

Employment Relations in the Unionized Labor Movement: A Comparative Analysis of Arbitration Cases in Ontario, 1971 to 1985

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FOREWORD

The Industrial Relations Centre is pleased to include this study, Employment Relations in the Unionized Labor Movement: A Comparative Analysis of Arbitration Cases in Ontario, 1971 to 1985, in its publication series School of Industrial Relations Research Essay Series. The series is intended to give wider circulation to selected student research essays, chosen for both their academic merit and their interest to industrial relations practitioners and policy makers.

A substantial research essay is a major requirement of the Master's Program in Industrial Relations at Queen's. The essay may be an evaluation of a policy oriented issue; a limited empirical project; or a critical analysis of theory, policy, or the related literature in a particular area of industrial relations.

The author of the essay, Mary Louise King, graduated from the School of Industrial Relations in October 1989. I would like to express my appreciation to the author for granting permission to publish this excellent study.

D.D. Carter, Director
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ABSTRACT

The institution of collective bargaining, central to public policy with respect to employment relations, requires a well functioning labour movement. There is evidence that labour organizations in the role of employer are subject to labour conflict which, if unresolved, threatens the collective bargaining regime. The survival of the movement is at risk in terms of its principles, credibility, and effectiveness as protector of the interests of the worker and promoter of social reform.

Despite its significance, there is little research into this critical employment relationship.

The present study outlines some external and internal pressures to which the movement is subject, and which are likely to translate into workplace tensions affecting the quality of the relationship. Many of them tend toward bureaucratization of union administration, a trend with both beneficial and deleterious potential. A tentative comparison is drawn with other work settings.

Arbitrations in the unionized union sector are compared with those in a sample of other settings in the province of Ontario from 1971 to 1985. The distributions of issues and outcomes for the two samples are presented and discussed. A review of cases on five major issues explores differences in the nature of the disputes.

Results suggest that arbitrations between unions and their employees account for a disproportionate number of cases, and include a higher ratio of procedural to substantive hearings than is generally found. The rate of occurrence of some issues as a percentage of total listings may be lower than for other employer-employee relationships. Both similarities and differences emerge from the descriptive review of cases. Numerical and qualitative differences found may be attributable to non-comparable occupations and working conditions between the samples.

Further research is recommended.

I. INTRODUCTION

Like Caesar's wife, officers and employees of the union must be beyond reproach in respect of their single-minded dedication to the interest of the union members, unsullied by considerations of personal gain or loyalty¹

The arbitrator of this early published report of a hearing between a union and its employees' union set high standards for the conduct of union staff in their dealings with members. Insofar as this implies that the interests of workers in general are important and must be accorded due protection, those of union employees are included: it implies a standard with respect not only to treatment of members but to the relationship between the union and its employees.

A clearer statement of a standard for relations in the labour movement came from within its ranks: "We have to set an example by practising what we preach. We can no longer tolerate our making sanctimonious lectures to employers and to governments while at the same time ignoring our own obligations."² Despite its restricted context, this can be read as exhorting the labour movement to provide a model of good relations.

Externally and internally enunciated standards may both reflect and be a source of tension within the labour workplace, tension which may differ from other settings. This paper proposes to explore the nature of employment relations in the unionized labour movement and the relevance of these standards and of other pressures on them.

i. The Significance of Employment Relations in the Labour Movement

Reports of conflict between labour organizations and their employees recount strikes,³ resistance to unionization of the employees⁴ and disputes over compensation.⁵ Published reports and personal anecdotes suggest that employment relations in the movement are not idyllic; often it is implied that the responsibility lies with the employer: "For both unions and other progressive organizations that function as employers, the litmus test of their real commitment to official institutional values and goals ought to be the handling of their own labor relations." (Gordon, 1986)⁶ In fact, some unions have been commended for exemplary conduct⁷ and efforts to maintain model relationships with their staff.

Nonetheless, to ignore signs of discontent would be unwise: unions serve many interests. Herberg (1972, 233) described unions' dual nature as "a businesslike service organization ... and an expression and vehicle of the historical movement of the submerged laboring masses for social recognition and democratic self-determination." With the enacting of legislation recognizing and regulating union rights and responsibilities in Canada, they became in addition both creatures and servants of public policy. The preamble to the Ontario Labour Relations Act declares: "It is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions."⁸

What constitutes 'the public interest' is not articulated. The concept tends to be multi-faceted or indeterminate;⁹ what it refers to depends upon the context. In labour relations, it presumably extends beyond the immediate parties to collective bargaining to include, for instance, the economic health of the

nation, and the needs and wishes of consumers. Broader policy concerns underlying the notion may include extending sociocultural values such as economic justice, democracy, and due process to the workplace.

Whatever the original intent of labour legislation, it came to have a major influence on workplace relations and the lives of workers, and has created for unions a third function as instruments of public policy.

Their roles do not stop here. Developments in the economic and social systems and within the labour movement itself are increasing the workload of unions. In order to cope with demands for services in ever broader areas, union organizations are under pressure to expand staff. Thus has evolved a fourth union role, that of employer.

The ability of the labour movement to fulfil its other functions hinges not just on the competence of union management and employees but on the adequacy with which it meets the demands of this fourth role. To expect organizers, educators, researchers and support staff to remain committed to the employer and dedicated to its members despite unsatisfactory working conditions would be naive. Their daily involvement with workplace issues is likely to make them more sensitive to their own working conditions and more articulate about their complaints. Failure of their employer to grant terms achieved for the members is apt to create resentment and threaten commitment and effectiveness.

This is especially dangerous when pressures increase the salience of employee dedication. In a crisis, a union might demand extraordinary effort from its staff, leading to job action. As Shair (1970) points out, a union may perceive wage demands, strikes, even the effort to unionize, as lack of faith in or commitment to the union or the movement, and as a threat to their undertakings. The potential for conflict might be greater than in other workplaces, and the nature and expression of disputes be different.

Conflict could have repercussions on unions' ability to fulfil public policy, membership service and democratic expression functions. A strike by union employees would stall its operations. Disruption of contract negotiations or administration in bargaining units served by the employer-union could ensue, creating havoc in segments of the collective bargaining system, provoking broader industrial unrest, and interrupting the flow of goods and services. Member and public acceptance of unions might decline, leading to a demand for changes in public policy and legislation, and ultimately challenging the fundamental utility of public support for the labour movement.

Despite the apparent significance of this sector of the workforce, it has rarely been investigated. Wilensky (1965) interviewed union staff regarding their working conditions and prospects and found cause for dissatisfaction. Shair (1970) investigated problems encountered by union employees seeking certification in the United States. He called for research into malaise in the labour movement, a challenge apparently not taken up in North America until Northrup et al's (1988) history of the Office and Professional Employees International Union, which took union employees as its initial jurisdiction. In New South Wales, Callus (1986) studied the labour market, background, and attitudes of paid union officers. Clark (1989) reviewed the history and present status of unionism among professional staff in the United States and surveyed their perceptions of union-management relations.

Bureaucratization in unions is another focus in the literature. While the concern is more often for membership democracy (e.g., Herberg 1972), some investigators of workplace conditions have related their research to features of bureaucracy (e.g., Wilensky 1965; Callus 1986). Edwards' (1979) analysis of bureaucracy in core corporations in the U.S. points to contradictions inherent in this form of control; these could generate more, and more fundamental, tensions in a union workplace. Thus, bureaucratization appears to be a useful framework within which to study the relationship.

In Canada, there is little or no research on the extent or nature of problems in this relationship so central to the collective bargaining regime. This neglect is difficult to explain. The number of employees is small, but this is not grounds to disregard them. No employer-employee relationship has such potential impact: the threat to the economy if intra-union conflict disrupts normal contract negotiation and administration justifies research. Workers concerned with protection of their jobs and working conditions can scarcely afford to ignore problems and contradictions in the institutions whose role it is to protect them. Finally, for those who value the union movement for itself, for its efforts to improve the working conditions of workers and to extend their control over their working lives, or for its influence on broader social reform, an investigation into its internal adherence to principles of good workplace practices may prompt a period of self-evaluation.

Whatever the reasons for the lack of attention to this subject, then, this paper proposes to begin to fill the gap.

To achieve a broad sense of relations in the union sector, it is desirable to investigate ongoing relations between employer unions and their employees. Grievance data from a sufficiently varied group of employers over a long enough period of time would be both difficult to obtain and cumbersome. However, a useful database was found in the Monthly Bulletin of the Ontario Office of Arbitration. This publication listed arbitration reports from across the province of Ontario, Canada.

Covering 891,194 square kilometres of land, Ontario employed about 38% of Canada's labour force in the years 1971 to 1986 (Current Scene 1987, 186); more than 50% were covered by collective agreements in 1974 and 1984 (Current Scene 1987, 382). The south has various manufacturing industries, and financial, communications, and service sectors. The north is more resource-based, with both extraction and processing of minerals and lumber. The province borders the Great Lakes and is linked economically to the United States of America, especially in such sectors as the automotive industry. Lastly, the head offices of several large national and provincial unions and federations are located in Ontario.

Chapter II discusses factors external and internal to the labour movement likely to promote bureaucratization, and features of the 'Labour' employer, union and employee.¹⁰ Whether differences from 'Industry' employment relations can be predicted is considered. Chapter III presents and discusses numerical analyses of the patterns of issues and outcomes at arbitration. Chapter IV surveys details of complaints under selected arbitrated issues. The final chapter briefly relates the findings to background factors discussed in Chapter II, and proposes further research.

II. LABOUR RELATIONSHIPS: THE ACTORS AND THE ENVIRONMENT

Various forces impinge upon the labour movement and individual unions. They may facilitate operations or exacerbate existing difficulties. This chapter explores some such forces, their possible effects on the labour movement's functioning, and their translation into stresses in Labour employment relations.

The structure of the Canadian labour movement is first outlined. The parties to the Labour collective agreement are then depicted: the Labour employer and the Labour union. Structural changes in the movement are discussed: it is suggested that a trend toward larger unions has been occurring, stimulating a process of bureaucratization. Features of the economic, legal, and social environment are investigated in terms of their implications for workload, organization of work, cost constraints, and the flexibility of union management in dealing with internal labour relations. The congruence of aspects of Labour employment with features of bureaucracy and contradictions inherent in such a control system are investigated. Past research into Labour employees' characteristics and working conditions is outlined.

The chapter concludes with a brief comparison with pressures in Industry employment and a consideration of what if any differences might be expected to emerge between Labour and Industry arbitrations.

i. The Structure of the Canadian Labour Movement

The Canadian labour movement is pyramidal and decentralized. Both traditional and emerging functions of unions are conducted at various levels. Power and authority, grounded in membership democracy and a system of values and beliefs, at least formally rise from the bottom rather than being imposed from above. These features are reflected in the scatter of functions throughout the structure.

