Convergence Bites Back: Labour Struggles in the Canadian Communication Industry

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Abstract: This article examines the concept of labour convergence in the context of two significant labour struggles in the Canadian communication industry: the 2005 lockouts at Canada’s national public broadcaster, the Canadian Broadcasting Corporation (CBC), and at Canada’s second-largest telecommunications company, the Telus Corporation. It begins with a brief analysis of convergence as a technological and institutional process, specifically as it applies to communication technology, the communication arena, and communication companies, and as a myth that contains utopian visions of universal connectedness. The article then describes how labour is deploying its own form of convergence, a form that conflicts with and sometimes “bites back” at the communication industry and its dream of friction-free capitalism.

Résumé : Cet article examine le concept de convergence de la main-d’œuvre dans le contexte de deux conflits de travail importants dans l’industrie canadienne des communications : les lock-out de 2005 à la Société Radio-Canada, radiodiffuseur public national du Canada, et à Telus Corporation, deuxième plus grande compagnie de télécommunications au Canada. L’article commence par une brève analyse de la convergence en tant que processus technologique et institutionnel—dans la mesure où elle porte sur les technologies en communications, le domaine des communications et les compagnies en communications—and en tant que mythe consistant en visions utopiques de connexité universelle. L’article décrit ensuite comment la main-d’œuvre syndiquée déploie sa propre forme de convergence, forme qui s’oppose à—and parfois agresse—l’industrie des communications et son rêve d’un capitalisme sans friction.

Keywords: Labour; Telecommunications; Convergence; Trade unions; Canadian Broadcasting Corporation; Telus

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The concept of convergence

Convergence is one of the central developments taking place across the media, telecommunications, and information sectors of the communications industry. Generally speaking, it refers to the integration of technologies, arenas, and institutions in these industries (Babe, 1996; McKercher, 2002; Winseck, 1998). Technological convergence typically means the integration of the devices that these industries use as well as the information they process, distribute, and exchange over and through these devices. By integrating computers and telecommunications, the Internet is now an iconic example of technological convergence. This form of convergence is linked to, and partly responsible for, the convergence of once separate industries into a common arena providing electronic information and communication services. Differences in the social relations of technology, including corporate and regulatory arrangements negotiated in the nineteenth and twentieth centuries that divided up the media into fields of mutually exclusive dominance, once erected thick walls between print media, electronic media, telecommunications, and information services and between the labour process and trade union structure in those industries. Now, owing largely to the power of private communication companies, the weakening enthusiasm of governments to support public-service communication, and the decline in social movements committed to public-service communication, the walls are breaking down, eliminating many of the distinctive features that divided these separate industries and creating one large electronic information and communication services arena.

Convergence has enabled the interconnection of technologies to create new systems of hardware and new levels of service, such as wireless networking in Wi-Fi and Wi-Max systems. Hardware convergence has been greatly advanced with the development of a common digital language that does not distinguish between audio, video, or data transmission, reducing all communication to one language that provides a manifold increase in the quantity and quality of electronic communication. Digitization has the technological advantage of providing enormous gains in transmission speed and flexibility over earlier forms of electronic communication, which were largely reliant on analog techniques (Longstaff, 2002). But digitization takes place in the context of, and greatly expands, the process of commodification, or the transformation of what amounts to a resource into a marketable product or service. On the one hand, the expansion of the commodity form provides the context for how industry leads the process of digitization and for how it is applied. On the other hand, digitization is used to expand the commodification of information and entertainment, specifically to enlarge markets in communication products; deepen the commodification of labour involved in the production, distribution, and exchange of communication; and expand markets in the audiences that receive and make use of electronic communication (Mosco, 1996). The growth of the commodity form in communication has also contributed substantially to the erosion of public-service communication, because the latter served as a substantial alternative to a privately based communication system.
Companies are taking advantage of technological convergence by creating corporate or institutional convergence. This is embodied in the scope of merger and acquisition activity that, while not limited to the communication industry, is most prominent within it (Mosco, 2004; Nichols & McChesney, 2005; Schiller, 1999). Convergence is bringing together communication firms that want to take advantage of opportunities to integrate products and services, to cross-promote and cross-market in previously separate spheres like entertainment and news, and to cross-produce content for a range of media. Corporate convergence does not, in and of itself, guarantee success. In the short run, convergence sometimes does not produce the synergies that companies anticipate, such as integrating the cultures of the print newsroom and the broadcasting station. It also sometimes results in content that cannot attract audiences. These facts help to explain the difficulties experienced by convergent media firms like AT&T, Bell Canada Enterprises, and AOL Time Warner. Indeed, according to the *Wall Street Journal*, Time Warner executives no longer talk about “synergies” but about “adjacencies” (Karnitschnig, 2006). Moreover, digitization itself is not a flawless process, and technical problems do slow its development. Another stumbling block in the process of technological and institutional convergence is the state of government regulation. Technological and institutional convergence has raised fundamental problems for regulatory policies that were established for discrete industries based on discrete technologies. However, these may be short-term problems, which can result in cyclical declines over the course of a secular trend, rather than evidence that convergence has failed. Large company units enable businesses to better control their environments, limiting competitive pressures even as they benefit by developing internal market competition among divisions.

