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## Non-Majority Union Representation conforms to ILO Freedom of Association Principles and (Potentially) Promotes Inter-Union Collaboration: New Zealand Lessons for Canada

Mark Harcourt  
*University of Waikato*

Helen Lam  
*Athabasca University*

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Mark Harcourt\* and  
Helen Lam\*\*

Non-Majority Union Representation  
Conforms to ILO Freedom of Association  
Principles And (Potentially) Promotes  
Inter-Union Collaboration: New Zealand  
Lessons For Canada

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*North American union certification violates workers' freedom of association, a fundamental human right well established by the International Labour Organization (ILO); by denying workers the right to be represented when a majority of their co-workers does not favour a union. In Canada, the Supreme Court has drawn on ILO standards to recognize a constitutional right to bargain collectively and organize as part of freedom of association under section 2(d) of the Charter of Rights and Freedoms. However, such recognition of the ILO principles has, as yet, to translate into legislation that would provide non-exclusive, non-majority union representation, at least in workplaces where majority support has not been demonstrated. This disinclination to change the existing system reflects the widespread belief that non-exclusive representation would spawn multi-union representation and a corresponding deterioration in inter-union relationships. We challenge this assumption, using results from a survey of inter-union collaboration in New Zealand, where there is a non-exclusive, non-majority (minority) union representation system. We find that collaboration is commonplace, especially with respect to bargaining and policy issues.*

*Le processus nord-américain d'accréditation des syndicats viole la liberté d'association des travailleurs, droit fondamental de la personne solidement ancré dans l'Organisation internationale du travail (OIT), en refusant aux travailleurs le droit d'être représentés lorsqu'une majorité de leurs collègues ne veulent pas de la syndicalisation. Au Canada, la Cour suprême s'est inspirée des normes de l'OIT pour reconnaître un droit constitutionnel de s'organiser et de négocier collectivement dans le cadre de liberté d'association prévue au paragraphe 2(d) de la Charte canadienne des droits et libertés. Toutefois, cette reconnaissance des principes de l'OIT ne s'est toujours pas traduite en mesures législatives qui permettraient la représentation non exclusive et non majoritaire par syndicat, au moins dans les milieux de travail où le soutien de la majorité n'est pas démontré. Cette réticence à modifier le système existant reflète la croyance fort répandue que la représentation non exclusive donnerait lieu à la représentation par de multiples syndicats et la détérioration concomitante des relations entre ces derniers. Nous contestons cette présomption et pour ce faire, nous utilisons les résultats d'un sondage sur la collaboration entre syndicats mené en Nouvelle-Zélande où existe un système de représentation syndicale non exclusive et non majoritaire (minoritaire). Nous constatons que la collaboration est la règle, en particulier pour ce qui est de la négociation et des enjeux politiques.*

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\* Dr. Mark Harcourt is a professor in the Department of Strategy and Human Resource Management, Waikato Management School, University of Waikato, Hamilton, New Zealand.

\*\* Dr. Helen Lam is a professor in Human Resource Management at the Faculty of Business, Athabasca University, St. Albert, Alberta, Canada.

*Introduction*

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*Introduction*

The North American union representation system, the so-called Wagner System,<sup>1</sup> was founded on the principles of majoritarianism, exclusivity, and compulsion. Majoritarianism means that, to be certified, the bargaining agent must be supported by a majority of the employees in the bargaining unit. If the majority do not support the union, the bargaining unit will not be given union representation. Exclusivity means that only the union which won majority support may represent the employees in the bargaining unit. Compulsion requires all workers in the unit to accept the sole certified union representation, irrespective of their individual representation or membership preference, at least until the next open period when other unions have the opportunity to compete for sole representation. As a result, workers not in the majority, who did not vote for the certified agent, have no freedom to associate with a different union of their choice; nor do they have the freedom not to associate with any union by remaining employed on an individual employment contract.

Why is there a renewed interest in examining this long established system? First, the injustice in denying minority rights is not something that will go away with time. With a workforce more diverse than ever,

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1. *National Labor Relations Act*, Pub L No 74-198, 49 Stat 452 (codified as amended at 29 USC § 151-169 (1935)).

and minority worker groups of various kinds becoming more prominent, it is not only ethically wrong to ignore the pleas of minority workers for proper representation, but also politically unwise to do so. Second, the US representation system has been challenged by reputable legal scholars and labour activists arguing for a reinterpretation of the *National Labor Relations Act* to allow for multiple minority representation where there is no majority representation in place.<sup>2</sup> Third, and most relevant for the purposes of this paper, recent landmark Supreme Court of Canada (SCC) cases (e.g., *Health Services and Support – Facilities Subsector Bargaining Association v. British Columbia*<sup>3</sup> and *Dunmore v Ontario (Attorney General)*<sup>4</sup>) have emphasized International Labour Organization (ILO) freedom of association principles in establishing constitutional rights to organize and bargain collectively.<sup>5</sup> The latest development involving the SCC's *Ontario (Attorney General) v. Fraser*<sup>6</sup> decision clarified that legislatures are indeed not required to enact laws prescribing exclusive representation. Neither is legislation not requiring exclusive representation necessarily unconstitutional. This can have widespread implications. More on these cases is discussed in later sections.

#### I. *The international labour organization and minority representation rights*

The ILO is the tripartite United Nation “agency that brings together representatives of governments, employers and workers to jointly shape policies and programmes promoting Decent Work for all.”<sup>7</sup> Freedom of association is a fundamental human right covered in both the UN declarations and ILO conventions.<sup>8</sup> Specifically, Article 20 of the 1948 United Nations’ Declaration of Human Rights states that “(1) (e)veryone has the right to freedom of peaceful assembly and association; (2) no one may be compelled to belong to an association.”<sup>9</sup> ILO Convention 87 of July

2. See e.g., Charles J Morris, *The Blue Eagle at Work: Reclaiming Democratic Rights in the American Workplace* Ithaca, NY: Cornell University Press, 2005; Clyde Summers, “Unions without Majority – A Black Hole?” (1990) 66 Chicago-Kent L Rev 531.

3. *Health Services and Support – Facilities Subsector Bargaining Assn v British Columbia*, 2007 SCC 27, [2007] 2 SCR 391.

4. *Dunmore v Ontario (AG)*, 2001 SCC 94, [2001] 3 SCR 1016 [*Dunmore*].

5. Judy Fudge, “The Supreme Court of Canada and The Right to Bargain Collectively: The Implications of the *Health Services and Support* Case in Canada and Beyond” (2008) 37 Indus LJ 25.

6. *Ontario (AG) v Fraser*, 2011 SCC 20, [2011] 2 SCR 3.

7. International Labour Organization online: <[www.ilo.org/global/about-the-ilo/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/lang--en/index.htm)>.

8. Roy Adams, *Labour left out: Canada's Failure to Protect and Promote Collective Bargaining as a Human Right*. (Ottawa: Canadian Centre for Policy Alternatives, 2006).

