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## Post-Confrontational Stage: Changing Internal Dialogue and External Perception

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Cindy Oliver, FPSE President  
Speaking Notes  
NCSCBHEP Conference Panel  
April 8, 2013, New York NY

Good afternoon and a big thank to the organizers for pulling this panel discussion together and providing the forum for what I think will be an interesting and diverse debate on labour relations in post-secondary workplaces.

I represent over 10,000 faculty and staff in British Columbia's post-secondary institutions. My members work and teach in universities, colleges and institutes. Their disciplines span a broad cross-section of inquiry, everything from the humanities and sciences to apprenticeships, career upgrading and developmental education. Despite that academic diversity, my members, like faculty across North America, have a deep commitment to their students and to providing a platform for learning and exploration that will stay with those students for a lifetime.

Just a quick contextual point about post-secondary education in British Columbia; unlike many parts of the United States, in BC, post-secondary education is largely a public system. While there are some private colleges and universities in BC, the vast majority of students attend public institutions. Not surprisingly, our public post-secondary system is subject to a lot of political back-and-forth because voters, quite legitimately, have expectations about the public system, expectations that aren't always met by the government of the day. In fact in mid-May, voters in BC will head to the polls in an election where affordability and access to post-secondary education is expected to be a major vote-determining issue for voters.

Our panel discussion is set to examine how labour relations, both the process of negotiating existing contracts and the process of administering those contracts during their term, evolves in our post-secondary work environments. I have had an opportunity to review the summaries of the panel members and I think it's fair to say that a common thread through much of what we will talk about is the extent to which labour relations in our workplaces can or should evolve into a new form of dialogue and engagement between administrators and faculty.

Should that evolution move us towards a different model of dispute resolution or are there fundamental characteristics of the existing system that need to be maintained and strengthened? These are important questions and I think today's discussion will provide some insights as to how that evolution should proceed.

From my perspective, labour relations, by its very nature, is a dynamic process, one that is rarely static and one that is subject to shifts and changes over time. Let me give you a relevant example and one that my organization is very familiar with: union organizing. To anyone in this room who has been involved in an organizing drive, you know that the relationship that emerges out of that organizing drive is often very different from the labour relationship that exists after the certification has been in place for a decade or longer. If there was employer resistance during the organizing process, for example, that interference may well taint the bargaining relationship. And that distrust often takes a long time to dissipate.

For better or for worse, how faculty enter the labour relations arena has an enormous impact on how labour-management relations evolve from that point forward.

Whether the evolution in the labour-management relationship leads to an entrenchment of distrust or a gradual shift to a more balanced form of advocacy on both sides may well depend more on the personalities of those involved than anything else. But my point remains; over time, the potential for change within the labour management relationship will depend as much on the dynamics of group behavior as it will on changes because of external circumstances that force both sides to address new issues and negotiate new arrangements.

While the newly unionized workplace example provides an interesting starting point for the question of how labour relations can evolve over time, it's important to note that most faculty associations have been around for quite some time. Unionization in the post-secondary sector, at least in Canada, began to really take shape in the 1960s. By the mid-1980s, post-secondary education had one of the highest union densities with over 85% of employees at post-secondary institutions represented by a union.

Such a high degree of unionization reflected a number of important concerns. Again, the Canadian context is important to recognize here, but certainly the sense among many faculty who were key to launching those organizing drives, was that collegiality was not going to provide sufficient voice and protection of faculty interests. It wasn't enough to have vague administrative policy guide how faculty were hired, what salary they received, the level or coverage they had when it came to benefits like extended health care or the degree to which their employment with the institution was ongoing or not. All of these questions required more clarity and certainty - and unionization was the most effective way to resolve that uncertainty.

As a union President, (and this is no surprise) I still see unionization and collective bargaining as critical to the process by which faculty manage the working relationship with their employer. My experience has been that it is through advocacy—after all that's what we do; we advocate for our members—that both sides of the labour-management relationship find clarity, certainty and the internal discipline to make the ongoing operation of a large and diverse workplace such as a post-secondary institution work effectively for everyone one involved.

For faculty unions, the internal process of establishing bargaining priorities, of maintaining a properly functioning grievance and dispute resolution process during the term of a contract and of building an ongoing dialogue with their members, provides the foundation upon which they develop their half of the labour-management relationship. Members need to not just believe that they have a voice through their union, they have to see how that voice functions on their behalf. Whether it is through collective bargaining or through the day-to-day administration of their collective agreement, faculty members are able to connect the dots between their interests and the interests of the broader collective of which they are a part.

On the administration side of things, the collective bargaining relationship becomes the starting point for establishing administrative discipline. Let me be clear: the discipline I'm talking about is internal to the administration. The greatest risk an administrator has when dealing with employees is to be seen as arbitrary, unfair or inconsistent. In fact, those are many of the reasons why people sign union cards in the first place: "My employer is unfair and I see unionization as a way to rebalance the workplace relationship." Collective bargaining helps sort out that inconsistency. The grievance and arbitration system embedded in most of our contracts also does that.

Maintaining a healthy and respectful dialogue during the term of a collective agreement also provides a boost and avoids inconsistency while ensuring a higher degree of transparency in how a contract is administered.

I realize that in saying all this there may well be some who argue that the evolution of the labour/management relationship should somehow lessen the need for what has been traditionally described as a confrontational relationship. I take exception to that characterization because it tries to frame labour relations as a combative undertaking. Forget for a moment the fact that something in the order of 95-plus percent of collective agreements are settled without a strike or lockout and concentrate instead on how collective bargaining forces all parties of an agreement to identify what really matters most. If that priority can't be found in the new contract, yes there will be confrontation and conflict.

But even that outcome is necessary. That may sound strange, but collective bargaining has also taught me that every strike or lockout has to find a resolution and what may have been the priority before the strike or lockout gets put into a much different perspective during the dispute, a perspective that may be humbling to some, but ultimately provides the parameters for a settlement.

And it's in that context that I'm hoping this panel will engage the issue of how labour relations in post-secondary workplaces can evolve. Rather than see collective bargaining and our current system of ongoing dispute resolution through grievance and arbitration as an anachronism that is somehow out of step with the times, I see unionization, advocacy and the discipline that comes from the collective bargaining process as critical elements in how we manage our relationship with employers. As well, that system—collective bargaining, formal process for dispute resolution—is integral to the mechanism that every union must have to satisfy their members who want to know that their priorities have been fairly considered and dealt with by both their union and their employer.

I'm looking forward to this discussion. There are lively and important points of view that need to be assessed and I want to call upon the first panelist to begin that discussion.