

## **Comments by Patrice Jalette, École de relations industrielles, Université de Montréal**

First, I want to acknowledge the rich work that Sara and Mark are doing to help us rethink collective representation and make it more accessible to Canadian workers. This is essential thinking that must continue.

Coming from Quebec, I can't help but notice the similarities and differences between the Canadian FPA model and the collective agreement decree regime. In light of my knowledge of this system, I think that the FPA model constitutes an important advance over the decree system, particularly regarding the application to initiate bargaining a FPA for a specific sector. The application process must be as clear and precise as possible, but above all it must be entrusted to the Labour Boards. The problem with the decree regime is that the process is very vague, imprecise so no one knows for sure how to initiate it and the decision as to whether a decree can be granted or not will ultimately be left to the government. You don't want this for FPA.

Another important issue arising from the experience of the decrees is that of integration, recognizing the co-existence of the Labor Code regime (and "local" collective agreements) and that of the FPA. Workers must be able to choose the regime that will apply to them collectively. I may have missed something in Sara and Mark's paper, but it seemed to me that the rights and obligations of workers were not exactly the same whether they were unionized or not. While unionized workers must pay union dues, this is not the case for non-unionized workers who, as I understand it, will benefit from union action, particularly with regard to the negotiation of the sectoral agreement. Under the decree system, all employees, whether unionized or not, and even employers contribute financially to the administration and enforcing of the decree. However, this issue seemed to me to have been settled in Canada by the Rand Formula. Unions will argue that this difference in treatment will not help them organize those workers who will benefit from their action without having to contribute financially. Perhaps an employee and employer contribution to fund the surveillance of the sectoral agreement could ensure some equity and resources are available to ensure that the agreement is enforced.

Despite these few adjustments, I believe that Sara and Mark's proposal is quite remarkable and should be carried and discussed in the industrial relations community and beyond.

Once again, many thanks to Sara and Mark for their stimulating contribution and thank you Jim for having organized this seminar to circulate this important debate. Thank you.