

# The U.S./Canada Convergence Thesis: Contrary Evidence from Nova Scotia

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Article abstract

The impact of P.C. 1003 on labour relations legislation in the various Canadian provinces can be both overestimated and underestimated. Many other elements and factors came together to produce a Canadian System of industrial relations in 1944. P.C. 1003 was both a result and a beginning.

The American Wagner Act of 1935 and the pressure exerted in Canada by union leaders to obtain similar legislation in this country were two major factors. Some provincial legislations had established Systems of conciliation, through the federal and/or provincial Departments of Labour.

A few previous laws prepared the way for P.C. 1003. The Quebec Trade Disputes Act of 1901 introduced mediation, conciliation and arbitration. Although the services were offered on a voluntary basis to interested parties, a certain number did use them, and that very fact contributed to the view that state intervention was normal. The federal legislation adopted in the first decade of the century had a similar impact, at least until its constitutionality was successfully attacked in 1925.

After the Snider case, all Canadian provinces but one moved to "provincialize" the effect of the Industrial Disputes Investigation Act by adopting similar legislation. The 1937 Industrial Conciliation and Arbitration Act of British Columbia provoked much interest; and the 1943 Ontario Collective Bargaining Act was an important experimental prelude to P.C. 1003. The provisions of these acts were in most cases voluntary, but their application, whether mandatory or voluntary, helped to foster the belief that government intervention in labour disputes was normal, if not desirable. The first federal-provincial conference held on the subject in 1943 also helped to pave the way to the acceptance of the main elements of P.C. 1003.

Because of the war situation and the urgency of keeping conflicts from becoming too disruptive, steps that could not have been taken in other circumstances became acceptable at that time. Thus the administrative machinery for certification and conciliation services was put in place. The "cost-plus" system of granting government contracts played a major role. Because P.C. 1003 was mandatory for all war industries, it applied to most of the unionized industries. The rest of the economy was covered by provincial laws, many of them simply extending P.C. 1003 provisions to labour disputes in provincial jurisdiction. These provisions were continued after the war under the National Emergency Transitional Powers Act. By 1948, all of the provinces had adopted a Labour Relations Act, under that name or another, containing the major features of P.C. 1003 and of the 1948 federal Industrial Relations and Disputes Investigation Act. In a sense, P.C. 1003 owed a lot to previous provincial laws, but subsequent legislation also owes a lot to P.C. 1003, especially with regard to the technical aspects of certification and the creation of labour boards.

# *The U.S./Canada Convergence Thesis Contrary Evidence from Nova Scotia*

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*This paper uses certification data from the province of Nova Scotia to provide further evidence that convergence of industrial relations systems between the U.S. and Canada is far from unavoidable. Contrary to arguments advanced by Troy, private sector organizing in Canada, even when operating under a U.S.-style legal environment, remains remarkably robust, posting a win rate of 68 percent over a ten-year period with no evidence of longitudinal decline. Furthermore, there is compelling evidence that international unions are unable to match the organizing performance of their Canadian counterparts.*

The survival of collective bargaining as a regulatory method dealing with the employment relationship is more often than not assessed in terms of fluctuations in union density figures. Thus, precipitous reductions in density are taken as surrogate measures for the decline in independent worker representation. However, it is equally important to review ongoing attempts to increase union memberships by examining the crucible of union growth – the certification drive. This paper seeks to contribute to the literature on the future of North American unionism and collective bargaining by reviewing data at the intermediate or election unit level of analysis.

Using evidence from one Canadian provincial jurisdiction, Nova Scotia, we argue that the thesis of convergence between the U.S. and Canadian industrial relations systems, most notably articulated by Troy (1990), cannot

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be sustained with confidence. This assertion is based on two premises. First, that the characterization by Troy (1991) of Canadian pro-union legislation (temporarily buttressing union organizing and aggregate union density) ignores significant countertrends operating at the provincial level. Second, notwithstanding anti-union legislation, sectoral (industrial and geographical) analysis reveals substantial evidence of extensive connections between community and labour value systems which tend to insulate trade unions from "external" attack. These observations are explored and tested by reviewing union success rates in Nova Scotia in certification elections during the ten-year period from 1979 to 1988.