9. Universal Declaration of Human Rights, GA Res 217(#), UNGAOR, 3rd Sess, Supp No 13, UN Doc A/810, (1948).

1948 (Article 2), which Canada has ratified, further adds that: “workers and employers, without distinction whatsoever, shall have the right to establish, and subject only to the rules of the organization concerned, to join organizations of their own choosing.”<sup>10</sup> Similar provisions are contained in the various multilateral treaties adopted by the UN, including Article 8 (1)(a) of the International Covenant on Economic, Social and Cultural Rights of December 1966, which protects “the right of everyone to form trade unions and join the union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests”,<sup>11</sup> and Article 22 (1) of the International Covenant on Civil and Political Rights of December 1966 which reiterates “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”<sup>12</sup>

According to ILO documents, the most common problems with freedom of association, noted by the Committee of Experts on the Application of Convention and Recommendations (an ILO supervisory body), “relate in particular to the denial of the right to collective bargaining, ...as well as the requirement for trade union organizations to represent too high a proportion of workers to be recognized or to engage in collective bargaining.”<sup>13</sup> The Committee still approves of national legal regimes providing for exclusive representation, as long as the sole union agent is legally obliged to fairly and equally represent all workers in the bargaining unit.<sup>14</sup> This feature of the Wagner system is unproblematic from an ILO perspective. However, “(p)roblems may arise when the law stipulates that a trade union must receive the support of 50 per cent of the members of a bargaining unit to be recognized as a bargaining agent,”<sup>15</sup> because unions failing to secure majority support from the bargaining unit are denied any representation rights. The Committee maintains that “if no union covers more than 50 per cent of the workers, collective bargaining rights should be granted

10. *Convention (ILO No 87) concerning Freedom of Association and Protection of the Right to Organize*, 9 July 1948, 68 UNTS 17, CTS 1973/14.

11. *International Covenant on Economic, Social, and Cultural Rights*, 16 December 1966, 993 UNTS 3, Can TS 1976/46.

12. *International Covenant on Civil and Political Rights*, 19 December 1966, 999 UNTS 171, arts 9-14, Can TS 1976 No 47 [ICCPR].

13. Bernard Gernigon, Alberto Otero & Horacio Guido, “ILO principles concerning collective bargaining” (2000) 139 *International Labour Review* 33 at 53.

14. ILO, *Freedom of Association and Collective Bargaining*. (Geneva: International Labour Conference 81<sup>st</sup> Session, 1994) online: International Labour Organization <[http://www.ilo.org/public/libdoc/ilo/P/09661/09661\(1994-81-4B\).pdf](http://www.ilo.org/public/libdoc/ilo/P/09661/09661(1994-81-4B).pdf)> at paras 97, 99.

15. *Ibid* at para 241.

to all the unions in this unit, at least on behalf of their own members.”<sup>16</sup> Obviously, this is a major freedom of association issue in North America, because the Wagner system doesn’t guarantee union representation rights in the absence of majority support.

## II. *The ILO, the Supreme Court of Canada, & minority representation rights*

The Supreme Court of Canada has fashioned constitutional rights to organize and bargain collectively, as part of freedom of association under section 2(d) of the *Canadian Charter of Rights and Freedoms*,<sup>17</sup> relying heavily on ILO documents, conventions, and arguments. In the British Columbia *Health Services* case, the BC government took the unprecedented unilateral action, in the face of a severe fiscal crisis, to promptly pass Bill 29 (2001),<sup>18</sup> suspending health workers’ right to bargain collectively and thereby setting the stage for wage and condition reductions.<sup>19</sup> The healthcare unions responded by launching a constitutional challenge on the grounds that Bill 29 violated the *Charter of Rights and Freedom*. In its decision concerning the case, the SCC clarified two important issues by applying ILO principles. First, it acknowledged that the activities of labour unions, in organizing and bargaining collectively, fall within the scope of freedom of association, because the ILO has judged them to be fundamental human rights.<sup>20</sup> Second, the SCC determined that “the Charter should be presumed to provide at least as great a level of protection as is found in the international human rights documents that Canada has ratified.”<sup>21</sup> In the end, the SCC declared the Bill 29 legislation unconstitutional and stated that the government, both as employer and law-maker, should not substantially interfere with the workers’ association activities or “seriously undercut or undermine the activity of workers joining together to pursue the common goals of negotiating workplace conditions and terms of employment...”<sup>22</sup> After this decision, the British Columbia Supreme Court decided in April 2011 that the legislation passed by Bill 28 (2002),<sup>23</sup> similarly restricting

16. *Ibid* at para 241.

17. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

18. Bill 29, *Health and Social Services Delivery Improvement Act*, 2nd Sess, 37th Leg, British Columbia, 2001 (assented to 28 January 2002), SBC 2002, c 2.

19. Fudge, *supra* note 4 at 27.

20. *Ibid*, see also Judy Fudge, “The New Discourse of Labor Rights: From Social to Fundamental Rights?” (2007) 29 *Comp Lab L & Pol’y J* 29.

21. *BC Health Services*, *supra* note 2 at para 79.

22. *BC Health Services*, *supra* note 2, at paras 90-92.

23. Bill 28, *Public Education Flexibility and Choice Act*, 2nd Sess, 37th Leg, British Columbia, 2002 (assented to 28 January 2002), SBC 2002, c 3.

collective bargaining for the British Columbia Teachers' Federation, was also unconstitutional.<sup>24</sup>

In the *Dunmore* case, the appellants argued that excluding agricultural workers from the *Ontario Labour Relations Act* was a violation of freedom of association under the *Charter of Rights and Freedom*, because it severely compromised the union's ability to organize. In contravention, the Attorney General claimed that labour organizations and collective bargaining were a threat to the economic viability of fragile family-owned farms. The Court, however, did not find this stance substantiated and decided that the wholesale exclusion of agricultural workers was an unjustified infringement of their freedom of association. Moreover, the Court held that the state is obliged, under the *Charter*, to "extend protective legislation to unprotected groups"<sup>25</sup> to be truly consistent with the meaning of freedom of association.

The *Dunmore* case clearly shows that the right to organize, as part of the freedom to associate, is a fundamental human right, one which should not normally be abrogated, especially to protect the interests of the majority. The *BC Health Services* case shows that collective bargaining, as an institution, is integral to freedom of association; any attempt to undermine it in a substantial way is therefore also contravening workers' human rights. In both these cases, the SCC invoked ILO principles and referred to specific ILO conventions. As precedents, these cases are likely to steer Canadian courts towards a heavier reliance on ILO principles in deciphering a freedom of association which better protects workers, especially if they constitute a weak and vulnerable minority.

