

## HRM 3422M INDUSTRIAL RELATIONS (Winter 2021)

### School of Human Resource Management York University

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### Course Description

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 it means to be an 'employee' (which either includes or excludes you from protective employment legislation!) This course should not be confused as being a course solely 'about unions.' Though we learn about the logistics of union organizing and certification, and examine their benefits and the challenges they face, we also broadly consider the ways in which external factors affect work, and the ways in which humans have organized (through unions, social movements, radical resistance, etc.) in their pursuit of justice. We pause upfront to consider that the current system of industrial relations has not been experienced the same by all groups of workers, nor benefited all workers in the same way. 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

- Understand the relevance of industrial relations in your own life and broader society
- Understand that different people have experienced 'work' in vastly different ways (e.g. through displacement, systemic racism, legal protections, etc.)
- Critically engage with key debates and current issues in the field (e.g. COVID-19 and the world of work, labour's response to Black Lives Matter, Indigenous radical resistance, \$15 and Fairness, union relevance, right to strike, etc.)
- 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
- 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 Saturday and ends on Friday. Participation in online modules is required. Our online modules are hosted by the York University EClass. To access the online modules, you need to log in with your passport York @ <https://eClass.yorku.ca/>. If you have never used York University EClass 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, 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 are fully updated at the beginning of the semester. Though the core textbook readings are listed, along with a few articles and other materials, some modules will be updated throughout the semester to reflect current events related to course topics/themes. It is important for you to check our EClass site regularly.

You will also have access to **blocks** at left and/or right sections of the screen (the layout might vary depending on your EClass 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 (online group discussion forums)

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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. Given the usual class size of about 75 students, you will be divided into groups of approximately 10-12 students. Each week throughout the semester, you will remain in this same group for the purposes of the online group discussion forum. The smaller group discussion setting should help students feel more engaged with both the topic and their peers, rather than posting and reading through 70+ other comments. Here, you can have a more focused discussion.

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.

- 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", etc. – 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.

**For full participation marks, participate in each weekly discussion at least five times. At least one of these must be an original post (i.e. you initiate a discussion within the topic) and the others can be responses to other discussions within your group.**

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 folder to keep your files organized
- Get to know your peers and interact with them. Students who interact and collaborate with their peers tend to be more successful.
- Do not procrastinate. Note all due dates, including those for the drafts and discussions

and plan your work accordingly. Make note of any differences in time zones.

- Plan to perform online tasks and submit your assignment at least several hours before the due time to account for technical challenges or heavy internet traffic.
- Schedule any required synchronous sessions around your other commitments.

### **Required Textbook**

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- *Canadian Labour Relations: Law, Policy, and Practice (2<sup>nd</sup> ed)*, by David Doorey and Alison Braley-Rattai, is available at the Bookstore.

<b>Assessment Tasks</b>	<b>Weighting</b>	<b>Due Dates</b>
Assignments (2 x 10% each)	20%	January 29 & March 19
Midterm Test	20%	February 20 at 7-10pm: online
Final Exam	45%	Regular exam period (April 14-28): online
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.

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

#### **Submitting Assignments**

Assignments must be submitted electronically via EClass. You must use Word to submit your assignment. 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.

#### **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

<b>Wk</b>	<b>Date</b>	<b>Topic</b>	<b>Readings</b>
1*	Jan11-15*	Introduction to Industrial Relations	Chapter 1
2	Jan16-22	A framework for analyzing Industrial Relations	Chapter 2
3	Jan23-29	Perspectives that shape Industrial Relations <b>Assignment 1 (Jan 29<sup>th</sup> online before midnight)</b>	Chapter 3
4	Jan30-Feb5	Who is an “employee” and why does it matter?	Chapter 4
5	Feb6-12	An intro to the collective bargaining regime and the Canadian labour movement	Chapter 5
	Feb13-19	Winter Reading Week	
6	Feb20-26	A brief history of labour and the law <b>Midterm Test (Feb 20<sup>th</sup> online: Chapters 1-5)</b>	Chapter 6
7	Feb27-Mar5	Unions Part 1: Reasons to join, effects on business, and the unionization process	Chapters 7 and 8
8	Mar6-12	Unions Part 2: Unfair labour practices and the regulation of unions	Chapters 9 and 14
9	Mar13-19	Collective bargaining and the collective agreement <b>Assignment 2 (March 19<sup>th</sup> online before midnight)</b>	Chapters 10 and 12
10	Mar20-26	Strikes, lockouts, and dispute resolution	Chapters 11 & 13
11	Mar27-Apr2	Public sector labour relations	Chapter 15
12	Apr3-9	Labour rights as human rights	Chapters 16 & 17
	Apr14-28	<b>Final Exam (Exam period, online: Chapters 6-17)</b>	TBD

\*Note that the first week is a slightly shortened week. Materials for Week 1 will be posted well in advance to ensure students have adequate time to prepare.

