

The Extent of Collective Bargaining in Canada

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Résumé de l'article

Il n'existe aucune statistique certaine qui indique avec précision l'extension des négociations collectives au Canada. Le taux de participation des travailleurs aux négociations collectives varie entre trente et un et cinquante sept pour cent. Dans cette étude, on a vérifié les sources disponibles de données (Travail Canada ainsi que la *Loi sur les déclarations des corporations et des syndicats ouvriers*). On a analysé les problèmes techniques se rapportant aux enquêtes annuelles de Travail Canada sur *Les conditions de travail dans l'industrie canadienne* et l'enquête sur l'effectif syndical d'après la loi précitée. On s'est rendu compte que l'enquête sur les conditions de travail surestime considérablement le nombre de salariés assujettis à la négociation collective à cause du fait qu'elle porte avant tout sur les grandes entreprises. À partir des relevés de Travail-Canada et de la loi, on a procédé à une évaluation de l'effectif syndical par industrie pour l'année 1977. Même si presque tous les syndiqués sont régis par des conventions collectives, la législation du travail au Canada permet aussi aux syndicats de représenter les autres salariés à l'intérieur des unités de négociation accréditées. Des recherches portant sur le nombre des travailleurs non syndiqués compris dans les unités de négociation ont été faites pour chaque industrie et, à partir des résultats obtenus, on a estimé ce que pourrait être par industrie le nombre total de travailleurs régis par les conventions collectives. De ce calcul, on peut retenir que quarante quatre pour cent des travailleurs canadiens vivaient sous le régime de conventions collectives en 1977. Des statistiques tirées d'une autre source indiquent qu'il y a des conventions collectives dans moins de cinquante pour cent des établissements de plus de 20 employés. De cette étude, on peut conclure qu'une minorité seulement des travailleurs canadiens participent aux prises de décision en matière de conditions d'emploi par le mécanisme de la négociation collective. Donc, la convention collective ne peut rivaliser avec la pratique européenne du processus de prises de décision collective en matière de conditions de travail. Pour la plupart des salariés, dans la pratique, il n'existe aucune forme de représentation pour ce qui est des sujets de nature collective.

The Extent of Collective Bargaining in Canada

Roy J. Adams

The author attempts to improve upon a certain number of collective bargaining coverage estimates mainly by reviewing union membership data in Canada.

Accurate statistics on the extent of collective bargaining coverage are necessary for several reasons. First, the primary labour relations policy framework in Canada is the Wagner Model which was designed to encourage the practice and procedure of collective bargaining (Carter, 1982). In order to be able to estimate the relative success or failure of that policy accurate statistics are required. Second, since collective bargaining is the dominant method used by trade unions to accomplish their aims, the extent of collective bargaining is an indication of the appeal and vitality of the labour movement. Third, collective bargaining is generally considered to be North America's preferred method for establishing industrial democracy (Crispo, 1982; Windmuller, 1977). In many European countries legislatures have imposed collective decision making machinery such as works councils and worker participation on boards of directors. It is often said that such mechanisms are unnecessary or undesirable in North America because enterprise level collective bargaining serves essentially the same function. To assess such claims it is necessary to have accurate data on the extent to which collective bargaining is actually practiced. Finally, analysis of the outcomes of unions and collective bargaining require «sound estimates of the percentage of employees organized by industry» (Freeman and Medoff, 1979:143). Faulty data may result in incorrect conclusions about the effects of unions.

Unfortunately, there is no reliable data set which accurately depicts the extent of collective bargaining in Canada. Instead, existing estimates of collective bargaining coverage vary considerably. For example, in a 1982 publication Anderson and Gunderson, after noting that unions represent

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** I am indebted to Gérard HÉBERT, Gary CHAISON, Félix QUINET, Wayne BAXTER and especially to Joe ROSE for their comments. The final version of the paper is, of course, entirely my responsibility.

less than 40% of the nonagricultural labour force, state that «over 57% of employees were covered by collective agreements in 1977...» (p. 14). Both Wood and Kumar (1979, p. 271) and Chaison (1982, p. 150) made reference to the same bargaining coverage figure for 1977 without qualification. On the other hand a background paper prepared by the Canadian federal government for a conference sponsored by the Organization for Economic Cooperation and Development reported that in 1977 there were «approximately 18 000 collective agreements in Canada, covering over three million workers or roughly 31% of the Canadian labour force» (OECD, 1979:22).