At the 'top' or 'centre' are national and provincial federations such as the Canadian Labour Congress (CLC), the Canadian Federation of Labour (CFI.), and the Ontario Federation of Labour (OFL). Affiliated with them are various regional labour councils, unions, and directly chartered locals. Within a union are local organizations, which may be linked to one or more of a regional labour council, an international or a national union, the OFL, the CFL or CLC, and the AFL-CIO or other international federation.

The basis of power in the union and its locals is the membership, who elect local officials and some paid staff directly, and union officers either directly or through delegates; conventions of the parent union establish policy on matters of concern to the members. Both locals and the parent union may send delegates to councils and federations, which discuss and set policy on matters of common concern to the constituent bodies, issues often relating to government and business initiatives in labour matters and social reforms. A union's position on these matters may be submitted to its membership for approval: at least in theory the movement's position is responsive to the membership.

Traditional activities of contract negotiation and administration are carried out primarily at the local level, with voluntary or mandatory joint bargaining in some sectors such as education, the public service, construction, and the automotive industry. Organizing campaigns are generally conducted by a union

headquarters. Needs for organizing, grievance-handling, and technical expertise which cannot be met within a local or union may be supported by federation staff and funds; strike support, education, and political action programs may be coordinated by regional councils as well.¹¹ Federations also mediate and adjudicate inter-union disputes; in some circumstances they conduct or coordinate organizing efforts, especially for their directly chartered locals, or when a major organizing campaign is directed at a new sector.

Structural and functional complexity results in some duplication of services, especially in policy areas, and probably increases total Labour employment. The variety and complexity of operations, issues, and member interests exert pressure toward specialization of staff functions: technical personnel to research and advise on policy, organize, negotiate, lobby, and so forth.

ii. The Labour Employer in Ontario

This section describes and discusses general features of unions and numerical characteristics of unionized Labour employers in Ontario.

The democratic character of unions may place ultimate power in the hands of the membership who elect - directly or through delegates - the administrative arm, but the authority to set policy lies with elected officials and its implementation with paid management or supervisory staff. This describes more or less well the hierarchy of individual organizations. Account must be taken of the fact that "[t]he union leader is also limited by his subordinates [who are] in many cases ... simply a vehicle for pressures arising from the membership." (Bok & Dunlop 1972, 230) There is potential for the democratic nature of the employer union to restrict its control over internal labour relations.¹² The need for officers to submit to periodic electoral review, combined with the close contact of many subordinates with the membership, raises the possibility that personnel policies and practices and staff actions will be coloured by political considerations to the detriment of efficiency and fairness.

Labour bodies are also a workplace for hired staff and paid elected officials, within which they strive to achieve goals and objectives with respect to general values and norms, career ambitions, and an acceptable standard of living. Inherent in it as in any social organization is the potential for conflict within and between individuals and groups.

Herberg (1972, 233) describes a contradiction arising from unions' dual nature: "[T]he institutional cleavage is reflected not only in a cleavage between leaders and rank and file but in a cleavage within the bureaucratic personnel, and not infrequently in a sort of psychic cleavage in the leaders themselves, who may have to function simultaneously as bureaucratic administrators and leaders of quasi-insurgent mass movements." Bok and Dunlop (1972, 230) add: "Staff personnel may have views and priorities that conflict with those of the union leaders they serve. ... In theory, of course, the higher official may have formal authority to order his subordinates about. In practice, however, the situation is not so simple. The leader must normally obtain genuine cooperation and even enthusiasm from his subordinates, and this cannot often be achieved if the leader does not accommodate himself, to some extent at least, to the abilities and desires of those whom he commands."

Like churches, labour organizations are normative, propounding if not a fully coherent model for human interactions in society, at least a set of principles or standards of conduct for the workplace. Violation of

these standards could undermine their moral authority with members and staff, the employers with whom they negotiate, and society at large, not to mention their efficacy as administrators. This risk may exert pressure toward voluntary conformity in their staff relations to the model they espouse, somewhat offsetting any tendency toward authoritarian government by entrenched officials.

It would be surprising indeed if conflict did not arise between management and employees over labour relations as well as ideology and strategy, and if it did not exhibit forms unique to Labour. The degree of internal accord on issues of values, their priorities, and strategies for realizing them may be significant in both reflecting the extent and promoting a degree of Labour peace,

The Labour employers represented in this study are now described. As of June 1988, 2151 union employees in Ontario were under collective agreements. National and provincial federations, regional councils, associations, and centres employed 124; and union head offices, locals, and clubs and corporations 1927. Most (1494 - 69.5%) were employed by 23 of Canada's 30 largest unions (see Table 1) and only 433 by unions with fewer than 25,000 members.¹³ The typical unionized Labour employer in Ontario is thus a union with a large membership.

Bureaucracy evokes an image of numerous staff rather than clientele, but the scale and scope of service may be more significant in Labour organizations: the diversity of membership concerns, and the number and variety of environmental pressures and interfaces demand efficiency.

For example, in 1988, the 97,000 members of the Ontario Public Service Employees Union (OPSEU) were organized in a complex structure of 416 locals and 7 provincial regions. (Labour Organizations in Canada 1988, 107) Locals can opt to join OPSEU area councils and regional Labour Councils; OPSEU itself is affiliated with the CLC, the National Union of Provincial Government Employees (NUPGE), and the OFL. Members are employed in organizations as varied as the Ministry of Corrections, governmentally funded community colleges, and privately owned day care centres, and for collective bargaining were split into groups with related concerns or under the same legislation.¹⁴ Issues of concern in recent years have included pay equity legislation, the right of civil servants to participate in election campaigns, pensions, grievances arising from the 'leaking' of information about government policies and practices considered damaging to the public good, the need for more subsidized day care and housing, and privatization of parts of the health care system. To coordinate operations and maintain solidarity in such a complex institution demands a high degree of organization.

The structure of the employers with which a union negotiates is significant. Faced with large bureaucracies, a union may evolve comparable structures in order to deal with them on a more equal footing.¹⁵ The list of employer unions in Table 1 suggests that they represent workers in many sectors in Ontario, including the declining railway industry and the expanding public service, skilled trades and semi-professional occupations, production and service industries. Many employers in these sectors are corporations or government agencies with centralized bureaucracies; similar organization may be expected to emerge in the unions.

Table 1, Large Unions: National Membership (1971 to 1986)¹ and Employees under Collective Agreements in Ontario (1988)²

Employer Union	Membership ('000)			Barg. Emp'ees Units Covered	
	1971	1982	1986		
Canadian Union of Public Employees	138	275	304	12	368
National Union of Provincial Government Employees	95	230	254	3	116
Public Service Alliance of Canada	122	158	182	18	341
United Steelworkers of America	156	197	160	10	170
United Food & Commercial Workers	9	135	156	8	25
Canadian Auto Workers / UAW	111	122	140	26	110
International Brotherhood of Teamsters, Chauffeurs, Warehousemen, & Helpers	83	93	92	7	33
Service Employees International Union	35	65	70	3	38
International Brotherhood of Electrical Workers	55	71	69	5	12
United Brotherhood of Carpenters & Joiners of America	75	89	68	7	18
Canadian Paperworkers Union	52	66	57	1	32
International Woodworkers of America	48	63	48	1	2
Laborers' International Union of North America	39	55	46	5	23
Ontario Nurses Association	13	31	43	2	82
Canadian Brotherhood of Railway, Transport & General Workers	33	39	40	1	25
Communications, Electronic, Electrical, Technical and Salaried Workers of Canada	16	39	40	1	4
United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada	32	38	40	5	12
Ontario Secondary School Teachers' Federation	33	36	36	2	37
International Union of Operating Engineers	25	35	36	3	29
Energy and Chemical Workers Union	16	32	35	2	10
Hotel Employees and Restaurant Employees International Union	20	31	32	1	3
American Federation of Musicians	23	33	30	1	2
Amalgamated Clothing and Textile Workers Union	32	30	30	1	2
TOTALS					125 1494

¹ Source: Current Scene 1987, 370-372. Data for 1971 are from 1970 for ONA and 1977 for OSSTF.

² Compiled from the listing by Standard Industrial Classifications, Ontario Ministry of Labour Research Branch, June 1988. Included under the union name are employees of locals, regional councils, building corporations, fraternal societies, social clubs, etc.

iii. The Labour Union in Ontario

Labour unions share many features with their employer-unions, but for the present study it is their role in representing Labour employees which is central. Numerical characteristics are given in this section.

Labour employers are identified by the 1960 Standard Industrial Classification code 891: Labour Organizations and Trade Associations, comprising federations, unions, union-owned corporations, labour centres, regional labour councils, etc.

Table 2 shows the number of Labour employees covered by collective agreements and the average size of bargaining unit for 1980 to 1988. Comparison data are shown for the total workforce. Labour is about 0.14% of the total for 1980 to 1986,¹⁶ and 0.16% in 1988. Over these years the average membership for all bargaining units in the province declined from 171 to 148; for Labour it remained fairly stable until 1986 (9.2) then increased to 11.0 in 1988.

In 1988, these Labour employees were represented by 14 unions affiliated with one of the federations and a number of 'independent local unions' representing almost half the total membership.¹⁷ Table 3 indicates the size of these Labour bargaining agents. The distribution of bargaining units is skewed, with large numbers of small units. The median size was 4 members; the largest had only 148 - about equal to the average unit for the province as a whole; they are substantially smaller than Industry bargaining units.

The Office and Professional Employees Union (OPEIU) is most heavily involved in the Labour sector with 900 members in 125 bargaining units. Most units are small: only 12 have 20 or more members; most comprise office/clerical staff. The 34 independent local unions are larger: 15 have 20 or more members, and 2 have over 100. The average size is 30, compared to 7.2 for OPEIU; by far the majority represent workers in large public or parapublic sector unions.¹⁸ Of the remaining 36 units, only six have more than 10 members.

Many bargaining units appear to be small local or regional offices, possibly isolated from other employees of the employer union. Wilensky (1965, 222) suggests that "[t]he bureaucratization process goes forward most clearly" not locally but at the national headquarters. However, it is unlikely that headquarters would leave the establishment of personnel policies to the local or regional office; the pattern more likely has implications for the quality of daily work relations and for the ease of organizing, representing, and communicating with the Labour employees.