## **DETAILED WEEKLY SCHEDULE**

*\*Subject to change with ample notice by instructor. Please check eClass regularly*

### **Week 1: Introduction to Industrial Relations**

***What is Industrial Relations? Is it relevant in your work/life?***

First, **introduce** yourself in the forum "Student Introductions"

Second, **complete** the pre-assessment quiz online

Third, **read** Canadian Labour Relations, Chapter 1

- Make sure you understand and can differentiate between the three regimes of work law, and reflect on how you personally are affected by each.

Next, **review** the materials posted on EClass

Finally, **participate** in the group discussion forum, "Industrial Relations: Is it relevant to you personally?" (more details on EClass)

- A reminder that, for full participation marks, be sure to contribute meaningfully (i.e. not just simply responses such as "I agree" etc.) and at least five times: at least once in a new post that you create.

### **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?***

**Read** Canadian Labour Relations, Chapter 2

- Pay attention to the discussion on how the three regimes of work law interact with one another
- Make sure you understand the Law of Work Framework (Figure 2.1 on pg.21). A helpful study tool would be to try and quiz yourself by holding a paper over the boxes and seeing if you can identify what each box says. For example, holding a paper over the 'common law regime' you would know that the key actors are 'employers and individual employees' and that the rule-making processes are through 'individual negotiations and civil litigation' (etc.)

**Read** the articles posted on EClass, including:

- NY Times (6 Sept 2020): *When Republicans and unions got along* (Steven Greenhouse)
- Toronto Star (22 May 2018): *An NDP government would not use back-to-work legislation to end strikes* (Rob Ferguson)

**Participate** in the group discussion forum, "Interaction between the three regimes of work law" (more details on EClass)

### **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?***

**Read** Canadian Labour Relations Chapter 3

- This week it will be very important to make sure you understand the different perspectives that shape the law of work outlined in chapter 3 of your textbook. Don't just memorize them, but understand how they differ in their perspectives on government intervention (the regulatory regime), unions and collective bargaining (the collective bargaining regime).

**Participate** in the group discussion forum, “Perspectives in Industrial Relations – how do you see things?” (more details on EClass)

- Remember to contribute within the week that the topic is being discussed (between Saturday through Friday evening in any given week). Late submissions will not be counted towards your participation grade.

**Complete** Assignment 1 (Perspectives on minimum wage increase), which is due at the end of the week (detailed instructions provided on EClass)

Supplemental readings:

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

### **Week 4: Who is an ‘employee’ and why does it matter?**

**Read** Canadian Labour Relations Chapter 4

Make sure you understand the difference between an employee and independent contractor, and why this distinction matters.

Read the New York Times article posted on EClass, *Stop Stealing From Strippers*. It's a bit of a risqué job classification to be analyzing, but illustrates that the employee vs. independent contractor distinction is of importance to workers across many different job categories, sectors and industries.

In the Globe and Mail article "I'm an Independent Contractor that feels like an Employee" two people respond with different perspectives to the issues inherent in this important distinction. Read the article and think about whether you have ever been misclassified as an independent contractor.

The NY Times article (11 Sept 2019) speaks to this distinction between employee vs independent contractor in the world of app-based companies (e.g. Lyft, Uber, etc.)



**Week 5: An intro to the collective bargaining regime and the Canadian labour movement**  
***How did the law treat collective workers' activities before and after collective bargaining legislation?***

**Read** Canadian Labour Relations Chapter 5

**Read** the introduction of Fudge and Tucker (2004) *Labour Before the Law* which is posted on eClass.

- Reflect on the connections between the 'regimes of industrial legality' that the authors discuss with the 'perspectives that shape the law of work' discussed in chapter 3 of your textbook. The authors focus on the period 1900-1948 to show how the response to workers acting collectively has changed over time.

**Research** THREE articles in the news THIS WEEK about collective bargaining. In the group discussion forum, list the headlines of the three articles, and write a paragraph that speaks broadly about the relevance of collective bargaining today (more info below)

**Participate** in the group discussion forum, "Collective bargaining in the news"

**Week 6: A brief history of labour and the law**

***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?***

**Complete** the midterm exam which is taking place online directly within EClass on Saturday, February 20<sup>th</sup> from 7-10pm (an alternate exam time will be set from 9am-12pm for those who have a conflict with the evening slot- you must notify me at least one week in advance). The exam consists of 75 multiple choice and true/false questions, as well as 5 short answer questions worth 5 points each.