It is important to note that our debate with Troy is not positioned in terms of aggregate union density rates per se, but in terms of the accumulation of sectoral evidence which indicates that simple convergence of industrial relations systems — along a number of quantitative and qualitative dimensions — is neither indurate nor inexorable. In consequence, our focus, while running parallel with recent debates in the *British Journal of Industrial Relations* between Troy (1993), Thompson (1993) and Rose and Chaison (1993), does not directly relate to the density question. Although the data set is limited to the Nova Scotia industrial relations environment, our results offer an intriguing contradiction to Troy (1991), who argues that convergence between the U.S. and Canadian industrial relations systems carries a degree of inevitability. However, even with regressive labour relations legislation in Nova Scotia, somewhat along U.S. lines, we find that certification success rates have remained surprisingly robust, thus confirming the observations made by Robinson (1992) and Chaison and Rose (1990), regarding the superior organizing ability of Canadian unions.<sup>1</sup>

The next section reviews the literature on certification and union growth as it relates to the convergence thesis. We then describe the distinct industrial relations context of Nova Scotia, challenging Troy's characterization of the Canadian industrial relations system as rabidly pro-union and to establishing how local community values and behavior influence labour outcomes in Nova Scotia. The following section presents the certification data together with a model which attempts to capture the factors influencing representation success in Nova Scotia. Within this section we describe our data set, the methodology used to generate it, and the conceptual framework that guided its construction. Next, we present the

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1. The point here is that the certification process in Nova Scotia contains some procedures which are similar to those which have been called for in the U.S. Thus, as discussed in more detail below, we are able to offer a glimpse of what the certification success rate might look like, other things being held constant, should the same procedures operate south of the border.

results of multivariate analysis (probit estimation) which measures certification success (the key dependent variable) and several union-specific, company-specific and situationally-independent variables. The last section discusses the implications of our findings for the convergence thesis.

### *CONVERGENCE AND THE CERTIFICATION LITERATURE*

Many U.S. studies of certification outcomes voice concern that there is no longer a "level playing field" between management and labour when unions attempt to increase membership through representation elections (Freeman and Medoff 1985; Cooke 1985; Kochan and McKersie 1989). Factors which appear to conspire against unions include a broad range of legal barriers, together with an employer's offensive<sup>2</sup> aimed at de-collectivizing the employment relationship in favour of treating the work force as part of corporate strategic objectives (Heneman and Sandver 1983; Block and Premack 1983; Spielmans 1956; Seeber and Cooke 1983; Dickens and Leonard 1985; Kochan et al. 1986). Troy (1990), however, views these interpretations with alarm, arguing that the decline in union membership in the U.S. is simply a derivative of market clearing and rational choices made by workers. He further argues that it is only by legislative interference, in the form of provisions for collective bargaining, that "artificial" conditions are created whereby unions continue to be patronized by workers.

When confronted with the apparent divergence in union density between the U.S. and Canada, industrial relations systems which institutionally have much in common, Troy strenuously argues that the latter is a faulty exemplar. He states that explicit recognition of Canadian public and private sector trends indicates convergence, while the existence of intrusive pro-union public policy in Canada accounts for a temporary divergence in aggregate union density between the two countries. Crucially, this argument pivots on the theoretical assumption that only the interference of Canadian legislators has prevented individuals from making "free choices," i.e., that market clearing mechanisms have been subverted — presumably by pro-union federal and provincial administrations.<sup>3</sup> Troy concludes that, temporarily at least, union density in Canada remains artificially high. Troy's logic

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2. These barriers include nonconsent elections, procedural delays, a range of unfair labour practices (See Roomkin and Block 1981), and widespread employer intransigence.
  3. Goldfield (1987) offers a quite different line of reasoning, which by implication suggests that Canada as a whole has been less susceptible to a change in the balance of class forces which in the U.S. now more favours the employer class. The point in contention is that it is not so much the discrepancy over data which lies at the heart of such

also suggests that Canadian unions, operating under legislated organizing conditions favourable to them, need not be differentiated in terms of their desire and ability to organize. However, some studies have already established that the desire and ability to organize appears to have a positive impact on union growth, even when cyclical changes in the economy are taken into account (Dickens and Leonard 1985; Maranto and Fiorito 1987; Rose and Chaison 1985; Kumar 1991: 104). Indeed, our findings reported below show that Canadian unions, both public and private, tend to outperform international unions in terms of certification success. This implies that different success rates within a jurisdiction, where unions share exactly the same legal framework, have to be accounted for by way of some other variable(s), including the organizing ability of the union and/or the socio-economic and cultural context of the organizing drive.