Convergence is not just a technological, political, and organizational process. It is also a myth or a story about how computer communication is revolutionizing technology, politics, and society. As such it is part of a sublime vision that, in its strongest form, envisions technology creating the conditions for the end of history, the end of geography, and the end of politics (Mosco, 2004). Convergence is therefore more than just a term to describe an ostensible change in technology and organization. It is part of a utopian discourse that aims to lead us from the coarse materiality of, in Nicholas Negroponte’s terms, “the world of atoms,” so that we can “learn to be digital” (Negroponte, 1996). This affirmative vision is used to rationalize deepening social inequalities, tightening surveillance practices, and the growing control of a handful of companies over the production and distribution of communication and information. To say that convergence is a myth is not to imply that it is false. Rather, myths take a basic empirical reality and enlarge it by attributing transformative social and cultural consequences that are not currently justified by empirical evidence. Convergence, as both a political and cultural process, creates considerable pessimism among those who support public-service communication, diversity in the form and content of information and entertainment, and universal and equitable access to media (Artz & Kamalipour, 2003; Herman and Chomsky, 2002; Winter, 2005).
**Trade union convergence**

One source of optimism for workers is the growth of convergence in the trade union movement and especially in the communication and information sectors. The major type of such convergence is the merger of communication unions across sectors within one country. In the United States, several media unions, including the International Typographical Union (ITU), the Newspaper Guild, and the National Association of Broadcast Employees and Technicians (NABET), have joined the Communications Workers of America (CWA). The model of a convergent union, or, as the CWA likes to call itself, “a trade union for the information age,” the CWA represents workers employed in telecommunications, broadcasting, cable TV, newspaper and wire service journalism, publishing, and electronics (Bahr, 1998). It has expanded beyond the media and telecommunications industries to include general manufacturing as well as airline customer service, government service, health care, and education. Among the companies employing CWA members are AT&T, GTE, the Regional Bell telephone companies, Lucent Technologies, the NBC and ABC television networks, the Canadian Broadcasting Corporation (CBC), and major newspapers such as the *New York Times*, the *Wall Street Journal*, and the *Washington Post*.

In Canada, the desire for labour convergence has been tempered at times by dissatisfaction with so-called international unions based in the United States and a desire for national unions. Many of the country’s major private-sector unions are the result of decisions to secede from their U.S.-based parent unions. This group includes the “communications” part of Canada’s largest communication workers union, which broke away from the CWA in the early 1970s (McKercher, 2002). In the early 1990s, it joined with two other unions to create the Communications, Energy and Paperworkers Union of Canada (CEP) and since then has pursued a convergence strategy that is similar to the CWA’s. The CEP has merged with many of the Canadian units from the ITU, Canadian units from the Newspaper Guild, and Canadian NABET. Its members work in pulp and paper mills, telephone companies, newspapers, radio, and television and are also employed as graphic artists, hotel workers, computer programmers, truck drivers, and nurses (Swift, 2003). The CEP’s most recent growth is through the absorption of several Canadian units of the Graphic Communications International Union, giving the CEP representation over workers through the entire communication production process. Moreover, as is described in greater detail below, the Telecommunications Workers Union, which primarily represented telephone workers in British Columbia, was able to extend its jurisdiction over telecommunications workers in the province of Alberta because the Canadian labour regulatory body, the Canada Industrial Relations Board (CIRB), determined that workers experiencing technological and industry convergence were best represented by one merged union (CIRB, 1999, 2000a, 2000c, 2004b).

To a degree, merging unions see their actions as defensive, or as ways of protecting their members from the growing power of the companies that employ them and from governments that have, more often than not, taken a pro-business
position. But significantly, they also see union convergence as an attempt to take advantage of synergies brought about by growing convergence in their work (Bahr, 1998). Since they represent workers who are increasingly involved in producing for a converging electronic information services or knowledge arena, these unions see improved opportunities for organizing and for bargaining. As with the corporations that employ them, there is a mythic aspect to the notion of labour union convergence. In essence, converging technologies, converging jobs, converging companies, and the belief that “one big union” is better have led workers to come together across the knowledge industry (McKercher, 2002). This has strengthened the position of labour as a source of resistance to the erosion of public-service communication and has made it all the more important for companies to fight convergent unions.

This labour convergence strategy has not always followed the pattern of national unions merging across different media sectors within one nation. An example that has sparked some controversy and is central to one of the cases described in this article is the absorption of all unionized English-language CBC workers into the Washington-based Communications Workers of America, marking an important example of transnational convergence. The process by which this took place and its implications for the CBC lockout are examined below, but for now it is important to note that this provides an important example of convergence across borders and is especially controversial because it means that workers employed by a national broadcaster, including on-air as well as technical personnel, belong to a union headquartered in the capital of another nation.

