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Article abstract

In this article, the author wishes to show the important role that the secretary of a parity committee, by his functions, must play. These functions vary from one parity committee to another, but generally are those determined by the Collective Agreement Act and suggested by the sample regulations recommended by the Department of Labour. In addition to these duties, the secretary takes part in the conduct and orientation of the parity committee, not only as administrator but also as a specialist in a sector of labour relations possessing an awakened social conscience. In order to act with efficiency and durability, he must be particularly rich in qualities and resources and thus be able to assure the continuation and orientation of this organization with which he is entrusted.

The Rôle of the Secretary of a Parity Committee

Raymond Gérin

In this article, the author wishes to show the important rôle that the secretary of a parity committee, by his functions, must play. These functions vary from one parity committee to another, but generally are those determined by the Collective Agreement Act and suggested by the sample regulations recommended by the Department of Labour. In addition to these duties, the secretary takes part in the conduct and orientation of the parity committee, not only as administrator but also as a specialist in a sector of labour relations possessing an awakened social conscience. In order to act with efficiency and durability, he must be particularly rich in qualities and resources and thus be able to assure the continuation and orientation of this organization with which he is entrusted.

If we consider that the collective agreement with juridical extension is one of the fundamental laws of our labour legislation, it is easy to understand the importance of the rôle that the secretaries and inspectors are called upon to play in the establishment and maintenance of social peace in our Province.

It would not be possible to fill this rôle well if two ideas are not kept in mind which, if they are neglected or put aside, will in the long run spoil the nature and working of the whole organization: the aims of the collective agreement with juridical extension and the "professional" nature of the organization looking after its application.

A) The first aims of a decree are three: eliminate or diminish competition based on workers' wages: give to the worker or employees concerned

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reasonable wages, "social wages", to use the expression of the Deputy Minister of Labour, at the 3rd Industrial Relations Convention of Laval University; and finally, to regulate the trades, the professions, the industry or commerce concerned with the decree.

To do an injustice in the first case, establish salaries which do not correspond to reality in the second, depreciate the qualification certificate in the third; these are all dangers which many parity committees were not able to avoid and which not only put their existence in danger, but also the principle itself of this labour legislation. Therefore, if it is desired to keep all of its scope, this idea must be kept ever present and actions made in conformity with it.

B) In these days where "ideological confrontations and vicissitudes in politics present with equal acuteness... the problem of the State, of its authority, of its functions, in a society based on individual liberty",¹ it is well to note that a sector of our social legislation depends on the authority of professional organizations.

History records the perpetual swing of ideas and institutions between the poles of authority and liberty. On coming out of economic liberalism and the intolerable abuses that it brought about, the social pendulum is now swinging towards the left to the regions of socialism and even universal communism.

The problem of adapting institutions and in particular, the enterprise to this new situation puts in the spotlight the preponderant rôle of professional organizations. It is through them that we may hope for the reforms which will permit the present social disturbances to be eliminated.

The State is humanly unable to regulate everything, it can only do so to the detriment of individual liberty. The inconceivable power of a bureaucracy created by the centralization of power by contemporary governments is a painful demonstration of this principle. It is by delegating its authority to professional organizations that the State may hope to reduce the authority-liberty problems to human scale. Through parity committees, the employers' and workers' associations make a powerful contribution to the establishment of harmony in the world of labour. If it happened that these organizations failed in their task, this set back would seriously damage our whole economico-social

(1) JEAN LABASSE, *L'Etat et la Liberté*, Economie et Humanisme, vol. 38, 1948, p. 398.

structure. Thus, by his functions, the secretary of a parity committee plays an important rôle in the maintenance of these two ideas in the sense of their true value. This is what we shall try to demonstrate with this article.

THE FUNCTIONS OF THE SECRETARY

The functions of the secretary vary, in fact, from one parity committee to another; but, in general, they are those determined by the Collective Agreement Act and suggested by the constitution and the sample regulations recommended by the Department of Labour. It is with regard to these two sources that we shall examine these functions.

1) According to the Collective Agreement Act

The functions of the secretary of the parity committee are involved in a number of articles of the Collective Agreement Act, for example, article 18: "The committee shall adopt regulations for its formation, the number of its members, etc. . ." and the articles which read "By regulation, approved by the Lieutenant-Governor in Council. . ." as well as in the cases of amendments to the decree, when he is called on to take note of the discussions, but where he is often (and I would say that he should be each time) consulted as to the wording or the effect of such regulations or changes.

