

**York University**  
**Faculty of Liberal Arts and Professional Studies**  
**School of Human Resource Management**

**HRM 3422A Industrial Relations**  
**Fall 2019**

<b>Instructor</b>	Dr. Kelly Pike	<b>Office Hours</b>	By appointment
<b>Office</b>	Atkinson 150M	<b>Class Time</b>	n/a
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### **Course Description**

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In this course we are going to be examining industrial relations in Canada, beginning with a look at systems for analyzing industrial relations, and different perspectives on industrial relations, as well as what unions are and what they do. We then look back on the history and development of industrial relations, including the process and outcomes of industrialization, early struggles, the establishment of post-war institutions and the current collective bargaining regime. Next we examine contemporary industrial relations institutions such as unions, collective bargaining, and dispute resolution, in both the private and public sector. Finally, we turn our focus to industrial relations in the global world of work, and what challenges face today's managers and workers (including all of us).

### **Learning Objectives**

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- Describe the three regimes of work law
- Differentiate between perspectives that shape the law of work
- Understand how early labour struggles shaped current work law subsystem
- Trace the unionization process, from organizing campaign through certification
- Understand the parties and processes involved in collective bargaining
- Differentiate between approaches to dispute resolution
- Critically engage with key debates in the field – for example, the \$15 and fairness campaign, union relevance, the right to strike
- Demonstrate an appreciation for the synergies between IR and HR subfields

### **Course Format and Expectations**

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This course is conducted completely online. The coursework is composed of twelve online modules. We have one week for each online module, which begins every week on Monday and ends on Sunday. Participation in online modules is required. Our online modules are hosted by the York University Moodle. To access the online modules, you need to log in with your passport York @ <https://moodle.yorku.ca/>. If you have never used York University Moodle before, you might be asked to finish your user profile after logging in.

In the **Course Information** area of the online course, you will find a short video to walk you through our online classroom. You will also find a detailed weekly schedule, a course announcement area, a Q&A forum, and the course outline.

Below the course information area, you will find **12 Weekly modules** listed chronologically. Each weekly module is a self-contained module where you will access all materials and

instructions, participate in activities, and submit assignments. Please kindly note that **NOT ALL** modules will be available at the beginning of the semester. For most of the modules, you should be able to navigate the module materials and activities in a self-paced fashion. However, in a couple of modules, the satisfactory completion of certain tasks is required before you can access other materials/activities.

You will also have access to **blocks** at left and/or right sections of the screen (the layout might vary depending on your Moodle setting). Everyone in the course should have access to:

- Instructor contact information block: my email and virtual office hours.
- Resources block: various academic resources (Student Papers & Academic Research Kit (SPARK), Academic Integrity, and copyright information) and technical support links (online learning environment help, technology support, and accessibility information).
- Library resources block: ask our librarian by chat and Scott library research help.
- People block: a list of your peers.
- Navigation block: an index to allow easy navigation of the course.
- Administration block: grade book

### **Class Participation**

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This course aims at providing hands-on and active learning experience for students. In the online modules, you will be asked to access the course materials and interact with these materials and your peers and the instructor by completing activities such as online discussions, quizzes, individual/group writing, and others. It is expected that you will invest **an average of 4 hours** for each online module. Each online module contains at least one discussion topic. You are expected to respond to the instructor's questions, and to comment on and ask questions of your peers, or to summarize discussions. It is critical to post quality messages to ensure a meaningful discussion. It is expected that you will:

- Engage in the online discussion following the deadline and instructions.
- Plan ahead and do not wait for the last minute to post your messages and respond to your peers' posts.
- Present frequently in the discussion forum to engage with your peers. Your postings should be evenly distributed during the discussion period rather than concentrated on one day or at the beginning or end of the discussion time.
- Post messages that should be a minimum of one short paragraph and a maximum of two to three paragraphs.
- Avoid postings that are limited to "I agree" or "great idea", and similar other comments – provide rationales, examples, relate to your prior knowledge/experience, and cite your resources.
- Keep the discussion on topic.
- Use proper language, spelling, and grammar.

Your active engagement and participation in online sessions are crucial to both your and your peer's learning. Please keep in mind that everyone needs to contribute and engage to make this a valuable and successful experience.