The high estimate of bargaining coverage noted above was derived from the survey conducted annually by Labour Canada (*Working Conditions in Canadian Industry*). A panel of employers is asked to provide information on a variety of working conditions including the number of employees covered by collective agreements. The 1977 survey revealed that 57% of those employed by the responding establishments were covered by collective agreements. The 57% figure is almost certainly an overestimate of the extent of collective bargaining in Canada as a whole because of biases built into the Labour Canada survey. Only about 40% of the labour force is covered (see Table 1). The construction industry as well as agriculture, hunting and fishing are excluded. In the forestry industry only logging is surveyed. Perhaps the most serious problem with the survey is its bias towards larger enterprises. Firms with 20 or fewer employees are excluded entirely and, according to Labour Canada officials, the response rate of larger firms to the survey is generally much higher than is the rate for smaller organizations. Small establishments are well known to be poorly organized. Data in Table 2, which were acquired from the same panel as the working conditions survey, illustrate the relationship between establishment size and collective agreement coverage.

Whereas the working conditions survey overestimates bargaining coverage, the 31% figure mentioned above most likely underestimates the extent of bargaining. It was produced by taking union membership as a percent of the labour force. That procedure assumes that collective bargaining coverage is identical to union membership density. Although the two concepts are closely associated they are by no means the same. In some countries the rate of unionization is much lower than the collective agreement coverage rate. In West Germany, for example, less than 40% of the labour force is unionized but over 90% of employed people are covered by collective agreements (OECD, 1979). In Canada also it is very likely that collective bargaining is more extensive than union membership. Because of the nature of the Wagner model unions represent all employees in certified bargaining units whether or not they are union members (Carter, 1982).

The 31% figure is also low because the labour force is not an appropriate denominator. It includes groups such as the self employed who are theoretically and practically beyond collective bargaining as the term is generally understood in North America.

ESTIMATING COLLECTIVE BARGAINING COVERAGE

In order to improve upon the bargaining coverage estimates noted above the following procedure was employed. First, union membership data were reviewed in order to produce the best estimate of total union members. Second, union membership data were inflated by an estimate of the number of non-unionists covered by collective agreements. The resultant figure was taken as a percent of all paid workers. To control for variation over time 1977 data were used throughout except where they were unavailable.

Union Membership

Two major surveys of union membership are carried out in Canada each year, one by Statistics Canada for the Department of Industry, Trade and Commerce under the *Corporations and Labour Unions Returns Act* (Calura); the other by Labour Canada. All unions operating in Canada who have 100 or more Canadian members are supposed to report to ITC (Calura Report). However, an inspection of the Calura report indicates that several organizations who meet the basic criteria apparently do not report. For example, teacher, nurse and police organizations are underrepresented.

Labour Canada's survey is more complete. An attempt is made to collect information on all organizations which have 50 or more members and either are affiliated to a central labour organization or have a substantial portion of members in occupations that fall within the scope of appropriate labour relations legislation (Eaton, 1976). A review of the 1977 survey indicates that many organizations which escaped the Calura net were included in the Labour Canada survey. The survey, however, was still not entirely complete. For example, most university teachers were left out as were most police organizations.

Table 3 reproduces union membership data as reported by Labour Canada and Calura. Higher union membership figures are reported for all industries by Labour Canada with the exceptions of finance and public administration. Also reported in Table 3 are the number of employees covered by collective agreements as reported in the working conditions

survey. Since only 40% of total employment was included, bargaining coverage is lower than union membership in every case except mining and public administration. In those two industries, large percentages of total employment were included in the survey. In mining 67% of all paid workers were employed in responding establishments while in public administration the figure was 93% (see Table 1). Some of the difference between union membership in public administration (471 000 as reported by Calura) and collective bargaining coverage (576 000 according to the working conditions survey) may be due to miscellaneous reporting errors. However, a good part of the difference is probably the result of many public sector employees being covered by collective agreements while remaining non-unionists.

