questions clés : les raisons de l'importance de la diversité dans les profils de leadership, les principaux obstacles aux efforts des organisations pour diversifier leur leadership, et les leviers pour encourager un leadership plus diversifié. Elle soutient que la promotion d'une gouvernance responsable et durable est une stratégie cruciale pour la résilience des organisations.

La troisième partie, « À quoi ressemble l'avenir des syndicats ? », se concentre sur l'une des institutions centrales des relations industrielles. Dans le chapitre 10, Lucie Morissette, Colin L'Ériger, Wilfried Cordeau, Lise Côté et Vincent Pasquier nous emmènent à l'intérieur de la Fédération des travailleurs et travailleuses du Québec (FTQ) et du processus qu'elle a suivi pour envisager et planifier l'avenir du mouvement syndical au Québec. Les auteurs soutiennent que les syndicats sont trop souvent réactifs et ne parviennent pas à planifier de manière adéquate les défis à venir. Par conséquent, la FTQ a conçu ce qu'elle appelle une « analyse prospective » afin de définir l'orientation future de la fédération. Ce chapitre examine ce processus et ses résultats.

Au chapitre 11, Chris Smith et Patti Chisolm se concentrent sur la manière de rendre le mouvement syndical plus efficace, en utilisant le Nouveau-Brunswick comme étude de cas. Ils commencent par une enquête menée auprès des militants syndicaux en abordant leurs principales préoccupations au travail ainsi que la manière dont les syndicats peuvent y répondre. Ils engagent ensuite une conversation intergénérationnelle sur ce qu'ils ont entendu de la part des répondants à l'enquête, en réfléchissant à ce que cela signifie pour les syndicats et les travailleurs militants dans la province et, plus largement, au Canada.

Dans le chapitre 12, Carol-Anne Gauthier et Marie-Pier Bernard Pelletier s'appuient sur leurs expériences au sein de fédérations syndicales et en tant que chercheuses pour discuter des effets de la technologie, et en particulier de l'utilisation accrue des plateformes numériques, sur l'organisation syndicale et la démocratie syndicale interne. Elles discutent de la manière dont les syndicats ont tenté de s'engager dans cette nouvelle technologie tout en travaillant de manière traditionnelle. Elles examinent également l'effet différentiel de cette technologie sur les femmes et les personnes ayant moins accès aux outils numériques.

Jennifer M. Harmer, Rafael Gomez et Chris Roberts examinent les syndicats en tant qu'employeurs dans le chapitre 13. Plus précisément, ils évaluent dans quelle mesure les syndicats ont adopté des pratiques modernes de GRH dans le cadre de leurs activités internes, et les résultats de ces adaptations. En outre, Harmer, Gomez et Roberts affirment que l'utilisation de ces outils peut contribuer à revitaliser l'organisation syndicale et la représentation de leurs membres en axant les activités syndicales sur l'autonomisation (*empowerment*) des membres.

Enfin, les trois chapitres de la partie 4, « Dialogues sur le passé, le présent et l'avenir des relations industrielles », prennent à la lettre la notion de dialogue en examinant l'état des relations industrielles et des droits des travailleurs dans le Canada d'aujourd'hui. Dans le chapitre 14, Anthony Giles utilise le dialogue pour combler le fossé entre les universitaires et les praticiens en ce qui concerne l'élaboration des politiques du travail et de l'emploi. Une conversation animée entre un universitaire et un praticien révèle comment chacun contribue à renforcer les politiques du travail et de l'emploi en général. Les universitaires peuvent prendre en compte les implications plus larges des politiques, tandis que les praticiens peuvent aider à construire des modèles analytiques plus réalistes et mieux adaptés aux réalités des politiques du travail et de l'emploi. L'auteur propose un rebondissement intéressant à la fin.

Au chapitre 15, Blandine Emilien s'entretient avec Fred Wilson, permanent syndical de longue date et figure clé de la création d'Unifor. Blandine et Fred discutent de l'interaction entre l'analyse de classe et l'intersectionnalité. Une grande partie de leur conversation porte sur la manière dont les conceptions de l'identité peuvent être intégrées dans une analyse de classe solide, plutôt que de considérer la classe sociale comme une composante des oppressions intersectionnelles, sachant que le renouveau syndical nécessite une perspective intellectuelle solide et des stratégies de négociation pour consolider un syndicalisme basé sur la classe.

Dans le dernier chapitre, Sébastien Parent, chercheur en début de carrière, et Gilles Trudeau, qui vient de prendre sa retraite, discutent, en tant que représentants de deux générations d'universitaires, de la constitutionnalisation du droit du travail au Canada par le biais d'une jurisprudence situant la notion de droits des travailleurs dans la *Charte des droits et libertés*. Ils discutent de la valeur d'avoir des droits inscrits dans les chartes, mais aussi des aspects plus préoccupants de la portée étroite de ces droits protégés, en particulier dans le cadre du modèle Wagner de relations de travail mis en place il y a longtemps.

Bien que le sujet et le style d'écriture varient d'un chapitre à l'autre, les contributions des auteurs sont liées à la fois par leurs réflexions sur le passé, le présent et l'avenir de la RI au Canada et par leurs approches créatives et novatrices dans la transmission de ces idées. Dans son ensemble, cette collection de dialogues et de discussions offre un aperçu du large éventail de travaux théoriques et empiriques entrepris aujourd'hui par les chercheurs en RI au Canada et ailleurs dans le monde.

Ce volume révèle également que les relations industrielles au Canada, à la fois en tant que discipline universitaire et en tant que profession, restent robustes et dynamiques. Les relations industrielles demeurent ancrées dans les réalités des milieux de travail et continuent de fournir des idées et des conseils aux employeurs, aux syndicats, aux travailleurs et aux décideurs politiques, alors qu'ils doivent composer avec des relations de travail continues mais en constante évolution. Les questions et les défis auxquels sont confrontés les RI ont évolué au cours des 60 dernières années, mais il est clair que les chercheurs et les praticiens des RI restent bien placés pour faire progresser notre compréhension du travail et de l'emploi.

Puissent les 60 prochaines années de l'ACRI et des relations industrielles au Canada s'avérer aussi stimulantes, intéressantes et riches en histoire que les 60 dernières années. Nous vous souhaitons une agréable lecture des contributions qui suivent.

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# New Dialogues and Emerging Conversations in Industrial Relations

## An Introduction

**Jason Foster and Patrice Jalette**

For many decades, the Canadian Industrial Relations Association (CIRA) has been at the heart of the evolving field concerned with the study of "all aspects of people at work" (Kochan, 1980, p. 1). CIRA was formed by a collection of labour scholars and practitioners in 1962 with the mandate, as outlined in its constitution, "to promote research, discussion, and education in the field of industrial relations in Canada" (CIRA, n.d.). Through its annual conference, speakers' series (and more recently webinars), and in its affiliated journal, *Relations Industrielles / Industrial Relations*, CIRA has been the home for scholars and practitioners interested in a wide range of work-related topics, including unionization, labour management relations, labour and employment law, public policy, occupational health and safety, industrial psychology, and human resources management. It has created spaces where members can have conversations about the nature of this ever-changing field.

Indeed, this brings us to the purpose of this book. A few years ago, as CIRA was approaching its 60$^{th}$ anniversary, members reflected on how the field of Industrial Relations (IR) has changed (or not) during those many decades. In many ways the same debates have raged for the entirety of CIRA's existence: IR's status as an independent discipline and the erosion of IR's status in business schools, and how best to study and explore different dimensions of work and employment. Scholars and practitioners alike are still contemplating whether their role is to be neutral observers of the employment relationship or whether they should take an active stand in defence of quality work and the rights of workers. IR has always been a field that leans heavily on empirical research into real-life situations, sometimes at the expense of being less confident about its theoretical and conceptual underpinnings.

But new dialogues are also developing and new conversations emerging: these include questions of how to move beyond the study of institutions and structures to examine how those institutions entrench race, gender and other inequities; and discussions about how to make the field of IR itself more inclusive and diverse. The pressing challenges of our current times impose themselves on the discipline. Climate change and mass migration of workers have profound impacts on work that cannot be ignored. The rise of artificial intelligence (AI) and other technologies continues to increase uncertainties about the future of work and employment. There is also a need to translate the important effort of decolonizing Canadian institutions into the realm of work.

Furthermore, there is a recognition by members of CIRA that the discipline itself is undergoing a sea change. The early pioneers of the field are no longer with us, while some of the longstanding stalwarts of the discipline are carefully contemplating their own impending retirements. Fortunately, this opens space for a new generation of scholars and practitioners to challenge longstanding assumptions and bring in fresh perspectives while still honouring the long traditions of IR in Canada.

CIRA at sixty seemed like an appropriate time to bring some of those conversations and considerations out of conference session rooms and department hallways and onto the pages of a book. Our executive decided to launch a book project that brings the CIRA community together to engage in conversations about the future of work in Canada and around the world, as well as the future of IR. An editorial committee was established to lead the project. The vision was to create a book that is different from most scholarly publications. Authors of individual chapters were encouraged to embrace diverse formats and approaches in order to tackle pressing questions. In particular, CIRA wanted the project to be a vehicle for engagement between more established scholars and practitioners and those still early in their career. Finally, in keeping with CIRA's longstanding commitment to supporting members in both official languages, the book is in English and in French. The original plan was to translate all chapters to create English and French versions of the book. However, financial constraints forced the editorial committee to proceed with a bilingual publication instead. While we recognize this may narrow the audience for some of the chapters, we are hopeful that in these pages readers will be able to glean a taste of the directions in which the study and practice of IR in Canada are going.

This introductory chapter begins by recalling some of the debates that have long animated and stimulated the field, some of which are still going on. The second part of the chapter introduces the structure of the book and gives an overview of its constituent chapters.

## 1. PAST AND PERSISTENT DEBATES

The question of how to define industrial relations has generated debate among academics and practitioners for decades, as such relations can take many forms. In workplaces, it refers to the back and forth of employer–worker relationships, and includes the structures and rules that govern the employment relationship. In academia, industrial relations is the study of those relationships inherent to work and employment as well as the economic, social and political contexts in which they exist. Traditionally, many people have associated industrial relations with the specific structural elements of post-war work found in factories, foundries, and plants. Others have emphasized its association with unionized workplaces specifically. This debate, while still animated in some corners, has calmed somewhat, as the vast majority of researchers are satisfied with a broad and simple definition such as the one proposed by the British Universities Industrial Relations Association (BUIRA): "The study of work and employment in all their forms" (Clarke *et al.*, 2009, p. 46)

There is even disagreement about whether industrial relations is a discipline and profession in its own right, or simply a subset of the larger worlds of business management, sociology, economics, and political science.[1] Today, many eschew the label, preferring the broader phrases 'labour relations' or 'employment relations.' Many argue that industrial relations are passé, overtaken by the more nimble and workplace applicable term human resource management.

The formal discipline of industrial relations in Canada is tightly interwoven with the emergence of the Wagner model of labour relations in the post-war era. Canada's first IR school opened at Université Laval in 1944, followed a few months later by another at Université de Montreal in 1945. English Canada's first IR Centre was established at Queen's University in 1961, while the University of Toronto's Centre for Industrial Relations opened in 1965 (Hébert, 2013). It was during this post-war period that industrial relations, both as a profession and an academic discipline came into full bloom, which is why it is often associated with the large industrial workplaces prevalent at the time.

IR's earliest scholars and practitioners developed critical insights into the realities of employer–worker relationships in a rapidly changing economic, social and political landscape, and helped shape the legal and institutional structures that define Canada's employment and labour regime today. Much of the early work focused on structures and institutions and aimed to understand how the newly constructed regime impacted individual workers and employers.

IR scholars and practitioners also actively grappled with the realities of the Canadian context. Within Canada, we find fourteen different

1. This question was explored at length in a book published under the auspices of CIRA (Hébert, Jain and Meltz, 1988).

industrial relations systems based on fourteen employment law jurisdictions, which inevitably complicates both the practice and scholarship of IR. Quebec's unique legal code and industrial traditions have led to a thriving and distinct IR community in that province.[2] Canada's IR networks have evolved to recognize and embrace the linguistic, cultural and legal distinctiveness of Quebec.

As Canada's economic and political context changed in the latter part of the 20th century, the field of IR changed with it. Researchers began examining how modern human resource strategies impact the employment relationship, and exploring emerging topics such as the impact of technology in the workplace, occupational health and safety concerns, the labour movement's stagnation, and the rise of neo-liberalism and austerity. As we move into the 21st century, the field continues to evolve, integrating questions of globalization, equity and diversity, reconciliation, and the climate crisis into work contexts.[3]

## 2. THE CONTENT OF THE BOOK: NEW DIALOGUES AND EMERGING CONVERSATIONS

The sixteen chapters that were accepted for inclusion in the book provide a balanced representation of academic and practical perspectives, as well as voices in English and French. They cover a wide range of topics in the field of industrial relations, including work and the climate crisis, equity, diversity, and inclusion in contemporary workplaces, the future of unions in Canada, and the impact of technology on human work. We have organized the chapters into four main sections reflecting the broad themes addressed by the individual contributions.

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2. To our knowledge, the only book to explore the diversity of Canadian industrial relations systems on a geographic basis between provinces was published under the auspices of the Canadian Industrial Relations Association (see Thompson *et al.*, 2003).
3. On the evolution of industrial relations and their future in a turbulent world of work, see also the collective work edited by Hodder and Mustchin (2024).

*Part 1: Current and Persistent Challenges for the Years to Come* groups together five chapters that examine currently pressing issues that will continue to present challenges in the near future. The book begins with Jonathan Michaud's imagined conversation between an environmentalist and a trade unionist about the role of the union movement in protecting the planet from environmental catastrophe. Michaud navigates the complexities of the union's role in defending workers, even if those workers are in environmentally-damaging industries, while contributing to environmental protection, ecological adaptation and mitigation. Through the dialogue, Michaud argues that there are pathways toward a convergence of environmental and labour justice.

In Chapter 2, Michael H.F. Thorburn continues to reflect on union responses to climate change and environmental challenges through a more empirically grounded piece examining the negotiation of so-called "green clauses" in Canadian collective agreements. Thorburn identifies different forms of clauses that address key environmental initiatives and empower workers to take action for environmental protection in the workplace. Thorburn argues that green clauses are a growing and under-appreciated area of union-employer relations.

In Chapter 3, Amélie Bernier and Renée Michaud take a fresh look at the perplexing issue of skill mismatch by putting two IR fields into dialogue with one another, one more structural (labour market and public policies), the other concerned with the dynamic relationship between organization and individual (human resource management). Structured as a play in three acts, the chapter aims to create a more coherent understanding of this persistent workplace challenge.

Chapter 4 investigates the contemporary issue of protecting labour standards in an era of free trade agreements that abolish tariffs. Fernanda Brandão Cançado and Amanda Athayde offer a careful legal analysis of the rapid response labour mechanism found in the United States–Mexico–Canada Agreement (or USMCA, the successor pact to North American Free Trade Agreement [NAFTA], negotiated in 2018). By examining two cases, they find that the mechanism has the potential to improve labour protections in Mexico, within the limits of the language negotiated by the parties to the agreement.

The final chapter in this section, Chapter 5, turns attention to telework. Understanding the impacts of this phenomenon has become more pressing since the onset of the COVID-19 pandemic, as increasing numbers of workers continue to work from home even after restrictions have been lifted. Ayesha Tabassum confronts the fact that research into telework has produced contradictory results. She attempts to understand and overcome this perplexing paradox by constructing an integrated framework to better understand the complex interplay of factors that shape worker and organizational outcomes from telework.

*Part 2: Towards Workplaces With Greater Equity, Diversity and Inclusion* turns attention toward the task of making work and employment more equitable. In Chapter 6, Arijana Haramincic uses a dialogue with an Inuit elder to draw out the complexities of bringing Indigenous voices forward in Canadian workplaces. Integrating Indigenous forms of storytelling into the chapter, Haramincic anchors the discussion in the experience of living in Nunavut, yet draws out ideas that can be more universally applied in workplaces and communities across Canada, offering recommendations for how to bring Indigenous and multicultural voices forward in IR research.

In Chapter 7, Tina Sharifi, Marlee Mercer and Jelena Zikic also employ conversation, this time intentional conversations with health care professionals, to explore how approaches to patient care can inform efforts to increase equity, diversity and inclusion in health care workplaces. They explore how safer and more inclusive work spaces can come from translating ethics of care for patients into an awareness of ethical obligations to respect health care workers' diverse identities and experiences.

In Chapter 8, Blandine Emilien and Wassila Merkouche reprise and reflect upon the opening plenary presentation which they gave, as two early career academics, to the 2022 CIRA Annual Conference. By recounting their personal and professional journeys, Emilien and Merkouche paint a poignant picture of academia as a workplace that is not always as welcoming as one might think. Their chapter speaks to the ongoing work toward equity in the field of IR, and even CIRA itself, and the need to do more to fully embrace a true sense of equity, diversity and inclusion.

In the last chapter in this section (Chapter 9), Tania Saba addresses the issue of diversity in management teams and on boards of directors. She constructs a dialogue based on three key issues: the reasons why diversity in leadership profiles is important, the main obstacles to organizations' efforts to diversify their leadership, and potential mechanisms to encourage a more diverse leadership. She argues that promoting responsible and sustainable governance is a crucial strategy for organization resilience.

*Part 3: What The Future Looks Like for Unions?* focuses on one of the central institutions in industrial relations. In Chapter 10, Lucie Morissette, Colin L'Ériger, Wilfried Cordeau, Lise Côté and Vincent Pasquier take us inside the *Fédération des travailleurs et travailleuses du Québec* (FTQ) and its process for envisioning and planning for the future of the labour movement in Quebec. The authors argue that unions are too often reactive and fail to adequately plan for future challenges. Consequently, the FTQ designed what they call a 'prospective analysis' to map out a future direction for the federation. This chapter examines this process and its outcomes.

In Chapter 11, Chris Smith and Patti Chisolm focus on how to make the labour movement more effective, using New Brunswick as a case study. They begin with a survey of union activists to explore their biggest concerns at work and how unions can address them. Next, the two authors engage in an intergenerational conversation with each other about what they heard from the survey respondents, reflecting on what it means for unions and worker activists in the province, and more broadly, Canada.

In Chapter 12, Carol-Anne Gauthier and Marie-Pier Bernard Pelletier draw upon their experiences as staff and activists for union federations and as academics to discuss the impacts of technology, and in particular the increased use of digital platforms, on union organizing and internal union democracy. They discuss how unions have attempted to engage with this new technology while also working through traditional channels, and examine how this technology has differential impacts on women and those with less access to digital tools.

Jennifer M. Harmer, Rafael Gomez, and Chris Roberts look at unions as employers in Chapter 13. More specifically they evaluate how unions have adopted modern human resource management (HRM) practices as part of their internal operations and the outcomes of those adaptations. They argue that the use of HRM tools can contribute to advancing union interests by focusing union activities on empowering employees and members.

Finally, the three chapters in *Part 4: Dialogues on the Past, Present and Future of Industrial Relations* all take the notion of dialogue to heart in examining the state of IR and workers' rights in Canada today. In Chapter 14, Anthony Giles uses dialogue to bridge the chasm between academics and practitioners regarding the creation of labour policy. A moderated conversation between an academic and a practitioner reveals how each contributes to overall stronger labour policy. Academics can contribute considerations of wider policy implications, while practitioners can help construct more realistic analytical models better adapted to the realities of the politics of labour policy. Giles offers an interesting twist at the end of the chapter.

In Chapter 15, Blandine Emilien has a conversation with Fred Wilson, a long-time union staffer and key figure in the creation of Unifor. Blandine and Fred talk about the interaction of class analysis with intersectionality. Much of their conversation focuses on how we can integrate understandings of identity into a robust class analysis, rather than seeing social class as one component of intersectional oppressions. This will be essential, given that union renewal requires a robust intellectual perspective and bargaining strategies to consolidate a class-based unionism.

In the final chapter (Chapter 16), Sébastien Parent, an early career scholar talks across academic generations to the recently retired Gilles Trudeau about the constitutionalization of labour law in Canada through jurisprudence grounding notions of workers' rights in the *Charter of Rights and Freedoms*. They discuss the value of having rights enshrined in the charters, but also note concern that the scope of these protected rights is narrow, in particular under the longstanding Wagner model of labour relations.

While the chapters in this volume vary in subject matter and writing style, the authors' contributions are tied together both by their thoughtful considerations of the past, present and future of IR in Canada, and by their creative and innovative approaches to communicating those insights. Taken as a whole, this collection of dialogues and discussions offers a glimpse into the wide array of theoretical and empirical work being undertaken today by IR scholars in Canada and around the world.

This volume also reveals that industrial relations in Canada, both as an academic discipline and a profession, remains robust and lively. It remains grounded in the lived realities of workplaces, and continues to provide insights and advice for employers, unions, workers and policy-makers as they navigate the constant but ever-changing employment relationship. The issues and challenges facing IR have evolved over the past sixty years, but it is clear that IR scholars and practitioners remain well suited to the task of furthering our understanding of work and employment.

We hope that the next sixty years of CIRA and industrial relations in Canada will prove to be as provocative, interesting and eventful as the last sixty years have been, and that readers will enjoy the contributions that follow.

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PARTIE 1

# Défis actuels et persistants pour les années à venir

PART 1

# Current and Persistent Challenges for the Years to Come

# 1

# L'APPORT DES SYNDICATS À LA *CITÉ ÉCOLOGIQUE*

## CONVERSATION IMAGINÉE ENTRE UN ÉCOLOGISTE ET UN SYNDICALISTE SUR L'AVENIR DES RELATIONS INDUSTRIELLES

**Jonathan Michaud**

L'enjeu de l'avenir du travail constitue une préoccupation permanente des relations industrielles, tout en offrant une porte d'entrée sur la question écologique (Räthzel et Uzzell, 2019). En effet, par le travail, les êtres humains modifient constamment la nature[1] dans une optique à la fois positive – en produisant les biens et services essentiels à la vie humaine – et négative – en détruisant des habitats naturels pour l'extraction des matières premières et en relâchant des produits

1. Tout travail repose sur la nature. « L'espèce humaine partage donc avec d'autres espèces le fait d'agir sur la nature de façon à la changer et à la rendre plus conforme à ses besoins. » (Braverman, 1976, p. 45) Si la transformation est différente selon les secteurs économiques et les activités industrielles en fonction du type de ressources naturelles et de rejets chimiques ou de gaz à effet de serre (GES) qui lui sont propres, il serait illusoire de penser que la dématérialisation ou la servicialisation de l'économie ne reposent pas sur des infrastructures matérielles ou sur l'externalisation de la pollution (voir à cet effet Brand et Wissen, 2021 ; Flipo, Dobré, et Michot, 2013 ; Lessenich, 2019 ; Pitron, 2018).

chimiques dans la nature. Or, la colonisation, l'industrialisation, la Grande Accélération, puis la financiarisation – bref le capitalisme et la société de consommation (Espagne, 2019) – ont largement déséquilibré les capacités des écosystèmes à absorber les effets négatifs de l'activité humaine et de la production matérielle (Meadows, Meadows, et Randers, 2013). On considère ces moments comme des basculements vers une époque géologique de l'Homme que l'on nomme *Anthropocène* (Head *et al.*, 2022), ou encore *Capitalocène* (Malm, 2016; Espagne, 2019). Concrètement, cette empreinte écologique implique de contenir l'activité humaine à l'intérieur de neuf limites planétaires, dont les changements climatiques, l'érosion de la biodiversité et la pollution chimique (Boutaud et Gondran, 2020).

Les travaux de recherche sur les stratégies syndicales écologiques considèrent que celles-ci doivent d'abord rompre avec le dilemme emploi-environnement (Cazabon-Sansfaçon, Tremblay, et Hatch, 2019). Ce dilemme constitue l'un des principaux freins à la discussion dans les organisations syndicales, puisqu'il anime l'une des peurs fondamentales du syndicalisme: devoir sacrifier des emplois pour la classe ouvrière (Thomas, 2021), d'autant plus que les emplois dans les industries polluantes sont généralement des emplois de qualité dans des secteurs fortement syndiqués (Kalt, 2022). Permettre une transition écologique de l'économie en garantissant une protection pour les travailleurs est le cœur d'une stratégie de transition juste (Felli et Stevis, 2014).

Or, une fois cet état de fait acté et considéré par les syndicats, il reste un travail syndical considérable pour construire un nouvel esprit du capitalisme (Boltanski et Chiapello, 1999), celui de la cité écologique (Latour, 1995; Boltanski et Thevenot, 1991)[2]. Pour les syndicats se profile une métamorphose de leurs enjeux traditionnels et des voies de rapprochement entre les syndicats et les mouvements écologistes (Obach, 2004). Après des moments tendus (Turner et Hurd, 2001)

2. L'impulsion initiale de cette idée revient à Vincent Pasquier et Romain Bertrand, qui n'ont jamais lu ce chapitre avant sa publication. Les possibles erreurs appartiennent entièrement à l'auteur.

qui persistent toujours, nous voyons apparaître des convergences et des coalitions autour d'intérêts communs (Nugent, 2011).

Cet article propose une discussion fictive entre un militant syndical (MS) et un militant écologiste (ME), animée par l'auteur, un chercheur en relations industrielles, autour des quatre axes de transformation du travail qui forment le contenu de la transition juste et de l'évolution des relations industrielles : 1) les mesures d'adaptation et d'atténuation écologiques ; 2) les conditions d'un travail décent ; 3) les mécanismes de dialogue social et ; 4) les enjeux d'inégalités sociales, économiques et politiques. Celle-ci est précédée d'une courte mise en contexte du lien théorique et empirique entre le travail et l'écologie intégré dans la cité écologique.

Cette analyse est inédite quant à la précision du contenu de la transition juste – qui est souvent limité à une typologie des stratégies syndicales –, la mise en perspective de la cité écologique comme réflexion sur l'avenir des relations industrielles – qui n'a jamais été faite auparavant – et la forme conversationnelle comme méthode d'intégration des points de vue et préoccupations écologistes et syndicales.

## 1. LE CONTEXTE D'APPARITION DE LA *CITÉ ÉCOLOGIQUE*

Pour qu'un système fonctionne avec des intérêts différents, voire divergents, il doit reposer sur une idéologie, un ordre de grandeur ou un principe supérieur commun (Boltanski et Thevenot, 1991). Ce que Luc Boltanski et Laurent Thévenot (1991) désignent comme un modèle de cité constitue le fondement commun ou la convention à partir de laquelle les désaccords sont contenus par des justifications dont la validité se veut universelle. L'histoire longue indique une série de cités consécutives qui se superposent et qui ont organisé les rapports sociaux depuis la cité inspirée, la cité domestique, la cité de renom ou la cité marchande (Boltanski et Chiapello, 1999). Pour le système de relations industrielles, c'est la cité industrielle qui apparaît comme la première en importance, celle où les syndicats occupent une place dans la critique et la justification.

Pour marquer l'entrée dans une cité, nous devons toutefois évaluer les composantes essentielles d'un esprit du capitalisme, à savoir l'excitation, la sécurité et la justice (Boltanski et Chiapello, 1999; Kazmi, Leca, et Naccache, 2016). Par l'excitation, on entend que ce qui est promis en ce qui concerne les objectifs de grandeur dans la cité doit susciter l'intérêt de ceux qui la composent. Par la sécurité, on entend que la cité dispose de mécanismes adéquats pour assurer le bien-être de ceux qui participent à la cité. Par la justice, on entend que l'atteinte du bien commun repose sur des actions dont on peut connaître les critères (ou des épreuves modèles), et qui permettent à ceux qui les suivent d'accéder à d'autres états de grandeurs.

## 1.1 La cité industrielle

La réalité de la crise écologique et sa critique, connue des scientifiques (Malm, 2016) et écologistes (Bourg, 2020), mais aussi des travailleurs (Barca, 2015), remonte aux hygiénistes du XVIII^e siècle (Fressoz, 2012). Or, entre 1930 et 1970, dans la cité industrielle construite sur la grande entreprise et le modèle fordiste de l'État-providence, c'est surtout la perspective environnementale qui a dominé les discours (Bécot, 2015), c'est-à-dire la remise en cause des effets de la pollution industrielle sur la santé ainsi que l'épuisement des ressources naturelles à l'échelle locale.

## 1.2 La cité par projets

Dans les années 1970, sous le néolibéralisme, les entreprises de l'industrie fossile comme Total cachaient volontairement les conséquences de leur production sur l'environnement (Bonneuil, Choquet, et Franta, 2021). En effet, dans cette cité par projets (Boltanski et Chiapello, 1999), la liberté d'entreprendre et les possibilités de développement de réseaux dans la mondialisation financière font primer l'économie sur l'environnement. La conscience écologique est devenue climatique et mondiale avec les premiers sommets internationaux sur le climat depuis Stockholm en 1972 (Aykut et Dahan, 2015), se concentrant sur les émissions de GES et les conséquences de leur surproduction sur la biosphère. Pour les syndicats, l'opposition aux politiques écologiques se justifiait par les perspectives de pertes d'emplois (Thomas, 2021).

## 1.3 La cité écologique

Aujourd'hui, les entreprises abordent les impératifs écologiques sous l'angle de la responsabilité sociale et environnementale des entreprises (RSE) (Kazmi, Leca, et Naccache, 2016), de l'écologie industrielle, du développement durable ou de l'économie circulaire. Plus qu'un élément négligeable ou une gêne sociale, la question écologique « devient une condition de la perpétuation de l'accumulation du capital » (Kempf, 2020, 36). Cela ouvre à l'intégration des critiques provenant des travailleurs et de leurs syndicats qui revendiquent une transition juste (Stevis, 2023) et représente une occasion de création d'emplois verts et décents (Galgóczi, 2020). Nous voyons apparaître une cité écologique qui s'harmonise avec les cités marchande, industrielle et par projets (Boltanski et Chiapello, 1999 ; Latour, 1995) et qui a pour fonction de justifier la continuation du capitalisme.

Le concept d'une cité écologique a d'abord été introduit pour intégrer la critique écologique au cadre d'analyse par cités dans les années 1990, sans prendre en compte les justifications provenant des relations industrielles (Lafaye, Thévenot et Thevenot, 1993 ; Latour, 1995). Or, dans les dernières décennies, le rapport des acteurs du monde du travail à la crise écologique s'étant modifié, il convient de renouveler l'analyse des composantes de la cité. Notamment, après la crise économique de 2008, les entreprises, les syndicats et les gouvernements misent sur l'écologie comme un moyen de relancer la croissance économique (Brand et Wissen, 2021).

Cette analyse préliminaire permet de supposer que les conditions de l'existence d'une cité écologique sont réunies. Alors qu'en pensent les acteurs du monde du travail et les écologistes ?

## 2. LES MESURES D'ADAPTATION ET D'ATTÉNUATION ÉCOLOGIQUES

*Partant du constat que la crise écologique change les conditions de possibilités du travail, quelles sont les mesures écologiques envisageables ?*

**Militant écologiste (ME) :** Pour comprendre là où nous en sommes, il me faut faire un petit détour historique. Dans l'essence, il existe deux approches possibles sur la question écologique : préservationniste et conservationniste (Bourg, 2020). L'approche préservationniste implique de sacraliser entièrement des espaces contre toute forme d'activité humaine. Ce sont les travaux d'écologues et de philosophes qui sont au cœur des législations sur les parcs naturels, par exemple. L'approche conservationniste implique de protéger la nature contre les abus en promouvant une gestion raisonnée des ressources naturelles entre protection et exploitation.

**Militant syndical (MS) :** Si je peux me permettre d'intervenir, chez les conservationnistes, la prédominance de la technique en son sein en fait une approche facilement récupérable par le capitalisme et ses technologies de secours comme la captation de carbone ou les voitures électriques. C'est aussi une approche dans laquelle il est plus simple de maintenir les emplois en changeant les techniques de production des entreprises, sans compromettre l'activité économique qui permet aux travailleurs de vivre.

**ME :** En effet, mais il faut aussi mettre en perspective que l'ouverture des conservationnistes à l'exploitation fait de cette approche un excellent appareil pour les puissances coloniales qui peuvent restreindre la chasse ou l'activité économique aux élites au nom de politiques de conservation des ressources.

Au fond, le mouvement écologiste est généralement soutenu par cette tension qui teinte les revendications en matière de politiques publiques depuis les débats, en 1913, sur un projet de barrage dans la vallée Hetch Hetchy (Parc national du Yosemite) pour alimenter la ville de San Francisco en eau, où la voie conservationniste a été privilégiée par le président américain de l'époque, Theodore

Roosevelt, et le Congrès américain. Cette tension contribue aussi à fonder le principe de précaution puis celui de développement durable en s'appuyant sur les travaux de philosophie éthique d'Hans Jonas dans lesquels il appelle au principe de responsabilité face à la technique (Ferrari, 2010).

Par ailleurs, depuis la création, en 1988, du Groupe intergouvernemental sur l'évolution du climat (GIEC), cette tension est manifeste dans les mesures écologiques couplées que sont l'atténuation (ou mitigation) et l'adaptation. Les politiques d'atténuation remettent en cause l'effet différencié des secteurs économiques et cherchent à responsabiliser les émetteurs de pollution, tandis que les politiques d'adaptation observent l'exposition différenciée sur les groupes sociaux et cherchent à offrir à tous les moyens de se protéger contre les conséquences de la crise écologique.

**MS :** Pour les syndicats, nous devons prendre en compte les conséquences que l'activité des travailleurs entraîne sur la nature pour comprendre les possibilités d'atténuation ainsi que les conséquences que la crise écologique impose aux travailleurs pour comprendre les impératifs d'adaptation. Or, lorsqu'elles reprennent l'approche préservationniste et appellent à l'élimination complète des activités, elle apparaît difficilement conciliable avec un syndicalisme qui défend les intérêts des travailleurs. Notre action est centrée sur les lieux de travail dans l'entreprise. Il nous importe de modifier autant les infrastructures dans lesquelles les travailleurs exercent leur travail, par exemple en installant des bacs de compost ou des ampoules écoénergétiques, que les procédés industriels, en révisant les circuits de vie des produits afin de favoriser l'écoconception et le recyclage des déchets, comme c'est le cas dans l'économie circulaire.

**ME :** Cela implique de prendre en compte les mesures locales et l'intégration des activités de production dans leurs écosystèmes, notamment par des politiques régionales et industrielles. En effet, notamment dans les secteurs primaires et secondaires, de l'extraction des matières premières à leur transformation, les lieux de travail s'insèrent dans des communautés et des milieux naturels. Les entreprises ont alors la responsabilité morale de s'assurer que leurs activités n'entraînent pas un déséquilibre des écosystèmes naturels et économiques, et de travailler avec les communautés.

**MS :** Pour les syndicats, ces pratiques sont ancrées dans notre fonctionnement. Le fait qu'il existait des villes de compagnies fortement syndiquées a offert du pouvoir aux travailleurs et la responsabilité de dénoncer les activités polluantes des entreprises, dès les années 1950, au Québec. Par exemple, le syndicat d'Arvida a dénoncé les pollutions atmosphériques dans la production d'aluminium d'Alcan parce qu'elles avaient des conséquences sur les conditions de vie et de santé des travailleurs et de leurs familles (Bécot, 2015). Après une visite dans les installations américaines, le président du syndicat a compris qu'il était possible de faire autrement et d'éviter une partie des émanations. Cet enjeu est devenu une priorité dans la campagne municipale de 1957, et le maire élu a pris le relais de cette revendication pour protéger la population de la ville et forcer la multinationale à modifier ses pratiques.

**ME :** C'est bien en adéquation avec une approche environnementale. Or, la nouveauté dans le débat écologique est de mettre de l'avant le rééquilibrage climatique de l'empreinte écologique mondiale. L'impérialisme économique qui a été permis par la libéralisation des échanges à l'échelle mondiale a largement contribué à externaliser la pollution dans les pays du sud et à s'approprier les ressources naturelles de ces pays. C'est pourquoi une critique du développement durable venue du sud de la part des populations opprimées et de la société civile, notamment les Autochtones, a contribué à leur inclusion dans les négociations climatiques à partir de la conférence de La Haye (COP6) en 2000, et à renforcer leur participation et leur intéressement économique. Les mesures écologiques doivent aussi renforcer la nécessité de la réallocation des ressources naturelles dans ces écosystèmes par des mesures de réparation, et permettre la décarbonation véritable de l'activité en mesurant et en intégrant adéquatement les émissions de GES sur la totalité du cycle de production dans les bilans carbone des entreprises responsables.

## 3. LES CONDITIONS D'UN TRAVAIL DÉCENT

***La transition vers une économie sobre peut être créatrice d'emplois. Si cette réalité est reconnue et même souhaitée, quelles sont les conditions minimales que l'on doit imposer à la qualité de ces emplois pour considérer qu'ils ne sont pas que verts, mais aussi décents?***

**MS:** Il est certain que la création d'emplois reste une revendication syndicale fondamentale. Elle est la condition nécessaire à la sécurité économique des travailleurs. Or, elle n'est pas une condition suffisante pour que l'on considère qu'elle est juste. Les travailleurs ont mené des luttes syndicales pour obtenir une sécurité de revenu et d'emploi, des avantages sociaux et des régimes de retraite, ou encore des congés et vacances qui composent le compromis fordiste. Le néolibéralisme a mis à mal certaines garanties de sécurité au profit de l'employabilité, de la polyvalence des compétences des travailleurs et de leur responsabilisation face à la flexibilisation du travail. Il organise ainsi une nouvelle forme de sécurité autour de la conciliation travail et vie personnelle, du droit à la déconnexion et des programmes de formation de la main-d'œuvre. La cité écologique devra découvrir les siennes, particulièrement la santé et sécurité au travail, aussi bien physique que psychologique, qui est fondamentale pour protéger les travailleurs contre les catastrophes naturelles, la pollution, les vagues de chaleur, etc. Même les emplois que l'on peut déjà considérer comme «verts» devront être adaptés pour permettre une sécurité au travail. Ce sera possiblement aussi en permettant aux travailleurs de s'accomplir au travail et de disposer d'un emploi qui offre du sens ou par la réduction du temps de travail.

**ME:** La décroissance ou la post-croissance est-elle donc possible?

**MS:** Tant qu'elle ne se fait pas au prix des conditions de travail et de vie pour les travailleurs, bien sûr.

**ME:** Pour assurer la transition, il faut aussi démarchandiser le travail. Il est clair que certains travailleurs refusent de se défaire de leurs emplois parce que ceux-ci leur permettent de garantir leur qualité de vie. C'est notamment vrai dans les secteurs de l'industrie fossile et manufacturière où les conditions de travail sont excessivement attrayantes en matière de rémunération. Si nous voulons mettre en place des normes écologiques contraignantes dans ces secteurs, il faut s'assurer qu'il existe un filet de protection sociale qui saura leur garantir un certain niveau de vie durant la transition, puis une requalification vers des emplois exigeant des compétences « vertes ».

**MS :** En effet, la transition, pour être juste, doit permettre à tous les travailleurs de disposer des moyens d'éviter d'être victimes des politiques environnementales, ce qui implique de critiquer et de revoir la réalité d'un New Deal vert et de rétablir certaines fonctions de l'État-providence. Au-delà des protections individuelles au travail et hors travail, c'est aussi une question de garantir l'État de droit et ses normes de protection. Pour appliquer ces droits au travail, il faut s'assurer que les institutions étatiques soient en mesure d'éviter d'accroître les discriminations et de garantir la liberté d'association, de négociation et de grève.

**ME :** Ajoutons que les droits au travail s'étendent aussi à l'interdiction du travail forcé et du travail des enfants.

**MS :** Ce n'est pas sans nous rappeler les revendications des débuts du syndicalisme. Si ces conditions de travail continuent d'exister, c'est que l'action syndicale est toujours une voix essentielle pour agir comme chiens de garde contre les abus ou la propension du capitalisme à dégrader les conditions de travail pour augmenter son contrôle sur les travailleurs et la part de profit pour les employeurs.

## 4. LES MÉCANISMES DE PARTICIPATION DES TRAVAILLEURS OU DE DIALOGUE SOCIAL

*Alors, la transition peut-elle aussi être démocratique ? Comment peut-on en assurer la gouvernance et éviter qu'elle soit imposée à travers des logiques s'apparentant à des dérives autoritaires ou pour servir les intérêts de certains au détriment des travailleurs ?*

**ME :** Il est certain que le mouvement écologiste, confronté à l'urgence climatique par exemple, a parfois la tentation de mettre à mal la démocratie afin d'accélérer la mise en œuvre des mesures. Il s'agit d'un aspect qui nous a souvent été reproché, relevant les discours sur le dictateur éclairé ou les politiques naturalistes des nazis sur la protection des animaux. Certaines actions ont aussi été ridiculisées, comme lancer de la soupe sur des œuvres d'art. C'est une image qui a contribué à exacerber des tensions, par exemple celles entre les syndicats forestiers ou de la construction et le Sierra Club dans les années 1970 aux États-Unis, alors que les écologistes voulaient élargir le Parc national de Redwood, restreignant ainsi l'accès au bois (Turner et Hurd, 2001). Si l'action directe est nécessaire pour encourager le passage à l'action et la conscientisation, elle peut aussi provoquer des rejets, et il faut la combiner avec le dialogue pour convaincre les travailleurs et permettre leur adhésion au projet écologiste.

**MS :** Ce caractère autoritaire, on le retrouve dans les entreprises même lorsque les syndicats sont présents. Les employeurs préfèrent souvent prendre les décisions unilatéralement, mais les politiques de RSE peuvent impliquer la participation des travailleurs, et les accords multipartites globaux contraignants qui émergent d'une implication conjointe des acteurs ont le plus de chance de succès (Markey, McIvor et Wright, 2016). Le dialogue social n'est pas seulement une revendication des travailleurs, c'est aussi une occasion pour tous les acteurs de mettre de l'avant leurs intérêts et de trouver les ressources pour coopérer.

Aussi, les syndicats apportent leur pierre à l'édifice à travers la finance verte privée en développant des cadres d'investissement par les fonds de travailleurs. Ils ont recours, par exemple, à des critères d'écoéligibilité, notamment les critères ESG – environnementaux, sociaux et gouvernance – pour le financement d'entreprises, et des obligations vertes comme instruments financiers pour faire valoir des exigences de travail décent dans les transitions écologiques.

**ME :** Évidemment, l'État est un acteur incontournable pour contraindre les entreprises à se conformer. En soi, l'une des approches qui nous permettent d'entrer dans la discussion avec les syndicats, les entreprises et l'État consiste à encourager la gouvernance multipartite, comme c'est le cas dans les instances de l'ONU ou de l'OIT, en incluant la société civile et les groupes écologistes dans le spectre des parties prenantes.

Pour cela, les outils privés de la finance verte ne peuvent pas à eux seuls provoquer le changement. Il faut conjuguer ces initiatives avec des réglementations à la fois fermes et participatives. Dans la finance, les politiques financières précautionneuses (*Precautionary Financial Policy* [PFP]) peuvent ainsi être pertinentes pour pénaliser les activités économiques incompatibles avec les objectifs écologiques et encourager les pratiques économiques écologiquement désirables. S'il existe des marchés du carbone à plusieurs endroits, les taxes permettent d'orienter les comportements de certains acteurs, même si leur portée est généralement limitée par la crainte de réduire la croissance économique et donc de perdre des emplois.

**MS :** La négociation collective, outil classique du syndicalisme, nous permet aussi d'affirmer la voix des travailleurs. Concrètement, cela se manifeste par des clauses vertes, notamment des clauses d'accès à l'information, de libération syndicale pour les délégués à l'environnement, de formation, et l'ensemble des sécurités au travail lors des changements technologiques. C'est aussi une occasion pour nous de s'asseoir à table avec l'employeur en créant des comités environnement. Ils peuvent ainsi permettre aux employeurs de construire conjointement l'avenir du travail dans l'entreprise et susciter l'adhésion des travailleurs en développant un partenariat avec les syndicats.

Il existe des institutions qui sont adaptées aux transformations. Au Québec, la Commission des partenaires du marché du travail (CPMT), le Comité consultatif du travail et de la main-d'œuvre (CCTM) et les différents comités sectoriels de main-d'œuvre (CSMO) façonnent ces discussions sur l'avenir du travail, les besoins en matière de compétences à développer et les solutions. Ces instances de dialogue social où les acteurs du monde du travail se retrouvent pour discuter peuvent être pénétrées par les questions écologiques afin de transformer la menace en possibilité. La transition exigera le développement de formations pour arrimer les compétences des travailleurs avec les besoins des entreprises, mais celles-ci ne peuvent se faire sans que les travailleurs aient une voix à ce chapitre et puissent aussi contribuer à déterminer les besoins des entreprises et les exigences en matière de sécurité et de justice pour les travailleurs.

**ME :** Ça ouvre sur le fait de prendre en compte les espaces de concertation régionaux et municipaux. Ce qui est intéressant sous cet angle, en effet, est que les enjeux relatifs à l'aménagement du territoire, des projets de développement d'infrastructures de transport collectif ou les politiques industrielles pouvant orienter les activités économiques incluent autant les écologistes que les syndicats dans la discussion. Parfois, nos intérêts s'opposent, surtout lorsqu'il s'agit d'intérêts acquis des travailleurs, mais nous pouvons généralement trouver des points de convergence.

**MS :** Les cas de transition juste régionale témoignent de la nécessité de coordonner les transformations avec l'État. Pensons d'abord à la codétermination allemande qui a permis d'éviter que la fermeture des mines de charbon de la vallée de la Ruhr implique des pertes massives d'emplois, sans qu'un plan soit mis en place. Les syndicats ayant réagi aux décisions politiques et les ayant contestées ont été en mesure de réclamer des plans de reclassement et de formation pour les travailleurs et ainsi négocier les conditions de la sortie du charbon.

On observe aussi cela en Australie, avec les mines et centrales électriques à charbon dans la vallée de Latrobe et d'Illawarra, où le développement régional est assuré par des programmes gouvernementaux qui aident les entreprises –, bâtiments commerciaux et résidentiels plus verts, production alternative d'énergie, production de composants d'équipements pour l'industrie de l'énergie alternative – pour favoriser la création d'emploi, et les travailleurs, par de la formation et des partenariats avec des installations pour le reclassement (Snell et Fairbrother, 2010). Cela est généralement partie intégrante d'une entente établie entre les syndicats, les entreprises et les autorités locales, suivant des rencontres entre les acteurs locaux, dont la société civile, les groupes écologistes et les universités, pour définir les besoins. Dans la vallée de Latrobe, les syndicats ont pu, par exemple, élargir les conventions collectives pour inclure les contractuels et les conjoints des travailleurs dans les programmes de formation (Snell, 2018).

Au Canada, en 2018, c'est avec le Groupe de travail sur la transition équitable pour les collectivités et les travailleurs des centrales du charbon canadiennes que les exigences des acteurs sont entendues. Ce groupe a organisé une série de rencontres avec des collectivités, représentants des travailleurs, industrie, établissements d'enseignement et organisations non gouvernementales, groupes économiques et ministères dans 4 provinces –, Alberta, Saskatchewan, Nouveau-Brunswick et Nouvelle-Écosse – pour identifier le portrait du secteur et tirer des recommandations autour de la retraite anticipée, de la création d'emplois durables et de l'adaptation des infrastructures pour les collectivités.

## 5. LES ENJEUX D'INÉGALITÉS SOCIALES, ÉCONOMIQUES ET POLITIQUES

*Si la transition advient, elle doit se faire en prenant acte des intérêts et des besoins de tous. Mais, comment cadrer les revendications autour des inégalités afin qu'ils rassemblent les syndicats et les groupes écologistes ?*

**ME :** D'abord, il faut bien identifier les populations vulnérables dans les transitions. Il est évident que tous les travailleurs ne vivent pas la crise écologique de la même manière.

**MS :** Même dans les pays industrialisés, il faut prendre en compte la persistance d'inégalités sociales, notamment pour les populations pauvres de la classe ouvrière, les femmes, les minorités visibles, les personnes âgées ou les populations autochtones.

**ME :** Les catastrophes naturelles sont susceptibles, par exemple, d'entraîner des raretés de nourriture ou d'énergie dont il faut assurer l'équitable distribution et éviter qu'elles entraînent des hausses de prix. Elles sont aussi susceptibles d'affecter plus durement ces populations déjà discriminées par le manque de ressources ou d'aménités d'adaptation parce qu'ils n'ont pas accès à des climatiseurs ou à des systèmes de ventilation durant les canicules, ou parce que les quartiers dans lesquels ils vivent sont sujets à des îlots de chaleur par manque d'arbres ou de points d'eau.

**MS :** Dans le travail, ce sont aussi les populations ouvrières qui sont susceptibles de devoir travailler à l'extérieur durant ces périodes de chaleurs extrêmes, qui sont susceptibles de perdre des occasions de travailler ou qui vont devoir développer de nouveaux outils pour s'adapter en raison de l'accroissement du nombre d'épisodes caniculaires, d'inondations ou de tempêtes violentes dans l'année.

Cela ouvre sur un autre niveau d'inégalités qui existent entre les travailleurs, et qui dépend du secteur d'activité dans lequel ils exercent. En effet, la responsabilité de la crise écologique n'est pas égale entre les secteurs, et les mesures d'atténuation ne le sont donc pas non plus. Les secteurs primaires et secondaires sont généralement les cibles prioritaires de plans de réduction des GES et d'actions militantes contre les pollutions.

**ME :** À l'échelle mondiale, les négociations climatiques témoignent des inégalités entre les pays, d'une dette écologique. L'exploitation des ressources naturelles dans les zones franches écologiques des pays du sud par les pays du nord implique de fragiliser les écosystèmes, mais aussi de restreindre les capacités de certains de ces États à entamer la transition. En ce sens, le Protocole de Kyoto en 1997 permettait aux pays du sud de s'extraire de l'obligation de réduire leurs émissions de GES selon le principe des responsabilités communes mais différenciées, et l'Accord de Paris en 2015 prévoit des aides financières destinées aux pays les plus vulnérables. Dans les faits, ces aides sont souvent insuffisantes pour provoquer des transformations réelles.

**MS :** Pour les travailleurs, il faut surmonter la compétition que les entreprises multinationales organisent entre les unités de travailleurs de différents pays pour réussir à produire une solidarité transnationale. Les syndicats internationaux peuvent être des leviers pour partager de l'information, des ressources et coordonner la convergence des intérêts, ce qui permet de mieux s'organiser face au pouvoir des entreprises (Barreau, Havard et Bah, 2020). La présence des syndicats aux instances multipartites est aussi une occasion de collaborer et de créer des liens avec les autres syndicats, les groupes écologistes et la société civile.

## DISCUSSION ET CONCLUSION

Ce portrait de l'évolution des relations industrielles vers la transition juste signale l'espace requis pour la *cité écologique*. La nécessité d'effectuer une transition implique *de facto* que celle-ci soit l'objet de critiques de la part des acteurs syndicaux et des écologistes. Pour les travailleurs, cette transition peut être source d'angoisses quant à l'avenir de la planète ou de l'humanité et quant à la justice et l'équité dans la transition, ou de la sécurité économique lorsque la transition implique des pertes d'emplois et de la sécurité physique ou psychologique lorsque les changements climatiques risquent d'affecter leur santé.

Dans l'optique de procéder à l'évaluation des critères de l'entrée dans la *cité écologique*, nous avons présenté le contenu de la transition juste autour de quatre axes de transformation du travail, dont la discussion entre le militant syndical et le militant écologiste permet de dégager des dimensions propres à chacun des axes (voir le tableau 1).

**Tableau 1**

Contenu de la transition juste

| | |
|---|---|
| **Mesures d'adaptation et d'atténuation écologiques (durabilité)** | 1. Écologisation des lieux de travail (profonde/superficielle)<br>2. Intégration environnementale aux écosystèmes locaux<br>3. Rééquilibrage climatique de l'empreinte écologique mondiale |
| **Conditions d'un travail décent (sécurité)** | 4. Création d'emploi<br>5. Protection sociale<br>6. Droit au travail |
| **Mécanismes de dialogue social (*voice*)** | 7. Gouvernance multipartite<br>8. Négociation collective<br>9. Gouvernance publique |
| **Enjeux d'inégalités politiques, économiques et sociales (équité)** | 10. Lutte contre les inégalités sociales infranationales<br>11. Lutte contre les inégalités économiques sectorielles<br>12. Lutte contre les inégalités politiques mondiales |

Les syndicats contribuent ainsi à une critique du capitalisme à travers la *cité écologique*, qui se fait avec les travailleurs en ce qu'elle offre excitation, sécurité et justice, convergeant avec la critique portée par le mouvement écologiste. Elle renverse les angoisses des travailleurs et leur offre une occasion de s'accomplir au travail, d'offrir un sens à leur travail dans un contexte où le rapport à la nature par des mesures d'adaptation et d'atténuation est apaisé, leur apportant de l'excitation. Établir les conditions d'un travail décent ouvre vers une nouvelle forme de sécurité, au travail comme en dehors, en permettant d'adapter les lieux de travail, de développer les compétences « vertes » des travailleurs, de créer des emplois rémunérateurs ou de réduire le temps de travail, autant de mesures qui rappellent le slogan syndical de la Confédération syndicale internationale (CSI) : « Il n'y a pas d'emplois sur une planète morte. » Pour assurer une justice dans la *cité écologique*, les syndicats ont recours aux instances du dialogue social formées dans la *cité* industrielle et la *cité* par projets, qu'ils adaptent aux nouvelles exigences et revendications des travailleurs ; ils peuvent également en créer de nouvelles. Ces mécanismes peuvent aussi servir à réduire les inégalités sociales, économiques et politiques, accroissant, par le fait même, la perspective d'une justice, dans la transition, qui se fasse dans l'intérêt commun et avec la participation de toutes les catégories sociales, tous les secteurs de la production et tous les pays, autrement dit avec une approche globale et inclusive (Stevis, 2023).

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# 2

# From Theory to Practice

## The Evolution of Green Clauses in Canadian Collective Bargaining Agreements

**Michael H.F. Thorburn**

The role of environmentalism in the workplace has evolved over the past half-century (Flanagan and Goods, 2002). Some unions have engaged in climate activism since the 1970s, navigating the complex terrain at the intersection of labour goals, sustainable practices, and political advocacy (Markey and McIvor, 2019, p. 82).[1] The alignment between labour and environmental objectives has not always been straightforward; divergent perspectives across workplaces, industries, and individuals highlight the nuanced debates surrounding workplace sustainability and environmental stewardship.

Over the decades, general perceptions regarding the impact of sustainability efforts on jobs have changed (Rosemberg, 2020). Through the 1980s to the early 2000s, a prevailing 'jobs versus environment' dichotomy posited environmental sustainability as a threat to worker livelihoods, fueled by concerns that efforts to reduce greenhouse gas emissions would fundamentally alter markets, potentially conflicting

1. See also Bennett (2007).

with the interests of both businesses and workers (Goods, 2017; Markey and McIvor, 2019).

From the 2010s onwards, however, there has been a notable shift towards viewing environmental issues as essential components of industrial relations discourse. Climate change, for instance, is increasingly recognized as an employment relations issue, with implications for future jobs, industries, labour processes, worker wages, and organizational strategies (Goods, 2017). The argument for integrating sustainability within industrial relations emphasizes not just cost savings and job preservation, but also enhancement of workplace health and safety (Pearce, 2012).

Despite these important contributions, the literature has lacked a comprehensive and systematic account of how environmental and climate concerns are integrated into collective bargaining at scale. This chapter seeks to build on earlier union initiatives and scholarly work by presenting a thirteen-category typology of "green clauses," developed through a synthesis of international literature and validated using supervised machine learning on a corpus of 40,000 contracts. In doing so, the analysis does not replace prior contributions but extends them by offering a more granular and data-driven mapping of how environmental commitments are embedded in Canadian collective agreements. By detailing these practices, the chapter positions Canada not only as a site of long-standing labour environmentalism but also as a key contributor to global dialogues on the role of organized workplaces in advancing sustainability.

## 1. KEY CONCEPTS

While industrial relations have increasingly integrated environmental considerations, there remains a gap between conceptual frameworks and their practical application in the workplace. The literature has identified fundamental concepts that are foundational to the dialogue between environmental imperatives and labour relations. These concepts underpin specific clauses in collective bargaining agreements that address ecological concerns.

Flanagan and Goods delineate four critical areas within this evolving field: just transition, sustainable development, union identity and strategy reconfiguration, and the influence of employer associations and state actors on labour-environment transitions (Flanagan and Goods, 2002, p. 480).[2] These areas offer a scaffold for the discussion that follows, setting the stage for a comprehensive exploration of how these concepts are actualized in collective bargaining agreements.

## 1.1 Just Transition

The concept of a 'just transition' has become a cornerstone in the discourse on labour's role in addressing climate change, championed by organizations worldwide. Referring to a balancing act between mitigating harm for workers and leveraging the benefits of a shifting energy landscape, it remains a pivotal yet debated aspect of environmental policy (Flanagan and Goods, 2002; Stevis, *et al.*, 2020). Questions remain around the extent of the transition, and which groups will receive 'justice,' to the extent that doing so is even possible. The Canadian Centre For Policy Alternatives articulates just transition as a strategy for harm minimization in response to the transition away from fossil fuels and a proactive pursuit of the opportunities presented by decarbonization (Mertins-Kirkwood and Duncalfe, 2021).

While the literature converges on certain aspects of just transition, such as the need for thoughtful planning, social dialogue, and support mechanisms like retraining and economic diversification, translating these principles into actionable terms within collective bargaining agreements has been less charted (Flanagan and Goods, 2002). This chapter seeks to fill this gap by showing how just transition principles manifest concretely within the framework of collective bargaining, moving from theoretical postulates to embedded clauses in legal labour contracts.

2. For an example of the reconfiguration of union identity, see Allan and Robinson (2022).

## 1.2 Environmentally Sustainable Employment

Workplace environmental sustainability takes multiple forms. Bohnenberger's taxonomy delineates four approaches to understanding and evaluating these practices (Bohnenberger, 2022a, 2022b):

- The "output type approach" and "environmental decommodification" are often reflected in agreements that mandate shifts in business operations towards greener practices.
- The "occupation approach" is reflected by clauses that specify environmental responsibilities, required trainings, and new roles that employees undertake to foster a sustainable workplace.
- The "work-lifestyles approach" and "outcome efficiency approach" may influence agreements that extend beyond the workplace, promoting sustainable living and efficiency in resource use.

These theoretical approaches directly link to the practical typologies of clauses present within collective agreements.

## 1.3 Social Dialogue

Social dialogue is a well-established tradition in industrial relations, fostering collaboration between workers, employers, and governments to shape workplace practices (*Just Transition Centre, 2017;* Eurofound, 2011). While this concept extends beyond environmental issues, its role in negotiating green clauses within collective bargaining agreements is increasingly recognized (Chacartegui Jávega and Canalda Criado, 2021). These dialogues facilitate the incorporation of just transition and sustainable employment practices into the binding language of agreements, reflecting a commitment to environmental stewardship in practical terms. By doing so, social dialogue moves beyond its historical role to become a crucial mechanism to operationalize ecological considerations in labour relations.

### 1.4 Corporate Social Responsibility

Corporate Social Responsibility (CSR) represents a voluntary commitment by companies to contribute positively to social and environmental goals. While such commitments can signal a company's intent to act responsibly, they often lack the legal enforceability that collective agreements provide (Doane, 2005; Gutierrez and Tomassetti, 2020; Nykvist and Maltais, 2022). In unionized settings, green clauses serve to formalize and make legally binding the kinds of environmental responsibilities that might otherwise fall under the umbrella of CSR. They give tangible force to what might otherwise be aspirational CSR policies, ensuring that corporate environmental strategies translate into concrete workplace actions.

### 1.5 From Concepts to Practice

The above sections introduced key concepts from the industrial relations literature on environmental sustainability, including just transition, sustainable employment, social dialogue, and CSR. These concepts are not only theoretical cornerstones but also serve as the foundation for the green clause typologies that will be presented. The subsequent section will delve into green clauses in detail, establishing a direct link between these foundational ideas and the terms we actually find in collective bargaining agreements, thereby setting the stage to identify these concepts in practice later in the chapter.

## 2. GREEN CLAUSES

### 2.1 What Is a Green Clause?

A green clause is a contractual embodiment of environmental responsibility within collective bargaining agreements. These clauses operationalize the ideals of just transition, sustainability, and corporate environmental accountability discussed in Section 1 of this chapter, transforming them from theoretical constructs into enforceable actions (EPSU, 2011). The inclusion of green clauses can be driven by unions or employers and reflects a commitment to mitigating environmental risks and advancing broader ecological goals, both inside and outside the workplace (Bohnenberger, 2022a).

Gutierrez and Tomassetti (2020) and Markey and McIvor (2019, citing Goods, 2017) list the following possible elements for green clauses[3]:

- Employer obligations to integrate environmental policies into labour agreements, influencing everything from pay structures to operational methods.
- Explicit objectives for companies as economic actors to contribute to environmental protection, establishing a baseline for ecological accountability.
- Establishment of consultative bodies that foster collaborative management and worker participation in environmental decision-making.
- Monitoring mechanisms to ensure adherence to environmental commitments, providing transparency and accountability in corporate practices.
- Linking traditional health and safety mandates to environmental health, thereby extending the scope of worker protection to include sustainable working conditions.

The next section of the chapter further explores how these conceptual elements are given life in actual agreements, illustrating the varied ways in which workplaces are becoming arenas for climate action. By examining specific international examples, we will see how these theoretical concepts manifest in diverse legal and cultural settings.

## 2.2 International Perspectives

The global labour movement has come to acknowledge the importance of integrating environmental sustainability into collective

3. See also Tomassetti (2021).

bargaining agreements, reflecting a diverse array of approaches and commitments across different legal and cultural contexts. This section explores how different countries have implemented green clauses within their collective agreements, providing a window into the global efforts to harmonize labour relations with environmental imperatives. Examples from Australia, France, and Spain provide a window into the practical contours and theoretical foundations of green clauses across international contexts, contributing to the basis for the analysis developed in the next section.

### 2.2.1 Australia

Markey and McIvor's comprehensive analysis of 2,427 enterprise bargaining agreements from June 2011 to June 2016 reveals a mixed approach to environmental sustainability in Australian workplaces (2019). Their findings show a significant reliance on pre-existing environmental policies, illustrating how agreements often integrate such policies directly into the terms of employment. Notably, the study reveals that a portion of these agreements assigns specific environmental responsibilities to employees, with some clauses linking environmental issues to disciplinary actions, including potential summary dismissal for non-compliance. This linkage not only emphasizes the seriousness with which environmental breaches are treated but also highlights the innovative ways in which environmental commitments are woven into the fabric of occupational health and safety standards. By detailing the specifics of these clauses, Markey and McIvor underscore the diverse and comprehensive ways environmental concerns are being integrated into workplace relations in Australia, providing a nuanced understanding of the role of green clauses in fostering a sustainable working environment.

### 2.2.2 France

In France, green collective bargaining encompasses a wide range of topics, including worker consultation, training for green jobs, and eco-responsible behaviour. For example, the study by Bugada and Cohen-Donsimoni (2021) highlights the active role of social partners and a legal framework that encourages company-level negotiations on environmental issues. This approach is complemented by non-binding charters aimed at raising environmental awareness. Their study underscores the potential for integrating environmental sustainability into collective bargaining, reflecting a trend towards more flexible and innovative approaches to promote environmental responsibility within the French labour market.

### 2.2.3 Spain

When it comes to the significant adoption of environmental clauses in Spain, the landscape of collective bargaining has been notably enriched after the enactment of Law 2/2011 on Sustainable Economy.[4] Approximately 50% of company-level agreements now include clauses that not only address environmental sustainability directly but also foster innovative forms of worker representation, particularly for those with environmental skills. This development signals a robust move towards creating a "green-friendly culture of rights" within the Spanish labour market, illustrating the transformative potential of green clauses in promoting sustainable practices and enhancing workers' involvement in environmental decision-making processes (Chacartegui Jávega and Canalda Criado, 2021, p. 38). This broad engagement across various sectors underlines the pivotal role of collective bargaining in Spain's transition to a more sustainable economy, setting a compelling example of how labour relations can contribute to broader societal and environmental objectives.

