

Book Reviews/Comptes rendus

CYNTHIA J. CRANFORD, JUDY FUDGE, ERIC TUCKER, LEAH F. VOSKO, *Self-employed Workers Organize: Law, Policy, and Unions*. Montréal: McGill-Queen's University Press, 2005, xii + 232 p., references & index.

The study of organized labour, labour unions and labour movements does not generally take centre stage within our discipline or, for that matter, in any mainstream area of academia. In a similar way non-traditional, self-employed and marginal workers have not been a significant element in research on labour and labour movements. Cranford, Fudge, Tucker and Vosko's book *Self-Employed Workers Organize* helps to address this deficiency with case studies of the organization and unionization of non-traditional self-employed workers: newspaper carriers, rural route mail couriers, personal-care workers, and freelance editors. Given neo-liberal and neo-conservative assaults on organized labour and unions, their timely book adds to the analysis and development of policies affecting precarious workers.

Self-Employed Workers Organize presents four different analytical case studies individually narrated by each of the authors. Each examines the social, economic and political dimensions surrounding attempts by self-employed workers to improve their lives through collective actions while showing "the extent to which union strategies can influence the status and power of self-employed workers" (27). Underlying each study is a sociology of law framework infused with critical analyses of class, gender, race, ethnicity, and national origin. Actions by the different workers vary considerably given the diversity of the four groups and the different realities each faces as non-traditional and marginalized labour. The authors persuasively argue that the current regime of industrial labour-relations, and organized labour's service model of business unionism, may not be well suited given the precarious reality of post-industrial, non-traditional service sector work. The reasons include their susceptibility to outsourcing or privatization, lack of cohesion with current labour law, and insidious employer resistance. The authors challenge the current legal framework for meeting the diverse needs of self-employed workers and they ultimately raise questions about the political will of government *and* labour unions.

Self-Employed Workers Organize is more than a story of unionization struggles by self-employed workers. Each study demonstrates how workers' individual agency, and employers' determined and measured resistance, combined with a state functioning at the behest of (or is it on the

behalf of?) capitalist interests, dynamically interact in an intriguing way. Furthermore, each demonstrates how different jurisdictions, labour markets, public and private sector distinctions, the Canadian patchwork of labour legislation, different types of work, and variant forms of collective representation all create a unique set of circumstances for each group of workers.

The two decade long struggle for the collective representation of freelance editors by the Editors' Association of Canada (EAC/ACR) symbolizes the challenges non-traditional labour faces in collectively organizing. The EAC/ACR devised a legal and political strategy using a legislative framework governing artists, rather than labour unions, in their struggle for collective representation even in the face of resistance from the Writers' Union of Canada. The EAC/ACR freelance editors epitomise non-traditional workers as their employment is precarious, temporary, sporadic, atypical, and fraught with many unacceptable conditions although they are highly skilled and well paid – and they would be outside the protection of current labour law. They would be considered independent contractors under the *Canada Labour Code* and provincial acts of labour legislation. Even though the EAC/ACR achieved collective representation under federal legislation governing artists, the *Status of the Artist Act*, the compromise was “designed to supplement rather than transform the regime of collective bargaining” (169).

The example of Local 40 of the Canadian Textile and Chemical Union (CTCU), now part of the Canadian Auto Workers Union (CAW), helps to further demonstrate the complexities non-traditional workers face collectively organizing in Canada. The workers of Local 40 struggled to collectively organize personal attendant-care workers. These workers also epitomise non-traditional workers as they are employed individually in homes for clients requiring health care, they are contracted through non-profit service providers, and are paid by provincial governments. Eventually, the workers succeeded in their drive for collective representation in part because both the CTCU and CAW adopted non-traditional approaches to organizing and modified typical industrial union strategies given the nature of the workers' identity and the “strong worker networks that exist between workplaces in the sector” (178).