Table 2, Employees Covered by Collective Agreements (C.A.) and Size of Bargaining Units (B.U.) in Ontario for the Total Workforce and for Labour Alone, 1980 to 1988¹

As of Dec.	Total Workforce			Labour Workforce			
	Total C.A.	Employees Covered ('000)	Mean Size B.U.	Total C.A.	Employees Covered	Mean Size B.U.	As % Total Employees Covered
1980	7,843	1,342	171	194	1,894	9.8	.14
1981	8,189	1,356	166	205	1,937	9.4	.14
1982	8,447	1,352	160	211	1,947	9.2	.14
1983	8,535	1,353	159	211	1,942	9.2	.14
1984	8,630	1,350	156	203	1,886	9.3	.14
1985	8,846	1,365	154	203	1,836	9.0	.13
1986	9,430	1,388	147	209	1,927	9.2	.14
1987	not available						
1988 ²	9,289	1,379	148	196	2,160	11.0	.16

Source: Ontario Ministry of Labour. Research Branch. Unpublished statistics.

¹ Figures for 1988 are as of September. The total of 2160 here differs from 2151 elsewhere due to use of the June listings to calculate membership in individual unions.

Table 3, Number of Bargaining Units (B.U.) and Members in Unions of Labour Employees, June 1988

Bargaining Agent	No. of B.U.	No. of Members	Mean Size of B.U.
Office and Professional Employees International Union * ¹	125	900	7.2
Hotel Employees and Restaurant Employees International Union	7	53	7.6
Retail, Wholesale and Department Store Union	8	47	5.9
United Steelworkers of America	2	36	18
Canadian Auto Workers / UAW *	5	24	4.8
Canadian Union of Public Employees	3	20	6.7
United Food & Commercial Workers International Union *	4	15	3.75
Canadian Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers	1	12	12.0
International Brotherhood of Teamsters, Chauffeurs, Warehousemen, & Helpers	1	6	6
Energy and Chemical Workers Union *	1	5	5
International Brotherhood of Electrical Workers	1	4	4
Sheet Metal Workers' International Association *	1	3	3
International Association of Machinists and Aerospace Workers	1	2	2
Service Employees International Union	1	2	2
Independent Local Unions	34	1022	30.1
TOTAL	195	2151	11.0

¹ An asterisk indicates that employees of a union or one of its locals, councils, or auxiliary facilities are represented by a local of the employer-union.

Even if all employees are in one bargaining unit, they may be dispersed over regional offices across the province. These employee groups face employers whose character is at one level monolithic, and at another is that of small, informal, local management. There is a superficial resemblance to the situation in, for example, the Canadian banking system as described by Lennon (1980), in which organizing and bargaining efforts have been notoriously unsuccessful.

The smallness of the bargaining units could restrict the power of the Labour union to negotiate acceptable settlements, increasing employee dissatisfaction. However, this does not mean that these small units have no power. Factors affecting the balance of power between the Labour union and its employer union may be even more complex than those in Industry. Questions of shared values and the opportunity to realize personal values and goals may be pertinent; these and other matters relating to individuals in the Labour workforce are discussed later.

iv. Inside the Labour Movement Growth, Restructuring, and Competition

The Labour employer and the Labour union interact in the context of a Labour movement which may be a source of both support and tension.

Over the years a variety of factors have led to or reflected growth and restructuring in the Canadian labour movement. Not the least was an increase in overall employment. From 1961 to 1986, national levels climbed steadily except during the recession of the early 1980's. The increase was about 34% from 1961 to 1971, 17% and 16% in each of the next five-year periods, and 6% from 1981 to 1986 (Current Scene 1987, 161). Ontario's employment, 37.5% to 39.2% of national totals from 1961 to 1986, expanded at close to the national rate (Current Scene 1987, 169). This growth challenged union organizing efforts; economic factors, discussed later, compounded the problem.

A second factor was the growing predominance of large unions. Table 4 shows that the percentage of total union membership belonging to unions of 30,000 or more rose from 34.8% in 1961 to 64.7% in 1985, and the number of unions of this size from 11 to 30. Some growth was due to union mergers by amalgamation or absorption, for reasons discussed by Chaison (1982, 160). Since the number and total membership of smaller unions were also increasing, the trend toward larger unions was not simply a result of merger activity.

Normal membership expansion in unionized sectors and organization of new sectors account for some of the trend. A major new group was the federal civil service, brought into the mainstream labour movement subsequent to the enactment in 1967 of the Public Service Staff Relations Act. It experienced rapid growth, quickly paralleled in parapublic and provincial and municipal government sectors (Craig 1986, 255). Most of these workers joined large national or provincial unions. By 1971, three government employee unions and two Ontario teachers' federations had reached 30,000 (Current Scene 1987, 371-372); by 1986 the three largest unions were in the public sector (see Table 1).

A third factor in the 1970s and 1980s leading to restructuring was a demand for autonomy for Canadian branches of international unions. If autonomy was not granted within an international, secession and formation of or affiliation with a Canadian national union often ensued. Craig (1986, 103-105) cites several instances, beginning with the Canadian branch of the Communications Workers of America in

1971. More recently, the Canadian branch of the United Automobile Workers seceded in 1985 to form the Canadian Automobile Workers.

Statistics for international and national unions are in Table 5. The number of internationals decreased from a peak of 111 in the mid-60's to 68 in 1985; nationals increased from 50 to 190. This was reflected in a decline in total membership in some years for internationals while nationals experienced no such loss, although their rate of growth varied. The ratio of national to international membership portrays the shift: from 0.31 in 1961 it rose steadily to 1.45 in 1985. Internationals had grown by only 39%, nationals by almost 550%. Growth of nationals is not independent of other forces. Government employees swelled their membership dramatically; to the extent that the internationals' membership base was in declining sectors, some of the shift must be attributed to economic factors. Whatever the reasons, the trend appears strong and enduring.

A fourth factor was inter-union competition for new and established membership. The largely frustrated efforts to organize bank workers, for which the CLC established the Bank Workers' Organizing Committee (BWOC) in 1977, were partly intended to augment union density and extend the benefits of membership to the unorganized. More significantly, "[t]he BWOC was the scheme devised by the CLC to submerge jurisdictional difficulties in a united front to take on the banking industry, avoiding the friction that would inevitably result if the Congress were forced to allot banking jurisdiction to one among a number of competing unions." (Lennon 1980, 202)

Jurisdictional disputes and 'raiding' are forms of competition which can affect the structure of the labour movement. In jurisdictional disputes the applicant succeeded in only 20.1% of 204 cases disposed of by the Ontario Labour Relations Board from 1971 to 1985.¹⁹ Many were settled without a hearing; their outcomes are unknown. As recently as 1987, the CLC underwent a major crisis over the Canadian Auto Workers' (CAW) so-called raiding of a United Food and Commercial Workers (UFCW) local, which the CAW and the UFCW local justified in terms of autonomy for Atlantic fishermen from an international union characterized as undemocratic by CAW president Robert White. Notwithstanding elements of nationalism and concern for internal democracy, this particular battle can be seen as rivalry; a newspaper headline signalled its significance: "Union fight may crack CLC foundation."²⁰

Action by workers or competing unions may lead to loss of or failure to gain membership and revenues. Overall, from 1971 to 1985, 67.8% of applications for certification were granted. When a vote was conducted, the success rate was lower (54.2% of cases disposed of); 12.0% of votes were contested by one or more unions. Termination of bargaining rights was successfully sought in 53.5% of cases, resulting in lost membership and revenue.²¹ The breadth and efficiency of service, and attitudes towards the values and practices of unions in general or in particular influence the outcomes of such actions.

Table 4, Change in Distribution of Membership between Smaller and Larger Unions for All (International and National) Unions, 1961 to 1985¹

Year	No. of Unions	Number of Unions with Membership			Total Members	Total Membership ('000) of Unions in Range			% Total Membership in Unions in Range		
		up to 9,999	10,000-29,999	= or > 30,000		up to 9,999	10,000-29,999	= or > 30,000	up to 9,999	10,000-29,999	= or > 30,000
1961	566	116	31	11	1,447	361	500	503	24.9	34.5	34.8
1962	528	117	30	12	1,423	350	477	533	24.6	33.5	37.4
1963	521	117	33	11	1,449	344	519	520	23.7	35.8	35.9
1964	511	119	34	10	1,493	353	540	534	23.7	36.1	35.8
1965	516	116	36	10	1,589	347	597	571	21.8	37.6	35.9
1966	510	116	39	11	1,736	338	660	666	19.5	38.0	38.4
1967	498	113	40	12	1,921	348	699	802	18.1	36.4	41.7
1968	478	111	37	14	2,010	340	646	950	16.9	32.1	47.3
1969	480	107	35	18	2,075	330	581	1,085	15.9	28.0	52.3
1970	434	109	38	19	2,173	330	627	1,115	15.2	28.8	53.2
1971	430	106	38	20	2,211	316	616	1,210	14.3	27.9	54.7
1972	437	107	40	20	2,371	324	670	1,310	13.7	28.3	55.2
1973	480	118	44	21	2,517	345	734	1,439	13.7	29.2	57.1
1974	570	118	43	22	2,726	360	739	1,539	13.2	27.1	56.4
1975	571	120	49	23	2,875	364	819	1,620	12.7	28.5	56.3
1976	579	125	47	24	3,042	405	825	1,703	13.3	27.1	56.0
1977	592	12	45	25	3,149	390	756	1,891	12.4	24.0	60.1
1978	630	137	44	28	3,278	438	723	2,031	13.4	22.0	61.9
1979	not available										
1980	734	139	44	25	3,397	439	756	2,078	12.9	22.3	61.2
1981	707	149	39	28	3,487	468	680	2,224	13.4	19.5	63.8
1982	836	155	39	28	3,617 ²	486	691	2,259	13.4	19.1	62.4
1983	826	154	37	29	3,565	480	648	2,243	13.5	18.2	62.9
1984	799	153	40	29	3,651	442	700	2,327	12.1	19.2	63.7
1985	762	185	43	30	3,666	465	703	2,373	12.7	19.2	64.7

¹ Canada. Ministry of Labour. **Directory of Labour Organizations in Canada**, 1961-1985 series. Based on the tables, "International and National Unions by Size".

Figures for some years include construction workers who are members of organizations chartered by the National Building Trades Department of the CLC. These are excluded from the figures for membership in national unions by size of union for 1984 (42,000) and 1983 (46,000 and in international unions for 1982 (40,149). (Source: Footnote to Table cited in note 1.)