Not all forms of trade union convergence involve outright merger and absorption within another union. Some take the form of a federation of existing unions that come together largely because of technological convergence but preserve the independence of constituent members. A good example of this in Canada is the National Alliance of Communications Unions (NACU), which brings together the CEP and the TWU (and one local of the Canadian Auto Workers union) in a federation of communication workers. In the United States, convergence led in 2005 to a federation within a federation when the AFL-CIO, itself the largest trade union federation in the country, created an Industry Coordinating Committee made up of 10 constituent unions in the arts, entertainment, media, and telecommunications industries. In a similar vein, 10 communication unions in Canada have created the Coalition of Canadian Audio-visual Unions, which is particularly concerned about the erosion of the public-service principle and specifically the fate of Canadian-content regulations.

Internationally, we have also seen the growth of umbrella organizations for knowledge workers led by the Union Network International (UNI), a Geneva-based organization formed in 2000 from a merger of four union federations spanning the converging industries of finance, telecommunications, and media. UNI is one of the central nodes in a global network of labour opposition to offshore outsourcing, one of the primary means of eroding labour power in the world today.
Trade union convergence is far from easy to achieve, and the film and video industry in the United States provides an important example. One of the keys to mobilizing against the increasingly integrated video and film industries, encompassing mainly the television networks and the Hollywood majors, is to bring together unions representing both sectors, just as companies like Disney and Fox have used their merged power to control their respective employees. Without a unified workforce, these companies can more easily move outside the United States to shoot television series and feature films in Toronto and Vancouver. They are also better able to dictate the terms of contracts on how revenues from multiple uses of the same film or television program are to be distributed, and they can pit one union against another to get the best deal. Specifically, trade union convergence here would mean bringing together the Screen Actors Guild (SAG) and the American Federation of Television and Radio Artists (AFTRA). But all attempts at such convergence have failed, most recently in 1999 and 2003, in very close votes. Moreover, in 2005 SAG elected to its leadership a group of people committed to keeping the union independent (Hiestand, 2005; Prindle, 1988; Screen Actors Guild, 2005).

In Canada, attempts to build closer ties among major telecommunications unions have also not been especially successful. Setting up the National Alliance of Communications Unions created formal federation links between the CEP and the Telecommunications Workers Union. But perhaps because the latter has a history of radicalism (in 1981 the union took over and operated the telephone exchanges of Vancouver during a labour action) and because the TWU has eschewed the convergent union idea, the two unions have not worked closely together.

In 2005, the merger issue heated up in the United States when, in the wake of the big Republican victory in the 2004 general election and continued decline in union density, a group of major unions in the AFL-CIO threatened to pull out unless the federation permitted significant new mergers and other organizational changes. The fastest-growing union in the United States, the Service Employees International Union (SEIU), demanded that the federation consolidate several of its member unions and shift funding from its own research and political activity to grass-roots organizing. Holding out the threat of withdrawal, the SEIU was backed by, among others, the powerful Teamsters union. The AFL-CIO proposed a compromise but was not successful, and several unions left the federation to form their own labour federation, Change to Win, comprising 5.4 million members committed to stepped-up union organizing (Tucker, 2005).

Convergence at the Canadian Broadcasting Corporation
It is not unusual for workers to take a convoluted route to convergence, and the CBC is no exception. Jurisdictional issues have dogged the CBC for two decades, with 13 different unions representing workers at the national broadcaster in the 1980s, often leaving workers in similar jobs labouring under very different employment rules. In order to respond to management’s desire to create a more harmonious workplace, in 1993 the CIRB reduced the number of unions repre-
senting English-language CBC workers to three. The Canadian Media Guild, a unit of the Newspaper Guild (which was itself in the process of merging with the CWA), represented editorial workers. The Canadian Union of Public Employees (CUPE) represented clerical and administrative workers. The CEP, through its NABET branch, represented technicians. A further consolidation reduced the number of unions at the CBC to two when the CWA, through the Canadian Media Guild (CMG), came to represent administrative and clerical workers by absorbing members of the CUPE unit at their request. The two groups continued to be divided into separate bargaining units, however.

