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### **Education and Employment History**

#### **Degrees:**

Yale Law School, New Haven, CT, 1980-81, LL.M.

Osgoode Hall Law School, York University, Toronto, ON, 1976-79, LL.B.

Columbia University, New York City, NY, 1970-72, B.A.

#### **Academic Appointments:**

Professor of Law, Osgoode Hall Law School, 2002-present.

Associate Professor of Law, Osgoode Hall Law School, 1985-2002.

Assistant Professor of Law, Osgoode Hall Law School, 1981-85.

Distinguished Scholar in Residence, Cleveland-Marshall College of Law, Cleveland State University, 2013-present.

Visiting Professor, Cleveland-Marshall College of Law, Cleveland State University, 2005-06.

Scholar-in-Residence, Cleveland-Marshall College of Law, Cleveland State University, 2004-05.

Visiting Professor, Institute for the Sociology of Law, Lund University, Lund, Sweden, March-May, 1988.

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## **Professional Standing and Contributions to Research**

### **A. Books, Edited Books and Guest Edited Journal Volumes**

#### **Books**

*Self-Employed Workers Organize: Law, Policy and Unions* (Montreal and Kingston: McGill-Queen's University Press, 2005) (Co-authored with Professors Cynthia Cranford, Judy Fudge and Leah Vosko) (265 pages).

*Labour Before the Law: Workers' Collective Action and the Canadian State, 1900-1948* (Toronto: Oxford University Press, 2001; reissued by University of Toronto Press, 2004) (Co-authored with Professor Judy Fudge) (398 pages).

*Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914* (Toronto: University of Toronto Press, 1990) (310 pages).

#### **Edited Books**

*Canadian State Trials, Volume 4: War Measures and the Repression of Radicalism, 1914-39* (Toronto: University of Toronto Press and the Osgoode Society for Canadian Legal History, 2015) (with Barry Wright and Susan Binnie) (517 pages).

*Property on Trial: Canadian Property Law Cases in Context* (Toronto: Irwin Law and the Osgoode Society for Canadian Legal History, 2012) (with James Muir and Bruce Ziff) (532 pages).

*Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case* (Toronto: Irwin Law, 2012) (with Fay Faraday and Judy Fudge) (322 pages).

*Work on Trial: Canadian Labour Law Struggles* (Toronto: Irwin Law and the Osgoode Society for Canadian Legal History, 2010) (with Professor Judy Fudge) (426 pages).

*Working Disasters: The Politics of Recognition and Response* (New York: Baywood Press, 2006) (336 pages).

#### **Guest-Edited Journal Volumes**

Voices at Work in North America, (2013) 50:4 *Osgoode Hall Law Journal* (with Sara Slinn)

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## **B. Book Chapters**

“Compensating Work-Related Disability: Theory, Politics and History of the Commodification-Decommodification Dialectic” in Ravi Malhotra and Ben Isitt, eds., *Disabling Barriers: Social Movements, Disability History and Law* (Vancouver: UBC Press, forthcoming 2017).

“A Tale of Two Harrys: The Life, Limits and Demise of Industrial Pluralism in Canada” in Simon Archer, Daniel Drache, and Peer Zumbansen, eds., *Liber Amicorum – Festschrift Harry Arthurs* (forthcoming 2017).

“Introduction: War Measures and the Repression of Radicalism, 1914-1939” in Barry Wright, Eric Tucker and Susan Binnie, eds., *Canadian State Trials, Vol. IV: War Measures and the Repression of Radicalism, 1914-1939* (Toronto: Osgoode Society for Canadian Legal History and University of Toronto Press, 2015), 3-41 (with Barry Wright and Susan Binnie).

“Can Worker Voice Strike Back? Law and the Decline and Uncertain Future of Strikes” in Alan Bogg and Tonia Novitz, eds. *Voices at Work: Continuity and Change in the Common Law World* (Oxford: Oxford University Press, 2014), 455-73.

“Old Lessons for New Governance: Safety or Profit and the New Conventional Wisdom” in Theo Nichols and David Walters, eds., *Safety or Profit: International Studies in Governance, Change and the Work Environment* (New York: Baywood Press, 2013), 71-95.

“Giving Voice to the Precariously Employed? Mapping and Exploring Channels of Worker Voice in Occupational Health and Safety Regulation” in Malcolm Sargeant and Martina Ori, eds., *Vulnerable Workers and Precarious Working* (Newcastle upon Tyne, UK: Cambridge Scholars Publishing, 2013), 33-70.

“The Malling of Property Law: The Toronto Eaton Centre Cases, 1984-1987 and the Right to Exclude” in James Muir, Eric Tucker and Bruce Ziff, eds., *Property on Trial: Canadian Property Law Cases in Context* (Toronto: Irwin Law and the Osgoode Society for Canadian Legal History, 2012), 303-51.

“Farm Worker Exceptionalism: Past, Present, and the post-*Fraser* Future” in Fay Faraday, Judy Fudge and Eric Tucker, eds., *Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case* (Toronto: Irwin Law, 2012), 30-56.

“*Hersees of Woodstock Ltd. v. Goldstein*: A Small Town Case Made it Big” in Judy Fudge and Eric Tucker, eds., *Work on Trial: Canadian Labour Law Struggles* (Toronto:

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Irwin Law and the Osgoode Society for Canadian Legal History, 2010), 217-48.

“Introduction” in Judy Fudge and Eric Tucker, eds, *Work on Trial: Canadian Labour Law Struggles* (Toronto: Irwin Law and the Osgoode Society for Canadian Legal History, 2010), 1-11 (with Professor Judy Fudge).

“Labour Rights in an Interregnum: The Ambiguous Legacy of J.S. Woodsworth,” in Jane Pulkingham ed., *A Common Interest. Human Rights, Human Welfare and Labour: Rethinking the Legacy of J.S. Woodsworth* (University of Toronto Press, 2010), 65-90.

“Street Railway Strikes, Collective Violence, and the Canadian State, 1886-1914,” in Barry Wright and Susan Binnie, eds., *Canadian State Trials*, Vol. III (Toronto: Osgoode Society, 2009), 257-93.

“Locating Labour Law: Conflicting Perspectives and the Case of Occupational Health and Safety,” in Elizabeth Comack, ed., *Locating Law*, 2<sup>nd</sup> ed., (Halifax: Fernwood, 2006), 152-79; revised and republished in Elizabeth Comack, ed., *Locating Law*, 3<sup>rd</sup> ed., (Halifax & Winnipeg: Fernwood, 2014) 149-77.

