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Book Review of *Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case* by Fay Faraday, Judy Fudge, and Eric Tucker

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fails to adequately simplify the subject matter is the chapter dedicated to key constitutional cases. It's not that this chapter is extremely difficult to understand, just that the writing does not fit well with the simplicity of the rest of text. Arguably, it can be difficult to summarize cases without using legal jargon, but this is the only section of the book that may confuse readers who do not have a legal or political science background.

Despite this limitation, the book succeeds in its stated mission: to help Canadians better understand and appreciate the constitution. As a quick read, anyone can gain insight or simply brush up on their previous knowledge on the Canadian Constitution.

Emily Landriault
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***Caring and the Law.* By Jonathan Herring. Oxford: Hart Publishing, 2013. xxii, 352p. Includes bibliographic references and index. ISBN 978-1-84946-106-1 (softcover) \$50.00.**

As the population ages, the issue of caring, especially for the frail and elderly, has become increasingly prominent. Of course, parents have been in a caring role since the birth of their children. Other individuals have taken on a caring role in response to sick or elderly parents, siblings or friends. Still others have chosen a caring profession for their life's work. This book, however, does not focus on the care of specific individuals or groups of individuals; rather, it looks at caring in a very broad context and examines its relationship with the law.

Jonathan Herring, a Professor of Law at Oxford University and Fellow of Exeter College, has written a book that fills a gap in the existing literature. There are many books that focus on the care of a specific type of individual, e.g., a child, a parent, a disabled person, etc., but not much has been written on the broad concept of caring and even less on caring and the law. Herring admits that it is difficult to define caring because it takes place at many levels and in many different contexts. Rather than struggling to come up with a definitive definition, he explores the four markers of care: meeting needs, respect, responsibility and relationality. His approach is to look at care as a relational activity, with a focus on taking action to meet the needs of the parties involved.

Caring requires a relationship of some sort but existing legal and ethical tools are built on an individualist rather than a relational model. Using the literature in the fields of psychology, sociology, and philosophy, and focusing on British law, Herring provides the reader with a well-researched and thorough examination of how the values of caring are reflected in the law. The book looks at the nature and ethic of care, state support of care, caring and medical law, family law and caring, caring and general law including human rights, tort, and employment law. Sadly, the topic of caring cannot be examined without looking at caring and abuse. Herring also examines intimate relationship abuse

and the attempts of legal protection from this sort of abuse. For those wanting to explore the topic of caring in more depth, there are many references to non-legal articles and books as well as to British law, including statutes and cases. Government documents, including those from the British government and some from the Canadian government, are cited.

Although this book focuses on British law, *Caring and the Law* belongs in the collections of North American academic law libraries as well as general university libraries. Faculty and students of law as well as individuals teaching and studying social policy or working in fields like social work, nursing, and medicine will find this book informative and thought-provoking.

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***Constitutional Labour Rights in Canada: Farm Workers and the Fraser Case.* By Fay Faraday, Judy Fudge, & Eric Tucker. Toronto: Irwin Law, 2012. 322 pp. Collected Essays. ISBN 978-1-55221-291-2 (softcover). \$52.00.**

Those who pick up this volume of essays on the *Fraser* case—that is, *Ontario (AG) v Fraser*, 2011 SCC 20—will have the good fortune of reading the insights of lawyers and thinkers close to the case and its implications. The book offers an unparalleled understanding of the nuances of the *Fraser* case itself, Canadian labour relations law in general, and the struggles in the application of s. 2(d) of the *Charter*.

Contributor Judy Fudge expresses well the nature and purpose of the book in the introductory chapter. She posits that in *Fraser* the Supreme Court of Canada tells two stories. The first is that of the immediate subject of the case: the attempts of agricultural workers and their union to obtain collective bargaining rights comparable to those of other workers in Ontario. And while this story is that of Ontario workers and a piece of that province's legislation, this is a Supreme Court of Canada decision and engages the country's constitutional law so its application is by no means limited to Ontario.

The second story is one of judicial decision-making. The *Fraser* story, as told by the authors of these essays, speaks to us of the jurisprudential character of Court's decision-making role and the part judicial deference plays in the determination of legal questions. Indeed, Professor Fudge suggests this dual role to be true of appellate jurisprudence generally: a court must establish not only the outcome of the dispute between the parties, but also the connection of that outcome to the development of the jurisprudence on the subject.

The authors of the various chapters – lawyers, scholars, activists – write on different aspects of *Fraser* and its implications. Helpfully, the viewpoint of the authors is declared at the outset, on p. 5: "The contributors to this collection are both interested and partisan, and it is precisely the nature of our interest and the reasons why we support

the right of agricultural workers to bargain collectively that makes the collection so valuable for appreciating *Fraser's* significance. The contributors include trade unionists, lawyers, and academics, and several were involved in the *Fraser* case as witnesses, parties, lawyers, and interveners.”

