

## **Grasping new forms of unionism: the case of childcare services in Quebec**

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### **Abstract**

*As a result of the transformations taking place in the world of work, unionism is increasingly moving away from its traditional basis in the North American context (one firm, one employer, employees forming a union within a defined regulatory framework). Although subscribing to the thesis of the crisis of unionism, we believe that union action is being revived in other forms, in alliance with other actors, according to various logics and levels of action which are not taken into account by traditional frameworks of analysis. In this article, we analyze the experiences of two different groups of workers in the Quebec childcare services sector (employees and self-employed workers) as examples of emerging forms of unionism. We also propose that a new framework, based on a broader definition of actors, the analysis of their logics and levels of action, and their goals and the rules they try to modify or construct, will be useful to grasp the contemporary forms of workers' collective action.*

### **Introduction**

The symptoms of the crisis of unionism (drop in union membership, decrease in unions' effectiveness) are well known and the factors explaining them have been well documented, the most notable being the globalization of markets and the emergence of new technologies and organizational restructuring processes (Osterman et al., 2001). The political-legal parameters of recent decades are another important factor, that is, the coming to power of neoliberal governments and their subsequent adoption of anti-union legislation (Clawson, 2003).

In response to these developments, various ideas have been put forward regarding the revival of unionism. Lévesque & Murray (2010) examined the conditions for international trade union action and the difficulties and potential of local union involvement in cross-border alliances. Osterman et al. (2001) have called for the creation of a new social contract and suggested developing a union movement that establishes its political action at the national level. Behrens, Hurd & Waddington (2003) have also argued that union action must be reorganized, but at the international level, whereas, according to Turner & Hurd (2001) and Jones (2002), union revitalization will depend on territory-based action, centred on smaller areas such as cities or regions, and must be in line with social movement unionism. All these proposals, despite the different levels of action to which they refer, are based on coalition-building, that is, on the idea

that unions must establish bidirectional relations with other social actors in order to carry out their action successfully.

While we generally subscribe to the thesis of the crisis of unionism and the proposals for ending this crisis, we nevertheless believe that the situation is not as dark as it might seem. We suggest that, because of the transformations that are taking place in the world of work, unionism is increasingly moving away from its traditional basis in the North American context (one firm, one employer, employees forming a union within a defined regulatory framework) and that union action is being revived in other forms, which are driven by various logics and at different levels of collective action. We posit, therefore, that the traditional framework of analysis of unionism overlooks emerging forms and that it is this framework that needs to be renewed. In support of this position, we will analyze the union action taken by two different groups of workers (employees and self-employed workers) in the same sector (childcare services) and the same geo-political context (Quebec, following the introduction of the government's family policy in 1997).

### **Transformations in the world of work and the need to renew the framework of analysis of union action**

The world of work, on which union action and the traditional union logic underlying it was built, has changed. In support of our position regarding the prospects of unionism presented above, we will present the changes that have been associated with boundaries – of work, the firm, and social systems—, and will bring out their impacts for the analysis of union action. In this article, the notion of boundary refers to the contours of the object to be analyzed and the identification of actors and their loci of action.

On the one hand, Taylor (2004) proposes a new conceptualization of work that includes formal and informal, public and private, and paid and unpaid work. These descriptive terms reveal a variety of forms of work (see Table 1) – brought together by Taylor under the expression *Total social organization of labour* – which show the limits of separating the public and private spheres of work and, more generally, a broadening of the boundaries of work. Broadening the boundaries of work implies the emergence of new objects of study, such as transitional labour markets (Gazier, 2003; Schmid & Gazier, 2002), and gives rise to issues which have not received much attention in the past, such as work-family balance, patterns of consumption, and gender issues. The broadening of these boundaries also requires that researchers consider and explain the links between labour policies and social policies.

Table 1: Forms of work. Adapted from Taylor (2004, 39).

	<b>Formal Public or private</b>	<b>Informal</b>	
		<b>Public</b>	<b>Private</b>
<b>Paid</b>	Formal employment in the public, private and non-profit sectors  e.g. employment in a childcare centre	Informal economic activity  e.g. paid babysitting for friends or neighbours	Paid domestic labour  e.g. paid babysitting within the family
<b>Unpaid</b>	Formal activity in the public, private and non-profit sectors  e.g. volunteer work in a hospital	Informal unpaid economic activity  e.g. helping a third party, such as a sick neighbour	Domestic labour  e.g. housework in one's own home, caring for a sick family member

On the other hand, the emergence of new organizational forms such as network-based (Briand & Bellemare, 2005) and team-based organizations (Briand & Bellemare, 2006) and the revival of own-account self-employment for a client firm (D'Amours, 2006) implies that the legal boundaries of the firm no longer define the relationship at play, the actors involved, or even the locus of their action. The changing boundaries of the firm require taking into account the action of recognized social actors (employer, union, state) but also that of other actors (e.g. the client, see Bellemare, 2000) whose existence and role remain a priori undetermined.