“Introduction: The Politics of Recognition and Response,” in Eric Tucker, ed., *Working Disasters: The Politics of Recognition and Response* (New York: Baywood, 2006), 1-17.

“Accountability and Reform in the Aftermath of the Westray Mine Explosion,” in Eric Tucker, ed., *Working Disasters: The Politics of Recognition and Response* (New York: Baywood, 2006), 277-309.

“Will the Vicious Circle of Precariousness be Unbroken?: The Exclusion of Ontario Farm Workers from the *Occupational Health and Safety Act*,” in Leah Vosko, ed., *Precarious Employment: Understanding Labour Market Insecurity in Canada* (Montreal and Kingston: McGill-Queen’s University Press, 2006), 256-76.

“Precarious Employment and the Law’s Flaws: Identifying Regulatory Failure and Securing Effective Protection for Workers,” in Leah Vosko, ed., *Precarious Employment: Understanding Labour Market Insecurity in Canada* (Montreal and Kingston: McGill-Queen’s University Press, 2006), 203-20 (co-authored with Stephanie Bernstein, Katherine Lippel, and Leah Vosko).

“All that is Solid Melts into Air: Worker Participation in Health and Safety Regulation in Ontario, 1970-2000,” in Vernon Mogensen, ed. *Worker Safety Under Siege: Labor Capital and the Politics of Workplace Safety in a Deregulated World* (Armonk, NY: Sharpe, 2005), 157-86 (Co-authored with Professor Robert Storey).

“Employment Standards Legislation” and “Labour Law”, in Gerald Hallowell, ed.,

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*Oxford Companion to Canadian History*, (Don Mills, ON: 2004), 199-200, 343-44.

“Occupational Health and Safety Management Systems in the United Kingdom and Ontario, Canada: A Political Economy Perspective,” in Kaj Frick, Per Langaa Jensen, Michael Quinlan, and Ton Wilthagen, eds., *Systematic Occupational Health and Safety Management* (Amsterdam: Elsevier, 2000,): 285-309 (Co-authored with Professor Theo Nichols) (an earlier version was published as a working paper (1999, York University, Centre for Research in Work and Society, Working Paper Series, No. 21).

“And Defeat goes on: An Assessment of the Third Wave of Health and Safety Regulation,” in Frank Pearce and Laureen Snider, eds., *Corporate Crime: Contemporary Debates* (Toronto: University of Toronto Press, 1995), 245-67.

"Labour Law and Fragmentation Before Statutory Collective Bargaining" in Mercedes Steadman and Peter Suschnigg, eds., *Hard Labour Lessons* (Toronto: Dundurn Press, 1995), 99-116.

"The Persistence of Market Regulation of Occupational Health and Safety: The Stillbirth of Voluntarism," in Geoff England, ed., *Essays in Labour Relations Law* (Don Mills, ON.: CCH, 1986), 219-262.

### **C. Articles in Scholarly Journals**

“On Writing Labour Law History – A Reconnaissance” (2017) *International Journal of Comparative Labour Law and Industrial Relations* (forthcoming)

“Outsourcing and Supply Chains in Canada” (2016) 3/2016 *IUS Labour* 150-57 (Online at [https://www.upf.edu/iuslabor/\\_pdf/2016-3/CLLD\\_OUTSOURCING\\_AND\\_SUPPLY\\_CHAINS.pdf](https://www.upf.edu/iuslabor/_pdf/2016-3/CLLD_OUTSOURCING_AND_SUPPLY_CHAINS.pdf) (with Leah Vosko, John Grundy and Alec Stromdahl).

“Equality, Non-Discrimination and Work-Life Balance in Canada” (2016) 2/2016 *IUS Labour*, 159-67 (Online at [https://www.upf.edu/iuslabor/\\_pdf/2016-2/CLLD\\_EQUALITYx\\_NON-DISCRIMINATION\\_AND\\_WORK-LIFE\\_BALANCE.pdf](https://www.upf.edu/iuslabor/_pdf/2016-2/CLLD_EQUALITYx_NON-DISCRIMINATION_AND_WORK-LIFE_BALANCE.pdf) (with Alec Stromdahl).

“Canadian Strike Ballot Laws: Barely a Tempest in a Teapot” (2016) 29 *Australian Journal of Labour Law* 171-93 (with Sara Slinn).

“Hours of Work and Flexibility in Canada” (2016) 1/2016 *IUS Labour*, 154-64 (Online at [http://www.upf.edu/iuslabor/\\_pdf/2016-1/CLLD\\_WORKING\\_TIME\\_AND\\_FLEXIBILITY.pdf](http://www.upf.edu/iuslabor/_pdf/2016-1/CLLD_WORKING_TIME_AND_FLEXIBILITY.pdf) (with Leah Vosko).

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Eric Tucker, Alan Hall, Leah Vosko, Rebecca Hall and Elliot Siemiatycki “Making or Administering Law & Policy? Discretion and Judgment in Employment Standards Enforcement in Ontario” (forthcoming, 2015) *Canadian Journal of Law and Society* (Available on CJO 2015 doi:10.1017/cls.2015.34)

“Employment Rights in the Context of a Succession or Transfer of a Business in Canada” (2015) 1/2015 *IUS Labour* 92-101 (Online at [http://www.upf.edu/iuslabor/\\_pdf/2015-01/CLLD\\_TRANSFER\\_OF\\_BUSINESSES.pdf](http://www.upf.edu/iuslabor/_pdf/2015-01/CLLD_TRANSFER_OF_BUSINESSES.pdf)) (with Christopher Grisdale).

“Dismissals Due to Business Reasons in Canada” (2014) 2/2014 *IUSLabour* 86-94 (Online at [http://www.upf.edu/iuslabor/\\_pdf/2014-2/CLLD\\_DISMISSALS\\_DUE\\_TO\\_BUSINESS\\_REASONS.pdf](http://www.upf.edu/iuslabor/_pdf/2014-2/CLLD_DISMISSALS_DUE_TO_BUSINESS_REASONS.pdf)) (with Christopher Grisdale).

“Shall Wagnerism Have No Dominion?” (2014) 21 *Just Labour: A Canadian Journal of Work and Society* 1-27 (Online at <http://www.justlabour.yorku.ca/index.php?page=toc&volume=21>).

“Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case – A Response to Our Critics” (2014) 69 *Relations Industrielles/Industrial Relations* 459-63 (with Fay Faraday).

“Introduction: Voices at Work in North America” (2013) 50 *Osgoode Hall Law Journal* i-ix (with Sara Slinn).

“The Short Past and Uncertain Future of Canadian Labour Law History” [2013] 2 *Historiography Quarterly* 13-15 (translated into Chinese).

“Labour’s Many Constitutions (and Capital’s Too)” (2012) 33 *Comparative Labor Law & Policy Journal* 355-78.

“The Freedom to Strike in Canada: A Brief Legal History” (2010) 15:2 *Canadian Labour and Employment Law Journal* 333-53 (with Judy Fudge).

“Renorming Labour Law: Can We Escape Labour Law’s Recurring Dilemmas?” (2010) 39:2 *Industrial Law Journal* 99-138.

“Who’s Running the Road? Street Railway Strikes and the Problem of Constructing a Liberal Order in Canada, 1886-1914” (2010) 35:2 *Law and Social Inquiry* 451-85.

“Layers of Vulnerability in Occupational Health and Safety for Migrant Workers: Case Studies from Canada and the UK,” (2010) 7:2 *Policy and Practice in Occupational Health and Safety* 51-73 (with Malcolm Sargeant).

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“Everybody Knows What a Picket Line Means’: Picketing Before the British Columbia Court of Appeal,” (Summer 2009) 162 *BC Studies* 53-79 (with Judy Fudge).

“The Constitutional Right to Bargain Collectively: The Ironies of Labour History in the Supreme Court of Canada,” (2008) 61 *Labour/Le Travail* 151-80 (reprinted in (2008) 6:3 *Icfai University Journal of Employment Law* 44-67).

“Shareholder and Director Liability for Unpaid Workers’ Wages in Canada: From Condition of Granting Limited Liability to Exceptional Remedy,” (2008) 26 *Law and History Review* 57-98.

“Re-Mapping Worker Citizenship in Contemporary Occupational Health and Safety Regimes,” (2007) 37 *International Journal of Health Services* 145-70.

“Great Expectations Defeated?: The Trajectory of Collective Bargaining Regimes in Canada and the U.S. post-NAFTA,” (2005) 26 *Comparative Labor Law & Policy Journal* 97-150.

“Changing Boundaries of Employment: Developing a New Platform for Labour Law,” (2003), 10:3 *Canadian Journal of Labour and Employment Law* 361-98 (Co-authored with Professors Judy Fudge and Leah Vosko).

“The Politics of Occupational Health and Safety in a Cold Climate: Diverging Trends in Worker Protection and Participation in Canada, 1985-2000,” (2003) 58 *Relations Industrielles/Industrial Relations* 395-426.

“Employee or Independent Contractor? Charting the Legal Significance of the Distinction in Canada,” (2003) 10:2 *Canadian Labour and Employment Law Journal* 193-230 (Co-authored with Professors Judy Fudge and Leah Vosko).

“Pluralism or Fragmentation?: The Twentieth Century Employment Law Regime in Canada,”(2000) 46 *Labour/Le Travail* 251-306. (Co-authored with Professor Judy Fudge).

“The Road From Westray: A Predictable Path to Disaster?” (1998) 28:1 *Acadiensis* 132-39.

“Forging Responsible Unions: Metal Workers and the Rise of the Labour Injunction in Canada,” (1996) 37 *Labour/Le Travail* 81-119 (Co-authored with Professor Judy Fudge).

"Worker Health and Safety Struggles: Democratic Possibilities and Constraints," (Winter, 1996) 6:2 *New Solutions* 61-69.

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"The Westray Mine Disaster and its Aftermath: The Politics of Causation," (1995) 10:1 *Canadian Journal of Law and Society* 91-123.

"The Faces of Coercion: The Legal Regulation of Labour Conflict in Ontario in the 1880's," (1994) 12:2 *Law and History Review* 277-339.

"Death by Consensus: The Westray Story," (1993 Summer) 3(4) *New Solutions* 14-41; reprinted in David Frank and Gregory Kealey, eds., *Labour and Working-Class History: A Reader* (Fredericton: Acadiensis Press, 1996) and in Christopher McCormick, eds. *The Westray Chronicles* (Halifax: Fernwood, 2000) 71-96; an earlier version was published as a working paper (1992, Centre for Research in Work and Society, Working Paper Series, No. 3). (Co-authored with Professor Harry Glasbeek).

"Worker Participation in Health and Safety Regulation: Lessons from Sweden," (1992) 37 *Studies in Political Economy* 95-127; reprinted in Wallace Clement and Rianne Mahon eds., *Swedish Social Democracy: A Model in Transition* (Toronto: Canadian Scholars' Press, 1994).

"'That Indefinite Zone of Toleration': Criminal Conspiracy and Trade Unions in Ontario, 1837-1877," (1991) 27 *Labour/Le Travail* 15-54.

"*Industry and Humanity* Revisited: Everything Old is New Again: Review of Paul C. Weiler, *Governing the Workplace*," (1991) 36 *McGill Law Journal* 1481-1500.

"Making the Workplace 'Safe' in Capitalism: The Enforcement of Factory Legislation in Nineteenth Century Ontario," (1988) 21 *Labour/Le Travail* 45-86.

"The Political Economy Of Administrative Fairness: A Preliminary Inquiry," (1987) 25 *Osgoode Hall Law Journal* 555-613.

"The Gospel of Statutory Rules Requiring Liberal Interpretation According to St Peter's," (1985) 35 *University of Toronto Law Journal* 113-153.

"The Law of Employers' Liability in Ontario 1861-1900: The Search For A Theory," (1984) 22 *Osgoode Hall Law Journal* 213-280.

"The Determination of Occupational Health and Safety Standards in Ontario 1860-1982: From Markets To Politics To...?," (1984) 29 *McGill Law Journal* 215-259.

#### **D. Published Conference Proceedings**

"The Powers that Be: Administrative Authority and its Limits," Proceedings of CBAO-

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Ontario. workshop, Administrative Law for the Non-Specialist, October 1991.