Why are these latest changes, invoking ILO principles in interpreting the *Charter*, worth particular attention? For decades, the SCC determined that Canada's union representation system lay beyond the scope of protection afforded by the *Charter's* freedom of association, now, things are apparently changing and this assumption needs to be revisited. As noted in the *Dunmore* case, "(t)he notion that under-inclusion can infringe freedom of association is not only implied by Canadian *Charter* jurisprudence, but is also consistent with international human rights law."<sup>26</sup> Since the exclusive representation system inevitably denies the freedom of association to minority groups in the workplace, it follows that such 'under-inclusion' is certainly an infringement of fundamental

24. *British Columbia Teachers' Federation v British Columbia*, 2011 BCSC 469, 20 BCLR (5th) 123.

25. *Dunmore*, *supra* note 5 at para 20.

26. *Dunmore*, *supra* note 5 at para 27.

human rights as recognized in ILO principles. The next seemingly logical step for the SCC, in extending the application of ILO principles, could involve ensuring that provincial and federal governments enact suitable labour legislation to protect the associational activity rights of minority worker groups, especially in workplaces currently lacking an exclusive bargaining agent.<sup>27</sup>

### III. *Non-exclusive, on-majority representation: New Zealand as a test case for inter-union relationships*

The Supreme Court of Canada's recent decisions, which recognize the importance of freedom of association, have not, as yet, produced corresponding legislative change. One obvious reason for this is that there is a lingering, deep-seated fear, shared with unionists and others, that non-exclusive representation would cause a lot more inter-union conflict, with unions actively vying to represent the same bargaining units, which in turn, could accentuate the power imbalance between unions and employers, as well as fragment the overall labour movement. This fear was perhaps most colourfully expressed by the Ontario Court of Appeal in *Fraser v Ontario*,<sup>28</sup> when it ruled against the *Agricultural Employees Protection Act 2002*,<sup>29</sup> passed in response to *Dunmore*. In defending the Wagner System, the Court declared: "(i)t is not overstating the point to say that to avoid chaos in the workplace to the detriment of the employer and employees alike, it is essential that a representative organization be selected on a majoritarian basis and imbued with exclusive bargaining rights."<sup>30</sup> At issue in this appeal case was whether it was unconstitutional to exclude farm workers from Ontario's *Labour Relations Act*<sup>31</sup> and place them under a new separate *Agricultural Employees Protection Act*,<sup>32</sup> which has different provisions in regards to bargaining, dispute resolution, and union representation which do not necessarily preclude multiple representation. Following the Court of Appeal's decision that the *AEPA* was unconstitutional, the case went to the SCC, which overturned the Court of Appeal's ruling.<sup>33</sup> In its decision, the SCC found that "(f)arm workers in Ontario are entitled to meaningful processes by which they can pursue

27. Roy J Adams, "Non-statutory Unionism and the Right to Bargain Collectively" (Paper presented at the Conference on Freedom of Association: Harmonizing Canadian Norms and International Obligations, Saskatoon, Canada, 25-27 February 2010).

28. *Fraser v Ontario (Attorney General)*, 2008 ONCA 760, 92 OR (3d) 481.

29. *Agricultural Employees Protection Act*, SO 2002, c 16.

30. *Ibid* at para 92.

31. *Labour Relations Act*, 1995, SO 1995, c 1, Schedule 1.

32. *Supra*, note 29.

33. *Ontario (Attorney General)*, *supra* note 5.

workplace goals” even if the “AEPA does not provide all the protections the LRA extends to many other workers.”<sup>34</sup> Moreover, “(l)egislatures are not constitutionally required ... to enact laws that set up a uniform model of labour relations imposing a statutory duty to bargain in good faith, statutory recognition of the principles of exclusive majority representation ... What is protected is associational activity, not a particular process or result.”<sup>35</sup> It is too early to tell if this latest turn of events can be interpreted as opening the doors for possible minority unionism, but, at the very least, it shows minority unionism can be made legal. The more important issue now is whether legislatures have the will to introduce it given the ingrained belief that non-exclusive union representation is necessarily associated with problematic conflicts and chaos.

The assumption that non-exclusive representation inevitably produces conflict has not been systematically tested in Canada or the US, using evidence from large samples, for the simple reason that the exclusive representation system does not allow multi-union representation in the same bargaining units. What is known about inter-union conflict comes mainly from studies of raiding<sup>36</sup> but these are winner-take-all contests in which one union wins and the other loses (or both lose). It follows that these studies can tell us little about what would happen in a multi-union, minority representation regime, where sharing representation in the same workplace is both an option and even normal.

Perhaps more cogently, inter-union relationships in a multiple union setting do not have to be competitive. There is another side to such relationships—collaboration—which has attracted little academic attention. The traditional focus on inter-union conflict has distracted theorists, policy-makers, and practitioners from the potentially collaborative nature of relationships in a multi-union setting. Is it therefore appropriate to continue to dismiss legislative reforms, promoting and legitimizing minority unionism? In this paper, we investigate the nature and extent of collaboration among unions in a multi-union setting; the focus of their collaboration: (organizing, bargaining, lobbying, etc.); the benefits unions receive from collaborating and suggest reforms which would help to promote more collaboration.

The empirical data for this study come from a survey of union leaders in New Zealand, which has a system of non-majority, non-exclusive,

34. *Ibid* at paras 116-117.

35. *Ibid* at para 8.

36. See e.g. Clyde Scott, Edwin Arnold & Charles Odewahn, “Raid Elections: Another Problems for Unions?” (1992) 21 Public Personnel Management 555; Gary N Chaison, “The Frequency and Outcomes of Union Raids” (1976) 15 Industrial Relations 107.

members-only union representation, where multiple unions may represent workers in the same bargaining unit. New Zealand is a good alternative setting to Canada for studying inter-union relationships, because both countries share many characteristics. They are both English-speaking western countries with a similar liberal market economy, similar business union orientation, the presence of a supporting union federation, ethnic diversity, and a comparable national culture with respect to Hofstede's dimensions.<sup>37</sup> This timely study is intended to provide useful information for any potential consideration of a more open Canadian regime, prompted by the latest SCC developments, and characterized by non-exclusive minority union representation.

In the following sections, we first provide a conceptual framework for inter-union cooperation. This is followed by a description of the survey method, data analysis, discussion, and conclusion.

#### IV. *Conceptual framework for inter-union cooperation*

Inter-union cooperation can occur for different reasons. First and foremost, “[i]deologically, all unions are tied together by the objective of securing workers’ rights in our society.”<sup>38</sup> Collaborating to build union solidarity within the working class is therefore fundamental to achieving this objective. On the utilitarian side, inter-union cooperation can bring many benefits to unions and their membership. As the saying goes, ‘union is power.’ By banding together, unions can have a much stronger voice and influence on other actors in the industrial relations system, namely, the employers and the government. Below, we describe a few common areas of collaboration among unions. These areas include collaboration over bargaining, organizing, policy, and other issues.