The convergence-divergence literature is punctuated by the dramatic evidence that union density in the U.S. now stands at 15 percent of the non-agricultural work force – less than half the equivalent Canadian figure. An obvious question is whether the factors that influence union success in certification elections are different in Canada. Is there evidence that certification success is country-specific, implying that within North America there are two separate and distinct models of industrial relations? To address this question we review Canadian research regarding representation elections and then focus on the industrial relations environment of Nova Scotia.

Unfortunately, reviews of Canadian certification data have been far less frequent or systematic than those conducted in the U.S. This can be accounted for in two ways. First, as stated above, aggregate union membership in Canada has not suffered the same erosion as in the U.S. (Meltz 1985; Rose and Chaison 1985). Second, and perhaps more fundamentally, the construction of clean data sets is made difficult by provincial differences in terms of both industrial relations legislation and the quality of the data available (Solomon 1985: 460; Rose and Chaison 1985: 101; Kumar 1991: 29). Research interests have also tended to reflect issues more closely connected to public policy than to unions. Thus, most of the Canadian research (much of which is unpublished) has focused on the extent to which certifications have led to first contract agreements (Haywood and Forrest 1979; Muthuchidambaram 1980; Solomon 1985; Wright 1980; Charron 1980; Stapleton 1980), with only passing interest paid to the factors which help account for organizing success. Others have

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disagreements, but one's prior philosophical frame of reference, which leads the scholar to interpret such data in profoundly different ways. In this sense we are not hopeful that the data presented here will resolve this dilemma.

pointed out that the Canadian public (Krahn and Lowe 1984), politicians, and employers (Weiler 1983) are more receptive to trade unions than is the case in the U.S. and that oscillations in union density are therefore of less concern to researchers (Meltz 1985: 322-329).<sup>4</sup> The lacunae in terms of generalizable Canadian-specific certification data are obvious. We conclude that it is unwise to generalize about Canadian convergence with the U.S. until it can be demonstrated from more discrete certification studies that Canadian workers are willing to forego union membership in the workplace for roughly the same institutional or individually-based reasons as their U.S. counterparts with approximately the same degree of consistency. This compels us to focus on industrial relations at the provincial level and, more specifically, the certification environment in Nova Scotia.

### INDUSTRIAL RELATIONS IN NOVA SCOTIA

In common with other Canadian jurisdictions, the legal framework which governs the relationship between unions and employers in Nova Scotia<sup>5</sup> covers union recognition, the resolution of interest disputes through third-party assistance, and the resolution of rights disputes through grievance arbitration (*Trade Union Act*, S.N.S. 1972, c. 19). Separate statutes also cover the construction industry, some civil servants, and teachers. Nova Scotia law permits a union to make application for certification to the Labour Relations Board (LRB) when the union claims "to have as members in good standing not less than 40 percent of the employees of one or more employers in a unit appropriate for collective bargaining" (*Trade Union Act*, R.S.N.S. 1989, c. 475).

The certification procedures are similar to those in other provinces except for two important differences. First, under Section 24(1-3), and in common with almost all U.S. cases, an election is required in all certification applications. In Nova Scotia this election must take place within five days of the receipt of the signed union cards by the LRB. Thus, there is virtually no delay between the application and the vote, and this circumvents one of the key controversies in the U.S., where an election delay or time-lapse variable appears to reduce the probability of union success (Miller and Leaming 1962; Getman et al. 1976; Drotning 1967;

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4. Interestingly, the more popular literature has taken a much less positive view of the state of Canadian labour (McCallum 1982; Cohen 1985; Corelli 1987; Demont 1988).

5. Nova Scotia's 1937 *Trade Union Act* pre-dates Order in Council PC 1003, which provided the foundation for the industrial relations legal framework in Canada (Earle and McKay 1989).

Sandver 1980; Prosten 1978; Roomkin and Juris 1978).<sup>6</sup> However, it would be a mistake to assume that this compulsory quick vote is viewed favourably by unions. On the contrary, its introduction was assessed as a pernicious move to reduce the possibility of organizing success while most other jurisdictions maintained a simple counting of cards as the chosen method for achieving certification. Second, the LRB is empowered to restructure certification applications so that "the appropriate unit shall have regard to the community of interest among the employees in the proposed unit in such matters as work location, hours of work, working conditions and methods of remuneration" (Section 24(14)). This has had the effect of fragmenting bargaining units by making eligibility more exclusive than inclusive.

