

DAVID M. BEATTY

***Putting
the Charter
to Work***

***Designing a
Constitutional
Labour Code***

Putting The Charter To Work Designing A Constitutional Labour Code

Sebastian Brünink



Putting The Charter To Work Designing A Constitutional Labour Code:

Putting the Charter to Work David M. Beatty, 1987-06-01 Rather than considering the relationship between the three branches of government in the abstract Beatty focuses on legal practice as it functions in labour law and shows how the Charter could be used both to reform labour law and to protect against attempts to reverse gains made in labour legislation in the past Beatty's critical analysis rests on two principles that the Charter provides equal liberty for all workers to participate in determining the conditions that govern their working life and that fundamental rights should be limited only by laws employing the least repressible alternative These principles are applied to the constitutional validity of rules that prohibit discrimination those requiring payment of minimum wages excluding groups from collective bargaining laws mandating retirement at a specific age and requiring membership in trade unions Beatty argues that the current model of collective bargaining cannot be constitutionally sustained and that voluntary and or plural representation of employee interests is more compatible with the Charter The final part of the book makes clear just how dramatic achievements in social justice can be Beatty shows that the process of judicial review can be instrumental in extending meaningful institutions of industrial democracy through all sectors of our economy and argues that interest group advocacy can be an effective means by which the least advantaged in our community can have more influence in determining the law which governs their working lives

Women's Legal Strategies in Canada Radha Jhappan, 2002-01-01 Have Canadian women gained from their pursuit of legal remedies to social political economic and cultural inequalities Is law a fruitful avenue for such struggles Using liberal feminist postmodern critical race and queer theory these essays confront the anti rights critiques of the legal Left regarding the use of law in general and the Charter in particular Several chapters explicitly examine the strategic limits and possibilities of the substantive equality rights approaches pursued by LEAF The Women's Legal Education and Action Fund Others focus on legal strategies mobilized in discreet areas of law and public policy by foreign domestic workers and racialized women lesbians women seeking reproductive freedom women in the childcare movement and anti violence advocates Recognizing the diversity of women across class citizenship race and ethnicity sexual identity culture and disability this collection evaluates the efficacy of the wide range of legal and political strategies women have employed particularly in this post Charter era *Women's Legal Strategies in Canada* is the most comprehensive account of these important issues and will surely become the standard work in the field

Federalism and the Charter Peter H. Russell, Rainer Knopff, Frederick Lee Morton, 1989 This extensive revision of the landmark *Leading Constitutional Decisions* brings together recent Charter cases with the classical cases on the Canadian Constitution An introductory essay traces the evolution and distinctive features of judicial review in Canada and includes references to the Constitution Act 1982 and the important changes resulting from it

A Purposive Approach to Labour Law Guy Davidov, 2016-05-05 The mismatch between goals and means is a major cause of crisis in labour law The regulations that we use the legal instruments and

techniques are no longer in sync with the goals they are supposed to advance This mismatch leads to a problem of coverage where many workers who need the protection of labour law are not covered by it as well as a problem of obsolescence as labour laws are not sufficiently updated in light of dramatic changes in the labour market Adopting a purposive approach to interpretation and legislative reform this volume addresses this crisis of mismatch It first articulates the goals of labour law both general and specific through an in depth normative discussion and a consideration of critiques The book then proceeds to reconsider our means asking what we need to change or improve in the laws themselves in order to better advance the goals Some of the proposed solutions are at the level of judicial interpretation others at the legislative level The book offers several examples of the way a purposive analysis should be performed in concrete cases It also recommends institutional structures that are suited to ongoing adaptation of the law to ensure that our goals are advanced even when circumstances frequently change Finally in response to the crisis of enforcement in this field which frustrates the achievement of labour law s goals several proposals to improve compliance and enforcement are considered

Labour Law in an Era of Globalization Joanne Conaghan, Richard Michael Fischl, Karl Klare, 2004 Throughout the industrial world the discipline of labor law has fallen into deep philosophical and policy crisis at the same time as new theoretical approaches make it a field of considerable intellectual ferment Modern labor law evolved in a symbiotic relationship with a postwar institutional and policy agenda the social economic and political underpinnings of which have gradually eroded in the context of accelerating international economic integration and wage competition These essays which are the product of a transnational comparative dialog among academics and practitioners in labor law and related legal fields including social security immigration trade and development identify analyze and respond to some of the conceptual and policy challenges posed by globalization

Unions in Court Larry Savage, Charles W. Smith, 2017-06-09 Since the turn of the twenty first century Canadian unions have scored a number of important Supreme Court victories securing constitutional rights to picket bargain collectively and strike But how did the labour movement historically hostile to judicial intervention in labour relations come to embrace legal activism as a first line of defense as opposed to a last resort Unions in Court documents the evolution of the Canadian labour movement s engagement with the Charter demonstrating how and why labour has adopted a controversial Charter based legal strategy to challenge and change legislation that restricts union rights This book s in depth examination of constitutional labour rights will have critical implications for labour movements as well as activists in other fields