4. This legislation aims to boost economic competitiveness while advancing environmental sustainability in key sectors like energy, transport, sustainable mobility, and housing. Divided into four sections, it focuses on improving the economic environment, enhancing competitiveness, promoting environmental sustainability, and outlining implementation and evaluation procedures. Key principles include ensuring economic efficiency and environmental respect, and meeting national energy-saving and renewable energy targets by 2020. See Climate Change Laws of the World (2011), as well as Chacartegui Jávega and Canalda Criado (2021).

## 2.3 Pioneering Environmental Stewardship in Canadian Labour Relations

Canadian unions have historically recognized the importance of addressing environmental issues within the framework of collective bargaining. Early initiatives, such as the comprehensive handbook released by the New Brunswick Union of Public and Private Employees in 2008, provided unions with a blueprint for integrating climate action into labour practices (Corbyn and Mann, 2008).[5] This guide, alongside efforts by the Canadian Union of Public Employees' (CUPE) to define "green language" subject areas, marked a significant step towards embedding environmental considerations into the core of union activities and negotiations (CUPE, 2008).

These pioneering efforts encompassed a broad range of actions, from establishing joint energy committees and conducting greenhouse gas inventories to advocating for just transitions and promoting non-polluting work practices (CUPE, 2012a, 2012b, 2018). By laying the groundwork for environmentally focused labour negotiations, Canadian unions have contributed to a growing recognition of the critical intersection between labour rights and environmental sustainability.

As we move towards a detailed examination of green clauses in Canadian collective agreements, these early initiatives provide a crucial context for understanding the evolution and potential of green bargaining. The analysis in the following section will draw on this historical foundation to explore how contemporary green clauses build upon and expand these initial efforts, offering insights into the integration of environmental sustainability within Canadian labour relations.

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5. See also Mann (2011).

# 3. CANADIAN GREEN CLAUSE CATEGORIZATION

## 3.1 Data and Method

We performed a content analysis using supervised machine learning techniques to extract green clauses from a corpus of Canadian labour contracts. This approach was chosen in order to handle the unstructured text of collective agreements and for its flexibility in adapting to the nuances of legal language and the specificity required for identifying green clauses.

We used the Canadian Federal Government's Negotech database, consisting of over 48,000 collective agreements, which we narrowed down to approximately 40,000 after excluding French-only documents (Government of Canada, 2024). The dataset spanned agreements from 1976 to 2030, with green clauses specifically analyzed from November 1980 to May 2022.

We trained a supervised machine learning model with examples of green clauses from the York University database "Adapting Canadian Work and Workplaces to Respond to Climate Change." These were supplemented by additional examples from provincial databases (Government of Ontario, n.d.; British Columbia Labour Relations Board, n.d.). This training set included over 250 examples, covering ten initial clause types in our typology which were expanded to thirteen types based on the analysis.

The supervised learning model was trained and iteratively refined to distinguish between green clause types with high precision, recall, and F-score metrics. The model's performance was benchmarked against a target F-score of 0.8 or higher for each clause type, reflecting a high level of accuracy in identifying relevant clauses within the dataset and surpassing the typical benchmark of 0.7 in information retrieval tasks (Logunova, 2023).

Subsequent analysis employed the trained model to scan the Negotech agreements for green clauses, with the model's findings validated and refined by manual review. This comprehensive approach allowed for a detailed categorization of green clauses within Canadian collective bargaining agreements, offering new insights into the prevalence and variety of environmental commitments in the labour context. A subset of the findings can be seen in Table 1.

**Table 1**

Prevalence of Green Clauses by Industry

| Industry (with NAICS code number) | Freq. | Percent of total green clauses |
|---|---|---|
| 11 – Agriculture, Forestry, Fishing and Hunting | 6 | 0.10 |
| 21 – Mining and Oil and Gas Extraction | 103 | 1.76 |
| 22 – Utilities | 207 | 3.53 |
| 23 – Construction | 467 | 7.96 |
| 31–33 – Manufacturing | 1,101 | 18.76 |
| 41 – Wholesale Trade | 28 | 0.48 |
| 44–45 – Retail Trade | 40 | 0.68 |
| 48–49 – Transportation and Warehousing | 872 | 14.86 |
| 51 – Information and Cultural Industries | 189 | 3.22 |
| 52 – Finance and Insurance | 15 | 0.26 |
| 53 – Real Estate and Rental and Leasing | 20 | 0.34 |
| 54 – Professional, Scientific and Technical Services | 27 | 0.46 |
| 56 – Administrative and Support, Waste Management and Remediation Services | 71 | 1.21 |
| 61 – Educational Services | 980 | 16.70 |
| 62 – Health Care and Social Assistance | 600 | 10.22 |
| 71 – Arts, Entertainment and Recreation | 47 | 0.80 |
| 72 – Accommodation and Food Services | 133 | 2.27 |
| 81 – Other Services (except Public Administration) | 52 | 0.89 |
| 91 – Public Administration | 910 | 15.51 |
| **Total** | **5,868** | **100.00** |

This scalable machine learning methodology not only facilitated an extensive content analysis of green clauses but also enabled the development of a refined typology that builds upon and extends existing literature. The findings revealed the sophistication and diversity of green clauses in Canadian agreements, setting the stage for further comparative analysis with international practices and contributing to the broader discourse on labour and environmental sustainability.

### 3.2 Synthesizing Green Clause Categories in Canadian Labour Relations

This section builds on the theoretical and practical insights gleaned from international examples and synthesizes these perspectives into a refined typology of green clauses in Canadian collective agreements. The analysis extends to thirteen clause types that reflect an array of environmental commitments. This typology does not aim to reinvent but to verify and expand upon the existing frameworks through the data-driven approach described above.

The thirteen types shown in Table 2 emerge from a synthesis of the Agreenment project classifications, the practical commitments outlined by Goods (2017), and the proactive initiatives of Canadian unions such as CUPE (Gutierrez and Tomassetti, 2020; Goods, 2017; CUPE, 2008, 2012a, 2012b). Each type is defined by its function within the collective agreement, with particular attention to how they embody the fundamental concepts outlined in Section 1 of this chapter.

**Table 2**

Green Clauses in Collective Agreements

| # | Clause | General function |
|---|---|---|
| **1** | Right to Refuse Work | Going beyond traditional health and safety provisions, these clauses grant workers the right to refuse participation in activities deemed harmful to the environment without discipline from the employer. |
| **2** | Whistleblower Protections | Clauses related to a workers' obligation to report unsafe actions toward the environment to relevant stakeholders (e.g., management, or the authorities in some instance) without fear of reprisal. |
| **3** | Environmental Representative | Clauses related to the creation of a specific role for an employee to serve as a green/environmental representative within the workplace. |
| **4** | Procurement | Clauses related to the purchase of eco-friendly products within the workplace. |
| **5** | Recycling and Conservation | Clauses related to internal workplace efforts to recycle and conserve energy and/or limit waste. |
| **6** | Carbon Emissions and Pollution | Clauses related to internal workplace efforts to limit carbon emissions and pollution. |
| **7** | Extreme Weather | Clauses related to the impact of severe, extreme, or inclement weather on the workplace, which generally fall into three main categories: (a) workplace obligations and entitlements during weather-related emergencies or natural disasters; (b) standardized temperature limits at which work can safely be completed; and (c) clothing and equipment that must be provided during inclement weather. |
| **8** | Commuting | Clauses related to environmentally friendly means of transporting to work (e.g., incentives related to bicycling and/or taking public transit to work instead of driving). |
| **9** | Workplace Committees | Clauses related to the creation of specific committees tasked with making determinations about the environment. Environmental representatives, where they exist, are also tasked with sitting on such committees. |
| **10** | Education and Training | Clauses related to education and training of workers specifically around environmental issues. |

(*cont'd*)

**Table 2**
Green Clauses in Collective Agreements (*cont'd*)

| # | Clause | General function |
|---|---|---|
| **11** | Workforce Adjustment | Clauses related to workforce readjustments, primarily related to plant closures. This clause is the least likely to feature anything concerning the 'environment,' but, where implemented effectively, has the clearest relation to the concept of a 'just transition.' |
| **12** | Social Responsibility | Clauses related to a workplace's general aspirations regarding the environment. |
| **13** | Environmental Legislative Commitments | Clauses that make explicit commitments to follow environmental legislation and/or regulations. |

## 3.3 Group Categorization of Green Clauses

The thirteen clause types outlined in the previous section provide the granularity needed to capture the full range of environmental commitments found in Canadian collective agreements. To situate these findings within the international literature and to allow for structured comparison, we group these types into five overarching categories. These groupings draw on prior frameworks, such as Agreement, but are not simple reproductions. Rather, they represent a synthesis: the international literature provides the conceptual baseline for the broad groupings, while the granular clause types were derived from data-driven analysis using the York University dataset and validated against the Negotech corpus.

Nesting the granular categories within broader groupings serves two purposes. First, it ensures comparability across national contexts by retaining the categories most frequently used in international studies. Second, it provides a testable framework: future research can assess whether these broad buckets adequately capture variation, or whether the finer distinctions are needed to understand how green clauses cluster and co-occur. In this way, the group categorization contributes both structure and granularity, offering a step forward in developing robust, empirically grounded typologies of green bargaining.

By introducing these groupings, this study lays the groundwork for a deeper investigation into how green clauses function, not just in isolation but as part of a larger ecological narrative within labour relations. This perspective is crucial for advancing our understanding of green bargaining as a multifaceted tool for achieving environmental objectives in the workplace.

### *3.3.1 Employee Empowerment Clauses*

Employee Empowerment Clauses are pivotal in fostering a culture of environmental responsibility within the workforce. Drawing upon insights from Goods' analysis of climate bargaining, these clauses are crafted to empower workers to act proactively on environmental concerns (Goods, 2017).[6] Specifically, these clauses encompass the 'Right to Refuse Work' in environmentally harmful conditions, 'Whistleblower Protections' for reporting environmental hazards, and the designation of 'Environmental Representatives' to champion green initiatives—all types of clauses which acknowledge the environment as critical to workplace decision-making. The integration of these clauses illustrates a paradigm shift towards inclusive environmental governance, recognizing workers as key stakeholders in advancing sustainability goals.

### *3.3.2 Workplace Sustainability Clauses*

Workplace Sustainability Clauses reflect a mutual commitment to environmental stewardship, emphasizing that employees and employers share responsibilities for ecological preservation. These clauses, inspired by the Agreenment project and practices observed in France and Spain, focus on procurement, recycling and conservation, and carbon emissions and pollution reduction (Gutierrez and Tomassetti, 2020; Bugada and Cohen-Donsimoni, 2021), and embody a collaborative approach towards sustainability. The literature contains multiple examples illustrating the practical application of these clauses within collective agreements.

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6. See also Flanagan and Goods (2022).

Our synthesis of these clauses into the category of Workplace Sustainability Clauses underlines a comprehensive strategy towards sustainability within the labour context, bridging the gap between policy intentions and practical, enforceable actions. Our analysis examines the incorporation of these clauses into Canadian collective agreements and highlights the importance of workplace contributions to broader environmental goals. We therefore advocate for a systemic approach to integrating sustainability into the fabric of industrial relations.

### *3.3.3 Travel and Weather Clauses*

Travel and Weather Clauses integrate environmental sustainability into labour relations by focusing on sustainable commuting and extreme weather preparedness. These clauses embody the concept of "virtuous mobility," advocating for eco-friendly travel options and proactive responses to climate-related challenges in the workplace (Bugada and Cohen-Donsimoni, 2021). By encouraging public transit and cycling, they contribute to reducing carbon emissions and foster an environmentally conscious culture among employees. Moreover, addressing extreme weather conditions ensures safety and operational continuity in the face of climate variability. Adopting these clauses demonstrates a progressive commitment to environmental stewardship and employee well-being, marking a significant alignment of workplace practices with global sustainability efforts. This strategic incorporation of Travel and Weather Clauses into collective agreements reflects a broader movement towards ecological responsibility and resilience in labour relations.

### *3.3.4 Workforce Development Clauses*

Workforce Development Clauses enhance environmental awareness and adaptability in the workplace, aligning Canadian practices with global efforts towards sustainability, for example in Spain and Australia (Gutierrez and Tomassetti, 2020; Goods, 2017). These clauses facilitate collaborative efforts between management and workers through workplace committees focused on environmental issues, marking a shift towards integrated and democratic environmental stewardship. Education and training initiatives ensure employees are equipped to engage with sustainability practices, while workforce adjustment provisions address plant closures, embodying the just transition principle. This comprehensive approach underscores the importance of social dialogue in fostering an environmentally conscious workforce, contributing to the broader sustainability agenda and preparing employees for future ecological challenges.

### 3.3.5 Social Commitment Clauses

Social Commitment Clauses in collective agreements mark a shared aspiration towards environmental stewardship, reflecting a proactive commitment beyond mere legal compliance. Clauses in this grouping, influenced by practices such as those in Spain following Law 2/2011, embed specific environmental goals and legislation directly into labour relations, signaling a mutual dedication to sustainability (Climate Change Laws of the World, 2011). By setting broad, strategic commitments and explicitly incorporating environmental legislation, these clauses advance a culture of sustainability within the workplace and communicate a strong commitment to environmental responsibility both to employees and to the wider community. This approach not only reinforces the importance of aligning organizational values with environmental sustainability goals but also emphasizes the role of social dialogue in driving collective action towards a sustainable future. Through such commitments, collective bargaining becomes a powerful tool for fostering environmental action, showcasing the potential for labour relations to significantly contribute to the broader sustainability discourse.

The groups described above align with the precedents set by pioneering labour movements in Canada and abroad, while also introducing a framework for subsequent empirical analysis. By delineating these groupings, our work sets the stage for a comprehensive examination of how these clause types manifest across industries, jurisdictions, and collective bargaining landscapes, providing a springboard for further research into the evolution of green clauses in labour agreements.

## CONCLUSION

This chapter has provided a typology and grouping of green clauses in collective bargaining agreements, blending international insights with a comprehensive analysis of Canadian practices. By moving beyond a handful of broad categories to a more nuanced and data-driven typology, we establish a granular approach to examine the scope and diversity of environmental bargaining.

Canada's labour relations demonstrate a robust and long-standing engagement with environmental sustainability, on par with developments in Spain, France, and Australia. These contributions, the product of decades of union initiatives and scholarship, highlight Canada's substantial role in shaping the field while also pointing to its capacity to further influence global debates on labour and environmental governance.

At the same time, important questions remain: How do green clauses cluster and interact across sectors? How do they evolve over time? And to what extent do they move from peripheral commitments to more central elements of collective bargaining? Addressing these questions will require continued empirical research that links data-driven analysis with the insights of international frameworks.

This chapter is therefore a first step in expanding the reach of green bargaining through big-data tools. Future studies will build on this baseline to test the relationships between clause types, explore their co-occurrence, and trace their trajectories across time. By connecting large-scale analysis with international debates, subsequent research can refine our understanding of how green clauses function and how collective bargaining can contribute to the urgent project of environmental sustainability.

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3

# L'ADÉQUATION FORMATION-EMPLOI

## PASSER DE MONOLOGUES PARALLÈLES AU DIALOGUE

**Amélie Bernier et Renée Michaud**

Les changements sociodémographiques et les mutations du marché du travail obligent gouvernements, organisations et travailleurs à s'adapter à de nouvelles réalités, notamment en matière de compétences. En 2020, près de deux travailleurs sur cinq dans les pays de l'Organisation de coopération et de développement économiques (OCDE) étaient confrontés à des problèmes d'adéquation entre leur formation et leur emploi (Puckett, Hoteit et Perapechka, 2020). En 2021, 56,1 % des entreprises canadiennes et 61,5 % des entreprises québécoises ont indiqué que leur personnel ne possédait pas toutes les compétences pour réaliser le travail au niveau attendu (Statistique Canada, 2022). En réaction à ce phénomène, on assiste à un regain d'intérêt des décideurs publics pour la requalification et le rehaussement des compétences.

Ce contexte offre l'occasion de repenser les articulations formation-emploi puisque ce domaine de recherche et d'intervention est vaste et ne dispose pas d'une théorie unifiée. Par conséquent, les échanges entre les acteurs du marché du travail et du système éducatif ressemblent souvent davantage à des monologues parallèles qu'à un dialogue. Deux approches principales s'affrontent sur la question de l'adéquation formation-emploi (AFE). La première, associée aux politiques publiques du travail et de l'emploi (PPTE), considère que la formation entretient des relations structurelles et fonctionnelles avec l'économie et le travail, où l'école a pour fonction de préparer à la vie professionnelle. Dans cette perspective, l'inadéquation formation-emploi (IFE) renvoie aux déséquilibres entre la demande et l'offre de main-d'œuvre (pénurie ou surplus de main-d'œuvre, déficit de compétences[1]) ainsi qu'au décalage entre le système éducatif et le marché du travail.

La deuxième approche, celle de la gestion des ressources humaines (GRH), considère que l'AFE est une relation dynamique qui concerne l'utilisation des compétences par les individus dans les milieux de travail. L'inadéquation se traduit en écarts résultant d'un surplus ou d'un manque de qualification ou de compétences par rapport aux exigences de l'emploi (sur/sous qualification et sur/sous compétence[2]). Cette approche s'intéresse aux ressources organisationnelles mises à la disposition des individus pour mobiliser leurs compétences.

À l'image d'un dialogue théâtral, ce chapitre discute de l'AFE en proposant une conversation entre deux champs des relations industrielles (RI) : les PPTE et la GRH. Leurs monologues successifs mèneront à l'intervention d'une troisième perspective, le domaine multidisciplinaire et intégré des RI, avec les réflexions de deux diplômées, maintenant professeures-chercheuses en RI (les autrices de ce texte), afin de mettre de l'avant les complémentarités des champs et de favoriser un véritable dialogue. Cette conversation se déroule en trois actes : Qu'est-ce que l'AFE ? Quel est l'effet du temps ? Quelles sont les interventions et les pratiques pour en relever les défis ? Tout au long du chapitre, nous présentons entre guillemets des extraits de témoignages (publics ou anonymisés) tirés de la documentation

1. La littérature anglophone parle de *skill shortage* et de *skill gap* (OCDE, 2011).
2. La littérature anglophone parle de *under/over skilling* et de *skill mismatch* (Cedefop, 2010 ; Desjardins, 2014 ; OCDE, 2011 ; Quintini, 2011).

québécoise ou recueillis lors de consultations avec des praticiens[3] pour faire discuter les deux champs des RI.

## 1. PREMIER ACTE : UN REGARD SUR L'AFE

Dans la perspective des PPTE, l'AFE réfère à la correspondance entre l'offre et la demande de main-d'œuvre sur le marché du travail, de sorte que les travailleurs possèdent la formation et les compétences nécessaires pour occuper les emplois disponibles. En théorie, l'AFE vise deux objectifs : l'un est économique – répondre aux besoins en main-d'œuvre des employeurs, et l'autre, social – favoriser l'acquisition de qualification et de compétences par l'ensemble de la main-d'œuvre actuelle et future. Or, dans les faits, la priorité est accordée à l'adaptation des chômeurs et des travailleurs aux transformations du travail et au rétrécissement des écarts entre l'offre et la demande de travail (Summerfield, 2014 ; Quintini, 2014). Cette définition trouve écho dans certaines orientations gouvernementales québécoises au moment de l'étude du projet de loi 70 (L.Q. 2016, c. 25) visant à permettre une meilleure adéquation entre la formation et l'emploi ainsi qu'à favoriser l'intégration en emploi. D'ailleurs, en 2016, le ministre de l'Emploi et de la Solidarité sociale mentionnait : « Nous avons la responsabilité collective d'agir pour permettre à un plus grand nombre de chercheurs d'emploi et de travailleurs d'intégrer le marché du travail ou de s'y maintenir. Pour ce faire, nous devons nous assurer que la main-d'œuvre actuelle et future soit en mesure de répondre aux besoins de recrutement et des compétences des entreprises d'ici. » (Blais, 2016).

Plus récemment, le ministère de l'Enseignement supérieur inscrivait à son plan d'action quinquennal que

> [l]e Québec a besoin de toute sa force active pour progresser, offrir des services publics de qualité et assurer le bien-être de sa population, particulièrement dans un contexte de pénurie de main-d'œuvre. Le

3. Ces consultations sont des groupes de discussion et des entrevues individuelles menées par les auteures entre 2015 et 2020 dans le cadre de leurs travaux sur l'AFE au Québec.

> Ministère [*sic*] et ses réseaux sont parties prenantes de […] cette opération prioritaire [qui] a pour principal objectif de favoriser la diplomation dans des programmes d'études conduisant à l'exercice de professions en déficit de main-d'œuvre dans des secteurs stratégiques pour l'économie et dans les services publics essentiels. (MES, 2023, p. 19, objectif 1.3)

Cette perspective plus macroéconomique s'accroche à une logique essentiellement normative comparant le niveau d'emploi, les compétences et le diplôme requis à l'aide de dictionnaires occupationnels comme la *Classification nationale des professions au Canada* et d'autres outils quantitatifs d'analyse du marché du travail (Giret, 2015 ; MELS et MESS, 2011).

L'IFE fait donc référence aux déséquilibres, temporaires ou non, entre la demande et l'offre de main-d'œuvre et de compétences ainsi qu'à la disparité entre le système éducatif et le marché du travail. Ainsi, les problèmes d'inadéquation peuvent prendre plusieurs formes : a) chômage structurel ; b) pénurie de main-d'œuvre vécue dans certaines professions (fondée sur la production déficiente de qualification dans des domaines d'études recherchés) ; c) inadéquation de qualification – lorsque les travailleurs sont globalement soit surqualifiés, soit sous-qualifiés par rapport aux emplois disponibles ou doivent accepter un emploi en deçà de leur qualification pour éviter de perdre leurs prestations d'assurance-emploi (Cedefop, 2010) –, ou encore pour éviter une période sans emploi qui perdure (OCDE, 2011) ; d) déséquilibres temporaires régionaux ou sectoriels, où par exemple une région peut détenir une surabondance de travailleurs qualifiés dans un domaine particulier ou dans certains secteurs précis, tandis que d'autres régions connaissent une pénurie de travailleurs détenant ces compétences. Par ailleurs, une seule et même situation peut comporter plusieurs formes d'IFE.

Chaque année, Emploi-Québec publie l'*État d'équilibre du marché du travail à court et à moyen termes*[4] (MESS, 2022), qui sert d'appui à de nombreux travaux réalisés par le ministère de l'Éducation et le

4. Pour consulter l'édition de 2022 : <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/emploi-solidarite-sociale/publications-adm/rapport/RA-diagnostic_professions_2022.pdf>.

ministère de l'Emploi et de la Solidarité sociale. Ces évaluations permettent aussi aux comités sectoriels de main-d'œuvre au Québec, aux conseils régionaux des partenaires du marché du travail ainsi qu'à divers organismes d'établir des portraits de leurs réalités, et deviennent des outils de choix pour observer les situations d'écarts ou d'AFE.

> L'AFE a une signification différente quand on adopte une perspective organisationnelle plutôt qu'une perspective plus large du marché du travail, quand on se positionne dans le champ de la GRH, plutôt que dans le champ des PPTE. En effet, même si la vie au sein de l'organisation est fortement influencée par son environnement externe, les différents acteurs de l'organisation (direction, gestionnaires, employés, et à l'occasion leurs représentants syndicaux) peuvent réfléchir et agir par eux-mêmes, indépendamment de l'État et du système scolaire, au sujet des différents défis d'AFE. D'ailleurs, les résultats de Bernier, Michaud et Ben Mansour (2019) indiquent que ce sont les facteurs internes (comme les stratégies de gestion adoptées, la culture et le climat) et leur alignement plutôt que les facteurs externes (dont les obligations légales) qui sont reliés aux situations d'adéquation et à l'absence d'écart de compétences dans les organisations.
>
> Ainsi, dans une organisation, l'AFE peut être présentée comme l'absence d'écart entre la qualification et les compétences d'une personne et les exigences de l'emploi qu'elle occupe (Cedefop, 2010 ; Desjardins, 2014 ; OCDE, 2011 ; Quintini, 2011). Autrement dit, c'est une utilisation judicieuse et efficiente de la qualification, acquise par la formation professionnelle, technique ou universitaire et validée par un diplôme, et des compétences – tant les savoirs et les savoir-faire que le savoir-être et les habiletés relationnelles – d'une personne pour la réalisation des responsabilités et des tâches qui lui sont attribuées dans le cadre de son emploi. Une conseillère RH consultée la définit ainsi : « *La possibilité de mettre à profit, d'utiliser les connaissances et compétences, apprises et acquises lors de ma formation académique et ma formation continue dans ma vie professionnelle, ma carrière et mon emploi.* » L'absence d'adéquation peut engendrer de la surqualification ou de la sous-qualification,

ou encore de la surcompétence (lorsqu'une personne détient des compétences qu'elle ne peut pas mobiliser dans son travail) ou de la sous-compétence (lorsqu'une personne ne maîtrise pas bien les compétences requises pour réaliser ses tâches).

Or, il est possible pour une même personne d'être en adéquation pour certaines responsabilités ou tâches, et moins pour d'autres: « *C'est rare qu'une seule personne va avoir toutes les qualités recherchées, fait que des fois tu vas être plus fort dans un aspect ou quelques autres aspects, pis moins fort dans un autre aspect.* » De plus, une personne peut détenir la formation requise sans être compétente, sans avoir la capacité d'atteindre les objectifs de l'emploi occupé: « *Le papier ne veut rien dire si la personne n'est pas capable de le véhiculer, de le faire vivre.* » Ainsi, plusieurs personnes consultées distinguent les compétences techniques (savoirs et savoir-faire), qui permettent d'accomplir des tâches, des compétences plus relationnelles (savoir-être) qui permettent d'entrer en relation avec les autres, tant les collègues que les clients.

Par ailleurs, pour certains conseillers RH en entreprise, la compétence en emploi, laquelle se rapproche de l'AFE, peut aller encore plus loin que l'appariement personne-emploi, en vertu duquel la personne fournit les habiletés requises par l'emploi et l'emploi satisfait les besoins de la personne (Edwards, 1991), et rejoindre le concept d'appariement personne-organisation, dans lequel les employés partagent les valeurs organisationnelles (Kristof-Brown et Guay, 2011): « *Parce qu'une fois que tu as ces valeurs-là, il y a un fit entre ce qu'on attend de toi en tant qu'organisation et toi, ce que tu es comme personne. Et là après, quand il y a une adéquation à ce niveau-là, tout le reste suit et c'est plus facile.* »

La perspective multidisciplinaire et pluraliste des RI permet d'unir les champs PPTE et GRH, puisqu'ils constituent deux revers d'une même médaille et sont complémentaires. En ce sens, les interventions publiques et les pratiques organisationnelles ne doivent pas être opposées, mais plutôt être considérées simultanément vu leur interaction, pour comprendre les complexités de l'AFE. Ainsi, si la demande globale de main-d'œuvre et de compétences du marché du travail est égale à l'offre de main-d'œuvre et de compétences, cela ne signifie pas que toutes les personnes et toutes les organisations sont dans une situation d'AFE. Inversement, l'adéquation pour une personne ou au sein d'une organisation n'implique pas que toutes les organisations dans tous les secteurs d'activité sont pourvues des compétences requises et que toutes les personnes susceptibles de travailler ont l'occasion de le faire dans un emploi de qualité à la hauteur de leurs capacités.

Dès lors, la combinaison des deux champs est essentielle pour comprendre l'AFE et choisir les interventions permettant de corriger les déséquilibres à tous les niveaux, puisque selon les acteurs, la solution idéale (à court terme du moins) n'est pas la même. Partant de ce constat et considérant nos observations sur le terrain au Québec ainsi que les références conceptuelles anglo-saxonnes plus générales, nous proposons dorénavant de parler d'adéquation formation-compétences-emploi plutôt que d'adéquation formation-emploi. Cette appellation contemporaine permet, selon nous, d'éviter une conception trop simple du lien formation-emploi, de réconcilier les intérêts et les préoccupations des différents acteurs et d'améliorer le niveau de compréhension du concept, de manière à permettre une action plus agile et concertée.

## 2. SECOND ACTE : L'EFFET DU TEMPS

Du point de vue des PPTE, l'IFE n'est pas un phénomène statique et peut varier dans le temps. Les gouvernements et les établissements d'enseignement, en collaboration avec les employeurs et les individus, peuvent prendre des mesures pour réduire cette inadéquation. Cependant, il est possible que des écarts subsistent plus ou moins longtemps malgré ces efforts.

D'abord, les révisions des programmes de formation par les institutions publiques nécessitent des processus administratifs et politiques, ce qui peut entraîner un décalage entre les compétences enseignées et celles demandées par les employeurs. Par exemple, le temps que le projet de loi 70 mentionné précédemment ait été présenté, adopté et sanctionné, l'état d'équilibre du marché du travail avait changé puisqu'il s'était écoulé 12 mois.

Aussi, il y a des délais d'ajustement entre l'offre et la demande de compétences sur le marché du travail, en raison de la nécessité de formation des individus ou simplement de la méconnaissance des mesures gouvernementales en matière d'AFE. C'est d'ailleurs ce que montrent les résultats de Bernier, Michaud et Poulet (2017), selon lesquels, en 2016, seuls 21,9 % des répondants savaient que le concept d'adéquation était une priorité gouvernementale. En ce qui a trait au projet de loi 70, 85,2 % des répondants ne le connaissaient pas, et 84,4 % des répondants ne connaissaient pas non plus l'existence de mesures visant à soutenir l'AFE dans le budget provincial de 2015-2016.

De plus, l'offre de formations dans des domaines prioritaires ne signifie pas nécessairement que la population les suivra. Dans certaines circonstances, l'État doit opérer des changements culturels en profondeur pour valoriser des professions méconnues ou dévalorisées.

Un autre aspect temporel essentiel de l'AFE selon cette perspective est la nécessité pour l'État et ses institutions d'anticiper les transformations du marché du travail et les besoins de main-d'œuvre qu'elles entraînent. Les transformations technologiques, telles que l'automatisation et l'intelligence artificielle générative, ainsi que les transformations environnementales liées aux compétences vertes, engendrent également de nouvelles occasions pour obtenir un emploi et des conditions de travail avantageuses, et favorisent la mobilité de la main-d'œuvre (Braham et Homsy, 2021). Dans ce contexte, l'État insiste sur la nécessité d'un cadre institutionnel actualisé pour structurer l'action des établissements d'enseignement, des acteurs gouvernementaux, des entreprises et des individus, afin de promouvoir l'AFE.

Dans la perspective GRH de l'AFE, le niveau d'adéquation varie en fonction de différents changements : a) dans les compétences d'un individu (acquisition de savoir, savoir-faire ou savoir-être, ou leur obsolescence) ; b) dans les exigences d'un emploi (évolution des responsabilités ou tâches, nouveaux processus ou équipements) ; ou c) dans l'emploi et les compétences simultanément, mais tout ça, sans égard (ou si peu) aux interventions gouvernementales. Dès lors, il est possible d'être un jour en adéquation, et plus tard de ne pas l'être ou de ne plus pouvoir utiliser ses compétences dans son emploi ou de ne pas détenir les compétences requises pour l'accomplir en tout ou en partie. Le temps requis pour rétablir l'adéquation est variable : dans certains cas, ce sera relativement court puisque l'intervention peut cibler une seule personne ou un seul emploi, mais l'effet pourrait aussi être moins durable ; dans d'autres cas, ce sera plus long, selon la complexité et la nature de l'inadéquation. Une conseillère RH rencontrée rappelle aussi que les personnes s'adaptent souvent plus rapidement que les organisations : « *C'est pas tant l'humain qui a de la misère à changer ; c'est l'organisation qui a de la misère à s'adapter aux gens, pour pouvoir atteindre ses objectifs.* »

Les conséquences individuelles et organisationnelles d'un écart entre la qualification et les compétences des personnes et leur emploi comprennent l'insatisfaction au travail, des niveaux de motivation et d'engagement moindres, une plus faible productivité, et même la présence de comportements contre-productifs, des salaires moins élevés, et davantage de roulement (Bernier, Michaud et Poulet, 2017). Pour les professionnels RH que nous avons rencontrés, les manifestations de l'IFE recoupent ces conséquences (démotivation, absentéisme, roulement, attitude négative) et prennent aussi la forme de problèmes de rendement, de plaintes des clients, de manque de créativité et d'initiative pour résoudre les problèmes, et de conflits au sein des équipes de travail. Si la plupart de ces conséquences sont plus ou moins durables pour la personne et l'organisation, dans la mesure où une intervention ponctuelle peut y mettre fin, certaines peuvent avoir un effet néfaste à plus long terme et commandent alors des interventions plus durables.

Or, un obstacle bien réel à l'adoption de pratiques organisationnelles favorisant l'adéquation est le manque de ressources humaines et financières ainsi que de temps pour permettre de dégager les personnes afin qu'elles développent de nouvelles compétences. Les exigences opérationnelles font en sorte que les initiatives favorisant l'adéquation, en particulier la formation, peuvent être retardées. Une des conditions de succès des interventions organisationnelles est l'engagement de la direction, lequel doit se traduire par des investissements en temps et en argent. Cela implique aussi de laisser les directions RH intervenir et mettre en place des initiatives dont les résultats ne seront pas nécessairement visibles à court terme.

Du point de vue des RI, l'État et les employeurs ont tout à gagner à collaborer pour trouver des solutions pérennes aux défis d'adéquation formation-compétences-emploi. L'État peut faciliter la coordination entre lui, les employeurs, les établissements d'enseignement et de formation, les organismes d'employabilité et les autres acteurs du marché du travail afin d'identifier les besoins en matière de compétences, de concevoir des interventions pertinentes (dont les programmes de formation ne sont qu'un volet), et de documenter et mesurer les progrès et les retombées. Le contexte québécois est d'ailleurs favorable à des actions concertées en matière d'AFE, comme en témoignent les efforts de la Commission des partenaires du marché du travail. Toutefois, l'histoire des actions passées en matière d'AFE au Québec enseigne qu'elles ont été posées de manière souvent désordonnée et réactive.

Or l'agilité est essentielle de part et d'autre pour faire face aux défis changeants de l'adéquation formation-compétences-emploi. Si les interventions organisationnelles sont généralement plus rapides que la modification de programmes scolaires ou des changements de comportements et de culture dans la société, être un acteur agile signifie : a) être sensible, voire anticiper l'évolution des situations, les besoins variables et les occasions d'action ; b) rechercher l'équilibre tout en reconnaissant que cet équilibre évoluera ; et c) s'adapter rapidement et avec souplesse. Cela signifie concrètement, pour les acteurs des champs PPTE et GRH, d'être à l'écoute les uns des autres, de se faire confiance mutuellement et d'identifier leurs intérêts communs, d'accepter différentes façons de diagnostiquer les écarts, et de privilégier des stratégies et des solutions mutuellement avantageuses, voire innovantes, pour les corriger.

## 3. TROISIÈME ACTE : LES INTERVENTIONS ET LES PRATIQUES D'AFE

Dans la perspective des PPTE, l'État est un acteur dominant qui peut intervenir ou non pour favoriser l'AFE. La documentation consultée semble unanime sur un point : devant l'ampleur des défis de l'AFE, il est pertinent que les pouvoirs publics s'y intéressent davantage et prennent des mesures pour en limiter les conséquences (OCDE, 2011), puisque les ajustements du marché du travail par les employeurs et les individus ne semblent pas résoudre le problème d'inadéquation. Les interventions publiques pour répondre à l'enjeu de l'AFE sont nombreuses. En voici quelques-unes.

Les instances gouvernementales peuvent concevoir des politiques éducatives ainsi que des politiques de formation et de reconversion. Celles-ci mettent l'accent sur l'alignement entre l'éducation et la formation et les besoins du marché du travail, et encouragent la collaboration entre les établissements d'enseignement et les employeurs.

Les pouvoirs publics peuvent aussi investir dans des programmes de formation professionnelle et technique qui développent des compétences spécifiques. Cela soutient l'idée que l'éducation et la formation ciblées sur des secteurs économiques en croissance peuvent améliorer les chances des individus d'être en adéquation avec les demandes des employeurs. Il semble toutefois encore impossible d'acquérir systématiquement l'expérience de travail recherchée par les employeurs sur les bancs d'école, malgré les initiatives de stages en entreprise et la valorisation de l'alternance travail-études dans certains programmes (Cappelli, 2014, 2015). Par ailleurs, il ne semble pas envisageable au Québec de restreindre l'accès à certains domaines de formation pour une partie de la population ou pour la population en général (Boudarbat et Montmarquette, 2014). À ce titre, en 2017, le ministre de l'Emploi et de la Solidarité sociale s'exprimait sur l'existence, au Québec, de deux courants de pensée, l'un voulant que l'éducation doive d'abord contribuer à former la société, et l'autre, plus utilitariste :

> Dans toute réflexion sur la citoyenneté ou le rôle de l'éducation à former des citoyens, il y a l'enjeu de la citoyenneté économique, de l'autonomie économique, c'est-à-dire la possibilité pour chaque personne de trouver

> sa place d'une manière… et de vivre de son travail dans une société. Donc c'est tout à fait complémentaire. Mais c'est clair qu'en ce moment, il y a une pression très forte qui vient du marché du travail pour faire en sorte que la main-d'œuvre soit au bon endroit, si possible au bon moment. (Blais, 2017)

La littérature consultée suggère aussi, dans l'optique de développer des compétences générales et transversales qui favoriseront l'adaptation des travailleurs à long terme, l'offre de programmes permettant aux travailleurs de se former à la recherche d'emploi, en particulier pour les populations plus à risque (OCDE, 2011), ce qui permettrait de remédier à l'IFE.

Une autre piste d'intervention gouvernementale est la promotion de l'apprentissage tout au long de la vie. Les pouvoirs publics peuvent encourager les individus à poursuivre leur apprentissage tout au long de leur carrière en offrant des incitations fiscales, des bourses d'études ou des congés de formation. Cela peut aussi inclure des incitations fiscales pour les employeurs qui investissent dans la formation de leurs travailleurs. L'OCDE (2011) recommandait aussi la requalification, la reconnaissance des acquis et de l'expérience, ainsi que la création de passerelles pour faciliter les transitions pendant la carrière et permettre des temps d'arrêt pour les travailleurs souhaitant changer de carrière.

L'État peut aussi utiliser la réglementation pour réduire les rigidités institutionnelles, telles que les obstacles à l'embauche ou à la mobilité professionnelle, et ainsi favoriser l'ajustement entre l'offre et la demande de travailleurs qualifiés.

Les politiques publiques peuvent aussi créer des systèmes d'information sur l'emploi pour prévoir les besoins en matière de compétences à l'aide de données probantes et d'analyses prospectives et fournir des données actualisées sur les compétences demandées et les emplois disponibles (Boudarbat et Montmarquette, 2014; OCDE, 2011), de telle sorte que les individus puissent prendre des décisions de carrière plus éclairées. À ce sujet, Tobin expliquait trois défis au sujet des données sur le marché du travail:

> On doit distinguer qualifications et compétences. […] il n'existait pas en 2021 de données qui permettent de savoir quelles sont les

> compétences qu’un diplômé devrait avoir pour accéder plus facilement au marché du travail ou pour réussir dans le cadre professionnel. Le second problème, c’est quand on pense aux qualifications, il faut savoir que le nombre d’emplois qui est créé et qui exige un diplôme est largement inférieur au nombre de diplômés. Au Canada, par exemple, environ le tiers des diplômés [occupait] des emplois qui ne demandent aucun diplôme. Enfin, il y a une incompréhension liée au fait que pendant longtemps, les employeurs attendaient des diplômés; ce faisant, l’accent a été mis sur les qualifications. De nos jours, les employeurs estiment que les diplômés n’ont pas les compétences souhaitées. Au regard de ce déphasage en matière de besoins, il importe de poser maintenant le problème de la formation en termes d’acquisition de compétences. (Observatoire de la francophonie économique, 2021, p. 6)

Si les propositions d’interventions sont nombreuses, les actions déjà entreprises le sont aussi. Par exemple, le *Recueil de pratiques prometteuses*, publié par le Forum des ministres du marché du travail à la suite du colloque Compétences pour l’avenir tenu en juillet 2014, a recensé 56 initiatives à travers le Canada. Celles-ci sont regroupées autour de quatre thèmes: le perfectionnement des compétences, l’ajustement des programmes dans les écoles secondaires aux exigences du marché du travail, l’ajustement des programmes d’études postsecondaires aux exigences du marché et le soutien de la participation des groupes cibles au marché du travail.

De la perspective GRH, les interventions pour rétablir l’adéquation au sein d’une organisation sont aussi nombreuses et se situent à différents moments dans la vie organisationnelle (planification stratégique des RH, développement de la relève, gestion du changement) et celle des employés (embauche, gestion du rendement, développement de carrière). Ce sont les employés et leur superviseur, épaulés par les conseillers RH, qui en sont les principaux acteurs. Or, notre étude publiée en 2022 indique que les pratiques associées intuitivement à l’adéquation, dont la formation, ne sont pas nécessairement reliées positivement à l’adéquation, ni négativement aux situations d’écart. Dans les PME, ces pratiques de développement de la main-d’œuvre doivent être associées à d’autres pratiques complémentaires, à savoir la planification des ressources humaines, l’élargissement des bassins de recrutement, le développement de carrière et le développement d’une culture de formation continue, pour avoir de véritables répercussions sur l'adéquation (Michaud, Bernier et Ben Mansour, 2020). L'utilisation d'un bilan annuel de compétences et le développement d'une politique formelle de développement des compétences sont aussi associés à davantage d'adéquation et à moins de situations de sous-compétence.

Reprenons successivement certaines des pratiques organisationnelles constituant des réponses au défi de l'inadéquation des compétences.

L'une des interventions possibles est la planification des ressources humaines (PRH) : « *On peut planifier à long terme avec nos employés les besoins qu'on aura et qu'est-ce qu'ils auront besoin comme formation pour éventuellement pouvoir s'épanouir pis s'actualiser complètement, ce qui est bénéfique pour l'organisation aussi.* » Il faut aussi bien communiquer le plan et la direction poursuivie pour que les employés puissent s'impliquer efficacement. L'analyse d'emploi et les descriptions de postes ainsi que les référentiels de compétences qui en découlent sont nécessaires pour clarifier les attentes et les communiquer ; pour ce faire, ils doivent être à jour.

> *C'est très simple, on a ce qu'on appelle une matrice de compétences. On a tous les employés qui sont situés dans le haut de la matrice par poste et à la gauche on a vraiment le poste avec compétences recherchées, les compétences qu'ils doivent maîtriser. Pour dire que c'est un opérateur-assemblage accompli, et avec ça vient des cotes, des chiffres, donc la matrice, visuellement parlant, on voit très bien quel individu en est où, pis il en est rendu où dans sa formation.*

La gestion du rendement est aussi une pratique identifiée tant par la littérature que par les praticiens. Cela comprend « *un dialogue franc et honnête en continu gestion-employés sur les besoins des attentes de rendement* ». Cette compréhension des attentes, « *c'est le nerf de la guerre* ». Les personnes rencontrées indiquent aussi que le superviseur doit être à l'écoute, donner de la rétroaction constructive sans toujours tomber dans la discipline et agir comme un modèle empreint de respect. La période de probation imposée aux nouveaux employés est aussi utilisée dans les entreprises pour diagnostiquer l'inadéquation.

Pour le développement des compétences, plutôt que d'attendre l'offre d'une formation adaptée à leurs besoins par les établissements scolaires, les organisations développent des formations à l'interne, désignent des employés pour agir à titre de formateurs et implantent des programmes d'apprentissage bénéficiant de la contribution des superviseurs, mais aussi de mentors et de compagnons. Cela permet de mieux intégrer la formation à la réalité de l'organisation, à ses processus et à la technologie qu'elle utilise, et de faciliter le transfert des apprentissages : « *Et puis, dépendamment de ses compétences et de son métier* [le nouvel] *employé est assigné avec un employé expérimenté qui devient son mentor, pis on lui montre comment on fonctionne dans l'entreprise, comment qu'on lit les dessins, comment interpréter les dessins, faire les installations, faire la mécanique.* »

Chez certains employeurs, ce sont des plans individuels qui sont négociés entre les employés, leur superviseur et un conseiller RH :

> *On fait des plans de développement individuel, et là on peut accompagner les gens de façon plus proche, et ça répond à nos besoins parce que nous, derrière la tête, on sait ce qu'on a besoin, on sait où est-ce qu'on s'en va, mais en faisant ces rencontres-là avec les gens, en les guidant, en les orientant pour accomplir leurs propres objectifs, on essaie après ça de faire l'adéquation entre nous, ce qu'on a besoin, et ce qu'eux veulent. Bien là, on a une situation gagnant-gagnant.*

D'autres pratiques ont été observées sur le terrain tel que d'ajuster le poste occupé par la personne en fonction de ses compétences ou encore de redistribuer les tâches entre les membres de l'équipe selon les forces de chacun :

> *On est* […] *70 conseillers en relation de travail* […] *et on nous demande tous la même chose, le même nombre de dossiers.* […] *Il y en a justement au niveau stratégique qui ont plus de capacités, et d'autres qui sont plus efficaces pour des trucs* […] *un peu plus simples, qui peuvent en faire plus.* […] *Ça irait chercher* […] *les compétences de chacun puis ça répondrait aux besoins au final de l'organisation* […].

Les professionnels RH consultés indiquent aussi qu'ils assistent à un revirement de situation dans la mesure où les organisations doivent davantage s'adapter aux employés, et plus seulement l'inverse. « *Aujourd'hui, on se dit que l'organisation devrait s'ajuster* […] *à tous les employés, mais c'est vrai pareil parce que ça a longtemps été le contraire. Puis on voit que, quand c'est l'employé qui doit tout le temps, tout le temps s'ajuster, ça ne fonctionne plus, ça ne suffit plus puis tout le monde tombe au combat.* »

Tant de solutions différentes pourtant complémentaires sont proposées par les deux champs de pratique. Or, si la formation est naturellement la première voie d'action, l'ensemble des interventions et des pratiques doit dépasser le développement des compétences et être cohérent. Un développement efficace ne peut avoir lieu que si les besoins ont été anticipés et mesurés avec justesse et en collaboration, grâce à l'information sur le marché du travail et la PRH organisationnelle, si des mécanismes sont prévus pour que les apprentissages puissent être mis en pratique dans le travail, tant la gestion du rendement que les règlements qui assurent l'accès au travail et les possibilités d'exercice à tous, et si la culture, tant sociale qu'organisationnelle, encourage et favorise le développement continu et l'épanouissement des travailleurs, dans le respect de leurs besoins et leurs possibilités.

Deux aspects communs aux deux champs sont d'une part, la variété des acteurs mobilisés (organismes gouvernementaux, établissements scolaires, ordres professionnels, organismes d'employabilité, employeurs, employés, conseillers RH) et d'autre part, l'absence des syndicats dans les solutions de l'AFE. Nous sommes étonnées de constater que la majorité de la documentation existante et des témoignages accordent si peu d'importance à l'acteur syndical qui est pourtant bien positionné pour contribuer au choix et à l'implantation des interventions retenues et pour prendre part au dialogue social. Il nous semble essentiel aussi que les différents acteurs sachent reconnaître les forces de chacun et collaborent à l'élaboration d'un langage commun en matière d'adéquation formation-compétences-emploi. Par exemple, puisque tous les acteurs visent le développement et l'utilisation judicieuse des compétences, ne serait-il pas utile que tous s'entendent sur un outil de référence commun au sujet des compétences ?

## CONCLUSION

Au fil des ans, les discussions et la littérature sur l'AFE semblent faire état de monologues parallèles entre les acteurs, chacun campé dans la perspective qu'il privilégie. Or, nous espérons avoir réussi, en juxtaposant leur position et en tirant parti de la multidisciplinarité et de la pluralité des RI, à relever des complémentarités et des points de convergence qui permettront de rétablir le dialogue et l'avènement d'une meilleure adéquation formation-compétences-emploi.

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# 4

# Labour and Trade

## The Use of the Rapid Response Labour Mechanism in the United States–Mexico–Canada Agreement (USMCA, 2020) (2020–2022)

**Fernanda Brandão Cançado and Amanda Athayde**

The inclusion of social clauses in international trade agreements has been a topic of debate within the World Trade Organization (WTO) and the International Labour Organization (ILO) for several decades. Despite extensive discussions, a consensus has yet to be reached regarding the mandatory inclusion of these requirements in trade agreements between sovereign nations.

Notwithstanding this lack of consensus, countries have incorporated social clauses into Regional Trade Agreements (RTAs), resulting in a situation that is sometimes called an "onion spaghetti bowl," as these agreements address not only traditional subjects like tariff and non-tariff barrier reductions but also contemporary issues such as labour standards, environmental regulations, and gender-related obligations (Athayde, 2024). A notable illustration can be found in the agreement signed between the USA, Mexico, and Canada (USTR, 2020). In addition to the substantive legal provisions within this agreement, negotiations between the countries also devised an innovative rapid response mechanism specifically addressing labour-related concerns.

Analysis of labour clauses within RTAs can be approached from diverse angles, taking into account various perspectives and dimensions. This chapter focuses specifically on evaluating the labour clauses outlined in the USMCA trade agreement. Notably, in addition to social clauses, the agreement also introduced an alternative mechanism, known as the rapid response labour mechanism, to address labour-related concerns.

In order to evaluate the significance of the social issues and the corresponding complaint mechanism within the USMCA agreement, this chapter addresses the following question: How does the rapid response labour mechanism function, and in what instances has it been applied within the agreement between the USA, Mexico, and Canada? Our research is updated with data until December 2022.

This chapter is structured into three sections. Section 1 provides a brief overview of the social clauses in the USMCA Agreement, without attempting an exhaustive historical review of the use of social clauses in RTAs. Following that, focus will shift to examining the labour-related provisions within the USMCA agreement. Section 2 delves into the specificities of the rapid response labour mechanism. Finally, Section 3 analyzes cases in which this mechanism has already been employed by the participating countries of the USMCA agreement up to December 2022. The chapter ends by presenting some final considerations.

## 1. BRIEF OVERVIEW OF THE SOCIAL CLAUSES IN THE USMCA AGREEMENT

### 1.1 The Use of Social Clauses in RTAs

Social clauses may be characterized as norms embedded in international trade agreements, intended to safeguard the welfare of workers by setting forth minimum standards to be upheld within the framework of employment contracts.

The inclusion of social clauses in RTAs can take various forms. According to Vera Thorstensen: "[L]abor standards are considered one of the most delicate aspects in the realm of trade, particularly within the context of emerging themes. This sensitivity arises not only due to their direct impact on human welfare but also because they involve the evaluation of moral standards." (Thorstensen, 1998, p. 52)

Economist Amartya Sen points out that in our present era of increasing economic globalization, accompanied by an array of opportunities, challenges, and complexities, there arises a pressing necessity for a globalized comprehension of the imperative role attributed to decent work and its multifaceted requirements in economic, political, and social frameworks. Acknowledging this evident need serves as a commendable initial step (Sen, 1999, p. 1).

The debate surrounding the incorporation of social clauses in trade agreements tends to divide the participating countries into two contrasting positions. On one side are countries with higher levels of labour standards, predominantly represented by developed nations. On the other side are countries where the working conditions may be deemed inadequate from the perspective of countries in the first group. This dichotomy underscores the differing viewpoints and interests of countries regarding labour standards within trade agreements.

The significance of this debate stems from the fact that companies, aiming to minimize costs, have relocated their production operations from countries with higher labour standards to countries with comparatively lower labour standards. Adelle Blackett (2007, p. 7) emphasizes that cheap labour inherently amounts to a form of social dumping or an unjust subsidy.

The cost of labour can have such a substantial impact that it can potentially place a country at a disadvantage in comparison to others that have less stringent regulations regarding social issues. This phenomenon is commonly referred to in the literature as a 'race to the bottom.' It represents a socio-economic scenario in which intense competition between states prompts those at a competitive disadvantage to dismantle existing regulatory standards in order to attract investments from multinational corporations to operate within their territories.

Conversely, countries with more flexible labour laws often accuse countries with higher labour standards of employing regulatory measures to disguise protectionist or discriminatory trade practices. In the present era, trade barriers are no longer limited to tariffs alone. Regulatory barriers have emerged, with social clauses being one example that is perceived as imposing additional constraints on trade.

The ideal scenario would involve the global harmonization of labour standards. According to Drusilla Brown, such harmonization would serve to strengthen free trade and promote the efficient allocation of global resources, in the following terms:

> If all countries in the trading system are subject to similar legislation, the worldwide supply of the good will fall and, thus, the international price will rise. A rise in the world price allows domestic producers to pass some or all of the cost of the regulation on to consumers. A similar result would have occurred if the economy had been closed. The conclusion, of course, is that developing a political consensus for the efficiency-enhancing standard in the presence of an open trading system will be easier if all governments in the trading system agree to harmonize on the same standard. That is, harmonization that reduces the distributional effects of desirable economic policy supports both free trade and efficient resource allocation. (Brown, 2000, p. 21)

Despite the absence of unanimity, Vera Thorstensen and Fernanda Kotzias (2015) highlight that "a significant majority of the concluded agreements featuring regulatory models predominantly occur between developed countries on one side and developing countries on the other" (p. 9). It is within this context that social clauses are commonly observed in bilateral, regional, or multilateral agreements. This paper specifically focuses on the analysis of the USMCA agreement, as discussed in the subsequent sections.

## 1.2 The Social Clauses in the USMCA Agreement

The intersection of labour issues and trade agreements can be traced back to 1947 with the establishment of the General Agreement on

Tariffs and Trade (GATT). The preamble of the GATT outlined its objective of raising standards of living, to secure full employment and a high and ever-increasing level of real income and effective demand, to the fullest exploitation of the world's resources and the expansion of commodity production and exchange (WTO, 1947).

The issue of labour standards gained significant importance, particularly within the framework of the International Trade Organization (ITO), following the drafting of the Havana Charter in 1948. Article 7 of the Havana Charter highlighted the recognition by member states that unfair working conditions have a detrimental impact on trade relations. It further committed member states to take measures to eliminate such conditions from their respective territories.

During the Tokyo Round of multilateral trade negotiations in 1979, the USA put forward a proposal to establish a labour rights code. However, this attempt was ultimately unsuccessful. Subsequently, in 1983, the USA made another effort to include labour clauses within the GATT. Once again, this endeavour did not achieve the desired outcome.

During the Singapore Round of WTO negotiations in 1996, the WTO acknowledged its limitations in dealing with labour rights issues and declared that the ILO was the competent body to establish and address such rights. This decision was supported by WTO members. This round of negotiations emphasized that economic growth and development, facilitated by increased trade and trade liberalization, can contribute to the promotion of internationally recognized core labour standards (WTO, 1996).

In 1999, the USA made a persistent push to incorporate social clauses into the WTO millennium round in Seattle, but this attempt ended in failure. Another opportunity arose at the 4th Ministerial Conference in Doha in 2001, where the inclusion of social clauses in WTO trade agreements was discussed. This endeavour also proved unsuccessful. According to Amaral Júnior, The inclusion of punitive competence within the WTO framework regarding labor rights is often

> seen as a manifestation of protectionism by developed nations, driven by their concerns about potential losses in specific sectors where they hold a comparative advantage. However, equating disobedience to labor rights with mere unfair trade practices would distort the very essence of human rights. This perspective reduces the significance of human rights to economic strategies aimed at gaining a competitive edge through the manipulation of market regulations, rather than recognizing them as fundamental barriers to the fulfillment of human dignity. (Amaral Júnior, 1999, p. 138)

A significant milestone in addressing labour-related concerns was the approval of the 1998 Declaration of Fundamental Principles and Rights at Work during the Geneva Ministerial Conference. Notably, this achievement was largely influenced by the persistent pressure exerted by the USA.

The 1998 Declaration, adopted at the 86th International Labour Conference, is a significant regulatory framework in the ILO's history. It establishes a crucial commitment for all member states, irrespective of their ratification of specific conventions. The declaration emphasizes the respect for four fundamental rights, which encompass: freedom of association and the right to engage in collective bargaining, the eradication of all forms of forced or compulsory labour, the elimination of child labour, and the elimination of employment discrimination.

The guidelines outlined in the 1998 Declaration reflect a genuine commitment to core labour rights, demonstrating a dedication to not only sustainable development but also inclusivity. These rights stem from the recognition of minimum core obligations, which entail a duty on the part of states to ensure and safeguard essential social rights for their populations.

One significant challenge that the ILO faces is the absence of a sanction mechanism such as the one employed by the WTO. While the ILO has control mechanisms to oversee the implementation of conventions by its member states, its structure is built on cooperative principles. Consequently, the organization lacks the ability to enforce its decisions through coercive measures.

Furthermore, the tripartite nature of the ILO requires consensus among governments, employers, and employees for a subject to be included in its conventions or recommendations. This unique structure often creates challenges in addressing commercial clauses within trade agreements, which thus far have not been extensively incorporated into the ILO's agenda.

While worldwide adoption of social clauses by the WTO and the ILO has remained limited, individual states have taken voluntary steps to include such clauses in their trade agreements. These social clauses have a direct impact by requiring signatory countries to adhere to minimum labour standards for service providers within their territories.

The USMCA, also known as 'NAFTA 2.0,' is a significant free trade agreement that was signed in 2018. Negotiations for the agreement began in 2017, and it entered into force in July 2020. The USMCA, originally set to last for sixteen years, has a foundation primarily rooted in a social agenda, namely the USA's dissatisfaction with labour conditions in Mexico. This concern arose from the perceived competitive advantage Mexico gained over American workers. The President at that time, Donald Trump, made frequent public statements characterizing North American Free Trade Agreement (NAFTA) as "the worst trade deal in history of the country" and asserting that it led to job losses for American workers (Partington, 2018).

Motivated by concerns over perceived trade imbalances, particularly in relation to labour conditions, the USMCA agreement dedicates a specific chapter to social clauses (i.e., Chapter 23, titled "Labor," USTR, 2019). The chapter opens with the definition of labour laws, which encompass the statutes and documents of any signatory country that are directly associated with internationally recognized labour rights. The labour rights specified in the chapter include: freedom of association and collective bargaining (article 23.1(a)); the elimination of all forms of forced or compulsory labour (23.1(b)); the effective abolition of child labour and other forms of labour protections for children and minors (article 23.1(c)); the elimination of discrimination in employment (23.1(d)); and acceptable working conditions with respect to minimum wages, working hours, and occupational health and safety (23.1(e)).

It is important to highlight that the labour rights mentioned in the USMCA Chapter 23 are the same ones outlined as a minimum core of guarantees for human labour rights in the 1998 Declaration of Fundamental Principles and Rights at Work of the ILO, albeit those in the Declaration may be characterized as "soft law."

## 2. HOW THE RAPID RESPONSE LABOUR MECHANISM IS APPLIED: SUBSTANTIVE AND PROCEDURAL LAW IN THE USMCA

After a groundbreaking labour reform in 2019, Mexico successfully addressed the key social demands negotiated with the USA and Canada as part of the USMCA agreement. As per the agreement, Mexico committed to align its national legislation with the essential provisions required to efficiently implement the rapid response labour mechanism. This chapter will delve into the details of this subject.

It is important to highlight that this is primarily a complaint mechanism established between the USA and Mexico, as well as between Canada and Mexico (See annexes 31-A and 31-B of the Agreement). The absence of a reciprocally equivalent provision between the USA and Canada is notable. This observation leads to a speculative inference that the member states may intend to impose sanctions or reprisals due to Mexico's handling of employee association matters. On the other hand, the question arises as to whether the same outcome would have occurred if the USA or Canada were in the same factual situation as Mexico.

We use the term 'association matters' here because, as discussed in this section, the substantive law content related to the rapid response labour mechanism is limited to themes intrinsic to associations.

The rapid response labour mechanism is able to impose corrective measures, ensuring the remedy or resolution of rights violations and establishing the guarantee that enforcement actions will be promptly applied in the event of rights denials as established within the mechanism (article 31.A-1:2, USMCA). It is clear from the mechanism's definition that its primary purpose is to impose penalties in cases where rights are denied.

We present this topic in two distinct sections. The first section (2.1) will focus on the substantive law of the rapid response labour mechanism within the framework of the USMCA. The second section (2.2) will discuss the procedural aspects of the mechanism.

## 2.1 The Substantive Law of the Rapid Response Labour Mechanism in the USMCA

The rapid response labour mechanism, as established between the USA and Mexico, as well as between Canada and Mexico, provides a streamlined process for lodging complaints and imposing penalties on a member state (the "covered area") when a company within its territory is alleged to have violated the rights of the complaining party. The substantive rights addressed under the rapid response labour mechanism are limited and specifically focused on the "denial of the right of free association and collective bargaining" (article 31-A.2(e), USMCA).

It is important to note that the freedom of association and the effective recognition of the right to collective bargaining, as stipulated in Annex 23, are established in the 1998 ILO Declaration of Fundamental Principles and Rights at Work. The substantive right itself, within the context of the USMCA agreement, is further detailed by referring to conventions originally established by the International Labour Organization (ILO). While the USMCA agreement guarantees these rights, it does not provide specific definitions for them. Such definitions can be found in Article 2 and subsequent articles of ILO Convention No. 87 (ILO, 1948), as well as in Article 2 and subsequent articles of ILO Convention No. 154 (ILO, 1981).

While the rapid response labour mechanism may have a limited scope when it comes to substantive law, the procedural aspects associated with the mechanism are more extensive, complex, and specific.

## 2.2 The Procedural Law of the Rapid Response Labour Mechanism in the USMCA

To initiate the procedure of the rapid response labour mechanism, it is crucial that the complaining party hold a "good faith basis belief" that workers within the covered area (i.e., USA with Mexico and Canada with Mexico, respectively) are being denied their rights to freedom of association and collective bargaining (Article 31-A.2, USMCA).

The initial step of the rapid response labour mechanism involves the complaining country submitting a review request to the country being complained against. This request prompts an investigation to determine whether there has been a denial of rights to employees working for a company situated in the territory of the accused country. The country receiving the complaint is obligated to examine the matter and make efforts to address any identified issues. Subsequently, it is required to provide a formal response, taking a position on the concerns raised by the complaining party.

In the USA, complaints regarding labour irregularities pertaining to the rapid response labour mechanism can be submitted by any interested party through the official website of the US government.

In situations where the parties are unable to reach an amicable resolution, the complainant country has the option to submit a request for the establishment of a rapid response working panel. However, as of December 2022, no such request had been made. Indeed, the USMCA establishes a condition that the parties involved will make efforts to reach a mutually agreed solution regarding issues related to the rapid response labour mechanism (Article 31-A.1, 3, USMCA). Until now, solutions were reached in cases involving the USA and Mexico, as discussed in the following section.

# 3. CASES IN WHICH THE RAPID RESPONSE LABOUR MECHANISM HAS ALREADY BEEN USED WITHIN THE FRAMEWORK OF THE USMCA (2021–2022)

## 3.1 The General Motors (GM) Case and the Use of the Rapid Response Labour Mechanism by the USA Against Mexico – 2021

The first case to use the rapid response labour mechanism occurred based on a finding by the Government of Mexico that identified irregularities in the union election process. As a result, a complaint was lodged by the USA under the provisions of the USMCA agreement.

During this incident, the USA filed a one-page complaint citing serious violations that took place during the April 2021 union elections at a General Motors (GM) plant in Silao, Guanajuato State, Mexico. The complaint alleged that the union led by Miguel Trujillo López was involved in the destruction of ballots containing votes against their interests (USTR, 2021a). Despite the union's denial of these accusations, the USA utilized the rapid response labour mechanism to demand that the Mexican Government undertake review measures in response to the situation.

In July 2021, the parties involved in the case reached an agreement, facilitated by the Mexican government, led at that time by President Andrés Manuel López Obrador. As part of the agreement, a remediation plan was established, which included various measures aimed at ensuring transparency, including the suspension of the ongoing election process (Solomon, 2021). To ensure a fair and unbiased election, the new union election was conducted with the presence of government inspectors and observers from the ILO.

In this GM case, the mechanism proved to be not only useful but also necessary. After the intervention, the subsequent new union election yielded a different outcome compared to the previous election, resulting in the defeat of one of the largest and most influential unions in Mexico. Out of the 5,876 employees who participated in the election, 3,214 voted against the continuity of the previously representing union, while 2,623 employees voted in favour of its continuation (Solomon, 2021b).

