

Guide for Labour Law

While there are sections in this guide devoted to American and International Labour Law, the majority of this guide is on Canadian Labour law. Labour Law in Canada is governed by both Federal and provincial law. However, through case law, it has become clear what sort of labour is the responsibility of the provinces and what is the responsibility of the federal government. Those who work in labour under the powers of section 91 of the Constitution are the responsibility of the federal government. Under the province, the power to enact labour laws is given under section 92 of the Constitution

CANADA

Primary Sources

1. Statutes and Regulations

A. Federal

B. Provincial

Secondary Sources

1. Books

2. Articles

3. Internet Resources

United States Labour Law

Foreign Labour Law

International Labour Law

1. International Organizations

2. International Treaties and Conventions

3. Journals

Blogs

CANADA

Primary Sources

To start, you may want to find a good introduction about the topic. You can do this by going to the *Canadian Encyclopedic Digest*-this is a multi-volume set covering most legal topics. For labour, you will want to go to volume 18, title 84 (for provincial law) and title 84.1 (for federal law).

An example for labour law in the *Canadian Encyclopedic Digest* would be if you wanted to find something on intimidation to joining or refraining from joining a union. In that case, you would go to volume 18, title 84, and go to the back of the section, where you would find the Index to Labour Law. Go to **unfair labour practices**, and under that section, you would find "intimidation/coercion 519-21". The 519-21 does not refer to the page number. It refers to the paragraph number in the title. In this case, go to paragraphs 519-21 and you will find information on "intimidation/coercion".

1. Statutes and Regulations

A. Federal

- I. *Canada Labour Code* R.S.C. 1985 c. L.2

B. Provincial

- I. *Crown Employees Collective Bargaining Act, 1993, S.O. 1993 c. 38*
- II. *Human Rights Code* R.S.O. 1990, c. H.19
- III. *Labour Relations Act, 1995, S.O. 1995, c. 1*

How to search for other statutes: You can look at other sources such as

- I. [CanLII](#)- A free internet source, this service gives access to statutes and recent cases from all of the federal and provincial courts, as well as many tribunals, including the Ontario Labour Relations Board
- II. Westlaw
- III. Quicklaw
- IV. CCH (password required)
- V. Canadian Labour Law Library – on the law library website – Resources >> Law >> Canadian Labour Law Library
- VI. [Justice Canada](#) – from the Department of Justice
- VII. [E-laws](#) – from the Ontario government

2. *Case law*

To find case law, here are some sources you can browse:

- I. *Canadian Abridgement*. DIG B35 3rd ed. Vol. 62-75: Labour and Employment Law, or electronically available in Westlaw-eCarswell.
- II. [Canadian Labour Relations Board Reports](#)
- III. [Canadian Labour Law Reporter](#)
- IV. [Labour Arbitration Cases](#) – Series 1-4

Using keywords, you can use these sources:

- V. [QuickLaw](#) >>Source Directory >> Canada >> Topical Collection of Case law and commentary >> **Labour Law Cases, group source (LABQ)**
- VI. Westlaw-eCarswell >> Cases
- VII. Canadian Labour Law Library – on the law library website Resources>> Law >> Canadian Labour Law Library
- VIII. Snyder, Ronald M. [The Annotated Canadian Labour Code](#) (Scarborough, Ont.: Carswell, 2006) – This annual book provides not only the Canadian Labour Code but also reports on various cases that deal with the individual sections.

Secondary Sources

Secondary sources include treatises and articles. They not only give a general overview of the law, but also provide citations to legislation and case law.