##### 1. *Collaboration over bargaining*

To gain greater power and leverage over the employer, unions in the same workplace, especially those representing workers of the same unit may want, or even need, to strategically collaborate in bargaining. Research has shown that if worker groups are labour substitutes, they can raise wages by bargaining together. No doubt partly for this reason, 29% of responding union representatives in the 1980 UK Workplace Industrial relations Survey

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37. Nancy J Adler, “Chapter 2: How Do Cultural Differences Affect Organizations?”, in *International Dimensions of Organizational Behaviour*, 3d ed (Cincinnati: South-Western College Publishing, 1997) at 39. This book chapter compares countries, using Hofstede’s cultural dimensions, namely, Individualism versus Collectivism, Power Distance, Uncertainty Avoidance, and Career Success and Quality of Life.

38. Richard W Hurd & Sharon Pinnock, “Public Sector Unions: Will They Thrive or Struggle to Survive?” (2004) 25 *Journal of Labor Research* 211 at 211.

supported the notion of joining forces to effectively avoid the employers' 'divide and rule' trap.<sup>39</sup> There is certainly strength in numbers. If unions bargain separately and have different collective agreements expiring at different times, they cannot strike, in combination, to force employer concessions. Employers can then easily handle a 'partial strike' by relying on non-striking workers to pull through the tough period. Joint efforts in bargaining, and in strikes particularly, make sense when the unions' interests and bargaining agendas are similar, and the issue of overlapping in membership is not severe.<sup>40</sup> Indeed, when unions join together in their bargaining, they can act like a monopoly and achieve advantages similar to those of an exclusive agent. Using an economic model of a two-union situation, Martins confirms that union coalition and collusion is always better than union competition in terms of union outcomes.<sup>41</sup>

As for how unions collaborate, the form and extent of the collaboration can vary over a broad spectrum. At the lower levels of cooperation, unions may simply share background information on bargaining issues, exchange bargaining agenda items, and provide mutual support and encouragement by, for instance, respecting each others' striking members and picket lines, (even though there is no legal protection in Canada or the US for workers missing work in order to not cross another union's picket line). At a medium level of cooperation, unions may consult with each other on bargaining issues and coordinate their negotiation plans by, for example, synchronizing their bargaining agendas. At higher levels of cooperation, unions can form formal longer-term strategic alliances by having joint negotiations and joint collective agreements. Such initiatives are not a new concept, having existed for over a century in the US, in the construction industry back in the 1880s and in the railroads around 1902,<sup>42</sup> despite the lack of specific legislation provisions enabling employers to negotiate multi-union collective agreements.

A number of conditions have been proposed as catalysts for the growth of coordinated or joint negotiations, some of them are described

39. Stephen Machin, Mark B Stewart & John Van Reenen, "The Economic Effects of Multiple Unionism: Evidence from the 1984 Workplace Industrial Relations Survey" (1993) 95 *Scandinavian Journal of Economics* 279 at 282.

40. Agnes Akkerman, "Union Competition and Strikes: The Need for Analysis at the Sectoral Level" (2008) 61 *Indus & Lab Rel Rev* 445.

41. Ana Paula Martins, "Union Duopoly with Heterogeneous Labour" (2005) 32 *International Journal of Social Economics* 339.

42. Abraham Cohen, "Coordinated Bargaining and Structures of Collective Bargaining" (1975) 26 *Lab LJ* 375; George Hildebrand, "Coordinated Bargaining: An Economist's Point of View" *Industrial Relations Research Association Proceedings of the 1968 Annual Spring Meeting*, Madison, Wisconsin.

below.<sup>43</sup> First, increasingly complex labour issues may demand too many resources and too much expertise for any single union to provide. A decline in relative bargaining power spurred by union fragmentation or some other weaknesses can also stimulate cooperation. With declining union density in many countries, unions can find it increasingly necessary to work together to build their strength. Similarly, an increase in the employer's relative bargaining power, reflecting larger corporate size or more centralized policies across multi-sites, can drive unions to partner up to re-tilt the power balance. Standardization in terms and conditions of employment within an organization or industry can also drive unions to collaborate in bargaining, because, in such situations, unions usually need more bargaining power to resist such homogenization and customize benefits to workers and their workplaces.

## 2. *Collaboration over organizing*

At first glance, collaboration over organizing seems implausible, especially when unions represent workers in the same bargaining unit. The belief that unions always fight each other while recruiting from the same membership pool is predicated on a few key assumptions—that unions are economically rational, self-interested organizations with a strong focus on dues maximisation; that the pursuit of self-interest is unconstrained by institutional norms; and that the economic benefits of additional members generally exceeds the costs.<sup>44</sup>

These assumptions are all subject to challenge. First, many unions have a social democratic orientation which stresses achieving "...reforms within both the economy and society..."<sup>45</sup> to advance the broader interests of the entire working class. This is corroborated by a Canadian study of union democracy, which shows that many unions venture beyond the narrow concerns and activities of collective bargaining, which serve their immediate members, to embrace a wider, social democratic focus on political and social causes, often in combination with other unions.<sup>46</sup> Since fighting other unions for members produces no net gains in total union membership, many unions are likely to view such conflicts as being

43. See Abraham Cohen, "Union Rationale and Objectives of Coordinated Bargaining" (1976) 27 Lab LJ 75.

44. See e.g. Mark Addleson, "Stories about Firms: Boundaries, Structures, Strategies, and Processes" (2001), 22, 5 *Managerial and Decision Economics* 169; Morris Altman, "Behavioral Economics, Power, Rational Inefficiencies, Fuzzy Sets, and Public Policy" (2005) 39 *Journal of Economic Issues* 683.

45. John Godard, *Industrial Relations, The Economy, and Society*, 2d ed (North York: Captus Press, 2000) at 523.

46. Michael Lynk, "Union Democracy and the Law in Canada" (2000) 21 *Journal of Labor Research* 37.

incompatible with a social democratic perspective of the union's purpose. In the worst case scenario, such conflict can even be mutually destructive. In a US study of union raiding, it was found that workers failed to elect either the incumbent or raiding union as their exclusive representative in 11% of such cases, preferring to not be represented instead.<sup>47</sup>

Second, unions affiliated to labour federations are not 'free' to raid other unions or poach their members, because this is prohibited by federation regulations or by federation-brokered agreements. For example, at the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), a mandatory 'no raiding' agreement was put in place in 1958 by the federation's constitution.<sup>48</sup> Member unions failing to abide by this agreement can face penalties and disciplinary action, including: fines, negative publicity for the offence, loss of rights and privileges such as services and benefits from the federation, as well as assistance and support from other affiliates.<sup>49</sup> Hence, unions are cognizant of the need to keep the peace and avoid organizing conflicts, especially among affiliate members of the same federation. In Canada, the Canada Labour Congress (CLC) constitution also has provisions against raiding and offers protocols for dispute resolution. Specifically, Article 4 (clause 5a) states "... No affiliate will try to organize or represent employees who have an established bargaining relationship with another affiliate or otherwise seek to disrupt the relationship..."<sup>50</sup>

Third, it is not necessarily in the unions' best interest to add members at all cost. Organizing campaigns are often expensive undertakings, especially in the case of competing unions organizing the same worker group, where additional time and resources are needed to 'out do' the other union and, at times, to deal with dysfunctional conflicts. The potential gains in membership can exceed the benefits. The benefits, in terms of increased members and dues, are also likely to be uncertain compared to the costs, even when they are higher on average. Moreover, organizing drives divert limited resources from other potentially productive purposes, involving, for example, service to existing members or lobbying to promote workers' interests. More importantly, indiscriminate recruitment, without regard to building a cohesive community of interests, means that

47. Clyde Scott, Edwin Arnold & Charles Odewahn. "Raid Elections: Another Problems for Unions?" (1992) 21 Public Personnel Management 555 at 558.