## 3.2 The Tridonex Case and the Use of the Rapid Response Labour Mechanism by the USA Against Mexico – 2021

In 2021, the second case to use the USMCA's rapid response mechanism focused on a review request filed by the USA against the company Tridonex (Lawder and Solomon, 2021). The complaint indicated that employees at the Tridonex factory in Matamoros, Tamaulipas, Mexico, were being denied their rights to free association and collective bargaining.

As a result of negotiations, the company and the US government reached an agreement outlining several obligations for Tridonex to address the issues raised. These obligations included supporting the right of workers to choose their unions without coercion, ensuring free and secret voting; fully cooperating with inspections and allowing inspectors to interview workers, even during working hours; collaborating with the Government of Mexico to maintain the security of the election process; maintaining neutrality in any election, publicly demonstrating neutrality and respect for the majority decision, and explicitly stating that retaliation against employees exercising their rights would not be tolerated; and implementing additional measures to ensure the employer's respect for the employees' free association, such as allowing employees to receive training during working hours regarding their rights to collective bargaining and free association.

Irrespective of its acknowledgment of wrongdoing, Tridonex has committed to providing compensation to its employees. Each employee will receive three months' worth of salary as a form of payment. Additionally, Tridonex will provide a payment equivalent to twenty days of salary per year of service for each employee. Furthermore, an indemnity of six months' worth of compensation premium based on the employee's remuneration will be provided.

The payments total more than $600,000 USD. According to Katherine Tai (2021), Ambassador of the Office of the United States Trade Representative (USTR), this result demonstrates the USA's "[…] determination to leverage the USMCA's innovative enforcement tools to address long-standing labor issues and support Mexico's implementation of its recent labor reforms."[1]

## 3.3 The Panasonic Case and the Use of Rapid Response Labour Mechanism by the USA Against Mexico – 2022

The third case to use the rapid response labour mechanism pertained to a claim made by the USA against Panasonic Automotive Systems in Reynosa, Mexico. The claim, filed in May 2022, addressed the denial of the factory workers' rights to free association and collective bargaining.

In July of the same year, the US government announced that the case had been resolved with the implementation of several measures. These included waiving a collective agreement with a union that had been irregularly signed; reimbursing employees for undue deductions made from their salaries; committing to neutrality in future union votes; recognizing the winning union and providing them access to the premises; offering reinstatement and back payment of salaries to twenty-six workers who were allegedly dismissed for participating in union activities; reimbursing workers for unpaid wages resulting from a work stoppage; and initiating negotiations for a new collective bargaining agreement (CBA).

US Secretary of Labour Marty Walsh said, "By invoking the USMCA Rapid Response Mechanism in this case, we are ensuring that businesses consistently and uniformly respect workers' freedom of association. I applaud this outcome and the efforts of all parties involved." (USTR, 2022a)

1. Other obligations were determined as part of the agreement. To view the full text, see United States Trade Representative (2021b).

## 3.4 The Teksid Hierro Facility Case and the Use of the Rapid Response Labour Mechanism by the USA Against Mexico – 2022

In May 2022, a petition was submitted to the Interagency Labour Committee for Monitoring and Enforcement (ILC) alleging that workers at Teksid Hierro in Frontera, Mexico were being denied their rights to free association and collective bargaining.

In August 2022, the USA announced the friendly settlement of the case, with several proposed solutions to address the violations. These proposed solutions include: granting the independent union access to the facility to effectively represent the workers; providing a designated office space within the company's facility for the independent union to facilitate their representation of workers; reimbursing the union dues that were withheld from workers and owed to the independent union; reinstating and offering back pay to 36 workers who were allegedly terminated for participating in a protest against the company; providing compensation to an additional worker who was also allegedly terminated for participating in the protest; issuing a neutrality statement that affirms the company's commitment to remain neutral in union activities; and stating that the only valid collective bargaining agreement is the one deposited at the federal level.

## 3.5 The VU Manufacturing Case and the Use of Rapid Response Labour Mechanism by the USA Against Mexico – 2022

In July 2022, the USA submitted a review request to Mexico concerning allegations of interference in the union activities of workers at VU Manufacturing.

The response and investigation had the following outcomes:

> The Government of Mexico conducted a review in response to the request and took actions as a result of that review, including a supervised union representation election, in which VU workers voted in favor of an independent Mexican union, La Liga Sindical Obrera Mexicana

> (LSOM). LSOM will be the first union to represent workers at the facility for purposes of collective bargaining. (USTR, 2022b)

### 3.6 The Saint Gobain Case and the Use of Rapid Response Labour Mechanism by the USA Against Mexico – 2022

In July 2022, employees of Saint Gobain had their labour rights denied following a tainted collective bargaining vote. After the employees' complaint to the US government, the United States closely monitored the new elections, during which the employees were afforded the opportunity to freely choose an independent democratic union. With the advent of the new union representatives, employees will be able to collectively negotiate improved salaries and working conditions.

In all cases, the complainant was the USA, the defendant was Mexico, and the industry concerned was auto parts manufacturing. All cases ended with an amicable agreement.

## CONCLUSION

The contemporary debate regarding the regulation of minimum social standards in countries with less protective labour rules appears to have been addressed by recognizing the ILO as the competent authority in this area. However, the ILO's lack of enforcement powers hinders the desired outcomes sought by countries like the USA and Canada. As a result, until the structural limitations of the ILO are resolved, countries have been including more comprehensive labour clauses in their regional trade agreements.

The USMCA agreement serves as an example of this trend. Among its various social provisions, the rapid response labour mechanism stands out as a crucial tool for ensuring the respect of labour guarantees. Although the rapid response labour mechanism is available to both the United States and Canada, as of December 2022 Canada had not lodged any complaint under the United States-Mexico-Canada Agreement (USMCA).

Although the mechanism's substantive content is limited to the rights of freedom of association and collective bargaining, the six cases that occurred by December 2022 show that this instrument has enabled the USA to effectively achieve its goals of improving working conditions in Mexico and reducing job losses in the automotive industry. However, it may be questioned whether one country should have such a legitimacy to infringe on another country's own sovereignty.

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# 5

# What Causes the Telework Paradox?

## Towards a Comprehensive Understanding

**Ayesha Tabassum**

Telework refers to a work practice that requires employees to work outside of the office, usually from home (Allen *et al.*, 2015). It emerged as the dominant work style for many organizations during the COVID-19 pandemic (Kniffin *et al.*, 2021). As in other countries, Canadian organizations quickly adopted telework to cope with pandemic challenges (Boulet and Parent-Lamarche, 2020). Although it was originally initiated to reduce costs and retain employees (Choi, 2020), scholars have expressed concerns over the past three decades about the effectiveness of telework, highlighting its dark sides (see Kossen and van der Berg, 2022; Maier *et al.*, 2022; Taskin *et al.*, 2019).

Given that telework research presents contradictory findings, several scholars have treated telework as a 'paradox,' in which telework is identified as helpful in some studies, while others report telework as harmful for individuals and organizations (e.g., Boell *et al.*, 2016; Taskin and Devos, 2005). However, explanations for these paradoxical outcomes are inadequate in extant research (Boell *et al.*, 2016).

Although the research to date has examined the possible discrete impacts of various individual and organizational variables on telework outcomes, there is a paucity of research that presents a comprehensive overview of all the potential variables responsible for paradoxical telework outcomes.

This narrative literature review explores the variables that can help us understand the causes underlying the paradoxical outcomes of telework research. The review first offers background information on telework and the telework paradox, followed by a list of variables drawn from the review of the existing literature to help us to understand the causes of these paradoxical outcomes. The chapter concludes by highlighting the importance for practitioners of understanding the telework paradox.

## 1. WHAT IS THE TELEWORK PARADOX?

Nilles (1975) was the first to describe the concept of telework, which has now become an essential work practice for many organizations. Although telework can take place in different locations (Morgan, 2004), home-based telework became the most widespread form of telework during the COVID-19 pandemic (Schulze *et al.*, 2023), commonly referred to as work-from-home (WFH). Given that pandemic-induced telework presents unique challenges, scholars have recently differentiated between conventional telework and crisis-induced telework. While conventional telework is voluntary and designed to improve work-life balance, crisis-induced telework is adopted suddenly and made mandatory in response to emergencies (Blahopoulou *et al.*, 2022).

Although telework can be potentially advantageous for teleworkers, organizations, and society as a whole (Greer and Payne. 2014), the biggest risk is that telework may not be suitable for everyone (Pyöriä, 2011). While telework is applauded for a wide range of benefits, the dark sides of telework are also frequently mentioned in extant literature. Consequently, telework is often considered a "paradox" because it yields inconsistent findings. Paradoxes emerge when contradictory, but interconnected elements persist simultaneously over time (Collings *et al.*, 2021). Table 1 presents some paradoxical outcomes identified in the existing telework research.

**Table 1**

Paradoxical Outcomes of Telework

| Benefits | Drawbacks |
|---|---|
| • Lower stress and exhaustion (Delanoeije and Verbruggen, 2020)<br>• Reduced work-life conflict (Gajendran and Harrison, 2007)<br>• Improved productivity (Golden *et al.*, 2008)<br>• Increased happiness (Kazekami, 2020) | • Increased stress (Weinert and Weitzel, 2023)<br>• Increased work-family conflict (Sarbu, 2018)<br>• Reduced productivity (Boell *et al.*, 2016)<br>• Reduced happiness (Song and Gao, 2018) |

Pliskin (1997) and Westfall (1997), both coined the term 'telecommuting paradox' in the same year, arguing that despite numerous economic and societal benefits, organizations are hesitant to adopt telework due to conflicting views. Several other scholars have defined and explained the telework paradox phenomenon, as presented in Table 2. As telework yields conflicting outcomes, the next question is: What factors are responsible for these incompatible results?

**Table 2**
Telework Paradoxes Explained in Extant Research

| Authors, publication year | Name of paradox | Explanation provided |
|---|---|---|
| **Pearlson and Saunders (2001)** | Telecommuting paradox | Telecommuting involves three paradoxes: (1) it provides enhanced flexibility accompanied by increased structural changes; (2) teleworkers perform in isolation, but teamwork is also crucial; and (3) managers delegate more responsibilities yet try to retain managerial control. |
| **Gajendran and Harrison (2007)** | Telecommuting paradox | Telecommuting increases autonomy and reduces work-family conflict, thus reducing stress and improving performance. However, telecommuting hampers work relationships and career advancement. |
| **Lautsch *et al.* (2009)** | Supervisory paradox | Telecommuters benefit from equal monitoring practices by their supervisors. However, supervisors face a paradox because of potential negative impacts on non-telecommuters. |
| **Leonardi *et al*. (2010)** | Connectivity paradox | Teleworkers use synchronous technologies, creating a sense of presence and connectedness. Nonetheless, the expectation of constant connectivity reduces flexibility and autonomy. |
| **Mazmanian *et al*. (2013)** | Autonomy paradox | Mobile email devices create an autonomy paradox for employees, enhancing autonomy by enabling working anytime/anywhere while diminishing autonomy as employees are expected to be available everywhere/all the time. |
| **Ter Hoeven and Van Zoonen (2015)** | Well-being paradox | While flexible work designs including telework positively relate to well-being because of enhanced resources (e.g., work-life balance, job autonomy, and effective communication), such work designs negatively predict well-being because of increased demands (e.g., increased disruptions, unpredictability, and work intensification). |
| **Boell *et al*. (2016)** | Telework paradox | The telework paradox stems from variations in the nature of tasks performed by teleworkers and their perceived suitability for remote work. |

## 2. FACTORS CAUSING PARADOXICAL OUTCOMES

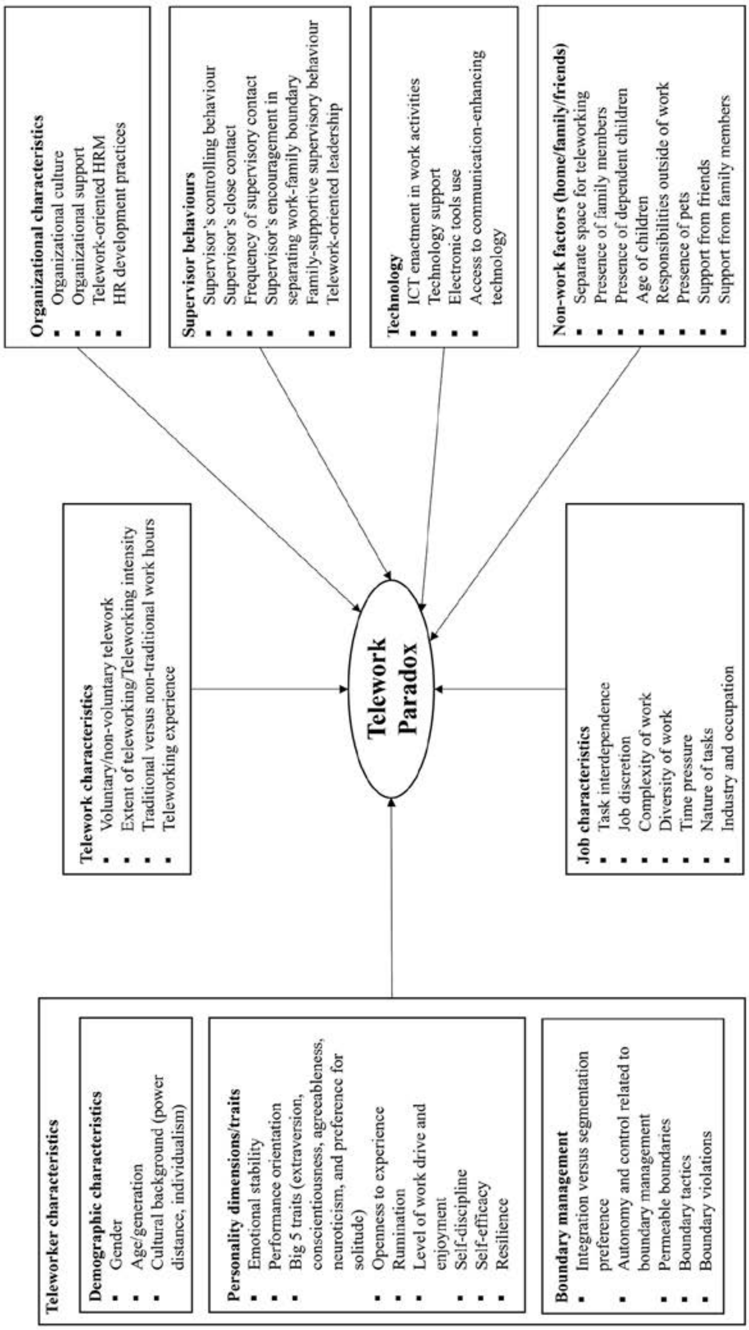
Extant telework literature indicates that the inconsistent findings can be explained by several factors which I categorize into teleworker characteristics, telework characteristics, job characteristics, leadership/supervisory factors, technology-related factors, organizational features, and non-work factors. Figure 1 shows an integrated model of these factors, which provides justifications for the causes of the telework paradox.

## 3. TELEWORKER CHARACTERISTICS

Existing literature has identified various personal characteristics of teleworkers that explain the telework paradox. These include demographic characteristics, personality traits, and boundary management styles.

### 3.1 Demographic Characteristics

The findings summarized in Table 3 suggest that, in general, women perceive telework as less beneficial because it causes stress and harms well-being. However, women find telework advantageous when they can leverage the benefits of autonomy and flexibility it offers. One justification for such a finding could be that women often have more household and caregiving responsibilities, which can be easier to balance when they are given adequate control and freedom while teleworking. Furthermore, extant research suggests that younger employees perceive teleworking as advantageous when it is a voluntary work option and when they have opportunities for networking. In contrast, older teleworkers may experience technical limitations and difficulties in collaboration and teamwork, which leads to adverse impacts. Consequently, it is evident that while demographic attributes influence telework outcomes, the perception of telework benefits depends on autonomy, flexibility, and the voluntary nature of telework.




Note. HR = Human Resources, HRM = Human Resources Management, ICT = Information and Communication Technology

**Figure 1**
Factors Causing the Telework Paradox

**Table 3**
Demographic Characteristics

| Authors, publication year | Demographic characteristic | Key findings |
|---|---|---|
| **Lu and Zhuang (2023)** | Gender | Male teleworkers reported a higher level of work enjoyment and job satisfaction compared to females. |
| **Kim (2023)** | Gender | Telework satisfaction of female employees was contingent on job autonomy, whereas male teleworkers experienced greater satisfaction due to various organizational variables (e.g., goal clarity, organizational justice, performance-based culture). |
| **Hamouche and Parent-Lamarche (2023)** | Age | In the context of teleworking, younger employees performed higher compared to older age employees. |
| **Tahlyan *et al.* (2022)** | Age | Younger and older teleworkers reported fewer perceived benefits and greater obstacles compared to middle-aged teleworkers. |
| **Nakrošienė *et al.* (2019)** | Gender, age | Both women and older workers perceived telework as less advantageous. |
| **Martin and MacDonnell (2012)** | Age | Younger teleworkers were found to be more committed to the organization when telework was offered as an option. |
| **Gajendran and Harrison (2007)** | Gender | Female teleworkers experienced greater benefits from the autonomy and flexibility of telework. |
| **Mann and Holdsworth (2003)** | Gender | Female teleworkers faced higher levels of mental and physical illness and greater emotional stress than males. |

## 3.2 Personality Traits

Table 4 presents the findings from extant research that investigated the influence of personality traits on telework outcomes. Given the wide range of personality traits included in these studies, it is difficult to pinpoint specific traits that explain the differences in telework experiences. However, based on these findings, the significance of positive psychological traits is apparent. Teleworkers with high levels of conscientiousness, agreeableness, extraversion, openness to experience, and emotional stability generally experience more positive outcomes compared to their counterparts. Similarly, employees with high resilience, self-efficacy, and self-discipline tend to maximize the benefits of telework.

**Table 4**

Personality Traits

| Authors, publication year | Personality traits | Key findings |
|---|---|---|
| **Michinov *et al*. (2022)** | Big Five traits | Teleworkers with high neuroticism and preference for solitude, and low extraversion experience more loneliness and increased levels of stress, which reduces job satisfaction and work engagement compared to those with low levels of neuroticism and preference for solitude and high levels of extraversion, conscientiousness, and agreeableness. |
| **Kapoor *et al*. (2021)** | Resilience | Working mothers with a high level of resilience avoid deteriorating well-being during teleworking. |
| **Wang *et al*. (2021)** | Self-discipline | Employees with high self-discipline can maximize the benefits of telework by reducing loneliness, procrastination, and work-family interferences. |
| **Perry *et al*. (2018)** | Emotional stability | High emotional stability can reduce the psychological strain of remote work when combined with a high level of autonomy. |
| **Lapierre *et al*. (2016)** | Self-efficacy | Employees with low self-efficacy experience greater time and strain-based work-family conflict while working from home. |
| **Anderson *et al*. (2015)** | Rumination, openness to experience | Teleworkers who tend to ruminate experience fewer positive emotions. A high level of openness to experience increases positive affect among teleworkers. |
| **Virick *et al*. (2010)** | Performance outcome orientation, work drive, work enjoyment | In the presence of low-performance outcome orientation, the teleworkers report high job satisfaction with a moderate extent of teleworking. Also, workers with high drive and low enjoyment tend to be highly satisfied with life when they are engaged in low and high-extent teleworking. |

## 3.3 Boundary Management

Boundary management involves the formation, preservation, and changing of boundaries to effectively navigate work and non-work roles (Ashforth *et al.*, 2000). As shown in Table 5, extant literature indicates that although individuals have distinct preferences for boundary management, teleworkers benefit mostly from the segmentation approach compared to the integration style due to greater opportunities for work-life balance. However, to be successfully utilized, these boundary management styles work best in conjunction with various boundary tactics that rely on greater autonomy and control (see Basile and Beauregard, 2016; Haun *et al.*, 2022). Furthermore, the potential for boundary violations and the permeable nature of boundaries determines the success of boundary management. Consequently, the combined influence of demographic factors, personality traits, and boundary management practices collaboratively shapes the outcomes of telework for individuals.

**Table 5**
Boundary Management

| Authors, publication year | Boundary management | Key findings |
|---|---|---|
| **Haun *et al.* (2022)** | Boundary tactics | Temporal boundary tactics (i.e., deliberate allocation of time for work and non-work roles) lower exhaustion by enabling psychological detachment and control. Additionally, the adoption of a technological boundary strategy (i.e., using technology to isolate work and non-work spheres) leads to higher psychological detachment. |
| **Kerman *et al.* (2022)** | Boundary violation | Work and home boundary violations (i.e., unexpected and uncontrollable interruptions) negatively predict the work and home-related satisfaction of teleworkers. |
| **Allen *et al.* (2021)** | Integration versus segmentation preferences | Preference for segmentation leads to greater work–non-work balance among teleworkers. |
| **Jostell and Hemlin (2018)** | Permeable nature of boundaries | The cross-boundary interruptions increase with more permeable boundaries between work and non-work and thus lead to greater work–non-work conflict. |

(*cont'd*)

**Table 5**
Boundary Management (*cont'd*)

| Authors, publication year | Boundary management | Key findings |
|---|---|---|
| **Basile and Beauregard (2016)** | Boundary tactics | Teleworkers use physical, temporal, behavioural, and communicative tactics to rebuild their boundaries and align with their preference for segmentation versus integration. However, teleworkers with greater autonomy and control are better able to successfully use these boundary tactics. |
| **Kossek *et al.* (2006)** | Integration versus segmentation preferences | High integration increases family-to-work conflict, which further leads to depression among teleworkers |

## 4. TELEWORK CHARACTERISTICS

According to extant literature (see Table 6), the contradictory findings can partially be explained by telework characteristics. The voluntary nature of telework and employees' increased experience with teleworking maximize the benefits of telework, as employees have the discretion to decide whether to telework. However, the extent or intensity of telework produces mixed results. Although high-intensity telework can potentially increase work exhaustion, it is contingent on the level of work-life conflict (Golden, 2012). Consequently, the benefits of telework depend on boundary management preferences and tactics in conjunction with these telework features.

**Table 6**
Telework Characteristics

| Authors, publication year | Telework characteristics | Key findings |
|---|---|---|
| **Kaluza and van Dick (2022)** | Voluntary telework | Individuals tend to perceive fewer disadvantages associated with telework when a higher level of voluntariness is provided to choose telework. |
| **Huo *et al*. (2022)** | Voluntary telework | Voluntary teleworking facilitates innovative behaviours by employees. |
| **Golden (2012)** | Traditional versus non-traditional work hours | Teleworkers with extensive traditional and non-traditional telework experience lower levels of time and strain-based work-family conflict and lower levels of exhaustion compared with those with less time spent teleworking. |
| **Golden *et al*. (2008)** | Intensity of telework | Teleworkers' job performance is affected by high-intensity teleworking. |
| **Gajendran and Harrison (2007)** | Intensity of telework, the experience of telework | Teleworking for more than 2.5 days a week reduces work-family conflict and increases perceived autonomy. Also, the beneficial impacts tend to increase as teleworkers gain more experience in teleworking. |
| **Golden and Veiga (2005)** | Extent of telework | Lower levels of teleworking are related to more positive outcomes. |

## 5. JOB CHARACTERISTICS

Certain job characteristics offer more insights into understanding the telework paradox (see Table 7). Past research suggests that teleworkers perform better when they have lower task interdependence, less complex job roles, and greater discretion in their tasks. Indeed, teleworkers perform highly when they require high concentration and minimal collaboration to complete job tasks. Furthermore, telework is suitable for certain industries where reduced visibility does not hinder employees' career advancement opportunities.

**Table 7**
Job Characteristics

| Authors, publication year | Job characteristics | Key findings |
|---|---|---|
| **Beckel and Fisher (2022)** | Industry/ Occupation | Certain industries such as finance, banking, accounting, information, and technology are more telework-supportive because these jobs can be done from home. |
| **Wöhrmann and Ebner (2021)** | Time pressure | Teleworkers experience less time pressure because they save commuting time to workplaces. This also reduces teleworkers' exhaustion and psychosomatic health complaints. |
| **Golden and Gajendran (2019)** | Task interdependence, the complexity of work | Extensive teleworkers with less interdependence and highly complex jobs perform highly compared with those with high interdependence and less complex jobs. |
| **Boell *et al.* (2016)** | Nature of tasks | Job activities that require concentration can be performed well at home compared to jobs requiring collaboration. |
| **Golden and Veiga (2005)** | Task interdependence, job discretion | Teleworkers experience a slow rise in job satisfaction when they have greater task interdependence. However, teleworkers report greater job satisfaction when they experience high discretion in their jobs. |

## 6. SUPERVISOR BEHAVIOURS

Supervisors play a crucial role in explaining the discrepancies in telework research results (see Table 8). In general, controlling behaviour by supervisors undermines the advantages of teleworking flexibility. On the other hand, benefits can be enhanced through supportive behaviours, which act as resources and help teleworkers in managing negative emotions and stress. Therefore, Günther *et al.* (2022) suggested adopting a telework-oriented leadership style that focuses on practices such as taking care of employee health, effective communication, and building trust.

**Table 8**
Supervisor Behaviours

| Authors, publication year | Supervisor behaviours | Key findings |
|---|---|---|
| **Wang *et al.* (2023)** | Family-supportive supervisor behaviour | Family-supportive leadership behaviours can weaken the adverse effects of telework on work engagement by reducing the negative emotions related to work isolation and telepressure. |
| **Chambel *et al.* (2023)** | Family-supportive supervisor behaviour | Family-supportive supervisor behaviours act as a significant resource for teleworkers, promoting work-family balance and improving well-being. |
| **Günther *et al.* (2022)** | Leadership style | Telework-oriented leadership is required, in which leaders actively address teleworkers' health, ensure information sharing to reduce social isolation, and increase orientation by communicating telework rules and guidelines to instill trust; these behaviours improve teleworkers' "happiness well-being" by reducing psychological strain. |
| **Solís (2017)** | Supervisor's control | Supervisor's control of teleworkers harms employee performance, including adaptability to tasks and proactivity. |
| **Lautsch *et al.* (2009)** | Supervisory practices | Closeness and frequency of contact with supervisors significantly increase the helping behaviours of teleworkers. Teleworkers experience less work-family conflict when supervisors encourage boundaries separating work and family. |

## 7. TECHNOLOGY

Some research has also highlighted the significance of technology-related factors in telework, and has yielded paradoxical results (see Table 9). In particular, the way technologies are implemented for telework can lead to different outcomes for teleworkers. Furthermore, technological support, the use of electronic tools, and access to communication-enhancing technologies can result in unique telework experiences. Consequently, including these technology-related variables is crucial for gaining a deeper understanding of the factors contributing to the telework paradox.

**Table 9**
Technology

| Authors, publication year | Technology factors | Key findings |
|---|---|---|
| **Boell *et al*. (2016)** | Enactment of information and communication technology (ICT) | Differences in the implementation of ICT to support work activities lead to paradoxical telework outcomes. |
| **Golden and Raghuram (2010)** | Technology support, use of electronic tools | In the presence of high technology support, the positive relationship between teleworker relational quality and knowledge sharing is strengthened by reducing obstacles to collaboration. Additionally, the extensive use of electronic tools facilitates knowledge sharing among teleworkers. |
| **Golden *et al*. (2008)** | Access to communication-enhancing technologies | Enhanced access to communication technologies reduces the harmful impact of professional isolation on teleworkers' job performance by fostering social support and a feeling of remaining connected. |

## 8. ORGANIZATIONAL CHARACTERISTICS

Research suggests that organizational characteristics, such as organizational culture, organizational support, and access to human resources (HR) development opportunities, also contribute to differences in perceptions of telework benefits and outcomes (see Table 10). Furthermore, human resources management (HRM) plays a crucial role in maximizing the benefits of telework. Günther *et al.* (2022) specifically suggested the implementation of telework-oriented HRM practices that take care of employee health, reduce social isolation, and foster a fair and transparent environment, which can reduce stress levels and boost well-being and work engagement.

**Table 10**

Organizational Characteristics

| Authors, publication year | Organizational characteristics | Key findings |
|---|---|---|
| **Jamal *et al.* (2023)** | Organizational task support | Perceived organizational task support prevents the negative effects of job demands (i.e., workload demands, task interdependence) on burnout in the context of telework. |
| **Günther *et al.* (2022)** | Telework-oriented HRM | Telework-oriented HRM improves teleworkers' "happiness well-being" by reducing social isolation and psychological strain. |
| **Deschênes (2023)** | Organizational support | Perceived organizational support can reduce feelings of professional isolation and thus improve telework satisfaction. |
| **Junça Silva and Coelho (2022)** | Organizational culture | In the presence of market culture (i.e., one promoting productivity and efficiency), the positive relationship between attitude towards telework (i.e., work-life interference, productivity, organizational trust, and flexibility) and happiness becomes stronger. |
| **Abendroth and Reimann (2018)** | Organizational culture | While in the presence of a high-demand workplace culture, teleworkers experience greater work-family conflict; a work-family–supportive workplace culture helps to lessen work-family conflict. |
| **Choi (2018)** | Organizational support | Managerial and institutional support for telework lowers the turnover intentions among teleworkers. |
| **Martínez-Sánchez *et al.* (2007)** | Access to HR development practices | HR development practices and policies create an organizational climate of commitment to employees, which leads to increased organizational performance. |

## 9. NON-WORK FACTORS

Extant research also suggests that several non-work–related factors can significantly explain the inconsistencies in telework outcomes (see Table 11). Specifically, the presence of younger children creates more obstacles for women in performance and career advancement compared to men. Moreover, female teleworkers usually experience greater work-life conflict due to lack of support from family members, such as the husband's participation in household chores. However, women with children below school age have a greater preference for teleworking as it offers the opportunity for better work-life balance. Furthermore, while the presence of family members can contribute to work-family conflict, research has shown that having dedicated spaces for telework can effectively reduce these interferences. Additionally, while the presence of pets creates certain distractions, they also act as resources that help alleviate the demands of telework.

**Table 11**
Non-Work Factors

| Authors, publication year | Non-work factors | Key findings |
|---|---|---|
| **Senik *et al*. (2024)** | Age of children | Female teleworkers with children below school age report greater life satisfaction because it reduces childcare difficulties and improves work-life balance. |
| **Hu and Subramony (2022)** | Support from friends | Support from friends potentially reduces the harmful impacts of isolation on well-being among teleworkers. |
| **Çoban (2022)** | Role of husband | Limited participation of husbands in household chores increases the workload for women and creates work-life conflict. |
| **Junça Silva *et al*. (2022)** | Presence of pets at home | Teleworkers who own pets report greater positive emotions and performance and they perceive telework more positively. |
| **Hoffman (2021)** | Presence of pets at home | While the presence of dogs and cats at home creates some distraction, teleworkers report spending quality time with companion animals. |
| **Solís (2016)** | Presence of family members, separate space for teleworking | The presence of family members at home creates distractions by raising work-family conflict, which can be reduced by having a dedicated separate room for teleworking. |
| **Basile and Beauregard (2016)** | Separate space for teleworking | Teleworkers often struggle to manage boundaries when they do not have separate space for telework. |

| Authors, publication year | Non-work factors | Key findings |
|---|---|---|
| **Maruyama and Tietze (2012)** | Presence of children at home, age of children | Female teleworkers with dependent children tend to have work visibility and career development reduced by a factor of 2.6 compared to their male counterparts. |
| **Hartig *et al.* (2007)** | Presence of children at home | Having children at home increases the overall workload at home for women compared to men. |

## 10. WHAT CAN WE LEARN FROM THE TELEWORK PARADOX?

As research on telework has increased over the last few years, our understanding of telework effectiveness has become more fragmented and ambiguous due to the paradoxical outcomes. Given this existing gap, I conducted a review of the current research to explore the factors that may explain the telework paradox. Notably, although research has separately examined the effects of various individual, job, and organizational characteristics on telework outcomes, providing a singular explanation for the telework paradox proves to be a challenging task. We therefore need to develop a comprehensive understanding of the factors responsible for the telework paradox. The critical analysis of the extant literature shows that the advantages and disadvantages of telework are subjective perceptions influenced by personal experiences. These perceptions are shaped by a combination of individual traits, job and telework characteristics, supervisor behaviours, technology, organizational factors, and non-work elements.

In general, women experience greater difficulties with work-life balance, job performance, and career advancement during telework. However, women have a greater preference for teleworking because it allows them greater childcare opportunities, especially if they have dependent children at home. The challenges they experience are alleviated when individuals receive support from family members and friends. Indeed, having a dedicated workspace for teleworking from home can reduce the likelihood of work-family conflict, irrespective of gender differences. These analyses become more complex as we consider personality traits and boundary management styles. Overall, teleworkers with high levels of extraversion, conscientiousness, agreeableness, resilience, self-discipline, self-efficacy, emotional stability, performance orientation, and drive can maximize the advantages of teleworking. In terms of boundary management, the segmentation boundary management style is considered the most beneficial because it allows individuals sufficient autonomy, control, and familiarity with various boundary tactics.

Finally, teleworking is advantageous for jobs that involve lower interdependence, higher autonomy and control, increased complexity, and reduced collaboration and interactions with coworkers and customers. Certain telework characteristics have been proven to be more advantageous, such as the voluntary choice of telework and a high intensity of telework if provided with enough autonomy and control. However, such benefits depend on supervisor behaviours and support, organizational culture, organizational support, HRM systems and practices, and technology support and implementation that acknowledge the needs of teleworkers and accommodate them accordingly. Consequently, the success or failure of telework depends on multiple factors, including individual, work, non-work, and organizational characteristics.

## CONCLUSION AND RESEARCH RECOMMENDATIONS

In this chapter, I used extant literature to develop an integrated framework that helps make sense of the underlying causes of the telework paradox. Since telework has become the 'new normal' for many organizations (Bonacini *et al.*, 2021), understanding the telework paradox is crucial to enable managers to navigate underlying tensions (Pearlson and Saunders, 2001). Despite the recent trend of returning to the workplace post-pandemic (Bjursell *et al.*, 2021), many employers are planning to continue long-term telework or implement a hybrid model due to proven productivity gains (Jung and Silva, 2021). Consequently, future research should continue examining the telework paradox to suggest strategies for managing its inherent tensions.

Based on the above review, I offer three overarching suggestions to guide theoretical and empirical research on the telework paradox. First, since the current definition of the telework paradox is fragmented due to various outcomes, future research should consistently define the telework paradox based on the positive and negative consequences of telework. Second, researchers must address differences in the levels of telework outcomes (i.e., individual, team, organizational, family, social) to develop an integrated theory that explains the telework paradox. Lastly, future empirical research should include multiple variables to examine the combined effect of individual, work, non-work, and organizational factors on telework outcomes. To date, there is a lack of research that incorporates multiple-level moderating variables.

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PARTIE 2

# Vers des lieux de travail plus équitables, plus diversifiés et plus inclusifs

PART 2

# Towards Workplaces with Greater Equity, Diversity and Inclusion

# 6

# Conversation With an Inuit Elder

## Indigeneity, Diversity, Equity, and Inclusion[1]

**Arijana Haramincic**

*We are on the island, but we are connected to everyone and everything.*

Inuit Elder, April 2023

Indigenous Peoples are the descendants of the original inhabitants of North America and account for approximately 3% of Canada's population, with a population growth twice that of non-Indigenous people (Statistics Canada, 2021). The Canadian constitution recognizes three groups of Indigenous people: First Nations, Inuit, and Métis (Chappell, 2001). Inuit (meaning "the people") have lived for over 10,000 years in the Arctic, in what is today known as Northern

1. Dedicated to my teachers; Cambridge Bay Elders, my deepest gratitude for sharing your wisdom.

Canada, becoming the first Inuit People of Canada (RCAP, 1996; Chappell, 2001).

Prior to contact with the Europeans, Inuit were self-sufficient, living in small, nomadic, autonomous groups. They provided for their basic needs by fishing, hunting, and gathering food. Their society was based on customary law that supported communal well-being and flexibility, utilizing social pressures to affect appropriate behaviours when necessary. In the 20th century, as contact with non-Inuit cultures increased, the Inuit culture adapted to the modern world. In the early 1960s, as a result of the Canadian Government's policy, many Inuit were forcibly moved to permanent settlements in southern communities that offered access to education, health care and modern amenities. On April 1, 1999, Nunavut was created by separation from the Northwest Territories following thirty years of negotiations with the Canadian Federal Government. Today, Inuit primarily live in four regions in Canada, with the majority residing in Nunavut.

Traditional Inuit culture focuses on fostering healthy communities by promoting the personal leadership skills, interests, and or/abilities of individual community members. (Aupilaarjuk *et al.*, 2017). It is guided and rooted in the eight Inuit Societal Values (ISV). Since 1999, the Government of Nunavut (GN) has advocated for fostering these values in the workplace environments, and they are crucial to achieving the objectives set out in its 2018 mandate *Turaaqtavut* (Government of Nunavut, 2017, 2021):

1. Inuuqatigiitsiarniq: Respecting others, relationships and caring for people.
2. Tunnganarniq: Fostering good spirit by being open, welcoming and inclusive.
3. Pijitsirniq: Serving and providing for family and/or community.
4. Aajiiqatigiinniq: Decision making through discussion and consensus.
5. Pilimmaksarniq/Pijariuqsarniq: Development of skills through observation, mentoring, practice, and effort.

6. Piliriqatigiinniq/Ikajuqtigiinniq: Working together for a common cause.
7. Qanuqtuurniq: Being innovative and resourceful.
8. Avatittinnik Kamatsiarniq: Respect and care for the land, animals, and the environment.

In regard to Inuit worldview, Inuit Qaujimajatuqangit (IQ), meaning Inuit knowledge, articulates the beliefs, values, skills and knowledge that are components of a traditional and modern Inuit way of life. Through the experiences of colonialism, Indigenous people learned to protect themselves by holding on to the traditional ways of being, and adapting while remaining anchored in their core values (Haramincic, 2022).

## 1. SITUATING SELF: AUTHOR'S POSITIONALITY

My positionality statement will be captured in a form of a poem, that incorporates my family background, race, ethnocultural background, employment status, education, ability, and diversity, equity, and inclusion (DEI) as those factors impact the formation of my worldview and my lens in general, and as they relate to this specific topic.

> I am a white girl….
> You see…
> I am a white girl,
> You see me as a white girl
> The one responsible for slavery,
> Oppression, racism, colonization
> You see…
> That I am a white girl
>
> And yet,
> In my veins there is blood
> Of my ancestors who were slaves,
> Slaves to white people
>
> Carrying the pain of
> The wars fought and lost,
> The rape, the murders, the oppression,

You see me, as a white girl, yet
I am a daughter, a granddaughter, a sister,
A friend, a partner, a mother

I pray and I smudge, I listen and
Light the qulliq,
Build the Inukshuk, and learn to
Make sealskin mitts

I am the settler and the immigrant,
I hear the pain, I join you,
You share, I listen,
I share, we listen
We change

My experiences are different
I want to *do* things differently,
I hope to be an ally, not a white girl
Walking the path, together
With you, we change

## 2. COLONIALISM, KNOWLEDGE, AND RESEARCH

As a non-Indigenous author writing about and with Inuit, I would like to acknowledge that all the knowledge belongs to Inuit and I am privileged to share it.

Imperialism and colonialism are interconnected concepts, with colonialism being one of the expressions of imperialism through the exploitation and oppression of Indigenous peoples throughout the world (Smith, 2012). Colonialism is defined as the domination of one nation over another supported through bureaucratic and political processes of colonial nations. The colonial nation controls the economy and imposes its culture as superior to that of the colonialized nation (Hick, 2002). The impact of colonialism on Indigenous people has been devastating; at best, it can be described as controlling, and at worst as a form of strategically planned cultural genocide. The colonial nation took the position that they must educate and change the ways of Indigenous peoples to make them 'more civilized.'

Through colonization, Indigenous people were robbed of their cultures, as well as their freedom, and spirit. Unfortunately, racism and oppression are not concepts or experiences that belong to the past. They remain embedded in today's societies and workplaces.

Historically, most research has been completed from the position of a superior nation 'doing' the research on Indigenous people and has contributed to exploration, discovery, exploitation, and appropriation (Chilisa, 2020). Non-Indigenous researchers have acted from a worldview that is different from Indigenous practices, customs, social relations, and environments, which they perceived as inferior, something that needed to be tamed, changed, cultivated, or civilized. Even though researchers believed they were motivated by 'goodwill,' their actions were insensitive and offensive, and they justified them as being for the 'good of mankind' (Smith, 2012). Indigenous people were perceived and used as objects of research. They were observed and examined without their consent, did not have a voice or say in a matter, and were not seen as contributing actively to research and creation of new knowledge. All the knowledge that was gained through colonial context was credited to the Western researchers (informally and formally) and no credit was given to Indigenous contributions. Thus, research was used as a way to impose the power and domination of imperial countries onto Indigenous peoples. Although research and researchers should aim to share knowledge, improve living conditions and life in general, and remove barriers for problem-solving of social issues, research has been used instead as a tool of colonization on Indigenous peoples (Pozzuto *et al.*, 2006).

Therefore, any exploration or research on Inuit culture must be with and for Inuit, rooted in IQ, supported by ISV, aligned with Indigenous methodologies, and using Indigenous methods that are community-based (Chilisa, 2020; McGregor, 2018). The approach taken for this chapter is a co-creation of knowledge through dialogue and conversation with Inuit Elders, presented in form of stories that were shared with the author.

## 3. PROMISE OF DECOLONIZATION AND INDIGENOUS KNOWLEDGE TRANSFER

"Decolonization offers a different perspective to human and civil rights-based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an 'end.' It is an elsewhere" (Tuck and Yang, 2012).

Indigenous peoples before colonization were in full control of their own lives and lived in a world that was understood and accepted through their way of being. Through colonization, they lost their freedom and their own personal and cultural identity. Decolonization promises to restore that freedom, through decolonizing and recovering their minds, and developing a sense of authentic humanity (Smith, 2012), re-gaining the right for self-determination, and restoring the spirit. Decolonization is both political and social, and it has a significant impact on Indigenous peoples on a very personal level. Decolonization offers a promise of healing as a nation, and reclaiming their history and knowledge which were taken away through colonization (Cote-Meek and Moeke-Pickering, 2020). Hence the importance of considering how to decolonize workplaces in Canada, which would not only support future generations of Indigenous Peoples and provide for healing and reconciliation with historical and intergenerational traumas (Kuniliusie, 2015; Mandell, 2007; Mawhiney and Nabigon, 2011), but also enhance diversity, equity and inclusion of all employees.

Furthermore, the optimal development of indigeneity, diversity, equity, and inclusion (IDEI) culture in workplaces can be facilitated by the fluid and integrated incorporation of Indigenous pedagogies that are rooted in four pre-colonial approaches: (1) development of the employee as a whole individual; (2) learning through experience; (3) learning through the land/environment; and (4) acknowledging the intergenerational role our relatives have in passing on knowledge and wisdom (Preston and Green, 2020).

Figure 1 presents a guideline for a methodology for conducting research in an Indigenous context which has been adapted for the purposes of this chapter.

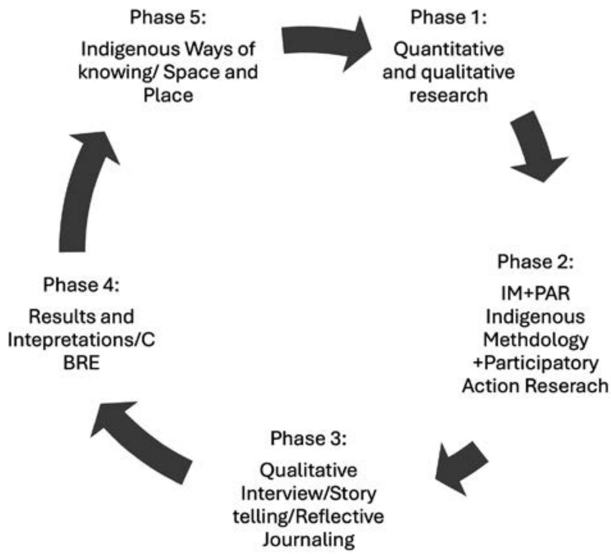


**Figure 1**
Exploratory, Sequential and Integrated Phased Approach Embedded in Indigenous Methodologies (IM)

Note: CBRE: Community Based Research Evaluation; PAR: Participatory Action Research; IM: Indigenous Methodologies.
Source: Adapted from Lickers (2018).

## 4. CONVERSATIONS WITH INUIT ELDERS: SETTING

The following stories and poems were inspired by conversations in April 2023 with an Elder from Cambridge Bay, and in November 2022 with the Elders at the Kitikmeot Heritage Centre, as well as narrative/ poetic inquiry that is reflective of ways Indigenous peoples have shared knowledge throughout time (Cote-Meek and Moeke-Pickering, 2020). The Elder from Cambridge Bay requested not to be identified, stating “I like sharing but don’t like being recognized, don’t like my name being written.” To honour her wishes, her name has been changed.

I met the Elder Alanna at the Nunavut Arctic College (NAC) in Cambridge Bay where she spends her days supporting Inuit students through storytelling, prayer, and qulliq lighting (a *qulliq* is a traditional oil lamp). She sees herself as the conduit to transfer her ancestors' knowledge to new generations. Alanna was gracious in immediately agreeing to have a conversation with me on the topics of indigeneity, diversity, equity and inclusion. I inquired why she had agreed to speak with me, and she replied that there was a reason we met at this time in this place, and she felt that it was her role to share an Inuit perspective.

We met at the campus, surrounded by Inuit art and knowledge, and sitting in sealskin covered chairs, in an open space whose rounded shapes mirrored an igloo. Everything around us was a combination of a modern architecture meeting ancient Inuit culture. We sat with tea in our hands and shared candied char. Occasionally we were interrupted by the students acknowledging Alanna, giving her a hug, chatting for a few minutes, and then moving on to other school things. She was always gracious, and giving everyone her full attention, providing comfort, space, and time to embrace all of us.

The Kitikmeot Heritage Centre is located in Cambridge Bay, Nunavut, at the entrance to the high school, an example of a community shared space that includes a museum, a library and a space for Elder activities. It is a place of sharing, a place of work, a place of honouring the ancestors, a place of knowledge exchange, transfer, and respect. In the course of an ordinary day, many generations and diverse populations use and share the space.

The Elders at the Kitikmeot Heritage Centre meet daily and work on the crafts that they learned from their parents and grandparents through observation, trial, and error, by doing. Most of the Elders are in their late 80s, unilingual. Their energy and humour are both contagious and inspiring, and their willingness to share their wisdom, while at the same time embracing diversity, is empowering. They continue to contribute to the community by instructing young children and youth on specific techniques, and by sharing the proceeds from selling their crafts towards the maintenance of the Heritage Centre.

## 5. INDIGENEITY: WE ARE INUIT

"We are Inuit. I am Inuk. I do not identify as Indigenous. It is wonderful that the world has a word for people of different backgrounds, but don't give me that label. Sounds wonderful, flows nicely, but it does not click with me…" (Elder, 2023)

Alanna looked at me pensively and said that the world is attempting to be politically correct, and that she understands that, but she struggles with everything about being labeled and who creates the labels.

> Who will tell us how to talk? You choose how to identify. You see, I have an English name now, but up to the age seven I was called Otoak after my grandmother. This makes sense, I carried the spirit of my grandmother into the new generations, I spent time with her, she taught me things, she was a healer, and carried knowledge of Inuit land medicines. We communicated in the only language I knew, Inuinnaqtun (Elder, 2023).

The land is healing. Mother earth provides for the needs of all beings, just it provides for humans. From generation to generation, Inuit have used, and passed on, wise practices of using plants found on the tundra for healing purposes, including from physical discomfort or emotional disbalance (Ziegler, 2018). This is the way of being and honouring the land and everything that land offers. There is no ownership; this way of being is based on mutual respect and reciprocity. The natural order of things has been disrupted through colonization and 'modernization,' which led to adaptation and new ways of being. Inuit have always adapted to their surroundings. Living in the Arctic has led to an extreme ability to work within the challenges of their environment, and they excel at overcoming extreme circumstances.

Alanna was born in the Bathurst Inlet, in 1955, in an igloo built by her father. She was the youngest of five children. She has vivid recollections regarding her life until she was taken to a residential school when she was six years old, at which point there is a gap in her memory of several years. The whole family moved to Ikaluktutiak (Cambridge Bay) in 1961, travelling by dog sled team, after which she was taken away to the residential school in Inuvik, in the Northwest Territories (NWT) where she stayed until she completed grade 12. Her family had to stay behind. Except for summers, when she was sent home, she spent ten months of the year at the residential school, without visits from parents or siblings, or breaks for Christmas or Easter. She was brought up speaking English, and introduced to the Anglican religion. “I don’t know how I managed for the first 2–3 years,” Alanna remembers. “I could not connect with my family, I spoke Inuinnaqtun only, I have no recollection of those years. I could not understand my parents when I returned for the summer break, my oldest sister interpreted for me.” Her eldest sister would later become an interpreter for the Government of Nunavut (GN) and worked for many years in that role. Alanna remembers that they created the term “sleeping words” to refer to the knowledge that they once had; it was never lost, but just sleeping at the time. Later in life, her sister re-taught Alanna the Inuinnaqtun language that she had lost during her time at the residential school. Her sister and her colleagues were strong advocates for Inuktut language to become among the working languages of the Government of Nunavut.

Alanna went to a high school in Fort Smith, NWT, and later teacher’s college. However, teaching was not her calling. She transferred to the office administration program, and believes this is where she learned professionalism, how to speak and how to act. She believes this was the best course she took. After completing formal schooling, she worked for different employers, including Nunavut Arctic College and the Government of Nunavut Language Bureau. She participated in NWT–Nunavut devolution, and has travelled to 24 of Nunavut’s 25 communities for her work. Later in life, Alanna decided to enroll in a mental health program and worked at the wellness centre as a mental health counsellor. She always felt she was drawn to help others, and transfer the knowledge passed on to her from her ancestors. She does not see herself as a teacher, more as a conduit to new generations through the stories, experiences, and knowledge of her elders. The non-intrusive way of Inuit teachings led her to be a quiet yet strong advocate for the preservation of Inuktut languages, knowledge, and traditions.

## 6. DIVERSITY, EQUITY AND INCLUSION: THE WAY OF BEING

“We don’t need to describe how we are living” was how Elders at the Kitikmeot Heritage Centre reflected on the words ‘diversity, equity, and inclusion’ (Elders, 2022). The Inuit Societal Values were written in recent times, but they were lived for ten thousand years before that, and living their values is their way of being. Written word has documented what Inuit intuitively passed on from generation to generation through sharing of country food, storytelling, artistic expressions, learning to make carvings, doing crafts, spirituality, and qulliq lighting.

Kitikmeot Region has changed in the past thirty years. It was originally dominated by businesses and organizations owned by *kabloona* (an Inuktut term for non-Inuit residents of Nunavut), including Hudson Bay Company, Coop, the RCMP, and the Distant Early Warning (DEW) line radar stations, which hired few locals. Now, however, there are many Inuit led and owned organizations, such as the Nunavut Impact Review Board (NIRB), Nunavut Tunngavik Inc. (NTI), and many small businesses providing construction, consulting, and social services. Elders shared that locals educated themselves with the aim of owning their own businesses, and local organizations now train youth to continue building Inuit owned companies. Nowadays, high schools offer scholarships, and Inuit organizations such as Kitikmeot Inuit Association (KIA), NTI, and NIRB provide financial support which was not available 25 years ago (Elder, 2023). Although Nunavut Arctic College (NAC) existed twenty-five years ago, there were no financial resources, no liaison officers, “no campaigns to encourage youth to continue education,” Alanna shared. Technology has made significant and positive changes. “How quickly we access information now,” Alanna said, glancing at her smart phone that showed a picture of her nieces, and smiled. “There was no email, no phone in many communities, no Teams meetings.” Cell service reached all 25 communities five years ago, a development that has dramatically changed the interconnectivity of Inuit, and despite the slow speed of service, elders and youth alike have embraced this technology, and families can see each other daily via various platforms, to share memories and stories.

Alanna further believes that "the technology has opened the doors to online education, which has impacted local and territorial economy and political diversity," changing the "picture" of members of the legislative assembly from white, male, and older members to Inuit of both genders, and younger generations. Alanna would like to see "someone that is Inuk at UN." She believes that when we see people through their spirit, not worldly eyes, we show compassion, but we are also able to see people for who they are; connecting with "here" (she motions to the heart) rather than the head.

"We are on the island, but we are connected to everyone and everything" (Elder, 2023). Elders encourage their children to, "don't get stuck, to go look and explore," and to learn what other customs are, different experiences from their own families, activities, and languages. Thus they learn to honour their own culture and respect the diversity of the world. "This is the wealth that can be passed on to children, grandchildren, and if blessed to great-grandchildren." Most of the Elders see their role being to share their experiences and empower their children, taking part in a circle of life.

"Inclusion is the way of living," Alanna said. There is no specific word in Inuinnaqtun to describe it. "We live in diversity from the day we were born," was the Elder's reflection on the topic, "We don't need a definition, we lived it way before the Oxford dictionary was written." Inuit focus on doing, rather than labeling things. Therefore, it is not about what something is called, but knowing how one expresses it. Alanna said, "… how do you say this? Watch me do it," and added that, "We think logically, we do not overthink it…" Inuit culture is embedded in the connection to the land and all living beings as seen through the ISV. Inclusion, diversity and equity are concepts that relate to all eight ISVs, but most specifically to Inuuqatigiitsiarniq (respecting others, relationships and caring for people), and Tunnganarniq (fostering good spirits by being open, welcoming and inclusive). For Inuit, it is less important what or how something is called than how it is expressed. Inuit learn from observing;

therefore diversity, equity and inclusion are learnt through enacting these values (Aupilaarjuk *et al.*, 2017).

While sitting around the qulliq, the Elder lights the uqpi suputillu (arctic willow) that is soaked in oil in the stone carved dish, and tells stories. As many times as the Elder has done it in her life, there is always a uniqueness. The process, the story, or the prayer is never the same. It may follow the same motions, and the order, but the content depends on the context, day, and what an Elder is drawn to share (Elders, 2022). While the qulliq was lit, we shared the country food, then Alanna told us the story of Sedona and the Arctic Ocean.

## 7. STORYTELLING: IMO AND THE ARCTIC OCEAN

It was a bright, warm, sunny day in late July in the community of Kugaaruk, located in the most western region of Nunavut, on the shores of Pelly Bay, just off the Gulf of Boothia, on Simpson Peninsula. This community, like all the others in Nunavut, is only accessible by air, or by boat in the summer months (July and August). The Gulf of Boothia is known as a home of the elegant narwhals. These majestic creatures have not only been a source of food to the Inuit, but also of beauty and connection to the ocean world.

Imo's grandfather has lived in Kugaaruk since the early 1990s, and because of his Elder knowledge and wisdom he worked with the Canadian Department of Fisheries and Oceans. Imo was born in Kugaaruk and raised by his grandparents, because his mother left them when he was two years old. She went on a boat ride with her friends, and never returned. His grandfather told him the legend of Sedona, the mythical creature, a mermaid that takes care of the Arctic Ocean and the life in it. He explained that Imo's mom was going to be well looked after, because Sedona is a gentle and caring creature.

Imo loved both of his grandparents, but he adored his ataatatsiaq (grandfather). When Imo was five years old his grandfather took him on the ocean for the first time. He thought this was the most magical journey he has ever been on, and since that day he was enchanted by the water, waves, fish and animals that live in and around the Arctic Ocean, as he looked for signs of Sedona to ask her about his mother.

His grandfather was a patient teacher who showed Imo how to look for fish, whales, seals, snow buntings, seagulls, and other land animals, such as bears, foxes and wolves that come to the water for food, each carrying the signs of beautiful Sedona. He taught him how to listen to the sound of the wind and the ocean, the birds chirping and the howling of the wolves. He explained that these creatures are all made in Sedona's image. Imo observed the seals' heads bopping out of the water, creating smooth waves and disappearing, just to show up in a different spot. Imo hoped that one day Sedona would appear the same way. It was a playful interaction between different forms of life. His grandfather spoke with gentle voice and words that communicated care for all beings.

Today, it was a good day to visit the narwhals. It was the time of the year when they had babies, and grandpa wanted to check if they were all well. Narwhals usually have an ivory tusk, sometimes two, and are often hunted by others for their beauty. There were often poachers reported in the area. Grandpa needed to ensure they were okay. Sedona gets upset with humans when they do these bad things, and sends bad storms and high winds.

They packed the cooler with freshly baked bannock, dried fish, and pickled mattaaq (blubber found beneath the skin of marine mammals), in case they got hungry. Imo knew that being on the ocean could be dangerous sometimes, especially, when the ocean got upset with humans for abusing and polluting, and they needed to have extra clothing, protection, shelter, and enough water for a day or two if they get stranded.

As they moved away from the shore, Imo loved watching the play between the ocean, the wind, the waves, and the clouds. He would sit beside grandpa and watch the seagulls playfully dancing in the air, diving towards the ocean and floating on its peaks in a continuous motion. The ocean was both the canvas and the stage, offering nourishment and protection. He listened carefully to what the water was saying today, the messages it had. Grandpa had taught him to be silent and patient. He knew that he was too young to understand it all, and he just tried to enjoy being part of it all. The Arctic Ocean was dark blue, almost still. You could see your reflection in it. As the boat moved, fine, oil-like and smooth waves formed with tiny sparkles as they peaked. Further away towards the horizon where the ocean and the sky came together, it became turquoise, and then merged into the never-ending hues of blue and white and grey and green with rays of sunshine, like brush strokes on a painting. Imo believed that this is where Sedona lives, and where his mother is happy. That made him happy too.

They returned as the midnight was turning into early morning, still light, with remnants of the yellow-orange ribbons left in the sky. They were tired and filled with deep, calming emotions, reflective and grateful for the day spent with each other on the Arctic Ocean.

## 8. LESSONS LEARNED: RESPECTING EACH OTHER

Nunavut is a young territory and offers opportunities for labour relations that are both rewarding and challenging. In the past twenty years, the territory has changed significantly, and workplaces have become more aware of the impacts and benefits of embracing IDEI. Approaches to employee relations must be respectful and incorporate ISV, involve Elders, and ensure the acknowledgment of IQ principles. IDEI must be understood from the Inuit perspective, and workplaces in Nunavut are required to incorporate these values in their employment related policies, procedures, and practices to demonstrate their firm commitment in a concrete and visible way (i.e., by doing). Continuing with the implementation of the Languages Act and Regulations and alignment of the Public Services Act to promote IDEI will require further resources.

Inuit and Nunavut workplaces are impacted by colonization and continued systemic legacy barriers. The residential school system, overcrowding, poverty, and violence have left long-lasting consequences that, if not attended to, may impede the fulsome participation of Inuit in workplaces. Strategies that support decolonization and indigenization of workplaces will create stability and further acknowledge the importance of equity, and inclusion of all employees. It is critical that we attend to empowerment, self-determination, cross-cultural communication, collaboration, and adaptation to the changing realities in workplaces. Employers are required to align with ISV along with the integration and operationalization of IQ in their daily practices.

Therefore, the first task is to gain an awareness and understanding of the complex issues that face Nunavut workplaces, and to implement strategies towards decolonizing and indigenizing workplaces, removing legacy barriers that prevent Inuit employment and subsequent career advancement. We must build openness and adaptability to embrace the benefits of shared/integrated and multicultural aspects of the workforce. Having sustainable, effective, and empowering workplaces will require advocating for Inuit values and the values of a diverse workforce that respects and creates new choices, opportunities, values, and solutions. An approach that embodies the characteristics of ISV, equity, and holism with supporting Inuit self-determination, mutual respect, and diversity, has the potential to produce better outcomes for all, while supporting, motivating, and empowering Inuit to take more active roles and leadership within their workplaces.

Future research could consider expanding and complementing the lessons learned by conducting Indigenous participative research through action learning and action research, to bring Inuit and diverse voices to share their experiences, benefits, and shortfalls.

## EPILOGUE: OUR LAND

NUNAVUT

(means 'our land' in Inuktitut)

Do you remember
The white nights
    Under the wide dark sky
    Lit by the Qulliq

Do you remember
The warmth of the igloo
The majestic dance of the Northern lights
The stories of fish and whales

Do you remember
The tundra
The bright sun
The colour of berries
The ebb and flow of
The Arctic Ocean

Do you remember
The playfulness of the ravens
The strength of the polar bear
The agility of the caribou
The gentle beauty of the Arctic owl

Do you remember
The joy of Inuit children
Playing in the snow
The aromas of bannock and tea
The quiet wisdom echoing
Under the silent stars

Do you remember
The beauty of art,
The powerful message of throat singers
The carvings that communicate care

Do you remember
The cries of the women
Losing their children
To the residential schools

Do you remember
The blue eyes of the Inuit dog
Before their slaughter

Do you remember
The pain of the enslaved men
Robbed of their culture
Land and identity

Do you remember me
My fair friend
The one who welcomed
You to this land
~ our land.

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# 7

# Lessons From Health Care

## Applying the Ethics of Care in Increasingly Diversified Workplaces

**Tina Sharifi, Marlee Mercer and Jelena Zikic**

According to Statistics Canada (2022d), 23% of the Canadian population is comprised of immigrants. Additionally, 22.3% of Canada's population is represented by racialized individuals, with the overall Canadian population comprising more than 450 ethnic or cultural origins and languages (Statistics Canada, 2022d). Meanwhile the Indigenous population has grown by 9% over the last year, sitting at 1.8 million. Canada's growing and ageing population has reached over 8 million individuals (Statistics Canada, 2025c). Gender-identity diversity is also expanding, with 100,000 transgender and non-binary persons reported (Statistics Canada, 2025a), while an estimated 1 million people in Canada identify other than heterosexual (Statistics Canada, 2022b). Finally, over 8 million employees report having a disability (Statistics Canada, 2022c).

This chapter critically examines how Canadian organizations respond to and navigate this rich tapestry of diversity (Statistics Canada, 2022a), encompassing various dimensions such as race, ethno-cultural backgrounds, LGBTQ identities, and all other diverse populations that contribute to the richness of our country. By exploring the principles and practices of diversity, equity, and inclusion (DEI), and introducing an ethics of care theory—typically employed in health care but posited here for broader application—we delve into the ways organizations address and embrace the multifaceted dimensions of the Canadian workforce. This exploration reflects the evolving landscape of our society, offering a fresh perspective on fostering inclusivity and support within organizational frameworks.

Despite Canada's growing demographic diversity, reports outline significant systemic barriers and challenges caused by racial inequity (Meditskos, 2022), disability and age discrimination (Jones *et al.*, 2018; Skrzypinksi, 2022), and beyond. Despite organizations' public commitments to mitigate and eradicate discrimination, reports show that issues of pay inequity, tokenism, microaggressions, and unconscious bias persist (Wilson, 2021). Jason Kipps, Managing Director for Universum Canada, addressed this disparity stating that:

> When we asked what diversity means to [employees from diverse backgrounds], they're not typically saying, "Diversity means to me that the organization has the right ratio of Black people to South Asian people to LGBTQ+ people and that all of those people are represented in all of [the employer's] content." They're telling us that diversity is much [broader]… most employers are getting [DEI] wrong… talent is interested in companies with ethical standards… working towards an inspiring purpose… working in an organization that has respect for its people and professional training development opportunities." (Wilson, 2021)

Researchers attribute the deficiency of DEI systems to the 'diversity and stir' dilemma: company leaders continue to adopt a simplistic and hollow vision of policies and programs (Ely and Thomas, 2020).

As researchers and policymakers suggest, identifying and removing discriminatory barriers embedded in societal and organizational culture is compulsory (Livingston, 2020; United Nations, 2016). Having a more diverse organizational talent pool that sufficiently accommodates employees' unique needs can promote improved employee engagement and workplace satisfaction, better market reputation, greater innovation in decision-making, greater understanding and service of customers, and higher profitability (Bauer and Erdogan, 2012). Thus, organizations must continue to identify novel strategies to promote a diverse and inclusive environment.