Table 5, Trends in International and National Unions, 1961 to 1985¹

Year	Number of unions			Union Membership ('000)			Nat'l /Intl Ratio	% Increase	
	Int'l	Nat'l	Total	Int'l	Nat'l	Total		Intl	Nat'l
1961	108	50	566	1,040	323	1,447	0.31		
1962	108	51	528	1,025	335	1,423	0.33	0.99	1.04
1963	110	51	521	1,032	351	1,449	0.34	1.01	1.05
1964	111	52	511	1,062	366	1,493	0.34	1.03	1.04
1965	110	52	516	1,125	390	1,589	0.35	1.06	1.07
1966	111	55	510	1,219	445	1,736	0.37	1.08	1.14
1967	110	55	498	1,273	576	1,921	0.45	1.04	1.29
1968	108	54	478	1,345	590	2,010	0.44	1.06	1.03
1969	101	59	480	1,346	650	2,075	0.48	1.00	1.10
1970	102	64	434	1,359	752	2,173	0.55	1.01	1.16
1971	99	65	430	1,371	771	2,211	0.56	1.01	1.02
1972	99	68	437	1,412	893	2,371	0.63	1.03	1.15
1973	96	93	480	1,443	1,099	2,610	0.76	1.02	1.23
1974	92	91	570	1,450	1,188	2,726	0.90	1.00	1.08
1975	94	98	571	1,479	1,324	2,875	0.90	1.02	1.11
1976	90	106	579	1,508	1,425	3,042	0.94	1.02	1.08
1977	89	103	592	1,545	1,492	3,149	0.97	1.02	1.05
1978	88	121	630	1,553	1,638	3,278	1.05	1.01	1.10
1979	not available								
1980	80	128	734	1,571	1,703	3,397	1.08	1.01	1.04
1981	77	139	707	1,558	1,813	3,487	1.16	0.99	1.06
1982	76	146	836	1,560	1,876	3,617 ²	1.20	1.00	1.03
1983	74	146	826	1,470	1,900	3,563	1.29	0.94	1.01
1984	71	151	799	1,462	2,008	3,651	1.37	0.99	1.06
1985	68	190	762	1,445	2,095	3,666	1.45	0.99	1.04

¹ Source: Canada. Ministry of Labour. Directory of Labour Organizations in Canada. 1961-1985 series. The breakdown of number of unions and membership is from the tables, "International and National Unions by Size". Totals are from the tables, "Union Membership by Type of Union and Affiliation", and include directly chartered unions and independent local organizations.

² Figures for some years include construction workers who are members of organizations chartered by the National Building Trades Department of the C.L.C. These are excluded from the figures for membership in national unions for 1984 (42,000) and 1983 (46,000) and in international unions for 1982 (40,149). (Source: Footnote to first Table cited in note 1.)

If competition is for control of the workforce as well as loyalty, membership, and dues, then unions compete with employers as well as each other. Practices exemplified by 'quality-of-working-life' programs may be construed as employer competition for employee loyalty. An employer may also threaten a union's position more directly - by contracting out bargaining unit work, failure to negotiate a first agreement²² or sale or merger of the business. Of the applications for declaration of successor or common employer status heard by the Ontario Labour Relations Board between 1971 and 1985, only 56.9% successfully protected bargaining rights.²³ Union failure results in decline in overall density, and may discourage employee organizing.

The general consequences for Labour employment relations of growth and reorganization are related to ideology, organizational survival, financial constraints, workload, efficiency and organization of work, managerial flexibility, and the like. Difficulties, in an organization or in the movement as a whole, in any of these areas are likely to affect workplace interactions.

Restructuring creates uncertainty which can destabilize relations; it also entails activities and costs with no guarantee of compensating revenue. In particular, expanding employment means more recruitment and record-keeping in established groups, and organizing in new or expanding sectors of the economy. Where there is competition, at least one union loses its investment. While some implicitly competitive activity is normal and budgeted for, another portion represents an unplanned financial drain. It generates unexpected work, but the organization may be financially unable to hire additional staff. Managerial flexibility may be so restricted that current staff are required to take on extra work in contravention of a collective agreement. Resentment over this can scarcely alleviate tension in an already demanding workplace.

These tensions are exacerbated when ideological issues are involved. Nationalization conflicts with belief in an international union movement, as does competition with the value of solidarity. A focus on either nationalism or rivalry, to the neglect of broader values, is apt to produce factionalism and the potential for favouritism in employment practices in the interest of augmenting support for one or another group. Grievances and charges of insubordination are likely to occur. Moreover, energy and resources are diverted from everyday affairs to muster support for and implement a course of action. If member services were neglected, the union's status as bargaining agent and ultimately its survival would be at risk, and hence the livelihood of the Labour staff - including management. Even with complete accord, the extra work of restructuring increases the workload, and emotional stress is probable.

On the other hand, if American values or policies governed a Canadian branch, tensions might develop between a union and its staff to the extent that head office personnel directives diverged from established Canadian practices negotiated for Industry employees; increased consistency with Canadian labour practices following nationalization might then ameliorate employment relations. Although it is unclear "whether or not Canadian workers pay more money into international unions than they receive in benefits," (Craig 1986, 102) retention of the portion of dues formerly sent abroad is another possible benefit.

Serious threat to the movement from employer practices could generate solidarity and reorganization for efficiency. Again, however, staff are needed to analyze such practices, evaluate their probable impact on the union or the labour movement, and plan strategies.

Unions are in a difficult position. The price of services is set internally but cannot be arbitrarily increased, usually requiring membership approval. The right to provide services is open to challenge by members or competitors, and the quality of service may be scrutinized in fair representation complaints. To organize and operate successfully a union must offer appropriate services at a competitive price, advertise effectively, and - for some workers, at least - convey an acceptable reputation and promote desired values and practices.

Federations are not better off, relying heavily on the financial viability of their affiliates and carrying the burden of dispute resolution.

Potentially more grave than financial costs is dissension within the movement due to jurisdictional wrangling. Formation of the BWOC by the CLC was a sensible strategy from this perspective. The CAW-UFCW episode exemplifies the dangers of rivalry for the labour movement. The tension created within the CLC threatened not just the unions involved but the internal relations of the CLC as affiliates argued interpretations, issues, and penalties. For a federation, possible consequences of failure to settle and regulate such disputes include loss of affiliates and revenues, a constriction of ability to provide the support expected of it, and the loss of credibility as a forum for discussion and resolution of conflicts.

Finally, increased workload during periods of change demands efficient work organization. Beyond the need for a larger staff is the imperative of knowledge to deal with issues evolving from nationalist sentiments, employment shifts, or employer strategies. Managerial flexibility becomes crucial, but costs and collective agreements constrain it and may elicit maladaptive strategies in hirings, layoffs, and assignments.

v. The External Environment: Economic, Legal, and Social Factors

In terms of effects on labour relations, there is no clear boundary between the external and internal environment of the Labour movement. External forces stimulate internal adjustments scarcely distinguishable from those in response to primarily internal forces. This section looks briefly at economic, legal, and social environmental factors,²⁴ their impact on the internal structure and workings of the labour movement, and resultant strains on Labour relations.

Cyclical recession and expansion affect Labour as well as Industry unions and employers. As employers, unions appear to be a step removed from the impact of the business cycle, but not buffered from it. In recession, Industry layoffs reduce revenue from dues, and increase costs to the extent that layoff grievances are carried to arbitration.²⁵ Expansion increases recruitment and record-keeping activities, and could generate costly grievances over hiring, recall and promotion.²⁶ Cost recovery through dues, if it occurs, lags behind rising expenditures.

In both phases the workload renders layoffs an impractical means to control costs, while costs make hiring new staff an unrealistic means to reduce the burden on current staff. Employer unions might attempt cost-cutting strategies bordering on a violation of the collective agreement, aggravating tensions and increasing Labour grievances, which would neither improve the financial situation nor reduce job insecurity and work stress.

Recent economic restructuring has compounded the problem, as jobs declined in traditionally unionized sectors and increased in those considered difficult or inefficient to organize. "Over the past twenty years there has been a sharp shift in employment from the goods to the service industries. The employment share in services climbed from 54.3 percent in 1961 to 66.2 percent in 1981; in contrast, the employment share of the goods industries fell steadily over the same period from 45.7 percent to 33.7 percent." (Current Scene 1982, 76) By 1986, the share in services had reached 67.4%. Part-time employment, 7.9% of the total in 1961, accounted for 15.6% by 1986. The percentage of the labour force accounted for by women rose from 26.6% in 1961 to 43% in 1986. Current Scene 1982, 72-79; figures for 1986 are from Current Scene 1987, 109) These trends represent another set of pressures, threatening not only union density, but financial viability, since there is no guarantee that recruitment costs will be recouped by new dues revenue from successful campaigns. Rivalry tends to increase as unions in decline and expanding clerical and white collar organizations attempt to carve out new jurisdictions.²⁷

Finally, government economic initiatives require response from Labour employers, both unions and federations. The recent negotiation of freer trade relations with the United States demanded vast attention and energy for the analysis of implications for unions, their members, and the future of the labour movement. While action of this scope is rare, intervention in the form of wage controls, taxation reform, and work-incentive programs commonly subject unions and their staff to pressure which translates into strategic activity and increased workload.

Acting as a buffer between Industry employees and their employers is likely to create chronic overload on the Labour staff, and higher stress, all the more so if 'dedication' intensifies their efforts. It seems likely that unions as employers operate closer to financial crisis in recession than do Industry employers, and under a cloud even in a sunny economic climate. Both factors can create major uncertainty because of crisis management techniques and the difficulty of meeting Labour employees' demands for income security.

The public, policy, and law constitute another set of influences. The public may perceive unions as beneficial or detrimental to material interests such as the supply of goods and services, or to the promotion of social goods such as democracy or an improved welfare system. Attitudes toward unions may be transformed into governmental policy on control of union activities, and then into legislation; the 1971 enactment of the duty of fair representation²⁸ exemplifies a legislative response to a perception that unions neglected members' interests or abused their rights.

Even a cursory search of the 1980 Statutes of Ontario reveals over 35 pieces of legislation of some relevance to labour. Their scope varies from regulation of sections of the workforce (Labour Relations Act, c. 228; Crown Employees Collective Bargaining Act, c. 108; Public Service Act, c. 418) to enactment of specific conditions of employment (Wages Act, c. 526; Employment Standards Act, c. 137; Occupational Health and Safety Act, c. 321; Human Rights Code, c. 318), and judicial review of labour boards and tribunals (Judicature Act, c. 223).

Some statutes regulate union interaction with members or their employers; others create employee rights which a union endeavours to enforce and expand. As an employer itself, a union is subject to still further legislation pertaining to its relationship with its employees. The latter group of acts applies directly to

internal relations. Others have an indirect effect, requiring qualified personnel to keep abreast of new and revised legislation, as well as jurisprudential developments.

Although not every statute affects every union, the amount of information to be reviewed is overwhelming. There is pressure to increase staff and to specialize the legal function among them.