We find the word secretary specifically mentioned in two places in the Act and once under the name of representative:

a) in Article 20, which gives the committee the power to "appoint a *secretary*, inspectors and other mandataries or employees, and determine their attributes and remuneration. Every person having the administration of the committee's funds must give security by a guarantee policy which shall be transmitted to the Minister. The *secretary* and any inspector may, as of right and at any time, examine the registration system, the compulsory register and the pay-list of any employer, take copies or extracts therefrom, verify as regards any employer and any employee the rate of wage, duration of work, apprenticeship system and observance of the other provisions of the decree; require, even under oath and privately, from any employer or employee, even at the place of work, all information deemed necessary, and, such information having been written down, exact the signature of the person concerned";

b) in Section 50, where it is stated "The minute-books of the deliberations of a committee or of a board of examiners, and the certificates of competency and other documents issued by them, and copies certified by the *secretary* of the committee, shall be proof of their contents until the contrary be proved, without it being necessary to prove the signature or capacity of the signatories".

c) in Section 42, which reads as follows: "Every professional employer who does not keep the compulsory registration system, register or pay-list, every employer or employee who refuses or neglects to furnish the *representatives* of a committee with the information contemplated in sub-paragraph e of section 20, in the manner therein prescribed, or does not grant them on request, or delays to grant them, access to the place where the work is being done, to the register or the system of registration or to the pay-list or other documents, as provided in said sub-paragraph, or molests or hinders or insults the said representatives in the performance of their duties, or otherwise obstructs such performance, commits an unlawful act and shall be liable to a fine of twenty-five dollars and costs for the first offence, etc. . .".

2) According to the Constitution and Sample Regulations of the Department of Labour

It is in the constitution and the regulations of the parity committees that the functions of the secretary are more clearly specified. In order to limit the extent of this work, we shall only consider the sample proposed by the Department of Labour. The secretary is mentioned here:

A) in article 8, which reads as follows:

a) The duties and attributions of the *secretary* consist in directing the work of all the other employees of the committee, his direction being nevertheless subject to the instructions given from time to time by the Committee during any regular or special meeting.

b) The *secretary* has, with the approval of the Parity Committee, the power to hire and dismiss any employee of the Committee, including the accountants, the inspectors and the examiners.

c) The *secretary* and all the other employees are hired for a time determined by the Committee.

d) The *secretary* sees that complete and exact notes be taken of all the discussions and resolutions of the parity committee. He receives all complaints laid by any employer or employee and fills all other duties with which the committee charges him.

e) The *secretary* has charge of the funds of the Parity Committee. He is obliged to furnish, at the expense of the committee, a bond by guarantee policy which must be turned over to the Department of Labour.

f) He arranges to deposit all money received in a chartered bank or a Desjardins' People Savings Bank chosen by the Committee, to the credit of the committee.

g) Signature of contracts: All contracts, leases and other documents are signed by the *secretary*.

B) in article 5-b, it is mentioned: "The members of the Parity Committee and their substitutes continue to act as such at the convenience of the parties or organizations which they represent, and these members and their substitutes may be recalled, changed or substituted at any time at the request or with the consent of the parties or organizations which named them, by resolution of the members, adopted at any regular or special meeting of such parties or organizations. The notice of such a recall, replacement, change or substitution must be given promptly to the *secretary-manager* of the Parity Committee."

C) in article 9a: "The meetings of the Parity Committee are called by the secretary. Notice of these meetings is given by mail to all the members of the Committee at least forty-eight hours before the day chosen for the meeting."

D) in article 10: "Only the members of the Parity Committee or their substitutes are admitted to the meetings held by the Committee or the sub-committees, except on the written invitation of the president or of the *secretary*."

E) in article 15a: "every notice in regard to the changing of the regulations must be given by writing, by the *secretary*, to each member of the Parity Committee at least fourteen days before the meeting of the Committee at which it is proposed to submit this or these amendments."

F) in article 16a: "The parity committee may create a board of examiners of which the *secretary-manager* forms part and of which the number is fixed from time to time by the said Committee. . ."

G) in article 16d: "The power of the Board of examiners may be transmitted to one examiner only acting jointly with the *secretary-manager*. . ."

H) in article 12a which affects indirectly the functions of the secretary: "The disbursements must be authorized by the Committee. No money may be withdrawn from the bank account without an order signed by the person or *persons named* by the Committee.

From these designations, the secretary of the parity committee is called upon to fill at the same time the functions:

a) of secretary, properly speaking (articles 5b, 8, 10, 15a and 16a of the constitution and regulations and section 50 of the Collective Agreement Act), that is take minutes of the meetings, carry on the correspondence, etc.

b) of treasurer, (articles 8e and 12a of the constitution and regulations) that is to keep the books, deposit and withdraw the committee's funds, etc.;

c) of employer, (article 8a, 8b and 16d of the constitution and regulations), that is to direct, hire and dismiss the employees of the committee, etc.;

d) of labour relations agent (article 20e and article 42 of the Collective Agreement Act), that is by acting as intermediary between the parity committee and those subject to it.