Moreover, it has been observed that the powers of the state are increasingly being delegated to supra-national bodies and to cities and territorial communities (Boyer & Hollingsworth, 1997). This trend has been accompanied by the phenomenon of "glocalization," that is, the idea that market globalization has been coupled with a localization movement (Jacobs, 1984; Boyer & Hollingsworth, 1997; Sassen, 2000). These changes refer to an "upwards" and "downwards" extension of the boundaries of social systems which, in their own way, demand a questioning of the traditional levels of analysis of union action (shop floor, firm, national, international) and the traditional actors (employer, union, state). In order to explain union action in the context of glocalization, researchers must therefore include in their analyses new levels of analysis and new actors.

Faced with the observable changes in the boundaries of work, the firm, and social systems, new forms of unionism are emerging. These emerging forms

differ from the traditional model in various ways: they extend beyond the boundaries that traditionally restricted union action to unionized workers; they transcend the boundaries of the firm, their action being situated at different levels, in particular, the sectoral and territorial levels; they also offer the possibility of developing alliances with other actors, whose identities and logics of action influence the demands put forward and the types of union action taken. In sum, the emerging forms of unionism can lead to impacts not only with regard to working conditions, but also with regard to public policies in the area of "life politics" (Giddens 1991) as well as new rules pertaining to the employment relationship and collective bargaining.

In order to grasp the potential for union renewal offered by these emerging forms of unionism, we suggest that it is necessary to renew the framework of analysis of union action, breaking with the static approaches which have, to date, characterized this field of study. This framework of analysis must be based on broader conceptions of the actors and logics of action involved and of the levels of union action considered.

### **The actors**

Bellemare defines the industrial relations actor as "an individual, group, or institution with the ability to influence, through its action, the direction of industrial relations (direct action) or the actions of other industrial relations actors (indirect action)" (Bellemare, 2000: 386). According to this definition, the notion of actor is continuous rather than dichotomous: the actor can be more or less significant depending on the continuity and depth of his/her action and his/her capacity to reach certain goals and bring about changes in the industrial relations system, with more significant actors managing to bring about changes that are both substantial and lasting.

### **The logics of action**

Collective action can borrow from various registers of meaning or "interpretive frameworks that allow the actors to share the same understanding of the social reality and the meaning of their actions," which Enjolras refers to as "logics of action" (Enjolras, 2006: 73). This concept is closely related to that of "framing" used by Yates to study the unionization of care workers in British Columbia (Yates, 2010). Based on the definitions identified above, D'Amours (2010) developed a framework involving three parameters: the identities mobilized by the actors, their goals and demands, and lastly, the rules that the collective action is attempting to modify or construct.

### **The levels of action**

The changing boundaries of social systems challenge the traditional levels of analysis of union action (shop floor, firm, national, international) and the

traditional actors (employer, union, state). In order to explain union action in the context of glocalization, researchers must therefore include in their analyses new levels of analysis and new actors. In our view, an industrial relations system constitutes both the conditions for and the results of the interaction of actors in the field of work. Neither actors nor contexts can be totally circumscribed *a priori*, since they are defined through their interaction. Industrial relations are conceived of in terms of an appropriation and transformation of the environment by the actors concerned, as opposed to being interpreted as the passive localization of activities (local context) in specific situations (national context) (Giddens 1984).<sup>1</sup>

In support of this position, we will analyze the experiences of two different groups of child care workers, in the same geo-political context (Quebec, following the introduction of the government's family policy in 1997), in search of actors, logics and levels of collective action which are different from those associated with traditional unionism and which could therefore help us to grasp emerging forms of unionism.

Quebec is an interesting case study in several ways. Indeed, although the rate of unionization in Quebec has levelled off in recent years, it remains much higher than elsewhere in North America (approximately 40%). Moreover, Quebec has seen the emergence of collective labour relations systems – based on the Wagner Act – which differ from the general system, the extension of the terms of collective agreements to non-unionized workers (a phenomenon which has nevertheless been in decline since the 1980s) and the implementation of a system of labour relations between self-employed workers in the arts sector (theatre artists, recording artists, cinema artists and multimedia artists) and producers. Lastly, it should be noted that the favoured locus for the development of childcare services in Quebec is the social economy firm rather than the for-profit firm or public organization. This important distinction partly explains the potential of unionism in this sector but also the challenges it faces in terms of renewal.

The empirical data will be drawn from previous work by Bellemare, Gravel, Briand & Vallée (2006). Bellemare et al. conducted 43 interviews with provincial and local representatives from the trade union confederations in the childcare sector, representatives from the two childcare associations, representatives from the Ministère de la Famille et de l'Enfance (MFE, ministry of family and childhood), and local childcare workers and managers.. D'Amours (2010) studied the logics of action of independent workers' associations, two of which were in the childcare sector, and conducted a questionnaire-based survey (forthcoming) on the aspirations for collective action of unionized home childcare providers (HCPs) affiliated with the *Centrale des syndicats du Québec* (CSQ, a major Quebec trade union confederation).

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<sup>1</sup> See Bellemare & Briand, 2011 for a detailed presentation of this proposed framework of analysis.

