**Public Sector Collective Bargaining**

**Course Outline - Winter 2023**

**INSTRUCTOR**: Varujan Gharakhanian

**EMAIL**: gharakhv@mcmaster.ca

**LECTURE:** Mondays, 8:30 am to 11:30 am, KTH B102

**AVAILABLE:** After class between 11:30 and 12:30; and by email

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# **Course Description and Format**

# This course examines unionization and collective bargaining for employees in the public, and para-public sectors. The topics covered include the origin and growth of public sector unions, models of public sector bargaining, legal aspects of bargaining rights and impasse resolution, bargaining issues and bargaining outcomes, and empirical studies of the effectiveness of dispute resolution procedures. Additionally, this course will include a review of the future of collective bargaining in general and impact on public sector bargaining.

Discussions on the above issues will be complemented by:

* Weekly lectures (normally two hours) followed by classroom discussions of the specific topic pursuant to the lecture and the weekly course schedule
* Union and Employer representatives at McMaster University will be invited to share insights respecting a specific topic of this course followed by a brief question and answer period from the class
* **Formation of Teams in week 3 (January 23rd)** for team exercises including: (1) a research paper on collective bargaining preparation; and (2) the collective bargaining simulation exercise in the University sub-sector. Once there are five or six team members to a team, either Union or Employer teams are going to be assigned. For example: Team A Union, Team A Employer, Team B Union, Team B Employer, and so on
* **Regular class attendance is expected for success in this course and it amounts to ten percent (10%) of your total grade. It is only in class that we have a comprehensive discussion of course topics and team assignments including an overview of the final exam. Timely arrival, class presence for the entire duration of class, participation in all class activities, and submission of course assignments within the timelines established in the course outline, are expected**

# **Course Learning Objectives**

This course will provide a window to practical learning in public sector collective bargaining. There will be an opportunity to learn, share and enhance your skills individually and as a Team member by engaging in:

* Ongoing respectful and objective dialogue with your student colleagues on challenges facing the public sector
* Preparation of a research paper focusing on bargaining issues in the public sector
* Crafting a research paper on pre-negotiation planning and preparation including the make-up of effective negotiators
* Collective bargaining for a renewal collective agreement through a simulation collective bargaining exercise in the broader public sector

# **Required Materials and Texts**

# Course readings will be accessible online through McMaster University Library, and/or Avenue to Learn.

# **Course Evaluation Breakdown and Due Dates**

1. In person class participation (attendance) 10% - Ongoing throughout the Term
2. Research paper on bargaining issue(s) in the public sector 20%

Individual Assignment – January 30, 2023

1. Research paper on collective bargaining preparation 20%

Team Assignment – February 27, 2023

1. Collective bargaining simulation exercise 25%

Team Assignment - March 20, 2023

1. Final Exam 25% - April 10, 2023

**Item (2) – Individual Assignment**

Choose a public or broader public sector employer/union in the province of Ontario; start with an executive summary of no more than one to one & one half page(s) providing an overview of your paper referencing key findings on your two issues. Consider class discussions in weeks two and three for identification of the key issues for public sector unions and employers. Conduct a brief review of the 2 issues that you have identified including the bargaining history specific to those issues; reason(s) for continuation of the specific issue through repetitive rounds of collective bargaining; and impact of the specific issue at the workplace. In the event that a new issue is introduced with no bargaining history, explain the reason(s) for identifying the issue and potential impact on the workplace.

Your paper must be in essay format, double spaced and about 7 pages excluding cover page (Assignment title, team members, and submission date), charts, graphs, and other statistical data that you are encouraged to use in support of issues raised in your paper. Additionally, your paper must be in hard copy, and personally provided to the Instructor in class. All source material must be described and referenced. You also have the opportunity to consult with the Instructor on your assignments.