In 1999 the CMG petitioned the CIRB to merge its administrative and editorial workers into a single bargaining unit. The CBC countered with a proposal to unify all of the bargaining units at the public broadcaster, ostensibly to streamline and facilitate bargaining. In essence, the CBC asked for trade union convergence at the company, a decision that is understandable but which would ultimately make management’s plans for transforming the workplace considerably more difficult. The CWA supported the CBC petition, believing it would strengthen the union’s clout at the company since, based on numbers alone, it would be favoured to win a representation vote. The CEP, in large part for the same reason, objected to the consolidation, but the CIRB sided with the CBC and eventually ordered a vote. The campaign was bitter and divisive, with the CEP expressing outrage that a “foreign” union should seek to represent workers at the national public broadcaster. But as expected, the result was unified representation behind the CWA’s Canadian Media Guild (CIRB, 2003). In essence, the CBC joined with the CWA to “gang up” on the CEP to force a consolidation. A similar consolidation was sought by the CBC’s French-language division, Radio-Canada, to simplify bargaining among its Québec unions, but the CIRB turned down the broadcaster’s position because it concluded that there had been a history of labour strife at Radio-Canada that might be deepened by all-or-nothing bargaining and that none of the Québec unions supported Radio-Canada’s proposal for union convergence (CIRB, 2005).

CBC management “won” a single bargaining unit with which to negotiate but in the process now had to face a united union that was also now part of one of the largest and strongest in North America, and certainly one of the most powerful private-sector unions. The model of a convergent union, the CWA could draw on its 700,000 dues-paying members to support campaigns across the social and political landscape but particularly in the communication and information sectors, where it had taken on some of the most powerful corporations that convergence has benefited, including IBM, AT&T, and Microsoft. In 2005, the campaign was extended to the CBC, which intended to transform its 5,500-member workforce. That transformation had begun earlier with increases in the number of non-permanent or temporary workers, growing integration of radio and television operations, and experiments in videojournalism—drawing on individuals who combined the skills (and did the jobs) of both journalists and technicians. These practices fit the corporate convergence model, since they permitted greater flexi-
bility in the company’s ability to move workers in and out of different units and job categories. The practices would also weaken one of the major sources of resistance to the CBC’s strategy of producing programming that reflected market forces over the public-service principle.

CBC management wished to deepen and extend this transformation by weakening many of the rules protecting workers’ professional status, particularly by winning the unlimited right to hire temporary workers for all of its jobs (Canadian Media Guild, 2004). Management’s objectives were not simply rooted in the desire to control its labour force; they were also driven by a decade or more of government budget cuts that put growing pressure on management to deliver the same or a greater level of service, now extending from broadcasting to the Internet, with fewer resources. Budget cuts and pressures to commercialize “force” the attack on labour, and the attack on labour makes it easier for governments and Crown corporations like the CBC to carry out budget cuts and the overall commercialization of operations.

Bargaining for a new contract began in May 2004, and although the parties met regularly, numerous issues remained unresolved when the CBC locked out its employees on August 15, 2005. This was good timing for the Corporation because Parliament was in recess and was unlikely to intervene until it returned in the fall. In addition, the CBC was worried that workers were planning to go on strike in September, threatening the revenue projected to stream in from new fall programs and a new hockey season. What the Corporation had not foreseen was that the labour convergence that it had helped to create would “bite back” by unifying a once-divided workforce behind the support of one of the most successful converged unions. With the financial support of the CWA, workers could afford to stay out longer. In addition to paying for half of all strike pay and all of the supplementary health benefits of locked-out workers, the CWA made full use of its international networks to support the CMG. It mobilized an international pressure campaign that directed messages from media workers throughout the world to CBC management and the Canadian federal government. It also organized demonstrations at a dozen Canadian embassies in Washington, D.C., London, and other power centres.

Convergence also promoted unity in the workforce. Where they were once based in different unions headquartered in different countries, which promoted invidious comparisons, all workers now succeeded or failed based on how well they worked together in their struggle against the CBC. While it would still be possible for the Corporation to play journalists against technicians and vice versa, it is demonstrably easier to do so when they are members of different, competing unions. Furthermore, labour convergence made it more difficult for management to continue operations during the lockout. It was one thing for management to take over striking technicians’ jobs when the on-air staff remained on the job, quite another when the entire workforce was locked out. As a result, audiences felt the lockout in the significant erosion of CBC services, particularly when man-
management was forced to turn to BBC broadcasts, with practically no Canadian content, for its news programming.

The deployment of temporary contract workers is central to a corporation's convergence strategy because, even though the scholarly literature has raised serious questions about the actual organizational benefits of such flexibility for the broadcasting industry, one reason corporations pursue a convergence strategy is to increase their flexibility in dealing with workers (Ursell, 1998). As a result, although traditional issues involving wages and benefits were still important in this instance, the CBC made the shift from permanent career work to temporary contract work a central issue in the dispute. Indeed, once it realized that employees were unified, management offered to protect the jobs of all existing permanent employees and increase the use of non-permanent labour for new positions only. However, this decision backfired. The workers resisted, arguing that an increase in temporary workers would seriously impair the CBC's ability to fulfill its public-service mandate and would in the end damage civil society in Canada. Once Canadians realized that workers were staying out to support the right to full-time jobs at the national broadcaster, even as these workers were given immunity from more stringent labour practices, support for locked-out workers grew (Delacourt, 2005).