In brief, all the outside action of the committee, its policy of supervision, depends on the secretary and his inspectors. The key functions that they fill in this organization cannot be under-estimated. It is no doubt for all these considerations that the Department of Labour uses the term "secretary-manager" in its constitution and sample regulations, that is to say, a secretary who manages and administers the parity committee enterprise by and in the name of the latter.

THE ROLE OF THE SECRETARY

Because of all this, we feel that beyond these functions which are given to him by the constitution and the law, the secretary has a rôle to play in the working and even the orientation of the parity committee. In order to understand this rôle better, however, we are risking a definition which without being too abstract, illustrates well our idea on this subject. The secretary of the parity committee is "a specialized administrator in a sector of labour relations possessing an awakened social conscience."

A) *An administrator*: It is as such that the secretary is called on to play his principal rôle. It is what, in fact, he does in many parity

committees. Now "Administer", defines Henri Fayol, "is at the same time, foresee, organize, command, coordinate and control."²

a) *Foresee*. All decisions are made by the parity committee; but if we consider that the latter usually meets once a month, we can easily see that it cannot foresee some results of its decisions and that it is necessary that a person well acquainted with the problem may show it the consequences of such an attitude, of such a repeal, etc. No one besides the secretary is better placed to act in such a way.

b) *Organize*. A parity committee is a true enterprise with its departments: filing, inspection and control, cash and accounting. It is the duty of the secretary to organize them, almost to the smallest details, if he wishes to keep continually the control.

c) *Command*. There are very few parity committees which do not have at least one inspector. This inspector comes under, we have seen, the secretary. It is by his instrumentality that he "verifies the observance of the decree." It can be seen the need for complete understanding between the secretary and inspector. This understanding which must also be found in all the personnel is the basis itself of labour relations, which, there as elsewhere must follow certain rules. In a word: the secretary must be a "leader".

d) *Coordinate*. It is not enough to organize the various sectors of the secretary's office, it is also necessary to adapt them to the needs of the parity committee and to the aims of the decree. For example, it would be useless to hold a meeting of the parity committee if the reports of its committees or of its inspectors are not ready, or again, very disagreeable to issue statutory increases two or three weeks after their due date, etc.

e) *Control*. The control has for aim "to compel everyone to do their duty, to prevent errors and discover the mistakes made, to draw attention to the causes of these mistakes, to point out the ways of preventing them."³ This essential task is one that requires constant attention and daily vigilance. If, as often happens, the secretary becomes slack on this point, he finishes by not being able to foresee, organize, command and coordinate. His work changes into routine, the parity committee runs along through necessity. The dissatisfaction multiplies itself and, in the long run, not only the organization but the whole institution is undermined.

(2) H. FAYOL, *Administration industrielle et générale*, p. 22, Paris.

(3) JEAN CHEVALIER, *Organisation*, tome I, page 50, Paris.

By only changing one word of the well-known passage of Victor Hugo, it is possible to describe the lot of the parity committee invaded by routine: "It is condemned to that horrible interment, long, infallible, implacable, impossible to slow down or to hurry up, which lasts hours, which never gets through, that takes you standing up, free and in good health, which draws you by the feet, which, at every effort you make, at every rig you raise, pulls you a little further down, which seems to punish your resistance by doubling its hold, which makes man enter freely in the ground while permitting him all the time to look at the horizon, the trees, the green fields, the smoke from the villages in the plain, the sails of the boats at sea, the birds who fly and sing, the sun, the sky. Routine is the sepulchre turning into tide and flowing from the bottom of the earth toward a living person. . . Every minute buries him unrelentingly a little more."

B) *Specialist in a sector of labour relations.* But the secretary is also a specialist. Specialist first of all in a limited sphere of social legislation by "having acquired there", writes Mr. Louis-Philippe Pigeon, "practical knowledge and undeniable experience."⁴ But especially specialist in those sectors of labour relations, of jobs classification and settlement of grievances. Certainly, it is not every secretary who takes the trouble to study and become competent in these fields. For our part, we know of some who have not hesitated, on entering into the service of their parity committee, to undertake to study the industry and business concerned, the trades especially, their relationships, their respective value, and finally men and their problems. The statistics issued by some parity committees thus constitute very useful sources of information towards the solution of problems of labour, wages, etc. . . in some sectors of economic life.

C) *And possessing an awakened social conscience.* The Collective Agreement Act is in the social legislation sphere. However, Mr. Pigeon writes, "in spite of these imperfections, "social" legislation unquestionably gives more satisfying results than traditional legislation. Its continual and rapid expansion is a conclusive proof of this."⁵

It is exactly because social legislation differs from classic law; that those who are responsible for its application must avoid not only the danger pointed out correctly by Mr. Pigeon, the tendency towards bu-

(4) LOUIS-PHILIPPE PIGEON, *Nécessité d'une évolution du Droit civil*, Cahiers de la Faculté des sciences sociales de l'Université Laval, Vol. III, No. 9, page 10.