Non-Unionists in Certified Bargaining Units

In Table 4 two estimates of the collective agreement coverage rate are reported. In column A collective agreement coverage as reported in the working conditions survey is indicated. Column B reports union members as a percent of paid workers. The discrepancy between the two sets of figures is substantial. Both sets would be simultaneously true only if 35% of all employees in Canada covered by collective agreements were not union members. In the typical bargaining unit in Trade more than 50% of the employees would have to be non-unionists.

It is highly unlikely that such circumstances prevail. In order to become certified Canadian unions usually must sign up at least 50% of the relevant employees. To be sure of successful certification it is common for unions to organize 60 to 70% instead of the bare minimum. After certification unions commonly attempt to negotiate some form of «union security» under which bargaining unit employees either must become union members or pay union dues. Table 5 provides data on union security and dues check off provisions included in collective agreements during 1977. In units with more than 200 employees 20% of those covered had to be union members as a condition of employment. Another 24% worked under contracts whereby some but not all members of the unit had to be union members. For some employees union membership is required by law. Teachers in several provinces and construction workers in Quebec are examples (Boivin, 1982; Rose, forthcoming). More than 90% of collective agreements (covering more than 200 employees) had some form of dues check-off scheme in 1977.

In circumstances where covered employees must pay union dues one would expect that, except for principled objectors, most would become union members. Although the law, under the Wagner Model, requires unions to represent both union and non-union members without prejudice

non-union members must, no doubt, expect less enthusiastic and conscientious consideration. Moreover, it is necessary to become a union member in order to participate in union policy making and decisions. Should conflict become necessary only members are entitled, by right, to union benefits. Available research supports the proposition that the large majority of workers in certified bargaining units become union members. Rose reports that 88% of federal government employees represented by the Public Service Alliance of Canada are dues-paying members (Rose, forthcoming). A study of bargaining units of municipal employees carried out in 1968 found high levels of union density. «Of those interviewed the range was found to be as low as 68,75% to a high of 95,12% with an average of approximately 84%» (Simmons, 1968:47). The data on public administration, already referred to above, indicate that a very high percentage of public employees covered by collective agreements are trade union members.

Perhaps because of the working conditions survey data, Finkelman and Goldenberg recently stated the belief that union membership in private sector bargaining units was lower than in public sector units where, according to their research, it was very high (Finkelman and Goldenberg, 1983:3). However, there does not appear to be any empirical research in support of that view. In the U.S. where union security and check off provisions are very similar to those in Canada, nine of 10 private sector workers covered by collective agreements are union members (Freeman and Medoff, 1979:171). These studies suggest that about 85 to 90% of workers covered by collective agreements are union members.

ESTIMATING COLLECTIVE BARGAINING COVERAGE

Drawing on the discussion to this point certain assumptions may be made in order to estimate more precisely collective bargaining coverage:

1. Twenty percent of covered employees work in units with comprehensive mandatory membership provisions. This assumption is made on the basis of data in Table 5. There is no apparent reason why mandatory membership provisions would be less prevalent in smaller units than in units with 200 or more employees. Indeed, Freeman and Medoff reported that in situations where the continued viability of the union was in some doubt, unions were more likely to insist upon mandatory membership provisions (1979:172). The Canadian situation appears to be similar. The highest percent of mandatory provisions in 1977 was to be found in the poorly organized Trade industry (Wood and Kumar, 1978:399).

2. Eighty five percent of employees covered by some form of dues check-off scheme are union members. This proposition is derived from the logic and the studies noted above.

3. Sixty five percent of employees in units with no check off scheme are union members. This assumption is a «guesstimate». Unions would probably have the most difficult time maintaining membership under such conditions. However, if membership support was allowed to fall much lower than 65% the viability of the collective bargaining relationship would probably be in jeopardy.

4. Trade union membership in 1977 totaled 3 250 000. To the Labour Canada union survey data we have added 101 000 members to account for university teachers, police and small independent local unions¹.