Another characteristic of communication labour that motivates management to support convergence strategies also backfired in this case. Communication workers are knowledge workers, part of what is loosely called the growing “creative class” comprised of cultural workers, those who produce information and entertainment products, and information technology workers, especially those who develop software to run converging information networks. One of the great challenges that management has faced since the acceleration of knowledge work has been how to control creative labour and lower its cost through various forms of labour division, de-skilling, anti-union activity, and contracting out (Barley & Kunda, 2004; Braverman, 1973; Brint, 2001). CBC management focused on the need to expand non-permanent contract labour as one major way to strengthen its control and lower costs. But in doing so, it challenged a central characteristic of creative labour—the fact that creators control their own labour and should retain the flexibility to make use of it in ways that they think are most beneficial. To demonstrate that the commitment to full-time professional labour is a central quality of public-service broadcasters, locked-out CBC workers took their talent on a nationwide tour or caravan to mobilize public support. They also produced the radio equivalent of the strike newspaper by broadcasting their shows on community and university radio stations across the country, including in Toronto. This enabled CBC workers, including broadcast personalities who are household names in much of the country, to demonstrate their talent and commitment to public-service broadcasting (CBC workers had to sign up as volunteers and pay membership dues to use community stations), even as they made use of an important medium to promote their cause. As autonomist theorists have repeatedly maintained, creative workers require a lot less than their industrial counterparts to
carry out their work when management shuts them out (Terranova, 2004). And in this case, they succeeded in swaying public opinion to their cause.

Throughout the seven-week lockout, the workforce remained unified. This is particularly remarkable because workers had been deeply divided over the forced consolidation of bargaining units. They not only patched up their differences but grew stronger than ever. However, not everyone supported the dominant position taken by the union. For example, some temporary workers welcomed the expansion of contract labour and the kind of flexibility it provides. Others were sympathetic to the budget problems that management faced and either called for more government spending or for a reduced role for the CBC in what appeared to them to be an expanded media environment. But to the surprise of some experts, including those who did not think that the two different types of knowledge workers—content providers and technicians—could get along over the long haul, worker solidarity persisted into the fall, threatening the new television season at the CBC, the return of its big Saturday-night moneymaker, Hockey Night in Canada, the investiture of the new governor general, and the opening of Parliament. Under increasing pressure, including the threat of losing their own jobs and a September-October decline of about 25% of its radio audience, CBC management returned to the bargaining table and settled for far less than they had hoped. The final agreement increased the number of non-permanent workers by only 75-80 and capped the share of the permanent workforce permitted to be contract workers at 9.5%, well below the 14% permitted at the BBC. Moreover, after four or more years of contract service, employees can convert to permanent status (Taylor, 2005). In essence, management at the CBC went from an initial proposal to open all jobs at the public broadcaster to temporary contract status to accepting that fewer than one in 10 would have that status.

Despite what seems to have been a clear-cut victory for the union, the broadcaster continues to look for ways to cut permanent jobs. In April 2006, it announced plans to close its Toronto-based design department, laying off about 80 workers. The closing will severely limit the CBC’s ability to produce TV programs in-house, which will in turn accelerate the tendency to contract out work or buy ready-made programs. A month later it cancelled two youth programs. According to the president of the CMG, Lise Lareau, “TV management is in the final stages of dismantling CBC-made programming. There will be soon nothing left of entertainment television production inside the CBC” (Canadian Media Guild, 2006).

Convergence at Telus

Telus follows Bell Canada as the second-largest telecommunications company in Canada, with about 13,000 employees, most of whom are members of the Telecommunications Workers Union (TWU) based in British Columbia. From the late 1990s, Telus grew through convergence, but so too did the TWU, and these developments contributed substantially to a labour dispute that escalated over four years and resulted in a 2005 lockout. Telus was established in 1990 following the reorganization of AGT, then the dominant telephone company in Alberta,
becoming AGT’s parent corporation with the goal of taking advantage of newly introduced telephone competition in Canada. In 1995 Telus bought ED TEL, Edmonton’s municipal telephone company, and soon thereafter launched its own convergence strategy, starting with the 1998 takeover of BC Tel, the primary telecommunications provider of British Columbia. These mergers and acquisitions made Telus the dominant telecommunications provider in Western Canada. It gained control over the traditional wired telephone system, the revenues from which strengthened its position to launch a wireless network in the region with every expectation of moving east. But moving into British Columbia meant that it had to face one of the strongest and most militant unions in the province, if not the country, the Telecommunications Workers Union. Historically, governments and the phone company chose to make peace with the union rather than disrupt a vital public service. But creating a pro-competitive, neo-liberal communication policy while also making peace with a union committed to public-service telecommunication would not work. The result was a four-year war.

