CULTURAL RIGHTS AT THE WORKPLACE IN CANADA: TOWARDS POST-INDUSTRIAL CITIZENSHIP?  

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Abstract

In classic industrial relations and labour law theory, “Industrial citizenship” remains strongly linked to the idea of a “collective autonomy” of the workplace. In a fordist perspective, the workplace is seen as homogenous, with workers evolving in highly unionized settings and holding more of the same cultural background. The workplace is highly institutionalized, with strong unions facing a powerful employer. Labor rights are based upon collective bargaining and guaranteed by a kind of neutral adjudication, that of grievance arbitration. Seen in this way, “Industrial citizenship” celebrated the (partial) victory of collective autonomy in the sense of Hugo Sinzheimer or of “droit social” within the thought of Georges Gurvitch. Of course, such industrial citizenship, the idea that basic civil, political and social rights for the workers are to be gained by way of collective bargaining at the level of the workplace, was quite idealized: citizenship at the workplace was made possible by the combined effects of Welfare State interventionism and of centralized or decentralized collective bargaining, not by worker’s struggles alone. Though quite univocal, the idea of “industrial citizenship” nevertheless reflects a part of the story, when industrial relations systems, in North-America, seemed for ever well in place.

Nowadays, the two pillars of industrial relations in North-America are in crisis: there is a decline of collective bargaining throughout United States and Canada (even in strongly unionized Quebec) and a generalized crisis of the Welfare State. According to their former proponents, there is a demise of industrial citizenship and the idea now appears obsolete, in a era of globalization. Cultural rights play a role in this process: there seems to be a growing fragmentation of the workforce, where minority groups (in a statistical or sociological sense) are fighting for recognition, dignity and equality of rights (meaning, in most cases, reasonable accommodation without undue hardship), often bypassing unionized forums to put their grievances directly to the judiciary. In Canada and Quebec, a constitutionalizing process is going on as regards labour law, dividing the

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