

Phase II Questionnaire
Human Rights – Labour
Version 5 (Admin.Final.Text)
Canada

The Asia Pacific Program on Cross Cultural Dispute Resolution Research*

Interviewer Note: This information is for the purpose of disclosure to respondents and for the purpose of obtaining consent to participate in the interview.

Researchers: Pitman B. Potter, Faculty of Law // Institute of Asian Research, University of British Columbia. Tel. (604) 822-4686.

Project Purpose: This questionnaire was prepared as part of a research project concerning cross-cultural dispute resolution in Asia and North America. This project will benefit scholarly understanding of perspectives on dispute resolution, and the factors that affect such perspectives. The information provided in responses to the questionnaire will be used only for this research project.

Procedures: Each question should be answered truthfully based on the personal knowledge of the respondent. Completion of the questionnaire is expected to require 30 minutes, although additional time may be used if the respondent so desires. Participation in this project is voluntary, and any respondent may withdraw from the project at any time. If the questionnaire is completed, it will be assumed that consent has been given. The identity of the respondents is not requested and if supplied will be kept strictly confidential. Confidentiality will be maintained through the confidential nature of the questionnaire and by the researcher keeping all completed questionnaires under lock and key.

* The University of British Columbia in collaboration with Waseda University and Shizuoka University in Japan; University of Melbourne, Australia; the Shanghai Academy of Social Sciences, China; and York University, Canada

Phase II Surveys: Rate Scale Descriptions

Agreement:

From 1-2-3-4-5

Strongly agree / agree / don't know / disagree / strongly disagree

Frequency:

From 1-2-3-4-5

Very frequent / somewhat frequent / don't know / somewhat infrequent / very infrequent

Importance:

From 1-2-3-4-5

Very important / important / don't know / unimportant / completely unimportant

Likelihood:

From 1-2-3-4-5

Highly likely / somewhat likely / don't know / somewhat unlikely / not likely at all

Always:

From 1-2-3-4-5

Almost always / often / don't know / not often / almost never

Usefulness:

From 1-2-3-4-5

Very useful / somewhat useful / don't know / somewhat not useful / not useful

Effectiveness:

From 1-2-3-4-5

Very effective / somewhat effective / don't know / somewhat ineffective / very ineffective

Appropriateness:

From 1-2-3-4-5

Highly appropriate / somewhat appropriate / don't know / somewhat inappropriate / highly inappropriate

Preference:

From 1-2-3-4-5

Highly preferred / somewhat preferred / don't know / somewhat not preferred / not preferred at all

Interviewer Note: This information is essential to the cluster analysis, and must be recorded accurately.

I. Background Information

1. Age:

- a. _____ 15-25
- b. _____ 26-35
- c. _____ 36-45
- d. _____ 46-55
- e. _____ 56-65
- f. _____ 65 +

2. Sex: a. _____ Male
 b. _____ Female

3. Education Level: (highest level attained)

- a. _____ not completed primary school
- b. _____ completed primary school
- c. _____ junior high school / middle school
- d. _____ senior high school / high school
- e. _____ technical / specialist diploma
- f. _____ undergraduate university degree
- g. _____ graduate university degree

4. What is your occupation (profession)? _____

5. What is your current employment status?

- a. _____ unemployed
- b. _____ trainee / student
- c. _____ temporary / casual
- d. _____ fixed term contract
- e. _____ permanent part-time employee (usually less than 40 hours/week)
- f. _____ permanent full-time employee (usually more than 40 hours/week)
- g. _____ self-employed

6. In your spare time do you volunteer?

- a. _____ No
- b. _____ Yes (If yes, please specify) _____

7. What is your involvement in your community? (choose those that apply).

- a. _____ community service
- b. _____ NGO
- c. _____ Other. Please specify _____

8. Have you ever lived outside of Canada?

- a. _____ No
- b. _____ Yes
 - (i) If yes, please specify duration _____
 - (ii) If yes, please specify reason _____

9. Language capacity, please specify all that apply:

- a. Mother tongue _____
- b. Second language _____
- c. Others _____

II. Experience With Disputes

Please explain the circumstances of the most recent dispute you have experienced in relation to labour.

