Collective bargaining in Canada, as in the U.S., traditionally involves two key actors, management and labour, with the government acting as regulator and protector of the public interest (Dunlop, 1958; Kochan & Katz, 1988). In a unionized university or college setting, therefore, one round of bargaining occurs primarily between university administrators and the faculty union or association. This arrangement however, while conventional, disregards the interests of a third key stakeholder: the student. As a result, one issue that arises when academic associations go on strike, is “what about the students?”

Students are “collateral damage” in the face of an academic strike in that the action likely causes unintended or incidental damage to their program of study. Concerns over details important to students, such as the length of the school year, summer jobs and internships, licensing exams, international visas, and additional living expenses are subordinate to bargaining, yet create stress for students (Albas & Albas, 2000). However, in the face of rising student tuition as a share of university operating revenue, i.e. from 13.2% in 1976 to 29.2% in 2006 (CAUT, 2009), an interesting question is what role, if any, the student should play when classes are cancelled or put on hold due to a strike. If tuition is paid up front by the students, what is the fiduciary responsibility of a university? As stated by a student website (YorkNotHostage.com) during the 2008 strike at York University, “a work stoppage has severe and unacceptable consequences for York University’s 50,000 students.”

This article will examine Canadian university students’ legitimacy to any claim in the process of board-faculty collective bargaining, as well as the potential roles in, and influences over the bargaining process. In light of the calls by students for more participation in university governance (Jones, Shanahan & Goyan, 2001), increasing levels of tuition, overall contribution to operating costs, the
potential impact of a work stoppage on students, and the high rate of unionization of the Canadian university professoriate, we present a number of potential means for student involvement in collective bargaining: (a) representation on boards of governors; (b) membership on board or faculty union negotiation teams; (c) direct participation as a third party at the table; (d) observer status at the table; (e) student consultation and participation on drafting committees; (f) unilateral student proposals; (g) end-run tactics; (h) public pressure tactics; and (i) student referenda on bargaining agreements. Each of these possibilities will be examined in detail.

The article concludes with recommendations, as well as questions for further research.

References


Wages & Unionization in the Non-profit Sector: New Evidence from the Workplace & Employee Survey

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Abstract

Using the workplace and employee survey (WES) 2005 workplace and employee matched data set, this study examines non-profit/for-profit sector wage differentials, after controlling for differences in personal and workplace characteristics of the two sectors. Special attention is paid to the union wage premium in nonprofit sector. Furthermore, we use the Oaxaca decomposition procedure to provide detailed information on the contribution of union status and other personal and workplace characteristics in explaining the non-profit/for-profit wage gap.

In 2005, the average non-profit worker earned $22.53 per hour while the average for-profit worker earned $20.72, an overall non-profit premium of about 2 dollars before controlling for any differences in individual and workplace differences. Workers in non-profit sector are unionized at a rate almost double that in the for-profit sector (38% versus 16%). In addition, there are 4% more female, 12% more married people and 5% more employees with kids in the non-profit sector. The higher average wage in the non-profit sector can be attributed to superior personal and workplace characteristics.

A striking difference between the two sectors emerges in the union wage advantage: 11% in the non-profit sector compared to 4% in the for-profit sector after controlling for personal and workplace characteristics. Unionization adds in two ways to the wage advantage in the non-profit sector: through higher unionization and through a greater union wage premium on comparable jobs.

Decomposition of the overall wage gap yields further insights into the factors that contribute to the wage gap. First, the non-profit sector in the selected industry groups would have a wage advantage of almost $2.78 per hour if wages were to reflect the superior personal and workplace characteristics of the non-profit sector. Second, this possible premium is reduced by some factors that work against the non-profit sector, e.g., a higher proportion of women who tend to earn less than men. Third, unionization adds on average about $0.41 per hour to the non-profit wages. Other significant factors that add to the non-profit advantage are: education, experience and industry. On the other hand, a higher proportion of women and immigrants in the non-profit sector widens the wage gap between the two sectors.

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Abstract

It has been often alleged that collective bargaining is both inflexible and rigid in responding to a changing context. This paper examines this issue through the unorthodox lens of contract duration as a response mechanism to changing demands on collective bargaining. Using data from nearly 11,000 collective agreements negotiated between 1982 and 2007, this paper examines trends in contract duration.

We find that contract duration increased significantly over this period: from an average of 24.5 months during 1977-94 to an average of 35.7 months during 1995-2008. It appears that the historical norm of 36-month contracts was being gradually transformed during this period. The proportion of contracts greater than 36 months in duration that we call ‘long contracts’, quadrupled from 5.5% to 28.5% of the total in these two time periods.

However, the increase in contract duration was not solely due to a time trend. We find that there was a structural break around 1995. Contract duration jumped by about seven months in the years 1995 and after. The empirical evidence indicates that after 1995, resulting from a stabilization of the inflation rate, firms and unions began to agree to contracts of longer duration, thereby allowing firms to focus on the opportunities and challenges in the global economy. The evidence shows that after this structural break, economic variables such as GDP growth, employment growth and expected inflation became less important in the determination of contract duration. Instead, labour and capital productivity became more important reflecting the parties’ desire to concentrate on its productive resources rather than a focus on negotiating on stabilizing labour costs.