Applying the first three assumptions to data in Table 5 produces the following results:

A.	Employees required to be union members	479 000	x1	=	479 000
B.	Employees in units with check-off provisions	2 192 800			
C.	B less A	1 713 800	x .85	=	1 456 730
D.	Employees in units without ² check-off provisions	184 700	x .65	=	120 060
	Total	2 377 500			2 055 790

An estimated 86% ($2\,055\,790 \div 2\,377\,500$) of covered employees are union members. Applying this figure to the fourth assumption made above yields an estimate of 3 779 070 ($3\,250\,000 \div .86$) employees covered by collective agreements in 1977 or 44% ($3\,779\,070 \div 8\,638\,000$) of all paid workers.

Table 6 extends the analysis to the industry level. Although the overall pattern stays the same the estimates are considerably lower than those resulting from the working conditions survey. In some cases the estimates may be too low. For example, the working conditions survey was very effec-

¹ According to the 1971 Census there were 38 295 police officers and 19 540 university teachers in Canada (Cat. No. 94-729). By 1977 most police and about half of the number of university teachers were engaged in formal collective bargaining. No data or estimates of the number of very small independent unions are available. However, if more than 50 000 or so employees belonged to such organizations they would probably be much more visible than they are at present.

² In the Labour Canada survey from which Table 5 is drawn union security and check-off were coded separately. Therefore, it is possible that some of those in units without check-off provisions may be subject to closed or union shop provisions. However, union security and check-off provisions usually go hand in hand.

tive in securing responses from public sector employers. Respondents to the survey employed 93% of all paid workers in public employment. The survey found that 575 700 employees (91% of survey employment: 84% of all paid workers) were covered by collective agreements. In short, bargaining coverage in public employment probably needs to be revised upward. The other estimates, however, would seem to be more realistic than are those of the working conditions survey. Indeed, they are probably conservative estimates. If the situation reported by Freeman and Medoff for the U.S. were equally true in Canada average union density in certified units would be 91% and collective agreement coverage less than 42%. Since Canadian and American practice is very similar with respect to union security and dues check off the assumption is not unreasonable³

Table 7 provides a different perspective on collective bargaining coverage. It is based on data collected from the same panel of establishments as those in the working conditions survey and suffers from the same drawbacks. It indicates that over 50% of the reporting establishments had no collective agreements with any union. It is quite certain that in units with 20 employees or less (not included in the survey) the practice of collective bargaining is much less in evidence. In short, collective bargaining is practiced in only a minority of Canadian establishments; probably only a small minority.

CONCLUSION

Because it is of such obvious importance one would expect that very good information on collective agreement coverage would be readily available. Instead estimates of the extent of collective bargaining vary greatly. Available data allow us to say with a reasonable degree of certainty that at least 35 to 40% of paid workers are covered by collective agreements⁴. It is possible that up to 45% are covered. It is very unlikely that a majority of Canadian paid workers participate in the collective bargaining system. These data might be taken to mean that the majority of Canadian workers

³ The «average union density» figure for the construction industry is probably too low and the bargaining coverage estimate too high because of the widespread use of hiring halls in that industry. My thanks to Wayne Baxter of Labour Canada for bringing that point to my attention.

⁴ Even the 35% figure may be too high. A 1982 household survey done by Statistics Canada found only 31% of employees holding union membership. See Wood & Kumar, 1983, p. 212. Moreover, in a survey of unions in the U.S. Chaison found that many maintain in membership individuals who are unemployed, retired or in the armed forces (Chaison, 1984). On the other hand the Calura report for 1977 indicated that of the 2 822 044 union members identified (p. 23) 2 786 779 or 98,8% were covered by collective agreements (p. 66).

have not strongly felt the need to band together for mutual protection (Bok and Dunlop, 1970:50). Alternatively, they might be considered evidence that the policy framework designed to encourage collective bargaining is faulty and in need of reassessment (Beatty, 1983). Consideration of such issues is beyond the scope of this essay. It may be concluded with confidence, however, that collective bargaining under the Wagner Model is not the primary alternative to the European practice of mandatory collective employment decision making. For most employees the practical alternative is no representation whatsoever on issues of a collective nature⁵.

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⁵ Both Félix QUINET and Gary CHAISON reminded me that unions and collective bargaining have had a significant impact on the terms and conditions of work of not only their own members but also the unorganized. Of course, I agree. Nevertheless, I stand by my statement. The unorganized may benefit from the activities of unions but they do not participate in the making of employment decisions of a collective nature.