The TWU had represented workers at BC Tel and is celebrated for its tough positions, including a 1981 strike against the company that resulted in workers taking over and operating Vancouver telephone exchanges to demonstrate their capacity to run the company without management (Bernard, 1982). Realizing that the TWU posed a formidable challenge, Telus proposed to restructure the newly merged company, creating four divisions in wireline, wireless, Internet, and business information technology services. Corresponding to these divisions would be four units of workers and, most importantly for the company, under the plan the TWU would occupy only the unit identified with wireline service, the service expected to decline as a share of the company’s business. This would keep the TWU from representing workers in fast-growing sectors, such as wireless and Internet services. The company hoped that by leaving the TWU to languish in a unit dedicated to an older set of services with expectations of long-term decline, it would minimize the potential damage that a militant union might inflict. The company would then be free to locate more co-operative union members in other units and perhaps free them from union representation entirely.

But in order to make the case for this proposal before the Canada Industrial Relations Board, Telus had to reverse its traditional position on convergence, which viewed it as an inevitable process that would eventually connect all technologies in a seamless network, the telecommunications equivalent of Bill Gates’ friction-free capitalism (Gates, 1999). Instead, Telus now argued that there was such a significant distinction in technology, services, regulation, and customers between what in 1998 it called voice, radio (meaning mainly wireless), Internet, and business IT services that each required a distinct division and a distinct workforce. Moreover, it made an additional geographic distinction, claiming that TWU representation was inappropriate outside the province of British Columbia because that was the province where its members historically did their jobs (CIRB, 1999).
In essence, the Telus position demonstrates the discursive significance of convergence. It does not just provide an empirical description of a process but serves as a political tool to carry out a company policy. Specifically, convergence exists when the company aims to create a unified brand that identifies it with technological progress. But it does not exist when the acknowledgment of convergence means permitting a well-organized and historically militant trade union to represent workers throughout the company.

The TWU opposed this position, maintaining that the divisional and bargaining unit structure Telus proposed was largely set up to restrict its members and curtail the union. In addition, it insisted that differences in services and regulatory regimes were rapidly eroding (Mosco, 1999). The CIRB, largely committed to the convergence principle, ultimately agreed with the union and determined that members of the TWU should have access to jobs throughout the company and that the TWU had the right to be the sole bargaining agent at the company. In principle, this marked a significant defeat for the company. However, the CIRB decided to take a conservative approach to implementation by permitting existing contracts with other unions to remain in effect until such time as the TWU and Telus reached an agreement on a contract covering all workers in British Columbia and Alberta, a decision that slowed the TWU’s momentum. Meanwhile, the company adopted a new strategy that involved a similar political use of convergence.

The next stage in the struggle, which took place beginning in 2001, saw Telus creating a separate company, Telus Mobility, to house its wireless operations, including the newly acquired Clearnet wireless, a critical purchase because it gave Telus a foothold in the lucrative Ontario-Québec market. Again, Telus sought to keep the TWU and its workers out of the new company, and the union petitioned the CIRB to block this action. The Telus action had a precedent that ultimately would not bode well for the company. In an earlier case, Island Telecom, the major telephone company in Canada’s smallest province, Prince Edward Island, sought to create a wholly owned subsidiary, Island Telecom Advanced Solutions (ITAS), to operate its Internet services. Island Telecom, which was owned by the parent of Canada’s largest telecommunications company, thereby hoped to keep the Communications, Energy and Paperworkers Union (CEP) from representing ITAS workers. The union took the decision to the CIRB and argued that convergence meant that such a division was an artificial one. The company claimed that convergence did not hold in the relationship between telephone and Internet services. The CIRB ruled that convergence meant that Island Telecom and ITAS were one employer for the purpose of bargaining and therefore the CEP had the right to represent workers at ITAS (CIRB, 2000b). This was a significant ruling because had the CIRB ruled against the CEP, it would have established a precedent that telecommunications firms could set up separate subsidiaries in different areas of communication and information technology in order to shut out trade unions.

In spite of the Island Telecom ruling, Telus sought to create a separate subsidiary in Telus Mobility and justified the decision before the CIRB with the
claim that differences between wireline and wireless technology, and between regulatory regimes set up to govern them, were significant enough to justify a division that would bar the TWU from representing wireless workers at the company. But once again, convergence bit back and the CIRB decided against the company, giving the union the right to represent workers throughout the company (CIRB, 2004b). What it failed to achieve before the CIRB, Telus next sought to accomplish at the bargaining table.