The ethics of care perspective, traditionally applied in health care settings, provides a distinctive approach to address the 'diversity and stir' dilemma. This perspective focuses on the relationship between the self and a particular other in a specific context, emphasizing responsiveness to the needs of this individual (Lawrence and Maitlis, 2012). Unlike blind adherence to universal ethical rules, an ethics of care grounds morality in personal relationships within specific situations, highlighting interconnectedness, nurturing, and responsibility toward concrete embodied others (Gilligan, 1982). By adopting an ethics of care framework, organizations can address the multifaceted dimensions of diversity in a way that goes beyond tokenistic measures, fostering a workplace culture rooted in empathy and inclusivity.

In the health care industry, this approach has proven successful in managing DEI by prioritizing patients' unique needs. Dr. Kevin Pottie, chair of the Ian McWhinney Family Medicine Studies at Western University, exemplifies this success. He champions an evidence-based, culturally competent health care curriculum that prioritizes refugees and newcomers. The curriculum emphasizes socio-economic status, cross-cultural communication, and patient experience, empowering emerging physicians to support a diverse and vulnerable population through a culturally sensitive approach (Glauser, 2022). The health care sector's focus on workforce diversity exemplifies an effective strategy for addressing health care disparities among underrepresented populations.

Patient care practices affect how patients perceive symptoms and seek care, what they expect from care, and their willingness to trust doctors (NORC at the University of Chicago, 2021), all of which shape workplace policies and initiatives. Aligning with the ethics of care ideology, patient-centered care becomes an organizational practice that addresses DEI deficiencies within broader workplace settings. Inspired by these ideologies, workplace practices prioritize understanding the unique needs of diverse individuals, adopting a person-centered approach toward DEI. Fostering an inclusive workplace and undertaking a culturally competent approach to DEI management practices allows organizations to meet their diverse employees' social, cultural, and linguistic needs (Betancourt *et al.*, 2002). This perspective, inspired by patient care practices, introduces a transformative angle to the discourse on DEI, recognizing the importance of empathy, interconnectedness, and responsibility in fostering a truly inclusive organizational culture.

Thus, drawing from the ethics of care theory (Held, 2005) and the cultural competence approach to care (Cross *et al.*, 1989), alongside critical health care literature, we present stories from four health care professionals who share their lived experiences engaging in DEI management through patient interactions. This dialogue serves as a reflection on lessons learned that aims to contribute to and inspire more effective DEI research and practice for management scholars and practitioners. This chapter endeavours to address the needs of Canada's dynamic socio-cultural demographic by recognizing diverse perspectives that can inform DEI practices across industries. Specifically, this dialogue promotes the importance of inclusive relationships and collaborative decision-making, alongside empathy and compassion, principles that are derived from patient-centered care.

This following section presents a review of the ongoing progress and persistent challenges of DEI in the Canadian workplace. We address the importance of inclusivity and equitable practices within our diverse labour market, and the outcomes and implications of these practices. We introduce health care practices as an avenue for stimulating progress and change. Borrowing from the health care industry, we leverage insights, evidence-based practices, and practitioner-led dialogue to inform DEI initiatives within the broader Canadian organizational landscape.

## 1. DEI WITHIN THE CANADIAN LANDSCAPE

Canadian organizations are actively responding to the evolving needs of their diverse workforce by incorporating increasingly formalized diversity management practices and programs (Yang and Konrad, 2011). Recently, the *Globe and Mail* spotlighted 100 Canadian organizations for the 'Best Diversity Employers of 2023' by Mediacorp (Jermyn, 2023). Organizations such as KPMG were recognized for meeting diverse hiring objectives, including a gender and racially balanced workforce. Others were lauded for inspiring action and accountability towards comprehensive goals, such as the formation of DEI councils (Jermyn, 2023). Scholars describe diversity management as managerial programs, policies, and practices that secure equity, respect, and engagement among majority-minority affiliated members and support the achievement of strategic and tactical organizational objectives (Bizri, 2018; Gao and He, 2017). Researchers posit that improving diverse human capital is critical for ensuring competitive advantage in a multicultural climate (Vito and Sethi, 2020). However, while many employees are aware of "mainstream multiculturalism" and the importance of "cultural competence," organizations are not encouraged to acknowledge "privilege, oppression, and social justice" (Dobbie and Richards-Schuster, 2008).

Diversity management has been criticized for its superficial focus on minority members which cultivates inadequate practices (e.g., training, communication, coaching, mentoring) that do not effectively alleviate cultural clashes, institutional marginalization, and workplace discrimination that originate from differences in religion, gender, age, political ideologies, and so on (Mousa *et al.*, 2020). Furthermore, organizations are criticized for having insincere diversity management practices that prioritize profit over equity (Rabl *et al.*, 2020). These issues are compounded by the fact that organizations often implement a 'one size fits all' approach (Benschop *et al.*, 2015), focusing on single identity categories without questioning the heterogeneity within these categories (Tatli and Özbilgin, 2012).

Amidst these challenges, there is a growing call by diversity management scholars to recognize that organizational DEI management is not solely a business necessity but an ethical priority (Lozano and Escrich, 2017). Highlighting this shift, DEI efforts can benefit from a human-centered, empathetic, and inclusive approach. To bridge this gap, we advocate turning to the principles of ethics of care and the cultural competence framework, providing a more comprehensive strategy for addressing the multifaceted challenges within organizational diversity management.

## 1.1 DEI in Health Care

The universal health care system in Canada is a source of pride for the nation, intertwined with Canadians' sense of national identity (Dufresne *et al.*, 2014). The increasing diversity within Canada has prompted health care practitioners and policymakers to respond by developing and delivering culturally competent care and services, aimed at mitigating health inequalities (Henderson *et al.*, 2018). Health care leaders must navigate the complexities of the medical system to implement effective and equitable practices that ensure adequate patient care (Banton *et al.*, 2021; Cipollina and Sanchez, 2020). Recognizing the challenges and disparities faced by patients from diverse backgrounds, health scholars advocate for leveraging diversity management to address issues related to access, treatment, and health care outcomes (Dotson and Nuru-Jeter, 2012).

Within the health care sector, there exists an ethical imperative and social responsibility towards the diverse communities it serves. In a study of nonprofit sector professionals, researchers examined ethical decision-making utilizing ethics of care, classifying its dimensions into components including trust, showing mutual concern, promoting human flourishing, and responsiveness to needs (Formentin and Brotree, 2018). These dimensions were replicated by another study, which explored the ethical engagement of social media towards and on behalf of marginalized members of the public. Researchers found that empathetic and authentic practices must be used to ethically accommodate members' psychological, emotional, and collaborative needs when engaging with social media content (Place, 2021). In accordance with these findings, this section utilizes the ethics of care framework to examine how to promote effective DEI management within organizational settings.

## 1.2 Ethics of Care Framework

Care ethics, introduced by Carol Gilligan in 1982, outlines individuals' obligations to provide care for one another. Care ethics recognizes individuals as affective beings, susceptible to emotions (Gilligan, 1982). Thus, to effectively care for the well-being of each unique individual, care ethics proposes prioritizing moral decision-making in place of prescriptive universal laws (Kurian, 2023). The ethics of care framework revolves around compassion and empathy, underscoring the idea that humans are inherently relational beings (Barnes *et al.*, 2015). This theory places a strong emphasis on social connection, responsibility, and collaboration in contrast to traditional ethical theories that concentrate on principles, rights, or rules (Barnes *et al.*, 2015; Groot *et al.*, 2018). Care ethics positions individuals as deeply interconnected, which discourages individualism while encouraging community (Tronto, 1993).

Maio (2018) developed and proposed a comprehensive understanding of ethics of care, highlighting:

- Anthropology of dependence, emphasizing the importance of treating everyone with equal levels of respect and striving for equality in relationships.
- Centrality of relationships, underscoring the crucial role of relationships as a fundamental orientation that defines human experience.
- A situation-oriented ethics of care focus, addressing each unique situation as it arises, necessitating an immediate response that recognizes difference.
- Responsiveness, involving actively addressing the needs of individuals who rely on support, highlighting the importance of an attitude of 'turning to' someone and the ability to approach others.
- Embracing the indefinable, accepting ambiguity, recognizing that each situation holds its own unique elements offering varied solutions.

- Prioritizing emotional knowledge, highlighting the crucial role of relationships, perception of the situation, and the prioritization of creative solutions.
- Providing space for growth, valuing the presence of doubt, allowing for adaptability and the ability to evolve as new situations arise and new insights are gained.

As Breslin and colleagues assert:

> [T]he path to create a more culturally inclusive place to work, learn, and address both implicit bias and overt racism in a comprehensive manner is messy, fraught with fits and starts, and requires a focused resolve and courageous leadership… pursuing a culturally proficient educational organization requires an intentional systems approach, ongoing learning on the part of all, and commitment to sustain the dialogue (Breslin *et al.*, 2018).

To further a greater understanding of this cultural inclusion, we consider another critical theory within health care literature, recognized as the cultural competence framework.

## 1.3 Cultural Competence

Cultural competence research plays a significant role in health care by enriching the delivery of culturally sensitive and equitable care. Cross and colleagues define cultural competence as "a set of congruent behaviours, attitudes, and policies that come together in a system, agency, or among professionals and enable that system, agency, or those professions to work effectively in cross-cultural situations" (Cross *et al.*, 1989). Betancourt and Flynn's integrative model of culture offers a framework for investigating cultural competence in health behaviour and outcomes (Betancourt and Flynn, 2009). It incorporates socio-structural, cultural, and psychological factors and looks at the influence of culture on the behaviours of health care providers and culturally diverse patients. The model encompasses different sources of cultural diversity, such as ethnicity, race, socio-economic status, gender, age, and religion.

Next, we illustrate how these frameworks apply to the health care setting through dialogue with four health care experts.

## 2. A RESEARCH APPROACH BY CONVERSATION

We employed a conversational research methodology (Suchman and Jordan, 1990). This form of interviewing is an alternative approach to more structured forms of interviewing as it is designed to capture rich and nuanced data through interactive and naturalistic exchanges (Conrad and Schober, 1999). It is important to note that we elaborated on the meanings of ethics of care, diversity, and diversity management as they meant different things to interviewees based on their background. This way, we ensured consistency in the understanding of concepts.

The following will illustrate the experiences of health care practitioners. By analyzing these experiences, we can identify best practices and areas for improvement for organizations within various industries.

### 2.1 Belle

Our conversation begins with Belle, a Hospice and Palliative Care Program Senior Leader. Belle leads a staff of social workers, nurses, PSWs (personal support workers), and volunteers, tasked with administering psychosocial and practical support. Palliative care is a specialized form of medical care for individuals living with terminal illness. Treatment and support care focus on the care, comfort, and quality of life of the individual approaching the end of life (National Institute on Aging, 2025).

Belle describes her facility's ethics of care approach as multi-disciplinary, focusing on delivering hospice and palliative care to the "whole person." A multi-disciplinary health care approach is recognized as a "care system in which multiple interrelated appointments per patient are scheduled, where healthcare professionals from various facilities or with different skills are involved" (Leeftink *et al.*, 2020). Patients with a terminal illness who choose to stay in their homes can benefit from a comprehensive range of supportive services. They receive assistance from social workers and compassionate volunteers who offer emotional and practical support, including help with grocery shopping. Moreover, religious figures are available to provide guidance and support. Additionally, personal support workers are present to address their care needs, while nurses ensure access to essential medical care, all within the familiar and comforting surroundings of their own residence.

Each individual patient brings unique cultural perspectives, traditions, and rituals that shape their understanding of death and grieving. Recognizing and aligning with patients' spiritual and religious beliefs, particularly when it comes to their perspectives on the afterlife, can also be an immensely beneficial practice for caregivers. Belle shares, "we try our best to have compassion for whatever anybody is going through." According to Belle, DEI in the form of compassionate care and cultural sensitivity is a key driver of meaningful patient care. DEI is not just a management practice, but a practice of compassion for humanity. "It's about how we treat each other, work together, live together. And humans live together… It's the way we do it. It's in line with what I believe should be natural to us." The caregivers provide compassionate and culturally sensitive care that respects the person behind the treatment. At the same time, they are reminded of their own humanity through the mortality of their patients.

## 2.2 Tarana

Our dialogue with Tarana, a Senior Leader of Business Development for a company that offers dementia treatment and care, extends on the previous conversation with Belle. According to the World Health Organization (2025), dementia is a term utilized to describe several diseases that affect memory, thinking, and the ability to perform daily activities, with the illness often worsening over time.

Tarana discussed patient diagnosis:

> One of the things is that memory assessments oftentimes lack translations and lack cultural appropriateness when they're being administered… When the team would go into Indigenous communities, they're giving a standardized test called the MOCA (Montreal Cognitive Assessment) test… they show you pictures of random things, and you

> have to write down or name what they are. If you show a 96-year-old a picture of a rhinoceros they're not going to remember what that is but that doesn't mean they have dementia. You don't want to stereotype, but you also want to show things that are culturally relevant to that person and that community.

Additionally, Tarana explained that dementia can lead individuals to become aggressive and sometimes violent due to confusion. For immigrants, their English-speaking ability is often negatively impacted, given its second-language status. Tarana shared the story of a [country redacted] immigrant who stopped speaking English after a dementia diagnosis. "He would get super violent with nurses and PSWs. He has no idea so he's trying to punch them in the face when they're changing him." This is where cultural competence and addressing patients' unique needs presents an important caveat for this type of care. Tarana explained, "Because I speak [language of patient], I phonetically wrote out how to tell him, I'm here to help, it's okay, calm down. I was able to write that phonetically for staff and they're all practicing." She continued:

> So, even just teaching the staff when you come to him and he's freaking out… don't point ever. Don't show him the palm of your hand. Don't say calm down. This is very disrespectful… dementia specifically, there's a regression in terms of cultural awareness of the person and language. There are all these treatment programs that are like, yeah, you want to calm someone down, have music therapy like Frank Sinatra. I guarantee you an [ethnicity redacted] patient does not need to hear Frank Sinatra to calm down. They want to listen to '60s Fairouz. All of this needs to be put into the [programming].

Gender must also be considered within effective dementia care. As Tarana explains:

> When you have 250-pound man who is confused and doesn't know where he is and starts lashing out it's helpful to have another equal-sized individual… Before it escalates, just having a man come into the clinical exam room… It calms the situation. Sometimes men as patients are less likely to open up about things and so it's helpful having that brotherhood in their assessment setting. Also, it's nice to have physical representation in spaces.

Respect and tolerance for differing political and ideological beliefs are of further importance.

> If somebody comes in with these political beliefs, we're health care providers, there's no, oh, I won't treat you because you got a big Nazi tattoo on your face. Nazis get dementia too, as crazy as that sounds… You can have a sweet little grandma and she's yelling racial slurs at staff. How do you balance making a safe work environment with also providing service to somebody who really isn't cognitively there?

She continues:

> Figuring out how to balance that… because I don't know how to convince a nurse to go back and deal with that because we also don't want to push anybody like, oh, let it roll off your back. No, you were dehumanized and that affects you and we need to be 100% behind the back of our health care workers.

As Tarana explains, "I think it's much easier to not take things personally because it's dementia." If a patient communicates a discriminatory comment, Tarana advocates for care and compassion, emphasizing that those within long-established health careers understand and practice these ethics.

## 2.3 Toni

Toni, a social worker and clinic consultant at an organization that focuses on mental health services and rehabilitation, amongst other specializations, presented a unique narrative. A significant portion of her clients are individuals diagnosed with major medical conditions who are unable to access critical community resources. Toni provides care through therapeutic counselling, case management, resource referrals, and beyond, which she describes as components of a multi-disciplinary method of care.

Toni attributes her multidisciplinary approach to the biopsychosocial-spiritual model (Engel, 1978). The philosophical underpinnings of this model centre around understanding the cause of the disease alongside the subjective experiences of the patient (Borrell-Carrió *et al.*, 2004). The biopsychosocial spiritual model offers a more holistic and inclusive approach to patient care, recognizing the importance of addressing all aspects of a person's well-being for optimal health outcomes.

When asked what DEI means to her line of work, Toni shares the familiar concept of meeting patients according to their unique needs. “It’s a social work tag line,” she says. When we asked her what role DEI plays within her profession, she explained, “It’s a social work standard practice written into social work code of ethics… we’re taught to look at things from a holistic, intersectional lens. Trained to see the micro, meso, macro and how that impacts individual functioning.” Toni focuses on self-reflection, keeping up to date on research and political and other major events, and revisiting policies to develop more progressive and inclusive ones that go above and beyond standard accreditation. That way, a client can feel safe enough to say, “here’s who I am and here’s how you can help me.”

Toni explains the importance of deconstructing power dynamics, replacing them with a more collaborative approach to ensure a client feels safe. To illustrate this care approach, she tells us the story of a client within her harm reduction portfolio. Toni was assigned to work with an older individual struggling with alcoholism and PTSD, who lacked critical social support. Toni explained, “I never walk into those sessions being like, I’m going to help this guy overcome this addiction.” She lets the patient act as the guide. “I’m an expert in the theory and the practice, but the client is the expert of their life… so, I go into it by considering what are your beliefs about the situation and how do you view your situation?”

She and the client went through his drinking glasses to comprehend the extent of his drinking consumption to better understand the situation. “So, I would ask, ‘what are your issues with drinking?’ He would say, ‘I don’t eat then I fall.’ I ask him, ‘can you stop drinking?’, he says, ‘absolutely not.’ [I say], ‘Okay if you drink, don’t do it on [an] empty stomach, or alternate drinking with water.’” Toni emphasizes that her role is not to force people to accept any help for which they are not ready. As Toni states, “I am who I am with my clients, I openly name system issues and the systemic challenges of this work and those frustrations. So, if you want me here, I’m here for you.” Toni explains, “There won’t be a time where I will checkmark that I’m culturally competent, but I’m committed to doing that because it’s lifelong learning.”

## 2.4 Ryan

We spoke to Ryan, a community pharmacist in a low socio-economic area. Ryan serves patients of differing ethnic, religious, and racial backgrounds. His co-workers primarily consist of individuals raised in the local community who understand the challenges faced by patients. Ryan's approach to care is holistic. He strives to understand his patients' circumstances and contextualize their health issues. For example, he recognizes that conditions such as diabetes and hypertension can be related to socio-economic status and indicates that these challenges are more prevalent in certain ethnic communities, requiring different medication based on one's racial and ethnic identity.

Ryan often consults with the local physicians to "develop an affordable medication plan… for some of these patients, having to spend just a few more dollars means choosing between medication or food." Many of Ryan's patients are newcomers to Canada, refugees, and individuals fleeing persecution in their home countries. Naturally, they maintain a skeptical and mistrusting demeanor. He builds trust by listening to their stories and developing an understanding of their previous life. By taking the time to listen to his patients and assess their needs, he establishes trust, which is appreciated by individuals who feel neglected, and are often rushed in and out of the health care system. Perceived stigma of health-related conditions plays a critical role in his work as Ryan serves a large patient population diagnosed with HIV—many of whom have been ostracized by friends and family. Through his interactions with diverse patients, Ryan understands the cultural differences in experiences around the HIV diagnosis, and how patients' friends and families process these events differently. Therefore, he is able to introduce the patient to various local resources, helping them join community organizations and develop new friendships.

## 3. LESSONS FROM HEALTH CARE

DEI must flatten power dynamics by mitigating practices of paternalism that infantilize recipients as 'ignorant' and bolster practitioners as 'experts.' While DEI practitioners may be experts within their field, the individuals affected by these practices are experts in their lives. Thus, context is critical in effective DEI management, and understanding the historical, cultural, and societal dynamics allows for a more intersectional, holistic approach towards supporting diverse individuals and communities. Recognizing and embracing individuality and tailoring support, policies, and initiatives accordingly can foster a more inclusive and supportive work environment. Furthermore, safety is fundamental to effective DEI management. Practices and policies must centre around the objective of valuing and creating a space for both employees and patients, so that all parties feel secure and comfortable in their surrounding environment. To implement effective, compassionate, and caring DEI, we as practitioners must remove our self-interest and judgment from the process. Hence, we have illustrated practices of ethics of care and cultural competence through these stories to develop lessons and inspire DEI practices within other organizational settings.

## 4. IMPLICATIONS

This chapter aims to shape DEI workplace practices, fostering an awareness of the ethical obligation to uphold the recognition, respect, and dignity of employees' diverse identities. We focused on health care concepts, including ethics of care and the cultural competence approach, to contextualize the stories shared by health care practitioners. The lived experiences shared in this chapter are inspired by the assertion that, "only through communication can human life hold meaning… thinking that is concerned about reality, does not take place in ivory tower isolation, but only in communication" (Freire, 1970). These stories demonstrate how human relationships are at the centre of health care (Kerasidou *et al.*, 2020), recognizing how the relationships between health professionals and health care users are crucial to health care quality and patient outcomes.

Drawing from these stories, we present an alternative approach to mitigate these challenges, shedding light on the holistic aspects of employee well-being and its impact on organizational success. Furthermore, these health care experiences can offer a novel and unconventional avenue towards greater systemic changes that deconstruct power dynamics in the workplace. This work can inspire practitioners and policy-makers to pursue a more human-centred, ethical, and care-oriented array of policies and practices within DEI management.

## CONCLUSION

This chapter introduces an innovative perspective towards exploring effective DEI management in organizations by drawing parallels between patient care and the creation of inclusive work environments. By integrating concepts from the ethics of care theory and the cultural competence framework, we present stories from health care practitioners to demonstrate the applicability of this approach. This exploration positions the health care sector as a valuable case study for DEI management practices. Accordingly, this chapter serves as an educational tool aimed at addressing the unique challenges of workplace DEI management within the Canadian organizational landscape. Our goal is to contribute to the enhancement of diversity management practices, fostering an inclusive and equitable workplace for all.

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# 8

# Diversity, Equity and Inclusion in the Canadian Industrial Relations Association

## A Contribution From Two Academics Who Come From Away

**Blandine Emilien and Wassila Merkouche**

This chapter documents the opening plenary of the 59th Conference of the Canadian Industrial Relations Association (CIRA), with the aim of contributing to the association's call in support of diversity, equity, and inclusion (DEI). During this colloquium, which took place in May 2022, Blandine Emilien and Wassila Merkouche presented the path to their respective and common perspectives as academics residing in Canada, more specifically in Quebec, who had arrived through the immigration system. This presentation was a moment to reflect on certain challenges which expatriated academics might encounter when integrating into their Canadian professional environment, particularly due to their embodied intersectionality (Prah, 2016; Sang, 2018; Toyibah and Riyani, 2022). Drawing on auto-ethnography (Chang 2016; Denshire, 2014) and, in particular, its collaborative form (Hardie *et al.*, 2023), the speakers were determined to take a critical look at the importance of recognizing the heterogeneous character of academic careers. They tried to interpret certain key moments of their careers, which they present with details unique to their personal stories (Bertaux, 2016). Their stories are tied to a specific socio-cultural context and a social phenomenon that they experience daily in Quebec, and in Canada, by the very fact of their intersectionality.

In this chapter, the authors first contextualize CIRA's choice of a DEI theme to animate the opening of its 59$^{th}$ conference, an approach that arose from a resolution voted on by its members in 2020 and supported by its executive committee. The authors also explain their choice of approaches for the presentation, inspired by auto-ethnography and the narrative approach in research. The second part of the chapter presents the content of their presentation during the colloquium. The final part offers a conclusion in which precise questions serve as an ongoing contribution to this reflective process around DEI within CIRA.

## 1. DEI AS THE OPENING THEME FOR CIRA 2022

In May 2022, CIRA opened the 59$^{th}$ edition of its annual conference with a plenary session entitled *Taking Action on Equity, Diversity, and Inclusion: Reflections from CIRA Executive Board Members*. The goal of this initiative was to contribute to highlighting the weight of this triptych, diversity, equity, and inclusion (DEI), in academic disciplines and other experiences relevant to the association. This initiative would inspire an opening that would give more space to inter-generational exchanges on a subject that is heavy with meaning within the CIRA community.

We also know that two dominant elements led to the choice of this theme for the opening of the 2022 conference. First, there has been growing attention on DEI, both in universities and amongst DEI proponents in Canada. Second, a resolution consciously voted on in 2020 emphasizes that CIRA will "fight in support of equality within departments, schools, research centres of Industrial Relations Departments as well as in professional practices."

Regarding the increased interest in DEI, Quebec and Canada have notably been affected by the militant movements which have emerged around the world, such as MeToo and Black Lives Matter. Additionally, the 2020 pandemic shone a light on the precarious reality of certain groups of marginalized individuals at the intersection of class, gender, and race (Maestripieri, 2021). This context, and the individual and collective challenges which we see daily in our university jobs, have pushed us to look more closely at our work environment.

Even before the beginning of 2020, Canadian universities were sounding the alarm on the need to rethink our institutions, whose structures were not always favourable for eradicating the social reproduction of certain forms of discrimination (Dei 2016; Walcott, 2019). While Dei (2016) explicitly calls for the "decolonization of the university," which, according to the scholar, requires a re-envisioning of university programs to make education more inclusive, Walcott (2019) notes that recognizing the concept of 'diversity' within a North American context is no longer sufficient when rethinking an inclusive society. Walcott's argument (2019) is based on the premise that structural limits forged since the colonial foundations of Canada have persisted until today, insufficiently weakened by initiatives tied to advancing diversity as an idea. In fact, Walcott (2019) advocates for a concrete turning point that aligns with a definition proposed for the Canadian context by MacNeily (2021). According to them, one must see diversity as the 'what'; in other words, diversity is the characteristics that make up an organization, including gender, race, ethnicity, age, language, and sexual orientation, among others. Inclusion, on the other hand, is more of an active concept. It implies the 'how' (MacNeily 2021); in other words, it is what is 'done' to attain diversity through everyone's contribution and participation. If we accept the perspective of the researchers cited here, the time has come for a renewal of our actions, one that favours the concrete changes that DEI encourages.

Yet, what Ahmed (2012) identifies as 'work' in support of diversity (*diversity work*) is not an easy approach. If universities have started to create DEI advisory positions for example, it means that pre-existing structures and norms put in place to institute certain practices (Ahmed, 2012, p. 21) were not very effective. The work supporting diversity is an institutional job: it requires rethinking *how* the norms came to be stable in one form rather than another over the course of time (Ahmed, 2012).

Although the university world in the West is becoming ever more diversified, both in terms of its student composition and its teaching, research and administrative staff, the professional experiences of female academics from ethnic minorities or at the intersection of multiple discriminatory factors reveal persistent discrimination in this merit-based system (Johansson and Sliwa, 2014), and remain poorly documented (Toyibah and Riyani, 2022). Although some formal elements have led to a measurable improvement in terms of DEI, the daily routine of those who have benefited from this newly granted access still remains in the shadows. The impetus for this opening plenary session, which was proposed by the association's executive committee in 2022, arose from these observations.

## 2. AN APPROACH INSPIRED BY A COLLECTIVE AUTO-ETHNOGRAPHY

Existing studies on the experiences of academics from minorities have generally been done from an intersectionality approach to study the compound effects of two or more discriminatory identity factors (gender, ethnicity, skin colour, etc.) on the careers and lived experiences of female academics (Johansson and Sliwa, 2014; Hardie *et al.*, 2023).

While preparing our presentation for the opening plenary, we decided to take a collaborative, mutually reinforcing approach to show how we, without denying our origins, mustered our intrinsic strength to confront the challenges of the profession as women of color who are immigrants (Hardie *et al.*, 2023). In our cases, our individual and shared experiences are largely tied to the interaction of gender and ethnic origin. Each of us are also a member of a visible minority, which, according to the Employment Equity Act (L.C. 1995, ch. 44), means "persons, other than Indigenous peoples, who are non-Caucasian in race or non-white in colour."[1]

Inspired by an auto-ethnographic approach, we wanted to give a presentation that took into consideration our introspections and our distinct and shared interpretations of our respective experiences, as well as a critical look at ourselves as the subjects of our own analysis. In light of CIRA's 2020 resolution in support of DEI, we had the mandate to diverge somewhat from traditional opening plenary sessions and to move closer to our personal experiences. This less traditional approach constitutes an exploration. As academics, we strive to avoid inserting our personal experiences into our professional work which we share with scientific communities. However, the concepts of DEI allow us to question this avoidance strategy, especially if we belong to an identified minority group. The effort to be transparent about our origins and personal experiences becomes even more relevant given that, for both of us, our research interests are at the crossroads of human resource management, organizational behaviour, industrial relations, and the sociology of work. In other words, our research and teaching already deal with social dynamics and power relationships (see, for example, Emilien and Veerta, 2017; Merkouche *et al.*, 2022). So, it is intrinsically difficult for us to avoid experiencing these dynamics, especially in our work spaces as 'extensions of our bodies' (Ahmed, 2012, p. 3).

Shinners-Kennedy and Fincher (2015) have identified three focus points for an auto-ethnography (also considered by Hardie *et al.* (2023)). There is a concentration on oneself (*content orientation*), a consideration of culture around and in oneself (*interpretative orientation*), and a critical analysis of autobiographical data (*methodological orientation*), which are all part of the approach. These three orientations formed the foundation of our methodological inspiration when we were preparing our presentation. We first concentrated on the data that we collected from our personal experiences. We strove to

1. <https://laws-lois.justice.gc.ca/eng/acts/e-5.401/page-1.html>

understand these within the context in which we often found ourselves, being simultaneously Quebec citizens and academics. In addition, we also interacted in a shared workspace which, for us, was CIRA's executive committee. Together, we worked on behalf of the CIRA executive toward creating spaces for DEI discussions. Finally, and for a short while, the two of us shared the same university environment. As for our stated methodological approach, following that of Shinners-Kennedy and Fincher (2015), it was inevitable that our auto-ethnographic approach would become intrinsically collaborative (Hernandez *et al.*, 2015). It also became clear that we would simultaneously co-build this presentation, while highlighting our distinctive characteristics. We proceeded in three steps. Our first step was to establish, in a rough fashion, the elements that have marked us in our respective career paths. To do this, we borrowed a specific approach from Bertaux (2016): We set up initial guidelines and then let ourselves unpack the autobiographical elements that appeared to be useful in their rough form or after an interpretation in line with the social phenomenon under study. In the second step, we chose themes and then agreed to tackle these themes sometimes similarly, sometimes differently, according to our respective stories. In the third step, we each wrote our sections of the presentation and then asked the other to read and validate what we wrote while respecting the structure that emerged from the first two steps.

Our shared data revealed three main themes. The first was the personal paths we had taken before obtaining our academic posts. This theme represents both our recent paths as well as our more distant paths. The second theme was the challenges that we encountered. Here again, these could be challenges experienced as an expatriate in Quebec, or in terms of adapting to a foreign academic environment. For the third theme, we deemed it necessary to formulate ways in which we could better address our intersectionality; we either raised questions about our social positions in the university system, in Quebec and Canada, or proposed solutions in view of possible contribution to DEI in our respective university environments.

Preparing for this opening conference required a certain amount of emotional and intellectual labour: We had to re-evaluate our own experiences of arriving and integrating into our new social and academic environments. This collaborative approach also served as a compass which kept us from falling into the trap of complaisance, thus allowing us to put these experiences and our interpretation of them into a context that was larger than us (Lapadat, 2017; Hardie *et al.*, 2023). This collaboration thus allowed us to situate each story within the context of the social phenomenon of expatriate academics.

Initially, our approach to limiting the time frame from which raw data could be extracted for analysis for the auto-ethnographies, and, more specifically, distinguishing a dynamic context from the targeted context under study, did not appear very linear. For example, beyond the links woven between us in a CIRA context, we had both become affiliated with the Université du Québec à Montréal (UQAM), and at one point we worked for the same university department. Given this shared background, we considered it important to contextualize our auto-ethnographic approach within this additional framework.

Through our specific, yet temporary, common university affiliation, we experienced the same effects of the Employment Equity Act in public institutions[2] in an academic context. This law is not a new structure in the Quebec context. As Chicha (2001) reminds us, in Quebec, it was preceded by the Act Respecting Equal Access to Employment in Public Bodies adopted in 1985. The Quebec Charter of Rights and Freedoms has always aimed to amend the situations of those belonging to groups whose specific situations have traditionally made them victims of employment discrimination (Chicha 2001, p. 64). UQAM, for its part, has had an equal access to employment program since 2007. As well as being impacted by this measure, which aims to quantitatively increase access to employment, the 2020 pandemic allowed us to get involved in organized discussions,

2. To better understand this government effort, see the following report: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/justice/publications-adm/rapports/RA_Mise_en_oeuvre_Egalite_Emploi_MJQ.pdf>.

through our union, on the problems and challenges that our profession faces. These union discussions dealt with DEI questions and working conditions, such as those experienced by teachers, professors and researchers, as a result of their specific situations. Balance between work and private life, and managing the demands imposed by remote work in a pandemic context, were often on the table.

Preparing our presentation for the opening session was influenced in a serious way by our knowledge of the challenges specific to women in the academic world, and more specifically to racialized women (Fernando *et al.*, 2020; Sang and Calvard, 2019; also cited in Hardie *et al.*, 2023). In addition, the literature from the English-speaking world has already started to highlight the weight of micro-aggressions, implicit biases, and the differing expectations that peers and students may develop subconsciously towards female professors, due to their gender or intersectionality (Hardie *et al.*, 2023). These social experiences, inevitably integral parts of our auto-ethnographic approach, opened our eyes to a pivotal point in our understanding of DEI challenges in the university context and elsewhere. Improvements aimed at victims of discrimination or reparatory steps should not only deal with problems related to *access* in the workspace but also *daily social adaptation* through the presence of a large diversity of traits in a given workspace. While the law offers a formal structure which ensures access to employment, daily experiences are harder to identify, understand, and, if need be, correct. Thus, we wanted our contribution to be a reflection which offered a phenomenological space (Ahmed, 2012; p. 21) to make latent elements visible—elements which have forged the history of our institutions because they have never been questioned.

For the plenary session, we spoke alternately. Blandine adopted a personal tone during her part, while Wassila expanded briefly on the concept of DEI. The following two sections of the chapter consist of the content of our contribution to the opening plenary of CIRA's 59$^{th}$ conference in 2022.

## 3. BLANDINE EMILIEN: IN THE SKIN OF A 'TRANS-WHITE' PERSON

I would not have believed it if they had told me that one day I was going to open a plenary on the theme of diversity, equity, and inclusion. It is in these exact moments that I am led to recall my origins, the reasons why I am in the place that I currently find myself, an academic within Canadian institutions.

When I started preparing for this plenary session, I tried to find a term that would describe, as accurately as possible, how I saw myself, or more precisely what I have become. The term that first came to mind was 'trans-white.' I immediately checked to see if the term already existed, and I also asked other researchers if they had used this term in the past. In addition, I did not find anything on this term in the literature. However, I did find a company using this name, one specializing in refrigerated transportation across Europe! That being said, I decided to use this term for the moment. As a prefix, 'trans' can simultaneously describe any element that has experienced a change (to change) or that has navigated from one state to another (to traverse). I was sufficiently at ease with this definition, so I was able to envision the way in which this newly adopted word would allow me to explain what I have experienced when I look back anew on my personal experience.

I grew up on the island of Mauritius where the state school system consciously taught us to assimilate Western values. At home, my parents imposed a policy that prohibited the use of Mauritian Creole so that our dialect, now an official language, did not 'hamper' our French and English proficiency. During my school years, from the age of six to eighteen, the school material used in the Mauritian public school system was in English, except for French classes. Yet, in class, the teachers had to juggle between French and English, as per their prerogatives. I did not know at this time that this social aspect of the Mauritian education system in the 1990s would have a major impact on my expatriation to the northern hemisphere.

Mauritius truly developed in the post-colonial era, especially in terms of economic and social resilience.[3] The bases of its foundations as an independent nation remain under construction. Its citizens are chameleons: We are taught to adapt wherever we go, be it linguistically, culturally or institutionally.

I learned to be a white person, at least culturally, despite my appearance being contrary to this approach. Since my childhood, I have subconsciously developed the skills that allowed me later to anticipate the expectations of others, expectations forged in the different social environments in which I would end up inserting myself.

Yet, a question always comes to mind: What do we want when we speak of inclusion? Individuals who stand out from majority groups, but who develop the skills to silently adjust their way of doing things to how 'things' are already done? The danger that hides in the managerial discourse developed around DEI is that the "How we do things here" in a given environment remains the dependent variable. In such a discourse, the individual from the said minority group must find a way to catch up to the majority group. It is never a mutual exchange.

I succeeded. After my undergraduate degree in Montpellier, France, I started a master's in management in Leicester, UK, and I even succeeded in finding a job during the 2008 financial crisis. Upon completing a doctoral program in the same English city, I emigrated to Montreal to take on a post-doctoral fellowship which would last three years. All this did not happen without several burnouts, without periods of intense doubt, without filling out multiple immigration forms, without the fear that my Mauritian passport would prevent me from easily travelling in the United States or Central America to collect the data needed for my post-doc. With that being said, I one day felt that I had succeeded.

3. The term 'post-colonial' (not capitalized) is used here to refer to a period and not to an ideology.

Later, a student at the Université du Québec à Montréal (UQAM) opened my eyes. After a class one day during the winter 2019 semester, the student approached me and asked: "Sorry to bother you… but how did you do that?" I must admit that, at first, I did not understand what she meant by "that." The student, who was of Haitian origin, explained: "How did you succeed in getting to where you currently are, despite your origins and your past?" Another student, standing next to us, was also patiently anticipating my answer. These people were referring to my academic and professional path. And one student mustered the courage to ask me this question. From that day forth, I started to pay specific attention to my personal experience in the academic world. It was then that I started noticing that an important number of students who were foreign or from ethno-cultural minority groups were asking me to supervise their end-of-program projects. Some of these students did not hesitate to explicitly tell me that they identified with what I embodied. In 2021, I also received an e-mail message from the professors' union at my university. The executive committee wanted to create its own committee to fight racism within our university. At this point in time, the university administration had not yet set up a committee to address this issue, and the union felt the need to be proactive. The approach arose from requests from professors who had experienced, explicitly or implicitly, actions that they judged racist, within their academic departments or in their classrooms. Thus, I contributed to creating an internal survey, the results of which pointed to the existence of racism and the need to deal with unconscious biases in a serious manner within the university with which I was affiliated. For a long while I avoided the concept of DEI when it came up in my research projects; however, DEI came to me.

Thus, I started getting involved in institutional work (Diversity Work). In fact, at this same period of time, we were relying on an OECD report (2021) showing how, despite several initiatives, progress towards DEI still remained timid in OECD countries.[4] The idea behind DEI is that this work does not exclusively lead to (quantifiable)

4. Organization for Economic Cooperation and Development. See <https://www.oecd.org/careers/work/diversity-inclusion-report.pdf>.

access to places previously less open to individuals who identify with certain minority groups, but also to the study of biases and subtleties that *truly* persist in building inclusive spaces. And those who dedicate themselves to institutional work supporting DEI will tell you how difficult this work is. It requires supplementary energy that you never expect to use in your work environment. There is also a constant risk of resistance or even of reprisals in some cases. And when DEI aspects directly address who you are, intrinsically, as a person, you often ask yourself how you could have given more to your professional activities if 'DEI' questions did not impact you so much and if you were not constantly reminded, in your daily activities, of your differences.

Shortly before I joined the CIRA's executive committee for the first time, several members of the association were already raising the executive's awareness of 'DEI' questions.[5] Wassila and I then joined the executive DEI committee, and we got involved in creating spaces to open up discussions on the subject. The pandemic also made webinars fashionable. From 2021 to 2022, we organized a series of DEI webinars so as to rally academics, students and non-university members of CIRA around the theme. The first webinar took place in French, and led to a rich discussion around the challenges faced by the teaching staff who needed to find DEI accommodations for students having certain characteristics. Access for people who would otherwise be differently able was also on the agenda. Another webinar dealt with integrating the DEI concept as well as that of *Critical Race Theory* in research work and in teaching industrial relations.[6] I decided that we should go beyond the university framework and tackle DEI challenges in the work environment of other members. We organized a bilingual conversation between two trade union officials from organizations located respectively in Quebec and Ontario.[7] Finally, another webinar in the DEI series allowed us to

5. We would like to thank Laurence D. Dubuc for her multiple initiatives in support of the DEI cause in CIRA.
6. We would like to thank Emilie Genin, Tamara Lee and Maite Tapia for their active contributions to two of our webinars.
7. We would like to thank Marc Edouard Joubert (FTQ) and Christine Maclin (Unifor) for their contributions.

question the definition *par excellence* of the concept of 'inclusion,' especially when it deals with the Indigenous population. In the presence of a representative from the university community, the two guests from the Indigenous community added to an already important conversation on their realities as Indigenous students navigating our Canadian education institutions.[8]

More work is still necessary to encourage our institutions to rethink themselves through a DEI lens. DEI concerns all of us, not only those identifying as one or several identified minority groups. In the same line of thinking, it will no longer be sufficient to have these individuals from these identified groups 'enter' existing work environments. These people come weighed down with more than what is visible to the eyes of the majority. The question that we should ask is the following: What happens when the person concerned finds themselves in their work environment? How does inclusion *really* operate within our institutions, and what does this imply in the given contexts? Despite the current state of things, I remain hopeful. The work has been set in motion. CIRA has been and can continue to be one of these spaces where we can think and rethink our institutions. Together.

## 4. WASSILA MERKOUCHE: INTERSECTIONALITY ON THE MARCH

The diverse characteristics that I incarnate place me squarely at the intersection of several discriminatory factors which have made my academic and professional road hard: I am a woman from a visible ethnic and religious minority. Yet, the good news is that I am an appropriate case study due to my intersectional perspective!

My scholastic path has been dotted with recognition for excellence: top science prize in my last year of high school, and best average of my cohort at the National School of Administration in Alger in 2000, which allowed me to obtain a graduate scholarship in France.

8. We would like to thank Donna Sanford, Rachel Martin and Émilie Deschênes for their contributions.

I finished my master's in economics and international finance in 2002. When I was quite advanced in my doctoral research in this same field in 2005, the debate about secularism in France took on a new scale and my thesis supervisor decided to remain faithful to their French republican values and not to continue supervising me because of my religious affiliation. Like Blandine, I have lived on two continents where I have been immersed in an enriching pluralism before emigrating to Canada. Moreover, in addition to my gender and my clearly visible ethnic background, I wear, according to the Quebec Act Respecting the Secularity of the State, a religious symbol, the hijab. I remember my first experiences integrating into the Canadian job market where I was the victim of advice tainted with discrimination and marginalization. My employment advisor, after briefly looking at my C.V., strongly recommended to me that I opt for jobs as a daycare educator. According to her, it was the job that 'people from my community' preferred and could easily get, and in any case, employers here would not accept hiring me with my hijab unless it was for jobs in the *back-office*! This bad memory comes back to mind every time I meet students from identified minority groups, especially when I encourage them to excel and persevere while telling them about this poorly conceived advice and my personal success story on a path filled with obstacles. Changing stereotypes is as much the business of those who suffer them and who must overcome them as it is the business of those who consciously or unconsciously perpetuate them and who must also become aware of them so as to avoid them.

Likewise, the principles of diversity, equity and inclusion deserve to be well defined so that they can be well understood[9] and well applied in teaching as well as in research. By teaching the main elements of work and employment in industrial relations and/or management programs, we address sensitive questions such as the diversity of profiles in recruitment processes, the obstacles to employment when selecting staff, and the under-representation of certain sections of the

9. At this point in the presentation, Wassila Merkouche presented definitions of key concepts, but their presentation has been moved earlier in this chapter to improve the structure.

population in certain professional groups. DEI questions related to work and employment are discussed in larger institutions, workplace organizations and even in unions. Yet, as an example, we must still be reminded that in our role as academics, we have the chance to act as micro-employers for teaching or research assistants. We must set the example of a good application of DEI principles when hiring, and specifically in relation to temporary employment relationships that we initiate with students. This perspective personally appeals to me given my teaching activities in human resource management and, more precisely, on staffing processes, as well as my conceptual research interests in attraction and retention practices.

For me, equity is about going beyond simple equality of opportunities, creating these opportunities while keeping in mind people's unique characteristics. In my role as a university professor and micro-employer, respecting and taking responsibility for the diversity that I myself embody implies meeting a diversity of profiles and making all available posts visible and accessible. Taking responsibility for diversity also means mobilizing inclusive and non-gendered language in job postings while seeking out good advice from DEI experts. I explicitly invite historically and systematically disadvantaged groups to apply with all their differences. I wish to ensure that there is representation and a diversity of candidates in the pool of people selected for the interview stage of the selection process. I am trying to guarantee an identical process for all candidates at all stages of the hiring process. I am putting in place all the necessary conditions to reduce the impact of involuntary prejudices or unconscious biases during hiring. As an example, I am open to candidates who come with work experience in research from developing countries; some might consider such experiences as pertinent in the northern hemisphere. I take responsibility for internal and external pay equity. The external equity implies softening the rigid rules by adjusting the number of hours to be worked at an hourly rate which is less attractive. The internal equity means the distribution of roles and responsibilities at work among members of the same research team: for instance, in terms of an equitable sharing of the less demanding cognitive tasks (bibliographic research, data entry) and the more demanding ones (synthesizing, critical summaries of articles).

Amongst the inclusion strategies for employing research assistants, I ask the assistants at the beginning of the employment relationship about their needs and any obstacles that they might have encountered. I verify if they are open to mentoring activities, and I also try to respect a sort of work schedule flexibility, which would allow them to have a decent balance between work and private life. I also make sure to put in place favourable conditions so that everyone feels at ease participating and communicating their ideas on the difficulties of the tasks and the time to complete them, in addition to the necessary training to complete the work. During the entire employment relationship, I use inclusive, impartial and non-gendered language in my communications.

In line with achieving the principles of DEI in teaching, I include 'DEI' questions in several of the subjects covered so as to make students aware of these issues. In the field of human resource management—and limiting myself to only one example—staffing, be it at the recruitment or selection stage, is fraught with DEI challenges, especially in terms of employability, access to equality, recognizing credentials, conscious and unconscious prejudices, and direct/indirect and systemic discrimination in accordance with the Quebec Charter of Human Rights and Freedoms. I try to emphasize these questions as well as create space where student awareness can be raised. I try to document these challenges with scientific articles and by identifying practices to avoid.

In another aspect of teaching, I try to practice DEI in my relationships with foreign students. The doctoral students, who for the most part come from Africa and to whom I teach multidisciplinary social sciences, are full of energy and ambition. I have met highly competent students who unfortunately lack the tools and training to be rapidly functional in research, according to the requirements of a Quebec research context. So I take the initiative to point them to research training sessions and to inform them of support resources, all while providing them personalized help to acquire transversal competencies. To what extent are we ready to modulate some of our excellence and productivity imperatives to encourage inclusive approaches?

As a member of the Research Ethics Committee of Université du Québec en Abitibi-Témiscamingue (UQAT), I have tried to promote the application of these DEI principles. Beyond the existing criteria for research on Indigenous people or on minors, I have proposed that similar codes be established for those groups protected by the law so that interview questionnaires or guides take into consideration certain wording that could be sensitive for the interviewed candidate. For example, asking a migrant woman to relate how she adapted to and 'was integrated' into the Quebec workforce could require her to relive quite difficult memories, thus transforming the collection of data into an emotionally heavy and trying activity. Very recently, I enthusiastically accepted an invitation to participate in the very first DEI action at my university, one in which we conceptualized a questionnaire on DEI practices for the UQAT community.

## CONCLUSION

The goal of this structured sharing of our experiences in the university environment was to highlight several common concerns related to being at the intersection of two differences (gender and ethnicity), which have led to challenges and difficulty in this specific environment. The qualitative approach is based on the power of collective auto-ethnography to highlight the more subtle elements which, despite causing suffering, have remained in the shadows cast by quantitative analyses, specifically those linked to equity.

If we have dared to share our experiences and our feelings as female academics from identified minority groups, as defined by the Quebec and Canadian jargon and context, it is because we hope to contribute to the reflections already started within CIRA on the subject of the obstacles that people who are different from the majority of the population might encounter in the social spheres of work and the university environment. These experiences only constitute entryways; our goal is to encourage Quebec and Canadian institutions to evolve along with the rhythm of their populations, which are now richly diverse.

Based on this narrative, the content of our plenary, developed in a sisterhood-driven space within the university environment (Hardie *et al.*, 2023), is meant to follow closely to our life experiences, in order to support our premise that giving job access to individuals who identify as belonging to identified minority groups is not sufficient. Spaces for phenomenological analysis to better understand the less visible but no less serious challenges are also necessary. If we agreed to contribute to this CIRA opening plenary, it was because the ontological and epistemological considerations of the members of the executive committee, themselves academic researchers, were open to this approach and initiative. The quest for social regulation in support of DEI is not an easy job and requires creating an opening to allow us to question the institutional principles that for a long time have been considered second nature (Ahmed, 2012, p. 25), particularly in this current context in Canada. Our qualitative approach supports the narratives of individuals, while maintaining an important attention to the social phenomena in question, allowing us to value personal narratives as data (Hardie *et al.*, 2023). Properly situating these subjective data remains crucial for future approaches of a similar nature to advance reflections on inclusion.

Finally, our two parts of the plenary speak of our shared and respective involvement in the institutional work that DEI requires. While this work, which is not without obstacles, can be an emotional burden for the women who must confront it, in our cases our research and teaching interests force us, on two different fronts, to assume this responsibility, since we already study the intricacies of our social institutions, and have a painful understanding of certain roadblocks. These mixed experiences of involvement in the DEI cause, which rallies all of us together (current residents of Quebec and Canada, women, racialized women, immigrants, teachers), help to widen the opening that is already visible in CIRA by putting a spotlight on the complex, but necessary, role that female researchers in industrial relations and work and employment management can take within the Canadian society of tomorrow.

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# 9

# Diversité du leadership

## Un levier incontournable pour une performance ESG et une croissance durable

**Tania Saba**

La diversité dans la représentation des personnes qui composent les équipes de direction et les conseils d'administration tant dans les organisations publiques que privées devient un enjeu incontournable. Les organisations syndicales sont tout autant concernées. Une croissance économique et sociale plus durable en dépend. Ce constat est, d'une part, soutenu par un grand nombre d'études et de recherches sur le sujet (Amorelli et García-Sánchez, 2021 ; Altunbas *et al.*, 2022 ; Au, Tremblay et You, 2022 ; Khemakhem, Arroyo et Montecinos, 2023) ; d'autre part, les organismes internationaux ainsi que diverses institutions gouvernementales multiplient les efforts pour souligner l'importance d'une diversité d'expériences et de profils, qui devient source de performance et de durabilité (OIT, 2019 ; ILO, 2023 ; MacDougall *et al.*, 2024 ; WEF, 2024).

La diversité au sein du leadership est de plus en plus reconnue comme un déterminant incontournable de la performance en matière environnementale, sociale et de gouvernance (ESG). Une équipe de direction diversifiée offre un éventail élargi de perspectives et d'expériences, favorisant une prise de décision enrichie et des solutions plus innovantes. En outre, une telle équipe est plus sensible aux besoins variés d'une main-d'œuvre, d'une chaîne d'approvisionnement et d'une clientèle diversifiée, ce qui contribue à renforcer les performances ESG de l'entreprise. De nombreuses études confirment le lien entre la diversité dans le leadership et la performance ESG, soulignant les avantages de cette approche (Ouni, Ben Mansour et Arfaoui, 2020; Khemakhem, Arroyo et Montecinos, 2023; Iazzolino *et al.*, 2023). Dans ce contexte, l'établissement de nouvelles normes sociales, environnementales et économiques, en conformité avec les standards internationaux de durabilité, devient impératif, notamment face aux profondes transformations sociales et économiques actuelles.

Dans notre chapitre, nous construisons un dialogue fondé sur trois questions clés, soutenues par des recherches et des données probantes. La première explore les tendances qui soulignent l'importance de promouvoir un leadership diversifié. La deuxième question examine, avec un regard analytique et critique, les principaux obstacles qui freinent les organisations dans leurs efforts de diversification de leur leadership. Enfin, pour répondre à la troisième question, nous identifions les leviers à actionner de manière coordonnée pour encourager un leadership plus diversifié dans le cadre d'une économie durable. Ces leviers mettent en évidence l'importance de mobiliser l'ensemble des parties impliquées en relations industrielles, tout en renforçant la réglementation en matière d'accès à l'égalité et en instaurant des normes spécifiques par secteur.

## 1. POURQUOI LA DIVERSITÉ DES PROFILS DE LEADERS EST-ELLE IMPORTANTE ?

Les études soulignant l'importance de considérer la diversité du leadership comme un impératif éthique sont nombreuses. Cette diversité est également présentée comme un levier stratégique pour améliorer la performance globale et la résilience de toutes les organisations, indépendamment de leur secteur d'activité ou de leur taille (OIT, 2019; Saba, 2020a; Amorelli et García-Sánchez, 2021; Saba et Dolan, 2021). Par représentation plus équitable de la diversité, on vise les profils de personnes membres de groupes généralement désignés par les lois proactives en matière d'équité en emploi. Cette représentation revêt une importance fondamentale dans la quête d'une société plus juste et équitable. Les membres de ces groupes, sous-représentés statistiquement, socialement et historiquement, ont été marginalisés à divers niveaux, que ce soit en raison de discriminations systémiques, de barrières d'accès au marché du travail ou d'un manque de reconnaissance institutionnelle. La sous-représentation des personnes appartenant à ces groupes – tels que les femmes, les minorités visibles, les peuples autochtones et les personnes handicapées – ne se limite pas à un simple écart numérique dans les organisations, ou à divers types et niveaux d'emploi ; elle témoigne aussi de profondes inégalités en matière de parcours professionnels et de conditions de travail (Chicha et Charest, 2013 ; OCDE, 2020).

### 1.1 Vers des conseils d'administration et des équipes de direction à l'image de la diversité du marché du travail

La diversité sociodémographique de la population au Québec et au Canada constitue un facteur essentiel à prendre en compte dans les politiques d'équité. Elle se caractérise par une pluralité ethnique et culturelle croissante, une forte concentration de personnes immigrantes dans les grandes villes, une participation importante, mais encore inégale, des femmes dans la population active, ainsi que par une proportion significative de personnes vivant avec des incapacités (Statistique Canada, 2023). Selon le recensement de 2021, les femmes représentent environ 48 % de la population active au Québec. Elles demeurent sous-représentées dans divers secteurs, en particulier dans les domaines des sciences, de la technologie, de l'ingénierie et des mathématiques. Environ 16,1 % de la population québécoise est composée de minorités visibles. Au Canada, elle atteint le seuil de 26,3 %. Les personnes immigrantes représentent environ 14,6 % de la population totale du Québec, 23 % de la région métropolitaine de Montréal et 46 % de la région métropolitaine de Toronto. En 2021, les Autochtones représentent 2,5 % de la population au Québec et 5 % dans l'ensemble du Canada (Statistique Canada, 2023).

Selon les données de l'Enquête canadienne sur l'incapacité menée entre 2017 et 2022, environ 1,4 million de personnes en emploi au Québec vivent avec une incapacité, représentant ainsi 21,0 % de la population active, soit une augmentation de 4,8 % depuis 2017. Ce taux est nettement plus élevé chez les femmes (23,6 %) que chez les hommes (18,2 %) (Statistique Canada, 2023). À l'échelle nationale, en 2022, plus de 8 millions de Canadiennes et Canadiens âgés de 15 ans et plus vivaient avec au moins une incapacité, ce qui équivaut à 27 % de la population, en hausse de 4,7 % par rapport aux données de 2017 (Statistique Canada, 2023).

## 1.2 Performances organisationnelles à l'ère de la transition vers des valeurs de durabilité

Les transitions écologiques et numériques redéfinissent le fonctionnement des économies mondiales, créant à la fois des occasions pour l'innovation et des défis pour la reconversion des industries et des compétences de la main-d'œuvre. Les politiques publiques, les entreprises, ainsi que les travailleurs et travailleuses, doivent s'adapter à ces changements pour maximiser les bénéfices de ces transitions et minimiser leurs effets négatifs, en particulier pour les populations les plus vulnérables.

La transition vers un meilleur équilibre entre les valeurs du marché qui demeurent dominantes et celles de sociétés plus humaines et plus durables se fait plus urgente. Il devient incontournable d'adopter des conventions et de mettre en place de nouveaux indicateurs de performance qui intègrent pleinement des valeurs humaines et les objectifs de développement durable (Iazzolino *et al.*, 2023 ; WEF, 2020). Les stratégies de renforcement et de promotion des valeurs d'EDI constituent une composante essentielle de la responsabilité sociale des organisations et de leurs règles de gouvernance. Les engagements en matière d'EDI gagnent en légitimité dans le contexte des transitions numériques, qui exigent des mesures pour garantir un développement éthique et responsable de l'intelligence artificielle, réduire les biais, maîtriser les effets sur les systèmes d'emploi, et promouvoir une innovation respectueuse des individus et de la durabilité sociale (Cirillo et Rementeria, 2022 ; Leslie, 2019 ; Mikalef *et al.*, 2022).

Ces engagements s'inscrivent d'abord dans le cadre des 17 objectifs de développement durable des Nations Unies de 2015, qui incluent la promotion de l'égalité des genres et la lutte contre la discrimination, et mettent en avant l'importance d'atteindre les objectifs d'EDI au sein des organisations. Ces principes ont été renforcés par leur intégration dans les valeurs ESG (Environnement, Société, Gouvernance), soutenues par des tribunes comme le World Economic Forum (2020). Ils ont ensuite pris une dimension centrale lors de la conférence des parties (COP26) en 2021, où ils ont été au cœur des engagements. Ils continuent d'être renouvelés à chaque nouvelle conférence. Aujourd'hui, les objectifs d'EDI sont intégrés aux normes de divulgation du SASB (Sustainability Accounting Standards Board) en tant qu'éléments centraux aux critères sociaux (S), et notamment aux critères mesurant le capital humain.

Ainsi, les entreprises sont désormais tenues de rapporter des informations pertinentes sur leurs pratiques en matière de diversité, d'inclusion et d'égalité des chances dans leur gestion. La diversité au sein de leur conseil d'administration et de leurs équipes de direction devient un critère central dans l'évaluation de leur gouvernance, reflétant leur engagement envers des pratiques de gestion responsables et équitables.

## 1.3 Progression lente et fragile de la diversité dans les conseils d'administration et les équipes de direction

Le constat de la sous-représentation de certains groupes au sein des conseils d'administration et des postes de direction demeure frappant. Les figures 1 et 2, dont les données sont tirées de MacDougall *et al.* (2024) et de Corporations Canada (2022), révèlent l'état actuel de la diversité dans ces postes de haut niveau, mettant en évidence soit une sous-représentation persistante, soit des progrès limités dans l'intégration de groupes diversifiés. L'analyse des statistiques, notamment en matière de genre et d'ethnicité, permet de mieux comprendre les progrès et les défis auxquels les entreprises font face pour atteindre leurs objectifs d'équité. Les pourcentages montrent un manque de progrès ou des améliorations progressives, bien que lentes, au cours des dernières années. Le suivi de ces données quantitatives est essentiel pour évaluer l'ampleur de la sous-représentation, en particulier pour les femmes et les minorités, et soutient les efforts visant à adapter les politiques et les critères de référence afin de renforcer la diversité, l'équité et l'inclusion au sein des équipes dirigeantes.

| 2021 | 2022 | 2024 | |
|---|---|---|---|
| 55% | 57% | 77% | des sociétés ayant fait appel au public comptent au moins une femme au sein de leur conseil d'administration. |
| 2% | 3% | 1% | comptent au moins une personne autochtone. |
| 23% | 23% | 16% | comptent au moins un membre d'une minorité visible. |
| 2% | 3% | 1,7% | comptent au moins une personne handicapée. |
| 20% | 19% | 29,8 | Des sièges aux CA sont occupés par des femmes. |
| 0,4% | 0,6% | 0,3% | Des sièges aux CA sont occupés par des personnes autochtones. |
| 7% | 6% | 10,2% | Des sièges aux CA sont occupés par des membres d'une minorité visible. |
| 0,4% | 0,4% | 0,7% | Des sièges aux CA sont occupés par des personnes handicapées. |

**Figure 1**

Pourcentage de personnes membres des groupes visés qui siègent à des conseils d'administration dans les sociétés soumises à la *Loi canadienne sur les sociétés par actions* (LCSA)

Source : MacDougall *et al.* (2024) ; Corporations Canada (2022).

| 2021 | 2022 | 2024 | |
|---|---|---|---|
| 25% | 27% | 20,8% | Des postes sont occupés par des femmes. |
| 0,4% | 0,4% | 0,4% | Des postes sont occupés par des personnes autochtones. |
| 9% | 12% | 12% | Des postes sont occupés par des membres d'une minorité visible. |
| 0,7% | 1,2% | 1,2% | Des postes sont occupés par des personnes handicapées. |

**Figure 2**
Pourcentage de personnes membres des groupes visés qui siègent à des postes de direction dans les sociétés soumises à la *Loi canadienne sur les sociétés par actions* (LCSA)

Source : MacDougall *et al.* (2024) ; Corporations Canada (2022).

## 1.4 Cadres théoriques explicatifs de l'effet de la diversité du leadership sur les performances des organisations

Dans le prolongement de l'analyse statistique de la représentation dans les conseils d'administration et les postes de direction, il est pertinent de s'appuyer sur les théories qui soulignent l'importance stratégique de la diversité au sein du leadership. La diversité, en effet, n'est pas uniquement une question de chiffres : elle est également au cœur de plusieurs théories démontrant comment un leadership diversifié peut renforcer la compétitivité et la performance organisationnelle.

La théorie de l'avantage concurrentiel basé sur la diversité de Cox et Blake (1991) soutient que la diversité dans le leadership confère un avantage concurrentiel aux organisations en enrichissant les perspectives, les idées et les compétences, stimulant ainsi l'innovation, la résolution de problèmes et facilitant l'adaptation aux marchés mondiaux, ce qui permet de mieux répondre aux attentes d'une clientèle variée. De manière complémentaire, la théorie des ressources de Barney (1991) considère la diversité comme une ressource stratégique qui renforce la performance organisationnelle. En effet, les compétences et talents diversifiés au sein de l'équipe dirigeante permettent de mieux comprendre les marchés, de concevoir des produits adaptés et d'attirer une clientèle variée. La théorie de la légitimité propose également que la diversité au sein des équipes dirigeantes augmente la légitimité de l'organisation aux yeux des parties prenantes, ce qui améliore sa réputation, accroît la satisfaction des personnes qui y travaillent et de la clientèle, et attire des investissements.

En parallèle, la théorie de la prise de décision (Pasmore *et al.*, 2019 ; Van Knippenberg et van Ginkel, 2022) affirme que des perspectives variées dans les équipes de leadership permettent une meilleure évaluation des risques et une conception de solutions plus innovantes face aux problèmes complexes, ce qui se traduit souvent par une performance accrue. La théorie de la similarité-attraction (Thomas et Ely, 1996 ; Roberson et Block, 2001 ; Kanadlı *et al.*, 2022) souligne que, bien que les individus tendent naturellement à se rapprocher des personnes qui leur ressemblent, un leadership diversifié peut réduire ces biais, créant ainsi un environnement plus inclusif qui favorise la collaboration et l'engagement des personnes qui y travaillent, contribuant ainsi à une meilleure performance organisationnelle.

Ces théories montrent que la diversité au sein du leadership n'améliore pas seulement la prise de décision, mais permet également une meilleure compréhension du marché, stimule l'innovation (Khemakhem, Arroyo et Montecinos, 2023), renforce l'attractivité pour les talents de haut niveau (Altunbas *et al.*, 2022 ; Au, Tremblay et You, 2022) et accroît la performance financière (OIT, 2019 ; Iazzolino *et al.*, 2023). En outre, les entreprises engagées dans la diversité et l'inclusion renforcent leur réputation et leur image de marque, influençant positivement leurs relations avec leur clientèle, leurs partenaires financiers et les autres parties prenantes (OCDE, 2020 ; Biron et Lavergne, 2021 ; OCDE, 2022 ; Saba, 2020b).