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L'ampleur de la négociation collective au Canada

Il n'existe aucune statistique certaine qui indique avec précision l'extension des négociations collectives au Canada. Le taux de participation des travailleurs aux négociations collectives varie entre trente et un et cinquante sept pour cent. Dans cette étude, on a vérifié les sources disponibles de données (Travail Canada ainsi que la *Loi sur les déclarations des corporations et des syndicats ouvriers*). On a analysé les problèmes techniques se rapportant aux enquêtes annuelles de Travail Canada sur *Les conditions de travail dans l'industrie canadienne* et l'enquête sur l'effectif syndical d'après la loi précitée. On s'est rendu compte que l'enquête sur les conditions de travail surestime considérablement le nombre de salariés assujettis à la négociation collective à cause du fait qu'elle porte avant tout sur les grandes entreprises.

À partir des relevés de Travail-Canada et de la loi, on a procédé à une évaluation de l'effectif syndical par industrie pour l'année 1977. Même si presque tous les syndiqués sont régis par des conventions collectives, la législation du travail au Canada permet aussi aux syndicats de représenter les autres salariés à l'intérieur des unités de négociation accréditées. Des recherches portant sur le nombre des travailleurs non syndiqués compris dans les unités de négociation ont été faites pour chaque industrie et, à partir des résultats obtenus, on a estimé ce que pourrait être par industrie le nombre total de travailleurs régis par les conventions collectives. De ce calcul, on

peut retenir que quarante quatre pour cent des travailleurs canadiens vivaient sous le régime de conventions collectives en 1977. Des statistiques tirées d'une autre source indiquent qu'il y a des conventions collectives dans moins de cinquante pour cent des établissements de plus de 20 employés.

De cette étude, on peut conclure qu'une minorité seulement des travailleurs canadiens participent aux prises de décision en matière de conditions d'emploi par le mécanisme de la négociation collective. Donc, la convention collective ne peut rivaliser avec la pratique européenne du processus de prises de décision collective en matière de conditions de travail. Pour la plupart des salariés, dans la pratique, il n'existe aucune forme de représentation pour ce qui est des sujets de nature collective.

TABLE 1
Labour Force Coverage of the
Working Conditions Survey
1977

	<i>Paid Workers (000s)</i>	<i>Employment in Reporting Establishments (000s)</i>	<i>Surveyed Employment as a Percent of Paid Workers</i>
Forestry (Logging)	57	31	54
Mining	151	101	67
Manufacturing	1844	1065	58
Construction	496	0	0
Transportation, etc.	775	441	57
Trade	1545	415	27
Service	2450	574	23
Public Admin.	682	631	93
Agriculture, etc.	109	0	0
Finance, etc.	529	239	45
Total	8638	3496	40

Source: Paid Workers: Calura report. Employment in reporting establishments: Calculated from data in *Working Conditions in Canadian Industry, 1977*.

TABLE 2
Estimated Collective Bargaining
Coverage by Establishment Size
1978

Establishment Size (Number of Employees)	A Employment	B Covered by Collective Agreements	B ÷ A
20—49	198,928	40,320	20
50—499	1,454,100	712,212	49
500 +	1,813,134	1,165,446	64
Total	3,474,162	1,917,978	55

Source: Unpublished data from *Survey of Educational Leave and Training and Development* conducted by Labour Canada in 1979 for the Commission of Inquiry on Educational Leave and Productivity. The survey utilized the same mailing list that Labour Canada uses to conduct its annual working conditions survey.

TABLE 3
Union Membership & Collective Bargaining
Coverage Estimates, 1977

	A Calura Union Membership (000's)	B Labour Canada Union Membership (000's)	C Labour Canada Collective Bargaining Coverage (000's)
Forestry	28,5	32,7	23,8
Mining	57,5	63,6	64,9
Manufacturing	842,2	868,9	647,0
Construction	289,0	302,9	N/A
Transportation, etc.	409,4	439,4	317,3
Trade	125,0	132,0	86,1
Finance, etc.	12,4	7,9	5,7
Service	545,8	781,5	287,3
Public Admin.	471,3	460,1	575,7
Agriculture, etc.	5,7	N/A	N/A
Other	35,3 ¹	60,0 ²	—

Sources: Calura union membership: Calura Report
Labour Canada Union Membership: Wood and Kumar, 1979. Labour Canada Collective Bargaining Coverage: Calculated from data in *Working Conditions in Canadian Industry, 1977*.