Globalization and the Future of Labour Law John D. R. Craig, S. Michael Lynk, 2006-04-03 How are national and international labour laws responding to the challenge of globalization as it re shapes the workplaces of the world This collection of essays by leading legal scholars and lawyers from Europe and the Americas was first published in 2006 It addresses the implications of globalization for the legal regulation of the workplace It examines the role of international labour standards and the contribution of the International Labour Organization and assesses the success of the European

experiment with continental employment standards It explores the prospects for hemispheric co operation on labour standards in the Americas and deals with the impact of international labour standards on the rights of women and migrant workers As the nature and organization of work around the world is being decisively transformed new regional and international institutions are emerging that may provide the platform for new labour standards and for protecting existing ones

The Politics of the Charter Andrew Petter,2010-01-10 Andrew Petter is a leading constitutional scholar who served from 1991 to 2001 as a British Columbia MLA and cabinet minister including Attorney General In The Politics of the Charter Petter assembles a set of his original essays written over three decades to provide a coherent critique of the political nature impact and legitimacy of the Canadian Charter of Rights and Freedoms Showing how Charter rights have been shaped by the institutional character of the courts and by the ideological demands of liberal legalism the essays contend that the Charter has diverted progressive political energies and facilitated the rise of neo conservatism in Canada Drawing upon his constitutional expertise and political experience Petter evaluates the Charter in practical legal and philosophical terms These essays along with a new introduction and conclusion map out Petter s political philosophy and review the entirety of the Charter record The Politics of the Charter is vividly written free of legal jargon accessible to a broad readership and will provoke renewed discussion about how best to achieve a more compassionate and egalitarian Canadian society

Rethinking Progress Jeffrey C. Alexander,Piotr Sztompka,2002-09-11 Rethinking Progress provides a challenging reevaluation of one of the crucial ideas of Western civilization the notion of progress Progress often seems to have become self defeating producing ecological deserts overpopulated cities exhausted resources decaying cultures and widespread feelings of alienation The contributors from all over the world present their diversified perspectives on the fate of progress

Governing the Workplace Paul C. Weiler,2009-06-01 Labor lawyer Paul Weiler examines the social and economic changes that have profoundly altered the legal framework of the employment relationship He not only discusses a wide range of issues from wrongful dismissal to mandatory drug testing and pay equity but he also develops a blueprint for the reconstruction of the law of the workplace especially designed to give American workers more effective representation

Revue de Droit de McGill ,1989 **Labour Law Under the Charter** ,1988 *Just Words* Joel Bakan,2017-06-22 The Canadian Charter of Rights is composed of words that describe the foundations of a just society equality freedom and democracy These words of justice have inspired struggles for civil rights self determination trade unionism the right to vote and social welfare Why is it then that fifteen years after the entrenchment of the Charter social injustice remains pervasive in Canada Joel Bakan explains why the Charter has failed to promote social justice and why it may even impede it He argues that the Charter s fine sounding words of justice are just words Freedom equality and democracy are fundamental principles of social justice The Canadian Charter of Rights and Freedoms entrenches them in Canada s highest law the constitution Yet the Charter has failed to promote social justice in Canada In Just Words Joel Bakan explains why Sophisticated in its analyses

but clearly written and accessible Just Words is cutting edge commentary by one of Canada's rising intellectuals

Canadian Books in Print. Author and Title Index, 1975 *Proceedings of ... Annual Meeting of the Canadian Industrial Relations Association* Canadian Industrial Relations Association. Meeting, 1995 **Trade and Transitions**
Marsha Chandler, Robert Howse, Michael Trebilcock, 2004-01-14 Faced with increased levels of international competition and mounting budget deficits some developed Western economies have responded by introducing trade restrictions This book uses a comparative analysis of eight leading industrial nations including Japan the United States West Germany and Britain to demonstrate that such policies are mistaken Alternatives to trade restrictions including subsidies for industries and labour market policy instruments are also shown to have their drawbacks and the book emphasises the need for countries to find and exploit policies which fulfil their own political and social needs but which are least injurious to their trading partners
Precarious Employment Leah F. Vosko, 2006 Precarious Employment explores the nature and dynamics of precarious employment in contemporary Canada **Verhandelingen der Koninklijke Nederlandse Akademie van Wetenschappen, Afd. Letterkunde**, 1998 **The Supreme Court Law Review**, 1993 **Seniority and Employment Equity for Women** Louise Dulude, Queen's University (Kingston, Ont.). Industrial Relations Centre, 1995

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