

## Relations industrielles Industrial Relations



### *Collective Bargaining by Public Employees in Canada : Five Models*, by H.W. Arthurs, Ann Arbor, Michigan, Institute of Labor and Industrial Relations, The University of Michigan – Wayne State University, 1971, 166 pp.

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dicale en matière de salaires, par exemple, en introduisant une différenciation des rémunérations au sein d'une même branche d'activité, rendant ainsi moins applicable le principe corollaire de la comparabilité.

Les accords de production britanniques semblent avoir produit de très bons résultats : efficacité et rentabilité plus élevées ; réduction du temps de travail ; plus grande sécurité d'emploi face aux changements technologiques ; justice et paix sociale accrues. La signification novatrice de tels accords est éclairée si on les replace dans l'ensemble du système britannique des relations industrielles, dont la pièce maîtresse réside encore dans les conventions collectives conclues pour toute une branche d'activité, système traditionnel à l'intérieur duquel s'est développé un système officieux de négociations d'entreprise, d'établissement, voire d'atelier.

#### Accords continentaux sur l'emploi

Tel que mentionné ci-dessus, ce sont des accords sur l'emploi qui existent sur le continent, et non des accords de productivité comme en Grande-Bretagne. L'auteur explique cette situation en prétendant que les derniers accords sont inutiles sur le continent. Et « ils sont inutiles parce qu'on ne trouve pas dans les entreprises de ces trois pays (Allemagne Fédérale, Suède et France) l'équivalent des règles ou pratiques qui peuvent faire obstacle dans des entreprises britanniques à une utilisation rationnelle de la main-d'œuvre, en introduisant des éléments de cloisonnement et de rigidité » (p. 51). Une raison additionnelle, et peut être plus fondamentale que la précédente, qui peut aider à rendre compte de l'absence d'accords de productivité sur le continent, tient au type de relations professionnelles qui prévalent au plan des entreprises. Les accords dits sur l'emploi, dans les pays continentaux, semblent se distinguer des accords de productivité britanniques en ce sens qu'ils ne cherchent pas à faire accepter les changements (commandés par des considérations économiques ou techniques) en y liant les avantages particuliers sur le plan des rémunérations ou des horaires. Les accords sur l'emploi se bornent à poser un ensemble de règles qui garantissent que les changements

à venir, et encore indéterminés, se feront avec moins d'inconvénients pour le personnel.

Ce qui précède rend compte de ce qui apparaît l'essentiel des deux types d'accords en question et rend compte aussi des soixante premières pages du volume. Les quelque cent (100) pages suivantes décrivent en détail les expériences qui ont eu lieu en Suède (un accord sur l'emploi affectant la productivité sans être un accord de productivité), en Allemagne Fédérale (des plans sociaux aux accords sur les conséquences sociales des mesures de rationalisation) et en France (les accords professionnels et interprofessionnels sur la sécurité d'emploi).

Dans les dix (10) dernières pages, l'auteur fait ressortir les caractéristiques essentielles des accords intervenus dans les quatre (4) pays déjà mentionnés et les commente eu égard à la législation, au plan des négociations collectives, à l'indemnisation des travailleurs déplacés, à la sécurité de l'emploi, à la mobilité professionnelle et géographique (et aux pratiques de travail) et enfin au cadre de la négociation.

Nous recommandons fortement la lecture de cet ouvrage. En plus d'être bien fait, il se rapporte à une question brûlante d'actualité.

**Bertrand BELZILE**

**Collective Bargaining by Public Employees in Canada: Five Models**, by H.W. Arthurs, Ann Arbor, Michigan, Institute of Labor and Industrial Relations, The University of Michigan - Wayne State University, 1971, 166 pp.

This study is one of a series of parallel international comparative studies conceived and directed by Professors Russell Smith and Charles Rehmus of the University of Michigan. Professor Arthurs explored the Canadian scene while many other eminent scholars from other parts of the world provided an important contribution in describing the practices prevailing in their own country. Most of them were present at an international symposium on public sector labor relations held in New York City in May 1971.

As the title indicates, Professor Arthurs attempts to describe five models of public employee collective bargaining systems prevailing in Canada. These models, as the author identifies them, are the following: 1. The private sector model applying to municipal employees; 2. The public-private model applying to the federal public service; 3. The formal public sector model applying to police forces in Ontario; 4. The informal public sector model applying to the public service of Ontario; 5. The professional model applying to Ontario schools.

Professor Arthurs justifies his choice of the five models which are extensively based on the Province of Ontario experience on the following grounds: First he states that Ontario is the most populous and heterogeneous of the ten provinces. Secondly, he mentions that Ontario's labor relations traditions are «more in the mainstream of North American development, reflecting, for example, neither the national and social convulsions of Quebec, the radical-reactionary confrontations of the West coast province of British Columbia, nor the influences of the fishing and agricultural economies of the maritime and prairie provinces». Finally, another reason for choosing Ontario as an example of public sector collective bargaining models, according to the author, is the fact that this province ranks neither as the most conservative nor as the most innovative.

It seems that the preceding rationale is quite questionable. The size or heterogeneity of a population and its social or political characteristics are no reasons to justify the elimination of a specific province in a study of collective bargaining models prevailing in Canada. What is more important is the nature of collective bargaining relationships themselves. To the extent that provinces differ in their public sector institutional framework relating to the practice of collective bargaining — which is the case in Canada — this should have discouraged the author to generalize from the Ontario experience. However, it should be noted that Professor Arthurs recognizes that his study is not a complete review of all experience in the public sector in Canada.