## **The unionization experiences of educators working in childcare centres (CCs) and home childcare providers (HCPs)**

### **The development of childcare services in Quebec**

In Quebec, until the late 1960s, childcare needs were met by family members, friends and neighbours. However, the growing number of women in the labour market meant that an increasing number of children were in need of childcare services and were often cared for in inadequate conditions. The first non-profit childcare centres emerged in 1966. Their funding was fragile and relied on parents' contributions and federal and provincial government funds.

Government programs were created following an increase in public demand in the 1970s, but the funding remained insufficient. Some childcare centres closed down while others were forced to substantially increase parents' contributions, which reduced the accessibility of childcare services. Very often, the survival of a childcare centre hinged on the very poor working conditions of its workers and the volunteer participation of parents in maintenance tasks and activities with the children.

From 1980 to 1990, the funding situation changed little. A report drawn up in the late 1980s indicated that there was little social recognition for: (1) the work of childcare workers and (2) the collective responsibility for childcare services on the part of political leaders. Public subsidies mainly targeted low-income families; other taxpayers benefited from tax deductions. During this period, social action took the form of non-partisan political action which grew out of social movements led by unions and women's groups and brought together parents who stood in solidarity and shared a common understanding of the issues.

In 1994, there was a significant breakthrough when the Government of Quebec granted a subsidy linked directly to the wages of childcare centre workers. Until then, the government had been opposed to this idea, alleging that childcare centres were independent entities and that their wage policy came under the responsibility of their boards of administration. The election of a PQ government in 1995 led to the creation of a multi-stakeholder task force mandated with examining funding and the question of wages. The "March for Bread and Roses" organized by the women's movement in 1995 sped up the debate on the social economy, since one of the demands put forward specifically concerned childcare services. In 1996, a Quebec-wide Socio-Economic Summit was held, bringing together employers and unions (invited by the government) and, for the first time, several representatives from social movements (women's groups and social economy actors). The social economy was recognized as an alternative mode of economic activity in exchange for an agreement by the social actors on the government's pursuit of a zero deficit goal.

In September 1997, the government announced the creation of a network of childcare centres – social economy firms – and of the MFE. Each childcare centre was to care for children until they entered Kindergarten and set up a program fostering their development. The policy provided for a rapid increase

in the number of available childcare spaces, the gradual introduction of reduced-contribution childcare spaces, the accelerated introduction of part-time educational childcare and the provision of free childcare services for children from disadvantaged backgrounds. The law provided for the participation of parents in the organization and running of childcare centres and these centres were given the responsibility to train the parents who would be sitting on their boards of directors. The CCs were given the mandate to set up educational services within the parameters established by the MFE and to provide other services to families: support, assistance and advice to parents, a variety of childcare services (drop-in, summer, evening, night, part-time), etc. The government would now fund 85% of the cost of each childcare space. Between 1997 and 2002, 88,064 new spaces were created, the MFE's budget was quadrupled (from \$290 million to \$1,025 billion), and the number of CC workers rose from 11,580 to 22,781. In 2011, over 214,000 spaces were available, distributed among more than 1000 CCs, over 600 subsidized private daycare centres, and almost 15,000 HCPs.

The provision of home childcare, which was legally recognized in 1979 and specifically regulated as of 1994, underwent a major transformation following this reform. In order to respond to the ever-growing demand for quality childcare services, the MFE included in its program educators providing home childcare who wished to offer reduced-contribution childcare spaces. Thus, some 15,000 HCPs provided approximately 120,000 additional spaces. The MFE gave the CCs the role of coordinating, overseeing and monitoring these educators, and this is when they began to be called "home childcare providers" (HCPs). The 1997 *Act respecting childcare centres and childcare services* thus integrated into the same network two different types of childcare (in childcare centres and home childcare), covering two different types of workers: educators employed by childcare centres and self-employed home childcare providers.

Table 2: Timescale of the development of childcare and the unionization process

	<b>Social movements</b>	<b>Public policy</b>	<b>Unionization of employees of CCs</b>	<b>Unionization of HCPs</b>
<b>1966</b>	Creation by parents (women's groups) of the first non-profit childcare centres			
<b>1970</b>			Together with the womens' movement, unions asked for the creation of a universal network of free government-funded childcare services	
<b>1974</b>		Program aimed at partially funding childcare services		
<b>1979</b>		Legal recognition of home childcare	First union certifications	
<b>1994</b>		Subsidy linked to the wages of childcare centre workers Regulation of home childcare		
<b>1995</b>	"March for Bread and Roses" organized by the women's movement			
<b>1996</b>		Socio-Economic Summit Recognition of social economy		



<p><b>1997-1998</b></p>		<p>Quebec Family Policy</p> <p>Creation of a network of childcare centres offering reduced-contribution spaces (RCS)</p> <p>CCs were given the mandate to coordinate and monitor HCPs offering RCS</p>	<p>1998: the childcare unions demanded a sector-based central bargaining table, and made 3 main demands</p> <p>1999: the gov't met unions' demands</p>	<p>Although considered to be self-employed, some HCPs approached union federations, asking to be considered as employees</p>
<p><b>2002-2003</b></p>				<p>Courts granted union certification to several groups of HCPs</p>
<p><b>2003</b></p>		<p>The gov't withdrew from HCPs their status as employees; this law was declared unconstitutional by the Superior Court in 2008</p>		
<p><b>2009</b></p>		<p>Creation of a distinctive collective labour relations system</p>		
<p><b>2011</b></p>				<p>Unionization campaign under the new labour relations system</p>