The chief industries in Nova Scotia are community, business, and personal services, public administration, manufacturing and processing, and construction. The labour force increased from 280,000 in 1979 to 366,000 in 1988 (Statistics Canada, Cat. No. 71-001). Eighty percent of the union members in the province are employed in these industries, while the remainder work in communications, transportation, mining, and trade (*Labour Organizations* 1989: 221). Although the total number of union members has increased in the last ten years, it has not kept pace with labour force growth. Union density has steadily declined from 33.3 percent in 1981 to 30 percent in 1988. Geographically, over half the union members are located in Halifax County, although union density in Cape Breton County, which retains a healthy labour tradition, stands at 49.6 percent.<sup>7</sup>

In the last decade, industrial conflict in Nova Scotia, as measured by the average days lost per thousand workers (322) has run at approximately half the national average, although the average length of disputes since the early 1970s (30 days) is almost twice the average for the rest of Canada (Gilson 1987: 13). The perception of militant labour in Cape Breton county also persists, despite evidence to the contrary (Gilson 1988).

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6. Surprisingly, Heneman and Sandver (1983: 555) view the application of this procedure in the U.S. with some alarm, arguing that from a public policy point of view, "no one would advocate instant elections." This somewhat cavalier assertion clearly puts greater emphasis on the outcomes of the Nova Scotia data.

7. This implies that there are distinct regional patterns to industrial relations in Nova Scotia, a feature which is explored in the construction of our data base.

Since the early 1970s, successive provincial administrations have abandoned corporatist strategies<sup>8</sup> which were designed to establish a strike-free work force. The creation of investment opportunities where employers could take advantage of an acquiescent labour force rested on the adoption of legislative initiatives less favourable to labour. The culmination of this policy was the adoption of the Michelin Bill in 1979 (S.N.S. 1978-1979, c. 78, s. 1) which precludes certification of single plants when the employer operates more than two manufacturing plants whose work is deemed to be interdependent. In such cases, all plants must be organized in the same drive. Although this may be seen to encourage multi-plant bargaining, its true effect has been to ensure that the Michelin plants in Nova Scotia remain union-free (Gilson 1987: 194). Nor does this province have as part of its legislative package a union security clause — a source of continued bitter conflict in the post-war era (Gilson and Wadden 1989). First contract legislation, available in the Federal jurisdiction and also in various forms in Manitoba, British Columbia and Ontario, is also absent, as are anti-scab laws such as those operating in Quebec and Ontario. The absence of progressive labour legislation continues to have a destabilizing influence on the employment relationship and trade unions' ability to effectively represent their members. Such circumstances fit well in Robinson's schema, who argues that regressive legislation, as in the U.S., which supports employer resistance to unionization, imposes greater costs on union organizing (Robinson 1992: 14-16). These costs are further increased by Nova Scotia's union certification election procedures which, as in the U.S., require organizing campaigns to envisage and develop strategies for balloting procedures rather than simple card counts. Since the ballot may see a 15 percent drop-off in support from the original card count, union organizers need to sign up 60 percent and over in order to ensure a successful certification vote. The circumstances described here strongly suggest that Nova Scotia lies substantially outside the generally accepted view that Canadian labour legislation, vis-à-vis the U.S., is "more supportive of collective bargaining legislation for both public and private sector employees" (Kumar 1991: 81). Finally, it should be noted that the Conservative provincial government of 1980-1993 unilaterally cancelled all public sector collective agreements which called for increases in wages and other benefits. This total freeze in the public sector shut down collective bargaining for a two-year period, 1991-1993.

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8. In the early 1960's a Joint Labour/Management Study Committee was set up to encourage the adoption of a mutual legal framework to help stabilize industrial relations in the province. Its work, although influential through the mid-sixties, waned as politicians sought more aggressive methods of attracting capital to Nova Scotia (Gilson and Wadden 1989; Henson 1969).



Taken together, these developments have created a labour relations climate in Nova Scotia which can best be described as polarized. Indeed, it could be argued that since the 1970s provincial government policies and employer attitudes towards trade unions have been more like those in the U.S. than in the rest of Canada (Gilson and Gillis 1987; Gilson 1987). Certainly, Troy's (1990: 140) claim that in Canada certification procedures and overall labour policies are "intended to assist, if not insure unionization" is not credible in Nova Scotia.