As regards the study itself, there is a wide discrepancy in the extent of the analysis among the different models.

While only four pages are granted to collective bargaining in Canadian municipalities, the federal public service is thoroughly analyzed in sixty pages. Professor Arthurs relates the background of collective bargaining in the Canadian public service and stresses the important roles played by the Preparatory Committee on Collective Bargaining (Heeny Committee) appointed by the late Prime Minister Lester Pearson in 1963 and by the 1965 postal strike. He also describes in details the **Public Service Staff Relations Act** and analyzes the collective bargaining system in operation with a special emphasis on the postal service where «all the action is». This description of the collective bargaining history in the postal service is probably the best part of the book.

The three remaining chapters are equal in size (from 25 to 30 pages) and they provide good informations for labor relations students who are not familiar with the Ontario experience. As regards the chapter on collective bargaining by police forces in Ontario, a very interesting comparison is made between the negotiations involving Toronto and Montreal policemen. The Montreal policemen strike of Octobre 7, 1969 is narrated in details. Analyzing the causes of that strike, Professor Arthurs very pertinently mentions the city's conduct as the number one factor; but he also stresses a very important point when he affirms on page 99 that «the special political problems of Quebec made the police strike more than a mere labor problem». Hence, he is probably right when he concludes that «the Montreal experience cannot be viewed as a basis for predicting what will happen, for example, in Toronto (although it may be analogized to some racially tense American cities)» (p. 100).

Chapter V gives a good description of the situation prevailing in the Ontario public service. One is very surprised to learn that the province which is the most industrialized and the most populous in Canada does not even have a formal system of collective bargaining, i.e. one where binding collective agreements determine wages and working conditions for public servants. Some kind of bargaining exists but it is seriously impaired by the fact that negotiations are conducted separately in three areas —

wages, fringe benefits, and working conditions — and because these negotiations occur at the local or departmental levels. Professor Arthurs concludes his analysis by saying that « just over the horizon there appear to be forces which may ultimately displace the present system and force it into the public-private model developed at the federal level » (p. 130).

The last chapter deals with collective bargaining in the Ontario schools. According to Professor Arthurs, collective bargaining in Ontario's school system presents a paradox: « Although educational policy and administration are undergoing profound, perhaps revolutionary changes, although education has ranked highest on the list of municipal and provincial spending priorities, Ontario teachers participate in collective bargaining through institutions which resemble medieval guilds » (p. 131). Another paradox is the fact that even if the self-governing profession enjoys a monopoly on the rendering of educational services, there is little evidence, according to Professor Arthurs, that the Ontario teachers have utilized this power.

The « professional » model to which Professor Arthurs is referring is one where the teachers, instead of resorting to union-like tactics such as strikes or other kinds of job action, have used « sanctions » against schoolboards. « When negotiations breakdown, the local teachers' association may decide to issue an « in dispute » designation, advising teachers of a bargaining impasse with a particular schoolboard. These letters warn present and prospective teachers that if they should accept a teaching position within the designated area they may lose association privileges and protection. As an ultimate sanction, the Ontario Teachers Federation may « blacklist » recalcitrant schoolboards by invoking regulations made under the Teaching Profession Act which provide that a member shall . . . refuse to accept employment with a board of trustees whose relations with the Federation are unsatisfactory » (p. 142). Mass resignations are another sort of sanctions used against schoolboards. These sanctions are the same as those used traditionally by the National Education Association in the United States. However, contrary to the NEA which is now using more and more union-like tactics under the

constant challenge of the American Federation of Teachers, the OTF does not seem to be on the verge of departing from the professional model. Professor Arthurs attributes this conservatism to six factors: 1. the fact that teachers still consider themselves as professionals; 2. an adverse public opinion towards striking teachers; 3. the large proportion of women in the profession; 4. a fear of increased governmental control; 5. teachers' consideration of their responsibility towards the pupils; 6. institutional loyalties which have prevented cooperation between teacher groups.

This book is certainly an important contribution to an understanding of some of the most important collective bargaining practices in the Canadian public sector.

Jean BOIVIN

**Dispute Settlement in the Public Sector,**  
Thomas P. Gilroy (Ed.), Iowa City,  
Center for Labor and Management,  
College of Business Administration,  
The University of Iowa, Research  
Series I, 1972, 59 pp.

Cette publication de la Faculté d'administration de l'Université d'Iowa est un recueil de quatre articles sur les mécanismes de résolution des conflits dans le secteur public. Les trois premiers articles portent sur les différends dans les négociations collectives tandis que le quatrième s'adresse aux conflits concernant la détermination des unités de négociation.

Le premier article « Compulsory Arbitration in Public Sector Dispute Settlement — An Affirmative View » est un plaidoyer en faveur de l'arbitrage obligatoire comme méthode de règlement des conflits d'intérêts dans les négociations collectives. L'auteur de l'article est Arvid Anderson directeur de l'« Office of Collective Bargaining » de la ville de New York. Lorsqu'on connaît les démêlés que la ville de New York a eu avec plusieurs de ses syndicats dans le passé, il est facilement compréhensible de voir le directeur de l'OCB prendre position en faveur de l'arbitrage obligatoire. Après avoir rappelé les quelques législations nord-américaines qui prévoient l'arbitrage obligatoire comme procédure ultime pour solutionner les différends, monsieur An-