**The unionization of educators employed by childcare centres**

During the 1970s, the trade union confederations joined the women's movement, the *Comité de liaison des garderies populaires*, and other citizens' groups and community organizations with the aim of inducing the Government of Quebec to recognize its collective responsibility in the area of childcare services. Within union organizations, the women's action committees, created during the 1970s, promoted the work-related and societal demands of women. These committees were very active in terms of helping the union confederations develop their positions and means of action with regard to childcare services.

The first demand was for the creation of a universal network of free government-funded childcare services. Women workers, together with the *Confédération des syndicats nationaux* (CSN, Confederation of National Trade

Unions) and the women's movement, came to the conclusion that unionization in this sector could act as an additional tool for consolidating the network and improving working conditions (Leclerc, 1986). The parties' aim was the creation of a provincial bargaining table where negotiations could take place with the government. More specifically, this coalition demanded that the government introduce direct subsidies to childcare centres rather than focusing exclusively on funding through assistance to parents.

This mobilization mainly entailed public awareness-raising campaigns, which involved publishing briefs, holding demonstrations, occupying government ministers' offices, and holding day-long Quebec-wide strikes demanding that the work of childcare workers be recognized. The participants in these strikes always included the workers and directors of childcare centres, and often parents and their children, as well as representatives from feminist organizations. This forced the Government of Quebec to set up a program aimed at partially funding childcare services as of 1974. These measures represented a first step toward the recognition of the government's responsibility with regard to childcare (Aubry, 2001). However, the insufficiency of government funding threatened the survival of many childcare centres which thus decided to group together in several regions in order to better support their demands.

During the 1990s, the coalition continued to make demands. While discussions concerning these demands were on-going, the awareness-raising campaign was making good progress and much of the public had become aware of the lack of recognition of childcare work due in particular to a publicity campaign in which the unions demonstrated that an educator working in a childcare centre earned two times less than a zookeeper responsible for looking after monkeys. This striking illustration of the systematic undervaluing of women's work united feminist and union demands. The government's repeated refusals on the question of funding led to a series of strikes, sometimes organized by the unions and sometimes by the parents, with each side supporting the strike activity launched by the other. On April 22, 1993, dozens of childcare centres participated in the North American strike by childcare centre workers. Several of these strikes also included parents and non-unionized childcare centre workers.

The election of a PQ government in 1995 signalled the possibility of an overhaul of childcare policy. The various feminist movements in Quebec organized a "Women's March" towards Quebec City on May 26, 1995 to demand that the government set up a program of "social infrastructures" that would lead to the creation of numerous jobs for women, protesting against the overly male-gendered nature of government investments which gave priority to road infrastructures and "concrete."

In 1996, the PQ government organized the Quebec Socio-Economic Summit which notably led to the recognition, by the government, of the importance of social economy firms. This recognition led the government to directly subsidize childcare sector wages while respecting the autonomous nature of individual childcare centres, governed by boards of directors. These gains established the

basis for the government's 1997 Childcare and Family Policy – which went well beyond the sole question of funding childcare services<sup>2</sup> – and the creation of the MFE, the network of subsidized childcare centres, and the related regulations. The childcare policy also provided for the participation of parents in the organization and running of childcare centres.

During the 1998 negotiations, the childcare unions demanded that a sector-based central bargaining table be set up. This table would bring together the unions, the MFE, and the two provincial childcare associations (*Concertation* and the *Fédération provinciale des garderies*, which have since merged). These latter two entities had grown out of regional childcare associations and were made up of representatives from the boards of directors of childcare centres which were in turn made up of parents and childcare centre workers. They made three demands: (1) a significant wage adjustment and the introduction of a single wage scale for all childcare centres in the network; (2) the creation of a sector-based wage parity committee; and (3) the creation of a committee with the mandate to set up a pension plan for childcare centre workers (Aubry, 2001).

On May 20, 1999, the government met the educators' demands. The agreement provided for average wage raises of 35% over four years for all *unionized and non-unionized* childcare centre workers and for educators working in for-profit childcare centres, as well as an increase in the amount paid to home childcare providers (Lalonde-Gratton, 2002). This was an anomaly in the North American labour relations system which normally limits the scope of negotiated agreements to unionized workers and establishments only.<sup>3</sup> In this case, the main monetary content of the negotiated collective agreements (wages, benefits, insurance, pension, vacation and leave) was extended to non-unionized workers. Lastly, the agreement provided for the creation of working committees to discuss the introduction of a pension plan and pay equity plan which would be subject to future negotiations. The success of these union initiatives and the extension of the monetary content of the agreements to non-unionized workers led to a second wave of unionization, with the result that the rate of unionization in this sector currently stands at over 25%, or five times higher than that in other sectors of the social economy.