These case studies are primarily policy and legal analyses of existing documents and judicial decisions combined with selective interviews. The authors chose to incorporate past struggles of non-traditional workers into their research. I was pleased and surprised by how deeply this book intertwines a historical-comparative approach to labour with the sociology of law. The journey by the newspaper carriers at the *Toronto Star* illustrates the effectiveness of this research strategy. At first glance an outside observer might wonder why the Communications, Energy and Paperworkers Union of Canada (CEP) would organize the *Toronto Star* newspaper carriers – historically marginal workers in the newspaper industry. Given the history of organizing newspaper carriers, readers will not be surprised to learn that they were unsuccessful in the end because the

Toronto Star permanently contracted out newspaper carrier work. The historical-comparative approach demonstrates which factors helped the CEP confront the challenge of organizing these precarious workers. “Perhaps the most important was [the] carriers in two other jurisdictions, British Columbia and Manitoba” (44). Ultimately, I think the methodology employed in this volume can help us move beyond traditional research and organizing strategies based on an industrial relations model and business unionism to conceptualizing non-traditional workers from a fresh perspective.

I wholeheartedly agree with the authors that these “case studies also amply demonstrate how great the challenge is to redesign labour law to meet the diverse needs of self-employed workers in today’s rapidly changing labour market” (171). Yet, research based on case studies tends to have weaknesses. When I read the book, I felt a discontinuity between the case studies and the introductory and concluding remarks. The precarious condition of non-traditional workers and their efforts at collective organization underlie each study, but I believe that each context is somewhat distant. My second criticism is the lack of theoretical analysis and explanation transcending the individual studies. I found myself questioning what role the state actively played in each case and how that affects the lives of these workers. These theoretical questions are not fully developed in this book. Finally, my third criticism comes from a more general weakness found in many sociology of law approaches: a tendency to focus on legal definitions such as employee and employee status, including the trajectory of employees, without considering the trajectory of the employer or corporation. The study of the Canada Post rural route mail couriers exemplifies this by focusing on the attempt by workers to gain legal recognition as employees with little attention to the movement towards the privatization of Canada Post since the tenure of Prime Minister Mulroney. Of course, the changes by the new CEO of Canada Post since this book appeared are a resurgence of office and plant closures and route eliminations. This will once again make workers’ lives and jobs much more precarious.

Self-Employed Workers Organize has strengths that should not be overlooked. The case studies illustrate how innovative approaches can be used for collectively organizing workers and challenging existing legal restrictions on unionization. The book demonstrates that there are major flaws in Canadian labour laws and, without the authors making the assertion specifically, that current Canadian labour laws may be in violation of international treaties guaranteeing workers the right to collectively organize. The ability to conceptualize workers as employees rather than as independent contractors, entrepreneurs or self-employed, should challenge our traditional thinking about trade unions and the conventional industrial relations approach to collective bargaining. The authors make a very significant point in their concluding remarks about the political nature of labour relations and the political will to make changes: the collective organization of doctors in Ontario should be held as a model of how legal restrictions on collective organization, because of concerns over entrepreneurship and competition, can be overcome. “...When the

political will is present, legislators have shown themselves to be remarkably adept at creating a diversity of schemes to facilitate collective action by groups that are either excluded from conventional labour laws or do not fit the mould for which those dominant schemes were designed” (185).

Self-Employed Workers Organize is a well-written collection of case studies that should be included in a reading list for anyone looking to understand the future of organized labour. Individuals interested in the service sector or non-traditional labour should include this book on a reading list of titles about labour. This book would make a valuable teaching resource for applying theoretical analyses in the sociology of law at both the advanced undergraduate and graduate levels. It should also be considered as part of the history of the Canadian labour movement, understanding and developing innovative organizing strategies, and more broadly for comparative-historical sociological studies in Canadian society. I enjoyed reading about each of the four groups of workers and believe that those interested in workers’ struggles to collectively organize will likewise benefit from reading each of the case studies.

George P. Mason, *Wayne State University*.

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