**Item (3) – Team Assignment**

**In order to be assigned to a team, you must be in class on January 23 (Week 3)**

Your team (i.e. Team A - Union; Team A - Employer: and so on) is the bargaining committee of either the union or the employer. Within your team choose a public or broader public sector employer/union in Ontario from the list of employers/unions selected by each of your team members for Assignment #1. Review class discussions in Week 5 and start with an executive summary of no more than one to one & one half page(s) providing an overview of your team’s paper referencing the bargaining preparation process and 3 key areas of preparation including bargaining objectives; the internal and external “must consider” issues; bargaining mandate; preparation of proposals; finishing off with bargaining strategy.

Your team’s paper which is signed off by each contributing team member must be in essay format, double spaced and about 12 pages excluding cover page (Assignment title, team members, and submission date), charts, graphs, and other statistical data that you are encouraged to use in support of issues raised in your paper. All source material must be described and referenced. There will be peer evaluations for the paper on collective bargaining preparation. A peer evaluation template will be posted on Avenue. Peer evaluations are strictly confidential when completed and must be submitted to the Instructor in person at end of class in Week 8 (Feb 27th). You also have the opportunity to consult with the Instructor on your assignments.

**Item (4) - Team Assignment**

There will be an in-class discussion of the bargaining simulation exercise along with in-class distribution of the bargaining simulation package in Week 9 (March 6). This will provide an ample opportunity to prepare for bargaining in Week 11 (March 20). Templates relevant to this assignment will be included in your bargaining package and also posted on the Avenue

**Item (5) – Individual Written (Final) Exam**

The final exam will include topics discussed in class throughout the course, and will consist of T/F, multiple choices, and short essay questions. The duration of the final exam is two hours.

# **Weekly Course Schedule and Required Readings**

## **Week 1: Jan. 9**

### **A brief introduction and an overview of the course outline including formation of union/employer teams**

### **Early Unions; the Emergence of Public Sector Unions; and Similarities/Differences between Public/Private Sector Bargaining**

* Rose, Joseph B. “Private and public sector bargaining in Canada: 1980 – 2015”, 30 pages, available online through Omni
* Rose, Joseph B. “Public Sector Bargaining from Retrenchment to Consolidation”, 18 pages (271 – 289), available online through Omni

**Week 2: Jan. 16**

### **Models of Public Sector Bargaining; Bargaining Rights, Issues, and Outcomes**

* The Conference Board of Canada, “Labour Relations Outlook 2020”, 45 pages, available online through Omni

## **Week 3: Jan. 23**

### **Bargaining Issus (Continued) – Mandatory & Key Non-Mandatory Issus**

* **Union/employer bargaining teams are formed**

## **Week 4: Jan 30**

### **Canadian Charter of Rights and Freedoms**

### Government of Canada, Department of Justice Canada, “Charter of Rights and Freedoms”, Section 2(d): Freedom of Association; Section 2(b): Freedom of Expression; Section 1: Reasonable limits; Section 33: Notwithstanding Clause

* Government of Canada, “Guide to the Canadian Rights & Freedoms”, Canada.ca
* Canadian Foundation for Labour Rights, “Brand New World: Fundamental Labour Rights in Charter Era”, 2019, P62 – 73, available online through Omni
  + **Individual Assignment: Research Paper on Bargaining Issues in the Public Sector is due**

## **Week 5: Feb. 6**

### **Preparing For Collective Bargaining in the Public Sector**

* Review class presentation, discussion, and posting on the Avenue respecting collective bargaining preparation

## **Week 6: Feb. 13**

### **Impasse Resolution Methods**

* Campolieti, Michele and Riddell, Chris “Does Mediation-Arbitration Reduce Arbitration Rates? Evidence From a Natural Experiment”, ILR Review, 73(1), January 2020, P221 – 235, available online through Omni

## **Week 7: Feb. 20**

### **Mid-Term Recess – No Class**

## **Week 8: Feb 27**

### **Interest Arbitration**

* Campolieti, Michele, and Riddell Chris “Interest Arbitration and the Narcotic Effect: Evidence from Three Decades of Collective Bargaining in Ontario”, British Journal of Industrial Relations, 2019, P421 – 452, available online through Omni