The focus of operations in the labour movement is service to the members; the level and range of services respond to changes in the social environment. New technology and its uses, increasing numbers of single-parent and dual-earner families, demands for pay and employment equity, growing concern with health and safety and the environment, pension reform, and increasing awareness of rights are issues to be addressed; to do so effectively requires an educated membership. Increasing professional staff - researchers, public relations experts, lobbyists, educators - with expertise in these areas complement traditional organizing, negotiating, and grievance handling functions.

These functions are met in some unions by specialized staff; in others by adding them to the tasks of current personnel; in still others by the services of labour councils or federations. (In the latter case, part of the cost of staff, space, and materials is recovered from members, locals, or unions who use the service.) Traditional organizing, negotiating, and grievance-handling functions also tend to become specialized. As changing employment patterns lead unions to expand their constitutional jurisdictions, specialization and professionalism develop, as well as competition, to meet the needs of new membership.

To sustain democracy, constant communication with members on issues of concern to them is essential. Relevant technology is increasingly complex and rapid, facilitating contact with the members but also generating new expectations and requiring staff able to handle the pace of change and the rapid flow of information in order to utilize it efficiently and effectively. Specialization, costs and pressures increase further.

The flow of information may seem excessive, but this appearance dissipates when information is recognized as essential for democratic functioning and as a form of advertisement of the utility, cost, effectiveness, and availability of services. Once these are allowed for, cost efficiency, political partisanship, and unresponsiveness emerge as significant complaints which may affect and be affected by staff-management relations.

Growth in the professional complement is thus in direct and indirect reaction to external developments. In close contact with the members, the organizers, business agents, and education officers mediate between them and elected officials with respect to criticisms of content, form, density or cost of information, as well as services. If their views differ from those of the membership or the leadership, or if their influence on policy and practice is low, they may experience frustration in conveying demands, complaints, policy, and information. The effort to transmit information fairly without jeopardizing job interests of staff or members is stressful. The effect on performance may make these staff the focus of management and member criticism, justified or not. Other technical staff may be in closer touch with political policies of the union leadership. When traditional staff groups and technical experts are in the same bargaining unit, tensions may reduce cohesion within the Labour union and affect its ability to deal with the Labour employer.

vi. Bureaucracy and the Labour Movement

"The environment presses in upon the union from many directions: through the policies of employers; the market pressures affecting the firm, the industry, and the entire economy; the attitudes of the public; and the provisions of the law." (Bok & Dunlop 1972, 230) These have been discussed, as well as growth and decline, expanding member concerns and operations, and other pressures to increase and specialize staff. These factors, including financial constraints, exert pressure toward bureaucratization in the interest of efficiency.

A common image of bureaucracy emphasizes the interface between an organization and individuals external to it: numerous unresponsive staff and multiple layers of control impenetrable to the outsider.²⁹ Weber's analysis of bureaucracy, however, emphasizes internal relations: authority (its types, exercise, formal organization), kinds and levels of knowledge, efficiency and so forth. "It is superior to any other form in precision, in stability, in the stringency of its discipline, and in its reliability. ... The primary source of [its] ... superiority lies in the role of technical knowledge." (1987, 14)

Another feature of the popular image is of profit-seeking businesses or impersonal government agencies. But bureaucracy is "in principle applicable with equal facility to a wide variety of different fields [including] enterprises serving ideal or material ends." (Weber 1987, 12) In any case, it has been said of the American union movement that "Gomper's formula for administering the AFL was remarkably businesslike." (Estey 1967, 21)

The need for efficiency and expertise renders unions vulnerable to bureaucratic tendencies; and their non-profit orientation does not guarantee immunity. Herberg (1972, 235) expresses this, adding power politics to the equation:

[An] aspect of the process [of the concentration of power in the hands of the top leadership] is a sweeping trend toward complete bureaucratic administration - i.e., administration by a distinct group of professional functionaries specially selected and at least partly trained for that purpose, as opposed to the primitive self-administration or rank-and-file administration of earlier days. Bureaucratic administration becomes imperative at a certain stage of development of the organization if there is to be any sort of sustained, efficient, and systematic administration at all. The process is greatly stimulated and extended, however, by the compulsions of power politics, for a bureaucratized administrative machinery is certainly of immense assistance in the effort to retain power, which must be a major concern of every union leadership.

"[The] complete professionalization of union management has not yet taken place." (Estey 1967, 52) However, it is seen as a continuing and irreversible trend, with broad implications for operations in the labour movement closely related to bureaucratization.

Edwards (1979) discusses bureaucratic control in core U.S. production firms. Both the explicit power hierarchy and mechanisms expected to reduce the corporation's need to exert overt control on a daily basis, he argues, have inherent contradictions which will emerge in the long term. Some are likely to be especially problematic in a Labour setting: not only will the long-term outcomes oppose the short-term desirable effects, but there may be direct conflict with trade union principles.

The overt power structure of bureaucracy is hierarchical. Whether it exists in Ontario Labour employers is beyond the scope of this paper, but Herberg (1972, 234) says that history "indicate[s] a steady tendency for effective power to concentrate at the top."³⁰ As, increasingly, staff are hired rather than elected, this may support democratic control by ensuring that effective power rests with elected rather than hired personnel. Moreover, the size, heterogeneity, and dispersal of the membership and increasing division of labour within the union may require central coordination. Unfortunately, the utility of bureaucracy does not guarantee wise use of power in internal labour matters.

Edwards points to contradictions in corporate efforts to justify hierarchical power structures on the grounds that corporations are as beneficial to society as other similarly structured 'social institutions' such as churches and schools. But the very success of this argument brings corporations into the public sphere, calling forth public regulation as well as the desired protection. This in turn justifies employees' efforts to seek rectification of their employment problems in equally public fora, which ultimately reduces employer control of the workforce.

Unions and labour relations are also subject to increasing public control, and to some extent have accepted the protection which institutionalization affords them. This tends to vitiate the power of unions both as representatives of their members in the traditional activity of negotiation with employers and as employers themselves, although their political lobbying functions may be enhanced. If traditionally committed staff are unreconciled with these changes, continuing to view the labour movement as the focus of self-help and a struggle for genuine autonomy for workers, then acceptance of the public umbrella by union management could become a point of serious contention over organizational goals and strategies.

There is a further risk that a union as employer might seek political support of this role, against the interests of their employees and ultimately the members they and their staff endeavour to protect. The prospect of such a development would scarcely improve internal employment relations, being not only a violation of principle but a threat to the employees' interests. Further, employee resort to public action of any kind could be interpreted as an attack upon not just the employer but the internal cohesion of the labour movement.

Four features of bureaucratic work organization are of note: rule-orientedness, the role of technical expertise as the underpinning of authority, emphasis on high average performance rather than the exceptional, and narrowly defined job categories.

Edwards discusses one contradiction of bureaucracy: its long-term tendency to encourage demands for "more say in establishing the rules by which the enterprise is run," (1979, 153) contrary to management's desire for greater (if less overt) control. This outcome might appear consistent with the goals of unionism, yet be unacceptable to the union as employer if centralized control seems more efficient. The potential is manifest for conflict with staff who have internalized an ideal of workplace democracy and also are knowledgeable about union operations and expert in their areas. It is a risk if "bureaucratic administration means fundamentally the exercise of control on the basis of knowledge;" (Weber 1987, 15) if these staff perceive their expertise as justifying greater input into decision-making; and if democracy has to be fought for in a workplace where its natural evolution might be expected as a matter of principle. In particular, there may be conflict over the demarcation between matters properly in the

realm of Labour employee democracy and those more appropriately retained in the domain of membership control.

A managerial expectation of 'rule-orientedness' would scarcely be met with equanimity by trained professionals, although it might be tolerated by support staff. Moreover, while promising increased managerial control, it could be counter-productive in areas of service demanding staff judgement and flexibility. Similarly, bureaucratic lack of interest in 'exceptional' performance may not only be directly antithetical to the needs of what may be seen as a crisis-driven institution but also undermine the 'single-minded dedication' of both the union and its staff to the ideals of the movement and the interests of the members. The conflict between needs for rules and for flexibility, between dedication and undervaluing of exceptional effort, might be recognized by both management and staff, yet be difficult to resolve coherently, and thus be a source of stress.

Diversification and specialization of jobs in response to external pressures and the increasing diversity of interests among the membership parallels the narrow categorization of jobs in bureaucratic firms. In corporations, this operates to divide the workers, as does the bureaucratic incentive system.

As a system which is "totalitarian in the sense of involving the total behavior of the worker," (Edwards 1979, 148) bureaucracy's "most sophisticated level of control grows out of incentives for workers to identify themselves with the enterprise, to be loyal, committed, and thus self-directed or self-controlled. Such behavior involves what may be called the 'internalization of the enterprise's goals and values.'" (p 150)³¹ Incentives or "bribes ... push workers to pursue their self-interests in a narrow way as individuals, and they stifle the impulse to struggle collectively for those same self-interests." (p 145) Incentives include the possibility of promotion and job security.

Rule-governed security and mobility are common negotiating goals, compatible with unionism unless the specification and application of rules is in management hands, as in bureaucracy. Ironically, as Wilensky (1965) and Callus (1986) found, security and mobility are largely unavailable to certain Labour staff groups, notably executive officers and "political" employees such as organizers who have little alternative except return to the shop floor. Both have high visibility with the membership; competition for member loyalty as a means of maintaining their positions could bring about disputes over policy and strategy, political strain in the working relationship, and charges of insubordination. "A man who has built a union and run its affairs for many years tends to identify the institution with himself. ... The leader who views himself as the sine qua non of his union's very life can, in the name of organizational integrity, easily close all channels of internal dialogue." (Tyler 1967, 240) This outcome appears to result from mixing democratic input into the power of one operational group with a bureaucratic hierarchy and incentive system controlling another.

According to Edwards, corporate bureaucracy uses the incentive system to build commitment to the employer - assuredly desirable in a union - but its effects are mixed. Job security in particular has contradictory effects, he claims, tending to reduce managerial flexibility and convert labour costs from variable to fixed. If finances are a concern, the internal implementation of this externally espoused goal would result in even more severe strains in Labour: employees could hardly be asked not to seek terms being negotiated for the members (or granted as anti-union tactics), yet demands for them might be seen as excessive and disloyal, while their absence would tend to reduce loyalty.