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<sup>2</sup> As stated by Quebec Premier Lucien Bouchard on January 23, 1997, when he was presenting the White Paper on Family Policy, "The new provisions for family policy of the Government of Quebec are in line with several of the government's major goals, that is, to combat poverty, ensure equal opportunity, develop the social economy, integrate social assistance recipients into the labour market, and increase support for parents who are already employed. In addition to being central to the government's strategy, these provisions consolidate the most fundamental values of our society: the importance of family and love of children" (*trans*).

<sup>3</sup> While successive governments in Québec put an end to most of the collective agreement decrees and deregulated labour relations, the agreement in the childcare sector revived the extension of working conditions to non-unionized workers, not under the Act respecting collective agreement decrees, but rather through the adoption of a ministerial regulation to this effect.

## **The unionization of home childcare providers (HCPs)**

The major reform that took place in 1997, which consolidated the network of childcare centres and supported it, in particular, by creating reduced-contribution childcare spaces, also had a dramatic impact on home childcare services, which until then had been provided by self-employed workers who could freely choose the parameters of their work, while being subject to regulations aimed at ensuring the respect of quality standards. From 1997 onwards, not only were several elements of their service delivery (in particular, the fees they could charge and their hours of operation) now determined by the law or regulations but, also, the CCs were given the mandate to coordinate, oversee and monitor their services. This led to the emergence of two competing organizations, which each claimed to represent homecare providers (HCPs) but which embraced opposing logics: one sought to regain the lost autonomy of HCPs, while the other sought to have HCPs recognized as employees and give them access to unionization.

The *Association des éducatrices en milieu familial du Québec* (AEMFQ, Quebec association of educators providing home childcare) aimed to gain recognition of the status as self-employed workers of educators providing home childcare while improving the conditions surrounding their work. Thus, the main terms advocated by the AEMFQ concerned this recognition as well as a more limited, strictly administrative, control by a coordinating body that would deal specifically with home childcare. The AEMFQ supported the *Act to amend the Act respecting childcare centres and childcare services*, which gave HCPs the status of service providers as defined in the Civil Code, or self-employed workers. It also supported the principle behind the reform of 2005, which gave the coordinating offices more limited power than that which had formerly been given to the CCs, that is, their role no longer involved overseeing home childcare providers but rather coordinating and monitoring their services (as prescribed by law) and providing pedagogical support (when requested).

The *Alliances des intervenantes en milieu familial* (ADIMs, home childcare workers' alliances) were also formed following the *Act respecting childcare centres and childcare services*. Aside from the concerns raised by the reform of childcare services, two other developments, which arose in 1998, led to the emergence of this association of alliances: the revocation by CCs of some HCPs' work permits and the MFE's intention to no longer pay these workers for statutory holidays, citing as a reason their status as self-employed workers. It is interesting to note that when these HCPs first approached the CSQ, they were not familiar with union culture (referring to themselves, moreover, as an "alliance" rather than a "union") and that, at the beginning, their status as self-employed workers did not appear problematic to them. It was the way the government used this status, citing it as a reason not to improve their working conditions, which pushed them to embrace the idea of unionization. For example, the impossibility for pregnant or breastfeeding HCPs to take advantage of preventive withdrawal, which educators employed by CCs could

do, became a key issue and a powerful symbol of the unfair working conditions which applied to home childcare providers.

The union organizations first put pressure on the legislator to allow these “hybrid” workers (legally self-employed but economically integrated into a network that controlled major parts of their service delivery) to be considered as employees.<sup>4</sup> In 2002 and 2003, after the legislator had rejected this proposal, several groups of HCPs (some affiliated with the CSQ and others with the CSN) filed dozens of applications for union certification under the Labour Code. Giving these workers the status of employees, the labour commissioner granted them certification. These decisions, which were first confirmed by the Labour Court, were then appealed before the Superior Court of Quebec. However, without waiting for the court’s decision, in December 2003, the Government of Quebec adopted the *Act to amend the Act respecting childcare centres and childcare services*, which effectively withdrew from HCPs their status as employees. In the fall of 2008, the Superior Court of Quebec declared this law unconstitutional because it violated the right to freedom of association and the right to equality.

After the Superior Court decision, the Government of Quebec had to offer HCPs a form of recognition of their right to freedom of association. To this end, it created a distinctive system, outside of the general system provided for in the Labour Code, which gave the 15,000 HCPs the status of self-employed workers and set up a separate collective bargaining system for them. The *Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements* which created this system, stipulated the subjects covered in a group agreement which were limited to the following elements: “the subsidy granted to fund educational home childcare and to give home childcare providers access to programs and services that meet their needs, in particular with regard to plans in such areas as employment benefits, health, safety, training and professional development, the terms and conditions applicable to days of leave, the procedure for settling disagreements, and the indemnification for losses sustained as a result of a suspension, revocation or non-renewal of recognition.”