* **Team Assignment: Research Paper on Collective Bargaining Preparation is due**

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## **Week 9: Mar. 6**

### **Review of the Collective Bargaining Simulation Exercise**

**A hard copy Bargaining Simulation Package will be provided to each student in attendance in class. A sign off acknowledging receipt of the package will also be required from each student**

## **Week 10: Mar. 13**

### **Dispute Resolution**

* Rose, Joseph B. “Regulating and Resolving Public Sector Disputes in Canada”, Journal of Industrial Relations, 2008, vol. 50 (4), P545 -559, available online through Omni

## **Week 11: Mar. 20**

### **Collective Bargaining Simulation Exercise**

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**Team Assignment: The following written submissions in paper format (hard copy only) must be submitted to the Instructor by Chief Negotiator of each team at end of the bargaining day (class conclusion) on March 20, 2023:**

1. **Your team’s opening remarks**
2. **Your team’s initial proposals package which is the proposed language that you prepared for March 20, 2023 negotiations**
3. **Your team’s bargaining strategy paper**
4. **Minutes of Settlement along with language of the renewal collective agreement mutually agreed upon by the parties**

## **Week 12: Mar. 27**

### **Government Intervention with Collective Bargaining**

* Reshef, Yonatan “Government Intervention in Public Industrial Relations: Lessons from Alberta Teachers’ Association”, J. Labor Res (2007), P667 – 696, available online through Omni
* Kurland, Orin M. “Anti-Scab Bill Restrict Employer Options”, Risk Management; April 1993, 2 pages, available online through Omni

**Post Collective Bargaining Simulation Assignment:**

1. **Completed “Issue Analysis Worksheet” must be submitted to the Instructor by the Chief Spokesperson for each team at class conclusion on March 27, 2023. All submissions must be in paper format**
2. **Each team member submits a completed confidential Peer Evaluation (only in hard copy) to the Instructor**

## **Week 13: April 3**

### **Future of Public Sector Bargaining**

* Swimmer, Gene and Bartkiw, Tim “The Future of Public Sector Collective Bargaining in Canada”, Journal of Labour Research, volume XXIV, Number 4, Fall 2003, P579 – 594, available online through Omni

**An overview of the final exam will be discussed in class. No other form of communication respecting an overview of the final exam will be provided**

## **Week 14: April 10**

### **Final Exam**

# **Course Policies**

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## **Submission of Assignments**

All assignments (in hard copy only) must be submitted in person and signed off by the Instructor confirming receipt. All assignments must be handed-in while in class pursuant to the course outline.

## **Grades**

Grades will be based on the McMaster University grading scale:

| **MARK** | **GRADE** |
| --- | --- |
| 90-100 | A+ |
| 85-90 | A |
| 80-84 | A- |
| 77-79 | B+ |
| 73-76 | B |
| 70-72 | B- |
| 67-69 | C+ |
| 63-66 | C |
| 60-62 | C- |
| 57-59 | D+ |
| 53-56 | D |
| 50-52 | D- |
| 0-49 | F |

## **Late Assignments**

**In the event that an assignment submission timeline is missed due to unforeseen circumstances, a seven (7) days extension to the following Monday class will be granted. Late assignments will not be accepted after 7 days from their posted due date and the relevant grade percentage will be forfeited.**

## **Avenue to Learn**

In this course we will be using Avenue to Learn. Students should be aware that, when they access the electronic components of this course, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in this course will be deemed consent to this disclosure. If you have any questions or concerns about such disclosure please discuss this with the course instructor.

# **Academic Dishonesty:**

[**http://www.mcmaster.ca/academicintegrity/students/index.html**](http://www.mcmaster.ca/academicintegrity/students/index.html)

Academic dishonesty consists of misrepresentation by deception or by other fraudulent means and can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: "Grade of F assigned for academic dishonesty"), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various kinds of academic dishonesty please refer to the Academic Integrity Policy, specifically Appendix 3, located at http://www.mcmaster.ca/policy/Students-AcademicStudies/AcademicIntegrity.pdf

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g. the submission of work that is not one's own or for which other credit has been obtained.