10. When did it occur? _____

11. Describe the parties. _____

12. What were the issues in the dispute?

13. What was the monetary value of the dispute? _____

14. How was the dispute resolved? _____

15. What was the outcome of the dispute? _____

16. What means were used to resolve the dispute? Please specify _____

17. Did you receive advice from a third party?

No _____

Yes _____ If yes, please specify the party _____

III. Standard // Norm Questions

18. Do you think every country should be required to ensure equality of opportunity and treatment in respect of employment and occupation?

a. _____ No

b. _____ Yes

19. Do you think every individual should be entitled to equality of opportunity and treatment in respect of employment and occupation?

a. _____ No

b. _____ Yes

20. Do you think every country should be required to ensure the right of everyone to join a trade union for the protection of his or her interests?

a. _____ No

b. _____ Yes

21. Do you think every individual should be entitled to join a trade union for the protection of his or her interests?

a. _____ No

b. _____ Yes

22. Do you think every country should be required to ensure everyone enjoys safe and healthy working conditions?

- a. _____ No
- b. _____ Yes

23. Do you think every individual should be entitled to enjoy safe and healthy working conditions?

- a. _____ No
- b. _____ Yes

IV. Specific Issues

24. Does international law require government to ensure equality of opportunity and treatment in respect of employment and occupation?

- a. _____ No
- b. _____ Yes
- c. _____ Don't know

25. Does Canadian law require the government to ensure equality of opportunity and treatment in respect of employment and occupation?

- a. _____ No
- b. _____ Yes
- c. _____ Don't know

26. Does international law require government to ensure the right of everyone to join a trade union for the protection of his or her interests?

- a. _____ No
- b. _____ Yes
- c. _____ Don't know

27. Does Canadian law require the government to ensure the right of everyone to join a trade union for the protection of his or her interests?

- a. _____ No
- b. _____ Yes
- c. _____ Don't know

28. Does international law require government to ensure everyone enjoys safe and healthy working conditions?

- a. _____ No
- b. _____ Yes
- c. _____ Don't know

29. Does Canadian law require the government to ensure the right of everyone to enjoy safe and healthy working conditions?

- a. _____ No
- b. _____ Yes
- c. _____ Don't know

30. Who has the responsibility for ensuring equality of opportunity and treatment in respect of employment and occupation? (RATE EACH option from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. The central government: RATE 1—2—3—4 —5
- b. The local government: RATE 1—2—3—4 —5
- c. Private employers: RATE 1—2—3—4 —5
- d. The employee: RATE 1—2—3—4 —5
- e. Trade unions: RATE 1—2—3—4 —5
- f. International organizations: RATE 1—2—3—4 —5
- g. Other (please specify) _____ RATE 1—2—3—4 —5

31. Who has the right to file complaints when governments do not ensure equality of opportunity and treatment in respect of employment and occupation? (RATE EACH option from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. The individual(s) affected: RATE 1—2—3—4 —5
- b. Family and friends of those who are affected: RATE 1—2—3—4 —5
- c. Social and community groups: RATE 1—2—3—4 —5
- d. International Organizations: RATE 1—2—3—4 —5
- e. Organizations concerned with labor protection: RATE 1—2—3—4 —5
- f. Trade Unions: RATE 1—2—3—4 —5
- g. No limitations: RATE 1—2—3—4 —5

32. Do you think disputes over the right to equality of opportunity and treatment in respect of employment and occupation generally are resolved by reference to international law? (Choose one answer)

- a. _____ All of the time
- b. _____ Some of the time
- c. _____ Never
- d. _____ Don't know

33. Do you think disputes over the right to equality of opportunity and treatment in respect of employment and occupation generally are resolved according to local rules? (Choose one answer)

- a. _____ All of the time
- b. _____ Some of the time
- c. _____ Never
- d. _____ Don't know

34. What should be the result when a person or group has been denied equality of opportunity and treatment in respect of employment and occupation? (For each, please specify *No* or *Yes* in agreement with statement)

- a. Nothing can be done ___No ___Yes
- b. They should receive monetary compensation ___No ___Yes
- c. They should be able to change the working situation ___No ___Yes
- d. They should receive an apology ___No ___Yes
- e. The group / agent or organization responsible should be punished ___No ___Yes
- f. Other (please specify) _____ ___No ___Yes