## **Analysis and Discussion**

A coalition, created some 30 years ago, between unions affiliated with two “competing” union confederations, women’s movements and parents’ associations, succeeded in bringing about the creation of a universal network of financially accessible quality childcare services, which also constituted a powerful symbol of the recognition of women’s work, that is, the work of both the users of this network and its workers. This case empirically shows how

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<sup>4</sup> This possibility exists under the Canada Labour Code which considers a “dependent contractor” to be an employee. The union organizations demanded that the Quebec Labour Code do likewise, but in vain.

union action can still act as the impetus behind a social movement with the power to force the government to adopt far-reaching social policy measures (social unionism) and succeed in bringing together workers whose profile is quite different from that of the typical unionized worker. In the following pages, we will highlight three specific characteristics of this movement.

The first characteristic is that it involved a struggle which was marked from the outset by a multiplicity of actors (women's movement, social economy) and which, through the identities it mobilized and the alliances it created, influenced the demands put forward by the unions. In this struggle, the unions had to modify the way they dealt with their partners and come to terms with two realities that were relatively new to them: the feminist movement, including feminist approaches to management, and the social economy. These realities, in fact, were behind the actors involved here, who made demands that differed from the usual union demands. This had an important impact on the mode of governance which prevailed in daycare services, as well as on the level at which negotiations were held.

In the early 1980s, divisions arose between the representatives of union organizations, regional unions representing childcare centre workers and childcare associations. Representatives from the union confederations feared the development of low-cost subcontracting to social economy firms. This is why they clearly favoured public ownership of childcare centres. It was not until the Socio-Economic Summit of 1996 that many of the unions' fears in this regard were eased.

Later on, differences emerged regarding which levels of negotiation to favour. Some unions preferred to join the Common Front of public and parapublic sector workers formed by the CSN, the CSQ and the *Fédération des travailleurs du Québec* (Quebec's federation of labour, FTQ). They saw this as the best way to force the government to recognize its responsibility to fund childcare centres.

Other unions advocated focusing on union action that would ensure that the control of childcare centres remained in the hands of parents, while also involving childcare workers. These unions and parents' associations felt that any unionization that would seek to integrate childcare centre workers into the state was therefore not an option. They believed that joining the Common Front would necessarily lead to state control over the network of childcare centres and to the loss of the co-management of the organization of childcare services by parents and childcare centre workers, and ultimately pit parents against these workers. Although the latter endorsed the goal of inducing the government to recognize its responsibility to fund childcare services, they strongly defended the idea that it was up to the childcare centres' autonomous boards of directors, made up of parents and childcare workers, to manage the funds granted. The "co-management" option thus implied a redefinition of the government's role in its relations with social groups (Leclerc, 1986) and suggested the development of a new union practice.

Despite these differences, most of the childcare unions agreed to join the Common Front of public sector workers, which was given the mandate to demand the integration of childcare centre workers into the state. Faced with the fears raised by this option, the CSN attempted to reassure those who were skeptical by asserting that unionization would be carried out in such a way as to ensure that the relations between childcare centre workers and parents would not be affected. On the contrary, it was convinced that unionization would create a common front through which parents and childcare workers could put pressure on the government (Lalonde-Gratton, 2002).

However, the negotiations within the Common Front were not highly productive. Childcare policy did not move forward and subsidies to childcare centres remained low. In fact, due to inflation, the wage conditions of childcare workers deteriorated. In this context, it became more difficult to maintain the mobilization of stakeholders and keep up the pressure on the government. As of 1988, most childcare unions decided to discontinue their participation in the negotiations led by the Common Front. They chose instead to send their wage demands directly to the newly created bargaining table which allowed them to negotiate with the *Office des services de garde à l'enfance*. This decision led to some tensions; however, the regions that would have preferred to maintain their affiliation with the public sector rallied to the majority decision in the end.

Furthermore, parents, who had participated since the beginning in the struggle for the development of an accessible network of childcare services, wanted to be associated with the co-management of childcare centres without, however, being considered to be the employers of childcare workers. As one provincial representative of the CCs explained, "the government tried to convince the provincial parents' associations to become an employer body, which we always refused. We want to be associated with negotiations at the provincial level, but not on this basis. The MFE and the Conseil du Trésor [Quebec treasury board] are the employer body. We've fought for a long time to get them to take on this responsibility and we aren't going to go back on it now" (trans.). This is why a representative from the MFE was sitting at the central bargaining table in 1999, but not as the employer. Nevertheless, since the MFE was the main funder, its representative had the mandate to "make sure the MFE would be able to foot the bill" (interview with an MFE representative, trans.). However, these roles later became less ambiguous, according to the CSQ, which asserted that the CC associations went from being "pressure groups to becoming mouthpieces for the MFE" (interview with a CSQ representative). Since this time, the employer body at negotiations has been centralized to the provincial level and integrated into the services provided by the *Association québécoise des centres de la petite enfance* (AQCPE, Quebec association of childcare centres). The location and role of this employer body continue to be the subject of debate within the AQCPE today.

The second characteristic refers to the fact that, through this experience, the union organizations recruited members outside the ranks of their traditional membership, reaching out to women whose status was that of self-employed

workers working in their own homes. Moreover, these women had multiple logics of action – that had to be taken into account in the union action taken – which also marked the demands put forward.

