

# Success in Canada, but company fighting back

This summer, the labor movement savored a small but sweet victory when workers at a Wal-Mart in northern Quebec became the first in North America to win the right to unionize.

Soon after a majority of the Jonquière store's 165 hourly workers signed union authorization cards, the Quebec labor board certified the workers as a union and ordered the two sides to negotiate a first contract.

Workers at six other stores scattered across three provinces are also close to winning union rights in what the United Food & Commercial Workers hopes will eventually establish a pattern of contracts for Canada's 231 Wal-Mart stores.

But it's too soon to break out the champagne. The retail discounter has not accepted defeat.

After losing its appeal of the Quebec board's ruling, Wal-Mart recently threatened to close its Jonquière outlet, citing the labor strife. In Saskatchewan, where the UFCW recently collected enough membership cards to apply for government recognition in two stores, Wal-Mart has gone to court, charging that provincial laws restricting the ability of the company to communicate its point of view to employees during a union-organizing campaign violate the Canadian Charter of Rights and Freedoms.

While the union's Canadian campaign has set off a buzz in the United States, it doesn't provide a straightforward road map for this nation, where labor laws are skewed in favor of business, the labor boards are more partisan, and the public is less supportive of unions.

In Canada, labor law varies from province to province. The UFCW's organizing victories are clustered in those provinces with the most union-friendly regulations. Quebec, Saskatchewan and British Columbia, for example, will certify a

bargaining unit if a majority of workers has signed union cards — without an election. Quebec and Manitoba have first-contract laws that mandate arbitration if workers and the company do not reach a settlement within a year.

The AFL-CIO is struggling to win similar rights for U.S. workers. It has rallied support for the Employee Free Choice Act, which would guarantee workers the right to choose unions based on card-signing alone, provide arbitration in first-contract disputes, and jack up the penalties for employers who violate the law.

The federation got all nine candidates for the Democratic nomination to endorse the bill during last year's primary season. But even if Sen. John Kerry won this week's election (which took place after this issue of the *New York Teacher* went to press), the bill has virtually no chance of becoming law in Congress, where lawmakers happily feed at the corporate trough.

"You'd need to elect a Democratic president, a Democratic House of Representatives and a Democratic Senate to get a change in labor law passed," said Michael Harper, a professor of labor law at Boston University. "It seems pretty unlikely."

Given the slim chance of legal reform, unions that have ignored the NLRB election process have proven most successful at organizing. They persuade companies to voluntarily recognize the union by building support for the workers among the public and investors.

SEIU's Justice for Janitors campaign produced an early model. Only a quarter of the approximately 200,000 nongovernmental workers who won union rights last year did so through NLRB elections, according to the AFL-CIO.

— Deidre McFadyen