The most serious contradiction of the bureaucratic incentive system - and specialization may well be their anti-union effect. In a union, a tendency to forestall collective action would constitute a contradiction dissimilar from those in other work settings, being a violation of the most fundamental premise of unions and undercutting the very basis for their existence. Shair (1970) discusses instances of unions resisting the organizing efforts of their employees; and employees of at least one union in Ontario evinced instability in their Labour unions, due in part to dissension within the ranks. While such difficulties may be in part due to employees' ambivalence, they may also be evidence of the divisive potential of bureaucratic control operating within the labour movement against collective action.³²

Bureaucratization can be expected to generate contradictions apt to increase tension in Labour employment relations, but countervailing factors may mitigate the force of this analysis. Increasing size may lead to decentralization instead; and not all Labour employers are large enough for size to be a major force (although diversity and other factors may still operate). Magenau et al. (1988, 373) suggest another: "The fairly consistent relationship of union-management relations to dual commitment ... supports an explanation of dual commitment based on cognitive consistency." Where corporate bureaucracy emphasizes the consistency of self-interest with continued employment, union bureaucracy can call on broader values informing the movement and shared by the Labour employer, union, and employee, and on recognition of the need for efficiency in support of those values, to encourage efforts to counteract the insidious effects of bureaucracy.

However, Herberg (1972, 237) does "not believe that the problem [of the bureaucratic potential] can ever be fully solved." If bureaucracy is emerging among Ontario Labour employers we can expect contradictions to be evident in conflict differing both in nature and in the manner of its resolution between Labour and Industry employment, although the nature of the differences is difficult to specify in advance.

vii. The Labour Employee

Policy issues aside, most arbitrations arise from employee grievances. This section surveys research into the nature of the Labour workforce and its relationship to bureaucracy.

Discussing characteristics of union employment derived from interviews with union staff, Wilensky (1965, 233) concludes: "[W]hether we consider objective patterns of organization, recruitment, and reward (tenure, promotion and salary practices), or the subjective orientations and career expectations of the staff experts, or the characteristics of those who are selected for high influence, the picture is one of slowly growing, but as yet embryonic bureaucracy." Considering the problems of bureaucracy, it is ironic that deviation from its standard forms is also problematic, including, according to Wilensky, insecurity of tenure after a turnover in elected officials, absence of "incremental salaries and regularized promotion procedures ... [and] staff-expert hierarchies in unions using many experts [which] are flat - with little possibility for the assistants to move into the departmental directorship, and nowhere else for the department director to go." (p 232) Despite such inadequacies with respect to opportunities, a recent study by Clark (1989) of union officers' perceptions of the quality of union-management relations finds them generally fair to positive.

Callus' (1986) study in New South Wales touches on similar issues. After reviewing literature on the trends toward increased full-time staff and bureaucratization, he reports on the background, values and

ambitions of full-time officials, and the labour market for such staff.³³ He found a dual labour market, with traditional officials (e.g., executive officers and organizers) being drawn from within the union - sometimes by election - while salaried experts are more readily hired from other labour organizations or even outside the labour movement. The two groups also differed in job requirements and career prospects. The former required more experience with the unique concerns of the organization and had less formal training; mobility was restricted by the elective process and opportunities for employment in other unions were fewer. For hired experts, intra-organizational mobility into elected positions was limited by lack of contact with the members, but access to work outside the current employer was greater.

In terms of power and influence, while "organizers are frequently as powerless in their union organization as they were as employees on the job," executive officers "have both formal and informal power and influence." (Callus 1986, 417) Salaried experts may "influence those with real power ... [but] have little formal input into decision making and as such cannot initiate policy in the same manner as the executive officers or even the rank and file." (p 423)

Lastly, traditional and expert staff differed in attitudes and attachment to the union and the job. Experts had "no long-term investment in the organization... [and] tended to be more critical of their union ... [and of] intra-union squabbles," (p 425) as well as of communications and lack of resources. "In many ways [they] displayed many of the work habits of an alienated employee rather than a loyal servant of the organization. Yet, the general impression ... was that they had a broad, idealistic commitment to the values of the labour movement and to social issues extending beyond the workplace." (p 425) Traditional officials were more oriented toward workplace issues and the organization and less critical of the union and its performance.

Callus' traditional-expert categories do not correspond with the management-employee distinction relevant here, but his research has implications for sources of conflict within a labour organization: personal interests, labour movement values, and organizational goals and strategies.

Competition for limited positions and influence tends to be high, reducing the likelihood of co-operation among staff. Since elected officials' positions depend on membership support, conflicting goals or values reflecting staff groups' differing orientations could lead to frustration on both sides. Autocratic behaviour by the power elite in defence of their interests and real or imagined insubordination are likely outcomes. This is especially so if managerial decision-making based on presumed knowledge of members' preferences through contact with them clashes with experts' perception of their own knowledge as a basis for decisions and for access to power and influence.

Yet the organizational goals of the one group are not necessarily incompatible with the other's orientation toward broader labour and social issues. The expert's idealism could alleviate tensions provided that the narrower and the broader concerns were not contradictory. The employer could invoke it in support of its policies and actions, and even of demands for concessions in negotiations or during crises.

Experts derive some bargaining strength from lesser dependence on the organization as a source of employment, and its dependence on their expertise. Traditional non-managerial staff differ in being more committed to the employer and less able to find alternative work in the labour movement. Differing commitment to and dependence on the employer-union could divide the Labour union, allowing the employer-union to manipulate negotiations and job allocations.

From Callus' research, the concept of commitment and its forms and determinants appears relevant. Commitment to an employer may be multidimensional. Penley and Gould (1988) find evidence for the independence of calculative commitment and moral and alienative forms of affective commitment. Wiener (1982, 426) proposes supplementing "behavior-outcome contingencies" in earlier models of identification with "generalized values of loyalty and duty". The normative nature of Labour employers and the commitments of individual employees cannot be presumed to preclude the desire to express and satisfy personal needs and interests in the workplace. Independent determinants can make for conflict not only between employee and employer but between employees differently placed on the dimensions and even among an employee's own values and interests - leading to a 'psychic cleavage' not unlike that described by Herberg (1972, 233). Resulting tensions among the members of the Labour union might hinder its efforts to negotiate terms satisfactory to all.

Such considerations resemble those found when attachment to an employer is linked to its ability to meet material or career interests - an ability which is restricted in many unions. Labour employment differs in the opportunity to fulfil value commitments, a possibility offered in some types of Industry employment such as health and welfare services. Such opportunities may count for some Labour employees when their material interests suffer in the balance against those of the members.

Dual commitment is commonly treated as to a union and an employer. Callus' (1986) study implies that in the present context it can be extended to commitment to the labour movement and abstract values. Magenau et al. (1988) cite theories suggesting a satisfactory union-management exchange relationship and the absence of conflicting values between the parties as conditions for dual commitment. Thus, shared values within a Labour organization could support positive employment relations, while discord could result in a shift of loyalty from the employer to the Labour union or other organizations seen as more closely matching the interests and values of the employees.

A Labour employee's values, interests, and commitments may conflict with the needs and directives of the Labour employer or other employees, affecting internal labour relations, but the direction of the effect cannot be predicted in the abstract, and probably varies among organizations.

viii. Comparison of Labour with Industry

Since this paper reports comparative research, some consideration of the pressures on Industry and strains in its relationships is in order.

Industry as well as Labour experiences growth, restructuring, and competition, but these occur in an environment dissimilar from that of the Labour movement. Although business associations do exist and provide some support for activities of mutual benefit to the members, they are less essential to the survival of individual enterprises - let alone the economy in which they operate - than is the Labour movement to its member organizations, partly because there is less public ambivalence about the functions of business. Nor is the underlying competitiveness of businesses such as to promote, in economic recession or expansion, mutual support of the kind that unions can practise.

On the other hand, businesses can anticipate increased profit from efficient operations in an upswing, and have fewer conflicting values hampering the exercise of managerial flexibility to reduce costs in a downturn. Although competitors in the market-place and consumer interest in their products constrain

them, they have generally no need to seek direct customer approval of pricing policy. (Regulated utilities and public services are partial exceptions.) As discussed, it is probable that Labour in both phases has ongoing service commitments and financial burdens which require difficult compromises affecting personnel matters.

Again, an efficiently run enterprise is usually able to adjust to - even to shape through advertising - market shifts which influence the internal organization and activities of the Labour movement. In the extreme, for instance, a multinational conglomerate can close down or relocate operations, retool for a new model, or offer new products to capture or retain a share of the market. Not, of course, without cost.

And a fortiori not without cost to employees, at least in terms of uncertainty. Economic cycles and shifts do affect the income and job prospects of Industry employees - private and public - often severely, and thus can affect Industry labour relations.

Legislative developments also impose strains on Industry. There are corporate, import and other areas of law which regulate business at least as strictly as labour law constrains unions. A major difference which is relevant to this study, however, is that few of the employees who have to keep informed of these developments are likely to show up in the Industry sample, being among those less likely to be unionized. (This is also true of the employees most involved in the management of restructuring.) Thus, one of the sources of pressure on Labour relations is largely excluded from the Industry sample. Apart from this, the impact of legislative change other than labour law on Industry labour relations is probably mediated by financial adjustments.

Direct or indirect government intervention in the economy in general (as in the case of 'free trade') or in labour and welfare economics (wage controls, unemployment insurance, health insurance, etc.) may benefit Industry, or impose new costs which it tries to recoup through wage concessions or rationalization to reduce labour costs. Two issues arise. First, Industry employers arguably have more input into policy than has labour, and may be better able to influence it to their advantage. This could indirectly soften the impact on their employees. Secondly, to the extent that unionized Industry employees are affected, they have the support of union staff in dealing with it. This points to a secondary effect of intervention on Labour which is absent in Industry.

Changing social values - for instance, environmental or health and safety concerns - may have potent impact on some Industry employers in requiring costly adjustments to production methods. Again, employees may feel the pinch through job or compensation cutbacks, and again the union may take up the battle to protect them. For socially conscious employees, conflicting values and interests may arise when an employer to which they have a long-term commitment and loyalty violates their more social values - especially if their own work is recognized as contributing to socially costly and hazardous conditions.

This is far less than the systemic tension that can pervade an organization with strong values in addition to 'interests'. Ideological and value orientations of Labour employment most dearly distinguish it from other settings. Other pressures to which it is subject are present directly or indirectly, more or less severely, in any employment. This includes 'politics', competition for promotions, and resentment of power-holders. It is tempting to predict that the strongly held values of the Labour workplace will give rise to greater conflict here than elsewhere, or that they are strongly held only by employees who have a

vested interest in seeing them implemented. A trend toward bureaucratization would reenforce this prediction because of the contradiction of fundamental union values of worker co-operation and democracy, while its relative efficiency is consistent with the values of many career-oriented employees of profit-oriented enterprises.