Il est important de souligner l'effet de la diversité au sein du leadership des organisations syndicales, bien que moins d'études se penchent sur ce sujet (Parker, 2006). Une représentation diversifiée assure une prise en compte équitable des intérêts de tous les membres, y compris ceux appartenant à des groupes sous-représentés. Elle renforce la solidarité en valorisant toutes les voix, ce qui favorise la cohésion et l'efficacité de l'action collective. De plus, face aux défis tels que la discrimination et l'équité salariale, un leadership diversifié permet aux syndicats de proposer des solutions adaptées et d'incarner la justice sociale, un élément central de leur mission. La diversité accroît aussi leur légitimité et leur influence auprès des entreprises et des autorités, tout en facilitant l'innovation et l'adaptation aux changements dans le monde du travail. En valorisant la diversité, les syndicats attirent davantage de membres, notamment parmi les jeunes et les groupes sous-représentés, renforçant ainsi leur base et leur participation active. La diversité au sein de leur leadership est donc non seulement un impératif d'équité, mais aussi une stratégie essentielle pour renforcer leur efficacité et leur crédibilité (Ledwith et Hansen, 2013 ; Wintour, 2013).

## 2. QUELS SONT LES PRINCIPAUX ENJEUX QUI RETARDENT LES ORGANISATIONS À DIVERSIFIER LEUR LEADERSHIP ?

### 2.1 L'EDI : trois concepts distincts souvent mal compris

L'application des principes d'EDI est particulièrement complexe en raison de sa dépendance à plusieurs cadres théoriques multidimensionnels qui soulignent les dynamiques entre identités, structures et comportements au sein des organisations.

La diversité, par exemple, s'appuie sur la théorie de l'identité sociale (Tajfel et Turner, 1979), laquelle postule que les individus se catégorisent en groupes sociaux basés sur des attributs comme le genre ou l'origine ethnique, et que ces appartenances influencent de manière significative leurs comportements et perceptions. En complément, le concept d'intersectionnalité (Crenshaw, 1989) met en lumière les interactions entre différentes identités sociales – telles que le genre, la race ou la classe sociale – qui façonnent des expériences uniques de privilège ou de discrimination. Cette approche complexe montre que la diversité ne se réduit pas à des distinctions visibles, mais nécessite une compréhension approfondie des identités multiples et entrecroisées qui modèlent la réalité sociale de chaque individu.

L'équité, pour sa part, se fonde sur la théorie de la justice sociale (Rawls, 1971), qui prône une redistribution des ressources visant à établir une égalité réelle des résultats. Cette théorie est renforcée par la théorie critique de la race (Delgado et Stefancic, 1993), laquelle examine comment les structures et politiques systémiques peuvent maintenir des inégalités raciales, insistant sur la nécessité de mesures proactives pour démanteler ces obstacles structurels et instaurer des conditions véritablement équitables.

Quant à l'inclusion, ce concept est ancré dans les travaux de Allport (1954), selon lesquels des interactions significatives entre groupes majoritaires et minoritaires, organisées dans des conditions favorables, peuvent réduire les préjugés. Le cadre d'inclusion organisationnelle (Shore *et al.*, 2011) renforce cette approche en soulignant l'importance de créer des environnements où les individus se sentent à la fois représentés et valorisés de manière intégrée. La théorie de la distinction optimale (Shore *et al.*, 2011) ajoute que l'inclusion authentique est atteinte lorsque les individus ressentent simultanément un fort sentiment d'appartenance et la valorisation de leur singularité. Ce modèle permet de comprendre que des formes diverses d'exclusion, d'assimilation et d'inclusion se manifestent selon l'équilibre entre l'appartenance et l'unicité des individus au sein du groupe.

Ces théories révèlent ainsi la complexité intrinsèque de l'EDI, qui exige des approches systémiques et différenciées pour tenir compte des identités plurielles et des structures de pouvoir en place. L'intégration des principes d'EDI nécessite donc non seulement une compréhension scientifique des interactions entre ces dimensions, mais aussi des stratégies adaptées pour surmonter les obstacles structurels et favoriser une inclusion véritable et durable au sein des organisations.

## 2.2 Trois obstacles à l'adoption d'initiatives pour des milieux de travail plus équitables

La diversité du leadership débute par des programmes en EDI. Or, au XXI^e siècle, malgré une main-d'œuvre diversifiée, les efforts en EDI peinent à atteindre leurs objectifs, et les expériences des groupes marginalisés restent insatisfaisantes.

Trois obstacles principaux sont identifiés (Saba *et al.*, 2021). Premièrement, le manque de connaissances et d'expertise des gestionnaires pour développer et appliquer les programmes EDI limite les progrès. Deuxièmement, la résistance des groupes dominants, motivée par la crainte de perdre privilèges et pouvoir, freine les initiatives EDI. Enfin, la complexité de la tâche, combinée à un refus de reconnaître les biais discriminatoires, génère de l'apathie envers l'EDI (Klarsfeld et Cachat-Rosset, 2021).

Bien que des recherches montrent l'effet positif de la diversité sur les performances des entreprises, notamment dans les secteurs axés sur la connaissance et l'innovation, il reste plus difficile à documenter dans les secteurs plus traditionnels. La diversité ne se réduit pas à une augmentation des chiffres de représentation, mais nécessite une expertise interdisciplinaire pour en tirer le plein potentiel, incluant des pratiques organisationnelles de soutien, une gestion de carrière équitable et des sanctions contre les comportements discriminatoires (OCDE, 2020). Les politiques d'EDI restent souvent trop générales et ne prennent pas en compte les obstacles particuliers auxquels les groupes visés sont confrontés. De nombreuses entreprises limitent leurs efforts à une conformité légale, sans mettre en œuvre des pratiques visant l'égalité des chances et des mesures de soutien essentielles au développement du potentiel d'une main-d'œuvre diversifiée (Saba, 2019).

## 3. QUELS SONT LES LEVIERS POUR SOUTENIR UN LEADERSHIP DIVERSIFIÉ DANS UN CONTEXTE D'ÉCONOMIE DURABLE ?

Ces leviers renvoient à l'importance de la mobilisation de toutes les parties prenantes du champ des relations industrielles, mais également à la nécessité de renforcer la réglementation sur les accès à l'égalité, doublée de normes sectorielles.

## 3.1 La législation sur la diversité : un levier pour une gouvernance équitable et durable

Au Canada, plusieurs législations et réglementations ont été mises en place pour promouvoir la diversité dans le leadership, notamment au sein des conseils d'administration et des équipes de direction des entreprises. En voici quelques-unes des principales :

La *Loi canadienne sur les sociétés par actions* (LCSA) oblige les sociétés ouvertes à divulguer des informations sur la diversité au sein de leur conseil d'administration et de leur haute direction, y compris leur politique de diversité, la représentation des femmes et d'autres groupes sous-représentés, ainsi que les objectifs établis pour accroître cette diversité. Le *Règlement 58-101 sur l'information concernant les pratiques en matière de gouvernance*, adopté par les Autorités canadiennes en valeurs mobilières (ACVM), impose également aux entreprises inscrites en bourse de divulguer leurs politiques de diversité, leurs objectifs et leurs résultats quant à la représentation des femmes dans la gouvernance. La Loi sur la gouvernance des sociétés d'État exige que les sociétés d'État fédérales adoptent des normes de gouvernance qui incluent des efforts pour promouvoir la diversité dans les nominations aux conseils d'administration. En parallèle, le code de gouvernance d'entreprise de la Bourse de Toronto (TSX) oblige les entreprises cotées à divulguer leurs pratiques de gouvernance, y compris celles visant à accroître la diversité au sein de leurs conseils et de leur direction. Enfin, bien que la *Loi sur l'équité en matière d'emploi* ne s'applique pas directement aux conseils ou à la direction, elle impose aux organismes et organisations sous réglementation fédérale de promouvoir l'égalité en emploi pour les femmes, les minorités visibles, les personnes handicapées et les Autochtones. Ces lois et réglementations favorisent la transparence et la responsabilité des entreprises en matière de diversité, incitant à des pratiques équitables qui reflètent mieux la diversité de la société canadienne.

Au Québec, la *Loi d'accès à l'égalité en emploi* dans les organismes publics s'ajoute aux mesures visant la promotion de la diversité. Elle oblige les organismes publics à élaborer et à mettre en œuvre des programmes d'accès à l'égalité pour favoriser l'intégration en emploi des personnes membres de groupes sous-représentés, notamment les femmes, les minorités visibles et ethniques, les Autochtones, et les personnes handicapées.

En favorisant leur intégration, les lois proactives visent non seulement à corriger les déséquilibres actuels, mais aussi à lutter contre des inégalités qui se perpétuent. Se pencher sur ces groupes permet de mieux comprendre les obstacles précis auxquels ils sont confrontés et de promouvoir des mesures ciblées afin que chaque individu puisse participer pleinement au développement économique et social, dans des conditions d'égalité des chances. En cela, les lois proactives ne sont pas seulement des outils législatifs. Il s'agit de leviers de changement permettant de rééquilibrer le marché du travail et de tirer parti de la richesse de la diversité humaine au sein des entreprises et des organisations.

## 3.2 Des initiatives en pleine expansion pour renforcer la diversité dans le leadership

Dans le cadre des efforts croissants pour promouvoir une gouvernance plus diversifiée et responsable, plusieurs initiatives au Canada visent à renforcer la diversité dans le leadership. Le Défi 50-30, lancé par le gouvernement canadien en 2020, encourage les entreprises et organisations à accroître la diversité au sein de leurs conseils d'administration et équipes de direction (ISDE, 2021). Cet engagement repose sur deux objectifs principaux: que les femmes occupent au moins 50 % des postes de leadership et que les personnes membres de groupes sous-représentés – incluant les minorités visibles, les personnes handicapées, les membres des communautés LGBTQ2+ et les peuples autochtones – atteignent 30 % de représentation. Basé sur une participation volontaire, le Défi 50-30 fournit aux entreprises des ressources, outils et pratiques exemplaires pour les aider à atteindre ces objectifs, tout en encourageant le suivi et le partage des progrès, notamment par l'utilisation de tableaux de bord et d'indicateurs de performance en matière de diversité.

Parallèlement, en octobre 2023, le projet de loi S-279 a été proposé au Sénat du Canada. Il vise à modifier la *Loi de l'impôt sur le revenu* pour obliger les organismes de bienfaisance enregistrés à divulguer des données démographiques sur les membres de leurs conseils d'administration et de leurs équipes de direction. Cette mesure vise à établir des rapports reflétant la diversité dans ces organisations. Ensemble, ces initiatives visent à instaurer un environnement de travail canadien plus inclusif et équitable, reconnaissant la diversité comme levier pour améliorer la prise de décision, stimuler l'innovation et renforcer la performance organisationnelle.

En France, la loi Rixain, promulguée en 2021, vise à renforcer l'égalité économique et professionnelle entre les femmes et les hommes, notamment en instaurant des objectifs de représentation dans les postes de direction. Elle impose aux entreprises de plus de 1 000 salariés un quota de 30 % de femmes parmi les cadres et les membres des instances dirigeantes d'ici 2026, puis de 40 % d'ici 2029. La loi exige également que ces entreprises publient chaque année les données de représentation des sexes dans leurs postes de direction, assurant ainsi une transparence et un suivi public pour encourager des progrès continus vers les objectifs de parité. En outre, la loi soutient l'entrepreneuriat féminin en facilitant l'accès des femmes aux financements et aux marchés publics, et encourage la mixité dans les filières de formation dans les secteurs où les femmes sont sous-représentées, afin de diversifier les parcours professionnels dès la formation.

## CONCLUSION

La diversité au sein des équipes de direction et des conseils d'administration, tant dans les organisations publiques que privées, s'impose comme un enjeu stratégique et essentiel pour favoriser une croissance économique et sociale durable. Ce constat est appuyé par de nombreuses recherches qui montrent les bénéfices d'un leadership inclusif en matière de performance ESG, notamment grâce à des perspectives élargies qui enrichissent la prise de décision et l'innovation. Les initiatives internationales et les réglementations locales soulignent également l'importance d'une représentation diversifiée, soutenant ainsi la création de standards alignés sur les normes de durabilité.

Dans ce chapitre, nous avons mis en évidence les tendances, les obstacles et les leviers nécessaires pour instaurer un leadership diversifié. Cela passe par une mobilisation de tous les acteurs en relations industrielles, un renforcement des réglementations en matière d'égalité des chances et la mise en place de normes sectorielles. Promouvoir une gouvernance responsable et durable ne relève donc pas seulement d'un impératif d'équité. Il s'agit d'une stratégie cruciale pour renforcer la compétitivité et la résilience des organisations face aux transformations économiques, environnementales et sociales de notre époque.

En démontrant leur engagement envers la diversité par des actions et des résultats concrets et mesurables, les entreprises renforcent leur crédibilité et améliorent leur performance ESG. Par ailleurs, cet engagement favorise une diversité similaire au sein de leurs chaînes d'approvisionnement, créant ainsi un écosystème plus inclusif et aligné sur les attentes des investisseurs et des régulateurs en matière de gouvernance responsable.

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PARTIE 3

# À QUOI RESSEMBLE L'AVENIR DES SYNDICATS ?

PART 3

# WHAT THE FUTURE LOOKS LIKE FOR UNIONS?

# 10

# Repenser le renouveau syndical grâce à la prospective

## L'expérience de la FTQ

**Lucie Morissette, Colin L'Ériger, Wilfried Cordeau, Lise Côté et Vincent Pasquier**

La Fédération des travailleurs et travailleuses du Québec (FTQ) est la plus grande centrale syndicale au Québec. Elle représente 600 000 travailleurs, dont environ un tiers sont des femmes qui œuvrent dans tous les secteurs d'activité et toutes les régions québécoises. Il n'en demeure pas moins que la FTQ est confrontée, comme les autres syndicats, à des transformations économiques, sociales et politiques qui l'obligent à s'adapter. D'ailleurs, depuis environ une décennie, des personnes militantes de divers horizons plaident pour la tenue d'états généraux sur le syndicalisme. À la FTQ, cela s'est traduit par l'adoption de résolutions, lors de ses congrès de 2013, 2016 et 2019, demandant à la centrale d'organiser, sur une base intersyndicale, des activités pour réfléchir aux problèmes internes et aux défis externes du syndicalisme afin de trouver des solutions dans une perspective de renouveau. Avant d'entamer un tel projet, la FTQ estimait qu'elle devait d'abord mener une réflexion sur ses propres bases par un examen de ses forces, de ses faiblesses, de sa vision d'avenir, de sa finalité, de son fonctionnement et de ses stratégies. Pour y parvenir, une démarche s'est imposée, celle de la prospective.

Ce chapitre a pour objectif de présenter la démarche prospective expérimentée par la FTQ. Dans un premier temps, nous la décrirons et discuterons de son utilité pour repenser le renouveau syndical. Dans un deuxième temps, nous exposerons le processus suivi par la centrale pour la mettre en œuvre sous l'angle des différents dialogues qui ont permis sa réalisation. Une analyse des résultats sera ensuite proposée. Avant de conclure, le professeur Pasquier posera un regard critique sur cette initiative syndicale originale.

## 1. LE RENOUVEAU SYNDICAL : OUI, MAIS COMMENT ?

L'affaiblissement de la syndicalisation dans les pays occidentaux est bien documenté et ses causes sont multiples : stagnation du droit des rapports collectifs du travail, succession de gouvernements plus ou moins favorables aux syndicats, transformation de l'économie et du marché du travail, nouvelles pratiques de gestion, etc. En réaction, de nombreux écrits ont été publiés sur le renouveau syndical explorant plusieurs angles d'analyse[1], dont la mobilisation (Holgate, 2021), la légitimité (Dufour et Hege, 2010) et les aptitudes stratégiques (Lévesque et Murray, 2013). D'autres travaux proposent une perspective comparée du renouveau syndical (Fairbrother et Yates, 2013) ou encore des bilans de celui-ci (Murray, 2017).

Peu d'études se sont toutefois intéressées aux syndicats, en particulier aux centrales syndicales, comme organisations devant repenser leurs propres politiques et pratiques pour soutenir de nouvelles stratégies. Heery (2005) suggère pourtant que le renouveau syndical n'est possible que si des transformations s'opèrent à l'intérieur même des

1. Les références proposées le sont à titre indicatif et ne permettent pas de rendre compte de toute la richesse des écrits publiés sur les différentes dimensions du renouveau syndical.

syndicats. Certains chercheurs ont examiné cette question de plus près. Par exemple, Bamber, Jerrard et Clark (2022) se sont penchés sur les dimensions administratives et de gestion des ressources humaines dans les syndicats, Stratton et Reshef (1990) se sont attardées à la planification stratégique et Dempsey et Brewster (2009) au rôle de gestion des représentants syndicaux.

Hodder et Edwards (2015) ont, pour leur part, poussé cette réflexion en proposant un cadre d'analyse qui permet de comprendre comment les stratégies de renouveau privilégiées par un syndicat sont alignées sur sa nature profonde (« essence of unions »). Les auteurs démontrent que l'identité et l'idéologie (de marché, de classe, de société – Hyman, 2001) d'un syndicat positionnent et orientent ses finalités, ses pratiques internes (les relations entre ses constituantes, la démocratie interne, etc.) et ses rapports avec les employeurs et l'État. Ces dimensions influenceront les stratégies qui seront par la suite adoptées pour s'adapter à l'environnement externe. Ce processus peut en retour mener à une redéfinition des identités et de l'idéologie de l'organisation.

Mais la question demeure de savoir comment y parvenir. Comment un syndicat comme la FTQ peut s'engager dans un processus pour repenser son fonctionnement interne, son agentivité, ses stratégies ? Trois difficultés doivent être surmontées. La première est celle de la sortie des sentiers de dépendance (« *path dependency* ») propres aux organisations dont les pratiques, les traditions, les coutumes sont bien ancrées, pour amener un changement institutionnel (Mahoney et Thelen, 2010). La deuxième est celle de se projeter aussi bien dans un avenir rapproché que lointain pour s'adapter aux défis actuels, mais surtout futurs, pour agir de façon proactive. La troisième est d'éviter l'écueil d'un changement imposé plutôt que négocié entre les différents acteurs d'une organisation qui se veut démocratique. Pour contourner ces embûches, une démarche nouvelle s'imposait, soit celle de la prospective. Celle-ci permet de mener une réflexion critique de fond sur une organisation, en l'occurrence une centrale syndicale, tout en ouvrant la voie à des perspectives de renouveau qui contournent les réflexes de régularité et de continuité en s'inscrivant sur des temps longs. Elle a aussi pour avantage de faire réfléchir sur les risques d'inscrire ses actions dans le *statu quo*. Elle se veut également inclusive et participative du fait qu'elle nécessite l'intervention d'un grand nombre d'acteurs.

La prospective est en réalité une méthodologie de recherche qui permet d'anticiper des futurs pour aider les acteurs à voir au-delà du quotidien afin de les rendre plus résilients (Ponce Del Castillo, 2020). Elle se définit comme « une démarche de réflexion sur l'avenir et d'exploration des futurs possibles […] qui vise à éclairer les décisions et les actions collectives en intégrant les enjeux du temps long » (Futuribles International, 2023). Elle allie ainsi la réflexion à l'action en permettant l'anticipation, même imparfaite, de changements, de discontinuités, de difficultés et de perspectives pour mieux envisager des évolutions plausibles, nouvelles et contrastées susceptibles de survenir dans un horizon temporel relativement éloigné (Scouarnec, 2008). Elle aide à anticiper comment une organisation et son environnement peuvent emprunter différentes voies transformatives.

Cette démarche introspective, orientée vers l'avenir, englobe une série d'étapes qui se cristallisent autour de la rédaction de scénarios qui racontent une histoire. À terme, ceux-ci débouchent sur la réalisation d'un plan d'action pour mieux préparer l'avenir. Cette méthode a aussi pour avantage de mettre à contribution un grand nombre de personnes, car elle s'organise autour de consultations, de dialogues, d'allers-retours et de validations. La prospective est ainsi une démarche collective qui s'adapte bien aux syndicats.

Interpellée pour penser à son renouveau interne, la FTQ s'est engagée dans cette approche prospective qui lui permet d'opérer une réflexion critique sur son fonctionnement interne en interaction avec l'environnement (l'unité et la démocratie syndicale, ses relations avec l'État et les employeurs, etc.) en posant un regard sur le passé et l'avenir. Ce processus qui mène à la rédaction de scénarios oblige, du même coup, à repenser les identités et les idéologies et, par conséquent, les finalités et les stratégies de renouveau possibles. Par exemple, la montée de la droite radicale sur la scène politique pourrait amener une organisation syndicale à se radicaliser, à embrasser une idéologie de classe et à revoir ses relations avec l'État et les employeurs. Ce processus réflexif oblige ainsi à sortir des régularités, des continuités pour envisager des stratégies nouvelles (Gimbert, 2004).

## 2. LA PROSPECTIVE EN QUATRE DIALOGUES SUR L'AVENIR DE LA FTQ

Pour bien comprendre la démarche de prospective suivie à la FTQ, il faut d'abord présenter ses principales caractéristiques. La centrale se différencie d'abord des autres organisations syndicales par sa structure très décentralisée. Elle est en effet composée de 33 grands syndicats québécois, canadiens et nord-américains, qui œuvrent principalement dans le secteur privé, manufacturier et de service, qui s'y affilient de manière volontaire tout en conservant leur pleine autonomie. La FTQ ne négocie donc pas de conventions collectives et ne se mêle pas directement des enjeux de relations de travail. Sa mission est plutôt d'intervenir sur la scène politique, sociale et économique pour défendre les intérêts de ses membres et de l'ensemble des travailleurs ainsi que pour militer pour l'avancement de la justice sociale. Historiquement, cette organisation s'est toujours distinguée par son pragmatisme, sa capacité à travailler avec les employeurs et l'État lorsqu'il est avantageux de le faire, mais aussi par sa détermination à faire des luttes lorsque nécessaire (Fournier, 1994; Rouillard, 2004). Au sens de Hyman (2001), son idéologie se situe entre celle de marché et celle de société. Elle n'hésite pas à dénoncer les abus du capitalisme et à proposer des approches économiques réformistes, progressistes, sans chercher pour autant la révolution. Elle est d'ailleurs l'instigatrice d'un fonds de travailleur (le Fonds de solidarité FTQ), qui gère plus de 30 milliards de dollars en investissement en capital et en actifs.

La finalité de la FTQ, au sens de Hodder et Edwards (2015), lui a permis de croître et de faire des gains significatifs pour ses membres au fil des ans. Le contexte l'oblige néanmoins à mener une sérieuse réflexion pour assurer son renouveau. Ainsi, en 2022, dans le cadre de la préparation de son 33$^{e}$ Congrès, la centrale s'est engagée dans une démarche de prospective dont la préparation s'est étalée sur plus de six mois. Au total, environ 700 personnes ont été consultées, des acteurs clés qui ont une connaissance et une expérience intime de l'organisation. Cette section propose de décrire le processus mis en œuvre pour réaliser la prospective en quatre phases de dialogues, soit avec les personnes 1) dirigeantes ; 2) expertes en relations de travail ; 3) représentantes des syndicats affiliés et des conseils régionaux ; et 4) les membres.

## 2.1 Premier dialogue : sortir des sentiers de dépendance

À la fin de l'année 2021, le service de la recherche de la FTQ a entamé des discussions avec la direction de la centrale pour faire approuver le lancement d'une démarche de prospective. Quelques questions de recherche sont alors soumises : à quoi pourrait ressembler la FTQ dans 20 ans ? Quels facteurs pourraient fragiliser ou renforcer la centrale ? Comment pourra-t-elle continuer de solidariser ses membres, ses syndicats affiliés ainsi que l'ensemble des travailleurs pour accroître la portée de son action ?

Le projet présenté consistait, d'une part, à réaliser un bilan critique des forces et des faiblesses de la centrale et, d'autre part, à identifier les possibles risques et les perspectives pour explorer des pistes de renouveau. Il s'agissait en quelque sorte d'un précédent dans la mesure où il était nécessaire d'aborder plusieurs enjeux simultanément plutôt que se concentrer sur un problème (la sous-traitance ou le recrutement par exemple). Pour les dirigeants, il était nécessaire de bien prendre la mesure de cette nouvelle façon de faire, sachant que la démarche proposée exige une grande lucidité, de la transparence, et une sortie en règle des sentiers de dépendance. Mais face aux risques d'un *statu quo*, la direction a accepté d'en prendre un nouveau, soutenu par un plan de consultation, des bilans périodiques et la validation des résultats obtenus.

Une fois cette approbation obtenue, l'étape suivante fut de rencontrer les vice-présidents de la FTQ. Il s'agit en grande partie des dirigeants des syndicats affiliés à la centrale et représentés au Bureau, l'instance qui assure la gestion des affaires courantes. Ce fut une rare occasion pour discuter de leur vision de la FTQ, de leur attachement à celle-ci et de la manière dont ils souhaiteraient qu'elle évolue dans les prochaines années. Plusieurs ont manifesté leur conviction quant à la nécessité de changer les façons de faire de la centrale et ont exprimé le souhait qu'elle soit plus proactive et offensive. D'autres étaient convaincus de la nécessité de se pencher sur l'avenir pour assurer sa survie et sa vitalité. Ces premiers échanges ont permis de confirmer que le moment était propice pour mener une réflexion de fond sur la centrale et qu'une réelle volonté de changement existait. Cette étape était cruciale pour donner de la légitimité à la démarche de prospective et ouvrir la porte aux stratégies de renouveau.

## 2.2 Deuxième dialogue : faire parler les experts

Ce premier regard de l'intérieur n'est pas suffisant en soi dans une approche prospective. Il est nécessaire de solliciter des personnes externes à l'organisation pour recueillir d'autres perspectives qui permettent de réfléchir sans œillère organisationnelle. Plusieurs questions ont été posées sur les forces et faiblesses de la FTQ, ses principaux défis pour l'avenir et les voies de renouveau qu'elle devrait prendre. Ce dialogue s'est fait avec plus de 20 chercheurs spécialisés sur les questions syndicales au Québec et au Canada. Certains de leurs propos ont permis d'alimenter les réflexions :

> *Une avenue à envisager est celle des professionnels. Le défi, c'est de les syndiquer, que l'on parle d'ingénieurs, de cols blancs. Pour ça, il faut que les organisateurs syndicaux se collent à leurs profils et changent de discours. Des discours de guerre de classe, ça ne pogne pas. Il faut modifier les approches.*
>
> *Les syndicats traînent la patte sur les dossiers les plus importants de notre époque. Il y a une proactivité très perceptible des entreprises et moins du côté syndical. Les syndicats peuvent ainsi sembler réactifs et se traîner la patte sur la numérisation, l'inclusivité, les changements climatiques.*

Au terme de ce deuxième dialogue, il a été possible d'identifier les huit variables les plus susceptibles d'influencer l'avenir de la FTQ (encadré 1).

**Encadré 1**

Les huit variables de la démarche de prospective à la FTQ

**Environnement interne**

1) Le poids de la FTQ
2) L'unité syndicale
3) La démocratie syndicale
4) La diversité et l'inclusion au sein de la FTQ
5) Les initiatives portées par la FTQ

**Environnement externe**

6) Le contexte politique
7) Les changements climatiques
8) La numérisation de l'économie

Il a été décidé de retenir au moins cinq variables internes à la FTQ pour permettre une réelle introspection et lui donner les moyens d'agir à l'intérieur des dimensions sur lesquelles elle dispose d'une emprise directe. La première est le poids de la FTQ, soit le nombre de membres; la deuxième porte sur l'unité syndicale, entre les centrales, mais aussi entre les syndicats affiliés à la FTQ; la troisième se trouve au cœur de la vie syndicale, soit la démocratie, qui renvoie aux différentes instances et modes de participation et de représentation des membres; la quatrième concerne la diversité et l'inclusion, c'est-à-dire la place accordée aux personnes issues de la diversité dans les statuts, règlements, politiques et pratiques de la centrale; la cinquième force une réflexion sur les initiatives portées par la FTQ, dit autrement, sa capacité d'innovation; la sixième, de nature contextuelle, s'intéresse à l'évolution de l'environnement politique (partis élus, politiques publiques, etc.); la septième et la huitième s'attardent respectivement aux conséquences probables des changements climatiques et de la numérisation de l'économie sur le développement des secteurs d'activités, des entreprises et, par extension, sur les emplois et les travailleurs.

Pour chacune de ces variables, le chemin parcouru par la centrale au cours des années passées a été retracé. Ensuite, elles ont fait l'objet d'une analyse prospective en identifiant les incertitudes, les tendances probables, les ruptures possibles, les germes de changement

(FTQ, 2023). Par exemple, pour le contexte politique, la reconfiguration du paysage politique des dernières années fut examinée, ainsi que les changements de posture de la centrale face aux partis politiques, l'état du dialogue social et le rôle des tribunaux. Pour l'avenir, différentes hypothèses ont été formulées, comme la réforme du mode de scrutin, la poursuite des attaques antisyndicales des gouvernements de droite, l'élection d'un parti d'extrême droite, la prise du pouvoir par la gauche, etc. Ce travail a permis d'établir au moins quatre hypothèses de prospective pour chacune des variables, soit autant de futurs possibles pour la centrale dans chacune de ces dimensions. Certaines vont envisager l'avenir à partir des tendances que l'on observe actuellement. D'autres mettent en scène des transformations brusques, des ruptures, autant positives que négatives. Des hypothèses ont également été formulées pour illustrer les germes de changement, c'est-à-dire des phénomènes qui pourraient prendre une grande ampleur dans l'avenir. Dans d'autres cas, des avenues totalement inédites et originales ont été imaginées.

## 2.3 Troisième dialogue : coconstruire l'avenir

Pour tester la validité des hypothèses produites pour chacune des variables retenues, un premier atelier a été organisé avec une vingtaine de personnes provenant des syndicats affiliés et des conseils régionaux de la FTQ. Il leur a été demandé de jeter un regard critique sur les variables et les tendances identifiées, ainsi que sur les hypothèses sous-jacentes. Cette étape a été l'occasion d'obtenir un avis ancré dans la réalité du terrain. Leurs commentaires ont permis de corriger, d'ajuster, d'éliminer ou d'ajouter des trajectoires probables. Par exemple, il était intéressant de constater que plusieurs personnes participantes trouvaient trop timides les hypothèses sur la montée de l'extrême droite et de l'intolérance. Ce travail de validation est essentiel pour crédibiliser la démarche de prospective et définir des pistes de renouveau qui ont du sens, et qui s'inscrivent dans l'identité et la finalité des syndicats affiliés à la centrale.

Lors d'un second atelier, ces mêmes personnes participantes ont été conviées à élaborer quatre scénarios illustrant des futurs possibles pour la FTQ, selon la méthode de l'analyse morphologique (Lamblin, 2018). Concrètement, elles ont été regroupées en quatre équipes qui avaient à choisir, de manière aléatoire, une hypothèse de prospective pour chacune des huit variables. Partant de ces combinaisons d'hypothèses, les différents groupes ont réfléchi à la manière de les faire dialoguer et de les agencer pour formuler une trame narrative cohérente de l'évolution de la centrale jusqu'en 2042.

S'appuyant sur les travaux de ce deuxième atelier, le service de la recherche de la FTQ a rédigé quatre scénarios de prospective en suivant quelques critères (FTQ, 2023). D'abord, il apparaissait important que ceux-ci soient suffisamment contrastés et que chacun dispose d'une logique qui lui est propre. Ils devaient aussi stimuler les réflexions et les apprentissages, faire réagir. Une approche centrée sur l'acteur a aussi été privilégiée, basée sur la prémisse que la FTQ peut faire des choix même dans un environnement contraignant. Par exemple, lorsque les variables externes venaient fortement influencer le cours des choses, pensons aux conséquences des changements climatiques ou à l'imposition de lois antisyndicales, la centrale maintenait une agentivité. Dans certains scénarios, elle adopte une posture attentiste et subit des changements de portée variable, alors que pour d'autres, elle prend les devants, avec un succès plus ou moins important. De plus, tous mettent de l'avant des tensions, pas nécessairement résolues, découlant des choix de la centrale. Par exemple, dans un des scénarios, la FTQ renouvelle son action et souhaite devenir le porte-voix de tous les travailleurs, qu'ils soient syndiqués ou non. Un tel changement de cap ne plaît pas nécessairement à tous ses syndicats affiliés, qui lui reprochent de délaisser ses rôles plus traditionnels. Bref, tous les scénarios comportent, à dessein, leur part d'ombre et de lumière, et ce, afin de provoquer des discussions de fond sur les perspectives et les risques futurs possibles, et la portée des choix effectués ou des actes manqués. En somme, ils se voulaient les déclencheurs d'une discussion à visée critique, constructive et créatrice.

Enfin, pour demeurer accessibles et faciliter la discussion, les scénarios ont été présentés dans un format synthétique et rédigés sous forme de récits, et ont fait l'objet d'illustrations (FTQ, 2023). Ultimement, des acteurs professionnels ont personnifié ces scénarios mis en scène sur le plancher du Congrès, dans lesquels des membres imaginés de 2042 témoignaient devant les congressistes de 2023 de ce que leur monde était devenu, les invitant à l'introspection.

Dans un premier scénario, intitulé la FTQ se régionalise et se radicalise, la crise climatique frappe de plein fouet au début des années 2030. Une politique radicale de rationnement énergétique est adoptée, qui se traduit par des milliers de pertes d'emploi. La FTQ repositionne sa finalité pour prendre le rôle d'une actrice économique qui a pour mission de protéger et de créer des emplois par la promotion d'une économie circulaire et régionale. Le renouveau s'opère par la promotion de modèles de solidarité socio-économique qui modifient ses relations avec l'État et les employeurs. Cette réorientation l'amène cependant à délaisser les enjeux d'inclusion, qui sont pourtant chers à une frange importante de ses membres.

Dans le deuxième scénario, la révolution tranquille de la FTQ, la centrale expérimente et se lance dans diverses initiatives pour maintenir et accroître son influence. Elle teste de nouveaux modèles de représentation en implantant une formule d'adhésion individuelle dans l'objectif de rehausser son membrariat dans les secteurs difficiles ou impossibles à syndiquer. Elle est de plus appelée à jouer un rôle proactif sur la scène politique, notamment autour de la question de la transition juste. Elle assume ainsi davantage son rôle de transformation sociale, qui n'empêche cependant pas les problèmes de faible participation de se manifester dans ses propres instances.

Dans le troisième scénario, intitulé l'électrochoc salutaire, la FTQ adopte une attitude attentiste malgré les attaques montantes de la droite. Elle s'adapte, mais n'est plus en mesure de remplir son rôle avec autant d'efficacité qu'auparavant. Elle doit se redéfinir en pleine crise. En refusant de jouer un rôle combatif, elle s'affaiblit et se voit forcée de redéfinir son identité alors que les femmes prennent le leadership pour orienter les actions de la centrale autour d'un projet de société axé sur la résilience collective.

Dans le dernier scénario, crise d'identité et de légitimité à la FTQ, les syndicats affiliés se désengagent de la centrale, dont l'unité s'effrite alors que des divisions surgissent entre ceux qui survivent mieux que d'autres à une sévère crise économique.

## 2.4 Quatrième dialogue : définir des stratégies de renouveau

Une fois les scénarios complétés, une nouvelle étape de dialogue est amorcée pour discuter de leurs implications et pour dégager des propositions structurantes en vue de définir des stratégies de renouveau. Le service de la recherche a donc organisé des rencontres avec, notamment, des représentants des conseils régionaux, le personnel de la FTQ et des dirigeants et personnes élues et conseillères des syndicats affiliés. Ces échanges ont permis d'élaborer des pistes de réflexion qui ont été présentées dans un document d'appui soumis au 33e Congrès de la centrale (FTQ, 2023).

Parmi les stratégies de renouveau présentées, il y a, sans grande surprise, celle d'intensifier la syndicalisation. Mais au-delà de la volonté d'accroître le nombre de membres, il a été proposé d'affilier et de regrouper les travailleurs non traditionnels, qui ne peuvent être syndiqués au sens du Code du travail, pour leur offrir une représentation politique et de la formation. Il est aussi suggéré de mener des actions en dehors du cadre légal au besoin, de créer des syndicats minoritaires et de revendiquer le droit à la grève pour toutes les personnes en emploi, et pas uniquement pour celles qui sont syndiquées. Sur le plan politique, la centrale est invitée à combattre vigoureusement toutes les formes d'exclusion, à politiser davantage ses membres et à repenser sa participation dans les instances gouvernementales lorsque le dialogue social s'appauvrit. Des stratégies sont aussi envisagées pour repenser les structures de la FTQ afin de stimuler la démocratie et la participation en créant des espaces de débats plus souples et moins hiérarchiques. On demande également à la centrale d'adopter une posture plus offensive en critiquant plus sévèrement les gouvernements, les entreprises, et même le système capitaliste, en adoptant une attitude décomplexée.

Pour valider ces pistes d'action, plusieurs ont été soumises à plus de 600 membres lors du 33e Congrès de la FTQ. Elles ont fait l'objet de discussions en atelier (commissions) qui ont été consignées dans un rapport dont les recommandations ont été votées par l'ensemble des personnes congressistes. Il est ressorti assez clairement de ces échanges une ouverture au changement et un appétit pour une FTQ plus combative.

## 3. ANALYSE DE LA DÉMARCHE PROSPECTIVE À LA FTQ

La prospective se veut une approche globale qui a pour ambition de voir large et loin, suffisamment pour faire émerger des ruptures, des inversions de tendance, tout en ouvrant la porte à de nouvelles libertés quant aux stratégies imaginées vu la temporalité pour agir (Scouarnec, 2008). Elle force les organisations, qui cherchent à s'inscrire dans les régularités et les continuités, à déconstruire leur quotidien pour l'imaginer autrement. C'est cette démarche déstabilisante que la FTQ a eu le courage d'entreprendre.

Collective par nature, la prospective est une démarche de coconstruction où des personnes issues de toutes les strates de la centrale ont été interpellées pour en faire le diagnostic, identifier ses forces, ses faiblesses, les menaces qui pointent sur elle et les stratégies de renouveau possibles. Les scénarios ont véritablement soutenu la réflexion en servant d'électrochoc. Si certains les ont trouvés démoralisants, ils ont aussi permis une prise de conscience sur l'avenir et les actions à entreprendre pour y faire face. Ils ont de même forcé une réflexion sur l'agentivité. Comment répondre aux menaces à venir ? Comment la FTQ peut-elle demeurer pertinente, unie, représentative de ses membres, des travailleurs ? Quels risques court-elle si elle demeure passive ?

La prospective a ainsi permis d'envisager quatre évolutions possibles de la centrale, qui la positionne dans autant de cadres identitaires et idéologiques singuliers qui orientent ses finalités et ses stratégies (Hodder et Edwards, 2015). Comme nous l'avons vu, les scénarios amènent parfois la centrale à redéfinir son identité et son idéologie, du moins à la repositionner dans les axes marché, classe et société (Hyman, 2001), suivant des initiatives entreprises pour se repositionner dans un environnement nouveau et parfois impensable. Quant aux pistes d'action de renouveau avancées suivant les discussions sur les scénarios, elles invitent la FTQ à prendre une posture plus combative, focalisée davantage sur les luttes de classes qui l'éloignent de son pragmatisme. Ces deux facettes ne sont pas nécessairement incompatibles. Le pragmatisme, combiné à une certaine dose de combativité, peut faire progresser la centrale tout en la repositionnant dans son alignement identité-idéologie et en recadrant sa finalité, ses modes de fonctionnement interne et ses relations avec l'État et les employeurs. Elle peut le faire en menant des actions en dehors du cadre légal, ce qu'elle a par ailleurs déjà fait (Fournier, 1994).

En somme, ce que la prospective permet de faire, c'est de réfléchir aux évolutions possibles d'une organisation syndicale, à ses dimensions internes pour lui permettre de s'adapter à son environnement. Là où la méthode innove, c'est en permettant à un syndicat comme la FTQ de mettre côte à côte plusieurs modèles de renouveau syndical et de se questionner sur les trajectoires à prendre pour redéfinir son « essence » au sens de Hodder et Edwards (2015).

Maintenant cette réflexion faite, les voies de renouveau proposées exigent des changements dans les schèmes de pensée, les pratiques, les discours, les méthodes et l'organisation du travail et la répartition des ressources dans l'organisation. De telles transformations entraînent des résistances, des questionnements, voire des insécurités. Elles exigent également l'adhésion des personnes dirigeantes élues qui changent avec les années. La mise en œuvre sera donc l'occasion d'une évaluation de la démarche de prospective faite à la FTQ et de son potentiel pour favoriser son renouveau, sa transformation.

## 4. QU'EN PENSE UN EXPERT EN RELATIONS DE TRAVAIL ? COMMENTAIRE DE VINCENT PASQUIER

Réussir à réfléchir collectivement à son avenir à long terme lorsque l'on est une organisation démocratique de 600 000 membres peut sembler, à première vue, mission impossible. Pourtant, la démarche de prospective mise en œuvre par la FTQ à l'occasion de son 33e Congrès est à même de relever pareil défi. Au travers de cet exercice stratégique original, la centrale s'est, en effet, mise en ordre de marche pour affronter les futurs possibles auxquels elle pourrait être soumise dans les décennies à venir. Plus précisément, l'exercice de prospective tel que décrit par ses initiateurs devrait grandement aider la centrale à relever les trois défis suivants : préparer son avenir plutôt que de le subir, apprendre à anticiper l'imprévisible et coconstruire un projet collectif à grande échelle.

**Préparer l'avenir plutôt que de le subir.** Le premier défi que la FTQ peut relever grâce à cet exercice prospectif consiste à « lever le nez du guidon » pour penser l'action syndicale sur un temps long. Un tel exercice est loin d'être une évidence pour des organisations syndicales : étant des contre-pouvoirs, ce ne sont pas elles qui fixent l'agenda. Elles sont, au contraire, tributaires des décisions des entreprises et gouvernements dont elles tâchent de réguler l'action. Ainsi, le quotidien d'un syndicat consiste très largement à réagir en quelques jours ou quelques semaines à des projets (de réorganisation, de loi, etc.) qui lui sont imposés, plutôt que de prévoir ses actions sur les années ou décennies à venir. Ainsi, la première réussite de la méthode déployée par la FTQ est de sortir ses membres de cette ornière court-termiste dans laquelle leur mission les enferme. En d'autres termes, cet exercice nous semble particulièrement salutaire pour la FTQ et ses membres, car il leur offre une fenêtre pour tenter de préparer l'avenir plutôt que de le subir.

**Apprendre à anticiper l'imprévisible.** Le second apport de l'exercice stratégique prospectif de la FTQ est de penser le futur non pas comme un avenir certain, mais plutôt comme un ensemble de possibles. Ce faisant, il évite les écueils d'une planification stratégique classique, dont les projections, même lorsqu'elles sont particulièrement affinées, ne correspondent jamais à la réalité qui finit par advenir. Penser l'avenir au travers d'une multitude de scénarios permet alors de développer une compétence collective particulièrement précieuse lorsque l'on navigue dans un environnement hautement incertain : savoir improviser. Comme pour les acteurs et les musiciens « d'impro », s'adapter très rapidement et avec aisance à des changements de situation imprévisibles n'a en fait rien de naturel. Ces facultés d'adaptation sont au contraire le fruit d'un long travail grâce auxquels l'on développe un ensemble de réflexes qui permettent de faire face à l'imprévu. L'exercice prospectif, qui amène à réfléchir et donc à anticiper un large éventail de futurs possibles, nous semble à ce titre une excellente base d'entraînement pour développer collectivement les capacités adaptatives du syndicat.

**Coconstruire un projet collectif à grande échelle.** Le troisième tour de force de l'exercice prospectif mis en œuvre par la FTQ est de répondre à un « enjeu de taille » : celui d'impliquer aussi largement que possible ses syndicats affiliés, les conseils régionaux et des centaines de militants et militantes. Avec la prospective, la FTQ semble avoir trouvé une solution pertinente au dilemme auquel sont confrontées les organisations démocratiques de cette envergure, à savoir conjuguer qualité et quantité de participation. Car impliquer un grand nombre de participants, c'est prendre le risque d'un processus long, cacophonique et peu productif. A contrario, n'en impliquer qu'un nombre restreint fait cette fois courir le risque de bafouer les principes démocratiques de l'organisation. Or, le retour d'expérience de l'initiative de la FTQ indique qu'elle est parvenue à conjuguer « quantité » (plusieurs centaines de membres impliqués) et « qualité » de la participation, dans la mesure où les membres ont largement joué le jeu et ont su s'approprier les quatre scénarios qui ont émergé du processus.

Un exercice de toute évidence nécessaire, mais probablement pas suffisant. Malgré tous les mérites que nous pouvons attribuer à l'exercice de prospective déployé par la FTQ, il convient de ne pas en occulter ses limites. Car si la prospective semble être un processus très riche pour penser l'avenir, il ne demeure qu'un des outils dont l'organisation doit se saisir pour préparer sa réussite. S'il est un défi central que la prospective ne semble remplir que très imparfaitement, c'est celui de définir une vision pour l'organisation qui assurera une cohérence à l'ensemble des actions de la centrale. Car un exercice stratégique ne vise pas uniquement à se préparer aux évolutions possibles de l'environnement ; il consiste au moins autant à créer un récit collectif qui servira de ciment à la solidarité entre membres.

## CONCLUSION

Dans ce chapitre, nous avons cherché à démontrer comment un changement dans les pratiques, en ayant recours à la prospective, modifie la manière de penser un problème, de se mobiliser et de se mettre en action. Pour le moment, il est difficile d'en évaluer les retombées concrètes puisqu'à peine quelques mois se sont écoulés depuis l'adoption des pistes d'action issues de la prospective au moment d'écrire ces lignes. De plus, aussi pertinente et innovante qu'elle puisse être, une méthode ne peut à elle seule provoquer une transformation profonde au sein d'une organisation. Le principal défi au cours des prochaines années sera de mettre en œuvre la vision d'avenir mise de l'avant durant cet exercice de prospective. La stratégie pour y arriver et les moyens de mesurer les avancées ou les reculs sont encore à parfaire. Bien qu'au sein de la FTQ on observe un plus grand souci d'inscrire ses stratégies dans la durée et une posture un peu plus réflexive, l'actualité rattrape vite le mouvement syndical. La démarche a suscité un enthousiasme certain ainsi que des attentes de la part des personnes militantes. Avec d'éventuels états généraux sur le syndicalisme, il faut maintenant viser plus large et inciter l'ensemble du mouvement syndical à se projeter dans l'avenir.

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# 11

# A Rising Tide

## Activism as a Path Towards a Better Future for Workers in New Brunswick

**Chris Smith and Patti Chisholm**

As demonstrated by the existence of books like this one, and the continued research into topics covered herein, predicting the future of work, what it means to workers, and how to best navigate what's ahead is an ongoing pursuit. Perhaps due in part to the COVID-19 pandemic, the early 2020s have seen an emphasis in the media on working conditions and the worker's experience: the shift towards contract work, pay that is unable to keep up with rising costs, and daily conditions that range from dehumanizing to potentially deadly. Over this same timeframe, unionization drives at mega-corporations like Amazon and Starbucks make headlines alongside stories about so-called 'quiet quitting,' indicating that workers might be building momentum to upend the status quo. Have workers awoken to their power? What issues do workers see as most important moving forward? What role should the labour movement play?

In this chapter, we hope to address some of the above questions to: (1) identify work-related issues that impact workers now and into the future; (2) analyze these issues using theoretical frameworks and practical experiences; and thereby (3) identify strategies to tackle these issues from a practical and academic standpoint. To do this, we first perform content analysis of preliminary data from an ongoing study (n = 107) exploring the current and future state of work, workers, and unions in New Brunswick. We then use the data analysis as a starting point for a conversation between the authors: Chris, a labour and organizations researcher, and Patti, a seasoned anti-poverty activist in New Brunswick. Moving through the data, we discuss the emerging themes and their relation to the academic literature and "real-life" activist experience, elaborating upon past, current, and future strategies to improve the lives of workers. We will begin by providing some context regarding work and life in the province of New Brunswick.

## 1. WORK AND UNIONISM IN NEW BRUNSWICK

New Brunswick is home to about 775,000 people and has a labour force of 402,500. The Federal Government classifies New Brunswick as a 'have-not' province, meaning it is eligible to receive Federal equalization payments to help fund its operation due to a supposedly inadequate tax base. Looking at salary and income data for individuals in the province (shown in Table 1), it is clear New Brunswickers are not typically among the country's wealthiest, with the province home to one of the lowest after-tax median incomes per family in the country.

As of April 2023, the provincial minimum wage is almost two dollars below the national average, while New Brunswick has one of the highest proportions of workers at minimum wage, and a higher than average rate of low-income earners compared to national levels. Meanwhile, the living wage calculated for the province's four biggest cities is well above the province's minimum wage, and even higher than its median wage of$23/hr in some instances, meaning those at the lower end of the earning spectrum are likely to experience cost-of-living issues.

**Table 1**
Workforce and Salary Data Compared Between New Brunswick (NB) and Canada

| Category | New Brunswick | Canada |
|---|---|---|
| **Unemployment rate** | 6.1 % | 5.2 % |
| **Part-time status** | 14 % | 18 % |
| **Minimum Wage ($/hr)** | $14.75 | $16.55 |
| **Proportion of workers at minimum wage** | 6.8 % | 6.4 % |
| **Median family income (after-tax)** | $52,660 | $59,300 |
| **Living Wage ( $/hr)** | Ranges from $21.65–24.50 in four biggest cities | $24.50 |
| **Union Density** | 29 % | 30 % |
| **Employment in top five industries in NB:** Health care (16 %), Wholesale & Retail (15 %), Public Service (9 %), Education (8 %), Construction (8 %) | | |

Source: Living wage data from Human Development Council (2023), proportion of minimum wage data from NBJobs (2024), all other data from Canada Workforce Survey (Statistics Canada, 2023).

While individual workers in the province tend to be lower-earning, New Brunswick is nevertheless home to several profitable family-owned companies that are also major employers. For example, Cooke Inc., making$4 billion in annual revenues, and leading the seafood industry in Canada and abroad, is a private, family-owned company based in Saint John (Mills and Campbell, 2023). Most notable, however, is the Irving family group of companies, also based in Saint John: Irving Oil, and JD Irving (which has interests in forestry, pulp and paper, frozen food and agriculture, ship-building, and big-box hardware retail, among others). Together, these companies employ one in twelve New Brunswickers, while JDI's forestry division owns about 1/3 of the province's surface area (Ratchford *et al.*, 2020). The family's reach is not only economic but also informational and political. Until early 2023, the Irving family owned the newspapers in Fredericton, Moncton, and Saint John, which over the years have earned criticism for a pro-Irving bias. Critics also point to favourable municipal and provincial tax rates and many subsidies which the family's interests have received over time (O'Donnell, 2020). Notably, the province's Premier from 2018 to 2024, Blaine Higgs, is a former Irving Oil executive, reflecting the company's long reach in New Brunswick. With political, economic, and informational power concentrated in the hands of a few, workers in the province have historically faced a steep climb; but that hasn't stopped them in the past, as New Brunswickers have a long history of fighting for their rights at work.

The Saint John Labourers Benevolent Association, founded in 1849 by dockworkers looking for steadier pay, hours, and working conditions, is one of the first labour associations in what is now Canada (Hatheway Labour Exhibit Centre, 2024). This started a tradition of activist fervour that has been visible in other events through history. For example, the Saint John City Railwaymen Strike of 1914 ended in riots and an overturned streetcar, while tens of thousands marched in the Saint John General Strike of 1976, fighting to repeal federal limits on public service wage increases (Hatheway Labour Exhibit Centre, 2024). More recently, New Brunswick's labour story has moved in step with Canadian trends, as its union density (percentage of unionized workers) fell from about 40% in 1984 (Arrowsmith, 1992) to about 29% today (Statistics Canada, 2023). New Brunswick's union density is buoyed largely by the public sector (71% density), while the private sector (15% density) is significantly less unionized, which reflects the respective national numbers (Statistics Canada, 2023).

While unions may not be as prominent in New Brunswick as they once were, this could be changing, as the province has seen much high-profile strike activity since the turn of the decade. In 2021, the provincial government faced off against several sectors of the public service, as 22,000 CUPE members went on strike for 16 days, ultimately netting wins. The spring of 2023 saw thousands of federal public servants with the Treasury Board and Canada Revenue Agency across the province strike for 12 and 15 days, respectively, while 133 Saint John city workers picketed for about a month in the fall. This period also saw the provincial government engage in hard bargaining in contract negotiations with teachers, nurses, and school bus drivers, all of which ended in deals or are ongoing. Meanwhile, the provincial government has pushed forward new legislation (such as Bill-17 and Bill-23) which critics argue will erode rights to collectively bargain and to strike, while also promoting an anti-union environment.

Through the first few years of the 2020's, New Brunswick workers have experienced an affordability crisis, while its largest corporations increased their revenues (Sturgeon, 2023). In the next section, we ask union members in the province to explain what they see as the biggest challenges they face moving forward, before we analyze their responses through a theoretical lens.

## 2. THE STUDY

The data fueling our analysis and discussion comes from an ongoing study focused on the future of work, workers, and unions in New Brunswick. The goal of our analysis is to identify broad themes and compare them to the academic literature, serving to anchor our discussion later in the chapter.

So far, we have collected 107 survey responses from union members in the province. Data was collected between Fall 2022 and Spring 2023 via online survey. We solicited participation in the survey with the help of the New Brunswick Federation of Labour and the Saint John District Labour Council who disseminated information about the study as well as a link to the survey to their member locals. We also sought participants through direct email communication with local unions, providing information about the study and asking for their help in spreading the word among their members.

Of the 107 respondents, 70% were women. The sample skewed slightly older, as more than a third were between the ages of 46–55, while only one in ten were below the age of 30. Most respondents worked in Public Service (44%) and Health Care (28%), with some in Education (12%), and the Service Industry (7%). In all, 21% indicated that they considered their work precarious, while 52% said it was not precarious, and the other 27% were unsure.

We asked respondents to write in their response to the question "What is the biggest issue that you will be facing as a worker in New Brunswick?" Respondents could discuss more than one issue. We analyzed responses using a content-coding technique inspired by Charmaz (2006), in which we first identify specific first-order responses before grouping them thematically into second-order clusters, using the respondents' wording as much as possible to retain meaning and context. Second-order themes and their respective frequencies can be found in Table 2.

**Table 2**
Most Pressing Issues for Workers in New Brunswick (Respondents Could Choose More than One Answer)

| Theme | Frequency (%) | N = 107 |
|---|---|---|
| **Wages** | 55 % | 58 |
| **Inflation/Cost of living/Affordability** | 28 % | 30 |
| **Staffing/Recruitment** | 18 % | 19 |
| **Disrespect of workers by governments, managers, society** | 15 % | 16 |
| **Unions – Density, Strength, Outreach** | 15 % | 16 |
| **Work conditions/Terms, Precarious work (full-time/part-time, Voice, Safety, Precarity)** | 14 % | 15 |
| **Benefits/Sick days/Pension** | 14 % | 15 |
| **Mental health/Burnout/Workload** | 13 % | 14 |

Out of our analysis, two overarching categories of themes emerged: Challenges, and Solutions. Of the challenges we identified, the most prevalent was "Wages" (55%), which included responses describing the need for improved salaries, whether minimum wage, or pay in general. Some representative quotes include: "Wages. Even though we had the strike in 2021, gains were eaten by inflation, and since we already live in a province with some of the lowest wages in the country, we need to continue to make positive gains for the working class"; "Fair pay for the work we do."

Relatedly, we coded just over a quarter of the responses as "Affordability" (28%). This theme included issues such as inflation, rent or housing price increases, cost-of-living increases, tax rates, and other factors which impact the affordability of daily life. Some representative comments include: "cost of living has increased, but wages have not—workers are struggling to pay even basic needs"; "cost of living—need to include a cost of living clause in every collective agreement"; "Rising costs, particularly housing."

The next most prevalent theme, "Staffing/recruitment" (18%), focused on understaffing and resulting overwork. For example: "lack of trained people to fill the jobs"; "staff shortages that cause unsafe working conditions."

We coded a variety of responses into the "Disrespect of workers" (15%) category, which included anti-worker attitudes or behaviours from municipal/provincial/federal government(s), management, or society more broadly. Some representative responses include: "negotiate contracts far sooner—3 and 5 years after the contract's up is far too long… disrespectful"; "management needs to develop a better working relationship with workers," "employers need to respect labour laws."

"Work conditions/terms" (15%) was another wide-ranging category that included issues related to work arrangements, whether it is the need for more full-time permanent jobs (as opposed to part-time/contract), amount of voice in the workplace, or safety conditions at work. Representative comments in this theme included: "Workers need full-time permanent jobs, not casual or part-time"; "We have no say in operations, no voice. Suggestions and ideas are either ignored or shuffled aside"; "Ensuring we have a safe work environment"; "Attention to working conditions (four-day work-weeks, working hours, right to disconnect, etc.)."

The "Benefits" (14%) theme included responses that discussed the need for improved benefits generally, or more specifically things like sick days, pensions, health care, etc. "Lack of benefits for precarious workers," "Pensions," and "better health and dental plans" are representative of this theme.

The last of the challenge-themed codes, "Burnout" (13%), included answers relating to overwork, workloads, and mental health issues stemming from the workplace. "I would like to see more access to mental health initiatives (beyond just EFAP)"; "Burnout"; and "Workload" were typical comments in this category.

Some of the respondents provided a potential solution to these issues: more powerful/prevalent unions, as shown by the approximately 15% of responses coded into the "Role for Unions" theme. In this category, we included responses discussing the need for more unionization/density, and the need for unions to fight harder to protect their members, and/or to build solidarity within the union movement. "We need more unionization, especially for precarious workers"; "our unions must be more vigilant and aggressive towards management"; and "I would like to see unions take a bigger stand" are typical responses.

Applying theory to our 'challenge'-themed findings, we see similar ideas represented in the literature on precarious work. Allan *et al.* (2021) propose a framework of precarious work that defines precarity in three ways: Precarity of Work, relating to job security; Precarity at Work, relating to physical, social, and relational safety; and Precarity from Work, relating to insecurity of basic needs. Each of the 'challenges' identified in our responses could be categorized using this framework. For example, issues frequently mentioned in our analysis such as "wages," "inflation/costs," and "benefits" would fit into the "Precarity from work" category of the framework, while "staffing shortages" and "disrespect for workers" could be categorized as "Precarity at work", and "Work terms/conditions" could fall into both the "Precarity at work" and "Precarity of Work" categories. Our analysis indicates that workers in the province, whether they conceptualize it as such or not, see precarious work as the main challenge facing workers in the province.

The ideas discussed in the "Role for Unions" theme, which some saw as a solution to the problems we identified above, resonate with the concept of 'union instrumentality'—the extent to which an individual believes unions help workers to achieve material benefits associated with unionization, such as pay, security, and stability (Newton and

Shore, 1992), all of which also relate to themes identified in Allan *et al.*'s (2021) precarious work framework.

In the following section, our focus will turn to a discussion with Patti Chisholm, a veteran activist, focusing on the prevalence of these issues in her work, lessons learned from past battles, and steps that might help address these issues as we move forward.

## 3. THE CONVERSATION

This section features a conversation between the two authors, Chris, a labour and organizational studies researcher and assistant professor, and Patti, an activist and administrative assistant, both of whom work and commiserate at University of New Brunswick St. John (UNBSJ). Much of Patti's time is dedicated to serving on the board of two local activist organizations: ACORN NB, and Common Front for Social Justice NB (CFSJ-NB). ACORN focuses on solving problems faced by low-income New Brunswickers such as poverty, rent increases (currently there is no cap on increases), absentee landlords, 'renovictions,' and the disparity in minimum vs. living wages. They are a 'boots-on-the-ground' organization made up of low and moderate income earners, which organizes public events and advocates through political processes. Common Front for Social Justice NB is a worker-run organization focused on building solidarity through public advocacy, lobbying, and direct action with the goal of reducing poverty in the province.

The following conversation between Chris and Patti took place in June 2023. The conversation has been edited for clarity and length.

> **Chris:** Looking through the data, do these findings reflect what you're seeing in your work with ACORN and CFSJ? Are there any themes that stick out to you?
>
> **Patti:** For sure, there's a lot of overlap. The "wages" theme is interesting, especially considering the recent strikes and all the fighting union members did to get decent contracts after the provincial government let negotiations slide, waiting to negotiate, then fighting tooth-and-nail. Meanwhile, they openly bragged in public about all

this surplus money they have in the budget while fighting the workers so hard on simple demands. None of the unions had unreasonable requests, neither the provincial or federal workers nor the nurses. And now they're doing it again with the teachers.

**Chris:** It's like the government wants to make some examples.

**Patti:** Yeah, "we're gonna do what we want." Especially with the 2021 CUPE (provincial workers) strikes. All that time and money and energy the government wasted, but in the end, they still gave the workers most of what they needed. But at the start it was pure bad faith negotiations by the government.

**Chris:** You can see a similar strategic or philosophical approach to negotiation playing out currently with the Writers Guild strike in the US, too, where management is playing hardball. Numbers show it would be cheaper for the studios to settle, but that's not the point, they are trying to break the union's will.

**Patti:** The short-term cost is worth it. The government is trying to break their will here too. Wages are a big concern here. Look how hard we had to fight to get the minimum wage raised. That was a real battle because our government is very full of rich white people and they just don't get it. It's clear from statements that they've made. They don't get it. They blame the poor for being poor. It's hard to have those discussions when they're just looking at you like "They should just work harder," it's frustrating. That's why organizations like ACORN and Common Front are valuable right now. It's because you know that a lot of the people in power don't care.

**Chris:** Do you mind explaining the minimum wage battle in a bit more detail? What were the stakes and how did it all play out?

**Patti:** The minimum wage and overtime rates battle that happened between 2021–2023 was a semi-successful campaign. In April 2021, the provincial government bowed slightly to public pressure and announced a whopping minimum wage increase of $0.05/hr. ACORN and the CFSJ and other anti-poverty organizations were very quick to decry this amount and flooded the media with press releases, online posts and interviews with various media. That embarrassing offer backfired on the government as workers felt insulted and pushed back. We held public and noisy 'fair wage' rallies across the province where we shared information with anyone who would listen. People wrote letters to their MLAs (*members of legislative assembly*). The Higgs government fought against an increase for a period, claiming our minimum wage was fine, but eventually caved under the pressure and announced the increases of $1 each in April and October of 2022 and April 2023 resulting in the highest minimum wage in Atlantic Canada ($14.75). Still shy of the $20 goal, but it's a start.

**Chris:** A lot of the comments in the survey data paired the ideas of stagnant wages and costs going up—does that ring true with what you've seen with ACORN and Common Front, or otherwise?

**Patti:** Yeah, affordability is getting harder and the prices aren't going down, so if our wages don't rise to meet them, then what? Saint John is a blue-collar town, where are these people supposed to be coming from that can afford $2,000 apartments?

**Chris:** Respondents frequently evoked the theme of "disrespect for workers," either by directly naming it, or indirectly by highlighting issues like contract work in lieu of full-time, lack of sick days, no voice, etc. Are you noticing this in your experiences?

**Patti:** Certainly. The contract work is especially a big thing. I'm watching my children who are at the age where they're trying to buy a house, raise kids, and the trend these days looks more and more to hire people on contract work, and there's no stability there, it's hard to plan a life.

And employers take advantage. If you're hired on contract, they give you a specific end date, and that's supposed to be that, but I know a public servant who has been working on contract for fifteen years in the same organization, working for the province and she just keeps getting renewed. I know someone else who's been there twenty years but has never been considered full-time. You can't get a mortgage. You can't even get a loan for some things, and it basically keeps people in that poverty and instability, that cycle continues.

Another related problem is sick days. One thing that we should have learned from the pandemic is, don't come to work sick, but that's hard if you don't have sick days. But even if you do, there is a mistrust, people just assume you're faking sick, probably going shopping, just a complete mistrust of the workers. And vacation time too. Two nurses I know in their 50s and 60s, they've been nurses their entire adult life and to this day they can't get vacation. When they request it after all those years and all that seniority, they can't. Maybe they'll get a couple of days in February. It's a real problem for them. It's worse now but it's always been an issue since I've known them. But who needs a vacation? Our society totally disrespects workers, nurses especially. The wear and tear—you need a break. I meet lots of people in health care, many of them are getting close to retirement and they can't wait, they're like "We're done." That love of nursing is gone and it's not coming back. We get better benefits here at the university than they do. How does that make sense?

You know that bad faith negotiating we were talking about before? When the province started negotiating with the nurses they came out swinging, very confrontational from day one. There was obviously a huge outcry. The government did eventually offer more, but at the start they were testing the waters. Don't test the waters! Respect working people!