In essence, the Telus-TWU conflict grew out of competing convergence strategies that were proxies for different visions of telecommunications. Telus built a company by expanding and integrating a variety of telecommunications technologies and services from British Columbia to Alberta and eventually into Ontario and Québec. Its goal was to compete nationally in a regulatory environment governed by market principles, i.e., the market should govern the price of telecommunications services and the price of labour. The union sought to retain the strong position it had attained through years of struggle with BC Tel and to extend it to Telus’ new markets and services. It supported a publicly regulated telecommunications system and, for some in the union, a return to public ownership. It also supported the social contract that guaranteed full-time, secure, and well-paid jobs for its members, something its militancy had some success in achieving. Both parties used convergence in defending their positions before the CIRB, and both held firm on contract demands. Although it continued to lose before the CIRB, Telus appeared to be in no hurry to incorporate the CIRB’s decisions in a new contract. More likely, it hoped to have success across the bargaining table from the TWU, because it knew the union was facing significant challenges. The union had to integrate workers who were members of weaker unions from Alberta, the least labour-friendly province in Canada. Moreover, it had to integrate Telus’ newly acquired Clearnet workforce, which had no union representation and which included numerous French-speaking workers from Québec. The TWU had no experience with the politics and culture of Québec labour struggles.

As a result of the company’s intransigence at the bargaining table, the TWU was without a contract when all of its agreements expired on December 31, 2000, and this remained the case into 2005, even though the CIRB issued a ruling in 2004 determining that Telus had committed several violations of the labour code and should offer binding arbitration to settle the dispute (CIRB, 2004a). Instead, the company escalated the dispute with what amounted to a “soft lockout,” suspending the remission of union dues and completely ignoring established grievance processes. Moreover, when the union signalled its support for binding arbitration, the company used its influence with the government to get the CIRB to back away from its support for binding arbitration. The company simply tabled a contract offer to the union and demanded that the TWU accept it. The TWU responded with its own actions, including refusing overtime, working to rule, and slowing down the repair and installation process by refusing to permit its members to work out of a home base. It also began time-consuming study ses-
sions and, in some locals, actually occupied company facilities. The company reached the brink when it announced that it would impose its own version of the contract on July 22, 2005, and the union responded by pulling its workers off the job on July 21.

The lockout brought together many elements of the information age labour dispute. The union launched an extensive media campaign, which called on residential and business customers to give up their Telus services. It also convinced Vancouver’s Pacific Newspaper Group, which owns the city’s two major daily newspapers, to refuse to accept Telus advertising. The company brought in strike-breakers from other parts of the country and outsourced some of its work to call centres in the Philippines. It also blocked access to a website, Voices for Change, set up by a Telus employee, which the company claimed contained photos that might intimidate or threaten people involved in the dispute. Moreover, in the course of blocking Voices for Change, Telus denied access to 766 sites unrelated to the labour dispute that happened to use the same server. This action, extraordinary for an Internet service provider, attracted widespread attention. According to the OpenNet Initiative, a partnership between units at the University of Toronto, Harvard Law School, and Cambridge University, Telus kept its subscribers from accessing an engineering company, an Australian site promoting alternative medicine, a Colorado firm that recycles electronics parts, and an organization that raises funds for breast cancer research (Barrett, 2005).

Nevertheless, in spite of the bad publicity, the company was able to exploit the climate of hostility to organized labour in Alberta. By September, more than half of the TWU Alberta membership returned to work, thereby allowing the company to return to providing almost normal service. The TWU enjoyed the support of other unions, including the CEP workers at the Vancouver newspapers, who pushed for the boycott of Telus ads, but it suffered from one shortcoming in the convergence process: it was limited to the telecommunications arena. It certainly had expanded into the wireless and Internet service occupations, a version of labour convergence, and had expanded geographically, but unlike the CEP, it did not have units in media or other industries from which it might draw in this difficult time. The TWU’s convergence was at best partial, and the union suffered as a result.

With so many of its members returning to work, the union hastened its return to the bargaining table. It is always difficult to determine precisely what constitutes victory in a labour dispute, particularly in the knowledge industries, where control and security of employment typically loom as large, or even larger, than wage issues. In this case, the history of militancy at the TWU makes an assessment more difficult, because the union was less inclined than other unions to believe that it needed to give up on any demand. For the TWU, victory meant maintaining the strong position it enjoyed when it faced down its former employer, BC Tel. This view was sufficiently widespread in the union that its membership narrowly defeated the first negotiated settlement (the vote was 4,540 against, 4,487 for ratification), and the union’s leadership was forced back to the
bargaining table to reach a second deal that two-thirds of members backed. Workers won a 2% annual raise for each of the five years of the contract, $10 million in a pay equity settlement, limitations on contracting out, guarantees that TWU members would work on the company’s Internet television project, maintenance of the union pension plan, and an affirmation that the TWU is the sole bargaining unit for the Telus workforce. Nevertheless, there is little satisfaction at the union. According to its research director:

No one is enthusiastic about the new contract. A great deal of emotional energy is focused on the things that have been lost. This defeat has generated understandable anger and frustration among TWU members. Such feelings are to be expected. Unfortunately, there is often a tendency in such circumstances to engage in personal recriminations in an attempt to lay blame for a bitterly disappointing outcome. (Shniad, 2005)