(5) LOUIS-PHILIPPE PIGEON, *op. cit.*, page 14.

reaucracy, which generates instability and favouritism, but also (and which is just as dangerous for the failure of the law) a too rigid juridical conception which would attempt to settle labour relations by legal interpretations only.

There exists such a thing as a social conscience which understands that labour relations are first of all human relations and as such must be regulated in conformity with the fundamental principles of justice and charity. It is not necessary to get sentimental, but, on the contrary, to regulate action by common sense. We have, at the beginning, pointed out two basic ideas; it is by following them that the secretary will really fill his rôle in the decisions, often serious in consequences, taken by the parity committee. How many unfortunate examples come to our mind where decisions based only on legality would have been anti-social and would have created deplorable injustices from which in the end the legislation would have suffered... In fact, it concerns all the relations of the parity committee with those subject to it.

THE QUALITIES OF THE SECRETARY

We have already seen that the functions of the secretary require particularly rich qualities and resources. There are three of them, especially, I would say indispensable, without which the secretary cannot hope to fill his rôle with efficiency, with durability: competence, integrity, and diligence.

Competence

A) *Competence* is the possession of knowledge and the skill to use it to accomplish his task, his functions. This knowledge is only acquired by study: study in a general way, first of all, which, permitting an over-all view of complicated problems, brings out the essential points and gives just solutions. Nothing dangerous as those who bring everything to their occupations, I should say to their preoccupations, especially in the field of social legislation. Special study also, because no secretary can allow himself to think that he has nothing more to learn because he can say by memory, any article of the Collective Agreement Act or the decree with which he is concerned; or nothing more to do when his minutes are written, his reports mailed, his accounting to date. Let him think, at such a time, of setting up, for example, statistics: he will thus render much useful service to the parties, to the trades, to the industry concerned. The example of the Parity Committee of the Shoe Industry is worth following.

Integrity

B) *Integrity*, that is to say, that set of virtues which induces man to accomplish his duty naturally: this is the second fundamental quality required of the secretary of the parity committee.

And integrity does not limit itself only to receive and give back with accuracy the amounts paid to the parity committee, but consists especially, in the faithful carrying out of his obligations by a) proper use of his time, b) honesty in his conduct, c) respect for the truth.

a) Nothing prevents, and it is the case of a certain number of secretaries, to have activities which are outside the functions of secretary of a parity committee; but, in such a case, they must be known and approved by the committee and remain within the field of action of the latter. This is the case of secretaries of employers associations who are party to an agreement. Any other activity having a personal end and especially a monetary one, which causes him to neglect his functions, shows a lack of integrity.

b) Every organization builds the confidence that it wishes to inspire on the person of its representatives, and even more so, when this organization is called upon to play a social rôle, one requiring confidence and respect. Is it necessary to emphasize the necessity that the principal representative be beyond reproach in his personal conduct. A careful study of the causes that have brought about the downfall of some parity committees could show that one of them had such a beginning.

c) Finally, all the action of the parity committee rests on the confidence in the secretary; because he is for this organization what the president of the board of directors is for a limited company. In accordance with the reports that the latter presents to the directors, the decisions may be good or bad, just or unjust. The responsibility of the secretary is therefore great and he could not keep it long if he is not, before anything else, devotedly attached to the truth.

Diligence

C) *Diligence*. The secretary cannot hope finally to succeed in filling the rôle that we have outlined and which is his, if he does not put everything into it: this is what we call diligence, this third quality essential to the secretary of the parity committee. Thus we may say that fulfilling his functions without vigour, toying with them, is to fail in his duty. It is so easy, as we have seen, to fall into a routine and to hide a lack of activity under a pile of papers. Diligence consists of a constant reaction against this too natural tendency. To go somewhere

to inquire into a grievance requires more effort than to settle it by telephone or letter; to take the time to explain the reasons for such an action of the parity committee requires more time and vitality than to announce: "It is the law!"

This rôle is not impossible; it requires devotion and sacrifices. It requires especially a love for his work. These are things that may be cultivated.

CONCLUSION

These are a rough outline of the functions, the rôle and the qualities of the secretary of the parity committee. We have desired, and hope to have succeeded in it, to emphasize the importance of his responsibilities in the continuation and orientation of the organization of which he is the authorized agent. Certainly, at first sight, it would seem to be enough, to possess a certain education and knowledge of accounting (as required, in a newspaper advertisement, by a parity committee looking for a secretary) in order to find a place to settle down definitely. It is this false conception that we wished to straighten out by rehabilitating, as it were, the rôle of the secretary.

The portrait that we have drawn is evidently an ideal portrait (and we realize how much we, ourselves, are far from this ideal); but we know that without an objective, without action, no function has any sense.