Associations of educators providing home childcare existed before 1997 but it was the reform of 1997 – which made them “hybrid” workers (legally self-employed but economically integrated into a network that controlled major parts of their service delivery) – that truly transformed these associations into actors. Two logics of action clashed: an entrepreneurial logic which mobilized their identity as self-employed workers who were “masters in their own homes” and a union logic demanding wages and social security provisions equivalent to those of employees of CCs, while maintaining some significant room to manoeuvre, in particular, the right to choose both their clientele and the individuals who would replace or assist them.

Thus, the logic behind the collective action taken by the AEMFQ has been described as being “entrepreneurial” (D'Amours, 2010), that is, the HCPs saw themselves as entrepreneurs who were demanding full and complete autonomy and aimed to limit or modify the controls over them. In addition, the context of this “enterprise” was the family home. This, moreover, is what led the AEMFQ to specify that the “provision of services” could differ from one enterprise to another, in particular because the educators had to take into account their own families’ needs. The AEMFQ demanded the adoption of measures that would increase the autonomy of its members (in particular, the right to be replaced occasionally and not to apply the pedagogical program), as well as less restrictive standards than those applied in CCs. As for their working conditions, the AEMFQ put forward demands related to fee increases, but not to social security. In fact, this association considered that it was up to each educator to take care of these matters herself, and to choose, among a range of social security options, those that met her needs.

The action taken by the ADIMs was, for its part, marked by “traditional union logic” in the sense that this association of alliances considered HCPs to be workers, and demanded standardized working conditions and equal wages to other workers in this sector, while seeking to broaden the statutory definition of employee. The action taken by the ADIMs consisted in extending labour law protection, including the freedom of association, to as many workers as possible. Union organizations in Quebec fought to have the Labour Code's definition of employee broadened to include dependent contractors, that is, individuals who own or rent their equipment and work tools but who are economically dependent on their contract giver (CSN), or former employees who have been turned into “self-employed workers” by their employer (FTQ) (in El Filali & Denis, 2004). As seen above, these alliances did not succeed in this regard. Moreover, they supported the organization of legally independent workers for whom the conditions surrounding their work had changed to the point where it was hoped that they could be reclassified as employees under current laws. The union organizations did not succeed in obtaining this reclassification for HCPs, among others, because, while the workers concerned



showed several characteristics that were similar to those of employees, they also shared some of the prerogatives enjoyed by self-employed workers. In this respect, it is interesting to note that HCPs, who cared for children in their homes, insisted on maintaining the possibility, specific to self-employed workers, of choosing their clientele, and, when applicable, the person assisting them or replacing them when they were sick. Moreover, they succeeded in having a professional autonomy clause included in their collective agreements, which gave them this prerogative.

The third and last characteristic refers to the results of the union action taken, namely, not only a significant improvement in working conditions – albeit to a different extent in each of the two cases – but also the implementation of a far-reaching social policy and the creation of specific rules pertaining to the negotiation of working conditions and their subsequent extension to non-unionized workers.

Initially launched by a social movement demanding recognition of the government's responsibility with regard to childcare, the process of unionization contributed to the development of a network of quality childcare services but in which the organizations and actors remained autonomous. The establishment of this network and the resulting improvement in the working conditions of childcare workers made it possible to launch a second wave of unionization. In fact, the number of workers in this network doubled between 1997 and 2001, and the rate of unionization went up to almost 25% of CCs (CSQ, 2002). Moreover, the establishment of the network of CCs led to the association – indeed to the unionization – of educators providing home childcare, considered to be self-employed workers, a category of workers historically excluded from the possibility of collectively bargaining their working conditions. The Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, adopted in June 2009, set up a sector-based system for the negotiation of collective agreements for HCPs. However, the subject matters that could be negotiated were strictly limited by the law and the status of self-employed worker imposed by it still excludes HCPs from the field of application of the *Act respecting labour standards* and the *Pay Equity Act*.

The union organizations with which the ADIMs were affiliated, that is, the CSN and especially the CSQ, succeeded in bringing together the vast majority of HCPs and led negotiations to conclude the first collective agreements, signed in 2011. As was the case for educators working in childcare centres, these negotiations involved the Ministère de la Famille and the associations representing HCPs by territory. They took up the model used by the CCs such that the content of the signed agreement for each territory applies to all current and future HCPs in the said territory. In total, 100% of educators providing subsidized home childcare, unionized or not, are now covered by collective agreements which have improved their working conditions. Although the subject matters covered by the group agreements are quite limited, main

improvements have been gained with regard to leave, vacation and the contribution to employee benefit plans.

