Public Sector Collective Bargaining

Winter 2021

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OFFICE: Zoom links posted on Avenue
OFFICE HOURS: Fridays, 2:30 to 3:20 pm

LECTURES ONLINE: Fridays, 11:30 am to 2:20 pm

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Course Description & 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. The course also includes a case

study of bargaining in the education sector, and an assessment of the emerging movement of 'bargaining for the common good'.

The course consists of:

• a weekly two hour lecture, online via the Zoom platform in which the major themes and debates from the readings will be highlighted and elaborated upon. Note that classes will discuss more than the readings, and so are not interchangeable. Practical group activities to develop skills in collective bargaining will also be conducted.

It must be emphasized that students are expected to attend or view all lecture and participate in activities within the deadlines set within the syllabus. It is also important to keep in mind that knowledge in the course is cumulative – you will need to have read the material for earlier weeks to fully understand that in the later weeks. In other words, it is very important to keep up on a week-to-week basis.

Course Learning Objectives

This course addresses several University Graduate Degree Level Expectations. In this class, you will have a chance to:

- learn the key foundational concepts in public sector collective bargaining
- develop your ability to collaborate with and learn from other students equally and respectfully;
- work on articulating and refining your own ideas, in both speaking and in writing;
- read carefully, critically and deeply;
- make links between the classroom, the readings, and the world; and
- enhance your research and writing abilities, including your ability to find relevant material and assess sources, to construct and support own argument out of a variety of sources, and to appreciate different positions on an issue.

Required Materials and Texts

- Custom Courseware, available at the McMaster University Bookstore
- All other required course readings will be made available electronically on Avenue to Learn or online via the McMaster University library.

Course Evaluation Breakdown & Due Dates

- Questions Submitted to Lectures: 20%, throughout the term
- Collective Bargaining Priorities Simulation: 20%, February 12
- Research Paper: 20%, March 26
- Negotiations Simulation: 20%, April 9
- Final Exam: 20%, During scheduled exam period in April

Questions Submitted to Lectures 20% (10 x 2 marks)

Starting in the second week of class, the day before each scheduled lecture (ie. by Thursday at 11:59 pm), students will submit two questions, each with a paragraph-long introduction, based on the assigned readings and lecture topics that week. These

questions will be submitted in the relevant Assignments folder under the 'Assessments' tab on Avenue. Students may be asked to introduce their question during the lecture. In lieu of submitting questions in the weeks assigned to simulations, you will be assigned a short written reflection activity.

Collective Bargaining Priorities Simulation 20%

This will occur during class on February 12. **Part A:** Before class, students will prepare and submit a comparison and analysis of a contract issue across multiple collective agreements. **Part B:** The research conducted in Part A will be used to prepare and present proposed negotiations priorities for their peers to vote on. Further instructions will be provided in class and posted on Avenue to Learn.

Research Paper 20%

There will be several possible topics, drawing from major course themes. They will be discussed in class and posted to Avenue to Learn.

ESSAY STRUCTURE: The final paper must contain the following four sections:

- 1. The introduction will contain a clear and strong statement of the central argument/ theme in your paper and an overview of the components of the essay.
- 2. Framing the Issue. In this section your basic terms and concepts will be defined and the major relevant issues/debates identified. This section will draw on more general sources including required and supplemental course readings on the chosen topic.
- 3. Case Study. This section will focus on the specific case. It will illuminate the general issues raised in the previous section.
- 4. Conclusion/Implications. This section will summarize your central argument and will make explicit links to the literature discussed in section two. In this section, you may also assess the contribution of your case study.

LENGTH: The paper will be no more than 3000 words (10-12 double spaced pages). Figures, maps, charts, and tables are not included in the page length and their use is encouraged where appropriate.

SOURCES: A variety of source material should be included. Reference to the course readings is encouraged, but other monographs, academic articles, newspaper and magazine articles must also be included. Reliable web-based sources (government sites, industry associations) are acceptable, but must be cited correctly using an acceptable convention. Statistics are also encouraged.

REFERENCES: All source material must be referenced. A number of citation systems are acceptable (e.g., footnotes, endnotes, references in text (i.e., Smith, 2005) with bibliography. A complete and consistent citation protocol must be maintained. Choosing a system from a well-known academic journal is one way of ensuring consistency. Webmaterial must also be cited with the URL address and the last date accessed. CONSULTATION: Each student will have the opportunity to consult with the instructor

about their paper (during office hours). Prior to consultation, have some idea of the case study you would like to explore and issues you would like to address.