Everyone in this course is expected to treat each other with respect. In the online environment, without the visual cues and shared understanding of acceptable behaviour in face to face situations, it can be helpful to agree on basic 'netiquette' (online etiquette) for online parts of the

course. Please refer to this document for a summary of expected online behaviour: [The Core Rules of Netiquette](#) from Albion.com, based on 'Netiquette' by Virginia Shea. For a very lighthearted quiz (informative but more suitable for younger audiences) you might want to visit [Betty's Netiquette Quiz](#).

### **What it takes to succeed in the online modules**

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In the online modules, you are mostly engaged with the course asynchronously, i.e., at different times and locations. In some modules there might be synchronous activities requiring everyone to participate at the same time. While the asynchronous nature of the online modules provides the flexibility of self-paced study, it does not translate into complete freedom from a schedule. Although you won't usually be required to participate in the module at a specific geographic location and time, you do need to be a presence in the course room regularly. In an online environment, you won't have the benefit of instructors' scheduled lectures in the classroom. It is therefore important to schedule 'class time' or study time every week in a similar way you would in face to face classes. Participating in online modules does not mean that it is ok to procrastinate or put off studying. It would be very difficult for most students learning in an online environment to successfully cram for exams and tasks online. Online learning requires students to make a commitment and set up a schedule to:

- Be familiar with the syllabus and the course structure completely and know how to contact the instructor. Don't wait until the last minute to ask questions.
- Log on to the course regularly, preferable everyday (at least every two to three days).
- Stay organized. Bookmark the course website and other important website that may become relevant during the course. Create a binder and/or folder to keep your files organized and up-to-date.
- Get to know your peers and interact with them. Students who interact and collaborate with their peers tend to be more successful.
- Read the instructions for each learning task thoroughly and carefully. If you are new to online learning, it is normal to find learning fully online is challenging. Keep up with the schedule and ask questions, you will develop the rhythm of online learning quickly.
- Do not procrastinate. Note all due dates, including those for the drafts and discussions and plan your work accordingly (Note whether the due time is your locale time, or the instructor's locale time, or the server's time).
- Read and reflect on the materials before participating in the course activities such as posting responses and contributing to the online discussions. Keep in mind that you might need more time reading online.
- Plan to perform online tasks and submit your assignment at least several hours before the due time to allow the internet processing time, avoid potential problems due to the heavy internet traffic, and take into account of possible technology fails.
- Schedule any required synchronous sessions around your other commitments.

### **Required Reading**

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- *The Law of Work: Industrial Relations and Collective Bargaining*, by David Doorey, is available at the Bookstore.
- Additional required readings will be posted on Moodle.

<b>Assessment Tasks</b>	<b>Weighting</b>	<b>Due Dates</b>
Assignments (3 x 15% each)	45%	Weeks 3, 5, 9
Midterm Test	20%	Week 6
Final Test	20%	Week 12
Participation	15%	Throughout term

## **Course Policies**

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### **Academic Integrity**

The core principles of academic integrity – honesty, trust, fairness, respect and responsibility – should be in the forefront for all you do as a student, employee, and/or manager. Please be reminded of York University’s policies with respect to academic integrity. Violations of academic integrity are considered to be very serious and will be investigated in accordance with policy. This policy can be found at:

<http://www.yorku.ca/secretariat/policies/document.php?document=69>

### **Submitting Assignments**

Assignments must be submitted electronically via Moodle. You must use Word to submit your assignment. Electronic submission via Moodle will facilitate both academic integrity and the tracking of late submissions. Turnitin will be used for this course.

### **Late Policy**

Late assignments are penalized by 10% per day (i.e. one day counts as anywhere between one minute late through 24 hours late). Assignments submitted more than 5 days late will not be accepted, unless you have discussed the situation with me in advance (i.e. before the due date of the assignment).

### **Access/Disability**

If you require accommodation for a disability, please visit Counselling and Disability Services or see their website at <http://www.yorku.ca/dshub>

## COURSE SCHEDULE

Wk	Date	Topic	Readings
1	Sept9-15	Introduction to Industrial Relations	Chapters 1 & 2
2	Sept16-22	A framework for analyzing Industrial Relations	Chapter 3
3	Sept23-29	Perspectives that shape Industrial Relations <b>*Assignment 1 due (Sept29)</b>	Chapters 4
4	Sept30-Oct6	Mapping the collective bargaining regime	Chapter 5
5	Oct7-13	History and development of Industrial Relations <b>*Assignment 2 due (Oct13)</b>	Chapter 6
	Oct14-20	Fall Reading week Oct 12-18	
6	Oct21-27	<b>Midterm Test (Oct 21: ONLINE)</b> Unions: Reasons to join & Effects on business	Chapter 7
7	Oct28-Nov3	The unionization process and unfair labour practices	Chapters 8, 9, 15
8	Nov4-10	Collective bargaining	Chapter 10
9	Nov11-17	Strikes and lockouts <b>*Assignment 3 (Nov17)</b>	Chapter 11
10	Nov18-24	The collective agreement and dispute resolution	Chapters 12 & 13
11	Nov25-Dec1	Public sector labour relations	Chapter 16
12	Dec2	<b>Final Test (Dec2: ONLINE)</b>	