We then examine the likelihood of agreeing to a longer contract (more than 36 months) controlling for bargaining unit characteristics to find that contracts that were agreed upon in the years 1995 or later were 16.8 per cent more likely to be contracts of long duration.

Our conclusion from this analysis is that contract duration is a significant response to changes in the macro- and micro-economic context for organizations in Canada. Any discussion of flexibility and innovation within collective bargaining must not ignore this important adjustment mechanism.
Impact of Collaboration on Labor-Management Relations and the Collective Bargaining Process

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Adversarial relationships between teachers unions and school boards exist in virtually every region of the United States. Growing pressure to increase student achievement, calls for school reform and constrained budgets are contributing to a crisis that faces not only school boards but also teachers unions. Walton & McKersie (1965) asserted that collective bargaining is not merely distributive, i.e., adversarial, but also integrative. In public education bargaining, there has been growth of interest in the use of such integrative "win-win" or collaborative bargaining approaches to deal with mutual concerns and explore new potential mutual benefits. Their effect, though, on contracts is unclear, even while improved attitudes and relationships have resulted. On the union side, Kerchner & Koppich (1993) advocate expanding the scope of teacher unionism toward a new, professional model combining traditional bargaining with a focus on educational quality, improved teacher preparation and rigorous evaluation through site-based decision-making, team teaching and district-level councils.

The research project reported here culminated in a case study on the formation and maintenance of collaborative structures between management and unions in the public school setting. The primary goal of the research was to ascertain the impact of collaboration on labor-management relations and the collective bargaining process. What byproducts resulted from the new collaborative relationship paradigm? How did these collaborative byproducts affect the quality of service delivered? What were the benefits and limitations of forming the collaborative relationship? While the study probed the labor-management relationship between teacher unions and public school district administrations, its findings are relevant to other public and private entities.

Case study methodology was selected, because it offered the best opportunity for eliciting the most relevant and depth of data. What was the context under which collaborative structures were formed, maintained, and their impact on collective bargaining and labor-management relations in public school entities with well-established, strong collaborative relations? What factors facilitated or inhibited collaboration? The selection of study sites was nonrandom, in that they were not representative of all school systems. Those selected to participate have forged strong and well-documented non-traditional collaborative relationships between the parties at their site. The sites were four public school systems with diverse demographics in different geographical regions of the United States. Interview participants were drawn from both administration and union at each of the four sites selected.

The researcher studied the events that led to the formation of collaborative structures, the collaborative activity, the impact of collaboration on the collective bargaining process, and the challenges to collaboration at each study site. Data collection relied primarily on intensive personal interviews, and secondarily on archival sources, such as the negotiated teachers' contract. The interviews were recorded via telephone, to allow access to participants that best matched the goals of the study.

The results of the study showed that there are, in fact, strong models of collaboration between school district administrations and teacher unions. Much of the collaborative work that occurred at each study site was in the form of committees with
equal representation from both labor and management. The parties strive for, and often attain, consensus in their decision making process. One significant finding related to improved relations between management and labor representatives at each site. Greater respect for the role of others emerged as the parties began to realize that they had more in common than previously thought. Discussions became more focused on shared interests and the needs of the students served. The traditional rancor that normally occurs during contract negotiations was replaced, over time, with more a more collegial and collaborative spirit.

At each site, the labor-management cooperation resulted in many collaborative byproducts. In focusing their combined efforts on the best interests of the students they served, they co-created successful initiatives related to improved student academic experience and teacher efficacy, financial and security interests of labor, as well as other terms of employment. The new paradigm also witnessed a sharing of decision making power that resulted in site-based decision making bodies that included the representation of various constituents, peer review programs where labor shares in the responsibility for cultivating quality in its ranks and assisting in the termination of those whose performance is unacceptable or unprofessional, as well as exploration of alternative teacher compensation systems. Even in cases where a solution was not attained, the parties did come to agreement in philosophy and the need for further exploration.

The impact of trust and the will of all participants to collaborate were found to be the primary factors in the formation and maintenance of collaboration at each site. Use of formal and informal structures continues to support collaboration between the parties. All have stated their commitment to collaborate and mutually attempt to address issues raised by either party. At two sites, in particular, collaborative work between labor and management leaders resulted in securing tens of millions of new dollars in grant funding for district initiatives. Many of these collaborative structures have been purposefully incorporated into the collective bargaining agreement, assuring continued collaboration in their district. These collaborative relations have also had a profound impact on the collective bargaining process at each of the study sites. The formal interest-based bargaining model, or some derivative thereof, is employed at each site. At two of the four study sites, the teachers’ union president is now included on the district superintendent’s administrative cabinet.

Authentic collaboration between labor representative groups and management in the public and private sectors is found in limited instances. The models of collaboration presented here can serve as a strong model for those in public education looking to change the paradigm by which labor and management interact and the quality of educational product delivered. Moreover, the concepts presented here are applicable to other public and private sector organizations interested in improving labor-management relations, strengthening their organization, and improving the quality and efficiency of the product or service delivered.