Union coordination and government constraint: Centralization of bargaining structures in Ontario’s broader public sector

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Motivating questions

• How do we understand the centralization of collective bargaining structures in the Ontario broader public sector (BPS)?
• How does this reflect the strategic choices of government, employers, and unions.
• What are the interconnections with labour policy reform and government austerity measures?
Conceptual Framework

• Government constraint (Hebdon, Warrian, Rose, Swimmer)
  – Cycles of confrontation and constraint
  – Unilateral action and direct government intervention
    • Back-to-work legislation
    • Legislated outcomes

• Employer associations (Rose, 1986)

• Determinants of bargaining power
  – Institutional structures & strategic coordination
# Bargaining coordination & power

<table>
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<tr>
<th>Union coordination (Low ↔ High)</th>
<th>Potential for union whipsawing</th>
<th>Potential for centralized bargaining practices</th>
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<tr>
<td>Decentralized bargaining practices</td>
<td>Potential of employer whipsawing</td>
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<td>Employer coordination (Low ↔ High)</td>
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Methods

• Education sector
  – Brendan Sweeney
  – K-12 teacher unions in Ontario
    • OSSTF & ETFO

• Developmental services sector
  – Key informant interviews
  – Individual agency case studies
    • CUPE & OPSEU
School Boards
241 teacher collective agreements (covering ~180,000) and 226 school support agreements (covering ~75,000). 2008 bargaining round included centralized bargaining through a “Provincial Discussion Table (PDT)” used to negotiate collective agreements with teachers and support staff, yielding “framework agreements” that created templates for school boards and bargaining agents in bargaining individual agreements. 2012 negotiations started at provincial tables and ended in Bill 115 (except for the OECTA).

Colleges
CCBA 2008 establishes four province-wide bargaining units. All of Ontario’s 24 community colleges bargain together centrally, with OPSEU through the College Employer Council, as the statutorily established bargaining agent for the colleges. The government is not a party in collective bargaining.

Universities
Decentralized bargaining is conducted in the 150 collective agreements covering approximately 63,000 employees. There is evidence of coordination, such as CUPE’s efforts to negotiate common expiry dates for teaching assistants, as well as information sharing.
**Community & Social Services**

**Children and Youth Services**

Collective bargaining in this sector tends to be decentralized; i.e., taking place on a workplace-by-workplace basis. In 2011, the child welfare (Children’s Aid Societies) sub-sector undertook a Provincial Discussion Table (PDT) process in collaboration involving OPSEU, CUPE, and the employers with MCYS in attendance and MOL facilitating. A tentative agreement was reached in August 2011 between the unions and employers, and not the government. The unions elected to use the agreement as a framework for local bargaining.

**Adult Developmental Services**

Bargaining takes place on a workplace by workplace basis. In late 2010 and 2011, the development services sector undertook a Provincial Discussion Table (PDT) bargaining process in collaboration with CUPE, OPSEU and MOL and MCSS. The talks ended in September 2011, and employers and unions resumed local bargaining.

Pattern set in Thunder Bay negotiations, referred to as “reasonable” by government officials, but no base increase to agency budgets. This has led to layoffs and service restructuring.
Key case study findings

• Financial centralization has driven bargaining coordination and centralization

• Process of centralization dynamic and unstable
  – Lack of institutional supports (OPSBA)
  – Short term leverage strategies

• Perspectives of unions and school boards decidedly mixed
  – Government constraint & local authority
If Boulwar Were Premier

- Boulwar, Vice president at General Electric
  - First offer is also the final offer
- Boulwarism and government sponsored provincial discussion tables.
  - Starting point and objective of discussions was to get agreement on 0s
- Legislation
  - Bill 115 in education
  - Proposed legislation for BPS
Coordination & Intervention

- Underdeveloped coordination
  - False sense of local autonomy
- Weak statutory supports for central bargaining
  - OLRA permissive allowance for associations
- Union & employer coordinated resistance to government austerity
- Government constraints
  - Set terms and conditions to control costs
  - Abdicate responsibilities
Structure – Coordination - Power

- Coordination just as important as structure
- Bargaining power implications
- Current spectrum of bargaining structures
  - Statutory centralization no guarantee of effective labour relations
- Long term development at risk to short-term leverage tactics
Conclusions

• Simple cost containment positions will not work as a guiding principle for reform

• Experimentation and change in bargaining structures involve long-term, complex negotiations process

• Statutory support for bargaining coordination