## DETAILED WEEKLY SCHEDULE

*\*This is subject to change and may be modified by instructor with ample notice to students*

### Week 1: Introduction to Industrial Relations

What is Industrial Relations? Is it relevant in your work/life? Who is entitled to the protective legislation of work law?

Required:

- Law of Work, Chapters 1 and 2

Supplemental:

- Hay, D. and Craven, P. (2004). *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955*. University of North Carolina Press. (pp.1-5)
- Fudge, J. and Tucker, E. (2004). *Labour before the law: The Regulation of Workers' Collective Action in Canada, 1900-1948*. Toronto: University of Toronto Press (Introduction, pp.1-15)
- Fudge, J., Tucker, E. and Vosko, L. (2003). Employee or Independent Contractor? Charting the Legal Significance of the Distinction in Canada. *Canadian Labour and Employment Law Journal*, 10: 193-230.

- Mojtehdzadeh, S. (2016). 'Father living off \$3.32 an hour launches class action suit against energy giant'. The Star, 8 August 2016, available at: <https://www.thestar.com/news/gta/2016/08/08/father-living-off-332-an-hour-launches-class-action-against-energy-giant.html>
- The Associated Press (2015). 'Court sides with Uber drivers to expand case over pay'. New York Times, 2 September 2015, available at: [http://www.nytimes.com/aponline/2015/09/02/us/ap-us-uber-drivers-lawsuit.html?\\_r=0](http://www.nytimes.com/aponline/2015/09/02/us/ap-us-uber-drivers-lawsuit.html?_r=0)
- Crane, A. (2015). 'Stop Stealing From Strippers'. New York Times, 13 August 2015, available at: <http://www.nytimes.com/2015/08/13/opinion/stop-stealing-from-strippers.html?smid=fb-nytimes&smtyp=cur>

## **Week 2: A framework for analyzing Industrial Relations**

What are the legal, economic, social, and political factors influencing Industrial Relations? Is there a common framework for analyzing Industrial Relations?

Required:

- Law of Work, Chapter 3

## **Week 3: Perspective that shape Industrial Relations**

Does everyone look at Industrial Relations the same way and, if not, how does that affect outcomes? Do you agree that the government should institute a \$15 minimum wage?

Required:

- Law of Work: Chapter 4

Supplemental:

- Budd, J., Gomez, R., and Meltz, N. (2004). Why a Balance is Best: The pluralist industrial relations paradigm of balancing competing interests.
- Braverman, H. (1974). "Labor and Labor Power", "The Origins of Management" and "The Division of Labor" in *Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century*. New York: Monthly Review Press (pp. 31-58).
- Kaufman, B. (2008). Paradigms in Industrial Relations: Original, Modern and Versions in-between. *British Journal of Industrial Relations*, 46(2): 314-339.

#### **Week 4: Mapping the collective bargaining regime**

How did the law treat collective workers' activities before and after collective bargaining legislation?

Required:

- Law of Work: Chapter 5

#### **Week 5: History and development of Industrial Relations**

How did our current labour law and collective bargaining regime come about? What role did workers play, and how did employers and governments respond to workers' early efforts to organize and establish regulation to protect them at work?

Required:

- Law of Work: Chapter 6

Supplemental:

- Frege, Carola. (2008), *The Sage Handbook of Industrial relations*. Chapter 2: "The History of Industrial Relations as a Field of Study" In Blyton, P. et al. eds.
- Jill Lepore, "Not So Fast: Scientific management started as a way to work. How did it become a way of life?" *The New Yorker*, October 12, 2009.
- CBC (2001). "Canada- A People's History: Episodes 12 and 13" available on YouTube: [https://www.youtube.com/playlist?list=PLFfvMrJkX\\_WmpKuUvORcA-g1BStVsp4jE](https://www.youtube.com/playlist?list=PLFfvMrJkX_WmpKuUvORcA-g1BStVsp4jE)

#### **READING WEEK: October 12<sup>th</sup>-18<sup>th</sup>**

#### **Week 6: Unions: Reasons to join & Effects on business**

Are you a member of union? Would you join a union? Why or why not? Should unions in decline be revitalized, or are there other, better, options for workers in today's economy? What have unions done, and what role do they continue to play in society?