Table 3: Synthesis of relevant actors, logics / levels of action and results

	<b>Child care employees</b>	<b>Homecare providers</b>	
<b>Actors</b>	Women's movement, citizens groups, community organizations, trade unions (women workers)	"Traditional" self-employed workers' associations (AEMFO)	HCPs joined trade unions (ADIM)
<b>Demands</b>	Creation of a universal network of free government-funded childcare services (direct subsidies to CCs) Unionization as a tool to improve working conditions	Recognition of HCPs' status as self-employed workers	Working conditions and pay equivalent to those of workers in childcare centres; full coverage by the labour laws
<b>Logics of action</b>	Union	Entrepreneurial	Union
<b>Level of action</b>	Local/sector/national, evolving through social relations	Sector	Territory/sector
<b>Results: working conditions</b>	Wage raises; benefits; working committees to discuss pension plans and pay equity		Subsidy raise; contributions to collective insurance; statutory holidays and vacation leave
<b>Results: rules</b>	Sector-based central bargaining table  Main monetary content of the negotiated collective agreements extended to non-unionized workers		Sector-based collective bargaining involving self-employed workers  Main content of the negotiated collective agreements extended to non-unionized HCPs

## Conclusion

It was difficult for the unions to accept the development of social economy firms, which they had long associated with the low-cost subcontracting, by the government, of public or would-be public services. As was the case for the government, it took them time to understand and come to accept the practice of co-management by parents and childcare workers within the kind of flat organizational structure that this type of enterprise implies. The union action taken by educators working in childcare centres was certainly not linear and their logic of action derived from various allegiances – traditional union, social movements, occupational. This logic was nevertheless stamped by a strong identity (that of women) and persistent demands (recognition of their work but also the fight to combat poverty, ensure equal opportunity and integrate social assistance recipients into the labour market), and it led to the adoption of different rules (network forum, extending conditions to non-unionized educators). In the case of HCPs, the union logic took precedence over the entrepreneurial logic and their collective action led to the creation of a sector-based system which allows self-employed workers to collectively bargain their working conditions, a measure which is quite exceptional in North America.

Throughout this article, we have suggested that the crisis of unionism is less serious than it might seem. Unionization experiences in the childcare sector have shown that collective action continues to be taken but that, because of the transformations that are taking place in the world of work, this action is increasingly moving away from its traditional basis – one firm, one employer, employees forming a union within a defined regulatory framework. What these experiences reveal, in particular, is that present-day union action is moving away from the traditional union logic which focused on defending certain human rights and freedoms (freedom from inequality and exploitation, the promotion of justice and equality) or emancipation politics (Giddens 1991), and that it is moving closer to identity issues and demands that are more closely associated with the political domain affecting workers' lives and their life choices (life politics, Giddens, 1991). Emerging forms of unionism involve new actors (women's movements and parents' associations, social economy movement) and various levels of action (sectoral, territorial), in a broader definition of the boundaries of work (not limited to salaried work). They have led to a number of gains in terms of wages, benefits and working conditions, extended to non-unionized workers, and to the development of a network of quality childcare services, in which the organizations and actors remain autonomous.

Taking account of the various issues and actors involved as well as the struggles related to emancipation politics and life politics represents both a challenge and an important developmental path for unionism. In order to grasp this opportunity, however, union organizations must recognize the autonomy for action of social movements and organizations working to defend the rights of minorities and non-salaried workers and stop pressing these actors to support unions and join causes that are foreign to them. Workers' rights can be

defended through alliances with other types of human rights organizations and outside regular labour legislation, as illustrated by Heery et al. (2012).

The two cases studied here also demonstrate that the extension to non-unionized workers of major sections or the entire content of collective agreements does not constitute a brake on unionization. On the contrary, in both cases, this extension, under different legal mechanisms (a regulation and a law) was followed by a second wave of unionization. Further research is needed to explain this situation. In addition to the traditional business unionism theory according to which unions attract members through their ability to negotiate advantageous working conditions for their own members only, another hypothesis should be tested, that is, that it was the political pertinence of the struggle, combined with the improvement of working conditions and the social transformation of class and gender relations which led to the revival of unionism in these cases.

Another avenue for union action which could be explored pertains to the logic of action, and more specifically, the types of identity discourse mobilized by these actors. Apart from the class and gender identities mentioned above, our study showed that the boundaries between the "public" and "private" spheres, which are closely related to these identities, are also being challenged: "private" in the sense of "domestic," obliging the state to recognize home childcare providers' status as "workers" and acknowledge that childcare is a public concern. It should not be forgotten that, for a long time, the state insisted that childcare was strictly the private responsibility of parents, and that childcare could be supported through tax credits for parents. However, the investment it made in these fiscal measures was limited, forcing many mothers to stay at home. Interestingly, this same type of narrative can be heard in other major sectors which are experiencing strong growth, such as homecare for the sick or elderly. Seen as a private concern by many states, this sector mainly involves volunteer work on the part of women (mothers, wives, daughters). This sector also constitutes a potential private capitalist market and a union issue. Indeed, there is a growing need for quality homecare services and the workforce will be in need of protection. Can unionism find inspiration in the case of unionization in the childcare sector and the type of social struggles presented above in order to put forward proposals and actions aimed at a far-reaching transformation of social and political practices in this sector? The creation of a large coalition between unions, feminists, seniors' advocacy groups, and social economy actors would make it possible to put forward alternative proposals related to the development of services, social economy firms, intergenerational relations, and decent working conditions.

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