Negotiations Simulation 20%

This will occur during class on April 9. Students will participate within teams in a roleplaying scenario as the negotiators of either a public sector union or employer. **Part A:** before class, each team will prepare and submit their Bargaining Proposals. **Part B:** each team's performance during bargaining and the outcomes will be assessed. Further instructions will be provided in class and posted on Avenue to Learn.

Final Exam 20%

There will be a final exam online held during the scheduled exam period (date TBA). The exam will be 2 hours in length, and will consist of concepts and an essay question. Students will be expected to demonstrate an ability to make connections between the various topics covered in the entire course.

Weekly Course Schedule and Required Readings

Week 1: Jan. 15

Introduction to Collective Bargaining

- Harry C. Katz and Thomas A. Kochan, "A Framework..." [posted on Avenue to Learn] and "The Role of the Environment," in An Introduction to Collective Bargaining and Industrial Relations, 4th edition [in CC].
- Joseph B. Rose, "Private and Public Sector Bargaining: 1980-2015," 30 pages in CC.

For Next Week:

• Letter of Introduction: Write a letter of introduction to your professor. Tell me a bit about yourself, your programme and why you chose it, your interests, and especially your goals in this class: Why did you take this course? What are your experiences at work and with the labour movement? What is at least one thing you want to learn in this class? What would you say are your strengths as a student, and what areas would you like to improve? Are there any circumstances that might affect your performance in this class that you'd like us to be aware of? Please upload this letter to Avenue to Learn by January 22, 2021.

Week 2: Jan. 22

Models of Public Sector Bargaining

- Mark Thompson and Patrice Jalette, "Public Sector Bargaining", in Gunderson and
- Taras, eds., Canadian Employment and Employment Relations, Sixth edition (Toronto: Pearson Addison Wesley 2009), pp. 403-429 in CC.

Week 3: Jan. 29

Evolution of Public Sector Bargaining

 Swimmer, Gene, "Public Sector Labour Relations in an Era of Restraint and Restructuring: An Overview," in Gene Swimmer, ed., Public-Sector Labour Relations in an Era of Restraint and Restructuring (Don Mills: Oxford University Press, 2001),pp. 1-35, in CC.

- Rose, Joseph B., "Constraints on Public Sector Bargaining in Canada," Journal of Industrial Relations, Vol. 58 (1), (2016), pp. 93-110.
- Etienne Cantin, "The Politics of Austerity and the Conservative Offensive Against U.S. Public Sector Unions, 2008 2012, Relations Industrielles, 67(4), 2012, pp. 612-632.

Week 4: Feb. 5

Essential Services Disputes

- Bernard Adell, "Regulating Strikes in Essential (and Other) Services after the 'New Trilogy", Canadian Labour & Employment Law Journal, Vol. 17, No. 2 (2013), pp. 413-426 and 436-441.
- Paul Weiler, Reconcilable Differences (Toronto: Carswell, 1980), pp. 209-14 in CC.
- Joseph B. Rose, "Regulating Essential Service Disputes in Canada: The Designation Model," 2018. 27pp, in CC.

Week 5: Feb. 12

Collective Bargaining Priorities Simulation

Reading Week: No Classes, February 15-19

Week 6: Feb. 26

Compensation Issues

- Jeffrey Keefe, "Debunking the Myth of the Overcompensated Public Employee, EPI Briefing Paper #276, September 15, 2010 (Washington: Economic Policy Institute), 14 pages in CC.
- M. Gunderson, "Public Sector Compensation," in Public Sector Collective Bargaining in Canada, Gene Swimmer and Mark Thompson, eds, pp. 103-134 in CC.
- Jake Rosenfeld and Patrick Denice (2019), "What do government unions do? Public sector unions and nonunion wages, 1977-2015," Social Science Research. 78: 41-56.
- Goldblatt Partners (2019), Ontario Introduces Wage Restraint Legislation. 9 pages Available on Avenue to Learn

Week 7: Mar. 5

Interest Arbitration

- Peter Feuille, "Selected Benefits and Costs of Compulsory Arbitration," Industrial and Labor Relations Review, Vol. 33, No. 1 (October, 1979, pp. 64-76.
- Joseph B. Rose, "The Ghost of Interest Arbitration," Canadian Labour and Employment Law Journal, Vol. 8, No. 2 (2000), pp. 253-289.
- Joseph B. Rose. 2016. "Budgetary Restraints and Compulsory Arbitration in Ontario," Dispute Resolution Journal, 71(4), pp. 91-109 in CC.