### ***RESEARCH METHOD AND ANALYTICAL FRAMEWORK***

#### ***Data Collection***

Our data were collected from various sources. Initially, we examined the provincial Department of Labour's annual reports which provided summary information on certification success. However, changes in the method of data collection, incompleteness of the data, and an absence of information concerning the independent variables required that we go back to the LRB's original, handwritten tally sheets and entry ledgers — which themselves regrettably suffered from inconsistent reporting of key information.<sup>9</sup>

In addition, we merged the data set with a second data source which provides union membership figures for every parent union and its locals for the period of the study. As a result, we were able to include organizational factors which are not readily available to researchers relying on established data sources (Heneman and Sandver 1983: 552-553).

#### ***Dependent Variable***

The dependent variable, certification success, was dichotomously coded on the basis of whether the union organizing drive was successful or not. The actual vote count for each election was not available. Although the model described below reflects the availability of useful data, in large measure it follows the implicit conceptual framework (in terms of macro-level predictors of union success in elections) outlined by Barling, Fullagar and Kelloway (1992: 37-40).

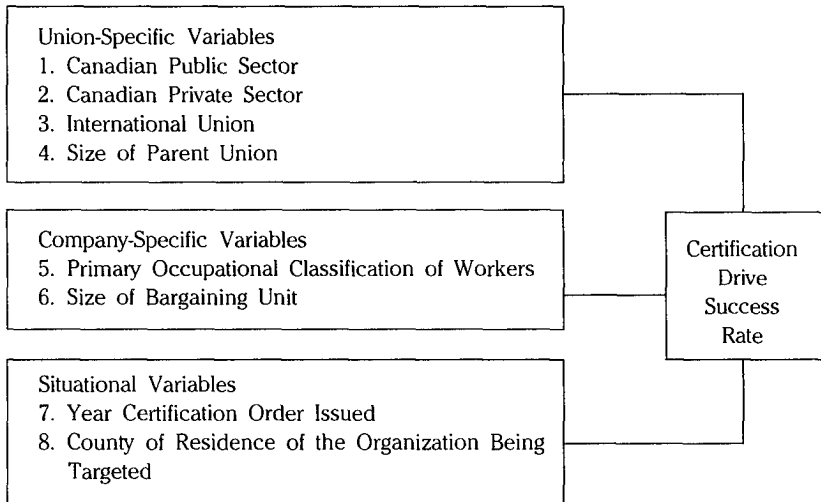
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9. This data base also excludes construction trades organizing and organizing among workers under federal jurisdiction.

### *Independent Variables*

For our purposes, the independent variables were grouped under three headings: union-specific variables, company-specific variables and situational variables (Figure 1).

FIGURE 1  
Certification Drive Success Rate: A Conceptual Model



#### *—Union-specific Variables*

With regard to union-specific variables, the background of the organizing union was divided into three categories: private sector Canadian union, public sector Canadian union, and private sector international union. Public sector international unions were quite rare in Nova Scotia and thus are not included in the analysis. The overall representation rate of international unions has been declining in Canada, and the literature on union growth indicates that unions with a greater portion of their membership base in the public sector are more likely to be successful. Consequently, we expected that unions in the private sector would be less successful in certification elections and that Canadian unions would outperform international unions (Gunderson and Meltz 1986: 48).

Size of the parent union was measured by the natural logarithm of the number of members (mean = 7.0; S.D. = 2.3). We hypothesized that the probability of a successful organizing drive was greater for unions with more members. In addition to the argument that "large unions" have

demonstrated a desire to grow and in doing so have amassed considerable planning ability, Maranto and Fiorito (1987: 237) assert that the positive relationship between organizing success and union size may be due at least in part to the increased ability of the union to deal with a hostile employer.

### *– Company-specific Variables*

In terms of factors specific to the company, two independent variables were investigated. The primary occupational classification of the workers was examined using five categories: manufacturing (including construction), transportation and communication, wholesale and retail trade/other services, government, and health/social services and education. We expected that the probability of a successful organizing drive would be lower for the other occupational classifications compared with the health/social services and education category (Charron 1980).