48. *American Federation of Labor and Congress of Industrial Organizations, Constitution, Articles XX & XXI* online: AFL-CIO <<http://www.aflcio.org/aboutus/thisistheafclcio/constitution>>.

49. See George W Bohlander, "Keeping the Peace: AFL-CIO's Internal Dispute Plan" (2002) 57 Disp Res J 21.

50. Canadian Labour Congress, *Constitution, Articles 4(5)(a)*, online: Canadian Labour Congress <<http://www.canadianlabour.ca/sites/default/files/pdfs/clc-constitution-english.pdf>>.

a union then has to serve disparate groups, spreading resources too thinly and without achieving economies of scale. In other words, there is the element of 'member fit' to be considered. It is often more economical and more effective to focus on fewer workers, whose interests, attitudes, and values are well aligned, than on more workers, whose interests, values, and attitudes are more loosely related.<sup>51</sup>

Rather than compete to organize, unions often have good reasons to collaborate to organize. As with inter-union collaboration in bargaining, joint recruitment efforts help unions counter anti-union actions by the employer. Employer resistance is likely to be greatest at the time of organizing before a union has established an institutionalized workplace presence. US employers often resort to unfair labour practices like firing union organizers and threatening union supporters.<sup>52</sup> There is even a rising employer-oriented consulting industry, specializing in union avoidance.<sup>53</sup> When unions combine forces in the same organizing drive, employers have a harder time opposing them; moreover, there are economies of scale in at least some organizing activities. For example, unions can pool resources to run joint campaigns, which more effectively reach the workers in a particular industry.<sup>54</sup> In addition, unions can come together to form 'organizing institutes,' which provide training and resources to organizers as well as forums for sharing and discussing organizing experiences. Even when unions prefer to run separate campaigns, they can still cooperate by referring potential recruits to each other, based on the best fit and the most suitable representation.<sup>55</sup> In this way, each union has a better chance of specializing in their area of strength, optimizing their resource allocation, and aligning their activities with their strategic plans to gain leverage over employers. At a lower level of collaboration, unions can agree among themselves to recruiting in particular sectors, organizations, or occupations, unnecessarily avoiding overlapping coverage. All these

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51. The issue of 'member fit' was highlighted in a 2008 pilot study preceding the current study, involving interviews with 14 New Zealand union executives whose unions represented about 65% of New Zealand's total union members. Nine of the 14 executives had referred potential members to other unions which could provide them better services due to the union's characteristics, bargaining coverage, and/or industrial/occupational fit.

52. See e.g. Morris M Kleiner, "Intensity of Management Resistance: Understanding the Decline of Unionization in the Private Sector" (2001) 22 *Journal of Labor Research* 519; John Logan, "The Fine Art of Union Busting" (2004) 13:2 *New Labor Forum* (Routledge) 76.

53. John Logan, "The Union Avoidance Industry in the United States" (2006) 44 *British Journal of Industrial Relations* 651.

54. Chris Schenk, "Forum: Reorganizing Unions – Union Organizing: An Ontario Labour Perspective" (2004) 74 *Studies in Political Economy* 181.

55. John R Dobson, "The Effects of Multi-unionism: A Survey of Large Manufacturing Establishments" (1997) 35 *British Journal of Industrial Relations* 547.

forms of collaboration help unions to advance worker interests, and hence workplace democracy, and enable unions to be more cost effective in organizing and other activities.

### 3. *Collaboration over policy issues*

To advance a common social democratic vision, unions can find it beneficial to collaborate in lobbying the government for legislative changes and budgetary decisions more in tune with workers' broader interests.<sup>56</sup> In general, more inter-union collaboration means a stronger and louder voice for labour and a greater influence on policy outcomes. Joint efforts across unions to petition or protest against the government are particularly important when union rights are being undermined by governmental actions, as with, for example, the *BC Health Services* case. Joint campaigns can also be effective in combating injustice and promoting democracy. A well known example is the 'Battle of Seattle' in 1999, in which approximately 30,000 unionists from various unions joined to protest against the World Trade Organization, whose actions at that time were perceived as anti-human rights and a threat to the labour movement.<sup>57</sup>

Policy changes often affect many unions simultaneously, encouraging them to band together in common cause. Union federations obviously provide one important means of organizing union action. For example, they assist by offering facilities for meetings, workshops or conferences, facilitating the collaborative process, resolving disputes which are obstacles to collaboration, and establishing committees to work on labour issues, such as health and safety, with general appeal.

### 4. *Collaboration over other areas*

There are many other areas unions can cooperate with each other. Basically, almost everything that unions do can involve collaboration. For example, unions can join together to offer group benefits and discounts, such as insurance benefits and group membership perks. Such collaborations can result in tremendous cost savings for unions and their members. Unions can also come together to offer similar services like grievance handling, training of union representatives, distributing membership materials, and

56. Ian Greer, "Business Union vs Business Union? Understanding the Split in the US Labour Movement" (2006) 90 *Capital & Class* 1.

57. Steve Zeltzer, "Global Victory for Workers in Seattle: Workers, Students, Activists Rout WTO" (1999), online: Labournet <<http://www.labournet.net/docks2/9912/wto37.htm>>.

disseminating union/labour information.<sup>58</sup> Where unions share the same workplace, there is the added potential advantage of sharing facilities and equipment, and even administrative support. All of these collaborative initiatives can increase the efficiency and effectiveness of unions. On the more intangible side, unions can also help each other by sharing their knowledge and experience so that best practices are promulgated.

Overall, the academic literature on inter-union relationships is far from substantial, with research on collaboration, as opposed to conflict, even more meagre. Still, the above review provides a glimpse of the key reasons why unions work together. More systematic research of inter-union relationships is certainly needed, as this could have significant implications for any policy consideration of non-exclusive, non-majority unionism. Our focus on collaboration does not mean that conflict can be ignored, but the latter has been researched more extensively in the past and is outside the scope of this current study. Our aim is to ensure that collaboration, and its potential benefits, especially in the multi-union context, are properly examined and not overlooked. Details of our empirical study, including the method, sample, and results, are provided in the appendix.