Week 8: Mar. 12

Education Sector Negotiations in Ontario

- Chantal Mancini (2020), "Austerity, Struggle, and Union Democracy: Bill 115 and the Ontario Secondary School Teachers' Federation, an Insider View," Labor Studies Journal. 45(1): 8-31.
- Stephanie Ross, Larry Savage and James Watson (2019), "University Teachers and Resistance in the Neoliberal University," Labor Studies Journal. 45(3): 227-249.

Week 9: Mar. 19

The Charter of Rights and Freedoms

- Lancaster House, "Government Roll Back of Wage Increases Following 2008
 Financial Crisis did not Violate Collective Bargaining Rights under Charter, Supreme
 Court Rules," April 8, 2015, eAlert No. 66, 4pp in CC.
- Lancaster House, "Workers' Right to Choose their Bargaining Agent Free from Management Influence Protected by Freedom of Association in Charter, Supreme Court Rules," April 8, 2015, eAlert No. 66, 7pp in CC.
- Lancaster House, "Ontario Government's 'Inflexible and Intransigent' Approach to Bargaining Violated the Charter of Rights, Judge Rules," August 15, 2016, eAlert no. 288, 4pp in CC.
- Lancaster House, "B.C. to Spend \$50 Million on New Teaching Positions Following Supreme Court of Canada Ruling – More Funds to be Agreed on Later," March 14, 2017, eAlert No.404, 3pp in CC.
- Larry Savage ad Charles W. Smith. 2017. "Conclusion: Which Way Forward for Labour?," Unions in Court. Vancouver: UBC Press, pp. 207-220 in CC.

Week 10: Mar. 26

Bargaining for the Common Good

- Joseph McCartin (2016), "Bargaining for the Common Good," Dissent. 63(2): 128-135.
- Eleni Schirmer (2019), "After Act 10: How Milwaukee Teachers Fought Back," Dissent. 66(2): 48-56.
- Paul Bocking (2021), "'No Cuts to Education': The Story of a Protest Movement'," [Forthcoming publication] Available on Avenue to Learn.
- Sarah Jaffe (2019), "The Chicago Teachers Strike Was a Lesson in 21st-Century Organizing," The Nation. November 16. Available at: https://www.thenation.com/ article/chicago-ctu-strike-win/

Week 11: Apr. 9

Negotiations Simulation

Course Policies

Submission of Assignments

All assignments must be submitted electronically via Avenue to Learn. You must use Word or Open Office to submit your assignment, and it must appear exactly as you would submit it in paper format. Electronic submission will facilitate both academic integrity (screening for plagiarism) and the tracking of late submissions (see below).

Grades

Grades will be based on the McMaster University grading scale:

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

Late Assignments

Extensions for course assignments will only be granted under conditions of medical, family, or other extraordinary circumstances. All other late assignments will be penalized at a rate of 5% per day, including weekends. Late assignments will not be accepted after 7 days beyond the original deadline without appropriate documentation from the Office of the Associate Dean of Social Sciences.

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 Integrity

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity. It is your responsibility to understand what constitutes academic dishonesty.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour 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. For information on the various types of academic dishonesty please refer to the <u>Academic Integrity Policy</u>, located at https://secretariat.mcmaster.ca/university-policies-procedures-guidelines/

The following illustrates only three forms of academic dishonesty:

- plagiarism, e.g. the submission of work that is not one's own or for which other credit has been obtained.
- improper collaboration in group work.
- copying or using unauthorized aids in tests and examinations.

Authenticity / Plagiarism Detection

Some courses may use a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. For courses using such software, students will be expected to submit their work electronically either directly to Turnitin.com or via an online learning platform (e.g. A2L, etc.) using plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty.

Students who do not wish their work to be submitted through the plagiarism detection software must inform the Instructor before the assignment is due. No penalty will be assigned to a student who does not submit work to the plagiarism detection software. All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). For more details about McMaster's use of Turnitin.com please go to www.mcmaster.ca/academicintegrity.

Courses with an On-line Element

Some courses may use on-line elements (e.g. e-mail, Avenue to Learn (A2L), LearnLink, web pages, capa, Moodle, ThinkingCap, etc.). Students should be aware that, when they access the electronic components of a course using these elements, 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 a course that uses on-line elements will be deemed consent to this disclosure. If you have any

questions or concerns about such disclosure please discuss this with the course instructor.

Online Proctoring

Some courses may use online proctoring software for tests and exams. This software may require students to turn on their video camera, present identification, monitor and record their computer activities, and/or lock/restrict their browser or other applications/ software during tests or exams. This software may be required to be installed before the test/exam begins.