The nurses seem to get it especially bad because they're mostly women, so they don't have the societal power and respect, little as it may be, that some of the male-dominated unions do. Nurses don't have the right to strike, which hurts too. You can see it by comparing the gains the nurses made with what the public servants got. Compared to the nurses, the public servants have a lot of power, even if the province downplays it. But when the public servants went out everything shut down, and the province took them seriously. It was a problem for both the provincial and federal governments, in their respective battles. Management knows the workers have power, but don't acknowledge it until they are forced to. This all ties into the whole respecting the process, respecting workers, that kind of thing—start negotiating sooner and take it seriously sooner, approach workers in good faith.

That lack of respect is obvious in all levels of power. We have a local Liberal Member of Parliament (MP) who's a great guy, but we had a situation early in the pandemic and it just shows this kind of thinking in the province. When Irving announced layoffs, the MP's very first response was sympathy for Irving, saying "that must be really hard for them to have to do that." It never occurred to him that a bunch of people just lost their livelihood. You know these layoffs have big impacts and his first thought was "poor Irving." Cruel! It's because he's a corporate guy, you know? And that kind of sums up how our government and how the people in power see things here. It never even occurred to him to think "damn, those people just lost their jobs." That's really devastating. Our mindsets here are pretty messed up. We respect the wrong things and we support the wrong things when it comes to social justice issues, affordability, poverty, homelessness, all those things.

**Chris:** Another issue that came up consistently in the results was dissatisfaction with working conditions—do you hear similar things in your own activism?

**Patti:** Again, it comes back to, how powerful is your union, if you even have one? Does management have to listen to you or can they ignore you? And if they can ignore you, they will. That's a big part of it. It seems like other people determine so many aspects of our jobs without consultation from the people doing the job. It makes no sense.

**Chris:** The topic of precarious workers was also prevalent, both directly and indirectly. Particularly the contrast between their role in society and society's disrespect for them.

**Patti:** There was a period there where we're telling these people "We support you! You're awesome!" and then a couple of companies say they're gonna pay a bit extra every hour. How long did that last before they took it back? We were great at saying we care about the workers, but suck at following through. It was so hard to watch how employers tried to wriggle their way out of that, and avoid giving people their due. Like please, pay your workers. Protect your workers. You've got a gazillion dollars coming in. These people are putting their life at risk every day going to work—they literally were. We saw the outbreaks in the meat packing plants, awful stuff in Alberta and elsewhere, the workers in the long-term care homes across the country, it was awful—no regard for workers at all. That was unfortunate to see, putting people through that while patting ourselves on the back for pretending to support them.

**Chris:** Were there any major work-related or adjacent issues that you see in your work with ACORN or CFSJ that weren't brought up here?

**Patti:** One theme that doesn't really come up is people with disabilities. Our government completely ignores people with disabilities. I've met many people in my work with ACORN who are really struggling and just not getting enough support.

**Chris:** Are there any lessons from your experience with ACORN and CFSJ that you think we can take forward in addressing some of the issues we've discussed here?

**Patti:** We're so stuck on the status quo around here and we don't change. I think the biggest problem is that we can see what needs to happen, but there's zero political will to do it. We don't need the government to do everything for us, but to fight through the inertia we need to get people interested at least. It really seems that unless you are in dire straits, you're not super motivated. People will join ACORN because they fear losing their apartment and see the organization as a lifeline. I own my home, but I want to help because I can see the impacts. We must get people who are not directly impacted to care more, to see why it is important for everyone to care. Like with the disability issue, it's just not on top of people's minds unless there's somebody in your world who's impacted. It affects your community though and that should be enough. Getting that grassroots momentum is so important.

**Chris:** Is there anything that you've seen that maybe has worked in other areas that could work to get people caring, involved, motivated?

**Patti:** One thing I've seen particularly with our work on accessibility and disability benefits is that I think you need an advocate that's well spoken, who knows the issues and can get out there and explain them and who also has some social power—someone that politicians and decision-makers might listen to. That last part is the hardest.

One sign of hope that I see in fighting the government and our institutions and processes, this stuff is like with the imposed (and since cancelled) French immersion cuts. There was enough momentum and public backlash that the government reversed that decision.

**Chris:** How do you think we build momentum for the changes we need to see—to make life more affordable, whether through improved wages or stable affordable housing, to improve our working conditions, and the overall respect for workers?

**Patti:** Issues like affordability and the rental market carousel obviously affect many people, but how do we get movement behind that? There are many people who are financially comfortable at least. And if something doesn't affect them directly, it seems like it is not in their minds at all. You must want to know about it. How do you make the privileged and oblivious aware and bring them in? I certainly know wealthy people that are very active in some of these community initiatives, but not near enough.

People that make the noise are often people like me, who are not high income, not high profile. If I show up at City Hall they're not going to know who I am and probably won't listen to me. What am I on my own? I have no power. But if there's more of us together, it works better. But it's hard to get people involved. It can be difficult to incite change if the people encountering these are at the low end of the social hierarchy with less power, and often worn so thin because they've got three jobs or, you know, they're just trying to survive. But if others could just get a sense of how these people are living—choosing between having power or having a meal, I don't know how many people out there could really relate to that. But are the people in power even thinking about it? I think it's another case of status quo: "This is the way it's always been, it's worked fine before," even though it never worked fine, but they're not living it, so they don't know that. Which takes us back to lessons learned from past battles. Sometimes you don't make any gains until some big inciting event happens to capture people's attention, or you have someone visible and powerful championing a cause. And getting people to give a damn is hard. Unless it's a big public push like with the George Floyd uprisings, everybody got on board with that fight, rightfully so. People need a fire under them, some momentum to push them from the status quo, whether it's an inciting incident or a powerful advocate, or some combination of the two.

**Chris:** This ties into a lot of my union research, at least conceptually. One theory explaining the decline of unions comes from marketing, this idea of the experience good (see Gomez *et al.*, 2004). It argues that how we are socialized to unions, either positively or negatively, depends on our environment and our direct union experience. Meanwhile, the proliferation of neo-liberal structures has created a status quo in which positive socialization to unions is harder now than in the 50s, therefore reducing opportunities for solidarity. It seems similar here, people are stuck in the narratives served up by those in power and institutionalized by the systems we've created, and can't see the true effects, or are otherwise bound by the system.

**Patti:** Yes, for sure, and the cycle just continues unless someone or something shakes things up enough to derail the status quo.

**Chris:** I thought the pandemic might be an opportunity for that kind of shake-up, to reshape our institutions for the better, but it's becoming more obvious that I was probably just dreaming.

**Patti:** Unfortunately.

**Chris:** What keeps you going in your work? Is there anything out there that gives you hope we can overcome these obstacles we've been discussing?

**Patti:** It's a hard slog to volunteer. In these types of organizations, you don't walk away feeling good very often, but it's way better than doing nothing. Even when you do something good you see there's so much more left to do. You walk away thinking, "Damn it, we need to do more, make more noise." But then we do more, and make more noise. I get a lot of satisfaction from making that noise. I feel if I don't then I'm part of the problem. I just don't want to stop making noise because if you stop making noise, stop putting the pressure on them, they think they've won. And they can ignore the situation. You just have to make them uncomfortable all the time.

When it comes to hope for the future, especially when we're talking about conditions in the workplace, the hope is from young people. They don't put up with the crap that we used to put up with. My parents grew up in the 50s. I still hear this stuff from my mother all the time. You show up to work and they tell you what to do. If they want you to clean the floor with a toothbrush, you clean the floor with a toothbrush. You don't ask questions, you don't make waves, and you sit there and wait for your gold watch. People don't do that anymore, and they're right! Companies don't show loyalty anymore to their workers so why in the hell should workers show loyalty to their company? Now workers move around more, and they'll look for a job that works for them and that fits their philosophy. Companies should make themselves more appealing or they're not going to get the best workers. I think young people now get that, whereas my generation was told we have no power, so suck it up and like it. Now they don't tolerate things that my generation was taught to tolerate, so that's a good thing.

**Chris:** It's funny the narratives in the media all seem to be trying to keep the status quo with this stuff. I don't know if it's the media or whoever, the bosses who control the media and are looking out for their corporate buddies, but this whole 'quiet quitting' thing…

**Patti:** So ridiculous! It's not quitting, it's just doing your job. Like, I don't want to be exploited anymore! How is it that I'm the bad guy in this? And you see it too with all these companies talking about how it's so important that everybody get back in the office. That's just companies saying, OK, we have more control over here, we don't want you off doing your own thing.

> But people aren't taking it anymore, they're saying "here's my job description. I will happily do that what's in there, and if you want more, pay me more or give me time off, or something!"
>
> I think the assumption was historically that your job is supposed to be your life, but young people do not think that way anymore. Me neither—I enjoy it when I'm at work, but I'm glad to be gone paddling on the weekend. People have lives! We were taught to accept status quo, right? This is how it works. This is how it's been. This is how it will always be. The younger generations are the ones that turned that on its head and are saying, "well, no, you can have better." So, good for them. Yeah, they're making a lot of good noise. I have hope for the next generation because they're engaged and see how it all fits together.

## DISCUSSION AND CONCLUSION

The goal of this chapter was to identify and reflect upon issues facing workers in New Brunswick, while seeking a path forward by elaborating upon lessons learned from past battles. Our combination of survey data and reflections on activist work in the province drew out several conclusions: (1) Precarity (of, from, and at work) is and will be an ongoing challenge; (2) workers face an uphill battle due to lack of societal and political power; and (3) solidarity (whether union-led or otherwise) appears to be the path forward. Comparing perspectives, we see alignment in the causes, impacts, and identification of a path forward. Workers now see elements of precarity (Allan *et al.*, 2021) as the big issue, whether precarity from work in the form of inadequate wages, precarity of work due to lack of full-time jobs, or precarity at work stemming from job insecurity. Our results also show that workers see unions as a tool to tackling precarious work, while our discussion with Patti drew on these ideas and the importance of messaging and leadership in creating the momentum and awareness to generate change. Perhaps the union movement in New Brunswick could draw on these current local battles as well as the success of Amazon and Starbucks Unions, and recent success of the United Auto Workers in the US to inspire growth in the union movement and momentum towards fighting work precarity into the future. Our findings also point to relevant directions for future study, such as the impact of precarious work on union attitudes and participation and the impact of recent labour action on union attitudes and participation, which would lead to exploring the role of 'inciting incidents' on activism.

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# 12

# Mobilisation et démocratie syndicale à l'ère du numérique

## Être traditionnellement innovant

**Carol-Anne Gauthier et Marie-Pier Bernard Pelletier**

*On ne sait pas comment se gouverner à l'intérieur de nos propres organisations.*

Personne conseillère syndicale

L'avenir du mouvement syndical est un objet d'étude structurant dans le champ des relations industrielles et, depuis les deux années de crise sanitaire (2020-2022), les multiples défis auxquels les syndicats sont confrontés soulèvent des questions nouvelles quant à l'évolution de leurs rôles et de leurs pratiques.

Les organisations syndicales ont mis du temps à se familiariser avec les changements technologiques et elles ne s'en cachent pas. L'absence de règles et de procédures dans l'espace numérique, le scepticisme, la surveillance des communications numériques ainsi que l'expansion du harcèlement numérique et de la cyberviolence (de Grosbois, 2018) sont autant de craintes formulées par les syndicats expliquant leur méfiance et leur attitude récalcitrante envers les technologies numériques (TN). La mouvance numérique découlant des multiples vagues de la pandémie a toutefois contraint les syndicats à l'urgence d'agir. En raison de la montée exponentielle de l'utilisation des médias sociaux, du déploiement des plateformes de visioconférence, de la croissance des technologies infonuagiques et des possibilités de stockage de données et de partage de fichiers en ligne (Barlatier, 2016), les organisations syndicales ont été dans l'obligation de travailler « à la fois de manière traditionnelle et de façon innovante » (OIT, 2021).

Les syndicats n'ont pas eu d'autre choix que de procéder à des expérimentations institutionnelles (Ferreras *et al.*, 2020) afin de se remodeler, de permettre leur pérennité et d'assurer la légitimité de leur double fonction : celle de la défense des intérêts économiques des membres et celle d'agent de transformation sociale (Dufour et Hege, 2010 ; Murray, 2017). Dépassant un rôle passif et mobilisant leurs ressources et leurs aptitudes stratégiques (Lévesque et Murray, 2010), les syndicats ont expérimenté différentes stratégies pour répondre aux défis érigés par l'ère numérique.

Les études prépandémiques se sont surtout penchées sur les appropriations syndicales possibles avec Internet (de Grosbois, 2018) et, notamment, son potentiel en matière d'éducation, de participation des femmes à la vie syndicale et de démocratisation (Greene et Kirton, 2003 ; Greene et Kirton, 2002). Elles ont également analysé l'utilisation des médias sociaux pour mobiliser les membres et augmenter la visibilité des syndicats et de leurs revendications (Geelan, 2021 ; Hodder et Houghton, 2020). D'autres, plus récentes, se sont intéressées aux effets de la pandémie sur la syndicalisation (Gebert et Baa, 2022), à l'effet du télétravail sur les attitudes des personnes salariées à l'égard des organisations syndicales (Haute, 2022), à l'utilisation des médias sociaux aux fins de participation des membres (Harrouk, 2022), au lien entre les TN et l'émergence de nouvelles pratiques démocratiques (Hennebert, Pasquier et Lévesque, 2021b), où elles ont cherché à connaître les répercussions des TN sur les fonctions traditionnelles des syndicats (Hennebert, Pasquier et Lévesque, 2021a). Elles sont toutefois peu nombreuses à s'interroger sur l'amélioration de la participation des membres sous-représentés, tels que les femmes, dans les syndicats, grâce aux TN (Mwamadzingo, Kisonzo et Chakanya, 2021). Le contexte actuel de transformation du travail et, particulièrement, l'essor du télétravail et le développement sans précédent des TN exigent de s'intéresser à la mobilisation et à la démocratie syndicale pour saisir la portée des évolutions en cours.

Partant de ces constatations, l'idée de ce chapitre a germé pendant une rencontre à distance portant sur nos parcours professionnels et nos engagements syndicaux respectifs. Les différentes questions logiques et pleines de bon sens entourant les TN abordées par nos organisations syndicales nous ont conduites à mettre nos réflexions par écrit. Notre contribution vise ainsi à partager nos observations relatives à la mobilisation et à la démocratie syndicale au temps du numérique en tant que chercheuses ayant œuvré au sein de deux organisations syndicales québécoises différentes pendant la pandémie. Après avoir présenté sommairement les organisations syndicales sur lesquelles reposent nos constats, ce chapitre s'articule autour de trois aspects : 1) la mobilisation des membres en télétravail ; 2) l'utilisation des technologies numériques (TN) pour tenir des instances démocratiques ; et 3) les préoccupations liées aux effets différenciés des technologies numériques sur les femmes. Bien que ce chapitre n'aspire pas à l'exhaustivité, il souhaite révéler des pistes de réflexion pour les acteurs du travail et s'inscrire dans les débats contemporains sur le renouveau syndical (Carneiro et Costa, 2022) en retraçant et en discutant de certaines expérimentations syndicales qui sont survenues en réponse aux développements des TN dans les domaines de la mobilisation et de la démocratie syndicale.

## 1. DEUX ORGANISATIONS SYNDICALES DE PERSONNEL PROFESSIONNEL

Nos observations concernent deux organisations syndicales qui représentent des membres effectuant du travail professionnel majoritairement dans les secteurs public et parapublic et dans des catégories d'emploi mixtes ou à prédominance féminine. Notre regard se pose essentiellement sur les travailleuses et travailleurs professionnels, c'est-à-dire généralement titulaires d'un diplôme universitaire, relativement autonomes dans leurs fonctions et ayant un certain degré de familiarité avec les outils technologiques.

D'un côté, la Confédération des syndicats nationaux (CSN) représente plus de 330 000 membres, majoritairement au Québec (CSN, 2023a). Elle est constituée de 8 fédérations réunissant environ 1 600 syndicats de secteurs variés (CSN, 2023b). Les observations partagées dans ce chapitre proviennent plus spécifiquement de l'expérience vécue d'une personne à titre de membre d'un exécutif syndical et de déléguée aux instances de la Fédération nationale des enseignantes et des enseignants du Québec (FNEEQ), elle-même composée de trois regroupements représentant majoritairement du personnel enseignant : le Regroupement université (RU) (personnes chargées de cours) (prédominance masculine), le Regroupement cégep (RC) (catégorie mixte) et le Regroupement privé (RP) (écoles primaires et secondaires et collèges privés) (prédominance féminine) (FNEEQ, 2023). La fédération représente environ 35 000 membres, dont 65 % sont des femmes, dans 100 syndicats locaux (FNEEQ, 2021 ; 2023).

De l'autre côté, le Syndicat de professionnelles et professionnels du gouvernement du Québec (SPGQ) est la plus grande organisation syndicale de personnel professionnel du Québec. Le SPGQ représente 22 unités d'accréditation, et les quelque 34 537 personnes spécialistes relèvent directement ou indirectement de l'État québécois dans la fonction publique, à l'Agence du revenu du Québec, en santé, en éducation et dans les sociétés d'État (SPGQ, 2022). La féminisation des emplois dans la fonction publique québécoise s'illustre dans la composition du SPGQ puisqu'en 2021, les femmes représentaient 57,05 % des membres. Les observations partagées proviennent de l'expérience vécue en tant que conseillère syndicale, laquelle a permis de mener à des observations entourant le volet de la vie syndicale et de la mobilisation. La participation à distance à des rencontres statutaires de services, des instances, des comités et réseaux syndicaux, des coalitions et différents événements permet d'enrichir la contribution du chapitre.

## 2. MOBILISATION DES MEMBRES EN TÉLÉTRAVAIL

La mobilisation, concept au cœur du syndicalisme, peut se définir comme étant le « processus par lequel un groupe acquiert un contrôle collectif sur les ressources nécessaires à l'action », ou la manière dont les individus se transforment en un acteur collectif[1] (Kelly, 1998, p. 25). Il s'agit donc d'un appel à l'action concertée des énergies militantes dans la poursuite d'un but commun. La mobilisation est observable par différentes actions portées par les membres, les personnes élues et le personnel des syndicats pour l'amélioration des conditions de travail et la défense des droits. D'emblée, il est possible d'affirmer que les professionnelles et les professionnels sont généralement moins mobilisés que d'autres catégories de personnes salariées (Blavier, Haute et Penissat, 2020) sans oublier qu'ils sont plus nombreux à pouvoir effectuer du télétravail puisque la faisabilité varie selon le secteur d'activité et le niveau de scolarité (Tremblay, 2022). Bien que la mobilisation ne soit pas un concept nouveau, son intérêt est remis à l'avant-scène depuis la crise engendrée par le coronavirus. Ce concept suscite de nouvelles questions en lien avec les TN, notamment comment la mobilisation des membres est affectée par le télétravail, d'autant plus que nous constatons que ce mode d'organisation produit « un isolement des collectifs de travail plus grand pour les femmes » (Lapeyre et Silvera, 2022, p. 149).

La crise sanitaire a créé un contexte particulier où plusieurs professionnelles et professionnels ont effectué du télétravail, en totalité ou en partie, et où une majorité des activités de mobilisation des troupes se sont déplacées en ligne, ces dernières ayant été qualifiées de « e-mobilisation[2] » (Mwamadzingo, Kisonzo et Chakanya, 2021). Prenons d'abord le pouls dans chacune des organisations syndicales observées avant de présenter la mobilisation des membres en

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1. Traduction libre de : « *Mobilization refers to "the process by which a group acquires collective control over the resources needed for action" (Tilly 1978 : 7), or the ways in which individuals are transformed into a collective actor* (*ibid.* : 69). »
2. *E-mobilization.*

télétravail sous l'angle particulier des comités consultatifs et des formations syndicales.

À la FNEEQ, le leadership accordait une importance particulière à la mobilisation des membres autour des enjeux liés aux conditions de travail difficiles en contexte pandémique. Une diversité de tactiques en ligne a été utilisée pour maintenir la mobilisation, comme les *Facebook Jam*, qui sont des interventions de masse sur les pages de certains ministres. De plus, la FNEEQ désirait maintenir la poursuite des activités qui permettent de créer des liens entre les membres, par exemple les comités fédéraux et les formations syndicales. La fédération a rapidement investi le temps et les ressources financières nécessaires pour faciliter la tenue de rencontres virtuelles.

Au RC, l'enseignement collégial pendant la pandémie s'est fait majoritairement à distance pour quelques sessions et/ou parties de sessions. Pendant ce temps, la majorité du personnel enseignant se déplaçait rarement sur les lieux de travail. La mobilisation devait donc se faire par des courriels et des assemblées générales ayant lieu sur des plateformes de visioconférence. La participation à ces instances était relativement élevée; celles-ci portant majoritairement sur la revendication de ressources pour effectuer l'enseignement à distance en contexte pandémique et les négociations du secteur public. Cependant, plusieurs facteurs liés à la pandémie ont eu des conséquences négatives sur la mobilisation par rapport à la négociation: l'épuisement accumulé par le climat d'incertitude, les responsabilités parentales accrues (par exemple, enfants à la maison), la *Zoom-fatigue* ainsi que la préoccupation de ne pas nuire à la population étudiante, qui vivait déjà des difficultés scolaires et de santé mentale.

Au SPGQ, le regard sur l'organisation a été fait alors que la consigne du télétravail obligatoire pour le personnel de la fonction publique était en vigueur pour les personnes dont les tâches pouvaient être réalisées à distance. En mars 2020, 71 % du personnel de la fonction publique, la majorité des membres du SPGQ, était en télétravail (SPGQ, 2020). Les TN ont contribué à maintenir l'adéquation des membres avec les employeurs de la fonction publique ou des unités parapubliques durant la pandémie (Deschênes et Audet, 2022), la mobilisation des membres professionnels était néanmoins source de grands questionnements pour le SPGQ. Comment raviver les énergies militantes ? Cette question a été abordée à de multiples reprises. Elle témoigne de la prise de conscience des difficultés liées aux TN que rencontrent les organisations syndicales (Carneiro et Costa, 2022) et souligne l'ignorance des actions à entreprendre dans un contexte sans précédent. En revanche, l'essoufflement de la mobilisation n'était pas uniquement lié au télétravail. Il reposait aussi sur le manque de conseillères et de conseillers attitrés à la mobilisation au sein de l'organisation, et sur la réforme de la gouvernance qui mobilisait la majorité des employées et des employés au SPGQ. Il ne fait toutefois aucun doute que l'obligation de télétravail pour le personnel de l'État québécois est venue accentuer cette situation problématique et a fait grandir le désir d'enflammer à nouveau la mobilisation des membres.

Afin d'illustrer davantage les différences entre les deux organisations syndicales en ce qui concerne la mobilisation des membres en télétravail, nous partageons maintenant nos observations quant aux comités consultatifs et aux formations syndicales.

## 2.1 (Sur)vie des comités consultatifs et des formations syndicales

À la FNEEQ, les personnes élues considéraient qu'il était important que les membres continuent de se rencontrer afin de briser l'isolement et de soutenir la mobilisation liée aux négociations. La plupart des comités de la fédération ont continué leurs rencontres en ligne, surtout lorsque les membres étaient dispersés dans plusieurs régions et lorsqu'il s'agissait de courtes réunions. En revanche, dès que les mesures sanitaires le permettaient, la présence des membres était généralement préférée pour les réunions de travail demandant des échanges soutenus. En ce qui a trait aux formations syndicales, plusieurs d'entre elles se sont déplacées en ligne. Contrairement aux réunions des comités, la FNEEQ ne désirait pas continuer de donner des formations à distance, jugeant que la présence est importante pour la solidarité entre les membres, en plus de vouloir respecter ses positions par rapport à l'enseignement à distance.

Au SPGQ, on remarque une tendance contraire aux observations de la FNEEQ. Plusieurs sources de mobilisation, comme les comités et réseaux syndicaux ainsi que les formations syndicales, ont été suspendues durant la pandémie. La plupart des comités qui relevaient de la vie syndicale[3] n'ont pas basculé sur les canaux numériques pour maintenir le réseautage des membres, lequel est pourtant nécessaire pour conserver une force militante (Kelly, 1998). Ces espaces syndicaux avaient toutefois des obligations de rencontres annuelles dans leur mandat. Par exemple, chaque année, le comité des femmes est tenu de se réunir plusieurs fois et de faire deux rencontres de réseaux avec les femmes issues de chacune des sections[4] du SPGQ. Il y a eu une légère agitation, quoique la mobilisation des membres élues du comité était à plat et leur sollicitation pour l'organisation d'activités, comme la Journée internationale des droits des femmes, débouchait sur de rares actions. Sous l'impulsion des personnes salariées du SPGQ et en raison du bien-fondé des efforts de réseautage des femmes (Le Capitaine et Bernard Pelletier, 2022), quelques activités se sont néanmoins déroulées, comme un dîner-conférence virtuel avec les déléguées et les répondantes du réseau des femmes dans le cadre des 12 jours d'action contre les violences et un dîner-conférence en présentiel pour souligner la campagne réclamant 10 jours de congés payés pour les victimes de violence conjugale. Voulant faire vite et afin de répondre aux obligations des rencontres annuelles, la fédération a étudié la possibilité de fusionner le réseau des femmes avec celui des jeunes pour n'organiser qu'un seul « grand » réseau en présentiel, étant donné l'allègement des mesures sanitaires par le gouvernement. L'avis sur le jumelage de ces deux réseaux n'était toutefois pas unanime et plusieurs réserves étaient exprimées, surtout en raison de la nécessité de conserver les espaces uniquement ouverts aux femmes pour favoriser l'égalité de genre (Kirton et Healy, 2013) au sein de l'organisation syndicale.

3. Comité et réseau d'action et de mobilisation, comité d'aide aux travailleuses et travailleurs et aide aux membres, comité sur la conciliation travail-famille-vie personnelle, comité de la diversité, comité des enjeux sociaux et de la solidarité, comité et réseau des femmes, comité et réseau des jeunes et comité des régions.
4. Les sections sont des regroupements géographiques.

Bien que les deux organisations syndicales eussent les outils technologiques nécessaires pour permettre à leurs membres de poursuivre leur participation aux comités consultatifs et aux formations syndicales, celles-ci ont emprunté des chemins inverses quant à la mobilisation des effectifs syndicaux en télétravail. Nous nous attarderons maintenant aux instances démocratiques afin de retracer d'autres expérimentations institutionnelles pandémiques.

## 3. UTILISATION DES TECHNOLOGIES NUMÉRIQUES POUR TENIR DES INSTANCES DÉMOCRATIQUES

La définition de la démocratie syndicale ne fait pas encore consensus. Il s'agit d'un concept « polysémique » (Ranger, 2016). La conceptualisation courante de ce mode de fonctionnement syndical oscille toutefois entre trois formes : la démocratie représentative, la démocratie participative (Hyman, 2016 ; Voss, 2010) ainsi que la démocratie délibérative (Kirton et Healy, 2013 ; Nadeau, 2017). La démocratie représentative prend forme par une délégation qui représente les intérêts de la majorité (Kirton et Healy, 2013), alors que la démocratie participative vise la sollicitation et l'implication des membres dans les processus décisionnels ainsi que dans les différentes actions et activités syndicales. La démocratie délibérative vise davantage des échanges entre « les groupes et les différentes institutions qui composent notre société » (Nadeau, 2017, p. 66), de sorte qu'elle est plus inclusive (Kirton et Healy, 2013).

Nos observations se sont focalisées sur les instances formant la structure hiérarchique de la FNEEQ et du SPGQ et assurant une démocratie représentative. Très peu d'études se sont intéressées à l'utilisation des TN dans les processus *bottom-up* formels, c'est-à-dire la participation aux instances, sauf pour quelques écrits sur les votes électroniques (Kouadio, 2022). À la FNEEQ, il existe plusieurs instances (figure 1), mais les observations se concentrent sur le Conseil fédéral (personnes déléguées des trois regroupements) et sur les réunions du RC.

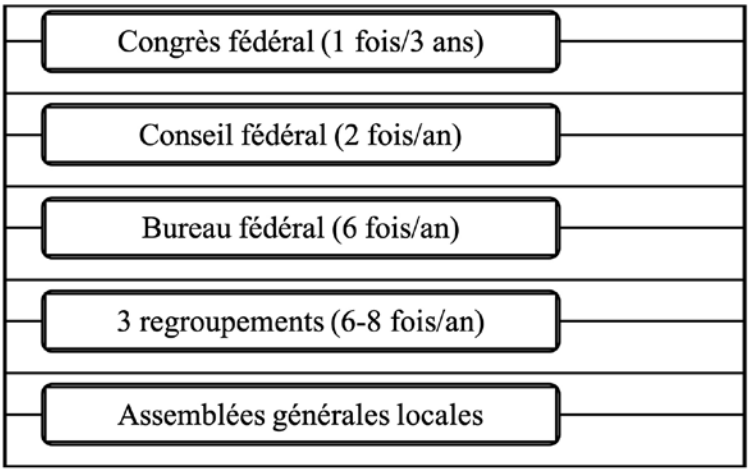


**Figure 1**
Les instances démocratiques de la FNEEQ

Les syndicats sont des organisations hiérarchisées, de sorte que le SPGQ est formé, comme à la FNEEQ, de nombreuses instances (figure 2). Les observations se rapportent principalement à l'Assemblée des déléguées et délégués syndicaux (ADS)[5] et au Conseil syndical (CS)[6].

Afin d'illustrer les différences entre les deux organisations syndicales dans l'utilisation des TN pour tenir des instances démocratiques, nous partageons maintenant nos observations quant au quorum.

5. L'ensemble des personnes déléguées (la délégation) forme l'Assemblée des déléguées et délégués syndicaux (ADS) et sont élues par les unités de travail.
6. Les personnes représentantes de section jumelées aux membres de l'exécutif syndical forment le Conseil syndical (CS).

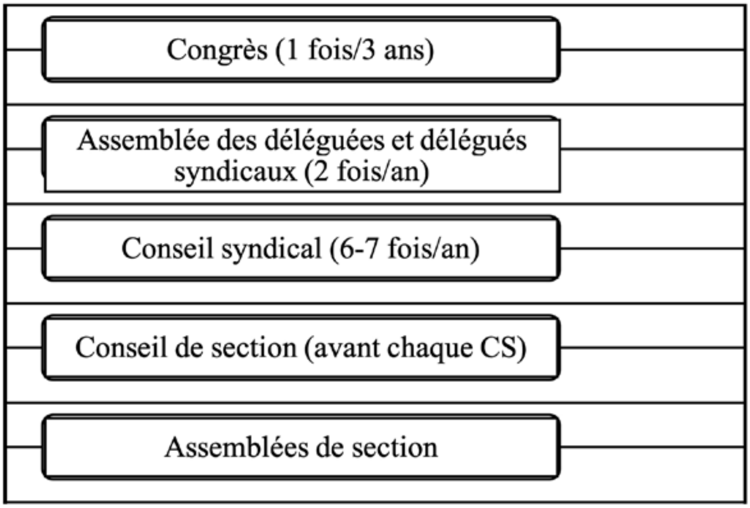


**Figure 2**
Les instances démocratiques du SPGQ

### 3.1 (In)atteignable quorum

Le quorum, nombre minimum de membres dont la présence est requise, n'a pas été un enjeu au sein de la FNEEQ, même si les instances ont rapidement transféré en ligne au début de la pandémie. Afin de veiller à leur bon fonctionnement, certaines procédures (par exemple, temps de parole et pauses) ont été ajustées pour faciliter la discussion entre les membres et réduire la *Zoom-fatigue*. Il était également plus simple d'organiser les instances en ligne en raison de la réduction de la logistique événementielle (location de salles, hébergement, etc.). Ces facteurs ont d'ailleurs été évoqués comme influençant les attitudes des membres et des personnes élues des organisations syndicales face à l'utilisation des plateformes en ligne pour tenir des instances (Harrouk, 2022). Cet allègement organisationnel a toutefois engendré une multiplication des instances, quoique celles ajoutées duraient parfois une journée au lieu de deux et avaient tendance à ne porter que sur des points urgents liés à la COVID-19 et aux négociations. Bien que ces réunions supplémentaires – favorisant une démocratie participative (Hyman, 2016 ;

Voss, 2010) en raison de l'implication des membres dans les activités syndicales permettant une représentation des intérêts – aient été appréciées par certaines personnes, elles ont aussi contribué à l'accumulation de la fatigue, surtout pour les personnes ayant d'importantes responsabilités familiales et devant articuler leurs disponibilités avec les temps sociaux.

Dès 2021, des débats concernant l'utilisation postpandémique des plateformes de visioconférence ont eu lieu dans les différentes instances de la FNEEQ. Un sondage aux personnes déléguées a révélé que les avis sur la question étaient partagés, avec une légère majorité souhaitant que l'entièreté des instances futures se tienne en présentiel seulement, considérant que le « vrai » travail syndical se déroule dans des lieux physiques et non virtuels (Greene et Kirton, 2003). Elles estiment que la participation en présentiel est la seule vraie manière de délibérer pleinement et de construire des liens forts entre les membres. Elles soulignent l'importance du contact en personne, des réactions non verbales de leurs camarades pendant les discussions et les votes ainsi que des discussions informelles et des activités de socialisation favorisant la solidarité entre les membres de différents syndicats et de différentes régions. Les conséquences environnementales de l'utilisation des technologies numériques ont également été soulignées.

À l'inverse, un certain nombre de personnes ont fait valoir l'argument qu'il s'agit d'une technologie pouvant grandement faciliter la participation des membres, surtout ceux vivant à l'extérieur des villes où se tiennent généralement les instances (Montréal et Québec), ceux ayant des responsabilités familiales (Gebert et Moussa Baa, 2022) ainsi que les gens provenant de petits syndicats et/ou ayant peu de libérations syndicales et/ou des difficultés à se libérer. Pour plusieurs, se libérer pour une instance de quelques jours veut également dire prévoir des journées supplémentaires pour voyager, en plus des coûts financiers et environnementaux associés au transport, à la restauration et à l'hébergement, et des disponibilités moindres pour s'occuper des affaires syndicales locales. À la fin du mois de mars 2023, le sujet a fait l'objet d'un débat formel au RC, et il a été décidé qu'environ une rencontre sur trois aura lieu à distance. Le RU, quant à lui, continue de se tenir en mode hybride.

Au SPGQ, en plein cœur de la pandémie, les instances ont, comme à la FNEEQ, chaviré en ligne. Néanmoins, plusieurs membres ont exprimé la faible considération pour la création d'espaces de discussion virtuels pouvant favoriser la démocratie délibérative (Kirton et Healy, 2013 ; Nadeau, 2017) au sein de l'organisation. La pertinence de créer des lieux d'échanges entre les membres et/ou avec les personnes élues a été soulevée. Haute (2022) évoque d'ailleurs le développement d'attitudes indifférentes ou défavorables à l'égard des syndicats en raison, entre autres, du manque d'occasions de socialiser et du manque de communications numériques informelles entre les personnes salariées et les personnes représentantes syndicales (particulièrement en raison du manque de balises par rapport au droit ou non d'utiliser les outils de communication fournis par l'employeur à des fins syndicales).

Lors des instances en ligne, l'atteinte du quorum au SPGQ variait souvent selon le niveau hiérarchique des instances. L'ADS avait de la difficulté à atteindre le quorum comparativement au CS, où il y avait toujours le nombre nécessaire de personnes. Le manque de participation rendait le syndicat incapable d'adopter des décisions. En plus des nombreux courriels d'invitation, il n'était pas rare de faire appel au personnel permanent du SPGQ pour téléphoner personnellement aux déléguées et délégués afin de solliciter leur participation. Considérant ces observations, il est possible de se questionner sur la divergence de participation entre les instances en ligne et de chercher à comprendre si cela relève uniquement du distanciel. Sans répertorier tous les facteurs susceptibles de répondre à cette observation, la mobilisation à distance d'un plus grand nombre de personnes élues est certainement un élément à prendre en considération. Par ailleurs, l'incompréhension des personnes déléguées syndicales quant à leur rôle dans la structure pourrait être révélatrice. La plupart d'entre elles comprennent généralement leur mandat sur le terrain, c'est-à-dire la direction politique de leur unité de travail, mais saisissent dans une moins grande mesure qu'elles ont autorité, entre autres, sur les règlements du SPGQ lors de la convocation de l'ADS.

À la fin de l'urgence de santé publique, le SPGQ a été confronté à la situation de « *ceux qui veulent être en virtuel tout le temps et ceux qui veulent être en présentiel tout le temps* » (personne conseillère syndicale). Dans les deux instances observées, les personnes élues ont pris goût au distanciel pour des raisons de souplesse générées par ce mode de fonctionnement, notamment les femmes, alors que d'autres voulaient impérativement la reprise de leur mandat en personne pour mieux s'imprégner des enjeux syndicaux. Afin d'en arriver à un compromis, le mode hybride a été expérimenté pour le CS, et les taux de participation étaient satisfaisants. Quant à l'ADS, un frein par rapport à l'équipement technologique ne permettait pas ce mode de fonctionnement. Les rencontres sont donc redevenues comme elles étaient avant la pandémie, c'est-à-dire en présentiel avec atteinte du quorum.

Considérant que les deux organisations syndicales ont été dans l'obligation de tenir leurs instances à distance durant la pandémie, celles-ci ont rencontré une situation inverse quant aux quorums. De part et d'autre, même s'il est possible de constater certains avantages, les observations révèlent plusieurs inconvénients et questionnements relatifs à l'utilisation des TN pour tenir des instances. Nous nous attarderons maintenant aux effets différenciés des TN sur les femmes afin d'exposer d'autres expérimentations institutionnelles ayant eu lieu durant la pandémie.

## 4. PRÉOCCUPATIONS LIÉES AUX EFFETS DIFFÉRENCIÉS DES TECHNOLOGIES NUMÉRIQUES SUR LES FEMMES

Les effets différenciés de l'adoption des TN en contexte pandémique sur la diversité des membres sont encore peu documentés, quoique certaines recherches se sont penchées sur la capacité des nouvelles technologies à susciter et à maintenir la participation à la vie syndicale des membres de certains groupes plus difficiles à mobiliser, notamment les jeunes et les femmes (Brusadelli et Caveng, 2014; Dubé, 2019; Greene et Kirton, 2003; Hodder et Houghton, 2020), tandis que d'autres se sont intéressées à l'augmentation de la représentation syndicale des femmes (Mwamadzingo, Kisonzo et Chakanya, 2021). Outre la littérature sur le syndicalisme, certains travaux émergents traitent des espaces délibératifs asynchrones, tels que les forums numériques de discussion, comme étant des espaces ayant des caractéristiques, entre autres en raison de l'anonymat des personnes participantes, qui sont moins susceptibles de reproduire les inégalités de genre dans les organisations que les débats en face à face (Kennedy *et al.*, 2021). Il ne semble toutefois exister à ce jour aucune étude portant spécifiquement sur les aspects genrés des délibérations synchrones en ligne, par exemple avec l'utilisation de Zoom ou de Teams.

Afin d'illustrer nos observations issues des deux organisations syndicales quant aux effets différenciés des TN sur les femmes, nous partageons maintenant nos constatations sur les inégalités de genre susceptibles d'être engendrées.

## 4.1 (Re)configuration des inégalités de genre

Dans les deux organisations, les inégalités susceptibles d'être engendrées par les TN ont été observées en ce qui concerne la participation des femmes à la vie démocratique.

À la FNEEQ, la sous-représentation des femmes dans les instances est notoire, mais il est possible d'envisager que le passage en ligne ait facilité leur participation dans les dernières années. Par exemple, le nombre de femmes déléguées aux conseils fédéraux a augmenté entre la période de 2015-2018 et 2018-2021 (de 41 % à 43 % pour les officielles et de 41 % à 48 % pour les fraternelles[7]) (FNEEQ 2021). De ce fait, l'un des arguments les plus cités par la FNEEQ en faveur de l'utilisation des TN pour tenir des instances est celui de faciliter la participation du plus grand nombre de membres incluant les femmes, mais plus largement, les parents, les jeunes ainsi que les personnes issues de petits syndicats et/ou de régions éloignées. Cela contribuerait à rendre les instances plus démocratiques. Gebert et Moussa Baa (2022, p. 60)

7. Les personnes déléguées officielles ont le droit de vote et ont priorité lors des tours de parole.

affirment d'ailleurs que « des assemblées virtuelles et hybrides permettent aujourd'hui à une toute nouvelle génération de membres de participer à la vie démocratique interne de leur syndicat pour la première fois, surtout ceux et celles avec des responsabilités familiales ou en région éloignée ».

Les instances de la FNEEQ sont généralement sur les heures « normales » de travail et lorsqu'elles sont en ligne, certaines limites liées à l'articulation avec les temps sociaux sont amoindries. Des obstacles persistent toutefois pour les femmes lorsque les instances sont en personne, surtout pour celles vivant à l'extérieur de Montréal et de Québec (Bernard Pelletier, 2022). Certains exécutifs syndicaux mentionnent d'ailleurs la difficulté de recruter des membres délégués aux instances en présentiel en raison des obligations familiales. Ces personnes sont d'ailleurs plus nombreuses à revendiquer la tenue des instances à distance et/ou en mode hybride. Cela est particulièrement vrai lorsque le nombre d'instances se multiplie et devient imprévisible, comme lors des périodes de négociation de convention collective. S'ajoutent toutefois des défis, comme l'hyperconnexion (Brusadelli et Caveng, 2014), lesquels peuvent avoir un effet dissuasif sur l'intérêt porté à l'activité syndicale pour les personnes exerçant des responsabilités familiales. Greene et Kirton (2003) soulignent également que les échanges en ligne ne sont pas exempts des rapports de pouvoir et que les voix féminines ne sont pas nécessairement mieux entendues.

Au SPGQ, en 2021, les femmes étaient sous-représentées dans la délégation (43,56 %) et chez les personnes représentantes de sections syndicales (38,1 %). Depuis bon nombre d'années, la place des femmes au SPGQ et, plus précisément, la sous-représentation de ces dernières dans les instances sont un défi constant. Les TN ont permis une certaine flexibilité dans l'organisation du travail des femmes durant la crise sanitaire, notamment une articulation entre le travail familial, professionnel et syndical. Néanmoins, les membres du comité des femmes du SPGQ étaient soucieuses quant à la possible exacerbation des inégalités entre les femmes et les hommes. Il s'agissait à ce moment d'un début de réflexion à l'interne, mais plusieurs craintes étaient exprimées par rapport à l'invisibilisation des femmes, à leur moindre accès aux réseaux informels et au renforcement de l'attribution des tâches ménagères à ces dernières (Lapeyre et Silvera, 2022).

Dans les cas que nous avons observés, les deux organisations syndicales avaient donc des préoccupations similaires quant aux possibles dérives des TN, soit la perpétuation ou la création d'inégalités de genre dans leur institution.

## CONCLUSION

Ce chapitre visait à retracer et à mieux comprendre les expérimentations institutionnelles qui sont survenues en réponse aux développements des TN dans les domaines de la mobilisation et de la démocratie syndicale. Par le biais de nos expériences syndicales, nous avons dévoilé les différentes expérimentations, souvent divergentes, mises en place par nos organisations syndicales respectives, et ainsi proposé des pistes de réflexion pour les acteurs du monde du travail.

Premièrement, nos observations ont démontré que le télétravail et l'utilisation des TN ne sont pas les seuls facteurs à considérer dans la mobilisation des membres en télétravail. Une panoplie de facteurs préexistants ou concomitants, notamment le statut des membres, la nature de l'emploi, le contexte de négociation collective, le manque de ressources et les restructurations internes doivent être pris en considération. Deuxièmement, nos observations permettent de voir qu'il y a certains avantages, mais aussi des inconvénients dans l'utilisation des TN pour la tenue des instances. Par exemple, l'allègement de la logistique événementielle, la réduction de l'empreinte environnementale et la facilitation de la participation des membres (les personnes ayant des responsabilités familiales, les personnes issues de petits syndicats et/ou de régions éloignées) sont des éléments soulevés pour la continuité des instances à distance, tandis que la multiplication des instances, la qualité des échanges et la nécessité de disposer d'équipements technologiques performants sont plutôt soulevées pour un retour en personne. Troisièmement, nos observations laissent entrevoir les préoccupations entourant les effets différenciés des TN sur la diversité des membres et, plus particulièrement, sur les femmes.

L'invisibilisation de ces dernières, l'accentuation des responsabilités reliées à l'espace privé ainsi que la fréquence, la nature et le ton des interventions dans les instances avec l'utilisation des TN sont des aspects fortement interrogés par nos organisations syndicales.

S'il n'est pas possible de généraliser nos observations à l'ensemble des organisations syndicales, nous croyons que nos rétrospections peuvent contribuer au débat sur le renouveau syndical. Le fait d'avoir dû s'adapter rapidement à la réalité pandémique a joué un rôle majeur dans la façon dont se sont déployées les TN dans nos organisations syndicales et dans la manière dont elles ont été utilisées dans les domaines de la mobilisation et de la démocratie syndicale. Il sera intéressant, en période d'accalmie pandémique, d'étudier d'une manière plus systématique l'évolution de ces différentes expérimentations, notamment en portant une attention particulière aux effets sur les femmes. La question de savoir si les organisations syndicales se sont – ou non – réinventées dans les domaines de la mobilisation et de la démocratie syndicale grâce à leurs expérimentations institutionnelles pandémiques liées aux TN reste sans réponse, de même que celle de savoir si les TN sont sources d'inégalités de genre dans les organisations syndicales.

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13

# Modern Union Administration in Canada

## Lessons for the Academy and Practice

**Jennifer M. Harmer, Rafael Gomez and Chris Roberts**

Worker advocates say labour is having a moment, while others say it is in crisis. We hear that unions are at the forefront of adapting to technological change and are backing the transition to a 'greener economy,' while critics say they are taking a backseat to macroeconomic pressures and are thwarting decarbonization efforts. Clearly, there are mixed signals in the perceptions, study, and practice of unions today.

The consensus that does exist posits that unions have faced considerable challenges in Canada and across the globe. Outsourcing and workplace relocations in industries that were previously heavily unionized, technological change altering the relationship with the employer in occupations once thought immune to labour-displacing innovations, government policy acting as a barrier to unionization, uncertainty created by disruptions to the global trading order, and widespread employer resistance to unions have been challenges for the labour movement. The need to consider union revitalization in a

Canadian context has therefore never been greater. The problem is that many of the pressures facing unions at present lie outside of their locus of control.

The area over which unions do have control is how they organize and structure themselves, which is why we focus our discussion on internal union administrative practices, specifically the role of institutional vitality as a pathway to labour renewal. This aspect of union revitalization has received considerably less attention than areas such as worker mobilization or political renewal. To put it another way, while previous literature has focused on *what* unions do, we study *how* they do it.

By examining unions as organizations, we focus on their role as an employer. Administrative functions within a union play a critical role in offering strategic direction but they also guide day-to-day management practices. We posit that within the realm of institutional vitality, it is these internally focused, high-commitment human resources management (HRM) practices that play an important role in advancing union objectives. These high-commitment managerial practices can be harnessed in a manner that improves internal administrative systems, while at the same time honouring the grassroots traditions of organized labour.

We explore how unions balance what may be an adversarial external relationship with management against the potential benefits of an internal personnel management system that instead fosters cooperation and employee participation. After all, "resistance to management's power and control is the basic impetus to associate with others and form unions" (Swartz and Warskett, 2012, p. 19). Likewise, contemporary HRM proposes making employees the core stakeholders and the source of an organization's competitive advantage. One of the implications of this work is that it can also address the question of whether HRM practices are truly universal by analyzing whether these practices work inside of unions. We believe unions should be able to harness the extensive wealth of knowledge and past practice in areas such as employee engagement, recruitment and selection, and onboarding. All these areas have generated management practices that have been found to improve organizational outcomes and to advance strategic goals. This 'best practice' management knowledge can, in turn, help unions deploy scarce resources (human and financial) more effectively and efficiently.

This chapter contributes to bridging the literatures of industrial relations and human resources. Studies of these two realms are often quite detached. Both fields stem from different frames of reference (Budd *et al.*, 2018), use different terminology, and have different audiences. For example, HRM would use a term like 'employee engagement,' whereas industrial relations may focus on 'worker voice,' yet these two constructs are intimately intertwined. The work presented here attempts to respect the rich history of the industrial relations field while considering how modern administrative practices might address many challenges facing unions, as flagged by industrial relations scholarship. This unique partnership between academics and practitioners is intended to ground findings in real-world union practices. By bringing these perspectives together, unions can co-opt the rich literature on personnel management and take advantage of the multi-decade focus by academics on management practices, selectively employing them to advance union objectives.

Our chapter also offers a glimpse into how unions operate. This updated picture of union internal practices stems from a recent national survey on unions conducted by one of the authors. We present the findings of the Canadian Union Administrative Practices Survey (CUAPS) project, which collected data from union head offices across Canada, outside of Québec. A comprehensive survey was administered in the fall of 2022, and 57 of 267 Canadian head offices participated. Head offices include international, national, and regional or province-based unions, as well as independent locals. Québec-based francophone unions were excluded from this round of data collection. The comprehensive nature of the survey provides an in-depth look at Canadian unions, and is part of the International Union Administrative Practices project, a broad initiative to study union administration around the world that kicked off about 30 years ago. Since then, it has been collecting data on union administration in the United States, United Kingdom, Australia, and Canada. The

2022 Canadian survey was the second opportunity to collect Canadian data, with the first occurring in the 1990s. This knowledge acquired should not be seen as private or proprietary; rather, it can help us update what is known about Canadian unions, offer lessons learned, and benchmark best practices in union administration. Ultimately, the goal of the project is to promote stronger, more robust institutions.

We begin this chapter by defining the existential problem of declining union density, and identify and discuss key aspects of HRM as they relate to unions. We consider the diffusion of HRM practices and articulate how these tools help us to measure and track leadership composition. We then look at organizational goals, and the challenges of measuring performance in unions. We also discuss the nature of support that union administrators say would strengthen their work and practices. This is supplemented with a discussion using a combined academic and practical lens. Problems in modern unionism require a collaborative approach between academics and practitioners. We end by identifying future research opportunities and offer concluding thoughts.

## 1. UNIONS AS INSTITUTIONS AND ORGANIZATIONS

Researchers Clark *et al.* (2021), whose work constructs a foundation for this present-day Canadian study, explain that "modern administrative practices should strengthen the efficiency and effectiveness of any organization, including unions, as they confront declining membership and power" (p. 392). They conclude that "evidence shows that the adoption of more formal, systematic, efficient, and modern administrative practices, in general, has a positive impact on union revitalization efforts. We find no evidence that the formalization and modernization of these practices lead to less effective representation on the part of unions" (p. 386). This means that we should be able to adopt novel approaches, and may indeed find that unions are already using modern administrative practices. Furthermore, these approaches may indeed have a positive impact on their organizations.

Research previously completed on Canadian unions found that they relied less on formal HRM practices than their US counterparts and more on informal practices such as friend and member referrals in recruitment (Clark *et al.*, 1998). At the other end of the spectrum, Canadian unions were more likely to have a formal organizational chart and an annual budget than American unions in the early 1990s (Clark *et al.*, 1998). Fifty-eight percent of Canadian unions reported having a formal strategic planning process compared to 40% of US unions. In addition, more Canadian unions (56%) in the 1990s reported having established a process for evaluating the outcomes of the strategic planning process than did unions in the US (20%). Given the changing landscape and the time that has elapsed since the most recent full-scale studies of union administrative practices, we need to consider how Canadian union administration has evolved in this time.

## 2. VISUALIZING AN EVOLUTION

The make-up of the Canadian labour movement has been evolving. A significant change has come in the form of external pressures impacting union membership expansion, including outsourcing and other changes to sectors that previously had significant numbers of union workers. Interestingly, Figure 1 shows us that the number of individuals covered by a Collective Bargaining Agreement (CBA) has increased in the last twenty years. Over 5.4 million workers are a covered by an agreement. This means more Canadians than ever before are now represented by a union. This should be a positive indicator for labour union strength.

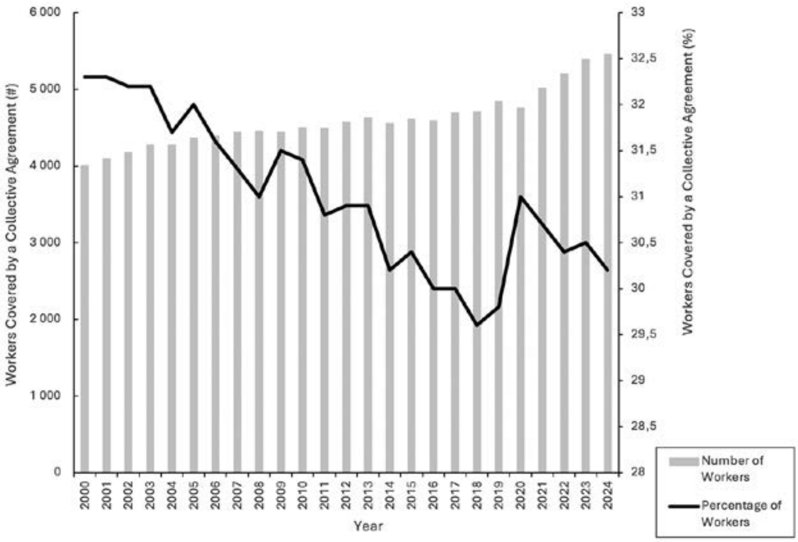


**Figure 1**

Multi-Year Look at Workers Covered by a Collective Agreement, 2000–2024

Note: Multi-year presentation of workers represented by a collective bargaining agreement in Canada, presented as the number and percentage of workers.
Source: Adapted from "Union Status by Geography: Table 14-10-0129-01," by Statistics Canada (2025a).

Figure 1 also shows that, when we factor in growth in the overall number of workers, we find that the percentage of all workers covered under a collective agreement is declining, with a little over 30% of Canadian workers covered by a collective agreement (Statistics Canada, 2025b). The data paints a similar picture of decline for many countries in the Organization for Economic Cooperation and Development (OECD). New union memberships are not keeping up with growth in jobs. This has been linked to macroeconomic factors, outsourcing, changes in jobs, and legislation that makes it difficult to sign up new members, as well as other factors (Hebdon *et al.*, 2021).

Figure 2 shows the decline in the percent of workers covered by a CBA in the goods-producing and service sectors. We can see that the service sector overtook the goods-producing sector in terms of the percentage of workers covered by a CBA about twenty years ago, and that the gap is growing. Unions have maintained greater density in public services, while their presence in goods production has declined. Offshoring of manufacturing and faster productivity growth in goods-producing industries have meant that unionized jobs have declined faster than in service industries. As manufacturing itself has been transformed by outsourcing and labour displacing technologies, services once performed in-house (e.g., design, cleaning and maintenance, human resources, accounting) have been outsourced to external service providers. While the manufacturing sector remains an important part of the history of the labour movement, service industry unions now provide the largest critical mass of members.

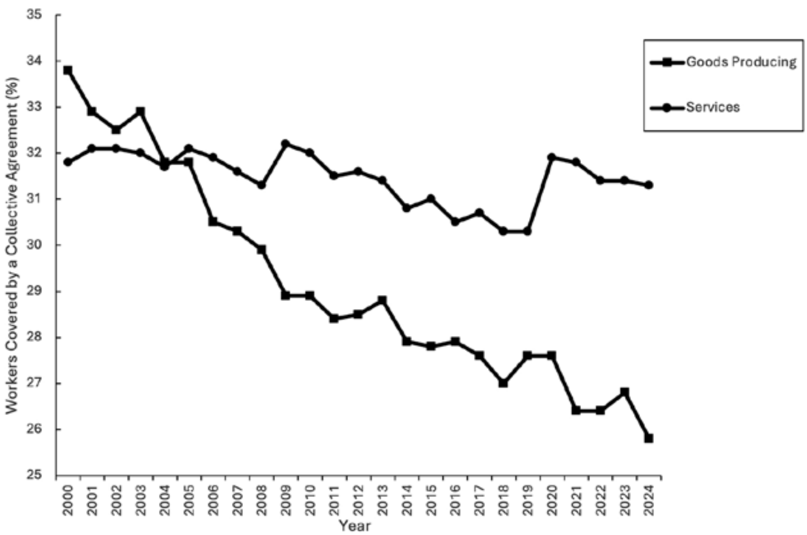


**Figure 2**

Percentage of Canadian Workers Covered by a Collective Agreement, By Industry, Over Time (2000–2024)

Note: Percentage of Canadian workers represented by a collective bargaining agreement in the Goods producing and Services industries over time.
Source: Adapted from "Union Status by Industry: Table 14-10-0132-01," by Statistics Canada (2025b).

Without question, industries that traditionally afforded male, blue-collar unionized jobs, specifically manufacturing, mining/oil and gas, utilities, and transportation/warehousing, have witnessed significant declines in unionization. Many unions have adapted, in part by seeking to keep up with employment growth in education, health care, and public administration. This has driven a shift in the composition of union membership in terms of gender, ethnicity, and formal educational attainment. The shift away from a male-dominated field occurred around 2008. Figure 3 shows us that most union members identify as female.

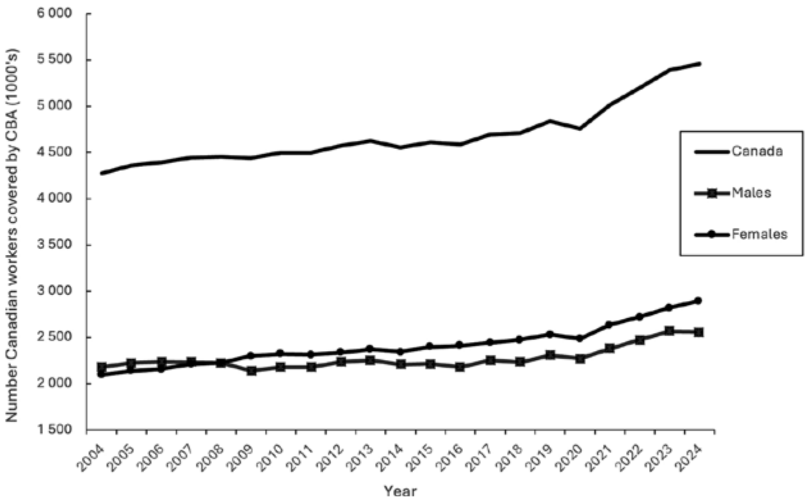


**Figure 3**

Collective Bargaining Agreement Coverage in Canada, by Gender, 2004–2024

Note: Multi-year totals of the number of workers represented by a collective bargaining agreement in Canada by gender.
Source: Adapted from "Union Status by Geography: Table 14-10-0129-01," by Statistics Canada (2025a).

These membership changes have impacted the composition of unions over the last twenty years. As the make-up of the Canadian workforce and union membership has evolved, women and racialized Canadians have assumed senior managerial positions and elected office in traditionally male-dominated unions, further altering the character and culture of labour organizations. Bargaining priorities, union education, lobbying demands, organizational culture, and practices within unions have adapted. The research presented here offers a benchmark for some of these compositional characteristics. Furthermore, we present evidence that some unions are embracing administrative practices such as progressive HRM to advance their mission. HRM can offer the ability to systematically measure and promote equity interests in organizations.

While it is worthwhile to document these recent changes, challenges remain. The overall share of the workforce protected by unions is declining. Unions wrestle with ongoing challenges, including organizing and serving small workplaces, franchises, the growth of casual and gig work (including digital platform work), and often low-wage service sector employment (accommodation, food services, personal services) characterized by high turnover, job insecurity and precarious work. Concurrently, opportunities exist as highly qualified workers and professionals (e.g., airline pilots, postdoctoral researchers, software developers, and even front-line managers) have often expressed a growing interest in unionizing. This membership expansion is important as increased dues provide additional resources for staffing and other commitments.

## 3. MEASURING THE PROBLEM

The CUAPS survey flagged membership growth and decline in many unions. In the short term (between 2020–2022), unions added an average of 393 members, with membership changes ranging from -2,000 to +10,000 individuals. In the long term (between 2010–2022), unions added an average of 2,041 members, with membership changes ranging from -10,000 to +35,000 individuals. These membership changes are drastic in some organizations. Diving into the reasons for decline reveals an interesting picture. Taking January 1, 2010 as the starting point, 9% ($n$ = 5) of the unions studied indicated that they had merged with or absorbed other unions, 12% ($n$ = 7) of unions indicated that they relinquished members to another union, and 21% ($n$ = 12) indicated that they had lost members due to permanent workplace closures or relocations. This suggests that a considerable number of organizations are affected by these types of member shifts. It is also interesting that in many cases unions are simply trading the same group of members, while in others those unionized jobs have disappeared.

Experts in the labour field say that nurturing a robust internal infrastructure can help unions not only to weather external storms, but also to shape their future proactively, fostering a sense of ownership and empowerment among members that is essential for long-term viability (Green, 2022). Internally, unions wrestle with the tension between formalized processes that provide stability and efficacy, and concerns of entrenching bureaucratic inertia. By leveraging modern administrative practices, nurturing internal structures, and prioritizing member engagement, unions can not only adapt to the changing landscape but also drive change and advance the interests of members and the broad labour movement.

## 4. ANALYZING THE DATA ON UNION COMPOSITION AND GOVERNANCE

Unions of all sizes participated in the survey, from the small to the very large. The study heard from organizations with between 100 and 500,000+ members, with the average union having 31,000 dues-paying individuals. Unions ranged in age from 9 to 133 years old, with the average being 55 years old. Therefore, the unions studied are established. Eighty-seven percent (*n* = 47) of organizations surveyed represented at least some public sector workers, and over 64% percent (*n* = 35) indicated that they only represented public sector workers. This affirms that the public sector workforce is a vital component of unionism in this country. Eighty-six percent (*n* = 48) of organizations represented at least some service sector workers, and almost 79% percent (*n* = 44) indicated that they only represented service sector workers. This is consistent with what we know about unions in Canada: that they are well-established, and primarily represent public sector and service industry workers.

Union leaders wear many hats and are often involved in personnel management issues. As Hannigan (1998) explains "…management is also an important part of a union leader's daily routine" (p. viii). He further explains that "whether or not the word 'manager' is part of the job title, all union officers and representatives have management responsibilities" (Hannigan, 1998, p. ix). Most unions (61%, *n* = 35) indicated that elected union officials were involved in HRM. When asked about the frequency of involvement, 66% (*n* = 23) said that they were involved "frequently" or "very frequently." Twenty-three percent (*n* = 13) of unions indicated that union officials were not directly involved in staffing HRM matters. The most common functions they are involved in are recruitment/selection (*n* = 32), followed by performance management and appraisal, and discipline (both *n* = 24). Trailing behind were dismissal, human resources strategy and planning (*n* = 23, respectively), as well as compensation and benefits administration (*n* = 21). Elected officials are least frequently involved in employee career planning (*n* = 10) and coaching (*n* = 11). In summary, elected officials are involved in some of the most challenging aspects of HRM. This may also give an indication of where leadership onboarding should focus.

## 5. THE UNION WORKPLACE AND HRM PRACTICES

The survey data helps us understand more about the union workforce. Table 1 presents union workforce data collected from the 57 unions that completed the survey. Collectively, unions surveyed had a total of 1,621 full-time staff at their Canadian head offices. The average union has 29 full-time head office staff, with a range of 0 to 500. Seventy-three percent (*n* = 41) of unions indicated that they had fewer than ten full-time employees at their head office, while 18% (*n* = 10) indicated that they did not have any full-time staff at their head office. While it is helpful to have a better understanding of the full-time resources available to unions at their head offices, it is unsurprising that these offices are quite small. Unions also indicated that full-time staff were working in locations in Canada other than the head office. Another 1,120 full-time staff across the country worked in other locations, with an average of twenty such workers per union, and a range of 0 to 500.

Unions also rely on more flexible labour to conduct their business. The total number of part-time and casual staff at head offices was 151 and 230, respectively. This resulted in an average of 3 part-time staff and 4 casual workers at the Canadian head office, with a range of 0 to 100 for part-time staff, and 0 to 200 for casual staff. There is significant variation in the human capital available to unions. A considerable portion of unions in this country have a small administrative team. Furthermore, some unions stated that they rely on a critical number of hours completed by volunteers to work toward goals. On a scale of 1–5 with 1 being "strongly disagree" with the above statement and 5 being "strongly agree," 53% ($n = 26$) say that they "agree" or "strongly agree" (with an average level of agreement of 3.4). These results help us construct an overall picture of the typical union workplace and give a better sense of the sum of the human capital available to unions in this country.