In addition, bargaining unit size was measured based on the natural logarithm of the number of bargaining unit members (mean = 3.0; S.D. = 1.2). In Nova Scotia, most of the bargaining units are relatively small (the median number of members in a bargaining unit is 16) and less than 3 percent of the organizing drives involved units with more than 200 members. Consequently, it was not possible to meaningfully compare very large units with smaller ones. Based on the findings of several previous studies from the United States (Rose 1972; Chaison 1973), we expected that the probability of a successful organizing drive would be greater for smaller bargaining units, "where within-group cohesion is more likely than in larger units" (Barling, Fullagar and Kelloway 1992: 40).

### *– Situational Variables*

Two situational variables were investigated in the study. First, time of the organizing drive (dummy variables for the periods 1979-1980, 1981-1982, 1983-1984, 1985-1986; 1987-1988 is the omitted category) was examined so as to explore whether organizing success varied over the ten-year period of the research. The literature on the impact of economic factors on certification success rates is far from clear (Dickens and Leonard 1985), however, the increased hostility of successive provincial governments toward unions led us to expect that the likelihood of a successful organizing drive would be lower during economically depressed time periods.

Second, geographic location was divided into two categories: Cape Breton Island and mainland Nova Scotia. Cape Breton Island has a union density rate of almost 50 percent and is perceived as being more historically pro-union than mainland Nova Scotia (Gilson et al. 1989).

Consequently, we hypothesized that the probability of a successful organizing drive would be higher if it took place on Cape Breton.

## ***RESULTS***

While we initially identified 491 certification drives over the ten-year period from 1979 to 1988, missing data for some of the variables reduced the number of useable cases to 376. The descriptive statistics for the 376 certification drives examined in this study are reported in Table 1.

TABLE 1  
Descriptive Statistics for 376 Organizing Drives

<i>Variable</i>	<i>Number</i>	<i>Percent</i>
Certification Success		
Yes	256	68.1
No	120	31.9
Organizing Union		
Public Sector Canadian Union	136	36.2
Private Sector Canadian Union	108	28.7
International Union	132	35.1
Size of Parent Union		
Number of Members	3,289 <sup>a</sup>	3,271 <sup>b</sup>
Occupational Classification		
Manufacturing/Construction	89	23.7
Transportation/Communication	27	7.1
Retail/Wholesale Trade/Services	136	36.2
Government Services	27	7.1
Health/Social Services/Education	97	25.8
Bargaining Unit Size		
Natural Logarithm (Members)	46.6 <sup>a</sup>	108.5 <sup>b</sup>
Time of Organizing Drive		
1979-1980	88	23.4
1981-1982	71	18.9
1983-1984	62	16.5
1985-1986	70	18.6
1987-1988	85	22.6
Geographic Location		
Cape Breton Island	90	23.9
Mainland Nova Scotia	286	76.1

<sup>a</sup> Mean

<sup>b</sup> Standard Deviation

As the table indicates, the union was successful in 256 (68.1 percent) of the organizing drives, a rate slightly below the 75 percent success rate reported by Rose and Chaison (1985) for the 1977 to 1981 period and the 70 percent rate found by Charron for 1978-1979 but in line with the rate reported in Ontario for the same period (Ontario Labour Relations Board, *Annual Reports*, 1987-88, 56).

When considering the organizing union, slightly over 35 percent of the organizing drives were conducted by an international union. Canadian unions in both the private and public sectors were active in conducting organizing campaigns; almost 29 percent of the elections examined involved a union in the private sector while about 36 percent of the organizing drives were initiated by public sector unions. The size of the parent union differed considerably. While close to 30 percent of the campaigns involved unions with between 1,000 and 2,999 members, there was organizing activity by unions of various sizes.

With reference to the occupational classification of the targeted workers, the most frequent organizing activity, representing 36.2 percent of certification elections, took place in the wholesale and retail trade/business services sector. About one-quarter of the drives focused on employees in health/social services and education, with a similar proportion of the campaigns involving workers in manufacturing and construction.

In Nova Scotia, the size of the bargaining unit tends to be relatively small. More than half of the organizing drives took place in bargaining units with 20 or fewer members while only 22 percent of the campaigns involved bargaining units with more than 50 members. Drives were conducted in units with as few as two and as many as 1,575 members.

There was a relatively equal number of drives over the five time periods (1979 to 1983 and 1984 to 1988). In addition, approximately one-quarter of the campaigns took place on Cape Breton Island with the balance occurring on mainland Nova Scotia.

