

Imposed terms of work

September 1, 2001

The Report: September / October 2001 vol.22 num.4

In place of The Reports regular "Contract Interpretation" feature, we asked BCs most prominent labour historian to comment on the broader implications of the contracts imposed on health professionals in August. Please also see [in-depth coverage](#) above.

interview with DR. MARK LEIER



What effect do imposed contracts have on relationships between employers and workers?



These contracts are very short-sighted. We have a very complicated industrial relations policy in this country. Its complicated because its evolved out of actual practice; it was never a theoretical construct, but evolved as a set of compromises over the years. And the idea of negotiating contracts was precisely to make sure that each side got something and each side maybe lost a little as well, but that they could both live with the settlement because it had been reached out of a process of fair and open bargaining.

The problem with imposing settlements is that it just short circuits that process ... so you dont have what youre supposed to have, which at the end of the day is an agreement.

The other problem with imposing contracts ... because these are not "agreements," no ones agreed to these things, theyve been imposed upon them ... is that they take any sense of justice and fairness out of the workplace.

The whole idea of negotiating contracts is that its supposed to guarantee ... at least a sense of fair process ... that the best deal possible has been struck. When employers and governments simply impose contracts, that all goes out the window. And one thing we know about human beings and human nature is that they fight back. They dont always do it openly if they cant, but they always find ways to fight back.



Some HSA members were stunned when they learned about the imposed contract. They wanted to know, "can the Liberals do this?"



Sadly, they can. There's a line from Catch 22 which says that they can do anything and you can't stop them. And governments do have the legal right to do that, but it's important for us to remember that laws are not handed down by God; they're made by humans, and they reflect pressure.

Much of our labour law has evolved precisely because workers disobeyed unjust laws and forced the government to compromise and change the law to reflect reality and to channel protest.

The purpose of a strike originally was to put economic pressure on the employer. If bosses were concerned only with the bottom line, workers reasoned, then they needed to be hit there. The successful strike shut down production and both sides paid a price; whoever could hold out longest would win.

Over the last 60 years or so, however, governments have become some of the largest employers in Canada. Government workers face two problems private sector workers do not. First, it is difficult to put economic pressure on the government, for it saves money when workers are on strike.

Second, governments, pretending to act in the public interest, are often quick to impose contracts and order workers to return to the job rather than bargain in good faith. Successful strikes in the public sector then depend on public support, and this can be difficult to obtain as issues are often complex, governments have more resources to get their side out, and people become impatient when necessary services are disrupted.

Because governments can use their power to force people back to work, often they do not bargain in good faith. Sadly, Canada has been a world leader in this, using essential service legislation and similar tactics. The federal government and different provinces have been reprimanded several times by the International Labour Organization, which is part of the United Nations.

When workers are forced back by governments that are not interested in bargaining fairly, the frustrations and tensions that bargaining is supposed to resolve remain. The result is often an angry workforce that, quite rightly, refuses to do anything more than its job.

Most industries, however, cannot function smoothly if workers do only what they are paid to do while adhering strictly to the rules and regulations. Without overtime work, often unpaid, the job doesn't get done. If workers feel their jobs are not treated with respect, they have no incentive to put their best effort into it. Angry and unhappy, they always find other ways to strike back. If your boss treats you unfairly, your decision to book off sick takes that into consideration and that case of the sniffles you worked through last time might be reason enough to take sick days this time.



Are you saying that this could have an impact on the morale of health workers, and perhaps inadvertently affect quality of care?



Yes, absolutely. Every job site requires that people do a little bit extra, rather than just obey the rules, and that's why work-to-rule campaigns are so effective. People always have to put out extra effort and good will on the job. And employers know that, and they use it.

When the contract has been imposed, then they're abusing the workers' good will, and people will simply withdraw it. They will withdraw their efficiency, either consciously or unconsciously, just because they're angry and frustrated.

It's pretty clear that health science professionals and other people in the health industry and the civil service in Canada have not been fairly treated over the last 10 or 15 years. Their contracts have often not kept up with the rate of inflation, and they've fallen behind.

This whole process of collective bargaining is also important because it does make people feel like they have a stake in the workplace, they have some say in what's going on. And if that's taken away, they become angry, they become resentful, and they find ways to strike back.



Some observers were surprised at the vehemence of the rallies and the high turnout on picket lines, especially for the illegal job action undertaken by HSA members ... what were your thoughts as you watched health science professionals and nurses take their job actions this year?



My first thought was one of surprise, because these are groups that have historically not been militant, and have not been in the forefront of industrial conflict in this province. They've often seen themselves as professionals rather than employees or workers. And they have often been fairly quiet. Its an important sign that these groups are now this angry and this prepared to take job action ... even illegal job action. Theres something pretty seriously wrong here. The governments who respond to that simply by lowering the boom of imposed contracts are setting themselves up for a lot more trouble than they're going to be solving in the short term and in the long term. Ultimately, they have to sit down in a few years and go through this process all over again, and its going to be even uglier and even more drawn-out because people are unhappy with what they've won or lost in this round. I was also heartened by the response of the health science professionals and other workers, because working people in Canada have been taking it in the neck for about the last 25 years. When workers don't fight back, they lose. And they lose big time. Without organizing, without education, without workers taking all kinds of actions ... sometimes even illegal ones ... governments and businesses alike will simply make the lives of workers worse.



What is your view of what's in store for labour relations in health care in BC for the next while?



This depends on what workers decide to do. Speaking as a historian, I think we're entering a period of increased militancy for all kinds of working people. People in the less organized sectors such as the service / restaurant industries will be more inclined to organize, more inclined to push for contracts and even to take strike action; we'll see an increase in strikes. I think we're going to see more job action throughout all kinds of sectors, and I think that health care workers are going to be in that struggle as well. This is partly because the governments don't respond to anything but pressure. We even saw that with the NDP government, that was a time when labour had more access to governments than it does now, but access isn't enough. At the end of the day, labour still has to be able to put people on the streets to make its point; it still has to be able to withdraw its labour because it really is the only credible weapon that labour has if employers are going to be unreasonable. Clearly, employers backed up by the government, in this case, and they've shown they are going to be unreasonable. When working people organize collectively ... as the song says, "there is no power greater beneath the sun." And I think that we need to remember that; union members need to think about that and think about ways in which they can put pressure on their employers and on the government. If people aren't militant, if they are not willing to fight for what they believe and what they know is right, then they're never going to get it. *Dr. Mark Leier is the new Director of the [Centre for Labour Studies at Simon Fraser University](#). He was once fired from a print shop for trying to organize a union in the workplace.*

Type:

[The Report](#)

- [Print](#)
- [PDF](#)

180 East Columbia
New Westminster, BC V3L 0G7

Website
www.hsabc.org

Telephone 604-517-0994
1-800-663-2017