1. Books

- a. Adams, G.W. [Canadian Labour Law](#). 2nd ed. (Aurora, ON: Canada Law Book, 1993). A looseleaf edition on Canadian labour law. LAW RESV. KF 3319 A74 1993
- b. Brown, Donald J.M. and David M. Beatty. [Canadian Labour Arbitration](#) 4th ed. (Aurora, Ont.: Canada Law Book, 2006) – A loose-leaf series which is constantly updated. This is an excellent starting point to determine relevant case law for all kinds of labour topics. LAW RESV. KF 3424 B783

- c. Carter, Donald D. Labour Law in Canada (Markham, Ont.: Butterworth's Canada, 2002). LAW. KF 3320 ZA2 L33 2002.
- d. Labour Law Casebook Group. Labour & Employment Law: Cases Materials, and Commentary. 7th ed. (Irwin Law: Toronto, 2004). LAW KF 3368 L32 2004
- e. MacNeil, Michael, Michael Lynk and Peter Engelmann. Trade Union Law in Canada (Aurora, Ont.: Canada Law Book, 1994) – This looseleaf service describes how unions are organized, and their legal status in Canadian law. LAW RESV KF 3390 ZA2 M33 1994
- f. Snyder, Ronald M. Collective Agreement Arbitration in Canada. 4th ed. (Markham, ON: LexisNexis, 2009) LAW RESV. KF 3424 P34 2009
- g. Summer, Neal B. and Stewart D. Saxe. Understanding the Labour Relations Act. 2d. ed. (Aurora, ON: Canada Law Book, 2001). KF 3370 ZB3 S65 2001
- h. Tucker, Eric. The Constitutional Right to Bargain Collectively: the ironies of labour history in the Supreme Court of Canada (Toronto: Osgoode Hall Law School, York University, 2008) KF 3408 T83 2008.

To find more books:

Search the [Osgoode law library catalogue](#): use keyword searches with words like “labour and employment”, or you could use these words in a title search to narrow your focus.

2. Articles

To find articles on Canadian labour law, go to the Index to Canadian Legal Literature (ICLL), which is available in Print and online on Westlaw and Quicklaw. Here are some examples of Canadian labour law journals in our library.

- I. Canadian Labour and Employment Law Journal Call No. PER C17453
- II. Employment Bulletin Call No. PER EM674
- III. Lancaster Labour Law Reports Call No. PER L2363
- IV. Workplace Bulletin – on the internet

Other sources to find articles:

- V. Westlaw-eCarswell
- VI. Lexis-Nexis

3. Internet Resources

- a. [Ontario Human Rights Commission](#) – this website will give summaries of cases involving human rights disputes. Some-but not all-of these cases can include disputes involving labour.
- b. [LabourRelations.org](#) – this website lists various labour relations Acts for the federal government and most of the provinces
- c. [Ontario Labour Relations Board](#) –website of the quasi-judicial body responsible for making rulings on a number of employment and labour statutes for the province of Ontario. The site includes statutes, and cases (most of them are from CANLII).

- d [Lancaster House](#) – labour and employment law publisher with news and articles on labour and employment law from Canada, and some from overseas.
- e [Canadian Labour Law Library](#) – access to the entire 4th edition of Brown and Beatty, as well as all of the series’ of the Labour Arbitration Cases. – on the law library website
- f [Centre for Industrial Relations and Human Resources](#) – at U of T – This is a program that specializes in all aspects of employment and labour relationships. The site carries excellent articles, as well as a link to the CIRHR library and links to other resources.

United States Labour Law

Because there is a wealth of information on United States labour law, here are some guides from U.S. law schools and government sources with information on where to go for labour law

- I. [University of Texas Law School labour law guide](#) – this website lists Professional and Government entities that are available on the web to be browsed.

Other Sources

- I. [THOMAS](#) – from the Library of Congress. This is a good site to view the full text of Public laws from 1973 to the present, as well as the full text of bills from 1989 to the present.
- II. [Legal Information Institute \(Labor\)](#) – From Cornell’s Legal Information Institute, this page lists and provides links to important federal and state laws regarding labour. It also provides links to various federal and state court decisions on labour.
- III. [U.S. Department of Labor – Law Library](#) –links to Federal and state statutes and cases, as well as government documents.

Note: For U.S. journals on labour law, try [LegalTrac](#), [HeinonLine](#) and [Index to Legal Periodicals](#), which are all on e-resources. Westlaw and Lexis Nexis also have a number of labour related articles in their database.