2. Improper collaboration in group work.

3. Copying or using unauthorized aids in tests and examinations.

# **Department/University Policies:**

Labour Studies staff does not date-stamp assignments, nor do they monitor the submission or return of student papers. All papers should be submitted/returned in-class, in tutorials or during Professor/TA office hours. Instructors who utilize Avenue to Learn will provide instructions on that preference.

## **Absence Reporting:**

<http://www.mcmaster.ca/msaf/> On-line self-reporting tool for Undergrad students only – illness lasting **less than 3 days**. Can only be used once per term. Instructors are not allowed to accept medical notes! These must be submitted to your Faculty office. In the event of an absence for medical or other reasons, students should review and follow the Academic Regulation in the Undergraduate Calendar “Requests for Relief for Missed Academic Term Work”. Please also communicate with the course instructor.

## **Code of Conduct:**

<http://studentaffairs.mcmaster.ca>

“McMaster University is a community dedicated to furthering learning, intellectual inquiry, the dissemination of knowledge and personal and professional development. Membership in this community implies acceptance of the principle of mutual respect for the rights, responsibilities, dignity and well-being of others and a readiness to support an environment conducive to the intellectual and personal growth of all who study work and live within it.”

## **Computer Use:**

Computer use in the classroom is intended to facilitate learning in that particular lecture or tutorial. At the discretion of the instructor, students using a computer for any other purpose may be required to turn the computer off for the remainder of the lecture or tutorial.

## **Course Modifications:**

The instructor and university reserve the right to modify elements of the course during the term. The university may change the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check their McMaster email AND Avenue to Learn (if used by instructor) regularly during the term to note any changes.

## **Email Communication Policy of the Faculty of Social Sciences:**

All e-mail communication sent from students to instructors (including TAs), and from students to staff, must originate from the student’s own **McMaster University e-mail** **account**. This policy protects confidentiality and confirms the identity of the student. It is the student’s responsibility to ensure that communication is sent to the university from a McMaster account. If an instructor/TA receives a communication from an alternate address, the instructor may not reply at his or her discretion. **Please always include student name, ID, course # and TA name (if applicable) in messages.**

## **Evaluations (Online):**

[http://evals.mcmaster.ca](http://evals.mcmaster.ca/), and log in via MACID – undergraduate only.    
These help faculty and the School of Labour Studies to meet our goal of continually improving teaching effectiveness. All students in the course are invited and encouraged to complete the evaluation.

## **Student Accessibility Services:**

<http://sas.mcmaster.ca/>

### **Location: MUSC – B107**

### **Contact:** 905-525-9140 extension: 28652

*NOTE: Disclosure of disability-related information is personal and confidential.*

Student Accessibility Services offers various supports for students with disabilities. We work with full time and part time students. SAS provides or assists students with their academic and disability-related needs, including: Learning Strategies, Assistive Technologies, Test & Exam Administration, Note-Taking Programs, and Classroom Accommodations. **\***Please inform the instructor if there are disability needs that are not being met.

## **McMaster University Policy on Academic Accommodation of Students with Disabilities & McMaster University Anti-Discrimination Policy**

* <http://www.mcmaster.ca/policy/Students-AcademicStudies/AcademicAccommodation-StudentsWithDisabilities.pdf>

### **Student Success Centre:** <http://studentsuccess.mcmaster.ca/>

### **GH-110 905-525-9140 x24254**

Some services include: student orientation, academic skills, volunteerism, educational planning, employment and career transition. Writing Support: <http://studentsuccess.mcmaster.ca/students/academic-skills/writing-support-services.html>

### **Student Wellness Centre:** <http://wellness.mcmaster.ca/>

### **PGCLL-201 905-525-9140 x27700**

Provides services in: Personal and Psychological Counselling, Mental Health Support, Medical and Health Services