

CANADIAN LABOUR LAW, by George W. Adams Q.C., Canada Law Book Inc. (1985) pp. cii and 983, hard cover.

In his preface, the author indicates an intention to write a text on Canadian labour law which explores "the common labour relations principles underlying the decisions rendered in all Canadian jurisdictions". By this means he hopes to establish the relevance of decisions from jurisdictions across Canada to counter what is perceived as a parochial and unnecessarily fragmented approach to the practice of labour law. Additionally, the author wants to graft onto the study of Canadian labour law the wealth of academic writing which abounds in Canada and other jurisdictions. This in part stems from a view that a labour relations scheme in the modern context is the adaptation of principles from many jurisdictions, the recognition of which will lead away from a purely doctrinal approach to application of labour law. It will cause us to develop labour rules following examination of how common jurisdictions have dealt with the underlying philosophic and policy considerations.

The theme of the "common core" is taken up in Chapter Two, following an historical review and province by province legislative overview. The basic premise is that while some statutory details may differ amongst the eleven Canadian jurisdictions, the fundamental core and underlying principles are the same; and it is from this perspective that the remainder of the book is written. The promised scope of the book is both ambitious and important. In the main, the author delivers on his promise making it a book well worth reading.

Mention should be made of the fact that the book is extremely well written with a deceptively easy ability to crystallize the critical issues on virtually all aspects of Canadian labour law. The book exhaustively covers all important details of Canadian statutory schemes regulating collective labour relations. Despite its length, because of the quality of the writing, it is a very good "quick study" of all important aspects of labour law.

The book also realizes its promise in incorporating numerous references to academic articles, which will prove to be of great assistance to the researcher who wishes to delve more deeply into the issues raised by conflicting case authority. Wherever possible, the author canvasses court decisions and particularly emphasizes Supreme Court of Canada decisions and their impact upon labour law practice. Approval is evident in the discussion of the development of "curial deference" toward labour relations tribunals (the author is the Chairman of the Ontario Labour Relations Board). Criticism is sharp when he believes the courts have impinged upon the flexibility that tribunals require to develop remedies consistent with sound labour relations principle.

While there is some evidence that the theme of the "common core" is having some impact (the Alberta Labour Relations Board referred to it with approval in *U.F.C.W., Local 312A v. Edmonton Co-operative Association*),<sup>1</sup> the focus of case discussion in the book centres upon Ontario-British Columbia decisions. This may be inevitable given the inadequacy of reporting decisions of labour relations boards in most

1. Unreported. Board file no. LR-0202-E-01.

jurisdictions. However, one suspects that for the practitioner, the book may be viewed as a secondary research source only. For example, in the section on certification, the Alberta practitioner will find few references to Alberta cases and virtually none on important subjects such as appropriate unit. The Alberta board's guidelines on appropriate unit (particularly the functional units established in a number of industries) are not referred to at all. In short, the practitioner may view large portions of the book as providing only the large brush strokes and be tempted to relegate it to the shelf for emergency purposes only.

Nevertheless, the book does provide an important and detailed overview of the Canadian labour relations system. Its importance may become more evident as the practitioner has to deal with proposed amendments to the Labour Relations Act, amendments which borrow heavily from other Canadian jurisdictions.<sup>2</sup> In particular, the lawyer, as well as the Labour Relations Board, may have to rely heavily upon the experience of other Boards in dealing with the increased usage of representation votes and the re-introduction of conciliation. While practitioners may not immediately perceive its value, one suspects that labour relations boards will have reference to it more often and will re-examine decisions in an endeavour to fashion a consistent and cohesive approach to labour relations issues.

James C. Robb  
Associate Professor of Law  
University of Alberta

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2. Government of Alberta. Labour Legislation Review Committee, *Final Report* (1987).