

Relations industrielles Industrial Relations



Collective Bargaining in the Essential and Public Service Sectors, by Morley Gunderson, ed., Toronto : University of Toronto Press, 1975, 163 pp.

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Volume 32, Number 3, 1977

URI: <https://id.erudit.org/iderudit/028811ar>

DOI: <https://doi.org/10.7202/028811ar>

[See table of contents](#)

Publisher(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (print)

1703-8138 (digital)

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Cite this review

Thompson, M. (1977). Review of [*Collective Bargaining in the Essential and Public Service Sectors*, by Morley Gunderson, ed., Toronto : University of Toronto Press, 1975, 163 pp.] *Relations industrielles / Industrial Relations*, 32(3), 468–469. <https://doi.org/10.7202/028811ar>

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Collective Bargaining in the Essential and Public Service Sectors, by Morley Gunderson, ed., Toronto: University of Toronto Press, 1975. 163 pp.

This book arose from a conference held by the University of Toronto Centre for Industrial Relations in April 1975. It follows the format of the conference with four formal papers, followed by discussion among participants who were academics and senior government officials.

The organizers state three purposes for the conference (and the volume): to analyze the appropriateness of collective bargaining in the essential and public service sectors; identify deficiencies in existing collective bargaining models there; and offer legislative suggestions to alleviate problems in these systems. Seldom are the objectives of a book declared so succinctly, so no reviewer should neglect the opportunity to judge a book according to the editor's standards, rather than his own.

The first paper, by Prof. Jean Boivin of Laval, analyzes the subject of public employee unrest. It attributes the rise of collective bargaining in the public sector to the factors that have led workers in the private sector to unionize, e.g., common standards, bureaucratic employers, etc. Causes of unrest are: inadequate public sector collective bargaining laws, economic insecurity, and perceived deficiencies in dispute resolution machinery. Public sector unions see the private sector bargaining model as their goal and will be dissatisfied with any lesser rights. Boivin's proposed solutions to these problems follow logically his analysis: improve wages and working conditions; grant extensive bargaining rights; and adapt legislation to local conditions.

Prof. Paul Phillips, from the University of Manitoba, compares collective bargaining in the private and public interest sectors. After summarizing the characteristics of private sector bargaining models, he identifies a number of factors that limit their relevance in the Canadian economy, including market concentration, the size of firms, and the extent of government regulation. These forces produce variables that distinguish essential and public interest sectors. The former are characterized by

the immediacy and irrevocability of impact, the latter by the magnitude of the social or economic impact. He then applies these criteria to a variety of industries in the public sector or frequently considered essential. He concludes that disputes in the public interest sector should be treated like private sector disputes, with decisions to end disputes taken by legislatures on an *ad hoc* basis. While recognizing the need for separate treatment of essential disputes, he admits defeat in his search for a solution and falls back on the suggestion of a statutory strike.

The theoretical orientation of the first two papers is followed by a survey of government intervention in labour disputes in British Columbia, written by the Deputy Minister of Labour, James Matkin. Matkin argues that legislative restraint is more effective in resolving labour disputes than legislative intervention, contrasting the ill-fated Mediation Commission Act of the former Social Credit government with the more permissive Labour Code enacted by the NDP. The paper also stresses the need to involve interested parties in formulating labour legislation. Under the new law, there is emphasis on attacking the underlying causes of industrial disputes, rather than imposing a solution. Overall, the B.C. experience supports the "choice of procedures" approach so frequently discussed in academic circles.

The final paper, a comparative view of procedures for settling interest disputes, by Prof. Benjamin Aaron of the University of California at Los Angeles, summarizes experience in Western Europe and the U.S. Success in dealing with emergency disputes in those countries seems to be a function of the parties' involvement in averting a crisis or mitigating the impact of a dispute on the public. In several nations, where public sector employees traditionally have been denied the right to strike, more permissive rules are now emerging, although no acceptable substitute for the strike has been found.

Both the papers and discussion agreed that collective bargaining, with all its imperfections, is a permanent institution in the essential and public service sectors, and is the best technique for determining wages

and working conditions in these industries. Although the law has only a limited role in dealing with disputes there, these issues are inherently political and will be treated as such by legislatures. Furthermore, there are no general solutions to labour problems in these areas.

None of these conclusions is particularly noteworthy, and this fact may result from an air of unreality about the conference. The location, a Toronto hotel best known for its artificial waterfall, may have set the tone. All of the academics and most of the government officials in attendance were involved with collective bargaining, so it was hardly surprising that the institution was endorsed. Yet there is ample evidence that the public is at least uneasy about collective bargaining in these sectors. Perhaps the analysis would have been more critical had a few politicians attended. Because three of the papers were on an abstract plane, and the fourth, Matkin's, covered only jurisdiction, few deficiencies in existing models or legislative suggestions were proposed, save that legislation is not very helpful in preventing or ending disputes, and that the private sector is the model to be followed. Again dissident voices might have altered the tone and sharpened the conclusions. On balance, at least one, and perhaps two, of the three objectives were unfulfilled.

Yet the strengths of the book remain. It is a collection of several basic works on the subject, worthy of careful consideration by scholars and practitioners. The Matkin paper is destined to be a standard case study of government policy in labour disputes resolution in Canada. Boivin and Phillips provide a useful introduction to most important issues in the area, and Aaron gives a useful comparative standard against which to judge hopes and performance in Canada. The next step in any examination of collective bargaining in essential and public service sectors is a more detailed analysis of specific problems and issues, e.g., compensation standards in the public sector; bargaining structures; the political role of public sector unions, etc.

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Equal Pay for Work of Equal Value. A discussion paper, Ontario Ministry of Labour, 1976, 106 pp.

On est tous habitué à entendre les revendications de ceux qui souhaitent que pour « un travail égal », on reçoive un « salaire égal ». Le problème soulevé dans la publication ci-haut mentionnée est légèrement différent ou, tout au moins, formulé de façon plus précise. Il s'agit du problème d'accorder une rémunération égale pour un travail d'une valeur égale.

La première formulation permet de vérifier si, pour un travail semblable, il y a de la discrimination dans la rémunération, par exemple, en fonction du sexe. Mais, lorsque certaines occupations sont réservées exclusivement aux femmes, la comparaison n'est plus possible. D'où la nécessité d'introduire le concept de « travail d'une valeur égale ». Cela permet la comparaison de la rémunération dans des occupations qui ne sont pas semblables, mais pour lesquelles on peut évaluer la valeur du travail fourni. C'est à ce problème qu'on s'attaque dans cette publication du Ministère du Travail de l'Ontario.

Dans un premier temps, une analyse est faite de la rémunération relative des hommes et des femmes dans des groupes d'occupations de plus en plus spécifiques. Il ressort de cette analyse, basée sur les données du recensement de 1971, que la différence dans la distribution des hommes et des femmes dans les plus importants groupes occupationnels n'explique qu'un sixième de la différence de rémunération entre les uns et les autres. Ce n'est donc pas principalement parce que les femmes appartiennent à des groupes d'occupations différentes qu'elles sont moins bien rémunérées.

Il ressort également de cette analyse que la différence dans la rémunération est d'autant moins considérable que l'on considère des occupations spécifiques à l'intérieur d'un établissement et que les employés de cet établissement sont syndiqués. Enfin, bien que les données sur les différences d'âge d'éducation et d'ancienneté ne soient pas accessibles, il semble bien qu'ils sont responsables d'une partie de la différence dans la rémunération.