## **E. Academic Conference Papers/ Public Lectures**

### **Academic Conference Papers**

“Uber and the Making and Remaking of Taxi Capitalisms: Technology, Law and Resistance in Historical Perspective” presented at Law and the Sharing Economy Workshop, University of Sherbrooke, 19-21 January 2017.

“When Wage Theft Was a Crime” read at Law, Authority, History: Honouring the Voice of Douglas Hay, York University, May 5-6, 2016.

“The Employment Standards Enforcement Gap and the Overtime Pay Exemption in Ontario. Public” presented at the Global Labour Research Centre, Toronto, 8 March 2015; Canadian Association of Work and Labour Studies, Ottawa, 4 June 2015; and Labour Law Research Network, Amsterdam, 27 June 2015. Paper co-authored by Mark Thomas et al.

“Collective Bargaining for Geographically Mobile Workers in Canada: Challenges and Solutions” presented at Canadian Association of Work and Labour Studies, Ottawa, June 2015

“Compensating Work-Related Disability: History and Politics of the Commodification/Decommodification Dialectic” presented at Canadian Law and Society Association Conference, Manitoba University, 6 June 2014.

“Carrying Little Sticks: Is There a Deterrence Gap in Employment Standards Enforcement” presented at CRIMT International Conference, New Frontiers for Citizenship at Work, HEC Montreal, 12 May 2014 and at CAWLS, Brock University, 29 May 2014 (co-authored).

“Mapping Enforcement Decisions in Employment Standards in Ontario” presented at CRIMT International Conference, New Frontiers for Citizenship at Work, HEC Montreal, 12 May 2014 and at CAWLS, Brock University, 29 May 2014 (co-authored).

“Recurring Regulatory Dilemmas for Social Rights in Capitalist Economies? The Case of Workers’ Compensation in Canada” presented at Social Rights and Markets: The Case of Work, Faculty of Law, University of Glasgow, 22 November 2013.

“And Wagnerism Shall Have No Dominion: Reflections on the Decline of the Canadian Variant” presented at Labour Law Research Network – Inaugural Conference, Faculty of Law, Pompeu Fabra University, Barcelona, 13-15 June 2013.

“Who Owns Charter Values: Towards a Theory and Practice of Democratic

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Constitutionalism,” presented at Canadian Foundation for Labour Rights International Conference, Toronto, 26-28 March 2013 (with Fay Faraday).

“Giving Voice to the Precariously Employed: Mapping and Using Channels of Worker Voice in OHS Regulation” presented at Vulnerable Workers and Precarious Work in Changing World Conference, Middlesex University, London, 10-11 September 2012.

“Labour Law’s Many Constitutions” presented at Voices at Work Launch Conference, Oxford University, 29-30 July 2011.

“Old Lessons for New Governance: Safety or Profit and the New Conventional Wisdom” presented at Safety or Profit?: A Conference to Celebrate Theo Nichols’ Contribution to the Sociological Understanding of Health and Safety at Work, Cardiff University, 11 January 2011.

“The Freedom to Strike in Canada: A Brief Legal History” presented at Symposium: Is There a Constitutional Right to Strike in Canada? University of Toronto, December 5, 2009.

“Re-Norming Labour Law: Can We Overcome Labour Law’s Recurring Regulatory Dilemmas?” presented at Labour, Work, Action: Revisiting Hannah Arendt’s Human Condition in the Twenty-First Century, 4<sup>th</sup> International CLPE Conference, Toronto, April 30-May 1, 2009.

“Layers of Vulnerability in Occupational Health and Safety for Migrant Workers: Case Studies from Canada and the United Kingdom,” presented at 15<sup>th</sup> World Congress of the International Industrial Relations Association, Sydney, Australia, Aug. 24-27, 2009 (with Malcolm Seargent).

“Between a Rock and a Hard Place: How Much Work Can the *Charter* Do?,” presented at “Workers’ Rights, Human Rights: Making the Connection,” Centre for Research in Work and Society, Toronto, Nov. 16-17, 2007; Joint Meeting of the Law and Society Association and the Canadian Law and Society Association, Montreal, May 29-June 1, 2008; North American Labor History Conference, Detroit, Oct. 16-18, 2008.

“NAFTA and the Trajectory of Collective Bargaining Law in Canada,” presented at the Canadian Political Science Association Meetings, York U., Toronto, June 1, 2006.

“Labour Rights in an Interregnum: The Uncertain Legacy of J.S. Woodsworth,” presented at the Human Rights and Social Activism: Rethinking the Legacy of J.S. Woodsworth Conference, Vancouver, BC, September 22-24, 2005.

“Trapped inside the box? Trade Union Responses to Neo-Liberal Reforms in Canadian

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Occupational Health and Safety Regulation,” presented at the Labour Movements in the Twenty-First Century Conference, Political Economy Research Centre, Sheffield University, July 1-3, 2004.

“Collective Action by Self-Employed Workers: Possibilities and Constraints,” presented at the Canadian Industrial Relations Association meeting, University of Manitoba, June 3-6, 2004.

“Will the Vicious Circle of Precariousness be Unbroken?: The Exclusion of Ontario Farm Workers from the *Occupational Health and Safety Act*” presented at the Precarious Employment: the Canadian Labour Market in Transition Conference, York University, September 26-27, 2003.

“Re-Mapping Worker Citizenship in Contemporary Occupational Health and Safety Regimes,” presented at the British Journal of Industrial Relations Politics of Employment Relations Conference, Great Windsor Park, England, 17 September 2002.

“*Star Wars*: Newspaper Distribution Workers and the Possibilities and Limits of Collective Bargaining,” presented at the Canadian Political Science Association Meetings, University of Toronto, 28 May 2002.

“Writing Workers Out?: The Trajectory of Occupational Health and Safety Regulation in Canada,” presented at the Canadian Association for Research on Work and Health, 1<sup>st</sup> National Symposium, Toronto, 18 November 2001.

“Writing the Workers Out?: The Politics of Mandated Partial Self Regulation,” read at International Congress on Work Injuries, Prevention, Rehabilitation and Compensation, Adelaide, Australia, 19 March 2001.

“Pluralism or Segmentation?: The Legal Regulation of Employment Relations in Canada, 1900 to 1999,” presented to American Society of Legal History Annual Conference, Toronto, October 21-23 (with Professor Judy Fudge).