This disclosure is appreciated. The reader knows the essays are not intended to be politically or even legally neutral. At the same time, the reader is offered a rare account of close, personal interpretations of the decision and the place it occupies in labour relations law, constitutional reasoning, and even jurisprudential understanding in Canada.

For example, Professor Eric Tucker, who served as an expert witness, and Wayne Hanley, a union president, bring historical context to the issues at the heart of *Fraser*. Fay Faraday was counsel in *Fraser* and other similar constitutional labour rights decisions. She, photoessayist Vincenzo Pietropaolo, and sociologist Kerry Preibisch are well positioned to write on the rights chasm facing domestic and migrant agricultural workers. Lawyer Paul Cavalluzzo represented the agricultural workers throughout the litigation and avails himself of the opportunity to relate factual, contextual elements not highlighted in the court's jurisprudential analysis and reconciliation.

In telling the dual story, Professor Fudge says, the authors “hope [their] multidimensional approach to *Fraser* reveals how the process of adjudication filters out evidence that is essential for understanding how law is involved in constructing and reproducing inequality.” They are successful in this undertaking and readers are supplied with a deep, intimate, and fine-spun analysis of *Fraser* and its context and implications.

Though the focus is the specifics of the *Fraser* case, the book follows the threads that weave through recent Canadian constitutional labour law developments. For this reason, and for those discussed above, the book is highly recommended for collections used by practitioners and students of labour, constitutional and *Charter* law (particularly s. 2(d)), and judicial decision-making. It will also be of great value to those who study agricultural and migrant workers generally and to individuals involved with labour organization movements.

Kim Nayer
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***Debtor-Creditor Law and Procedure.* By Laurence M. Olivo and DeeAnn Gonsalves, 4th ed. Toronto: Emond Montgomery, 2012. xiii, 570 p. Includes glossary, table of contents, and index. ISBN 978-1-55239-393-2 (softcover) \$87.50.**

Part of Emond Montgomery's practice series, “Working with the Law,” this fourth edition of law and procedure for debtor-creditor actions in Ontario is an essential resource for legal practitioners. It is also available to law firms as an e-book.

Since 2008, the date of the previous (i.e., third) edition, a number of noteworthy changes have taken place in the area of debtor-creditor law. Small Claims limits, for

example, have been increased from \$10,000 to \$25,000. Also, Small Claims forms and procedures have been significantly updated as have procedures for enforcement of judgments. The number of personal and business debtors has also increased substantially in the intervening years, and this edition addresses that by providing new information specifically aimed at debtors.

Noteworthy, too, over the last few years are the recommendations of the Osborne Report on Civil Justice Reform, released in 2007, which included a recommendation regarding the need to appoint more judges and which placed a greater emphasis on interpretations of proportionality. The Report also recommended creating a greater role for paralegals and agents in the debtor-creditor process, and this book provides clear guidance to litigants who could now be represented by paralegals or agents in broader pre-trial negotiations.

Overall, this book describes the steps involved in the debt collection process, debt collection and debtors' remedies. The debt collection process is covered in clear detail and outlines the steps that are needed to take before proceedings; searches to carry out before proceedings; how to determine amount owing; how to commence proceedings; the difference between default and summary judgments; defended proceedings and enforcement of settlements; and the proceedings necessary before collection. Debt collection also covers topics such as deceased debtors, construction liens, bankruptcy and safeguards against fraud.

Finally, the book covers debtors' remedies and now also includes information on credit counseling and how debtors can respond to debt-collection. Supplementary materials include rules of civil procedure; rules of the Small Claims Court as well as a very useful glossary.

Designed as a workbook, *Debtor-Creditor Law and Procedure* includes very useful marginal notes, review questions and checklists. Most useful are instructions on doing people searches and credit checks. Equally useful are sample letters; statements of claim and defence; and necessary requisitions.

Clearly written, well-organized and extremely useful, especially for the Ontario court system, this book is highly recommended.

Mary Hemmings,
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***Emotional Vampires at Work: Dealing with Bosses and Coworkers Who Drain You Dry.* By Albert Bernstein. New York: McGraw Hill Education, c2013. x, 258p. Includes index. ISBN 978-07-179093-2 (hardcover) \$22.95.**

I wanted to review this book when I saw its subtitle. I had encountered a few of what I would call ‘vampire’ staff over my years as a manager and was interested to read what advice this author could give.

I have other read books about working with difficult people. The emphasis is usually on understanding your own personality and the personalities of those around you, with suggestions on how to control your responses, and, with more skillful communication techniques, identifying how you can minimize conflict. But what to do when none of this