Foreign Labour Law

labour law from other countries:

- I. [NATLEX \(National Laws on Labour, Social Security and related human rights\)](#) – From the ILO, this website indexes labour laws from all of the countries of the world. Not all of these laws are online or in full text.
- II. [WorldLII \(World Legal Information Institute\)](#) – under ‘catalog’, click on “subjects”, then “labour law” to get information on labour laws of various countries, as well as case law, international treaties, and links to international organizations dealing with labour. The countries that are included here are as follows:
 - [Argentina](#)
 - [Australia](#)
 - [Bahrain](#)
 - [Bangladesh](#)
 - [Belgium](#)
 - [Bermuda](#)
 - [Bolivia](#)
 - [Brazil](#)
 - [Burkina Faso](#)
 - [Cambodia](#)
 - [Canada](#)
 - [Chile](#)
 - [China](#)
 - [Colombia](#)
 - [Korea \(South\)](#)
 - [Kyrgyz Republic](#)
 - [Lithuania](#)
 - [Malaysia](#)
 - [Mauritius](#)
 - [Mongolia](#)
 - [New Zealand](#)
 - [Nigeria](#)
 - [Palestinian Autonomous Territories](#)
 - [Peru](#)
 - [Philippines](#)
 - [Poland](#)
 - [Portugal](#)
 - [Russian Federation](#)

- [Cyprus](#)
- [Czech Republic](#)
- [Denmark](#)
- [Estonia](#)
- [Faroe Islands](#)
- [Finland](#)
- [Guatemala](#)
- [Iraq](#)
- [Ireland](#)
- [Italy](#)
- [Kazakhstan](#)
- [San Marino](#)
- [Slovenia](#)
- [South Africa](#)
- [Sri Lanka](#)
- [Sweden](#)
- [Tunisia](#)
- [United Kingdom](#)
- [United States](#)
- [Venezuela](#)
- [Viet Nam](#)
- [Zambia](#)

International Labour Law

1. International Organizations

- I. [ILO \(International Labour Organization\)](#) – UN agency promotes social justice as well as human and labour rights. The website has information on labour statistics, worker and employment rights, and social justice.
- II. [FedEE \(Federation of European Employers\)](#) – Information on EU countries about employment law, pay and industrial relations, international treaties and conventions, background papers, and a current news service.
- III. [ICFTU \(International Confederation of Free Trade Unions\)](#) – international organization of affiliated unions. Organizes and directs campaigns to defend and promote workers rights and social causes around the world.

2. International Treaties and Conventions

- I. [ILOLEX \(Database of International Labour Standards\)](#) – From the ILO, this website has links to the conventions ratified under the ILO.
- II. [NAALC \(North American Agreement on Labour Cooperation\)](#) – From the Commission for Labour Cooperation's website. The NAALC was established under the NAFTA agreement between the U.S., Canada and Mexico. Has full text of the NAALC, as well as information on the Commission, and its reports.

3. Journals

- I. International Labour and Employment Law Call No. PER IN83
- II. East West Review of Labor law & Social Policy Call No. PER EA7499
- III. International Labour Review Call No. HD 4811 I65 (Scott Library) – also in Hein Online and Proquest

Blogs

- I. [Thoughts from a management lawyer](#) – a blog created by a management-side labour lawyer from Borden Ladner Gervais LLP in Toronto. This blog discusses Canadian labour and employment law with a wide variety of topics.
- II. [Schenk & Associates](#) – a blog created by a Vancouver law firm specializing in administrative law and litigation in the labour law field. Also provides links to various labour and employment entities.

- III. [Toronto Employment Lawyer](#) – a blog created by a Toronto employment and labour lawyer. His blog deals with mostly Canadian employment and labour issues. He also provides links to various Canadian legal sources.
- IV. [Workplace Prof Blog](#) – this blog, created by law professors in the United States, covers a wide range of employment and labour law topics.
- V. [Doorey's Workplace law blog](#) – created by a professor at York University, deals with labour and employment law issues in Canada and around the world.

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