“Occupational Health and Safety Management Systems in the United Kingdom and Ontario, Canada: A Political-Economy Perspective,” presented to Conference On Occupational Health and Safety Management Systems and Workplace Change, Amsterdam, September 21-24, 1998 (with Professor Theo Nichols).

“Canada’s New Deals for Labour: Interests, Institutions and Ideas at Play in the Field of the Provinces, 1933-1939” presented to Canadian Legal History Conference, “Exploring Canada’s Legal Past,” Faculty of Law, University of Toronto, May 7-9, 1998.

"The Contexts of Coercion: Labour, Law and the Canadian State, 1900-1914" presented

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to the Sixteenth Annual North American Labor History Conference, Wayne State University, Detroit MI, Oct. 27-29, 1994 (with Professor Judy Fudge).

"Westray: Towards a Political Economy of a Disaster and its Aftermath" presented to Atlantic Studies Conference, X, Re-Constructing History in Atlantic Canada, Fredericton, NB, May 5-7, 1994.

"Labour Law and Fragmentation before Statutory Collective Bargaining" presented to INORD Conference, Where the Past Meets the Future - the Place of Alternative Unions in the Canadian Labour Movement, Sudbury, ON, May 13-15, 1993.

"And Defeat Goes On: An Assessment of Third Wave Health and Safety Regulation" for Conference on Corporate Crime: Ethics, Law and the State, Queen's University, Kingston, ON, November 12-14, 1992.

"Workers' Health and Safety Struggles: Democratic Possibilities and Constraints" presented to Symposium on Social and Economic Aspects of Contemporary Society, Moscow State University, Moscow, October 12-17, 1992.

"Implications of Broader-Based Bargaining for Union Structure and Implications of Union Structure for Broader-Based Bargaining" presented to Conference on Broadening the Bargaining Structures in the New Social Order: International Perspectives for Ontario, York University, Toronto, May 7-8, 1992.

"Repression and Toleration in Canadian Labour Law: The Legal Regulation of Trade Unions and Their Activities in Nineteenth-Century Ontario" presented to the Legal History Seminar Group, University of Toronto, November 1989.

"Conditions of Participation: Worker Participation in Occupational Health and Safety Regulation, Ontario and Sweden: presented at the Canadian Law and Society Association Meetings, Laval University, June 1989.

"The Ideology and Politics of Enforcement: The Case of Ontario Factory Inspection, 1888-1900" presented to the Institute for the Sociology of Law, Lund University, Sweden, May 1988.

"The Political-Economy of Administrative Fairness" presented to the Institute for the Sociology of Law, Lund University, Sweden, April 1988.

"Enforcing Safety in Nineteenth Century Ontario" presented at the Canadian Law And Society Association Meetings, McMaster University, June 1987.

"Occupational Health and Safety: Is There A Role For Voluntarism?", presented at

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Conference on Government and Labour Relations, University of Lethbridge, School of Management, Sept. 1984.

### **Public Lectures/Presentations**

“Ontario’s Changing Workplace Review: Experts Assess the Special Advisors’ Interim Report on Legislative Options” Lancaster House Audio Conference, 13 Sept. 2016 (panellist)

“On the Move: Temporary Foreign Worker Policy in Canada” Federation of Humanities and Social Sciences Congress, Ottawa, 2 June 2015 (panellist)

“Do Geographically Mobile Workers Have and Exercise Their Rights? What We Know, What We Need To Know?” Team Meeting, On the Move Research Project, Gatineau, PQ, 1 June 2015 (panellist)

“Is Labour Law Made in the Courts or the Streets? The Perils and Possibilities of the Judicial Route” Canadian Industrial Relations Association Webinar, 3 February 2015.

“Is There a Deterrence Gap in Employment Standards Enforcement?” Global Labour Speaker Series, York University, 19 March 2014 (with Mark Thomas).

Panel Participant, Voices at Work Roundtable, Labour Law Research Network – Inaugural Conference, Faculty of Law, Pompeu Fabra University, Barcelona, 13-15 June 2013.

Panel Participant, “Who’s Who and What’s What? Cutting Through Complex Employment Structures,” Canadian Labour Board Law Conference, Lancaster House, Toronto, 16-17 October 2012.

“Shifting Patterns of Protection and Participation in Ontario Occupational Health and Safety Regulation,” Labour OHCOW Academic Research Collaboration (LORAC), McMaster University, May 25, 2010.

“Work on Trial: An Overview,” Osgoode Society for Canadian Legal History, Annual General Meeting, Osgoode Hall, Toronto, May 18, 2010.

“Recurring Dilemmas in Canadian OHS Regulation: The Politics of Power, Protection and Participation,” SafetyNet Centre for Occupational Health and Safety Research, Memorial University of Newfoundland, St. John’s, NF, June 17, 2009.

“The Debate Over Compliance: Do Incentive-Based Regimes Create Safer Workplaces?,” Lancaster House’s Workplace Safety and Insurance Conference, Toronto, Nov. 14, 2008

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(panel participant).

“Constitutionalizing Collective Bargaining: Assessing the Implications,” CAW, Health Care Conference, Port Elgin, ON, April 26, 2008.

“The Implications of *Health Services and Support –Facilities Subsector Bargaining Association v. British Columbia*, National Union of Government and Public Employees Union, National Executive, Ottawa, September 17, 2007.

“Canadian Occupational Health and Safety Regulation and Migrant Workers,” all-day seminar presentation to Chinese Delegation, Southwest University of Political Science and Law, Chongqing, Toronto, June 27, 2007.

“Working Disasters: The Politics of Recognition and Response,” presented at the Institute for Work and Health Open Plenary, Toronto, October 25, 2006.

“Great Expectations Defeated? Divergence in North American Labor and Employment Law post-NAFTA,” presented at the Cleveland-Marshall College of Law, Cleveland State University 2004-2005 Employment and Labour Law Speaker Series, February 8, 2005.

“Seven Enduring Lessons from Nineteenth-Century Health and Safety Struggles in Canada,” and “Recent Trends in Enforcement of Occupational Health and Safety Laws in Canada,” presented at the Global Workplace: Challenges and Strategies for Occupational Health and Safety Conference, Alberta Workers’ Health Centre, Calgary, Alberta, October 7-10, 2004.

“Union and Worker Participation under Canadian Law,” presented at the Canadian-German Lawyers Association, 11<sup>th</sup> Annual Conference, Dresden, Germany, June 6-7, 2003.