While bureaucratization, if it is under way, may well give rise to contradictions which could provoke conflict, the prediction remains facile, in the absence of evidence that the values are spurious or that they fail to provide a counterbalance to tension. Since it is evidence pertinent to these latter questions which is being sought, assuming their presence and effects is logically unacceptable. The strongest prediction that can reasonably be made, then, is with respect not to the direction of any difference in the numerical patterns but to the likelihood that disputes and the manner of their resolution will differ from those in Industry. The next two chapters compare arbitrations in Labour and Industry numerically and descriptively, respectively.

III. NUMERICAL ANALYSES OF ARBITRATIONS

i. Methods

Given the paucity of research, and the volume and variety of information available, many possible methods presented themselves. The most promising appeared to be arbitration. The number and type of issues, reflecting problems not settled by the parties, might yield a sense of the general climate of relations and of types of difficulty encountered in daily contacts. Details and outcomes of cases revealed in decisions would facilitate understanding of the relationships behind the facts. This database would restrict the study to unionized workplaces.

Comparison of labour movement disputes with a sample from other employment sectors would provide a backdrop against which to interpret its pattern. Sampling over more than one phase of the business cycle was needed to reduce the chance that findings would reflect phase-unique problems. The Monthly Bulletin of the Office of Arbitration of the Ontario Ministry of Labour (the Bulletin) provided these in a listing by major issues of reports filed with the Office.

Notes identified the employer, union, arbitrator, date of award, issue, and outcome. Most reports were accessible for detailed study. Two samples could be obtained: disputes between an employer and union in the labour movement (the 'Labour' group) and those involving other employer-union relationships (the 'Industry' group). Listings from 1971 to 1985 covered more than a full business cycle. The reports are from province of Ontario, Canada, described in Chapter I.

Since a report may be classified and listed under more than one issue, 'listings' need not equal the number of reports.³⁴ Nor do they necessarily correspond to the number of grievances: several grievors or grievances may be included in the same report, while one grievance may result in preliminary, main, and supplementary reports. A count of listings was used as the primary count because the other two were more difficult to obtain or estimate, and because it corresponded to the distribution of issues over which patterns would be investigated.

Also obtained was the number of reports filed in each of the fifteen years. These were expected to provide a better estimate than a count of listings of the number of arbitrations. Arbitrations in the unionized civil service (by the Crown Employees Grievance Settlement Board - C.E.G.S.B.) and in the construction industry (by the Ontario Labour Relations Board - O.L.R.B.) are not filed with the Office of Arbitration. The number of reports for these sectors was also compiled.

The number of listings each year under each heading was tabulated for Labour and for Industry. Counts were verified against the index in the years in which it was published (1973 to 1981) or by a recount. The Bulletin's 238 headings were grouped into related issues and their frequencies aggregated to create 49, then 28 categories. Appendix 1 lists the Bulletin headings grouped by aggregate categories. Only the second aggregate is analyzed in detail.

The frequency in each category was calculated for each group as a percent of the group's total listings. Labour's proportion of total listings for each category was also calculated. Labour and Industry were compared overall and in terms of percentages in specific categories.

Bulletin headings suggested two major classes of issue. Listings appearing to deal with procedures, contract administration, management or union rights, and the like were categorized as 'procedural' (see Appendix 1: LEGAL/PROCEDURAL and UNION AND MANAGEMENT AFFAIRS). The rest, except 'Miscellaneous', were concerned more directly with one or more grievors seeking redress and were classed as 'substantive'³⁵ The two groups were compared with respect to the percentage of their listings which were procedural vs substantive.

For detailed analysis of the results of arbitration, a smaller sample was extracted comprising all Labour listings and an equal number from Industry, selected on a stratified-random basis. From each heading under which Labour listings occurred, an equal number of Industry listings was chosen at random, when possible from the same monthly Bulletin in which the Labour cases were reported, usually the month of filing. Matching for month provided a degree of control for such factors as the economic climate and legislative and arbitral developments.³⁶

For Labour headings which were infrequent or non-existent in Industry, the nearest Industry listing in time under the same heading was selected or, failing that, the most similar; any judged to be highly improbable in Labour was rejected. Where Bulletin notes showed a discrepancy between some major feature of the Industry report and the Labour report it was intended to match, another listing was substituted. This was rarely required.

The Industry employers in this sample were grouped by type of industry on an ad hoc basis, and the number in each category was tabulated as an indication of breadth of coverage of economic sectors.

The results of arbitration were analysed for this sample. Results on procedural issues were classed as 'decisions', and on substantive grievances as 'outcomes' in terms of whether the grievance was allowed and what the award was. Bulletin notes identified some cases under substantive headings as policy grievances; these were combined with the procedural set identified by Bulletin headings. Only cases which were both noted as individual grievances and listed under substantive headings implying the merits of the case (thus, appropriate for coding the outcome of the grievance proper) were included in the substantive set. The number of pairs of listings analysed was 124.³⁷

On procedural listings, decisions were coded as favouring the position of the union, the employer, or both/neither; no aspect of any grievance outcome in the report was coded. A substantive listing was coded for its outcome (allowed, partially allowed, or dismissed) and for major aspects of the award: employment status (reinstatement, transfer, promotion) and compensation (wages, benefits) granted, partially granted, or denied. A Labour listing was coded for each heading under which it occurred; an Industry listing only under the heading for which it was matched with a Labour listing.

This strategy maintained the match for issues and time, and the numbers of listings in the groups. To have coded all aspects of the judgement in a report would have inflated the number of outcomes associated with any issue, or created anomalies between the types of issue and the results: an award of compensation, for instance, would make no sense in relation to a procedural decision such as arbitrability.

Moreover, there appeared to be no feasible alternative. Although it was theoretically possible to identify all aspects of each Labour case (rather than simply those under which it was listed), and to select a

matching Industry case for each aspect, to do so was impractical and would have raised other methodological issues. First, classification of other issues in the reports might have been based on criteria different from those of Bulletin listings. Secondly, the Industry sample from which matching cases were selected would have been affected: a case in which an issue was decided would be effectively eligible for selection only if listed under that issue, since it would have been impracticable to read and reclassify all reports for all features in order to ensure equal chance of being chosen on each of the unlisted issues.

Use of a single arbitrator vs three-person panel was tabulated. Since the Labour group had several instances of multiple listings of the same report (the Industry sample had a single report listed under two headings), the counts are based on reports, rather than listings. There were 111 reports for the Labour, and 127 for the Industry group.

Five Bulletin headings classed as substantive included 5 or more Labour listings: discharge, 23 listings; wages, 11; promotion, 6; discipline, 7 (including one suspension); and layoffs, 5. The suspension report was not available and the Bulletin provided no notes; it was eliminated. The reports for the remaining 51 pairs of listings were studied for details about the context, or union, employer, or employee conduct which appeared unique or revealing. They are reviewed in Chapter IV.

ii. Results

Over the fifteen years studied, 127 of the 17,901 listings (0.71%) involved a labour organization as employer. Table 6 shows Labour's listings for each year as a percent of the total. Also shown is estimated reports filed, of which Labour accounts for 0.73%. Labour reports were derived from the present study by correcting for multiple listings. Allowing for some 'noise' in the data, Labour's percentage of reports is essentially the same as its percentage of listings in terms of the Office of Arbitration data. Adding construction and civil service reports to those in the Bulletin scarcely alters the picture. Even with these data included, Labour appears to contribute more reports than expected: 0.66% of the total.

The distribution of issues over aggregate categories is in Table 7, in absolute and percentage terms.' The distributions are similar for the two groups: the Pearson correlation is 0.846 ($p < .01$).

The mean on the percentage distributions is 3.57; the standard deviation is 4.28 for Industry and 3.78 for Labour. A four percentage-point difference on any category is taken as suggestive of a difference between groups. With this criterion, some differences emerge. Labour exceeds Industry (as a percentage of their respective totals) on wages (8.66% vs 3.53%) and COMPENSATION: OTHER/PLANS (7.09% vs 2.50%). It is lower on discipline (5.51% vs 12.65%). On discharge, the 3.45-point difference between Labour (18.11%) and Industry (21.56%) is somewhat below the cutoff criterion.

Labour's share of listings in a category indicates whether it is contributing disproportionately to the caseload on that set of issues. For three categories, Labour had no listings: (COMPENSATION: ADMINISTRATIVE; WORK, CONDITIONS AND STANDARDS; and workforce INCREASES); work, assignment at .17% is near Labour's proportion of the workforce, but more than one standard deviation (.62) below the mean (.82). Above one standard deviation above the mean are wages (1.72%) and COMPENSATION: OTHER/PLANS (1.99%); LEAVE (2.24%) and AWARDS (2.42%) are the most over-represented categories. Neither discipline nor discharge appears low on this 'disproportionality' measure.

Table 6, Number of Arbitration Listings (Office of Arbitration - O.A.) and Reports (O.A., Construction, and Crown Employees Grievance Settlement Board C.E.G.S.B.) in Total and for Labour, 1971 to 1985

Year	O.A. Listings ¹				Estimated Reports ²					
	Total	Labour		OA	Constr.	C.E.G.S.B.	Total	Labour		
	No.	No.	% Total				No.	% OA	% Total	
1971	841	6	.71	650	-	-		4	.62	
1972	865	10	1.16	880	-	-		6	.68	
1973	1016	8	.79	819	-	-		5	.61	
1974	829	4	.48	725	-	-		4	.55	
1975	903	6	.66	833	10	-	843	4	.48	.47
1976	1070	4	.37	991	42	-	1033	3	.30	.29
1977	1023	8	.78	1051	41	-	1092	7	.67	.64
1978	1076	5	.46	1122	72	-	1194	5	.45	.42
1979	1165	7	.60	1240	51	36	1327	7	.56	.53
1980	1297	10	.77	1302	51	88	1441	10	.77	.69
1981	1441	15	1.04	1174	84	155	1413	15	1.28	1.06
1982	1558	11	.71	1182	58	191	1431	10	.85	.70
1983	1602	7	.44	1097	65	142	1304	5	.46	.38
1984	1602	14	.87	997	50	150	1197	14	1.40	1.17
1985	1613	12	.74	1122	46	197	1365	12	1.07	.88
TOTAL	17,901	127	.71	15,185	570	959	16,714	111	.73	.66

¹ Counted from listings in monthly issues of the Bulletin, and cross-checked against the index when published or by a second count. Data for each year are for January-December, corresponding to the volumes of the Bulletin.