There are major concerns about the meaning of “limited contracting out.” The contract promises that no full-time jobs directly related to contracting out will be lost. Union members fear, with some justification, a steady erosion in jobs as work is outsourced to contract workers or overseas, and TWU jobs loosely defined as indirectly related are lost. This would certainly follow an increasingly common pattern of outsourcing work in the legal, medical, media, finance, and telecommunication sectors (Mosco, 2005). Under the old agreement with BC Tel, any normal or regular work could not be cut without the permission of a standing committee comprised of management and labour. Under the new agreement, Telus commits to job protection but provides no guarantees of union involvement in such decisions. Making matters more difficult for the union, the workers added to the union from Alberta had weak contracts that were arguably improved by the deal with Telus and so are unlikely to join any fight to bring back the level of union power the TWU enjoyed with BC Tel. So although the union may have used convergence to bite back at Telus on several occasions, it is likely that, short of following the ultimate convergence strategy and merging with the CEP, the CWA, or another Canadian union, the last bite will be taken by Telus.

In a coda to this long struggle over convergence, shortly after the new contract was signed, Telus announced that it would merge Telus Mobility with the parent company in order to take advantage of convergence between technologies (Wong, 2005). This decision completely reversed the company’s earlier position before the CIRB, when it argued that there was no technological convergence between wired and wireless telephone and that its decision to keep them separate had nothing to do with its desire to keep the TWU out of wireless. This announcement appears to justify the CIRB’s rejection of that view and its implicit recognition that convergence can be political and rhetorical as well as technological (2004b).

Conclusion

It is certainly important to examine the convergence of technologies, industries, and corporations. It is also valuable to examine convergence as a cultural construct, part of a myth about global networks uniting the world in friction-free capitalism. But as this article has shown, convergence also “bites back.” Companies
that use convergence to control labour by reducing the workforce, de-skilling workers, and employing contract over full-time labour now face converging trade unions like the CWA and CEP that have unionized workers across the communication, information, and media sectors, enabling them to improve their position when they confront convergent communication giants. Convergent unions come in a variety of forms, from the full-fledged convergence of the CWA and the CEP to the loose federation of unions exemplified by the National Alliance of Communications Unions, which brings together the CEP and the TWU. Some unions, like the TWU, make good use of a limited form of convergence, expanding across provincial borders and into new media, but suffer when they fall short of full convergence.

Labour convergence is, however, not an easy thing to accomplish. And while the unions see it as a positive development, it does not in and of itself guarantee success at the bargaining table. In the case of the CBC, the solidarity achieved and maintained by the union was critical to its victory over management’s effort to transform the workplace. But the fact the employer was a Crown corporation, funded largely by tax dollars, ensured a significant degree of public interest in seeing the dispute settled. In addition, the locked-out workers included some of the most trusted broadcasters in the country, people like Shelagh Rogers of the national Sounds Like Canada radio show or Andy Barrie of the popular Metro Morning show in Toronto. Others produced the familiar, 24-hour presence of television’s Newsworld, or the hourly newscasts many Canadians use to mark their days. The union was able to take advantage of the public profile of its membership and its employer. Public support expressed for the strikers, at rallies on Parliament Hill and elsewhere, helped ensure that the union held together.

None of this applied in the case of the TWU. The workers were technicians, office staff, and installers—ordinary people, not household names. The employer was a common carrier, not a national public broadcaster. Telus provides an important and federally regulated public service, but few Canadians feel the same way about their phone company as they do about the CBC. As a result, the locked-out Telus workers lacked the cultural capital available to the locked-out CBC workers. In addition, convergence does not come easily because it requires trust and a generally shared view of the state of labour relations, something that the TWU had to face when a more conservative workforce from Alberta and when workers from the francophone culture of Québec joined the union. As the 2003 failed merger between SAG and AFTRA showed, achieving unity is no easy task even when unions share common members and common employers. For the TWU, the social, political, cultural, and geographical obstacles to genuine integration were substantial.

Labour remains a blind spot in communication policy research, which is unfortunate because labour issues play an increasingly important role in the policy environment. CBC workers argued that the public-service mandate, which has largely been defined in terms of content produced for audiences, needs to consider the nature of labour relations at the company, because labour determines the extent to which the public-service mandate can be met. The union maintained that
only a company with the vast majority of workers in full-time, secure jobs, employing people with extensive experience in the business, can adequately serve the public as a national broadcaster. CBC management insisted that it could only carry out that mandate if it could flexibly deploy contract workers throughout the Corporation. Similarly, Telus argued that it needed flexibility, including the ability to contract out and outsource work, to effectively compete with Bell Canada and other firms in the converging electronic information services market. The union argued, among other things, that a nationally regulated telecommunications provider should provide full-time, secure jobs to its workers. Is there an employment standard that should be part of the mandate for a nationally licensed broadcaster or telecommunications provider? Whatever one’s position on the matter, there is little doubt that the analysis of labour issues would enrich understanding of communication policy. How convergence bites is an open question. That communication scholars need to address it more systematically is not.

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