¹Reported to be «pensioners, unemployed, etc.» (Calura report, p. 72).

²The total number of union members was first reported to be 3 095 000 (noted in both Wood and Kumar, 1979 and Chaison, 1982). Later, however, the total was revised to 3 149 000 (see Labour Canada *Directory of Labour Organizations*, Ottawa: 1980, p. 18). The 60 000 «other» is the difference between the sum of membership in the various industry categories (3 089 000) and the revised total figure (3 149 000).

TABLE 4
Two Estimates of the Collective Agreement
Coverage Rate
1977

	<i>A</i>	<i>B</i>	<i>Implied Union Density per Unit B ÷ A</i>
Forestry	77	57	74
Mining	64	42	66
Manufacturing	61	47	77
Construction	N/A	61	N/A
Transportation, etc.	72	57	79
Trade	21	9	43
Service	50	32	64
Public Admin.	91	69	76
Finance, etc.	2	2	100
Agriculture, etc.	N/A	5	N/A
Total	57	37	65

Source: Column A: Collective Agreement Coverage. Calculated from data in *Working Conditions in Canadian Industry, 1977*.

Column B: Union members as a percent of paid workers. Union members from either column A or B of Table 3 whichever was highest. Paid workers from Calura report, 1977.

TABLE 5
Union Security and Dues Check-Off
Provisions in Collective Agreements
1977

Type of Provision	<i>No. of Employees</i>	<i>%</i>
I Membership		
Closed Shop	95,1	4,0
Union Shop	383,9	16,1
Modified Union Shop	493,4	20,7
Maintenance of Membership	82,1	3,4
Other	2,9	0,1
No. Provision	1,320,0	55,5
II Check-off		
Compulsory (Rand formula)	844,7	35,5
Other	1,348,1	56,7
No. provision	184,7	7,7

Source: From *Provisions in Collective Agreements in Canada Covering 200 or more employees (excluding construction)*, Ottawa: Labour Canada, 1977. Reported in Wood and Kumar, 1978, p. 387.

TABLE 6
Estimated Collective Bargaining
Coverage by Industry
1977

	A	B	C	D	Percent of Paid Workers Covered Collective Agreements (D ÷ A)
	Paid Workers (000's)	Union Members (000's)	Average Union Density (est) %	Collective Agreement Coverage (000's) (B ÷ C)	
Forestry	57	32,7	95	34,4	60
Mining	151	63,6	86	74,0	49
Manufacturing	1 844	868,9	91	954,8	52
Construction	496	302,9	(86)	352,2	71
Transportation, etc.	775	439,4	86	510,9	66
Trade	1 545	132,0	94	140,4	9
Finance, etc.	529	12,4	(86)	14,4	3
Service	2 450	781,5	82	953,1	39
Public Admin.	682	471,3	85	554,5	81
Agriculture, etc.	109	5,7	(86)	6,6	6
Total	8 638	3250	(86)	3779	44

Sources: Paid workers: Calura report.

Union members: the highest industry membership figure from columns A or B of Table 3. The rationale for the total of 3 250 000 members is explained in the text. In addition to the industry totals it includes unclassified members from the Labour Canada survey as well as members added to make up for omissions of the Calura and Labour Canada surveys.

Average union density: Calculated from data acquired in the Labour Canada study of agreements covering 200 or more workers and reported in Wood and Kumar, 1979. Where union security data by industry were available the same technique as discussed in the text was employed. For those industries where union security data were not available the global estimate (86%) was used.

TABLE 7
Establishments with Collective
Agreements, 1978

Type of Employees	A Establishments Reporting	B Establishments with at least one collective agreement	Percent B ÷ A
Executive			
Professional, Managerial	14 516	960	7
Office	14 878	2 124	14
Non-office	14 056	6 460	46
Any of three	15 612	6 662	43

Source: Labour Canada Statistics from Survey of Educational Leave & Training & Development, Ottawa, 1981. Totals are from unpublished data.