We used probit analysis (Table 2) to examine whether the various union-specific, company-specific and situational factors are related to the dependent variable. Compared with private sector international unions, Canadian public sector and private sector unions both had a significantly higher probability ( $p < .05$ ) of success in a certification election. The size of the bargaining unit was also strongly related to organizing success with larger units less likely to obtain certification ( $p < .01$ ). When examining the occupational group of the workers, the coefficients for all of the other groups are negative compared with health, social service, and education workers. However, only organizing drives involving service employees were significantly less likely ( $p < .05$ ) to result in a union victory. Consistent with

our expectations and the previous literature (Gilson et al. 1989), organizing campaigns conducted on Cape Breton Island were more likely ( $p < .05$ ) to be successful.

TABLE 2  
**Probit Estimation Results: Probability of Union Certification**

<i>Variable</i>	<i>Coefficient</i>	<i>T-Value</i>
Constant	1.0320	2.29
<i>Organizing Union</i>		
Public Sector Canadian Union	.6002	2.49 **
Private Sector Canadian Union	.4416	2.43 **
<i>Size of Parent Union</i>		
Natural Logarithm (Members)	-.0051	-.15
<i>Occupational Classification</i>		
Manufacturing/Construction	-.3830	-1.36
Transportation/Communication	-.4373	-1.31
Retail/Wholesale Trade/Services	-.6096	-2.41 **
Government Services	-.3523	-1.05
<i>Bargaining Unit Size</i>		
Natural Logarithm (Members)	-.1840	-2.78 ***
<i>Time of Organizing Drive</i>		
1979-1980	-.0221	-.10
1981-1982	.1374	.60
1983-1984	.2102	.89
1985-1986	-.1817	-.82
<i>Geographic Location</i>		
Cape Breton Island	.4062	2.25 **

\*\*\*(\*\*, \*)  $p < .01$  (.05, .10)

## ***DISCUSSION***

A cursory glance at the results appears to confirm Troy's assertion that Canadian union density is supported by public sector organizing successes, whereas private sector organizing outcomes are more like trends found in the U.S. Although we show that public sector win rates in Nova Scotia were higher than in the private sector, the significance of this finding collapses when we remove the impact of international unions organizing in the private sector.

Put simply, there was no significant difference between organizing in the public and private sectors when Canadian-specific unions conducted the organizing drive. This implies that it was only the presence of international unions which accounted for any significant difference in organizing success. Nor could we find any trend over the ten-year period of our study which showed a decline in the ability of Canadian unions to organize in the private sector — a prediction central to Troy's argument that convergence is unavoidable (1991: 43). Even without the intrusive labour policies which, according to Troy, permeate Canadian industrial relations, Canadian union organizing success in Nova Scotia's private sector, between 1979 and 1988, stands at a remarkably high 68 percent. This again confirms evidence offered elsewhere (Rose and Chaison 1985; Kumar 1991; Robinson 1992) that Canadian unions are superior organizers. Any analysis which attempts to account for divergent trends between the U.S. and Canada must take this organizing factor into account. Future Canadian studies of organizing success need to explicitly address organizing ability in terms of resource allocation, the impact of social unionism (Robinson 1992) and the roots of union support within communities (Gilson Spencer and Granville 1989).

In line with previous studies we have found that smaller bargaining units are easier to organize. However, the question of relative scale might prove an interesting research question, given that a rural province such as Nova Scotia contains few large bargaining units. It is difficult to see how this finding addresses the convergence versus divergence debate other than the fact that it may help to explain the higher success rate in provinces such as Nova Scotia. It does however suggest that this debate could explore matched geographical areas in the U.S which contain similar sized bargaining units.

We have also uncovered an interesting wrinkle to the divergence versus convergence debate. We refer here to the divergence within a Canadian province. In terms of certification success, the area of Cape Breton enjoys a significant advantage over mainland Nova Scotia. History, culture, and long-standing social community values are offered as traditional fare in this explanation. Certainly, the existence of such locations tends to buttress Kumar's (1991) arguments in favor of Canadian divergence. Perhaps Troy's plea for "de-regulating" the research agenda away from blanket aggregate assertions should include a review of differences between intra-state and intra-provincial data. Thus, the question becomes "What, where, and who is diverging, converging, or otherwise?" At the "system" level, any assertion appears tenuous at best.