#### *IX. Discussion and policy implications*

What can Canada learn from New Zealand's experiment with non-exclusive bargaining? Our research uncovered several key results. The first, and perhaps most important, is that inter-union collaboration is common; more than half of all unions, including the smallest, report doing at least some. The second is that collaboration is especially prevalent in collective bargaining and in policy-making/shaping. Non-exclusive bargaining, or overlapping coverage, applies to about 30%, on average, of a union's collective agreements. In these situations, nearly half of all collective agreements are multi-union contracts bargained jointly with at least one other union. Some other form of coordination applies to a further 20% of overlapping contract situations.

This study also shows that union collaboration has beneficial consequences, particularly in collective bargaining and policy. Approximately one quarter of the respondents reported improvements in collective bargaining outcomes, including greater fairness for unskilled or low waged members. Over one quarter of the respondents also reported advantages of collaboration with respect to the policy area, including

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58. See e.g. American Federation of Labour and Congress of Industrial Organizations, online: <<http://www.aflcio.org/aboutus/oi/main.cfm>>; Canadian Labour Congress, online: <<http://www.canadianlabour.ca/labour-education>>; New Zealand Council of Trade Unions, online: <<http://union.org.nz/organizing>>.

greater influence over employers' policies and practices and more credibility by having one voice. Even though the reported positive impact of collaboration on membership recruitment was relatively less significant, still, 15% of respondents felt collaboration had helped to increase overall union membership, while a slightly smaller percentage reported that collaboration had increased their own union's membership.

Our findings strongly suggest that unions in a multi-union setting do cooperate and many see the benefits of doing so. There is certainly room to improve collaboration by, for example, having more training to help union leaders learn to cooperate. Apparently, training in soft skills like problem solving, self-awareness, creativity, and sensitivity may be appropriate. Policy changes to make it easier for unions to adopt multi-employer agreements could also help promote union collaboration, as could having a stronger role for the union federation and stronger good faith rules for inter-union behaviour.

In Canada, the exclusive, majority-based representation system is a deeply ingrained one, and so any move to an alternative system involving multi-unionism would come with great concerns about union rivalry and the potential for losing union members. Our study's major finding that union collaboration is common and that there are a number of benefits to be gained from cooperating should prompt union leaders and policy makers to re-consider and re-evaluate the potential advantages and disadvantages of a non-exclusive, non-majority representation system, one that is more in line ILO principles. Furthermore, this need not involve a total overhaul of the representation system. Certification could be retained for unions establishing majority support through a vote or card-check, just as is now, while simultaneously allowing non-exclusive, non-majority unionism in workplaces not presently having a certified union.

#### *X. Limitations and future research*

As with any study, this one comes with a few limitations. First, the study was done in New Zealand and so the applicability of the findings to Canada could be questioned; however, as discussed earlier, the two countries are similar in many regards. In addition, Canada has exclusive representation and does not permit two or more unions to represent the same bargaining unit. So, the study had to be conducted elsewhere, and New Zealand is arguably the most, or one of the most, appropriate alternative research settings.

The second limitation relates to having a sample of only 121 respondents. Nevertheless, this still represents 79% of the total population

of registered unions, covering 96.9% of union members. We therefore trust that our sample does truly represent all New Zealand unions.

As acknowledged earlier, our focus is on the collaboration side of the inter-union relationship. There is clearly a conflict side as well and it is certainly important that more research is done on both sides of such a relationship to advance knowledge in the area.

### *Conclusion*

The conventional wisdom is that competition and conflict pervade multi-union situations, characterized by overlapping coverage in the same bargaining unit. In contrast, this study found that inter-union collaboration is normal, at least in New Zealand. Unions mostly cooperate over collective bargaining and policy issues and to a lesser extent over organizing. Moreover, respondents reported a number of benefits associated with such collaboration.

Evidence of such widespread inter-union collaboration should help to allay union and policy-maker fears concerning the supposed detriments of non-exclusive, minority unionism, and encourage people to think more positively about reforming the existing system so that it better recognizes minority rights. Legitimizing and supporting minority representation in workplaces with no exclusive bargaining agent presents unions with a win-win situation: certified agents would remain relatively protected from inter-union competition; unions could recruit and represent new members in non-union workplaces where there is not (yet) majority support for a union (e.g., banks). How can this be bad for unions? There is no obvious downside for workplace democracy. Most importantly, such a move is intrinsically appealing for being consistent with freedom of association under the *Charter* and, more broadly, with ILO principles based on fundamental human rights.

*Appendix**I. Methods**1. Sample*

To acquire the right to strike and bargain collectively under the 2000 *Employment Relations Act*,<sup>59</sup> New Zealand labour unions must first register with the Department of Labour. The Department's union registry contains a complete list of unions, their phone number, and an email address for a top union official (e.g. general secretary or president). The researchers obtained an up-to-date registry in November, 2009, and used it as their sampling frame. It contained a total of 159 unions. After attempts were made to contact the unions, it became obvious that four were 'in recess' and one other had formally combined with another union, and so the adjusted total union population was 154. Following emails and phone calls, described further below, 121 union leaders responded by filling out the entire questionnaire. An additional four filled out the first few questions concerning bargaining collaboration, but did not complete the rest of the survey. Overall, therefore, the response rate was 79% for the completed questionnaire, and 82% for the bargaining questions. The percentages provided below are for a total sample of 121, except when the figure of 125 is used instead for the bargaining collaboration data. The respondent unions collectively represent 376,306 (96.9%) of New Zealand's 387,959 union members, as recorded in the Department of Labour's 2009 Union Membership Report.

*2. Data collection*

The researchers devised a survey and placed it on [surveymonkey.com](http://surveymonkey.com). The survey contains relating to each type of inter-union collaboration described in the literature review. The ideas behind specific questions in the survey came from a pilot study, which involved interviews of top union officials in August, 2008. Fourteen such leaders were interviewed with open-ended questions concerning the frequency, character (e.g., bargaining, organizing), and consequences of inter-union collaboration, plus proposals for reforms which might encourage more of it.

The first part of the survey had a few questions about the basic characteristics of each union (e.g. industry, membership numbers, number of collective agreements).

The second part focused on inter-union collaboration in collective bargaining, with a specific focus on situations with overlapping coverage

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59. *Employment Relations Act 2000*, (NZ), 2000/24.

(e.g., non-exclusive representation). Questions asked first assessed how many collective agreements entailed overlapping coverage, having already established the total number of agreements. Later questions focused on how many of these overlapping agreements involved one of three different types of inter-union collaboration. The first, and highest, form of collaboration involves joint bargaining for a multi-union collective agreement—e.g., one contract which covers two or more different unions' members doing the same work in the same workplace. The second form of collaboration entails coordinated bargaining, but where there is no common collective agreement. The third, and most limited, form of collaboration comprises sharing bargaining-related information, but without actually engaging in any coordination in real time (e.g., as when one union negotiates an agreement long before the other).