“Behaviour-Based Safety: Everything Old is New Again,” presented to Industrial Accident and Prevention Association Conference, Toronto, April 16, 2003.

“The Challenge of New Work Relations for Labour and Employment Law,” presented to the Meeting of the Ministers Responsible for Labour, Quebec City, January 23, 2003 (with Leah Vosko).

“The Trajectories of Occupational Health and Safety Regulation” Occupational Health, Hygiene and Toxicology Rounds, Programme in Occupational Health and Environmental Medicine, McMaster University, 9 October 2002.

“The Legal Concept of Employment and the Changing Shape of Employment in Canada,” presented at the XII Inter-American Conference of Ministers of Labour, New

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Employment Relationships and the Digital Divide: Challenges for Labour Ministries in the 21<sup>st</sup> Century, Montreal, Quebec, 2 October 2002 (with Leah Vosko).

“Worker Protection Laws in Canada,” presentation to a delegation of officials from the Chinese Light Industry Union, Toronto, 18 March 2002.

“Labour Before the Law” (with Judy Fudge), presentation to the American Bar Foundation, Chicago, 8 March 2002.

Commentator on the video “Westray,” Windsor University, Arts and Labour Festival, February 7, 2002.

“Writing Workers Out?: The Politics of Occupational Health and Safety Regulation in the New Millennium,” Ontario Workers Health and Safety Centre Retreat, November 2000 (with Professor Robert Storey).

Invited Participant, Forum on Broadening the Research Agenda: Occupational Injury and Illness in the Construction Industry, Center for the Protection of Worker Rights and NIOSH, Harvard University, March 2000.

“Historical Perspectives on Health and Safety in Ontario,” Occupational Health, Hygiene and Toxicology Rounds, Programme in Occupational Health and Environmental Medicine, McMaster University, 16 September 1998.

“The History and Future of Occupational Health and Safety Regulation,” Occupational Health Clinics for Ontario Workers, Retreat, 5 October 1997.

“Keynote Speaker,” CUPE, National Health and Safety Conference, 5 June 1997.

“Occupational Health and Safety at the Crossroads: Where we are now - how did we get there - where to we go from here,” Toronto Workers Health and Safety Legal Clinic, Annual General Meeting, 15 May 1997.

“Labour Law Reform in Ontario under the NDP,” Law Union of Ontario, Annual Conference, October 1993.

“The Powers that Be’: Administrative Authority and its Limits,” CBAO-Ontario, Continuing Legal Education, Taking a Walk Along the Boardwalk: Administrative Law for the Non-Specialist, October 1991.

Workshop on Statutory Interpretation for the Office of the Information and Privacy Commissioner of Ontario, Toronto, December 1990.

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"Pressures and Changes for Labour: Challenges for the 1990s" Office of the Worker Adviser, Ontario Ministry of Labour, In Service Training Session, London, November 1990.

Workshop on Statutory Interpretation for the Canadian Council of Administrative Tribunals, Annual Conference, June 1990.

"Interpreting Statutory Codes of Procedure," Ontario, Assessment Review Board, Annual Meeting, May 1990.

"Were Killing and Injuring at Work Crimes?" Law Union of Ontario, Annual Conference, Fall 1989.

## **F. Book Reviews and Shorter Notes**

### **Book Reviews**

Ruth Dukes, *Labour's Constitution*, (2016) 79 *Modern Law Review* 746-51.

Jamie L. Bronstein, *Caught in the Machinery: Workplace Accidents and Injured Workers in Nineteenth-Century Britain*, (2008) 62 *Labour/Le Travail* 277-80.

John Fabian Witt, *The Accidental Republic*, (2005) 55 *Labour/Le Travail* 271-74.

"A Life in Struggle with the Law – Review of: David Frank, *J.B. McLachlan: A Biography*," (2001) 39 *Osgoode Hall Law Journal* 879-83.

Andrew Hopkins, *Managing Major Hazards: The Lessons of the Moura Mine Disaster*, (2000) 53 *Industrial and Labor Relations Review* 715-16.

Mark Aldrich, *Safety First*, (1998) 42 *Labour/Le Travail* 273-75.

Daniel Ernst, *Lawyers Against Labor*, (1997) 41 *Labour/Le Travail* 304-06.

Daniel J. Curran, *Dead Laws for Dead Men*, (1996) 14 *Law and History Review* 148-51.

Michael Quinlan ed., *Work and Health*, (1994) 49 *Relation Industrielles* 416-19.

Morton J. Horwitz, *The Transformation of American Law 1870-1960: The Crisis of Legal Orthodoxy*, (1994) 20 *Queen's Law Journal* 269-73.

William E. Forbath, *Law and the Shaping of the American Labor Movement*, (1992) 30 *Labour/Le Travail* 310-2.

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Raymond Challinor, *A Radical Lawyer in Victorian England*, (Fall, 1992) *Victorian Studies Association of Ontario Newsletter* 24-6.

James Naylor, *The New Democracy[:] Challenging the Social Order in Industrial Ontario 1914-25*, (1992) 7 *Canadian Journal of Law and Society* 267-71.

Sally Engle Merry, *Getting Justice and Getting Even[:] Legal Consciousness Among Working-Class Americans*, (1992) 7 *Canadian Journal of Law and Society* 265-7.

Bob Russell, *Back to Work? [:] Labour, State and Industrial Relations in Canada*, (1991) 27 *Labour/Le Travail* 283-6.

Sandra Dawson et al., *Safety at Work: The Limits of Self-Regulation*, (1989) 44 *Relations Industrielles* 959-61.

Charles Noble, *Liberalism at Work: The Rise and Fall of OSHA*, (1988) 11(2) *At the Centre* 15-18.

Jeffrey L. Jowell & Patrick McAuslan eds., *Lord Denning: The Judge And The Law*, [1985] *Public Law* 515-517.

Robert Stevens, *Law School: Legal Education in America From The 1850's To The 1980's*, (1984) 29 *McGill Law Journal* 510-519.

Charles E. Reasons, Lois L. Ross & Craig Patterson, *Assault on the Worker* (1983) 11 *Labour/Le Travail* 267-69.

### **Shorter notes, popular publications**

“Labour Law: A New Perspective of Canadian Labour History – An Interview with Eric Tucker by Jun Liu,” [2015] 3 *Economic and Social History Review* 116-123 (in Chinese).