As indicated earlier, these findings do not address convergence in terms of union density, a question which combines many factors which are clearly outside the scope of this sectoral study. With some confidence

however, we present certification evidence which indicates that some of the institutional forces which are integral to the fabric of industrial relations appear to operate outside the parameters of the market forces which Troy claims will ensure convergence.

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## RÉSUMÉ

### **La thèse de la convergence Canada-États-Unis : la Nouvelle-Écosse à contre-courant**

Nous utilisons des données sur l'accréditation dans la province de la Nouvelle-Écosse pour établir que la convergence des systèmes de relations industrielles américain et canadien est loin d'être inévitable. Nous examinons la base de la thèse de la convergence à partir de la littérature sur les campagnes d'accréditation. Nous n'avons trouvé que très peu de données canadiennes permettant une comparaison directe entre les campagnes d'organisation des syndicats nationaux canadiens versus les habiletés d'organisation des unions internationales et le taux de succès global des syndicats œuvrant exclusivement aux États-Unis.

Afin de faire cette comparaison, nous présentons le contexte des relations industrielles en Nouvelle-Écosse et nous soutenons que l'environnement socio-politique et du droit du travail n'y est pas différent de celui des États-Unis. Ensuite, nous décrivons notre méthode de recherche. Ce faisant, nous présentons un modèle incluant la variable dépendante, le taux de succès de l'accréditation, et des variables indépendantes spécifiques aux employeurs, aux syndicats et aux situations. Après avoir présenté quelques statistiques descriptives concernant les campagnes d'accréditation entre 1979 et 1988, nous utilisons l'analyse probit (tableau 2) pour voir dans quelle mesure les différentes variables spécifiques aux employeurs, aux syndicats et aux situations sont reliées à la variable dépendante.

Comparés aux unions internationales du secteur privé, les syndicats canadiens du secteur public et du secteur privé connaissent une probabilité significativement plus grande ( $p < .05$ ) de succès dans une élection d'accréditation. Il y a une forte relation entre la taille de l'unité de

négociation et le succès dans l'organisation, les plus grandes unités connaissant moins de succès ( $p < .01$ ). À l'examen du groupe occupationnel des travailleurs, les coefficients de tous les autres groupes sont négatifs lorsque comparés à la santé, au service social et à l'éducation des travailleurs. Cependant, seulement ces campagnes d'organisation impliquant des employés de service connaissent moins de probabilité ( $p < .05$ ) d'aboutir à une victoire syndicale. Conformément à nos attentes et à la documentation existante (Gilson et al. 1989), les campagnes d'organisation conduites au Cap-Breton avaient plus de probabilité ( $p < .05$ ) de réussir.

Alors, contrairement aux arguments de Troy, nous concluons que les campagnes d'organisation dans le secteur privé canadien, même lorsque conduites dans un environnement juridique de style américain, demeurent remarquablement efficaces avec un taux de gain de 68 % sur une période de dix ans, démontrant aucune preuve de déclin longitudinal. De plus, nous avons découvert de façon irréfutable que les syndicats internationaux sont incapables de rivaliser avec la performance d'organisation des syndicats canadiens.

En somme, il n'y a aucune différence significative entre le secteur public et le secteur privé lorsque ce sont des syndicats canadiens qui conduisent les campagnes d'organisation. Cela implique que c'est seulement la présence de syndicats internationaux qui explique toute différence significative dans le succès des campagnes d'organisation. Sur la période de dix ans étudiée, nous n'avons trouvé aucune tendance à la baisse dans l'habileté des syndicats canadiens à organiser le secteur privé — une prédiction centrale au point de vue de Troy à l'effet que la convergence est inévitable (1991 : 43). Même sans politique du travail interventionniste, politique propre aux relations industrielles canadiennes selon Troy, le succès des campagnes d'organisation des syndicats canadiens dans le secteur privé néo-écossais entre 1979 et 1988 s'établit au taux remarquablement élevé de 68 %. Cela confirme ce que d'autres ont conclu (Rose et Chaison 1985; Kumar 1991; Robinson 1992) à l'effet que les syndicats canadiens sont des organisateurs supérieurs. Toute étude des tendances divergentes entre les États-Unis et le Canada doit tenir compte de ce facteur. Les futures études canadiennes portant sur le succès de l'organisation syndicale devront examiner explicitement les habiletés d'organisation en termes d'allocation des ressources, d'impact du syndicalisme social (Robinson 1992) et des racines du support au syndicalisme dans les communautés (Gilson, Spencer et Granville 1989).