The third part of the survey concentrated on other forms of inter-union collaboration, though chiefly collaboration in organizing and policy-making/shaping. All of these questions asked respondents about the frequency of various forms of inter-union collaboration over the previous three year period, assessed on a six-point scale from 'never' to 'five or more times.'

The third part of the survey asked the respondents about the advantages their union had experienced in collaborating with other unions over the previous three years. Some of these advantages related to collective bargaining (e.g., 'higher wage and salary settlements;' 'greater fairness in contract outcomes for the unskilled or low waged'). Others related to organizing (e.g., 'An increase in members for our union;' 'An increase in members for the entire union movement') or to policy (e.g., 'more influence over government policies;' 'more credibility from speaking and acting with one voice'). Respondents were asked to indicate whichever consequences had been relevant to them by ticking the appropriate boxes. They were also invited to indicate whether there had been 'other' consequences, perhaps omitted from the list.

The fourth part of the survey asked the union leaders about their support for various reform proposals. Some of these explicitly focused on bargaining (e.g., 'freedom to lawfully engage in secondary picketing;' 'freedom to lawfully engage in secondary strikes'). Others were about promoting ideological cohesion across unions (e.g., 'a ban on house unions') or reducing the numbers of potential competitors (e.g., 'a minimum union membership rule for union registration'). Once again, union leaders were invited to tick the boxes beside all reform proposals they supported and to indicate whether they had any 'other' proposals.

In November and December, 2010, the lead researcher emailed the questionnaire to 154 of the 159 union leaders in the registry, and mailed it to the 14 others without an email address. The unions were collectively emailed the survey a further seven times or mailed it once more. Anyone who had not by then completed the questionnaire was telephoned up to three times, prompting and/or persuading him/her to respond. A few union leaders furnished information over the telephone, though only if their union had not collaborated with another union over the three year period.

## II. *Results*

Many New Zealand unions collaborate with other unions. Sixty nine unions (57%) report having cooperated with other unions in bargaining, organizing, policy-making/ lobbying, or some other respect.

### 1. *Collaboration over bargaining*

Overlapping coverage is a common phenomenon in New Zealand, in the sense that two or more unions often represent workers doing the same sorts of jobs in the same workplace. Sixty one unions (49%) report that at least one of their collective agreements has overlapping coverage with one or more other unions' collective agreements. The frequency of overlap is considerable. Twenty six (21%) unions reveal that all (e.g., 100%) of their collective agreements (and there may be only one or two) overlap with other unions' collective agreements. Thirty four (27%) indicate that more than half of their collective agreements overlap with other unions' collective agreements. Overall, bargaining coverage overlaps in an average of 31% of the unions' collective agreements for the entire sample.

Sharing the same sorts of members in the same workplaces spurs unions to cooperate on a grand scale. Forty four of the 61 unions (72%) with at least some overlapping coverage had collaborated with other unions during bargaining. The 61 unions indicate that they cooperate in bargaining for an average of 66% of their collective agreements with overlapping coverage. As stated earlier, collaboration in bargaining may take one of three basic forms. First, and at one extreme, two or more unions may jointly negotiate a single, multi-union collective agreement (MUCA), which equally applies to their respective members. Second, two or more unions may coordinate their bargaining claims and/or bargaining strategies with each other, while still bargaining for separate agreements. Finally, two or more unions may bargain entirely independently for separate collective agreements, but still share critical bargaining information (e.g., with another union negotiating several weeks or months later).

Joint negotiation is especially commonplace in New Zealand. Thirty eight of the 61 unions (62%) with overlapping coverage had bargained

jointly for a multi-union collective agreement. Eighteen of the 61 unions (30%) say that all of their overlapping contracts are multi-union collective agreements. Though most of these unions negotiate just one or two contracts in total, one union leader claims that all ten of his/her union's collective agreements with overlapping coverage are multi-union documents. Overall, the 61 unions bargain jointly for an average of 46% of their collective agreements with overlapping coverage (e.g., 46% are multi-union collective agreements).

Less commonly, 12 of the 61 unions (20%) say that they coordinate bargaining for at least one of their overlapping collective agreements. Three of these (5%) do so for all of their overlapping collective agreements. In two of these cases, the union only ever negotiates one or two agreements, but, in the other, there was coordination for all eight of the union's overlapping contracts. On average, the 61 unions coordinate bargaining with other unions for 8% of their collective agreements with overlapping coverage.

Likewise, 13 of the 61 unions (21%) share bargaining information relevant to at least one of their collective agreements. Again, two of these (3%) do so for *all* of their collective agreements, and both of these are single agreement situations. The 61 unions share bargaining information related to an average of 11% of their overlapping collective agreements.

## *2. Collaboration over organizing*

Table 1 shows that joint organizing efforts are much less common in New Zealand than other forms of union cooperation. Nevertheless, the fact that they happen at all, given extensive overlapping coverage, might come as a surprise to some. The most common form of collaboration in this area occurs when one union deliberately recruits members for another. Twenty two (18%) unions report having done this during the three year period. This also happens relatively often: eight unions (7%) say they have recruited for other unions on five or more occasions over the previous three years. In contrast, far fewer unions collaborate in other ways over organizing. Just 12 (10%) have run joint membership recruitment campaigns; only ten (8%) have helped to fund another union's recruitment campaign. Among unions acting so cooperatively, these activities tend to be relatively infrequent. Just one union reports having helped fund another's recruitment campaign five or more times over the three year period.

## *3. Collaboration over policy*

Many New Zealand unions cooperate with other unions to influence industry/government policies (see Table 1). Most prefer an indirect approach, using, for example, either the New Zealand Council of Trade

Unions (NZCTU) or industry-based bodies to sway the government. For example, 34 unions (28%) report having participated in NZCTU forums, workshops, councils, and committees, while 36 (30%) admit to having been involved in industry policy or decision-making groups, over the three year period. When unions do use the NZCTU or industry bodies, they tend to use them relatively often. Twenty two unions (18%) say they have participated in NZCTU forums and so forth at least five times in the previous three years. Likewise, 17 (14%) indicate they have been involved in industry policy or decision-making groups at least five times over the same period.

Less common are more direct modes of influence, with unions working in pairs or small groups to influence policy. As an example, 23 unions (19%) had coalesced with other unions to lobby the government for changes in policies or laws over the previous three years. Eighteen (15%) had banded together with other unions to make joint submissions to parliamentary select committees, vocalising their common support or opposition to proposed legislation (bills). Joint submissions are an infrequent occurrence for those doing this; only three unions reported having done it five or more times in the three year period. However, joint lobbying is a much more regular activity for unions choosing this line of influence; 14 unions (12%) reported having coalesced in this way five or more times over the previous three years.