**Read** Canadian Labour Relations Chapter 6

Supplemental readings (not included on the exams but useful information for you):

- 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)

**Read** the articles posted on EClass this week. Be forewarned that they are a bit dense, but I'd like you to try to read through them. The purpose of sharing them is to help illuminate synergies between IR and HRM (one of the objectives of this course).

- Frege, Carola. (2008), *The History of Industrial Relations as a Field of Study*: gives a bit of background on how Industrial Relations emerged as an academic field. Importantly, she uses the different perspectives discussed in Week 3 (e.g. neoclassical, managerialist, etc.) to describe how Industrial Relations has evolved as an academic field. ***Focus on pages 35-39 (the US case)***.
- Kaufman, Bruce (2008), *Paradigms in Industrial Relations*: describes how the original IR paradigm (how we saw it, understood it) focused on the employment relationship...and how the modern paradigm focuses more on unions and labour-management relations. However, with unions on the decline, he argues this is not as relevant and we need to shift back to the original outlook. This is usually assigned in PhD seminars, but I'd like you to give it a try as



it's interesting in the context of synergies between IR and HRM. **Focus on the abstract and conclusion** and then move through the rest if you're up for the challenge (and/or enjoying it!)

- Lepore, Jill (2009), *Not So Fast: Scientific management started as a way to work. How did it become a way of life?* is easier to read through. An article from the New Yorker, this one should ring a bell with you in terms of modern-day management. After reading through the presentation this week and watching the related videos, you should be able to see some parallels between scientific management as both a way to work and a way of life.

**Participate** in the group discussion forum, “The role of worker action in improving labour standards”

Supplemental:

- You might be interested in episodes 12 and 13 of CBC’s (2001) *Canada – A People’s History*, where you will find the theme of industrial relations comes up quite often. The episodes are available on YouTube

### **Week 7: Unions Part 1: Reasons to join, effects on business, and the unionization process**

**Should unions be revitalized? What are some other options for workers in today’s economy? What have unions done, and what role do they continue to play in society? How are unions formed? From the organizing campaign to certification (and decertification)**

**Read** Canadian Labour Relations Chapters 7 and 8

**Read** the article posted on EClass.

- Kristoff, N. (2015) ‘*The cost of a decline in unions*’, New York Times, 19 February 2015. Nicolas Kristof used to be vehemently anti-union but in this article he comes to terms with the benefits that unions have had for broader society. Read this and focus on the key improvements/positive impacts that he argues unions have made.

**Watch** the short YouTube video on EClass, “Unions are Great!” (2018 Olympics ad)

**Participate** in the group discussion forum, “Are college football players employees?”

### **Week 8: Unions Part 2: Unfair labour practices and the regulation of unions**

***What employees/employers can and cannot do along the way.***

**Read** Canadian Labour Relations Chapters 9 and 14

**Participate** in the group discussion forum, “Unfair labour practices at Canada’s Mountain Equipment Coop”

Supplemental:

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

### **Week 9: Collective bargaining and the collective agreement**

*Agreements are being collectively bargained all around you – at York, in elementary schools, professional sports, international trade agreements, perhaps even in your very own workplace. Who are the parties to collective bargaining, and what happens before, during and after collective bargaining? 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?*

**Read** Canadian Labour Relations Chapters 10 and 12

**DUE:** Assignment 2 at the end of the week before midnight

**Participate** in the group discussion forum, “Collective Bargaining on campus”

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 10: Strikes, lockouts and dispute resolution**

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

**Read** Canadian Labour Relations Chapters 11 and 13

**Read** Professor Doorey’s blogs on Picketing Law <http://lawofwork.ca/?p=7941> and Strikes and Bargaining Law <http://lawofwork.ca/?p=7951>

**Read** the additional articles posted on EClass. They are mostly comprised of news articles related to strikes and lockouts in different sectors throughout Ontario over the past few years.

**Research** an article in a news outlet this week, related to a strike or lockout. In the group discussion forum, discuss either this article or your experience with a strike at York.

**Participate** in the group discussion forum, “Strikes and lockouts in the news”

- [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 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?*

**Read** Canadian Labour Relations Chapter 15

**Read** the additional journal/news articles posted on EClass

- Evans, B. (2013). “When the State is your Boss: The Paradoxes of Public Sector Work”
- Edmonton Journal: [New legislation strikes balance between public safety, workers’ right to strike: Alberta labour minister](#) (Mar 16, 2016)
- Canadian Press: [Ontario and its public sector workers face 'tough negotiations'](#) (Feb 1, 2015)
- Toronto Star: [Ontario bans strikes by the TTC](#) (Mar 30, 2011)

**Participate** in the discussion forum, “Should public sector workers have the right to strike?”

### **Week 12: Labour rights as human rights**

Required readings and other materials will be posted later in the semester