35. Who has responsibility for ensuring the right of everyone to join a trade union for the protection of his or her interests? (RATE EACH option from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. The central government: RATE 1—2—3—4 —5
- b. The local government: RATE 1—2—3—4 —5
- c. Private employers: RATE 1—2—3—4 —5
- d. The employee: RATE 1—2—3—4 —5
- e. Trade unions: RATE 1—2—3—4 —5
- f. International organizations: RATE 1—2—3—4 —5
- g. Other (please specify) _____ RATE 1—2—3—4 —5

36. Who has the right to file complaints when governments do not ensure the right of everyone to join a trade union for the protection of his or her interests? (RATE EACH option from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. The individual(s) affected: RATE 1—2—3—4 —5
- b. Family and friends of those who are affected: RATE 1—2—3—4 —5
- c. Social and community groups: RATE 1—2—3—4 —5
- d. International Organizations: RATE 1—2—3—4 —5
- e. Organizations concerned with labor protection: RATE 1—2—3—4 —5
- f. Trade Unions: RATE 1—2—3—4 —5
- g. No limitations: RATE 1—2—3—4 —5

37. Do you think disputes over the right to join a trade union for the protection of his or her interests generally are resolved by reference to international law?
(Choose one answer)

- a. _____ All of the time
- b. _____ Some of the time
- c. _____ Never
- d. _____ Don't know

38. Do you think disputes over the right to join a trade union for the protection of his or her interests generally are resolved according to local rules? (Choose one answer)

- a. _____ All of the time
- b. _____ Some of the time
- c. _____ Never
- d. _____ Don't know

39. What should be the result when a person or group has been denied the right to join a trade union for the protection of his or her interests? (For each, please specify No or Yes in agreement with statement)

- a. Nothing can be done ___No ___Yes
- b. They should receive monetary compensation ___No ___Yes
- c. They should be able to change the working situation ___No ___Yes
- d. They should receive an apology ___No ___Yes
- e. The group / agent or organization responsible should be punished ___No ___Yes
- f. Other (please specify) _____ ___No ___Yes

40. Who has responsibility for ensuring everyone has the right to enjoy safe and healthy working conditions? (RATE EACH option from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. The central government: RATE 1—2—3—4 —5
- b. The local government: RATE 1—2—3—4 —5
- c. Private employers: RATE 1—2—3—4 —5
- d. The employee: RATE 1—2—3—4 —5
- e. Trade unions: RATE 1—2—3—4 —5
- f. International organizations: RATE 1—2—3—4 —5
- g. Other (please specify) _____ RATE 1—2—3—4 —5

41. Who has the right to file complaints when governments do not ensure the right of everyone to enjoy safe and healthy working conditions? (RATE EACH option from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. The individual(s) affected: RATE 1—2—3—4 —5
- b. Family and friends of those who are affected: RATE 1—2—3—4 —5
- c. Social and community groups: RATE 1—2—3—4 —5
- d. International Organizations: RATE 1—2—3—4 —5
- e. Organizations concerned with labor protection: RATE 1—2—3—4 —5
- f. Trade Unions: RATE 1—2—3—4 —5
- g. No limitations: RATE 1—2—3—4 —5

42. Do you think disputes over the right to enjoy safe and healthy working conditions generally are resolved by reference to international law? (Choose one answer)

- a. _____ All of the time
- b. _____ Some of the time
- c. _____ Never
- d. _____ Don't know

43. Do you think disputes over the right to enjoy safe and healthy working conditions generally are resolved according to local rules? (Choose one answer)

- a. _____ All of the time
- b. _____ Some of the time
- c. _____ Never
- d. _____ Don't know

44. What should be the result when a person or group has been denied the right of enjoy safe and healthy working conditions? (For each, please specify **No** or **Yes** in agreement with statement)

- a. Nothing can be done ___No ___Yes
- b. They should receive monetary compensation ___No ___Yes
- c. They should be able to change the working situation ___No ___Yes
- d. They should receive an apology ___No ___Yes
- e. The group / agent or organization responsible should be punished ___No ___Yes
- f. Other (please specify) _____ ___No ___Yes