**Table 1**

Tallying Up Union Staff in Canada

| Workforce | Full-time employees | Part-time employees | Casual/Temporary/ Seasonal employees |
|---|---|---|---|
| **Canadian Head Office** | 1,621 | 151 | 230 |
| **Other locations in Canada** | 1,120 | 12 | 23 |

Note: Total number of union staff accounted for under CUAPS, by location, and job status.

Earlier in this chapter we embraced the notion that labour's resistance to management is a driver of unionization in this country. That is why it is fascinating to explore the administrative practices used in unions. While we need to be careful when using private sector tools in a union setting, there is benefit in exploring commonly used practices from non-profits and the public sector. Research gathered by the CUAPS shows that unions themselves do use administrative practices, specifically HRM practices. The survey instrument collected data on 18 commonly used practices, modified for the union context. Using this information, we generated an overall HRM score between 0 and 100 for each organization. The higher the number, the more comprehensive practices are used. The national union average is 37.5, with some unions scoring 0 or 100. This study also found that the age of the union (in years) predicted the use of HRM, whereby older unions are more likely to have a higher HRM score ($R^2 = 0.29$, $F(5, 38) = 3.16$, $p = 0.001$). We also found that being a public sector union also increased the likelihood of a higher HRM score ($R^2 = 0.29$, $F(5, 38) = 3.16$, $p = 0.023$). These fascinating results are consistent with findings that emerged from earlier studies of union administration in the 1990s (Clark *et al.*, 1998).

The present study also permits researchers to zero in on individual practices. We can get a sense of the most (and least) commonly used practices across organizations, as well as the practices that are most used for each organization. We started by quantifying the number of organizations using each practice. We found that 82% of organizations used each of: providing strategic information to staff, training in a variety of skills, followed by training organization-specific skills (76%). The least commonly used practices in organizations included: compensation based on group performance (4%), routine administration of attitude surveys (10%), and utilizing a knowledge-based pay system (29%). Next, we looked at the average use of each practice across all organizations. This gives us a sense of the depth of use of each practice. On average, the most in-depth practices were access to formal grievance/complaint resolution (69%), being provided strategic information (64%), and staff organized into self-directed work teams (55%).

The notion of unions within unions opens the door for intriguing findings. We found that 40% ($n = 23$) of unions have staff unions. Those organizations that were unionized were heavily unionized. The number of bargaining units of union staff ranged from 0–7. This means that some unions have quite a few of their own staff members with collective agreements themselves. Furthermore, these agreements need to be maintained and negotiated, meaning that unions are sitting at the bargaining table as managers across from their own staff. For the unions that have unionized staff, organizations reported that 81% of their staff were unionized. Overall, this means that union leadership and senior management need to be adept at managing and negotiating collective agreements as managers, in addition to doing so on behalf of members of the union.

It is logical that staff would form their own unions, as it may be their interest and belief in the labour movement that brought them to the organization in the first place. Furthermore, since some of these staff may have been recruited from the membership, it is plausible that they have experience in unions and want to belong to one themselves. Unions face many of the same staffing and human resource challenges as other organizations: an ageing workforce and ad hoc succession planning, the challenge of integrating new recruits and aligning them with the goals of the organization, pressure to do more with fewer resources, staff shortages and growing workloads. On top of this, high inflation raises organizational costs and creates a cost-of-living crunch for members, encouraging unions to keep a lid on payroll costs and spending where possible. Understanding the state of HRM in unions today will give us a starting place to measure changes over time.

## 6. STRATEGIC DIRECTION: SERVICING CURRENT MEMBERS VS. ORGANIZING NEW MEMBERS

Another key aspect of administrative practice includes the strategic direction of the organization. CUAPS revealed more on the strategic goals of unions. Unsurprisingly, we found that unions overwhelmingly focus on "shorter strategic time horizons," i.e., on servicing existing members. Most unions (86%; $n$ = 48) indicated that servicing existing members was a "very high priority." In fact, unions need to prioritize this, since disenfranchisement can lead to decertification.

The goal of expanding union membership was of less strategic importance overall. Only 21 unions (38%) indicated that expanding union membership was a high to very high priority. This is surprising, given the importance of membership growth in maintaining and expanding labour power. Notably, strategic values also differed across unions of varying sizes. Digging a little deeper, this research makes clear that there is a relationship between the size of the union (dues-paying members) and prioritizing union expansion, whereby the larger the union, the more likely it is to indicate that membership expansion is important ($R^2 = 0.13$, $F(1, 53) = 8.17$, $p = 0.006$). This is a valuable insight because it is consistent with what is already known, that interest in growth is happening in larger unions. It thus helps us better understand where union expansion is (and isn't) coming from.

The data appears to suggest that many unions do not prioritize union expansion. This has implications for the broader movement that relies on union expansion to maintain a foothold in the social, economic, and political context. Unions may be focused on the day-to-day affairs of their unions. In private sector unionism, the emphasis on servicing existing members and the low priority placed on new organizing may reflect a defensive posture on the part of organizations that face raids from unions expanding into new jurisdictions, sectors, and industries. There is also a significant cost associated with organizing new members and negotiating additional bargaining units, which take resources. Unions have adopted diverse and sometimes innovative approaches to organizing new members and experimenting with partnerships. However, we still argue that without transformative labour-relations reform (e.g., sectoral bargaining frameworks or graduated models of collective representation) we may not actually fundamentally change the way in which workers gain access to unions and collective influence.

The CUAPS data reveals some information about the number of staff dedicated to new organizing. Fifty-one percent ($n = 28$) of unions indicated that they have at least one employee dedicated to organizing new members. Although many ($n = 24$) unions had no staff dedicated to organizing, one union had 50 staff dedicated to this purpose. On average, unions had approximately 4 staff members dedicated to this purpose. In the total sample, 194 union staff members were dedicated to organizing new members. The low number of staff may partly be a function of the high level of representation of public-sector unions among the respondents, many of whom may be leaving union expansion to the employer. While unions are aware of the need to strengthen labour power and build union density, there is disagreement on how to go about it.

Unions also highly valued the need to create a positive workplace for their own staff. Forty-one unions (73%) indicated that fostering a positive work environment for union staff was a high to very high priority. The results for interest in providing work-life balance for staff were comparable. Thirty-five unions (63%) indicated that providing a work-life balance for union staff was a high to very high priority. HRM practices can help organizations align the strategic goals described above with the resources needed to achieve them. Opportunities exist to help clarify goals, align the human needs to get there, and bring the right people to the table to achieve this.

## 7. MEASURING PERFORMANCE IN UNIONS

The CUAPS survey collected information on measuring performance in unions. We found that performance measurement practices are not widespread. On a 5-point scale, from strongly disagree (1) to strongly agree (5), the average response to the statement "my union uses objective performance measures to assess if organizational objectives were met" was 3.1, indicating that, overall, Canadian unions neither agreed nor disagreed with the statement. Thirty-nine percent of unions ($n$ = 21) indicated that they agreed or strongly agreed that their union uses performance measures to assess if organizational objectives were met. This suggests that, while the use of performance measures is limited, there is an opportunity to explore how they are being used and if their use should be expanded.

Unions are using alternative methods to assess if organizational objectives are met. The most common method is through annual discussions with elected officials ($n$ = 48), union membership ($n$ = 47), and union employees ($n$ = 37), and comparisons to other organizations ($n$ = 24). Unions also used employee engagement survey results ($n$ = 23). HRM metrics ($n$ = 8), formal program evaluation ($n$ = 9) and membership expansion measures ($n$ = 10) were among the least used.

Measuring performance within and across unions is a real challenge. Many questions arise, including what are the most appropriate variables to use. Regardless of the measures employed, it is paramount that they be tailored to align with the strategic goals of the organization.

Such alignment ensures that these metrics not only reflect individual organizational objectives, but also serve as action items. Organizational outcomes are an important part of literature on personnel management in the private sector, but many proposed outcomes are not appropriate outside of the private sector. What measures can help us compare unions across organizations? Or are they best used internally, to measure an individual union's progress over time? Whether the results of these evaluations are shared discreetly within the organization or disseminated to the public, and whether comparisons are made internally or externally, there is intrinsic value in all organizations striving to gauge the fulfillment of their organizational objectives and implementing metrics to allow for consistent tracking over time. Moreover, we should not underestimate the potential for unions to collaborate in these evaluation processes. By collectively determining effective assessment tools, unions can enhance their capacity for success. Thus, while there are still a lot of questions to be explored, it is valuable for unions to ask themselves: What performance measures are important to us? And how do we know we are successful in our mission?

## 8. SUPPORT FOR UNIONS

As we have outlined some of the challenges that unions face today, we should also highlight feedback from the CUAPS data regarding possible solutions. This can help us collectively identify strategies to support union administrators. When asked about what would best support union administrators in the management of people in unions, the most common responses were training for leadership ($n = 32$); increasing the number of staff working in the organization ($n = 23$); training for staff ($n = 23$); new internal expertise ($n = 17$); new internal policies or programs ($n = 16$); establishment/clarification of strategic objectives ($n = 15$); a best practices guide targeted toward employing union staff ($n = 15$); and standardized tools and templates ($n = 14$). This feedback can help federations by providing areas of focus for developing support for their participating trade union organizations.

Other potential avenues for support include improving cooperation between unions and focusing on member empowerment. There is limited coordination between unions in areas where they could benefit. Pooling resources for organizing and targeting large firms, along with greater coordination around bargaining, would increase strategic impact and more effectively use staff resources. One notable approach is to emphasize member education and empowerment. By providing members with the tools to understand their rights, engage in strategic discussions, and take on leadership roles, unions are creating a more informed and engaged membership base. Administrative systems may help manage this transition and prepare staff to navigate change.

## 9. DISCUSSION

Sound administrative practices help create strong organizations and are good for the labour movement. There is no evidence that these practices have negative impacts on unions (Clark *et al.*, 2021, p. 386.) Dissecting specific measures and looking at the individual HRM practices studied shows that they are universally positive for the workforce. This includes promoting employee engagement, providing the right information to staff, and undertaking employee surveys. At this stage of research, it is difficult to tie these practices to tangible organizational outcomes in the union setting. However, we have seen that they have a positive impact in a business setting, and comparisons may be made to the union context. Therefore, we can't write off these practices as not applicable to unions as employers. Indeed, these practices can be positive tools for unions as employers. These administrative practices (though often labelled as bureaucracy) don't necessarily clash with a grassroots approach. They can help focus union staff on empowering members and provide clarity around strategic goals for workers of the union.

As we focus on pathways to union revitalization, we find that modern administrative practices, including HRM practices, member participation, and active union democracy, remain indispensable ingredients of revitalized union organizations. Furthermore, it may be time to rethink our relationship with the traditional Wagner Act model which calls for expanding unionization one workplace at a time, as this adds to the time and cost of the organizing process.

## 10. FUTURE RESEARCH

Where do we go from here? Opportunities exist to build upon knowledge gained about union administration. Research could focus on defining universal organizational outcomes for unions, which may include union membership expansion, employee or membership satisfaction, and/or bargaining outcomes for members, and trying to understand if these relate to union administrative practices. Understanding more about the barriers to union membership expansion in the Canadian context is important. We anticipate that future waves of the CUAP survey will expand to incorporate the rich tradition of unionism in Quebec. We would also like to better understand the variation in HRM practices across unions. This line of qualitative exploration would be a valuable accompaniment to our inquiry. It would also complement the recent and important work of qualitative researchers working in the space of Canadian union revitalization.

Since increased academic focus on union administrative functions will help build knowledge in this area, unions can collaborate with academic institutions to establish ongoing partnerships. These partnerships could promote joint research initiatives, foster knowledge sharing, and provide a platform for learning and improvement in union administration. By nurturing these relationships, unions can tap into the expertise of researchers while simultaneously contributing practical insights. Pooling shared knowledge means that we can help arm unions and scholars with the latest observations to help inform strategies to address modern issues. We hope that the present study will inspire other partnerships between academics and practitioners in our field.

By prioritizing training initiatives tailored to modern administrative practices, unions can equip their members and leadership with the skills necessary to navigate challenges and adapt to labour dynamics.

Furthermore, the creation and dissemination of comprehensive best practices guides can provide unions with practical insights and benchmarks for optimizing their administrative functions. Unions have the latitude to define their own performance metrics and utilize benchmarking to systematically monitor the evolution of administrative variables over time. Collaborative efforts can be facilitated by provincial union federations and the Canadian Labour Congress (CLC), which can and do contribute by developing and disseminating best practices guides tailored to the needs of union administration. These guides can serve as a compass, steering unions toward optimized administrative practices and strengthened operations.

In sum, the road ahead involves a strategic and collective effort to advance the field of union administration. Through rigorous research, collaborative initiatives, and the cultivation of best practices, unions may enhance their internal functioning as well as fortify their capacity to drive change and advocate for their members. In essence, a collective approach that unites unions and other stakeholders can pave the way for a more vibrant and adaptive labour movement. By leveraging each other's strengths, sharing knowledge, and investing in continuous learning, unions can navigate the evolving landscape and contribute to the betterment of their members and society.

## CONCLUSION

We have focused on the important area of internal administration and modern HRM practices in Canadian unions. Highlighting institutional vitality and getting creative about how to approach renewal is the way forward. The key driver of this chapter is to elevate the matter of institutional vitality as an important part of union revitalization in this country. Literature on administration in business and management journals offers novel lessons for union organizations. Strong organizations rely on clear strategic direction, strong administrative systems, employee empowerment, and sustainable structures. In addition to sustainability, strength in administration is essential for a labour movement that is balanced and far-reaching.

We acknowledge many unions have an adversarial external relationship with management which makes embracing internal management practices challenging. However, there is value in considering the wealth of best practices relating to personnel management that already exist and harnessing them to enable unions to meet their own objectives. We contend that this does not require a choice between grassroots unionism and bureaucratic structures. The adoption of solid organizational practices can occur in a manner that respects union traditions and promotes member participation. Unions may strategically and practically organize themselves to promote the values of a member-centered organization, all the while embracing the principles of effective and efficient personnel management. Furthermore, ensuring that unions are great places to work—by offering decent pay and benefits for those who are employed there—is perhaps the best way for unions to practice what they preach. Being the kind of model employer that they are advocating for their own members can only help in future recruitment and organizing drives.

The study of internal union administration illuminates a complex yet transformative landscape. As unions navigate external challenges, the crucial role of administrative adaptability emerges, especially if unions are interested in harnessing internal innovation (as the most successful private companies do). By empowering members, embracing data-driven strategies, and fostering inclusivity, unions can navigate the adoption of organization best practices without sacrificing their identity as part of a 'labour movement.' Resilient administration and sustainable growth can help unions amplify collective rights and well-being for all workers.

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PARTIE 4

# Dialogues sur le passé, le présent et l'avenir des relations industrielles

PART 4

# Dialogues on the Past, Present and Future of Industrial Relations

# 14

# Between the Ivory Tower and the Corridors of Power

## A Conversation About Labour Policy

**Introduced and moderated by Anthony Giles**

*Those who have handled sciences have been either men of experiment or men of dogmas. The men of experiment are like the ant, they only collect and use; the reasoners resemble spiders, who make cobwebs out of their own substance. But the bee takes a middle course: it gathers its material from the flowers of the garden and of the field, but transforms and digests it by a power of its own.*

Francis Bacon, *The New Organon* [Book One], 1620

Many years ago, I was invited to comment on a paper by the renowned labour economist, Paul Osterman, on the future of labour market policy at a colloquium. Under the guise of a commentary on Osterman's paper, I took the opportunity to deliver what I considered (and still consider) to be a trenchant critique of Canadian federal labour market policy. Relying entirely on secondary sources and youthful overconfidence, I stood before a crowded room and ranted about all that was wrongheaded about federal labour market policy. The first questioner leaped up the instant that I finished and, eyes blazing, identified himself as a senior federal civil servant involved in the very policies that I had been excoriating; and he said, in essence, "You're full of malarkey. That's *not* how things work in the real world! How dare you stand up there and tear apart all the practical and affordable initiatives that we've worked so hard to put into place? Our current policy suite may not represent the ideal that you'd like to see, but policies don't emerge from ivory tower blueprints; they spring from the cut and thrust of politics." Knees trembling, I spluttered out a hopelessly inadequate reply and prayed that the next questioner would better respect the rules of decorum that are normally observed in such forums.[1]

Ever since receiving that verbal spanking, the incident has stayed with me as a nagging reminder that an understanding of public policy—or, I suppose, any social phenomenon—requires more than just 'book learning' or data crunching; instead, it also requires an understanding of the actual processes and dynamics that mould policies and decisions that —for better or worse—determine the final outcome of complex processes.

And so, when the Canadian Industrial Relations Association (CIRA) issued a call for papers in the form of "conversations" about industrial relations for this volume, I immediately thought of bringing together two people who incarnate the two different worlds of Canadian labour policy: praxis and theory.

What follows is a lightly edited transcript of a conversation between a senior public servant (the "Policymaker") and an academic (the "Professor"), both experts in labour policy. Footnotes and references have been added to identify the sources to which the participants refer during our conversation, or to provide details of events or issues that are mentioned but not fully explained in the discussion.

1. Should any reader suspect that I have invented this incident as a clever literary device, see Giles (1989).

To allow our two participants to let their hair down (especially the Policymaker, who has been schooled to be very discreet about what goes on inside government), I agreed to grant them anonymity.

## 1. WHAT IS LABOUR POLICY?

**Moderator:** Let's start by clarifying what we're talking about today. Professor, how do you define 'labour policy'?

**Professor:** I suppose I'd define it as any state policy or program that impinges on, directly or indirectly, the relationship between capital and labour.

**Policymaker:** Yikes! That's a very 'academic' definition! It would include virtually any government policy, ranging from fiscal, tax or monetary policy to foreign affairs to environmental and industrial policies. That may be intellectually elegant, but it doesn't help us zero in on a particular policy field in a way that would allow us to study and understand it.

**Professor:** OK, what do you suggest?

**Policymaker:** How about this: 'Labour policy' includes all the areas of public policy that impinge directly on the employment relationship, notably labour relations policy, employment standards, workplace health and safety, workers' compensation, and workplace equity policies. I'd also include the enforcement mechanisms in these areas since they're also based on policy decisions.

**Professor:** OK, maybe my definition was a bit abstract, but yours is just a description of the most common policy functions of a government department responsible for 'labour issues.' By defining labour policy along institutional lines, you're ignoring the many ways in which other state policies impact the workplace parties and their relationships. For example, following your definition, fiscal and monetary policies fall outside the definition of labour policy, yet they play an incredibly important role in shaping the economic context in which unions and employers interact. Wasn't it John Godard who pointed out that an understanding of the role of the state in industrial relations has to include not just labour legislation, but also other macro-policies, including the policies of central banks?[2]

**Policymaker:** Fair enough, but I think that the real question is what we're trying to understand. I agree that if we want to understand all the ways governmental action affects workers and employers, then we need to cast the net widely. But then we're not looking at a particular area of policy, but policy in general. On the other hand, if we want to understand the dynamics of that specific subset of policies that we commonly call 'labour policy,' then we need a sharper focus. And that's because, in the real policy world, there are usually high walls between different policy areas and little communication between departments about policies that are thought to be 'owned' by one or another.

**Professor:** So you're saying… what… that there's a distinct dynamic within each policy field in government, one that makes each an autonomous fiefdom that can only be understood as a self-contained system?

**Policymaker:** I wouldn't go that far. What I mean is that in the normal course of affairs, there is a certain deference paid to departments responsible for particular areas of policy and little genuine collaboration across departments. It's true that when an issue arises touching on the mandate or interest of other departments, people are quick to pop out of their silos and weigh in. For example, Transport Canada gets involved in cases of possible work stoppages at a port or a railway; the Treasury Board Secretariat weighs in on any policy that affects them, like employment equity or pay equity, both of which apply to the federal public service. But my point is that these are sporadic, and most labour policy initiatives are largely carried out 'in-house' in the context of a particular organizational culture, belief system and language, and that's what makes it interesting to study as such.

2. See Godard (1994, ch. 9).

**Professor:** Point taken, but I'd still argue that we need to step back and look at the wider sweep of government policies. Let's take the case of the recent quest by the Bank of Canada to quell inflation. Given the impact of higher interest rates, who could deny that this is a war on the working class?

**Policymaker:** I won't quarrel with you on that one! But my point is that there's no major-domo overseeing all policies that touch on labour-management relations. Looking from the outside, you might be tempted to impose a coherence on the various policies that are developed, but let me assure you that there's no real coordination; instead there's a swirling pattern of different initiatives that aren't being driven by a coherent logic.

**Moderator:** Let me jump in here. I'm guessing that you can both agree that the narrower definition proposed by the Policymaker is useful from the point of view of studying and understanding the development of policy in the classic areas of labour policy, but that you'd also both agree that that doesn't exhaust all of the ways in which government action impacts employment relations and the workplace. I'd agree as well, so I think we can move on to another topic: What, in your view, drives labour policy? Policymaker, what are the factors or forces that push governments to adopt this or that policy.

## 2. DRIVERS OF LABOUR POLICY

**Policymaker:** I have a one-word answer: 'Noise'! After a career spent working with politicians of different political stripes, my key takeaway is that the political agenda—whether labour policy or any other policy field—is largely shaped by the 'noises' that politicians hear. These noises—or pressures—may come from the media or stakeholders or somewhere else, but they are what drive government decisions.

**Professor:** I'd agree that 'noise' is important, but only if it's defined broadly. One of my favourite observations on Canadian labour policy was made many years ago by H.C. Pentland, who said something to the effect that Canadian governments and employers have only made progressive changes to industrial relations policy in response to intense pressure from workers and unions.[3]

**Policymaker:** That was probably accurate at the time, but in more recent decades there are plenty of examples of progressive policy changes that weren't simply a response to traditional forms of working-class unrest. But I'd agree that 'noise' takes many different forms today, including the social media that politicians monitor so obsessively.

**Professor:** Isn't it also the case that governments come into office with an agenda, one that they've campaigned on or maybe kept quiet, and one that's shaped by their ideology? I'm thinking here of examples like the policy flip-flops in Ontario, Alberta and British Columbia that have occurred when NDP or left-leaning Liberal governments replace conservative governments and vice versa.

**Policymaker:** You're right. I was thinking more about the day-to-day, hurly-burly that fills up so much of a day in Ottawa! But you're right, and I can think of lots of examples where an incoming government gave us marching orders based on their electoral platform, as well as examples where the ideological leaning of the governing party coloured their decisions. On the other hand, most of the ministers of labour whom I've dealt with brought to the job their own personal interests—or hobbyhorses—and some of them even took positions that were at odds with their party's preferences. So, you can't assume that every labour minister is simply going to toe the party line.

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3. "It is sad but true that Canadian employers as a group—and Canadian governments—have never taken a forward step in industrial relations by intelligent choice, but have always had to be battered into it. Thus, PC 1003 of 1944, which finally introduced compulsory union recognition and collective bargaining into Canada, was not a product of government or employer enlightenment. Rather, it was forced out of a most unwilling government and set of employers by the terrifying rise in time lost by industrial disputes in 1943" (Pentland, 1979, p. 19).

**Professor:** Can I ask you about the role of the public service in shaping policies? I've heard that the public service has seen its privileged role of providing advice to governments decline as outsiders—think tanks, advocacy groups, and so on—have become more adept at gaining the ear of ministers. So, does the public service continue to shape policy and, if so, what shapes its advice?

**Policymaker:** That's a great question, or rather two great questions. As for the first, I'll borrow from Mark Twain and say that the reports of the death of the public service's influence over policy are greatly exaggerated. Although it's true that the public service doesn't have a monopoly on advice, in many cases our advice is accepted. Partly, I guess, because our advice could be called 'politically calibrated' in the sense that, although it's offered in a spirit of neutrality and rooted in evidence and a sense of what is in the public interest, it isn't blind to the political realities and dynamics of the moment.

**Professor:** That sounds like you pander to your political bosses!

**Policymaker:** Not at all! There's a well-worn phrase that I learned early in my career: 'Fearless advice, loyal implementation.' In short, always try to provide ministers with the best possible advice, even when you suspect that they won't like it or follow it; but, once a decision is made, it's your responsibility to do your best to implement it. But 'fearless' doesn't mean 'pointless,' so there are occasions when you pull your punches or temper your advice because it's obvious that advice that's diametrically opposed to a government's stated intentions is, well, like shooting yourself in the foot.

**Moderator:** Can you give us an example?

**Policymaker:** Most examples I can think of would violate my oath of secrecy. But there's one that I can share without stepping over the line. You'll remember that the Liberals introduced a *Pay Equity Act* in 2018. Although I was certainly no fan of the previous model—the complaint-based approach under the *Canadian Human Rights Act*—I wasn't convinced that a proactive approach met the cost-benefit test. It seemed to me that the benefits that would be achieved—a small reduction in the gender wage gap somewhere down the road—weren't a good justification for the enormous resources that organizations would have to invest in the process, largely enriching consulting firms. So my view was that gender inequalities need to be tackled at their source: in the family and educational systems that shape the choices that boys and girls, men and women, make. But it was also clear to me that the government was headed in that direction, so instead of putting my hand up and saying that the emperor had no clothes, I tried to ensure that the legislation was sensible. That's not 'pandering,' I'd submit; it's realpolitik.

**Professor:** Thanks! Can I take a step back now and toss out another idea? I think that beyond the various drivers of policy that we've been discussing, there's another set of what I'd call 'deep structures' that shape labour policy, perhaps not its details but its broad shape. For example, despite many differences, all capitalist states underpin the subordinate status of workers in the law; all put in place mechanisms to regulate collective bargaining and control conflict; all provide broadly similar sets of minimum labour standards; and all seek to put in place workplace health and safety and compensation systems. I'd argue that labour policy is constrained in fundamental ways by the basic requirements imposed by capitalist socio-economic structures that need to keep labour in its place, but also offer enough basic rights and working conditions to stave off serious unrest. To my mind, this explains why there are so many similarities across very different countries.

**Policymaker:** I hope you don't think that we sit around asking ourselves if this or that policy idea will 'ensure the continued subordination of workers'! Though, when I think about it, I'd admit that some of the points you make take the form of unconscious, background assumptions that shape our thinking about policy, like the belief that industrial conflict should be minimized.

**Moderator:** I'm declaring a truce here. I think that it's the case that some of the broad similarities in labour policy across different countries can be attributed to fundamental features of capitalist societies; but also that there are so many differences as a result of historical, cultural and institutional variations that an adequate explanation of the policies in our country requires us to take into account both the fact that Canada is an advanced capitalist society, but that it's also been shaped by a unique historical trajectory. Leaving that aside, can I suggest that we tackle one more aspect of the way in which labour policy is made in Canada? You've focused largely on 'external' drivers or forces but haven't said much about the internal processes within government that also shape policy. Policymaker, can I ask you to start us off?

**Policymaker:** Sure. I'd point to two features of the policy process that shape outcomes. The first is that many policies are the result of what you might call internal bargaining within the public service and between the public service and the political level. Although there's usually a 'lead' Minister and department, other departments and central agencies often have some influence.

**Moderator:** Can you give us an example?

**Policymaker:** Well, I can't go into any detail, but there's one case where the role of several departments was public knowledge—that was when the Liberal government decided to put forward the new pay equity policy we were discussing earlier. In that case, the Minister of Employment, Workforce Development and Labour was mandated to develop the policy "in cooperation with" the President of the Treasury Board and the Minister for Status of Women.[4] You can probably appreciate that each brought to the table their own vision, and so the final legislation represented a series of compromises between the three, as well as, as I said earlier, the views of the central agencies. It was strange that one of the key players—the Treasury Board Secretariat—is the formal employer of public servants and was going to be subject to the requirements of the law. I remember thinking, "Wow, can you imagine the unions' reaction if we gave federally regulated

4. See the Prime Minister's 2016 mandate letter to the Minister of Employment, Workforce Development and Labour at: <https://www.pm.gc.ca/en/mandate-letters/2017/02/01/archived-minister-employment-workforce-development-and-labour-mandate>.

employers a seat at the policy table when we were making other policies that would affect them?" Finally, I should also say that the political level was also involved, especially the staffs of the ministers involved and the ministers themselves. For example, the Minister of Employment, Workforce Development and Labour insisted on ensuring that the policy was designed to provide smaller employers with a simpler, streamlined process.

**Professor:** Well, I'll grant you that many policy decisions are, in their detail, fashioned through internal bargaining. But to take your own example, surely the move to proactive pay equity is the important thing, and one that can be explained by political pressures. So, from my point of view, the bureaucratic and political trade-offs that established the technical details are of secondary importance.

**Moderator:** Policymaker, you said that there were two facets of the internal process worth mentioning. What was the second?

**Policymaker:** Well, it's really just an additional feature of the internal bargaining process that I've just described: it's the fact that there isn't a level playing field within the political-bureaucratic world. Instead, as in society more generally, power is unevenly distributed, and small line departments—like my own—have a tough time winning a battle with, say, the central agencies or some of the more influential line departments. I recall, for example, when I was working in international labour affairs, that the trade negotiators treated the negotiation of a labour chapter of a free trade agreement as a nuisance that could be sacrificed if it got in the way of a deal. And if you're unlucky enough to put forward a proposal that irks the Department of Finance, well, kiss that one goodbye!

**Professor:** You know, the academic literature also points to this. Many years ago, Rianne Mahon wrote a piece about how the Department of Labour was significantly less influential than those departments that represented, in internal policy development, more powerful socio-economic interests. I think she called it the "unequal structure of representation" or something like that.[5] So, what you've just said suggests that she was right.

**Moderator:** Well, thank goodness that we've ended this part of the discussion on a harmonious note! Let's move on to another topic before you start squabbling again!

## 3. RECENT TRENDS IN LABOUR POLICY

**Moderator:** Maybe we can get a handle on policy drivers by looking back over the past few decades of labour policy in Canada and trying to identify and explain any significant trends. Professor, can I ask you to start us off?

**Professor:** I think that it's widely accepted that in recent decades labour policy—and many other policies as well—have been shaped, in Canada and elsewhere, by a neo-liberal consensus that has permeated policy thinking. For labour policy, this has put labour market flexibility, public-sector compensation restraint, and measures to weaken unions and workers' rights at the top of the policy agenda. Put bluntly, recent decades have seen policy dominated by the interests and priorities of capital and a corresponding fall in the political influence of labour. As Harry Arthurs observed somewhere, one of the signs of this diminishing influence of workers' concerns was the downgrading of the federal Department of Labour—or Labour Canada—to an 'obscure program' within the Human Resources Department.[6]

**Policymaker:** As someone who worked in that 'obscure program' for many years, I beg to differ. It's true that that federal and provincial governments have been tough on their own employees, either by overriding collective bargaining with special legislation

5. Exactly so—see Mahon (1977).
6. Harry Arthurs has referred to this change numerous times. See, for example, Arthurs (2006, pp. 375–77).

or simply by tough bargaining; but beyond that I don't see many signs that Canadian labour policy has been guided by a neo-liberal agenda. For example, there's been little interest shown in adopting US-style right-to-work laws, with the perhaps unsurprising exceptions of the Harper Conservative's support of a private members bill that imposed harsh reporting requirements on unions (reversed by the subsequent Liberal government) and Alberta's recent introduction of provisions that allow employees to opt out of paying that portion of union dues that go towards 'non-core' union activities. Second, there have been a number of fairly progressive developments over the last several decades: a trend toward more robust approaches to workplace violence and harassment, a strengthening of leave provisions (for example, for victims of sexual violence), significant increases in the minimum wage in most jurisdictions, better access to workers' compensation for first responders, and, at the federal level, not only the *Pay Equity Act* discussed earlier, but the introduction of pay transparency provisions, the ratification of all of the International Labour Organization's core conventions, and much more. This is hardly a neo-liberal policy agenda!

**Professor:** So, let me make three points. First, it's true that the Liberal government in power since 2015 has brought in a raft of progressive policy changes in labour policy. But much of their labour policy agenda has been backward-looking, as if they were driving with their eyes fixed on the rear-view mirror instead of the road ahead.

**Moderator:** Can you expand on that a bit?

**Professor:** Well, much of what they've done has been to play catch-up on proposals that have been sitting on the shelf for a long time. On unionization, for example, they restored card-check certification, but haven't yet done anything else very imaginative. Their pay equity legislation (which they hadn't planned on doing but had their hand forced by the NDP) was largely modeled on what the Bilson Task Force recommended back in the early 2000s.[7] Most of the reforms that they've made to Part III of the Code were recommended by the Arthurs Commission back in 2006.[8] They patted themselves on the back for reintroducing a federal minimum wage, but they took so long to do it that the real value of what they originally promised had declined by the time it came into effect. And despite saying all the right things about addressing other issues—like the right to disconnect, or protection of gig workers, or modernizing the *Employment Equity Act*—they haven't brought anything novel forward yet.[9]

Second, the current Liberal government is a bit of an anomaly in Canada—most of the provinces and territories haven't been nearly as active or progressive in labour policy reform in recent years, with perhaps the exception of the NDP governments in British Columbia and, for a time, Alberta.

**Moderator:** You said you had three points—what's the third?

**Professor:** Sometimes doing nothing *is* a policy. Let's consider the decline in private-sector unionization. Although for years we Canadians smugly celebrated the fact that union density here hadn't plunged the way it had in the US and many other countries, it's increasingly evident that Canada is now following the same trajectory. Part of the reason is that many jurisdictions have abandoned card-check certification in favour of mandatory voting, a move that has neo-liberalism stamped all over it. Moreover, the fact that not a single jurisdiction in Canada has made any

7. The Professor is referring here to the report of the Task Force on Pay Equity chaired by Beth Bilson (Task Force on Pay Equity, 2004). The federal *Pay Equity Act* was tabled in November 2018, received Royal Assent in December of that year, and came into force in August 2021.
8. For the exact reference, see Federal Labour Standards Review (2006).
9. After the taping of this dialogue, the federal government's 2023 Budget included a number of legislative commitments, including better protecting gig workers with stronger prohibitions against misclassification, banning the use of replacement workers during a strike or lockout, the introduction of additional measures to eradicate forced labour from Canadian supply chains, and a new paid leave for workers who experience pregnancy loss. In addition, the report of the *Employment Equity Act* Review Task Force was submitted to the Minister of Labour in April 2023 and made public in December 2023.

significant effort to refashion its policies to facilitate union (or other) representation in the face of this precipitous decline in worker voice is irrefutable evidence that state policy is not responsive to workers' needs.

**Policymaker:** I'd agree with much of that, but first let me set the record straight. The examples you gave of backward-looking policy initiatives are fair, but there've also been several forward-looking ones. For example, the pay transparency requirements to bolster efforts to promote gender equality in the workplace. The government also supported a Senate private members' bill that has just brought in supply chain transparency. These can't be dismissed as backward-looking.

**Professor:** OK, so these weren't backward-looking, but more sideways looking in the sense that they were borrowed from other countries, the UK in particular.[10]

**Policymaker:** True, but that's how most policies are developed—by looking at what other governments have done. Anyway, let me get back on track. With respect to mandatory voting, I'd agree, though I'd point out that it's a highly contested area of labour policy and that we've seen, and are likely to see in the future, swings back and forth as different political parties take and lose office. And I also agree that the lack of attention to the decline in worker voice is disheartening; in fact, it's one of a handful of issues that I haven't been able to persuade any minister of labour to tackle. But I wouldn't go so far as to say that it's evidence of an anti–working-class animus entrenched in the 'apparatus of the state'! The fact that our policy group was very much alive to the issue and spent time consulting academic and other researchers and developing ideas for policy options demonstrates that, within some pockets of government, there is an openness to reform. But,

10. The UK legislation to which the Professor is referring is the *Modern Slavery Act* and the Gender Pay Gap Information Regulations.

as I just said, the problem is how to put the issue on the political radar screen. Ironically, one of the obstacles to reform is that the mainstream union movement in Canada hasn't invested political capital in making it an issue.

**Professor:** I agree, and I think that's because the union movement in Canada is more concerned with trying to preserve the gains of the past rather than confronting the challenges of the future. But you said 'one of the problems'—what are the others?

**Policymaker:** I think that the key one is that there's no obvious solution, but instead a range of options that are discussed over and over again with no consensus on which is the best or which is the most realistic. Is it some form of sectoral bargaining? Is it to radically expand the definition of 'employee'? Is it to introduce some middle-ground legal category, like 'dependent worker'? Is it to move to what David Doorey has called 'graduated freedom of association'?[11] And, to go back to my earlier point about needing some sort of pressure or 'noise' to make this an issue that politicians feel they need to deal with, we need to create some sort of vehicle or campaign.

**Moderator:** My friends, this is fascinating, but we're at risk of going way too deep down one rabbit hole, so can I tug the two of you out of the hole and suggest a saw-off? I think that we can all agree that although Canadian labour policy has not entirely evaded the appeal of neo-liberalism, it hasn't been radically rewritten in that image and has in fact reflected several modest advances, even if these fall short of an adequate response to the transformations in the workplace and labour market that have been occurring in recent decades. I'd like to shift gears now and ask you to reflect on whether there is a distinctly 'Canadian' model of labour policy. Who would like to go first?

11. See Doorey (2013).

## 4. IS THERE A DISTINCT CANADIAN LABOUR POLICY MODEL?

**Professor:** I'll take a stab at it. What makes Canadian labour policy distinct, it seems to me, is that it's characterized, much more than most other countries, by an obsession with preventing open conflict between workers and employers. I can't remember whether it was Paul Weiler or Harry Arthurs who characterized this as the state's never-ending pursuit of the holy grail of labour peace, but they nailed it.[12] Until the 1940s, labour relations policy was almost entirely about avoiding or quelling conflict; and when the Wagner model was grudgingly adopted in the face of wartime strikes, it was blended with that obsession to reduce conflict: representation strikes were replaced with certification procedures; mid-contract strikes were banned; strikes to enforce rights spelled out in collective agreements were replaced with mandatory grievance arbitration; and, of course, political strikes are out of the question. And since the 1950s, federal and provincial governments have been quick to use back-to-work legislation whenever a strike or lockout proves inconvenient, what Leo Panitch and Don Swartz aptly called 'permanent exceptionalism.'[13]

**Policymaker:** Don't fall off your chair, but I'd agree with that. In my experience, nothing energizes a government like a prominent strike or lockout. Even when we say to the politicians that they should let a work stoppage start and continue so that the parties feel the pressures that that brings, they're always champing at the

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12. It was, in fact, Harry Arthurs: "… today all disputes, to a greater or lesser degree, are treated as if they involved essential services and industries. The turn-of-the century resort to conciliation was intended to be more restricted, but the post-1945 passion for informal intervention, fact-finding and legislative regulation injected the state into virtually all labour conflicts. Thus, Canadian labour relations policy is ambivalent, if not schizophrenic. A laissez-faire philosophy, borrowed from the United States Wagner Act, assumes that collective bargaining and sweet reason will conquer all. But when serious conflict occasionally breaks out, the policy of allowing the parties to settle their differences is petulantly repudiated and government returns to its historic pursuit of that holy grail, industrial peace" (Arthurs, 1969, pp. 62–63). Paul Weiler made essentially the same point (1980, p. 61).
13. See Panitch and Swartz (1988).

bit to jump in and do something to stop it. However, I'd add a couple of other distinct characteristics of Canadian labour policy. First, our occupational health and safety (OHS) policy—rooted in the rights of workers to be informed of, and to participate in decisions about workplace health and safety, and the right to refuse work that they consider dangerous—is distinct. Second, there's a long tradition of putting the primary responsibility on the parties to settle their disputes before turning to government. For example, labour relations policy imposes a grievance process, employment standards legislation often requires employees to first try to settle their issue with their employer, OHS policy requires internal actors to tackle disagreements before turning to the government, and so on. And third, I'd say that the commitment to tripartism is a characteristic of our model.

**Professor:** I'll agree with some of those, though I don't think they're all positive. For example, the expectation that the parties should first try to resolve problems themselves isn't especially helpful for non-unionized employees who have employment standards complaints that they're expected to try to resolve with their employer! And I don't agree that tripartism is a distinctive feature of Canadian labour policy.

**Policymaker:** How so?

**Professor:** Well, any genuine system of tripartism would involve an ongoing practice of joint decision-making between the state, capital and labour over issues that are of mutual interest or concern. I have to say that this has never taken hold in Canada. Instead, what we've seen is a shaky commitment on the part of governments to 'consult' employers and unions on labour policy initiatives—one that's conveniently forgotten when it suits the government. In other words, we pay lip service to the idea, but we don't really practice it.

**Policymaker:** Fair enough, but I wouldn't throw the baby out with the bathwater. Our version of tripartism might be watered down compared to, say, some of the Nordic countries; but that doesn't make it pointless. At the federal level, for example, we encourage ministers of labour to consult with both sides, ideally bringing them together in the same room, but at least ensuring that each gets a chance to air their views on policy issues. I recall one minister grumbling that she felt that she couldn't move forward without getting support from both unions and employers. Our response was that so long as she listened to their views and took them into account where possible, she shouldn't feel constrained by a lack of consensus.

**Professor:** That sounds like a charade that's played out so that the government can say 'we listened' and then go ahead with whatever they wanted to do in the first place!

**Policymaker:** Yes, that sometimes happens, especially in cases where a government has made a public commitment to do something. But even though Conservative ministers are more responsive to the views of employers, while Liberal ministers, at least since 2015, are more responsive to the views of unions, I can think of many instances where Conservative ministers made compromises to at least partially address union concerns, as well as where Liberal ministers accommodated some employer views. So even if there isn't always a perfect balance, the parties are still able to get a hearing.

## 5. WHAT LIES AHEAD? CHALLENGES

**Moderator:** To wrap up our discussion, let's turn towards what lies ahead for labour policy. Professor, over to you.

**Professor:** Although we haven't seen any fundamental changes for the last fifty years, I suspect that fifty years from now 'labour policy' will be unrecognizable. And maybe we won't even have a term for it.

**Policymaker:** I'd agree that the changes that we're currently witnessing are throwing into question many of the traditional components of labour policy. When you think about how the way work is organized is being changed by developments like automation and task fragmentation, gig work, an increasingly global virtual labour market and the rapid development of artificial intelligence, it's hard to imagine that in fifty years our unionization and collective bargaining policies will still be relevant. On the other hand, other areas of labour policy, although they'll evolve, will continue to be highly relevant, and maybe more relevant than they are today. I'm thinking here of employment standards. But for that to happen, the reach of employment standards legislation will need to be broadened beyond the traditional application to 'employees.'

**Professor:** I'd agree, but I'd also say that the existing legal regime for worker representation and collective bargaining is just one model for providing workers with voice. So, to my mind, there's a possibility that new state policies could emerge to provide avenues for collective action and voice that are more suited to the economy that's taking shape. But there's a caveat: as I argued earlier, the state isn't going to just put these in place because they're a good idea; instead, it will act if there's sufficient discontent or a threat to the economy and social peace. I'm hopeful that this will occur, but I wouldn't bet my pension on it.

**Policymaker:** Well, since I said earlier that 'noise' is critical, I can hardly disagree. But let me toss something else out. I think that what we've both been edging toward is a recognition that defining labour policy in terms of the employment relationship is increasingly problematic and that maybe we need to recast it in terms of something broader, something like 'work relations.'

**Professor:** Agreed!

**Moderator:** We've got time for one last question, one that's illustrated by our dialogue today: How can we strengthen the interaction between the different worlds each of you inhabits, the halls of academe and the halls of power?

## 6. THE ACADEMY AND THE POLICY WORLD

**Policymaker:** I'll take a crack at this one by saying that there's already a fair degree of interaction. In my department, for example, we've appointed several academics as experts in residence; and we frequently reach out to academic experts. I also recall arranging for the then-Deputy Minister of Labour to sit down with groups of scholars from various universities to discuss labour policy challenges prior to the 2015 election to help us provide the incoming government with a sense of what issues needed attention.

But I'll admit that the relationship is too often sporadic and that there are some barriers that need to be dismantled. One of these is language. Another is the reward structure in academia. And a third—and probably most important—is the reluctance of some academics to get off their high horse and engage in a discussion of what is realistically practical as opposed to theoretically pure.

**Professor:** I'd agree with some of that. On language, have you noticed that I usually refer to the 'state' and you refer to the 'government'? That's a small example, but it illustrates the problem that some of us in academia have of setting out our ideas in an accessible way. I'll also plead guilty to sometimes focusing my research and writing on venues that earn more academic credit than policy input to state—excuse me, 'government'—agencies. But I'm not sure what you meant by 'getting off our high horse.'

**Policymaker:** I'm happy to hear that you agree that a publication in, say, the *Annals of Improbable Research*, doesn't have much resonance with policymakers! My last point was simply this: The art of policymaking is, in good measure, the art of compromise. In the field of labour policy, when you've got to navigate between the competing interests of unions and employers, the positions of other departments, political dynamics (especially when you're dealing with a minority government), and sometimes the thirteen provinces and territories, not to mention a now independent Senate, the only way to achieve anything is to swallow hard and compromise. The trouble is that too many academics are purists who can't abide a result that falls short of what they imagine to be the ideal solution to a policy problem. So, they sit on the sidelines and moan about the less-than-ideal policies that governments—excuse me, the 'state'—adopts.

**Professor:** True enough but remember the words of Mahatma Gandhi: "All compromise is based on give and take, but there can be no give and take on fundamentals. Any compromise on…

fundamentals is a surrender. For it is all give and no take." So, although I'll accept that policy outcomes represent compromises in many respects, there's still a vital role for those of us outside the process to keep our distance, to critique policy and to advocate for further changes—that's a hallmark of a vibrant, democratic society, no?

**Policymaker:** One hundred percent! I'm just saying that those of us who slog through the policy trenches to try to move the needle forward should not be vilified for often settling for something that falls short of some outside expert's conception of what should have been done.

**Moderator:** I think that I'll again declare a truce on this question. Without wishing to put words in your mouths, I'd say that we can probably agree that, on the one hand, there is room to improve the interaction between academics and policymakers, but that the two worlds will—and should—remain distinct.

And on that note, I also want to thank the two of you for what I think has been a fascinating and rich discussion. Now, which one of you would like to tell the readers the artifice that we've been using?

**Professor and Policymaker (in unison):** Let me! Let me!

**Moderator:** I think that I'll do the honours here, though, as you know, I'll be speaking for the two of you.

## CONCLUSION: AN INNER DIALOGUE

As some readers will have already guessed, the dialogue above is actually an 'inner dialogue,' that is, a dialogue between two sides, or two personas, of the same individual: Me. I started my career in the academic world, earning a PhD in Industrial Relations from the University of Warwick, and then teaching and conducting research for almost twenty years, first at the University of New Brunswick and then at Université Laval. After a brief hiatus managing research at the Secretariat of the Commission for Labour Cooperation in Washington, D.C., I took the proverbial left turn at Albuquerque and joined the Labour Program of what is now Employment and Social Development Canada, working first in international and intergovernmental labour affairs, then in strategic policy and research, and finally as Assistant Deputy Minister of Policy, Dispute Resolution and International Affairs. So, I've worked both sides of the fence.

Besides trying to illuminate the contours and dynamics of Canadian labour policy, this 'inner dialogue' has been my way of making a simple, but I hope important point. Academic analysis informed by theory has the power to uncover patterns of behaviour that are not obvious to the casual observer or to those deeply involved in the processes under scrutiny, to situate specific instances in a wider context, to identify regularities or structural forces and constraints that lie beneath the churning waters of the more visible, day-to-day, helter-skelter of human actors pursuing short-term goals in an ever-changing environment. When done expertly and elegantly, academic analysis can help us think deeply about the unspoken assumptions that lie behind our thinking… and our policies.

But even the best academic analyses—save, perhaps, extended participant observation (which, in a way, this dialogue represents)—are conducted from the 'outside' as it were, like the astronomer who, although she or he will never be able to visit the galaxies they study, nevertheless combines theories of astrophysics with observations to shed light on phenomena such as the 'big bang' or the behaviour of black holes.

The lived experience of 'insiders'—in this instance, participants in the labour policy process—can provide a deeper, richer and more nuanced understanding of the often very messy world of policy-making, one that does not negate the analyses of outside experts, but that has the potential to add to and complete our understanding.

More widely, this is a plea for practitioners and academics to work more closely together. Like Bacon's bee, true understanding can only come from a constant interplay between theory and praxis.

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# 15

# Identity and Class: "Stop Blaming the Members"

## A Conversation With Fred Wilson

**Blandine Emilien and Fred Wilson**

I met Fred Wilson for the first time during the 60th Canadian Industrial Relations Association (CIRA) conference which was hosted on the campus of York University from 27 to 29 May, during the 2023 Congress of the Humanities and Social Sciences. Fred Wilson and I were introduced to each other during a session where we were both presenting cases of union experimentation with a view to renewal (Lévesque *et al.*, 2022; Murray *et al.*, 2017; Murray *et al.*, 2020). According to the experimentation framework, social actors "experiment with new ways of organizing and seek to institutionalize them into new understandings, norms and rules" (Murray *et al.*, 2020, p. 135). Fred Wilson presented a Canada–Mexico union solidarity project. I presented the case of a Basque union confederation, which I argued had embraced experimentation as a *modus operandi* (see Emilien *et al.*, 2024). I referred to this Basque union's willingness to ride a wave of change, attention to the demands of a more diversified membership, and eagerness to address contemporary issues such as environmental and epistemic injustice challenges. The Basque case also harboured a high degree of complexity: the confederation positions its union renewal agenda within a social movement framework built on not giving up on Basque sovereigntist activism, as per the Spanish context. Fred was intrigued by this Basque union that built itself upon a post-Francoist[1] legacy. He was trying to understand the union's ideological foundations when he asked me: "But can you tell me if this confederation is still basing its struggles on class politics?" Having studied this Basque union confederation since 2017, the answer was self-evidently 'yes.'

I contacted Fred Wilson after this conference interaction because I was reminded of the North American debate that has at times hinted at tensions between class and identity politics. Younger scholars on the Northern American side of the Atlantic are now advocating the introduction of *intersectionality* and critical race theory (CRT) within industrial relations literature and teaching (for instance, Lee and Tapia, 2021). Other scholars argue that wage discrimination in the labour market can be *intersectional* (White, 2023). The importance of considering intersectionality when engaging in scholarly analysis of systemic discrimination gained significance in 1989 when feminist and black feminist scholarship followed in the footsteps of legal scholar Kimberlé Crenshaw[2] by including this analytical lens in their work. However, there is still a relevant need to reiterate how the implications of discrimination are not additive (class plus gender plus race) but intersectional, as White (2023) has demonstrated with a more economist approach.

Without rejecting identity, Fred Wilson asserts a caveat to using intersectionality as an analytical lens for union renewal debates in the context of Canadian unionism. In the conversation below, he answers

1. This Basque union was created in the early 1900s, and survived the dictatorship under Francisco Franco's Spanish dictatorship between 1939 and 1975. As of 2023, it still advocates independence for the Basque region and incorporates sovereignty within its activist agenda.
2. The term 'intersectionality' is said to have been coined by Crenshaw in 1989 to explain how the intersection and overlapping among race, gender and social class as experienced by certain individuals, due to deepened enactments of discrimination. See for example Cho, Crenshaw and McCall (2013).

my questions by explaining why union renewal requires a labour-based intellectual/ideological perspective and complementary bargaining strategies to consolidate a class-based unionism. This labour-based approach integrates identity into class analysis rather than considering class as just one component of intersectional oppressions. I decided to follow up on my discussion with Fred Wilson, who kindly agreed to join me in this brain-picking exercise.

Author of *A New Kind of Union: Unifor and the Birth of the Modern Canadian Union*, Fred Wilson is a long time Canadian unionist who contributed significantly to the New Union Project (see Wilson, 2019), which culminated in the creation of Unifor. Unifor is known today as Canada's largest private sector union, with more than 300,000 members, covering 29 industries, with 696 locals as well as 2,883 bargaining units.[3] In an era in which union decline is observed across core sector industries in the Canadian economy (Dupuis *et al.*, 2020), Unifor was officially formed in 2013 in Ontario, grouping together the Canadian Auto Workers union (CAW) and the Communications, Energy and Paperworkers Union of Canada (CEP).[4] In the first three years of Unifor's formation, Fred Wilson was its Director of Strategic Planning.

Fred Wilson and I arranged for a Zoom meeting at the end of Summer 2023. The conversation lasted for slightly more than one hour. Fred was generous during this meeting, which he conducted from his home on the Rideau Canal in Ontario, while I was working from home in Montreal. This conversation connects a long-time Canadian unionist with a younger academic and activist who identifies as a female and racialized individual and had only been living in Canada for 8 years at the time. I also located my research interests at the convergence of human resource management (HRM) and Industrial Relations (IR), with an ontological focus on less privileged groups of workers.

3. <https://www.unifor.org/>
4. <https://www.unifor.org/about-us/history-mission>

## 1. THE CONVERSATION

**Fred:** I think you are coming at this from a bigger perspective. Your comments on the disconnect of many young activists from the union and their focus on identity issues opens a window about what is wrong with Canadian labour, and North American unions now… So, my first response is that when you hear it said that the problem is that "the younger generation has a different approach," to me, that is just another way of saying 'blame the members.' Right?

**Blandine:** Yes.

**Fred:** 'Blame the members.' It's their fault. However, one thing I learned a long time ago and that has always stuck with me is: never blame the members for the problems of the union. Those members relate to and react to leadership. And so, if we have a problem with members, you know, the outlook of members, and how to balance identity and class, this is not a problem that is coming from the misguided, uninformed intention of members: this is a leadership failure.

And can class and identity be reconciled? Of course! And in fact, they must be. They must be reconciled. They're not necessarily opposing or oppositional modes of analysis. I think at the end of the day, an informed analytical theoretical approach from the point of view of a union will give a priority to class over identity. But that doesn't mean the setting aside of identity. The union must be inclusive, and it must incorporate all facets of equity policy. That's fundamental to a working-class approach, where capital seeks to divide workers, based on occupation, race, age, skill levels, and so on. The role of the union is to unite, and unity requires inclusion. But by itself that does not result in class unionism. The union can and must understand the different identities of working people and bring together the common threads between them. When we do that, we can come close and even facilitate a larger class analysis. However, a class analysis and class unionism are more than that, and root the specific identity of groups of workers within the interests of the working class as a whole. More importantly, they are meant to bring everyone together with an outward focus on the whole working class rather than the internal affairs of the union.

I think that the rise of identity politics in the labour movement must be distinguished from how it plays out in politics generally. It is similar but needs to be looked at differently, and separately from electoral politics and other social movements. In my opinion, the rise of identity politics in unions is significantly a consequence of the structural crises of North American unions, and particularly the cultural dimension of these crises. If you look at the cultural gaps in North American unions and connect those gaps to the larger issue of union renewal, there are two issues that are important to me: first, a generational transition that failed; second, the overarching result of a general decline of theoretical and analytical capacities. Again, I apply this in the first place to leadership.

**Blandine:** Please explain what you mean here.

**Fred:** When I cut my teeth in the labour movement forty years ago, I learned my politics from fishermen and loggers. Not at college or university, I learned it from fishermen and loggers who were working-class intellectuals. They were well read, they debated philosophy, economics. They taught me the basics of political science. Obviously, we will find instances of that in today's labour movement as well, but… it's a very different phenomenon today. There has been a whole decline in that.

The result of that long decline is that, in many unions, leadership responds first to the institutional needs of their unions, which drive almost everything they do. And secondly, they respond to the demands of equity, the demands and needs of equity. They respond to the predominance of identity politics and the culture around them. Of course, again, there are important exceptions but from my experience in the movement generally, it is not the attraction of identity politics but the under-development of class perspective that leads to a priority of institutionalism and identity over class.

**Blandine:** But… I hear you talk about leadership, and you know I'm looking at this Basque organization where they are trying to train people and are working heavily on succession planning. So, they are trying to train people both within their membership and their internal staff to be the union's future leaders. They are not a good example in terms of this class–identity tension because their identity-related advocacy rests on a fixed sovereigntist ideology. They consider other identity-related claims from their membership of course, but they claim their Basque identity above all. But, if we look at North America, we do have varieties of identities clashing due to history. So, my question to you is, how come the union leadership is not including or has not made sure to do enough learning transfer to have some of their new people learn this class-based unionism more thoroughly. What happened?

**Fred:** Yes! That's a big question but I think one of the important things that happened was the Cold War. What happened was the retirement and passing on of a previous generation that was rooted in working-class politics, which was succeeded by a generation of people who came to unionism by way of business unionism…

**Blandine:** I see…

**Fred:** And if you don't know and appreciate class politics, you cannot teach it, or anything else! You do not understand why labour movements need such a perspective.

Perhaps this takes us back to the second structural crisis of unions affecting union cultures, which in retrospect I should have mentioned first. I am speaking here of the industrial character of our union movement that is strongly related to the decline of private sector unionization in North America. In this regard one of the specific structural problems is that private sector unions in North America are based overwhelmingly in what I call legacy industries.

**Blandine:** I understand that by 'legacy industries' in the context of North America you are referring to the manufacturing realm of production concerned with construction, machinery and energy…

**Fred:** Yes. However, the dominant part of these industries in Canada, as distinct from in the United States, has a lack of racial and cultural diversity. Certainly, much less diversity than the larger working class. And unions in these industries are trapped by their own institutional and business models, and cultural deficiencies. And they don't know how they lack the capacity to speak and act for a larger new working class.

So, what is the result of that, even for the members in equity-seeking groups? Well, usually the extent of this in the larger unions is that equity takes the form of committees that provide voice and representation. Of course we need equity committees, but not just to send equity to a committee while the union as a whole carries on as usual. In my experience, it is very difficult for a committee to take on the issues in workplaces and society, and there can be a tendency to focus on union affairs. A lot of mid-size and smaller unions do not even have committees.

**Blandine:** Yes.

**Fred:** Unions with a more fully developed class perspective will have an analytical framework that puts equity in the mix of its main mission, rather than being simply representational. I think, people of colour have learned that representational politics is only as good as the number of representatives you have (Laughs).

**Blandine:** It's true (Laughs).

**Fred:** What you really need is equity and inclusion to be taken in by the whole union, and into your whole social outlook.

**Blandine:** I hear the same thing in management; it is what is making me smile now. I also teach in human resource management in which similar points are raised regarding managers. DEI, or diversity, equity, and inclusion committees seem to be set up on top of everything, as a kind of a gloss. It's employer branding and it's nice. Everybody feels good about it and, as you say, you feel politically correct and you're doing things right, you're ticking some boxes… When I hear you comment on this, it makes me smile because this is what you wouldn't want your union to reproduce, to replicate from the employers, right?

**Fred:** Well… when the leadership of unions lack theoretical and analytical capacity, lack historical perspective, how do they make up for their shortcomings? They copy their bosses.

**Blandine:** Unfortunately.

**Fred:** For example, you would hear often that union leaders who lead organizations with hundreds of employees can themselves be poor employers. They are not trained to be employers. They are union people.

And there is very little formal education for the roles that they undertake, especially in larger complex organizations. So, what do they do? They tend to ask: "How am I going to be an employer here: I've got 300 or 400 people who work under my supervision." Well, they have a daily kind of example of how to be an employer. That is why union staff are always complaining that their union leadership are not so different from other employers. I don't want to exaggerate that point because unions are different. Of course, they are different. And I would say that union equity programs are more meaningful than these kinds of structure set by corporate policies. And the union programs are more meaningful because they are often negotiated, because they are more democratic, and because they do engage a certain number of members in them…

The problem is not about borrowing equity programs from employers, or from academics or consultants, or other social movements. The issue is how the union can get beyond identity politics in the union and show that the union is a force for equity. This is the more difficult terrain. I do not want to diminish the importance of union committees and performative things like statements, special days with T-shirts in the workplace and so on. But where you would hope this would lead is not internal union affairs but instead to bargaining in low-wage sectors and organizing strategies in those sectors.

For example, the retail sector is where there are large numbers of younger and more diverse workers, and of course women. The most important equity program the union can have is to raise up the wages of these workers. Unions could get serious about organizing in sectors where workers of colour predominate, and they could confront their own structural problems that prevent them from being relevant to that working class, to that larger working class. And they could do what unions are supposed to do, which is organize all workers and fight for justice for them. They can figure out how to strike sectors where union density is so low that a traditional strike is almost impossible to conduct, and they can bloody well do it.

**Blandine:** Yes.

**Fred:** They can take the resources that they have in their legacy sectors, and they can bring those resources to bear, for workers in the new working class who are overwhelmingly not in large bargaining groups, but in small bargaining groups. So, bringing to bear large resources for workers in small groups, which runs against the kind of the organizational business model of our mainstream unions. All of this is part of a class analysis, but if you aren't willing to do that, what are you left with?

**Blandine:** I understand your point.

**Fred:** You're left with a lot of symbolism, a lot of I hear you sister, I hear you brother, I'm with you, we respect you… We used to call this the union's *resolutionary politics…*

I am very influenced by a couple of black scholars in the United States. Adolph Reed and his son are black scholars who are very critical of identity politics.[5] They have a critique of so-called intersectionality which they equate with a kind of intellectual bankruptcy, in this way. They say that if your intellectual pursuit leads you to consider that every inequality, every injustice is equal to every other one, and if you think of every slight insult, every discriminatory act as equal to being paid less or not having a job, you have reached a point where identity politics has just run over your

5. Adolph Reed is professor emeritus of political science at the University of Pennsylvania, specializing in studies of issues of racism and US politics. His son Touré F. Reed is a professor of history at Illinois State University, USA.

analytical framework entirely. The Reeds argue that a lot of the discourse around intersectionality has its roots in academia, not in the working class. Academics who substituted multiple identities for class still needed a universal construct, so they invented the idea of intersectionality to connect these separate analyses. Reed's critique is that intersectionality is not an analysis but the lack of one, without a beginning or an end.

**Blandine:** Intersectionality is indeed the big topic at the moment, but from what you're saying, and where I follow perfectly, is that one doesn't have to address workers' issues as intersections all the time. There are specific things that you must address in priority or because it's more relevant at some point for the person, or because it is your strategy as a union. You can address something that might have some repercussion on other things. For example, if you raise racialized people's wages then it's about raising workers' wages first. It is not about doing it because they are racialized. Do you see my point?

**Fred:** Exactly! There are important black leaders and scholars who speak for themselves and more powerfully than I can. But their point as I understand it is that the road to equality is first and foremost through a class organization that organizes and raises up their wages. And what is good for all workers is good for them. For example, living wages, health care, public education and affordable housing. That doesn't mean though that their specific identity within that framework is eliminated. That doesn't mean that you don't consider the impacts of Jim Crow and systemic racism over generations. Of course, we must take those things into account, and there should be supplementary measures, reparations, affirmative action and other measures that would help achieve a greater equity more quickly and so on. And those measures are in turn in the interests of the entire class.

**Blandine:** I understand. We fight for equality, while remaining aware of the need to advocate equity in some specific cases.

**Fred:** …at the end of the day the great problem with identity politics is that, from a working-class perspective, it has been ineffective.

**Blandine:** Exactly. I agree.

**Fred:** Over twenty years of rampant identity politics we have not seen it advance the economic and social interests of diverse communities. Inequality has grown in tandem with identity politics.

**Blandine:** No. It's advancing a lot of rage and movement on the streets, but the actual structural changes that people are looking for have not come.

**Fred:** But it isn't identity politics that stands in the way of the effectiveness of unions in changing social conditions for low-income diverse communities. The mainstream union model is not set up for that purpose. When you peel away their political fluff, most unions—not all—have a business model that does not allow for organizing and representation in the larger working class, especially low-income workers.

**Blandine:** And yet that's like inertia or like some blockage, they just remain within that structure.

**Fred:** Well, you see, that's what I said, their priority is institutional. And there is an old saying that it is the last person who turns out the lights.

**Blandine:** Indeed.

**Fred:** I've just read a very interesting article about the food and commercial workers union that was going to have a convention in the United States. The article points out that while this union has serious membership decline, it is richer than ever. Its real estate and investment assets have never been greater.