#### 4. *Other collaboration*

New Zealand unions also collaborate in other ways (see Table 1). Thirty four union leaders (28%) say they have shared facilities and/or staff with other unions. A slightly smaller number, 31 (26%), admit to having jointly organised or conducted the training of members with other unions. Twenty three (19%) say they have jointly run public relations campaigns with other unions. Joint training and sharing facilities or staff are commonplace for some unions. Twelve unions (10%) say they have jointly organised or conducted training five or more times over the three year period, while 17 (14%) indicate they have shared facilities or staff.

#### 5. *Consequences of collaborating*

Unions which had collaborated over the prior three years identified several key advantages to such collaboration (see Table 2). Union cooperation appears to be particularly beneficial in collective bargaining. Thirty four union leaders (28%) feel that cooperating had produced relatively fairer/better contract outcomes for the unskilled and/or low waged. Slightly fewer union leaders, 29 (24%), believe that collaboration had delivered superior terms and conditions for their members, more generally. A still

substantial number, 17 (14%), claim that cooperating has enabled their members to obtain higher wages/salaries.

Cooperating has also substantially helped unions in their efforts to indirectly affect government and employer policies. For instance, 33 (27%) claim that they had achieved more influence over employer policies and practices by working together. Also, 20 (17%) argue that their influence over public policy has been enhanced through cooperation. More generally, 32 (26%) believe that acting and speaking with one, unified voice has earned them greater credibility/legitimacy with employers and government.

In contrast, inter-union cooperation was less of a help with organizing new members. Eighteen (15%) union leaders say that working together has brought in new members to the entire labour movement. Fourteen (12%) indicate that cooperating has enabled their union, in particular, to recruit more members.

Respondents identify other potential advantages of cooperation. Three respondents suggest that working together and sharing resources had increased economies of scale and cut costs. Two claim that collaborating stops employers from using 'divide and rule' games to play one union off against another. Two also say that collaboration promotes unity, a common sense of their being a broader labour movement. Two others argue that cooperating gives some unions (e.g., smaller ones) the opportunity to learn crucial skills and knowledge (e.g., about how to negotiate) from other unions.

#### 6. *Recommendations for more collaboration*

Table 3 indicates how many, and what percentage of, union leaders supported which recommendations. Many union leaders are not convinced that new policies are needed to encourage more inter-union collaboration; 57 union leaders (47%) expressly indicated that no reforms are necessary. However, there were still some who feel that union leaders need to learn a lot more about how to cooperate; 32 (24%) feel that union leaders would benefit from training to cooperate.

Some union leaders believe that reforms could induce unions to collaborate more in collective bargaining. One of these focuses on enhancing the potential benefits of joint action. For example, 24 union leaders (20%) favour legal changes which would enable unions to more easily opt for multi-employer collective agreements (MECAs). Other reform suggestions emphasize facilitating joint action in the collective bargaining process. As an example, 17 union leaders (14%) want secondary picketing legalized. In the same vein, 18 union leaders (15%)

would like secondary strikes to be made lawful. Twenty two (18%) believe that stronger good faith rules could be used to prompt unions to share information and otherwise behave more cooperatively.

At the policy level, 23 union leaders (19%) claim that there would be more inter-union collaboration if the New Zealand Council of Trade Unions took a stronger role in organizing and leading joint actions.

Other more general reform proposals could have applied to bargaining, organizing, or policy-making. Two focus on building ideological cohesion across unions by first outlawing house unions, a policy favoured by 12 leaders (10%), and second by auditing unions periodically to ensure they are democratic and independent of management, a policy favoured by 11 leaders (9%). A third focuses on reducing the number of unions, and hence lessening the potential for competition and conflict, by establishing a minimum membership rule for union registration, also a policy supported by 11 leaders (9%).

**Table 1**  
**Incidence of Collaboration**  
**Previous 3 Years**

<b>Organizing</b>	<b>Never</b>	<b>1 time</b>	<b>2 times</b>	<b>3 times</b>	<b>4 times</b>	<b>5 or more times</b>	<b>Total &gt; 0</b>
Recruited members for other unions	99 (82%)	5 (4%)	3 (3%)	5 (4%)	1 (1%)	8 (7%)	22 (18%)
Jointly run recruitment campaigns	109 (90%)	4 (3%)	1 (1%)	2 (2%)	0 (0%)	5 (4%)	12 (10%)
Helped to fund other unions' recruitment campaigns	111 (92%)	4 (3%)	2 (2%)	2 (2%)	1 (1%)	1 (1%)	10 (8%)
<b>Policy</b>							
Participated in NZCTU forums, workshops, councils, & committees	87 (72%)	8 (7%)	1 (1%)	1 (1%)	2 (2%)	22 (18%)	34 (28%)
Participated in industry policy or decision-making groups	85 (70%)	6 (5%)	9 (7%)	4 (3%)	0 (0%)	17 (14%)	36 (30%)
Jointly lobbied government for policy changes	98 (81%)	0 (0%)	5 (4%)	3 (3%)	1 (1%)	14 (12%)	23 (19%)
Jointly presented select committee submissions	103 (85%)	5 (4%)	7 (6%)	3 (3%)	0 (0%)	3 (3%)	18 (15%)
<b>Other</b>							
Shared facilities and/or staff with other unions	87 (72%)	5 (4%)	7 (6%)	4 (3%)	1 (1%)	17 (14%)	34 (28%)
Jointly organised or conducted training	90 (74%)	9 (7%)	4 (3%)	5 (4%)	1 (1%)	12 (10%)	31 (26%)
Jointly run public relations campaigns	98 (81%)	9 (7%)	4 (3%)	2 (2%)	1 (1%)	7 (6%)	23 (19%)

**Table 2**  
**Consequences of Inter-Union Collaboration**

<b>Collective bargaining</b>	<b>Number</b>	<b>Percent</b>
Greater fairness in contract outcomes for unskilled or low waged	34	28%
Higher wages & salary settlements for members	17	14%
Improvements in other contract terms & conditions for members	29	24%
<b>Policy</b>		
More influence over employers' policies & practices	33	27%
More influence on government policies	20	17%
More credibility from acting & speaking with one voice	32	26%
<b>Organizing</b>		
An increase in members for the entire labour movement	18	15%
An increase in members for our union	14	12%

**Table 3**  
**Proposed Reforms to Increase Collaboration**

<b>Reform Proposals</b>	<b>Number</b>	<b>Percent</b>
No changes necessary	57	47%
Cooperation Training for union leaders	32	24%
Easier processes to opt for multi-employer agreements	24	20%
Freedom to lawfully secondary picket	17	14%
Freedom to lawfully secondary strike	18	15%
Stronger good faith rules for inter-union behaviour	22	18%
Stronger role for NZCTU in organising joint action	23	19%
Ban on company unions	12	10%
Auditing of unions to ensure they are democratic & independent of management	11	9%