45. What are the methods preferred to be used to resolve labor-related disputes?
(RATE EACH option from 1-5, with 1=highly preferred , 5= not preferred at all)

- a. Negotiation: RATE 1—2—3—4 —5
- b. Government intervention: RATE 1—2—3—4 —5
- c. Mediation: RATE 1—2—3—4 —5
- d. Arbitration: RATE 1—2—3—4 —5
- e. Court Litigation: RATE 1—2—3—4 —5
- f. Other (please specify): _____ RATE 1—2—3—4 —5

46. Who should decide which rules should be used to resolve right to labour disputes? (RATE EACH option given from 1-5, with 1=highly appropriate, 5=highly inappropriate)

- a. Parties: RATE 1—2—3—4 —5
- b. Local government: RATE 1—2—3—4 —5
- c. Central government: RATE 1—2—3—4 —5
- d. International organization: RATE 1—2—3—4 —5
- e. Dispute resolution body: RATE 1—2—3—4 —5

47. How effective are the central governments in ensuring equality of opportunity and treatment in respect of employment and occupation? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

48. Decisions and laws passed by the central government in relation to equality of opportunity and treatment in respect of employment and occupation have authority because: (RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the state's coercive power RATE 1—2—3—4 —5

49. How effective are the central governments in ensuring people's right to join a trade union for the protection of his or her interests? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

50. Decisions and laws passed by central governments in relation to people's right to join a trade union for the protection of his or her interests have authority because: (RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the state's coercive power RATE 1—2—3—4 —5

51. How effective are central governments in ensuring people's right to enjoy safe and healthy working conditions? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

52. Decisions and laws passed by central governments in relations to people's right to enjoy safe and healthy working conditions have authority because: (RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the state's coercive power RATE 1—2—3—4 —5

53. How effective are local governments in ensuring equality of opportunity and treatment in respect of employment and occupation? *(Choose one answer).*

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

54. Decisions and laws passed by the local government in relation to equality of opportunity and treatment in respect of employment and occupation have authority because:

(RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the state's coercive power RATE 1—2—3—4 —5

55. How effective is the local government in ensuring people's right to join a trade union for the protection of his or her interests? *(Choose one answer).*

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

56. Decisions and laws passed by local government in relation to people's right to join a trade union for the protection of his or her interests have authority because:

(RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the state's coercive power RATE 1—2—3—4 —5

57. How effective is local government in ensuring people's right to enjoy safe and healthy working conditions? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

58. Decisions and laws passed by the local government in relations to people's right to enjoy safe and healthy working conditions have authority because: (RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the state's coercive power RATE 1—2—3—4 —5

59. How effective are international organizations in ensuring equality of opportunity and treatment in respect of employment and occupation? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

60. Decisions and rules passed by international organizations in relation to equality of opportunity and treatment in respect of employment and occupation have authority because:

(RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the organization's coercive power RATE 1—2—3—4 —5

61. How effective are international organizations in ensuring people's right to join a trade union for the protection of his or her interests? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

62. Decisions and rules passed by international organizations in relation to people's right to join a trade union for the protection of his or her interests have authority because: (RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the organization's coercive power RATE 1—2—3—4 —5

63. How effective are international organizations in ensuring people's right to enjoy safe and healthy working conditions? (Choose one answer).

- a. Very effective
- b. Somewhat effective
- c. Not effective
- d. Don't know

64. Decisions and rules passed by international organizations in relations to people's right to enjoy safe and healthy working conditions have authority because: (RATE EACH option from 1-5, with 1=strongly agree, 5=strongly disagree).

- a. They are consistent with basic values RATE 1—2—3—4 —5
- b. They are legally enforceable and valid RATE 1—2—3—4 —5
- c. They are fundamentally fair RATE 1—2—3—4 —5
- d. They reflect the view of the majority RATE 1—2—3—4 —5
- e. They are easy to enforce RATE 1—2—3—4 —5
- f. It depends on the organization's coercive power RATE 1—2—3—4 —5

Contact.

If you would be willing to contact the scholar who prepared this questionnaire, please write a letter to the following address:

Professor Pitman B. Potter
Institute of Asian Research
1855 West Mall
Vancouver, B.C. V6T 1Z2
CANADA