**Blandine:** It's been busy elsewhere. So, it's not membership fees, it's been busy elsewhere.

**Fred:** Yes, exactly. And not only that particular union. Most large unions have real estate and strike funds that they invest in the market. They have investment consultants, and to some extent they become entrepreneurial institutions. And so, of course, as financial markets go, it's not the case that all unions are richer than they have ever been. However, it is so that some private sector unions in the US and Canada have assets that shelter them from declining memberships… and so they don't see themselves in crisis.

**Blandine:** They survive. They live. They sustain themselves.

**Fred:** If we look at the International Labour Organization (ILO) scenarios[6] within the experimentation framework suggested by Gregor Murray and colleagues,[7] we can say that this is one of the scenarios where unions adapt. These unions can survive longer than smaller special interest groups in legacy industries. Using all their built-up assets over the years, intergenerational assets from past glories allow them to represent smaller numbers of workers for another two or three generations. But they will become increasingly isolated from a new kind of diaspora around them. You know, the new working class.

In Canada, a further problem with the majority of unions in the private sector is that they are part of and dependent on American union structures. Outside of Quebec, we only have one large Canadian private sector union which is Unifor. In Quebec, we have Unifor and FTQ construction. Of course, there are other Canadian unions, but I am speaking of large unions with the potential to play larger roles in the Canadian labour movement and society.

**Blandine:** Yes.

**Fred:** The result of that is that many of these unions—again, not all—have a very stunted Canadian expression to begin with. They have small research departments and small education departments, and a limited range of union services and activities. Only

6. Research commissioned by the ILO Bureau for Workers' Activities (ACTRAV) and conducted by Visser (2019), suggesting four possible future scenarios for trade unions. Another ACTRAV paper published by Peels and Mwamadzingo in 2022 summarized the scenarios as follows: "(1) marginalization, understood to mean decreasing rates of unionization and ageing unions; (2) dualization, where trade unions defend current positions and service the members closest to them; (3) replacement, which points towards competition between trade unions and other actors, such as non-governmental organizations (NGOs), social movements, States, employers or other intermediary agencies; or (4) revitalization." Fred Wilson is referring to Scenario 2 at this point of the conversation.
7. See Murray (2017, 2020), cited in this chapter.

a handful engage directly in politics. For the vast majority of them, the extent of their politics is writing a cheque at election time.

**Blandine:** Precisely, a disconnection with the actual working class in their lived experience but represented by unions from another country with a different culture?

**Fred:** Yes, to some extent, although it is not uncommon for American culture to dominate in Canada. So, it's a lot of problems that we're going over. If you look at identity versus class in this larger context, and the role of identity politics in the US, it is not surprising. It is not surprising at all that there is an apparent conflict between the two.

**Blandine:** Yes.

**Fred:** But that apparent conflict is, I believe, illusory. The problem is that we need unions with a class perspective to deliver equality and equity! And a greater emphasis on class unionism will, in my opinion, in large part, resolve this problem and result in more unity. There will be more common purpose and more workers fighting to raise up their living standards and their whole socio-economic future. For those workers engaged in that struggle, identity issues will be much less likely to divide them from them their fellow workers.

**Blandine:** I teach a course where I do both human resource management and Industrial Relations (IR), in which the students get to bathe in both and then they go and try to understand the bridges that are not built between the two fields. They look at the same questions but from the different perspectives—HRM and IR—and it's brilliant! I enjoy teaching this class because I get interesting insights from students. Upon reading academic papers that comparatively analyze cases in Canada and the US, one of my students once said that unions were behaving "as if they (were) afraid to die."

**Fred:** (Laughs)

**Blandine:** In a utopian way, if we didn't need unions anymore it would hopefully mean that we are better off than we used to be.

And it feels like union identity is built in their survival mode. What do you think about this?

**Fred:** Indeed, I learned my Marxism as a young man and you know, we used to talk about the withering away of the state, which would be a very good thing. (Laughs)

**Blandine:** Exactly.

**Fred:** But I think it's a different matter, though, Blandine. If private sector unions in Canada die, it will not be because they are not needed but because they were too hidebound and became anachronisms in late-stage capitalism.

Where they become unable to marshal the analysis and resources to fight capital which completely outflanks them on every kind of front. Or to reverse the reducing of the organized section to just a little slice of it, with everybody else fissured off in franchise operations and contract work and precarious arrangements. Private sector union density in United States is today at about 7%. In Canada, it's double that. Which is good. Fourteen percent. But at 14% you are reaching a tipping point.

**Silence**

You reach a tipping point where the labour force renews itself at a rate that surpasses the organizational capacity of the labour movement. So, if you think of the labour movement as a whole in Canada, not looking at any specific union but focusing on the private sector unions and their capacity to organize workers, you might see or hear a report with good news: the aggregate number of union membership did not decline and perhaps even increased. There could be high-profile union organizing successes, and public opinion polls about growing support for unions. We are all encouraged by good news reports, but we must be careful not to overstate what is taking place because it can also be hype and wishful thinking.

**Blandine:** Yes.

**Fred:** Private sector unionization in the US and Canada has not grown during this period of increasing organizing and strikes.

That is because organizing is not surpassing labour force growth and the loss of union jobs. So, once you reach a tipping point, where your existing organizational capacity is unable to surpass labour force growth, you are on a death watch. You know? It's not about being afraid to die, it's about being in denial of death.

**Blandine:** So, the legacy is dying.

**Fred:** Yes, so you must ask the question, but that doesn't mean this outcome is inevitable. We have to think our way through this period. This generation of leaders may fail to do that, but a new generation will start over again, and they will be different kinds of leaders.

For example, in the context of union renewal, likely the most important equity issue is gender. The reality is that the new working class is increasingly feminized. And already most union members in Canada are women. And we passed over that threshold almost a decade ago. I can tell you that almost all the younger, aware activists—this is a personal observation—almost all of the new activists coming forward in the movement as future leaders are women. And so, the development of these female leaders is, to me, not in essence an equity issue, it is core to union renewal. That is especially so in the private sector where most of our legacy private sector unions are overwhelmingly male and desperately need the capacity that women and the diverse working class will bring.

And as I said before, the structural crisis in the private sector is an impediment to the willingness to address these issues and better reflect the new working class. Many unions are locked in an old 'jurisdictional-ism' which designates who they can and cannot represent, and also the organizational business model that we already mentioned. If they retain that model and were to actually represent large numbers of the new working class, some of those unions will go bankrupt because they don't have a structure that could represent those workers. The model does not allow for a union representative to spend four months negotiating a contract for twenty people, at a cost of as much as a quarter of a million dollars a year when all of their wages of benefits are involved.

**Blandine:** Yes.

**Fred:** We used to say that the problem with the labour movement is that if we didn't have one, we'd have to invent it. Maybe we will have to reinvent it, which would be a shame. But it's quite clear that the organizational models that we have in already unionized manufacturing sectors do not have the capacity we need to organize the new working class.

Of course, we can organize the new working class, just not enough of it.

We will have to do all kinds of things that our existing unions aren't prepared to do, including reaching out to workers where they are self-organizing and likely engaging in forms of minority unionism. And here, this loops back to identity!

**Blandine:** Exactly.

**Fred:** Because it connects the two. If you look at the history of organizing the labour movement in Canada, union organizing was very heavily ethnically based. Why? Because those ethnic sections of working-class people were self-organizing. You know the coal mines were mostly Ukrainian and other Eastern European workers who organized, and their ethnic organizations, which were quite left-wing, led the union organizing drives in those sectors. The machine workers were mostly British.

**Blandine:** Okay…

**Fred:** So, the building of the labour movement was very much connected to workers' identities. And of course, the first unions were craft unions, which were also identity based. Not on the basis of race or gender or sexuality, but craft! Which is another form of identity.

**Blandine:** Yes.

**Fred:** Then we had to move from craft to industrial unionism, but I would argue that industrial unionism today has in some ways become outdated itself, especially when it is defined by adherence to 'jurisdictional-ism' that separates those unions from the working class around them. Right?

**Blandine:** (Laughs)

**Fred:** In many ways, we have to learn the lessons from the early unionists. And apply them to our new economy because we're going to need unions that will be able to organize *anybody*.

**Blandine:** Yes.

**Fred:** *Unifor*'s slogan is 'a union for everyone.' A union for everyone, that was the idea, that was the vision, a union for everyone. But we're going to need many unions for everyone.

**Blandine:** I was about to ask you, precisely: Could it be that rather than class and identity, the blockage or the questioning comes from the 'working class' rhetoric? Could it be that the fact that we're talking about working class is what is keeping people away from unions? Is there something there rather than class versus identity? I was thinking of my Basque union that actually organizes bankers very easily for example. These bankers come out during strikes to support caregivers, thus diluting class thinking…

**Fred:** Yes, as you pointed out, your Basque union has no problem with the concept of working class and those bankers don't either.

While research[8] shows that populism is very much based on an appeal to working-class grievances, it also shows a shift away from working people considering themselves to be middle-class to once again considering themselves working class. The problem was that when they made that shift in identity, from middle class to working class, the larger political response came from the right, not the left.

**Blandine:** So, it's a train missed by the left?

**Fred:** Indeed, indeed, yes, yes.

**Blandine:** Thanks very much.

**Fred:** Nice to talk to you (Laughs). I don't know whether it was useful to you or not.

**Blandine:** It was super useful.

8. Fred Wilson is referring to Frank Graves's research here. See, for instance, Graves and Smith (2020).

**Fred:** I hope to see you again Blandine.

**Blandine:** Thanks very much.

**Fred:** Okay, bye bye.

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# 16

# L'ÉMERGENCE DES DROITS DE LA PERSONNE DANS LES RELATIONS DU TRAVAIL

## ENTRE PROGRÈS, UTOPIE ET ESPÉRANCE…

**Sébastien Parent et Gilles Trudeau**

Il y eut une précieuse rencontre entre Gilles et Sébastien. Le hasard a voulu que l'un prenne sa retraite de son poste de professeur en droit du travail exactement au moment où l'autre, dont il avait dirigé les travaux à la maîtrise et au doctorat, faisait son entrée dans la carrière professorale. Le thème des interactions entre les droits fondamentaux et le droit du travail a animé leurs nombreuses discussions des dernières années. Se prêtant au jeu du présent ouvrage, ils proposent de poursuivre la discussion ici sous la forme d'un dialogue socratique.

## 1. PROLÉGOMÈNES, LE CONSTRUIT DU DROIT DU TRAVAIL

*Professeur Trudeau, après plus de 40 ans consacrés à l'enseignement du droit du travail, vous avez sans doute vu ce domaine du droit se construire, évoluer, et puis peut-être même reculer ou tergiverser à l'occasion.*

*Comment connaît-on le droit du travail?*

— Ce sont, à mon avis, les sources qui le composent qui permettent de l'appréhender correctement, de bien saisir sa véritable nature protectrice de la personne salariée, structurellement en état de vulnérabilité face à l'employeur qui l'embauche.

*À quoi donc ressemblait-il quand vous l'avez étudié pour la première fois?*

— J'ai commencé à m'intéresser au droit du travail dans le cadre de mes études de baccalauréat à l'École de relations industrielles, au milieu des années 1970; celles-là mêmes que tu as suivies près de quatre décennies plus tard Sébastien. Il y avait alors deux grands cours offerts, tant dans les départements de relations industrielles qu'au sein des facultés de droit: *Le contrat individuel de travail* et *Les rapports collectifs de travail.*

Le premier s'intéressait à la nature même du contrat individuel de travail, son contenu et ses modes d'exécution. Cette étude révélait une première facette du droit du travail, même si celle-ci demeurait profondément ancrée dans une logique de liberté contractuelle.

*Un simple échange contractuel assujetti au droit commun, comme n'importe quel autre bien sur le marché…*

— En effet! Faute de règles spécifiques, le droit des contrats et des obligations[1] a naturellement «reçu» le travail salarié, cette forme d'organisation du travail humain propre à l'industrialisation de l'économie de marché.

En la dissociant conceptuellement de la personne humaine qui la rend, le droit commun représente la prestation de travail comme l'objet d'un contrat librement négocié et consenti par deux sujets de droit, présumés juridiquement capables et égaux entre eux. Le droit commun s'articulait donc autour de cette allégorie qu'il avait construite en faisant de la prestation de travail un bien matériel négociable. La force de travail du salarié était assimilée à une marchandise

1. Sous le *Code civil du Bas-Canada* de 1866, le rapport salarial était assimilé à un contrat de louage de service personnel faisant l'objet de quelques dispositions minimalistes: C.c.B.-C., art. 1666 à 1671.

que celui-ci était libre de louer à autrui, en contrepartie d'une rémunération. Une telle conception marchande et contractuelle du rapport salarial ne tenait évidemment pas compte de la vulnérabilité du salarié ni de l'implication de l'entièreté de sa personne dans l'exécution de cette prestation de travail.

*On comprend bien pourquoi les salariés ont cherché à s'unir pour améliorer leur sort.*

— C'est justement le point de départ de l'autre branche du droit du travail, celle qui était l'objet du second cours en droit du travail à l'époque. Les rapports collectifs du travail se sont d'ailleurs développés en réaction au modèle issu du droit commun et grâce à l'action ouvrière et aux revendications qu'elle soutenait face au laissez-faire économique et au régime capitaliste favorable aux propriétaires d'entreprise. Tant aux États-Unis qu'au Canada, la classe ouvrière cherchait à améliorer son sort à l'intérieur du régime économique et politique en place. Il s'agit de cette classe sociale complètement défavorisée décrite par les auteurs réalistes et naturalistes du XIX^e^ siècle, dont Zola[2].

*C'était alors le compromis poursuivi ? On souhaitait la mise sur pied d'un modèle de relations du travail qui prenait en compte les intérêts divergents du prolétariat et des propriétaires des modes de production*[3]*, mais sans chercher directement à renverser le régime capitaliste, qui tolère pourtant la domination des employeurs envers les salariés.*

— Ce fut du moins de cette façon que s'est principalement traduite l'intervention de l'État dans les relations du travail au milieu du siècle dernier. L'État a finalement soutenu le syndicalisme ouvrier en favorisant le regroupement de salariés en association et la négociation collective. Une grande loi constitutive des rapports collectifs adoptée en ce sens en 1935 aux États-Unis a, par la suite, inspiré le modèle

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2. Pensons, entre autres, aux conditions misérables dans les mines de charbon du Nord de la France décrites dans son œuvre, *Germinal*, parue en 1885.
3. Cette dichotomie reconnue par le *Code du travail* entre d'un côté, la classe salariale, et de l'autre, l'employeur et ses représentants, continue encore aujourd'hui de poser des difficultés d'accès à la syndicalisation de certains groupes d'employés tels les cadres : *Société des casinos du Québec inc.* c. *Association des cadres de la Société des casinos du Québec*, 2024 CSC 13.

retenu dans les provinces canadiennes et dans la compétence fédérale, que l'on nomme le modèle Wagner.

Malgré l'apport de la loi, jamais la négociation collective, cette deuxième source du droit du travail, n'a pu bénéficier à une majorité de la main-d'œuvre canadienne. Aujourd'hui, au Québec, moins de 40 % des personnes salariées sont assujetties à une convention collective et, dans le secteur privé, à peine une personne sur cinq est représentée par un syndicat.

Une troisième source, apparue plus tardivement, est venue compléter l'édifice complexe des sources composant le droit du travail. Celle-ci émane de l'intervention directe de l'État dans le contenu des conditions de travail. Ces règles d'ordre public embrassent aujourd'hui bien des domaines et secteurs de l'emploi, et elles rejoignent un bassin important de salariés ou de travailleurs. Là où elles interviennent, elles s'imposent aussi bien au contrat de travail qu'à la convention collective. Je faisais d'ailleurs partie de la promotion à l'École de relations industrielles à laquelle a été offert le premier cours sur les normes minimales du travail.

*Je vous suis toujours ! À mon entrée au baccalauréat en relations industrielles, en 2008, on s'inscrivait, en plus du cours d'introduction au droit du travail, à un cours sur le contrat individuel de travail, ce qui inclut le droit commun et les lois d'ordre public en emploi, et à un autre portant sur les rapports collectifs de travail.*

*Au bout du compte, devrait-on dire que le droit du travail actuel ressemble essentiellement à celui d'il y a 50 ans ?*

— Nous pouvons convenir, sur ce point, que le droit du travail, tel que je l'ai découvert et enseigné pendant longtemps, même s'il a évolué, résultait essentiellement de la combinaison de ces trois grands régimes[4] qui occupent notre discussion.

4. Pour un portrait complet des fondements et des interactions entre ces régimes, voir Verge, Trudeau et Vallée (2006).

*C'est bien dit. Le véritable droit du travail naît peut-être même des conflits ou des interstices provoqués par la superposition de ces différentes strates de textes législatifs que tentent de résoudre ou de combler tant bien que mal les tribunaux.*

— Voilà un des grands défis qui occupent, depuis des décennies, tous ceux étudiant et pratiquant le droit du travail.

## 2. LE PHÉNOMÈNE DE CONSTITUTIONNALISATION DU DROIT DU TRAVAIL

*Dans votre récit du construit du droit du travail, vous ne parlez pas de la* Charte des droits et libertés de la personne[5]*, qui existait pourtant depuis 1975. Où se retrouve-t-elle dans notre édifice du droit du travail ?*

— Ce n'est que beaucoup plus tardivement que cette nouvelle source de normativité juridique s'est imposée aux normes traditionnelles du droit du travail et, par le fait même, aux acteurs de la relation d'emploi. Le statut constitutionnel ou quasi constitutionnel des instruments garantissant la protection des droits et libertés fondamentaux à tout sujet de droit allait en assurer dorénavant le respect dans toutes les sphères de la société, dont la relation d'emploi. Il s'agit certainement de l'un des changements ou des bouleversements les plus impressionnants qu'ont connus les droits du travail au Canada et ailleurs dans le monde.

*Fallait-il attendre l'avènement des droits et libertés en droit positif pour que cette marchandise humaine dont on parlait tout à l'heure devienne une personne à part entière au travail ?*

— Avant l'émergence des instruments protégeant les droits de la personne, l'encadrement juridique du travail salarié s'était tout de même montré sensible à la réalité voulant que la personne humaine soit

5. RLRQ c. C-12 (ci-après « Charte québécoise »).

indissociable de la prestation de travail du salarié et qu'il convienne de la protéger contre les abus les plus notables du rapport salarial.

Le salarié, en tant que personne au sein de l'entreprise, a été ainsi perçu d'abord par les régimes de rapports collectifs au Canada qui, fondés sur le modèle Wagner, étaient favorables, disait-on, au développement de la citoyenneté industrielle[6].

*La représentation syndicale étant surtout fondée sur une logique collective et une cohésion dans la défense d'intérêts communs ; on pourrait s'étonner qu'on ait déjà attendu d'elle qu'elle agisse comme vecteur de protection des droits individuels de tout un chacun…*

*D'ailleurs, n'a-t-il pas fallu que la Cour suprême rappelle au mouvement syndical qu'il ne pouvait se comporter comme s'il était un simple spectateur dans la mise en œuvre du droit à l'égalité en milieu de travail[7] ?*

— Habitués à décider des règles du jeu sur les lieux du travail, par l'entremise de la convention collective que l'on désigne, non sans exagérer, comme étant la « loi des parties », il est vrai que les syndicats, mais aussi les employeurs, ont d'abord pu être réticents à s'approprier les dispositions des lois sur les droits de la personne, qui étaient surtout perçues comme des « normes externes » (Brunelle, Coutu et Trudeau, 2007, p. 31 et 32) à leur environnement habituel, diminuant d'autant leur liberté de mouvement.

*Et qu'en est-il des salariés non syndiqués ?*

— La législation du travail, à compter des réformes sociales de la fin des années 1970, s'est montrée progressivement plus protectrice de la personne humaine, en prenant en compte que celle-ci peut mettre son corps tout entier en danger par l'exécution de son travail. Le chapitre sur le contrat individuel de travail dans le nouveau *Code civil du Québec*[8] s'inscrit aussi dans cette tendance et contribue à amenuiser la séparation entre la prestation de travail et la personne qui la livre. Cette personne possède des droits de base, pris en compte par

6. Consulter Coutu et Murray (2010) et Arthurs (1967).
7. *Central Okanagan School District No. 23* c. *Renaud*, [1992] 2 R.C.S. 970, 991.
8. RLRQ c. CCQ-1991 (ci-après « C.c.Q. »).

le droit commun, dont le droit d'exiger que son patron assure la protection de sa santé, de sa sécurité et de sa dignité au travail[9].

*Cette évolution me paraît donc encourageante. Le droit du travail s'ouvrant à la reconnaissance de la personne humaine derrière le statut de salarié, il ne saurait sérieusement s'offusquer de l'intégration des droits de la personne qui allait suivre !*

— Avec le recul, on peut aussi constater que la jurisprudence en droit du travail a contribué à la prise en compte de la personne humaine du salarié et de sa fragilité[10]. Par exemple, l'obligation d'obéissance du salarié se bornait au temps consacré à l'exécution du travail. Cette frontière entre la vie professionnelle et la vie personnelle du salarié, lorsque sa prestation de travail était terminée, entraînait comme conséquence que l'employeur n'avait pas de droit de regard sur ce qui se passait dans sa vie privée, sauf par le biais de l'obligation de loyauté (D'Aoust, Leclerc et Trudeau, 1982).

Je me rappelle une audience à la fin des années 1990, du temps où j'agissais comme arbitre de grief, dans laquelle il était question d'une employée qu'une incapacité médicale empêchait d'exécuter son travail. En cas d'absentéisme de longue durée ou excessif, la jurisprudence arbitrale imposait à l'employeur d'établir que les problèmes de santé du salarié n'étaient pas susceptibles de se régler dans un avenir prévisible. Or, à la toute fin de sa plaidoirie, la procureure syndicale invoque, comme dernier argument, l'obligation d'accommodement raisonnable de l'employeur. Ce qui n'est plus surprenant aujourd'hui l'était à l'époque, puisque l'interdiction de discrimination contenue dans la Charte québécoise imposait des règles inconnues du droit du travail que l'on appliquait depuis des décennies.

*Je continue d'être tourmenté par mon interrogation de départ. Comment est-ce possible qu'à la fin des années 1990, près de 25 années après l'adoption de la Charte québécoise, cette loi fondamentale,*

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9. C.c.Q., art. 2087. Il s'agit de la conception personnaliste du droit du travail (Supiot, 2007, p. 8).

10. Considérer, à titre d'exemple, les faits et le raisonnement des juges quant à la nécessité pour le droit de prendre en compte les caractéristiques particulières du contrat de travail : *Wallace* c. *United Grain Growers Ltd.*, [1997] 3 R.C.S. 701.

*prééminente, demeurait encore peu utilisée dans les litiges en droit du travail et puisse même créer un effet de surprise, lorsque plaidée devant un arbitre de grief ?*

— Revenons un peu en arrière. Dans l'organisation du travail de type tayloriste, le salarié est vu comme un simple exécutant, souvent peu scolarisé, et dont la connaissance de l'entreprise est limitée aux tâches routinières qu'il doit accomplir. Ce salarié était-il sérieusement en mesure de critiquer le fonctionnement de l'entreprise, les procédés de production ou les méthodes de travail ?

*J'imagine que non.*

— Les enjeux de liberté d'expression étaient forcément moins grands…

Et sans les moyens technologiques de notre époque, l'employeur pouvait-il surveiller son personnel autrement que par les yeux et les oreilles de ses contremaîtres ?

*Non, assurément.*

— Puis, imaginons que les médias sociaux n'existent pas encore et que l'utilisation des courriels et de l'Internet n'est pas répandue dans les entreprises, est-ce qu'un salarié peut se plaindre que l'employeur enfreint sa vie privée en scrutant ce qu'il écrit à son sujet ?

*Je réponds à nouveau par la négative.*

— En l'absence de logiciel de surveillance des ordinateurs, de GPS ou de l'intelligence artificielle, l'employeur possédait beaucoup moins les moyens d'envahir la vie privée du salarié. La Charte pouvait bien consacrer, par exemple, un droit fondamental à la protection de la vie privée du salarié mais, concrètement, l'employeur ne disposait pas des technologies sophistiquées d'aujourd'hui pour épier son personnel et commettre différentes intrusions dans sa vie privée.

*Sophistiquées ? Un enquêteur privé qui espionne, par la fenêtre de son véhicule, un salarié jardinant à l'avant de son domicile…*

— Tu fais référence à l'affaire *Bridgestone/Firestone*[11] ?

*Une affaire que vous connaissez bien.*

— C'est un bon exemple. Poursuivons avec celui-ci.

L'arbitrage, pour lequel je fus mandaté dans cette affaire, survenait tout juste après l'entrée en vigueur du nouveau *Code civil du Québec*, dont les articles 3 et 35 à 41 accordaient une protection au respect de la vie privée. Ce droit fondamental était reconnu depuis plusieurs années déjà dans la Charte québécoise, mais n'avait pas été mobilisé de front dans les litiges en matière d'emploi. D'ailleurs, ce n'est pas tellement ce droit fondamental qui était invoqué par le procureur syndical que la règle de preuve formulée à l'article 2858 du Code civil. En référant à cette nouvelle règle de droit commun, qui prévoyait désormais l'exclusion de toute preuve obtenue en contravention des droits fondamentaux d'une personne et dont l'utilisation était susceptible de déconsidérer l'administration de la justice, l'acteur syndical cherchait à écarter les bandes vidéo et le rapport de la filature effectuée par l'employeur.

*Jadis, le droit du travail cherchait à s'émanciper du droit civil afin de protéger la personne salariée, pour maintenant mieux y revenir lorsqu'il s'agit de protéger ses droits les plus fondamentaux.*

— Ironiquement, tu dis vrai. C'est beaucoup par cette nouvelle règle de preuve que les pratiques patronales heurtant les droits et libertés, autres que le droit à l'égalité déjà largement revendiqué, furent contestées, et que ces garanties purent graduellement pénétrer le monde du travail. Les droits fondamentaux de la personne ne connurent pas une reconnaissance aussi large et rapide dans les provinces de common law, faute d'une semblable règle de preuve et en l'absence d'une loi sur les droits de la personne aussi sophistiquée que la Charte québécoise.

Pour autant, le droit commun n'apportait pas une réponse complètement satisfaisante. Avant qu'un élément de preuve soit rejeté, parce qu'obtenu en contravention du droit à la protection de la vie privée, se pose inévitablement la question suivante : comment définir ce droit

11. *Syndicat des travailleuses et travailleurs de Bridgestone/Firestone de Joliette (C.S.N.)* c. *Trudeau*, [1999] R.J.Q. 2229 (C.A.).

fondamental afin de déterminer s'il y a bien eu violation de celui-ci ? La notion de vie privée dans le contexte du travail salarié n'était pas définie dans le Code, bien que celui-ci énumérait certaines situations susceptibles d'y porter atteinte. Il n'y avait aucune jurisprudence arbitrale éclairante sur la question et l'arrêt *Godbout*[12] n'allait être rendu que quelques années plus tard par la Cour suprême.

*Par quel moyen était-ce donc possible de résoudre ce litige ?*

— La jurisprudence propre à la *Charte canadienne des droits et libertés*[13], principalement celle portant sur la protection de l'article 8 contre les fouilles, les perquisitions et les saisies abusives, avait développé une notion d'expectative raisonnable de vie privée. Celle-ci pouvait être transposée en droit du travail afin de disposer de la validité d'une filature entreprise non pas par les forces policières, mais par un employeur privé. Le défi était toutefois, et demeure toujours, de déterminer le degré de cette expectative dans le cadre d'une relation d'emploi.

Vois-tu, cette illustration nous amène au constat suivant : la Charte québécoise n'a pas été vraiment mobilisée à elle seule, du moins dans le domaine du travail salarié, avant que l'avènement de la Charte canadienne ne provoque une prise de conscience de l'importance des droits fondamentaux et que des précédents fondés sur celle-ci apportent un éclairage sur la portée des garanties similaires déjà contenues dans la Charte québécoise.

*Mais, à l'inverse, n'y a-t-il pas des droits fondamentaux dont la portée a d'abord évolué grâce au contexte de la relation d'emploi ? Je pense ici au droit à l'égalité et à la liberté d'association.*

— À la différence des autres droits et libertés, le droit à l'égalité avait été abordé plus rapidement dans les litiges en emploi par l'entremise des lois provinciales prohibant la discrimination. En revanche, c'est encore une fois la réalité matérielle du travail qui a conduit, de façon plus précoce, à sa mobilisation. La contestation du congédiement

12. *Godbout* c. *Longueuil (Ville)*, [1997] 3 R.C.S. 844.
13. *Charte canadienne des droits et libertés*, partie I de la *Loi constitutionnelle de 1982* [annexe B de la *Loi de 1982 sur le Canada*, 1982, c. 11 (R.U.)] (ci-après « Charte canadienne »).

administratif de salariés atteints d'un handicap ou de conditions de travail incompatibles avec leurs préceptes religieux a amené les tribunaux à créer l'obligation d'accommodement raisonnable de l'employeur[14].

Puisque nous parlons du droit à l'égalité, c'est aussi le changement de la démographie de la main-d'œuvre, avec l'accès des femmes au marché du travail et l'immigration plus soutenue, qui a mené à la prise de conscience que les milieux de travail pouvaient être source de discrimination. Le marché du travail, composé d'une main-d'œuvre relativement homogène, était jusque-là plutôt à l'image de cette société encore peu éveillée aux enjeux d'intégration et d'égalité. Il fallut que des travailleuses et des travailleurs s'emparent de leur droit à l'égalité et qu'ils le mobilisent devant les tribunaux pour lui donner une portée effective[15]. Sans les tentatives de certains groupes de personnes d'investir le marché du travail et que ceux-ci soient confrontés à l'absence de possibilités, et sans l'éveil d'une conscience sociale par des mouvements comme le féminisme ou celui des droits civiques aux États-Unis, pouvait-on prendre la pleine mesure du déni d'accès puis d'égalité des chances en emploi ?

*Il paraît que non. N'est-ce pas là que la métaphore de l'arbre vivant*[16] *prend tout son sens pour désigner les Chartes ? Elles s'adaptent, ni plus ni moins, aux époques et aux sociétés dans lesquelles elles sont appelées à se déployer.*

— Sommes-nous d'accord pour dire que c'est finalement la réalité matérielle et l'évolution du travail salarié qui ont amené le développement des droits fondamentaux ? L'emprise et les atteintes liberticides des employeurs ont suscité l'évolution du contentieux des droits fondamentaux au travail. On aurait moins senti le besoin de se préoccuper des chartes si l'employeur n'avait pas cherché à enfreindre

14. Il s'agit en fait d'une création de la Cour suprême du Canada : *Commission ontarienne des droits de la personne* c. *Simpsons-Sears*, [1985] 2 R.C.S. 536.
15. Sur la discrimination systémique en emploi fondée sur le sexe, voir l'affaire nommée Action Travail des Femmes : *CN* c. *Canada (Commission canadienne des droits de la personne)*, [1987] 1 R.C.S. 1114.
16. *Edwards* c. *Attorney-General for Canada*, [1930] A.C. 124, 136 (C.P.).

les droits de la personne ou s'il n'avait pas disposé d'autant de moyens d'y parvenir.

*Je n'y avais jamais vraiment songé… La trajectoire des droits fondamentaux dans la sphère de l'emploi aurait ainsi suivi la même que la législation du travail. On ne se serait pas soucié du sort des accidentés du travail si la régénérescence de la main-d'œuvre ne fut pas mise en péril, et on n'aurait sans doute pas hérité du modèle Wagner si les grèves de reconnaissance syndicale n'eurent pas abouti en affrontements violents sur les lignes de piquetage et posé une menace sérieuse pour le système de production.*

— L'évolution des droits et libertés au travail suit ainsi les pratiques sociales et elle s'inscrit en réaction à l'organisation du travail et aux situations problématiques vécues dans les milieux de travail. Leur mobilisation dépend surtout d'une conscientisation des acteurs du monde du travail et s'élève contre les atteintes liberticides de l'employeur.

Et toi, Sébastien, où s'inscrivait la question des droits fondamentaux dans le droit du travail que tu as connu dans les années 2000 ?

*On nous enseignait un droit du travail déjà fortement imprégné des droits fondamentaux, sans qu'on les perçoive comme un apport venu de l'extérieur. On apprenait les droits et obligations de l'employeur et du salarié inhérents au respect de chacun des droits fondamentaux comme n'importe quelle règle matérielle du droit du travail classique. Il s'agissait d'une matière intégrée et fondue dans le droit du travail, bien plus qu'une évolution ou un changement de paradigme.*

*Il y a intégration implicite des droits de la personne à la convention collective vu l'arrêt* Parry Sound[17] *; une démarche individualisée s'impose à chaque demande d'accommodement comme l'enseigne l'arrêt* McGill[18] *; les tests de dépistage aléatoires à la drogue ou l'alcool ne sont pas autorisés, sauf circonstances exceptionnelles, parce que c'est ce qu'a*

17. *Parry Sound (District), Conseil d'administration des services sociaux* c. *S.E.E.F.P.O., section locale 324*, [2003] 2 R.C.S. 157.

18. *Centre universitaire de santé McGill (Hôpital général de Montréal)* c. *Syndicat des employés de l'Hôpital général de Montréal*, [2007] 1 R.C.S. 161.

*décidé l'arrêt* Goodyear[19]*, et ainsi de suite. On se contentait d'apprendre et d'appliquer telle règle, telle démarche ou tel test parce que la Cour suprême ou la Cour d'appel avait décidé qu'il en était ainsi.*

— C'est intéressant. Les décisions que tu décris ont justement permis de faire comprendre l'insertion des droits fondamentaux dans la relation d'emploi et d'en prendre la véritable mesure. Peu à peu, notre enseignement de ce volet du droit du travail s'enrichissait en intégrant les décisions marquantes. Ces grands développements jurisprudentiels et les réflexions qu'ils ont provoquées ont même mené certains observateurs à qualifier le phénomène de constitutionnalisation du droit du travail (Brunelle, Coutu et Trudeau, 2007)[20].

## 3. L'INCIDENCE DU JUGE DANS LA CONTEXTUALISATION DES DROITS DE LA PERSONNE

*Nous sommes tombés d'accord sur l'importance du phénomène de constitutionnalisation du droit du travail, qui fut alimenté par le statut prééminent des droits de la personne et la conscientisation des acteurs de la relation d'emploi. Mais il semble manquer un élément déterminant à notre discussion.*

— À quoi penses-tu, Sébastien ?

*Au rôle du juge ! Je remarque que le phénomène de constitutionnalisation, que vous avez observé avec d'autres de vos collègues, s'articulait particulièrement autour de la hiérarchie des sources du droit du travail, sans s'intéresser complètement aux règles d'interprétation et à la fonction du juge.*

— Le point de départ de notre réflexion voulait que les droits fondamentaux se trouvent en haut de la pyramide des normes juridiques, par leur statut constitutionnel ou quasi constitutionnel, et partant,

19. *Section locale 143 du Syndicat canadien des communications, de l'énergie et du papier* c. *Goodyear Canada inc.*, 2007 QCCA 1686.

20. Un numéro spécial de la revue *Les Cahiers de droit* a été consacré à ce phénomène (2007, vol. 48, n° 1-2).

qu'ils s'imposent logiquement au droit du travail, sans que les sources hiérarchiquement inférieures composant ce dernier ne puissent les mitiger. Des limites pouvaient bien sûr leur être posées par le jeu de la justification dans le cadre d'une société libre et démocratique. Pour nous, il s'agissait avant tout d'une question de hiérarchisation des sources. Cela était d'ailleurs conforme à la nature même des droits fondamentaux, qui sont des droits personnels, inaliénables et universels.

*Kelsen se trouverait ravi de voir le respect que nous vouons à sa pyramide des normes!*

*N'est-ce pas regrettable que les motifs majoritaires écrits par le juge LeBel dans l'arrêt* SFPQ[21] *n'aient soufflé mot sur la place des droits et libertés dans l'analyse qu'ils font de la hiérarchisation des sources en droit du travail? On sait que la hiérarchie des sources permet aux droits de la personne de s'introduire et de s'imposer dans le droit du travail, mais qu'en est-il une fois qu'ils sont descendus de leur piédestal pour se déployer concrètement dans l'usine ou le bureau où se trouve la personne salariée? La Cour suprême n'oublie-t-elle pas la nécessité incontournable d'interpréter les instruments garantissant les droits fondamentaux pour déterminer ce qu'ils signifient concrètement dans une situation factuelle donnée? C'est, en vérité, l'interprétation qu'en font les juges qui permet le déploiement des droits fondamentaux en droit du travail et unit ces deux domaines*[22].

— Je dirais que les droits fondamentaux s'imposent dans l'interprétation et l'application des lois adoptées par l'État, comme dans la convention collective négociée entre l'employeur et le syndicat. Qu'on adopte une disposition législative ou une clause de la convention collective, celles-ci doivent être conçues et appliquées d'une manière respectueuse des droits et libertés appartenant à toute personne salariée.

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21. *Syndicat de la fonction publique du Québec* c. *Québec (Procureur général)*, [2010] 2 R.C.S. 61.
22. Au début du nouveau millénaire, le professeur Verge pointait déjà vers cette interface entre le droit du travail et les droits de la personne (Verge, 2001, p. 491).

*C'est bien vrai. Mais le problème surgit lorsqu'il y a une incompatibilité entre la norme supérieure et celle qui lui est inférieure. Supposons qu'une clause de la convention collective accorde deux semaines de congés annuels à un employé syndiqué, tandis que la* Loi sur les normes du travail *lui en reconnaît trois. Que se produit-il alors ?*

— La clause de la convention devient nulle, car contraire à une loi intéressant l'ordre public.

*Comment peut-on résoudre cette incompatibilité ?*

— En offrant, évidemment, une semaine de vacances additionnelle aux salariés syndiqués touchés par l'incompatibilité identifiée.

*Et maintenant, si une convention collective prévoit que l'employeur peut exiger un certificat médical du salarié qui s'absente plus de trois jours, dans quelle mesure cette clause est-elle incompatible avec le droit à la vie privée enchâssé dans la Charte québécoise ?*

— Si nous reprenons nos échanges au sujet de l'affaire *Bridgestone*, il faudrait, avant d'aller plus loin, définir le droit à la vie privée et identifier l'expectative raisonnable des salariés concernés…

*C'est au juge qu'incombe cette tâche. Voilà un changement majeur par rapport à l'exemple relatif aux vacances. Ce n'est plus le législateur qui établit une norme précise à faire prévaloir, mais le juge qui doit en tracer les pourtours avant de corriger, s'il y a lieu, l'incompatibilité en cause. Le phénomène survient de la même façon lorsqu'il s'agit de décider si la mesure disciplinaire imposée au salarié pour avoir critiqué son employeur dans les médias sociaux enfreint sa liberté fondamentale d'expression.*

— Tu as sans doute raison, l'apport du juge est amplifié dans le domaine des droits de la personne. Nous n'avons pas appréhendé cette dimension dans nos réflexions sur la constitutionnalisation du droit du travail.

Il faut dire que, pour certains travaillistes, les chartes sont extérieures au corpus du droit du travail, elles arrivent tardivement, et elles remettent en cause, voire affaiblissent les principes traditionnels de l'encadrement juridique de la relation de travail. L'affrontement entre les *travaillistes* et ceux qualifiés de *chartistes* soulève encore les passions[23].

*Cette réticence à faire prévaloir les droits de la personne au sein du corpus du droit du travail s'observe aussi chez les juges. Ils craignent d'utiliser pleinement les instruments protégeant les droits de la personne au détriment des sources du droit du travail, dont ils tirent leur compétence spécialisée et qu'ils ont pour mission d'appliquer. Ils n'osent pas non plus limiter le pouvoir de direction de l'employeur lorsque celui-ci, faute d'une législation spécifique, demeure intact pour déterminer souverainement les règles gouvernant la bonne marche de l'entreprise.*

— N'est-ce d'ailleurs pas la thèse que tu défends Sébastien ?

*L'étude de la jurisprudence de la dernière décennie que j'ai récemment menée révèle que la normativité du droit du travail a un effet réducteur considérable sur la portée des droits fondamentaux. La marge d'interprétation créative dont disposent les décideurs, vu l'indétermination du contenu des droits fondamentaux, leur permet de se référer aux normes traditionnelles du droit du travail pour définir le contenu de ces garanties et fixer des limites dites raisonnables à leur exercice* (Parent, 2023).

*Avouer une telle chose renverse naturellement le principe de hiérarchie des sources que nous avons évoqué plus haut. Comment expliquer que les principes du droit du travail, dont plusieurs figurent pourtant au bas de la hiérarchie, influencent à ce point la définition des droits fondamentaux de la personne salariée ?*

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23. Cette opposition est décrite par certains auteurs comme suit : « Alors que fait rage une bataille entre "chartistes" et "travaillistes" qui divise les rangs mêmes des experts en droit du travail et des relations industrielles, la constitutionnalisation du droit du travail annonce sans conteste un changement fondamental de paradigme, dont les effets à long terme demeurent toutefois difficiles à évaluer avec précision. » (Coutu *et al.*, 2019, p. 51) Lire aussi Brunelle (2004, p. 153).

— La subordination du salarié dans l'exécution de sa prestation de travail, son obligation de loyauté et les droits de direction de l'employeur ne constituent pas seulement des principes codifiés en droit du travail, mais ils sont aussi des principes fondateurs du système économique. Ils sont tellement ancrés dans l'économie capitaliste qu'il apparaît inconcevable, dans l'esprit des juges et des décideurs spécialisés, que les libertés et droits fondamentaux des salariés puissent interférer avec le bon fonctionnement des entreprises et leur rentabilité économique que ces normes du droit du travail contribuent à servir. Pour les tribunaux, la personne salariée est au service de l'entreprise et elle a accepté contractuellement d'en poursuivre les intérêts.

*N'est-ce pas contraire à l'idée même de la liberté que de pouvoir l'utiliser pour renoncer à rester libre ? Si je possédais beaucoup de richesses et d'abondance de vivres, mais que je renonçais, par convention, à pouvoir dépenser un seul centime et que l'accès à ces vivres m'était retiré durant toute ma vie active, ne me trouverais-je pas aussi appauvri et affamé que les autres qui n'ont rien ? Supposons aussi que tous les outils et le savoir-faire étaient à la disposition d'un artisan pour effectuer son travail, mais qu'il se refusait à en faire usage, en retirait-il un quelconque avantage*[24] *? En renonçant à mes libertés fondamentales, dans un espace où elles me sont le plus utiles, je ne suis pas différent de l'esclave ou du citoyen de seconde zone à qui on retirait autrefois sa liberté. Si l'on m'accorde la liberté de m'exprimer à ma guise, mais que l'employeur peut censurer tout discours qui lui déplaît, ma liberté se résume à devoir me taire. De telles solutions sont pourtant admises quotidiennement par nos juges du travail et font presque l'unanimité en jurisprudence.*

— C'est, en effet, très préoccupant. Cela évoque la sagesse de certains observateurs qui s'inquiétaient que la mise en œuvre des droits fondamentaux passe par les tribunaux, sachant que ceux-ci n'ont jamais été les alliés de la classe ouvrière (Arthurs, 1989) !

24. Ce passage s'inspire d'un dialogue socratique : Platon (1967, p. 118-120).

*Ce serait donc dire que le droit du travail semble maintenant davantage façonné par le juge que par le législateur. Ce droit du travail prétorien ne témoignerait-il pas du désengagement de l'État, celui-ci devenant de moins en moins interventionniste ?*

— Nous nous résolûmes à admettre que la réalité économique se veut plus importante que la réalité juridique en ce qui a trait au travail interprétatif du juge, mais cela vaut aussi pour les pouvoirs législatif et exécutif. Ainsi, le législateur tarde à réformer le droit du travail, particulièrement celui applicable à la représentation syndicale et à la négociation collective, et à l'adapter au nouveau contexte économique et social, laissant ainsi toute la place à l'interprétation judiciaire. Pourtant, il n'a pas hésité, même après l'arrêt *Saskatchewan*[25] qui constitutionnalisait le droit de grève, à utiliser les lois de retour au travail. L'État est incapable de s'empêcher d'imposer un retour au travail quand la grève devient trop perturbatrice d'un point de vue économique, quitte à limiter un droit constitutionnel.

*Eh bien, arrêtons l'hypocrisie et énonçons explicitement à l'article 2085 du Code civil que le salarié renonce à exercer ses droits fondamentaux lorsqu'il conclut un contrat de travail, ou encore, à l'article 9.1 de la Charte québécoise, que la soif de profit constitue une cause licite de violation des droits et libertés. Nous verrons bien ce que l'Organisation internationale du travail et le Comité des droits de l'homme de l'ONU en pensent.*

— Voilà une suggestion qui risque de bien émouvoir nos gouvernants.

## ÉPILOGUE, L'AVENIR DU DROIT DU TRAVAIL

*À la lumière de notre discussion de cet après-midi, où s'en va le droit du travail ? Doit-on se quitter sur une note optimiste ou pessimiste ?*

— Nous ne pouvons pas, mon cher Sébastien, nous prononcer sur le rôle et l'avenir du droit du travail, sans nous questionner sur l'être

25. *Saskatchewan Federation of Labour* c. *Saskatchewan*, [2015] 1 R.C.S. 245.

humain dans la société d'aujourd'hui. Tout cela nous ramène à notre nature fondamentale. Je décèle une incapacité collective à laquelle nous sommes confrontés, tant en matière d'injustices sociales, d'exploitation des plus vulnérables que d'enjeux climatiques. Comment se montrer optimiste dans une dimension de l'activité humaine qu'est le travail et la protection de la vulnérabilité de la personne salariée, alors que la société est incapable de protéger contre ces autres causes de vulnérabilité ?

La base de la solidarité nécessaire au développement d'un droit du travail protecteur s'est effritée, d'où mon regard pessimiste. Les regroupements collectifs et la solidarité se développent par le partage des mêmes conditions économiques et sociales. Les nouveaux modes de production, la mondialisation, les nouvelles technologies empêchent la construction des liens de solidarité nécessaires au développement du droit du travail. Ils ont détruit la solidarité de classe, qui est devenue un concept obsolète. Voilà la grande victoire du capitalisme.

On fait, par ailleurs, porter au droit une capacité de régulation autonome qu'il ne possède pas. L'évolution du droit du travail et son adaptation aux défis actuels et futurs ne surviendront pas toutes seules. Si le droit du travail a été protecteur au XX$^{e}$ siècle, lors de son développement, c'est grâce aux luttes de pouvoir qui ont forcé son avènement. Le droit au service de la classe dominante a été contraint de tenir compte de la classe ouvrière. Cela nécessite une volonté collective d'adapter le droit du travail aux nouvelles réalités sociales, soutenue et induite par une solidarité entre les travailleuses et les travailleurs. Uber et Amazon ne changeront pas le droit actuel.

*Je partage entièrement vos craintes. Pour ma part, j'entame mes fonctions de professeur en droit du travail, mais je me demande souvent si ce domaine existera toujours à la fin de ma carrière. En fait, j'ai le sentiment qu'il portera une autre appellation, qu'il ne ressemblera en rien à celui que l'on connaît aujourd'hui, ou qu'il disparaîtra tout simplement. Les nouvelles formes d'emploi atypiques, les pandémies, l'intelligence artificielle et la crise climatique tendent à marginaliser la pertinence du droit du travail. On en contourne l'application par divers stratagèmes et plateformes numériques, on évacue l'ensemble* *de ses protections par des licenciements et des mises à pied massives, comme celles survenues pendant la pandémie de COVID-19, on remplace le travail humain par des robots, des algorithmes ou des systèmes automatisés plus performants ou on laisse la pollution anthropique menacer brutalement la survie de l'être humain par les catastrophes naturelles sans précédent qu'elle engendre.*

*Quitte à ce que certains se raillent de ma naïveté, je porte tout de même un espoir immense, et sûrement paradoxal, quant au potentiel des droits fondamentaux de la personne d'adapter le droit du travail aux enjeux contemporains de l'emploi. Par leur capacité évolutive et l'aspect créatif qu'ils recèlent, les droits et libertés peuvent pallier les vicissitudes et le statisme du droit du travail.*

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# Notices biographiques
# Biographies

**Amanda Athayde** Linhares Martins Rivera is a lawyer and professor of Law at the University of Brasília (UnB). She practices in Competition Law, International Trade, Trade Remedies and Public Interest, Compliance, Anti-Corruption, and Business Law. She is a counsel at Pinheiro Neto Advogados. She has a PhD in Business Law from the University of São Paulo (USP), a Bachelor of Law from the Federal University of Minas Gerais (UFMG), and a Bachelor of Business Administration with a degree in Foreign Trade from UNA University Centre. She is a former student of Université Paris I – Panthéon Sorbonne, and the author and organizer of a number of books, as well as the author of several academic articles and book chapters.

**Marie-Pier Bernard Pelletier** est professeure adjointe en relations de travail à l'École des sciences de l'administration de l'Université TÉLUQ et cochercheuse au Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT). Ses travaux de recherche visent à rendre visibles les rapports de genre en relations industrielles, avec un intérêt particulier pour la représentation syndicale des femmes, les comités de la condition féminine ainsi que la santé globale des femmes au travail (incluant notamment le cycle menstruel et le vieillissement). Elle adopte une perspective intersectionnelle afin de contribuer à l'amélioration des conditions de vie et de travail des femmes.

**Amélie Bernier** est professeure agrégée à l'Université TÉLUQ, où elle enseigne les politiques gouvernementales et la gestion des ressources humaines. Ses recherches portent sur le développement et la reconnaissance des compétences de la main-d'œuvre, notamment des groupes sous-représentés, et sur les transformations du travail. Elle étudie aussi l'adéquation formation-compétences-emploi, et plus récemment, les enjeux d'équité, de diversité et d'inclusion (EDI), notamment dans une perspective sociologique de l'action publique centrée sur les pratiques, les instruments et les stratégies d'acteurs.

**Fernanda Brandão Cançado** is a lawyer and researcher and has a master's degree in Law from the Federal University of Mato Grosso. She is the Vice President of the National Human Rights Commission of the Brazilian Bar Association, and Federal Counselor of the Brazilian Bar Association (2025–2028), as well as Program Manager at the American Bar Association Rule of Law Initiative. She is a researcher at the Research Group 'The Balanced Work Environment as a Component of Decent Work' (GPMAT).

**Patti Chisolm** is the Department Secretary for the Faculty of Business at University of New Brunswick, Saint John (UNBSJ). She is involved in most aspects of the administration for the faculty such as course scheduling and a variety of administrative responsibilities with students, faculty and staff. A native of Saint John (and a UNBSJ Graduate – BBA '01), Patti has worked in the finance, manufacturing, health care and communications industries throughout her career. She is an active volunteer and union member.

**Wilfried Cordeau** œuvre au sein du mouvement syndical depuis 2007 et à la Fédération des travailleurs et travailleuses du Québec (FTQ) depuis l'automne 2017. Depuis 2025, il soutient plus particulièrement les travaux de la centrale sur les enjeux et politiques publiques touchant la langue française, la culture, les médias et la solidarité internationale.

**Lise Côté** est détentrice d'un baccalauréat et d'une maîtrise en sciences économiques de l'Université de Montréal. Elle a travaillé à la Fédération des travailleurs et travailleuses du Québec (FTQ) durant plus de 30 ans comme conseillère au Service de la recherche, depuis son entrée en fonction jusqu'à sa retraite en 2023. Dans ce cadre, elle a documenté et approfondi les dossiers socio-économiques qui interpellent le mouvement syndical.

**Blandine Emilien** is an assistant professor in Human Resource Management (HRM) and the Future of Work. Prior to joining the University of Bristol Business School in 2024, Blandine was an associate professor at the Université du Québec à Montréal (UQAM), Canada and an executive committee member of the Canadian Industrial Relations Association. Her academic interests lie with social actors' experimentation with the creation, questioning and improvement of work and employment practices across an array of industries. So far, her research has focused on workers' conditions in business process outsourcing in the global south (Mauritius), HRM and employment relations in the aerospace industries of Canada and Mexico, and the rethinking of HRM practices pertaining to staffing, skills development, and diversity, equity and inclusion (DEI) in non-profit organizations such as trade unions in Canada and Spain. Over time, Blandine has also developed an ontological interest in less privileged workers, and this has led her to delve into the case of temporary migrant workers in Canada both as a researcher and an activist. Her concomitant interest in methodological innovation has led her towards film-based sociology, fiction writing and action research, with which she engaged in an academic context in Montreal, Canada, before joining the University of Bristol business school.

**Jason Foster** is professor of Human Resources and Labour Relations at Athabasca University. He is also the Director of Parkland Institute at the University of Alberta, a public interest research centre. Jason is the author of several books related to work and labour in Canada. His research interests include union renewal, occupational health and safety, employment and labour policy, and migrant workers in Canada. He is a past president of the Canadian Industrial Relations Association.

**Carol-Anne Gauthier**, Ph. D., est professeure de psychologie au cégep Champlain-St. Lawrence et chargée de cours au Département des relations industrielles de l'Université Laval. Elle est membre de la Chaire de recherche Relief en santé mentale, autogestion et travail ainsi que chercheuse associée à VITAM-Centre de recherche en santé durable. Ses intérêts de recherche incluent la santé mentale au travail, le travail et l'emploi des femmes, le télétravail et le sens du travail.

**Anthony Giles** holds a PhD in Industrial Relations from Warwick University. He taught industrial relations for nearly twenty years, first at the University of New Brunswick and then at Université Laval. In 2004 he joined the Federal Labour Program where he worked in the areas of international labour affairs and strategic labour policy, eventually being appointed as Assistant Deputy Minister in 2015. After retiring from the public service in 2021, he was appointed Adjunct Professor in the Department of Employment Relations at Queen's University.

**Rafael Gomez** is a professor of Employment Relations at the University of Toronto and the Director of the University's Centre for Industrial Relations and Human Resources. His current research examines the role of unions and other labour market institutions in the provision of employee voice and what this means for workers and broader democratic engagement.

**Arijana Haramincic** is a PhD candidate at Torrens University, Adelaide, Australia. Her present research examines the role of generative leadership in the public sector in the Canadian Arctic. She is presently employed as the Territorial Executive Director, Department of Health and Social Services, Government of Northwest Territories.

**Patrice Jalette** est professeur titulaire à l'École de relations industrielles de l'Université de Montréal où il enseigne depuis 2001. Chercheur au Centre interuniversitaire de recherche sur la mondialisation et le travail (CRIMT), il s'intéresse aux relations du travail ainsi qu'aux conditions de travail et d'emploi en milieu syndiqué et, plus récemment, aux répercussions de la rareté de la main-d'œuvre sur les relations du travail, les employeurs et les syndicats. Il a été président de l'Association canadienne des relations industrielles de 2018 à 2021.

**Colin L'Ériger** est conseiller au Service de la recherche de la Fédération des travailleurs et travailleuses du Québec (FTQ) depuis février 2014. Il détient un baccalauréat en journalisme de l'Université du Québec à Montréal (UQAM) ainsi qu'une maîtrise en administration publique et en politiques publiques de l'Université Concordia.

**Jennifer M. Harmer** is a PhD candidate at the Centre for Industrial Relations and Human Resources at the University of Toronto. Her research primarily focuses on worker voice including unions, public sector work, and public policy. Prior to pursuing a PhD, she worked in a policy shop with the Government of Ontario.

**Marlee Mercer** is a PhD candidate in Human Resources at York University. Her research focuses on abusive supervision, leadership, identity work, workplace health, and strategic human resource management. Her work has been published in respected academic journals and practitioner outlets such as *Psynopsis*, and has been recognized at academic conferences. She was awarded Best Doctoral Paper at the Western Academy of Management and was runner-up for Best Paper at the Midwest Academy of Management. She has taught courses at York University, Brock University, George Brown College, and Centennial College, and has contributed to the crafting of several widely used Canadian Human Resources textbooks.

**Wassila Merkouche** is an associate professor at Université du Québec en Abitibi-Témiscamingue (UQAT). Her research focuses on the factors that explain the attraction, development, and retention of employees in a context of labour shortage. She is also interested in issues of health and well-being in the workplace, and diversity, equity and inclusion have recently been at the heart of her research. She sits on the executive committee of the Canadian Industrial Relations Association, and is an associate researcher at the Observatoire sur la santé et le mieux-être au travail (*Observatory on health and well-being at work*) and the BMO Chair in Diversity and Governance.

**Jonathan Michaud** est doctorant et chargé de cours en relations industrielles à l'Université de Montréal. La thèse de Jonathan Michaud, incluse dans un projet d'engagement avec la section québécoise du Syndicat des

Métallos, a étudié trois cas de transition juste dans des syndicats locaux, dans l'établissement, dans différentes régions du Québec, sous la supervision de la professeure Mélanie Laroche. Ses travaux, publiés entre autres dans *Négociations*, portent sur les stratégies syndicales, les répertoires d'action, la négociation collective et le dialogue social dans le contexte de la crise écologique.

**Renée Michaud** est professeure agrégée au Département de relations industrielles de l'Université du Québec en Outaouais (UQO) et membre de l'Ordre des CRHA. Détentrice d'un doctorat en relations industrielles de l'Université Laval offert en extension à l'UQO, elle s'intéresse particulièrement aux questions liées à la sélection, à la rémunération, à l'EDI et au harcèlement psychologique. Elle a aussi œuvré à titre de conseillère en ressources humaines pendant 11 ans à la fonction publique du Canada.

**Lucie Morissette** est professeure agrégée au Département de gestion des ressources humaines à HEC Montréal. Entre 2021 et 2025, elle a travaillé comme conseillère au service de la recherche à la Fédération des travailleurs et travailleuses du Québec (FTQ). Ses travaux et intérêts de recherche portent sur les économies de plateforme, les politiques publiques du travail et l'évolution des pratiques syndicales et des relations de travail.

**Sébastien Parent** est professeur adjoint en droit du travail au Département des relations industrielles de l'Université Laval. Il est aussi cochercheur au Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT). Ses recherches et publications portent notamment sur les interactions entre les droits de la personne et le droit du travail, la mobilisation des chartes afin de répondre aux défis contemporains de l'emploi et la justice climatique en emploi.

**Vincent Pasquier** est professeur au Département de gestion des ressources humaines de HEC Montréal. Pendant près de 10 ans, il a été consultant pour les syndicats en France. Ses recherches portent principalement sur la manière dont les technologies transforment le travail, les relations de travail et le syndicalisme. Il est membre du Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT) et de l'Observatoire international sur les impacts sociétaux de l'IA et du numérique (Obvia).

**Chris Roberts** is the National Director of the Social and Economic Policy Department at the Canadian Labour Congress (CLC), Canada's largest central labour body. He is responsible for research and policy advice in the areas of labour law and industrial relations, with a particular focus on labour relations in the federally-regulated private sector. Chris studied political economy at York University in Toronto, obtaining his PhD in 2003. He lives and works in Ottawa.

**Tania Saba** est fondatrice et titulaire de la Chaire BMO en diversité et gouvernance ainsi que professeure titulaire à l'Université de Montréal. Ses recherches portent sur la gestion de la diversité, le vieillissement de la main-d'œuvre et la transformation des organisations. Lauréate du prix Gérard-Dion en 2021, elle siège au comité de direction de l'Observatoire international sur les impacts sociétaux de l'IA et du numérique (Obvia) et du Diversity Institute (TMU). Elle est affiliée à l'Institut de valorisation des données (IVADO), au Centre des Compétences futures, au Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT) et au Centre d'études et de recherches internationales de l'Université de Montréal (CERIUM).

**Tina Sharifi** is a PhD candidate in Human Resources at York University. Her research explores intersectionality in women's leadership, authenticity, calling, women's health, and the human–animal bond. She has presented and published her work in a range of national and international academic and practitioner-focused journals and conferences. Her research has been recognized at academic conferences, including the Best Doctoral Paper at the Western Academy of Management and runner-up for Best Paper at the Midwest Academy of Management. She has taught a variety of human resource management and business courses at multiple post-secondary institutions.

**Chris Smith** is a member of the Faculty of Business at the University of New Brunswick, Saint John (UNBSJ), teaching labour relations, organizational behaviour, and organizational theory. His research interests include union activism, union renewal, work precarity, and labour history. Chris is also an active union member, serving on his own union's executive team. He also works in the local community to build awareness about unions and the union organizing process through workshops and public talks.

**Ayesha Tabassum** is a PhD candidate and contract faculty at the School of Human Resources Management (SHRM) at York University. Ayesha's research interest lies at the intersection of telework/work from home, gender in management and organizations, and sustainable development. Currently, she is working on her dissertation focused on examining the impact of telework on employee innovative behaviours.

**Michael H.F. Thorburn** is a doctoral candidate at Stanford Law School whose research bridges labour law, environmental sustainability, and industrial relations. Michael examines how workplaces navigate environmental governance through collective bargaining, exploring the emergence, negotiation, implementation, evolution, and diffusion of these commitments. His research incorporates legal and organizational theory and uses contract analysis and workplace fieldwork to examine these dynamics in practice. Michael is a former union-side labour lawyer and a Trudeau Foundation Scholar.

**Gilles Trudeau** a enseigné le droit du travail pendant plus de 40 ans à l'École de relations industrielles et à la Faculté de droit de l'Université de Montréal et est aujourd'hui professeur émérite. Il est aussi chercheur au Centre de recherche interuniversitaire sur la mondialisation et le travail (CRIMT). Ses recherches et publications portent sur le droit du travail en général et son évolution récente en contexte de mondialisation.

**Fred Wilson** played a key organizing and planning role in the New Union Project, which culminated in the creation of Unifor, Canada's largest private sector union. He was the Director of Strategic Planning for Unifor during its first three years. Fred lives in Ottawa.

Dr. **Yao Yao** is an assistant professor in Human Resources and Management at McMaster University's DeGroote School of Business. She earned her PhD in Industrial Relations and Human Resources from the University of Toronto. Her research focuses on the digital transformation of work, examining how technologies like artificial intelligence and online platforms reshape professional occupations. Her work has been published in leading industrial relations journals such as the *British Journal of Industrial Relations*.

**Jelena Zikic**, PhD (University of Toronto, Rotman School of Management), is a professor at York University, School of HRM. Her research focuses on career transitions and associated challenges of diverse populations (migrants, baby boomers, remote workers, unemployed, and others). In her work, she seeks to bridge micro type phenomena, such as professional identity with more macro-organizational processes (i.e., integration of diverse workforce). Dr. Zikic has significant international background, cross-cultural research collaborations, and varied teaching experience. Her work has been recognized by several Research Awards and has appeared in top-ranked journals in her field such as *Academy of Management Discoveries, Journal of Organizational Behavior, Human Relations*, among others. Jelena's practical advice in the media and outlets such as *Harvard Business Review*.

TRAVAIL ET EMPLOI

**Titres parus dans la collection**

Dominic Roux (dir.), *Autonomie collective et droit du travail : mélanges en l'honneur du professeur Pierre Verge*, 2014.

Patrice Jalette et Linda Rouleau (dir.), *Perspectives multidimensionnelles sur les restructurations d'entreprise*, 2014.

Michel Coutu et Gregor Murray (dir.), *Travail et citoyenneté : quel avenir ?*, 2010.

Adoptant un format original axé sur le dialogue et la conversation, cet ouvrage collectif se situe dans la tradition des travaux en relations industrielles – un champ disciplinaire étudiant les problèmes variés associés au travail et à l'emploi. Il jette un regard d'ensemble sur les nouveaux enjeux émergents concernant le futur des milieux de travail et aborde des sujets tels que la crise climatique, le télétravail, la diversité, l'équité et l'inclusion au travail, l'avenir du syndicalisme et les droits des travailleurs.

With an original format centred on dialogue and conversation, this book is rooted in the tradition of industrial relations research, a disciplinary field that studies diverse problems associated with work and employment. As a collaborative work that takes a broad look at new and emerging issues concerning the future of workplaces, it addresses topics such as the climate crisis, telework, diversity, equity, and inclusion at work, the future of unionism, and workers' rights.

Sous la direction de / Edited by Jason Foster, Patrice Jalette, Wassila Merkouche, Yao Yao.

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Mathieu Dupuis, Dalia Gesualdi-Fecteau,
Christian Lévesque, Gregor Murray et Nicolas Roby

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