Conduct Expectations

As a McMaster student, you have the right to experience, and the responsibility to demonstrate, respectful and dignified interactions within all of our living, learning and working communities. These expectations are described in the Code of Student Rights & Responsibilities (the "Code"). All students share the responsibility of maintaining a positive environment for the academic and personal growth of all McMaster community members, whether in person or online.

It is essential that students be mindful of their interactions online, as the Code remains in effect in virtual learning environments. The Code applies to any interactions that adversely affect, disrupt, or interfere with reasonable participation in University activities. Student disruptions or behaviours that interfere with university functions on online platforms (e.g. use of Avenue 2 Learn, WebEx or Zoom for delivery), will be taken very seriously and will be investigated. Outcomes may include restriction or removal of the involved students' access to these platforms.

Academic Accommodation of Students with Disabilities

Students with disabilities who require academic accommodation must contact <u>Student Accessibility Services</u> (SAS) at 905-525-9140 ext. 28652 or <u>sas@mcmaster.ca</u> to make arrangements with a Program Coordinator. For further information, consult McMaster University's <u>Academic Accommodation of Students with Disabilities</u> policy.

Requests for Relief for Missed Academic Term Work

McMaster Student Absence Form (MSAF): 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".

Academic Accommodation for Religious, Indigenous or Spiritual Observances (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the RISO policy. Students should submit their request to their Faculty Office *normally within 10 working days* of the beginning of term in which they anticipate a need for accommodation <u>or</u> to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

Copyright and Recording

Students are advised that lectures, demonstrations, performances, and any other course material provided by an instructor include copyright protected works. The Copyright Act and copyright law protect every original literary, dramatic, musical and artistic work, **including lectures** by University instructors

The recording of lectures, tutorials, or other methods of instruction may occur during a course. Recording may be done by either the instructor for the purpose of authorized distribution, or by a student for the purpose of personal study. Students should be aware that their voice and/or image may be recorded by others during the class. Please speak with the instructor if this is a concern for you.

Extreme Circumstances

The University reserves the right to change the dates and deadlines for any or all courses in extreme circumstances (e.g., severe weather, labour disruptions, etc.). Changes will be communicated through regular McMaster communication channels, such as McMaster Daily News, A2L and/or McMaster email.

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 inclass, 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 – 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 in messages.

Evaluations (Online):

http://evals.mcmaster.ca, and log in via MACID.

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 x 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

Please find the McMaster University policy on academic accommodation of Students with Disabilities & McMaster University Anti-Discrimination Policy at the following link:

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

McMaster University, School of Labour Studies, LABRST 4C03

Student Success Centre:

Email Address: http://studentsuccess.mcmaster.ca/

Location: GH-110

Contact: 905-525-9140 x 24254

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:

Email Address: http://wellness.mcmaster.ca/

Location: MUSC-B10

Contact: 905-525-9140 x 27700

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

Medical and Health Services

Participation: Evaluation Criteria

Grade	Discussion	Reading
A+ Exceptional	-original thinking -very strong knowledge base -strong capacity for analysis / synthesis / critical evaluation, including well-thought out reasons for positions -ability to make linkages both within and outside the course material -asks interesting and relevant questions - always participating, but does not dominate	-has done all readings -demonstrates superior grasp of readings / concepts -regular and very capable use readings in discussion
A Excellent	-strong knowledge base -frequent participation, asks questions - shows some capacity for analysis / synthesis / critical evaluation	-has done most readings -demonstrates strong grasp of readings / concepts - frequent use of readings in discussion
B and B+ Good to Very Good	-good knowledge base, with some misunderstandings -analysis / critical evaluation somewhat underdeveloped, with arguments less well supported -participation is variable	-has done most readings -does not always read readings closely -familiar with concepts and issues, but at vague level which still requires some precision -occasional use of readings in discussion
C to C+ Fairly Competent to Competent	-fair knowledge base, but with many more gaps and misunderstandings -basic level of understanding, but without much analysis or critical evaluation - reasoning behind arguments absent / poorly thought out / knee-jerk -participation / questions infrequent	-has done less than half of readings -tends to rely on outside knowledge / unsupported opinions rather than knowledge gained from readings -rare use of readings in discussion
D to D+ Barely Passing to Passing	-poor knowledge base; superficial grasp of concepts or issues -very little critical thinking or analysis - rarely participates or asks questions	-does readings infrequently -shows little familiarity with concepts -almost never refers to readings in discussion
E to F Failing	-never participates -does not even show superficial understanding of ideas	-never does readings