Required reading:

- Law of Work: Chapter 7

Supplemental reading:

- Kristoff, N. (2015) 'The cost of a decline in unions', *New York Times*, 19 February 2015. Available at: [http://www.nytimes.com/2015/02/19/opinion/nicholas-kristof-the-cost-of-a-decline-in-unions.html?\\_r=0](http://www.nytimes.com/2015/02/19/opinion/nicholas-kristof-the-cost-of-a-decline-in-unions.html?_r=0)

## **Week 7: The unionization process and unfair labour practices**

How are unions formed? From the organizing campaign to certification (and decertification), and what employees/employers can and cannot do along the way.

Required:

- Law of Work, Chapters 8, 9 and 15

Supplemental

- Bronfenbrenner, K. (2009). No holds barred: The intensification of employer opposition to organizing (Briefing Paper No. 235) Washington, DC: Economic Policy Institute.

## **Week 8: Collective bargaining**

Agreements are being collectively bargained all around you – at York, in the NHL, NAFTA, perhaps even in your very own workplace. Who are the parties to collective bargaining, and what happens before, during and after collective bargaining?

Required:

- Law of Work, Chapter 10

Supplemental:

- Tucker, Eric. (2004). “Great Expectations” Defeated? The Trajectory of Collective Bargaining Regimes in Canada and the US Post-NAFTA. *Comparative Labor Law and Policy Journal*, 26(1): 97-150.

## **Week 9: Strikes and lockouts**

What happens when the parties in collective bargaining are unable to reach an agreement?

Required:

- Law of Work, Chapter 11
- Professor Doorey’s blogs on Picketing Law <http://lawofwork.ca/?p=7941> and Strikes and Bargaining Law <http://lawofwork.ca/?p=7951>

Supplemental:

- [Locked Out \(2010\). A film by Joan Sekler about unionized miners in Boron California in 'negotiations' with their employer, Rio Tinto](#)
- Trailer for [Pride](#) – a story about UK LGBT activists working to help miners during their lengthy strike of the National Union of Mineworkers in the summer of 1984

- [Inside the British McStrike: How workers organized to take on McDonald's](#) (4 Sept 2017)
- [NHL Lockouts and Strikes: A History](#) (15 June 2017)
- [NHLPA rejects NHL's offer of Olympics for CBA extension](#) (2 Dec 2016)

### **Week 10: The collective agreement and dispute resolution**

What is a collective bargaining agreement, what is included in it, how is it administered, and what happens when it is violated? Do you have a personal experience regarding a breach of your CBA at work?

Required:

- Law of Work, Chapters 12 and 13

Supplemental:

- [NHL CBA: What does the new collective bargaining agreement look like?](#) (6 Jan 2013)
- [Collective Bargaining Agreement: NHL and NHLPA](#) (Ratified 12 Jan 2013)
- Colvin, A.J.S. and Kelly Pike (2014). Saturns and Rickshaws Revisited: What kind of employment arbitration system has developed? *Ohio State Journal on Dispute Resolution*, 29(1): 59-83.
- Colvin, A.J.S. and Kelly Pike (2012). *The Impact of Case and Arbitrator Characteristics on Employment Arbitration Outcomes*. Paper presented at the annual meeting of the National Academy of Arbitrators, Minneapolis, MN.

### **Week 11: Public sector labour relations**

What would happen if workers in essential services (e.g. police, nurses, firemen, etc.) went on strike for a week? How does one balance the need to protect the safety of communities and at the same time allow workers to exercise their rights?

Required:

- Law of Work, Chapter 16
- Evans, B. (2013). "When the State is your Boss: The Paradoxes of Public Sector Work," in S. Ross and L. Savage (eds.). *The Politics of Public Sector Unions*. Fernwood.
- Canadian Press: [Ontario and its public sector workers face 'tough negotiations'](#) (February 1, 2015)
- Toronto Star: [Ontario bans strikes by the TTC](#) (March 30, 2011)

### **Week 12: Final Test**