“Labour Rights and the Global Economy: Reflections from the Past,” (2009) 16:1 *International Union Rights* 5-6.

“Constitutionalizing the Right to Bargain Collectively: How Much of a Victory,” (Fall 2007) 62 *New Socialist* 16-17.

*Case Comment: GMAC Commercial Credit Corporation v. T.C.T. Logistics*, online <http://www.thecourt.ca/2007/03/05/gmac-commercial-credit-corporation-v-tct-logistics/>

“Wal-Mart and the Remaking of Ontario Labour Law,” (2005) 12:2 *International Union*

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*Rights* 10-11.

“*Westray: Empathy and Anger are Not Enough*” (film review) (May/June 2002) 36:3  
*Canadian Dimension* 46-47.

“Reflections on the History of Forced Ratification Votes in Ontario,” (Winter 2001) 22  
*CRWS News* 12-13.

“The Death of Ivan Golyashov: Was it Just an Accident?,” (Fall 1999/Winter 2000) 9:2  
*Toronto Workers’ Health and Safety Legal Clinic Newsletter* 2.

“The Lonesome Death of Alexander Reder, Alien Cloakmaker,” (Aug./Sept. 1999) 79:4  
*The Beaver* 36-40.

“The Employer Response to Experience Rating: What Can the Studies Tell Us?,”  
(December 1997) 12:1 *IAVGO Reporting Service* 13-15.

“Day of Protest: Desperate Measures for Desperate Times,” (with Professor Harry  
Glasbeek), *London Free Press*, 11 December 1995, B7.

“Injustice at Westray: A Case of History Repeating Itself,” *Canada Watch*, 3:7 (May/June  
1995), 117-18.

“Corporate Crime and the Westray Tragedy,” (with Professor Harry Glasbeek), (Jan.-Feb.  
1994) *Canadian Dimension*, 11-14.

“A Bang and a Whimper: Changing Labour Law in Ontario,” (with Professors Judy Fudge  
and Harry Glasbeek), (Oct. 1991) *Our Times*, 22-7.

“Commentary on ‘Partnership and Participation in the 1990’s: The Report of the Labour  
Representatives to the Law Reform Committee of the Ministry of Labour” (with  
Professors Judy Fudge and Harry Glasbeek), July, 1991.

## **G. Commissioned Reports and Research Studies**

Report of the Ad Hoc Investigatory Committee to Examine the Allegations of Improper  
Conduct within the Faculty of Arts at Laurentian University (CAUT, March 2016), 36  
pages (with Sheila Embleton).

A Research Brief Addressing Options Identified in the Interim Report of the Changing  
Workplaces Review: Submitted by Researchers from Closing the Employment Standards  
Enforcement Gap: Improving Protections for People in Precarious Jobs (October 2016)

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“Employment Standards Enforcement: A Scan of Employment Standards Complaints and Workplace Inspections and their Resolution under the *Employment Standards Act, 2000*” (Research Report Prepared for the Ontario Ministry of Labour to support the Changing Workplaces Review, March 2016) 128 pages (with Leah Vosko and Andrea Noack).

“Employment-Related Geographic Mobility and Collective Bargaining in Canada (Research Report Prepared for the On the Move Partnership Research Team, Policy Component, July 2014) 59 pages (with Brendan Jowett).

“New Approaches to Enforcement: and Compliance with Labour Regulatory Standards: The Case of Ontario, Canada (Report for the Law Commission of Ontario, November 2011)(with Mary Gellatly, Mark Thomas and Leah Vosko).

“The Legal Concept of Employment: Marginalizing Workers,” (Report for the Law Commission of Canada, October 30, 2002) (with Professors Judy Fudge and Leah Vosko).

“Writing Workers Out?: Occupational Health and Safety Regulation in Ontario for the Twenty-First Century,” (Report for the Ontario Workers Health and Safety Centre, 2000) (with Professor Robert Storey).

“Reproductive Hazards in the Workplace: Legal Issues of Regulation, Enforcement and Redress,” in *Legal and Ethical Issues in New Reproductive Technologies: Pregnancy and Parenthood*, Volume 4, Research Studies, Royal Commission on New Reproductive Technologies (Canada: Minister of Supply and Services Canada, 1993) 161-338 (with Professor Judy Fudge).

## **H. Research, Conference and Travel Grants**

June 2010, SSHRC Conference Grant: Property Law Stories: Critical Episodes in the History of Canadian Property Law, University of Alberta, Edmonton, June 17-18, 2010 (with Bruce Ziff and James Muir) (\$17,590).

June 2008, SSHRC Conference Grant: Putting Law to Work: Context and Choices in Key Labour Law Cases,” University of Victoria, June 19-20, 2008 (with Judy Fudge) (\$24,784.00)

April 2006, SSHRC Research Grant: Recurring Dilemmas in Canadian Labour Law (\$49,735).

July 2004, SSHRC Travel Grant: Labour Movements in the Twenty-First Century Conference, Political Economy Research Centre, Sheffield University (\$800).

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2002-06 (with Judy Fudge) SSHRC Research Grant: Putting Law to Work: The Legal Regulation of Employment in Canada, 1850-2000 (\$82,293)

2002 (with Judy Fudge and Leah Vosko), Law Commission of Canada, Marginal Worker Project (\$17,600)

September 2002, SSHRC Travel Grant: British Journal of Industrial Relations Politics of Employment Relations Conference, Great Windsor Park, England (\$800)

1994-97: (Carla Lipsig-Mummé was principal investigator) SSHRC Strategic Grants, Education and Work

1991-4: (with Judy Fudge) SSHRC Research Grant: The Legal Regulation of trade unions in Common Law jurisdictions in Canada, 1900-1946

1990: Osgoode Hall Law School Leave Fellowship

Social Science Federation of Canada, Aid to Scholarly Publications Programme, for *Administering Danger in the Workplace*

1987-8: SSHRC Research Grant: "Worker Participation in Occupational Health and Safety Regulation in Sweden and Ontario: A Comparative Study"

## **I. Published Reviews of My Work**

*Security, Dissent, and the Limits of Toleration in War and Peace, 1914-1939, Canadian State Trials, Vol. IV* was reviewed in (2016) 78 *Labour/Le Travail* 331-33 (DeLloyd J. Guth).

*Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case* was reviewed in (2013), 51 *Osgoode Hall Law Journal* 335 (James A. Gross); (2013), 17 *Canadian Labour and Employment Law Journal* 493-503 (Christopher Albertyn); Book Symposium in (2014) 69 *Relations Industrielles/Industrial Relations* 447-63 (Donald Swartz, Roy Adams and Travis Fast; Response by Fay Faraday and Eric Tucker).

*Property on Trial: Canadian Cases in Context* was reviewed in: *Canadian Journal of Law and Society* DOI: 10.1017/cls.2013.51, Published online: 09 October 2013, in paper at 29:3 *CJL&S* 415 (Charles Paul Hoffman).

*Working Disasters* was reviewed in: (2008) 29:2 *Safety in Australia* 51 (Steve Cowley); (2007) 45 *British Journal of Industrial Relations* 210-212 (David Walters), Online at <http://www.blackwell-synergy.com/doi/full/10.1111/j.1467-8543.2007.00608.7.x>; (2007) 60 *Labour/Le Travail* 257-60 (Winston Gereluk).

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*Self Employed Workers Organize* was reviewed in: (2006) *Canadian Journal of Sociology Online* <http://www.cjsonline.ca/reviews/selfempdunion.html> (L. Lynda Harling Stalker); (2006) 8 *Just Labour* 115-17 (Isabel Sousa); (2006) 32:3 *Canadian Public Policy* 340-41 (Rafael Gomez); (2007) 62 *Relations Industrielles* 568-71 (Guylaine Valée); (2007) 32:3 *Labor Studies Journal* 343-44 (Mark Pattison).

*Labour Before the Law* was reviewed in: (2001) 56:4 *Relations Idustrielles* 802-04 (Professor Ron McCallum); (2001) 16:1 *Canadian Journal of Law and Society* 215-21 (Professor René Laperrière); (2002) 83:1 *Canadian Historical Review* 135-36 (Professor Paul Craven); (2001) 30:1 *Urban History Review* 68 (Professor Steven High); (2003) 2 *Just Labour* 84-86 (Professor Rosemary Warskett); (2003) 36 *Canadian Journal of Political Science* 1084-86 (Professor Greg Albo); (2004) 55 *Labour/Le Travail* (Professor Todd McCallum).

*Administering Danger in the Workplace* was reviewed in: (1993) 11 *Law and History Review* 211-13 (Professor Arthur McEvoy); (1993) 74 *Canadian Historical Review* 112-13 (Professor Craig Heron); (1993) 8 *Canadian Journal of Law and Society* 267-74 (Professor Ted Schrecker); (1992) 29 *Labour/Le Travail* 257-58 (Professor Robert Babcock); (1992) 22:1 *Acadiensis* 188-89 (Jeff Webb); (1991) 11 *Windsor Yearbook of Access to Justice* 270-72 (Professor Carolyn Tuohy); Joyce M. Wilson, ed., *Canadian Book Review Annual 1991*, 17<sup>th</sup> ed., (Toronto: Simon & Pierre, 1992), 424-5 (Professor Gerald J. Stortz); (1991) 3 *Windsor Review of Legal and Social Issues* 157-61 (Joseph Franklin Cosmo Laratta); (1991) 46 *Relations Industrielles* 678-79 (Professor Leigh West); (February 1991) *At the Centre* 12-13 (Wayne Roberts); (1991) 7:2 *Occupational Health and Safety Canada* 116 (Scott G. Thompson).

## **J. Conferences and Workshops Organized:**

Voices at Work: The North American Workshop, Toronto, March 16-17, 2012 (with Sara Slinn, funded by the Leverhulme Trust, Ryerson University Centre for Labour Management Relations and Osgoode Hall Law School - \$22,000).

Property Law Stories: Critical Episodes in the History of Canadian Property Law, University of Alberta, Edmonton, June 17-18, 2010 (with Bruce Ziff and James Muir, SSHRC Funded - \$17,590).

Putting Law to Work: Context and Choices in Key Labour Law Cases, University of Victoria, June 19-20, 2008 (with Judy Fudge, SSHRC Funded - \$24,784.00).

Workers' Compensation Reform: Developing a Workers' Agenda, 6 December 1994 (with Centre for Work and Society, York University)

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Broadening the Bargaining Structures in the New Social Order: International Perspectives for Ontario, York University, May 7-8, 1992 (with Centre for Research in Work and Society, York University).

Work and Health in the Global Economy: A New Solutions Conference, OISIE, Toronto, September 8-10, 199? (organizing committee).

### **K. Reviewer for Publications, Grant Applications**

Acadiensis  
American Journal of Sociology  
Canadian Journal of Labour and Employment Law  
Canadian Journal of Law and Society  
Canadian Public Administration  
Economic and Industrial Democracy  
Global Labour Journal  
Hannah Institute for the History of Medicine  
Histoire Sociale/Social History  
Human Relations  
International Journal of Law and Psychiatry  
Just Labour  
Labour/Le Travail  
Law and History Review  
Osgoode Society (Book Manuscript)  
Osgoode Hall Law Journal  
Ottawa Law Journal  
Queen's Law Journal  
Relations Industrielles/Industrial Relations  
Social Sciences and Humanities Research Council  
Studies in Political Economy  
University of Athabasca Press (Book Manuscript)  
University of Toronto Press (Book Manuscript)  
Windsor Yearbook of Access to Justice  
WorkSafeBC

### **L. Editorial Board Memberships**

Law and History Review, 2004 – 2009  
Labour/Le Travail, 1995-2001

### **M. Major Work in Progress**

Labour Law's Recurring Regulatory Dilemmas (book that examines the historical

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intersections between protective labour and employment law and the norms of capitalist legality, including chapters on director liability for workers' unpaid wages, wage priority in bankruptcy, occupational health and safety regulation, workers' compensation, and picketing; expected publication 2015)

Employment-Related Geographic Mobility (Researcher on a major SSHRC-funded research project - 2012; responsible for labour law and policy implications of labour mobility)

The Enforcement Gap in Employment Standards (Research on a major SSHRC-funded research project - 2013; co-lead of the team examining alternative models of enforcement).

An academic degree is a qualification awarded to students upon successful completion of a course of study in higher education, usually at a college or university. These institutions commonly offer degrees at various levels, usually including bachelor's, master's and doctorates, often alongside other academic certificates and professional degrees. The most common undergraduate degree is the bachelor's degree, although in some countries there are lower level higher education qualifications that are also