² Sources:

O.A.: 1971, 1972: Ontario. Ministry of Labour. Office of Arbitration. Unpublished statistics. 1973 to 1985: Ontario. Ministry of Labour. Annual Report, 1973-1974 to 1978-1979 (Ontario Labour-Management Arbitration Commission); and 1979-1980 to 1985-1986 (Office of Arbitration). Interest arbitrations, arbitration under the Hospital Labour Disputes Arbitration Act, and expedited arbitration (1980-1981 on) are excluded from Annual Report figures. Comparison with Labour may be slightly distorted in 1971-1972 by inclusion of reports which were not submitted to the Bulletin, such as 'settlements'; and in all years by the fact that the fiscal year on which figures are based is April to March. The impact is probably small. Since nine calendar months fall in the first year of the fiscal year, figures are listed as for this year.

Construction: Ontario. Ministry of Labour. Annual Report, 1976-1977 to 1980-1981, and Ontario. Labour Relations Board. Annual Report, 1980-81 to 1985-86: "Referral of construction industry grievances granted or dismissed".

C.E.G.S.B.: Ontario. Civil Service Commission. Annual Report, 1979-1980 to 1982-1983 (report on the Crown Employees Grievance Settlement Board, grievances "completed"); and Ontario. Ministry of Labour. Annual Report, 1983-1984 to 1986-1987 (report on the C.E.G.S.B., "Board Decisions"). No statistics were available for 1985-1986; 1986-1987 is used, as likely to be a reasonable estimate of 1985-1986 and a conservative basis for the present comparisons.

Labour: The number of reports was estimated by discounting all but one listing of any given arbitration. Counts were accumulated over calendar years corresponding to volumes of the Bulletin.

Table 7, Industry (I) and Labour (L) Aggregated Listings as a Frequency and as a Percentage of Within-Group Total, and Labour's Percent of Listings under Each Aggregate Category

	Industry		Labour		L % (L+I)
	F	%	F	%	
<u>LEGAL /PROCEDURAL</u>					
GRIEVANCE/ARBITRATION PROCEDURES	1274	7.17	13	10.24	1.01
LEGAL /EVIDENTIARY	383	2.15	4	3.15	1.03
AWARDS	202	1.14	5	3.94	2.42
<u>UNION and MANAGEMENT AFFAIRS</u>					
*collective agreement	284	1.60	3	2.36	1.05
UNION AFFAIRS	519	2.92	5	3.94	.95
management rights	119	.67	1	.79	.83
<u>COMPENSATION</u>					
COMP.: ADMINISTRATIVE, MISC.	92	.52	0	0	0
wages	627	3.53	11	8.66	1.72
PAY: OTHER	981	5.52	5	3.94	.51
COMPENSATION: OTHER/PLANS	444	2.50	9	7.09	1.99
<u>TIME AWAY FROM WORK</u>					
VACATIONS & HOLIDAYS	279	1.57	3	2.36	1.06
LEAVE	218	1.23	5	3.94	2.24
<u>WORKFORCE: CONTROL AND SIZE</u>					
WORK, CONDITIONS & STANDARDS	73	.41	0	0	0
work, assignment	599	3.37	1	.79	.17
overtime	679	3.82	2	1.57	.29
*work, scheduling	409	2.30	2	1.57	.49
layoffs	835	4.70	5	3.94	.60
REDUCTIONS, EXCEPT LAYOFF	245	1.38	1	.79	.41
INCREASES	192	1.08	0	0	0
INTERNAL MOVES	1031	5.80	8	6.30	.77
seniority	575	3.23	2	1.57	.35
JOB STATUS	641	3.61	4	3.15	.62
JOB POSTING, VACANCY	399	2.24	3	2.36	1.00
EMPLOYMENT STATUS	204	1.15	2	1.57	.97
<u>EMPLOYER ACTION</u>					
demotion	178	1.00	1	.79	.36
discharge	3833	21.56	23	18.11	.60
discipline	2249	12.65	7	5.51	.31
<u>MISCELLANEOUS ALL</u>					
	212	1.19	2	1.57	.93
<hr/>					
TOTAL	17,776	100.00	127	100.00	.71

Labour's share of listings under Bulletin procedural headings (LEGAL/PROCEDURAL + UNION AND MANAGEMENT AFFAIRS: 31 of a total of 2812 - 1.10%) is almost 8 times its .14% representation in the workforce, compared to substantive listings (0.63% - 45 times its share in the workforce). Of its total listings 24.4% are procedural and 74% are substantive; for Industry, corresponding figures are 15.6% (2781) and 83.2% (14,783). The groups differ in the distribution of listings between these two general classes (chi-square = 7.25, $p > .01$).

The matched Industry sample represents a broad spectrum of employers. Industry listings, accounted for by 111 employers, include: 15 medical (hospitals, ambulance services, nursing care, etc.), 12 utilities (hydro-electric, telecommunications), 9 educational (school boards, colleges or universities), 9 municipal or regional governments, 9 food retail or wholesale operations, 4 broadcasting or entertainment, 4 transportation (air, rail), 3 hotels or restaurants, 2 municipal services (a private sanitation contractor and a police commission), and 1 financial (a credit union). The other 60 are mainly private companies in mining, processing, light and heavy manufacturing, shipping, automobile sales, etc.

Of the original 127 listings, 3 were dropped for lack of information, and the interest arbitration was excluded. One Labour case was split into policy and individual issues and an Industry case was matched to it. Using the modified definition which included policy grievances with procedural issues the 124 pairs then broke down into 37 procedural and 87 substantive for Labour, and 45 procedural and 79 substantive for Industry. (This appears to reverse the overall pattern, in which Labour had a higher proportion of procedural listings than Industry, as defined by the Bulletin headings under which they were listed.)

Table 8 summarizes the results of arbitration for Labour and Industry. With decisions and outcomes combined for all 124 pairs, chi-square shows no significant difference between groups on whether the result favours the union, the employer, or both/neither. Nor do they differ on procedural decisions alone. They differ significantly on the distribution of substantive grievances allowed, partially allowed, or dismissed (chi-square = 3.98, $p < .05$). This appears to reflect a higher rate of full as opposed to partial success for Labour than for Industry unions, not a difference in the number of grievances dismissed.

Table 8, Results of Arbitration for Industry and Labour

	Industry	Labour
<u>Overall Results: Decisions and Outcomes (N = 124 pairs)</u>		
<u>Result favours:</u>		
Union	45	52
Neither/both/mixed	24	16
Employer	55	56
<u>Decisions (N: Industry = 45, Labour = 37)</u>		
<u>Result favours:</u>		
Union	26	21
Neither/both/mixed	3	2
Employer	16	14
<u>Outcomes (N: Industry = 79, Labour = 87)</u>		
<u>Grievance was:</u>		
Allowed	19	31
Partially allowed/Mixed	21	14
Dismissed	39	42

The consistency of this trend across subsets of issues was explored. Substantive grievances were grouped into discipline and discharge, monetary issues, time off work, scheduling and control of work, and employment status and rights. Table 9 displays overall outcomes. The number of cases in each subset is small, but the pattern seems to be cumulative: four of the five subsets repeat the overall pattern.

Analyses dealing with awards consider only substantive (excluding 'policy') grievances at least partially allowed. Table 10 compares Labour and Industry on awards of status in discharge or discipline cases and others such as promotions and transfers potentially leading to award of the position. A violation of procedures resulting in a procedural remedy such as award of an interview for a promotion shows under 'Order to review process'. The groups do not differ statistically on full vs partial vs no award of status.

Monetary awards are summarized in Table 11, for discharge and discipline, wages, and 'other'. An award of benefits was not counted separately when it was joined with an award of wages. When compensation was to be settled between the parties, or was not explicitly awarded, it was coded as full, partial, or none according to what was implied by other terms of the award or flowed from the nature of the grievance.^{xxxviii}

The groups differ on full, partial, or denied compensation (chi-square = 7.13, $p < .05$). Labour's rate of full compensation was higher than partial and denied combined. Industry's awards were more evenly distributed. Since only fully allowed grievances could result in full compensation, this is not independent of the finding that the ratio of full to partial allowance was greater for Labour than Industry.

The final result concerns the prevalence of sole vs three-person arbitration boards. Of Labour's 111 cases, 96 were heard by a sole arbitrator and 15 by a panel; 127 Industry cases included 56 sole arbitrators and 71 panels (chi-square = 46.09, $p < .001$, $df = 1$). In Industry, sole arbitrators accounted for 32% of the sample in 1971-1975, 42% in 1976-1980, and 53% in 1981-1985 - still well below the 86% rate for Labour over the fifteen years.

Table 9, Grievances, Allowed (A), Partially Allowed/Mixed (P), or Dismissed (D) in Five Groups of Substantive Issues

<u>Issues</u>	<u>Industry</u>				<u>Labour</u>			
	A	P	D	All	A	P	D	All
Discharge and Discipline	5	13	11	29	9	9	11	29
Monetary Issues	6	5	11	22	11	2	11	24
Time Off Work	0	0	6	6	2	1	5	8
Control and Scheduling of Work	2	2	5	9	3	1	6	10
Employment Status and Rights	6	1	6	13	6	1	9	16
<hr/> TOTAL	19	21	39	79	31	14	42	87

Table 10, Awards of Employment Status in Discharge/Discipline (D/D) and Other Grievances Fully or Partially Allowed

	Industry				Labour			
	D/D	Other	Total	%	D/D	Other	Total	%
Status granted in full	3	4	7	30.4	3	3	6	31.6
Status granted in part:	12	1	13	56.5	9	1	10	52.6
retroactively	5	0	5		1	0	1	
after award	5	1	6		4	1	5	
", conditional	2	0	2		4	0	4	
Order to review process	0	2	2	8.7	0	1	1	5.3
Remedy inappropriate or no jurisdiction:	0	1	1	4.3	1	1	2	10.5
TOTAL	15	8	23	99.9	13	6	19	100.0

Table 11, Awards of Compensation in Discharge/Discipline (D/D), Wages, and Other Grievances Fully or Partially Allowed

	Industry					Labour						
	Pip	Wages	Other	Total	%	D/D	Wages	Other	Total	%		
Full Compensation	4		3	5	12	35.3	8'	4	14	26	63.4	
Partial Compensation	7		1	5 ²	13	38.2		1	3	2	6	14.6
Compensation Denied	6		1	2	9	26.5		8	0	1	9	22.0
TOTAL	17	5	12	34	100.0		17	7	17	41	100.0	

iii. Discussion

Failure of the Industry sample to represent the economy of the province might have reduced the generalizability of the results. Both the sampling method and the variety of economic sectors in the sample of employers reduce the likelihood of this problem. However, small employers, and others which may more closely resemble Labour employment settings, may be underrepresented. Also, the occupations in the two groups are not necessarily comparable, although the presence of some parapublic employers vitiates this criticism.

With regard to interpretation of the number of listings, some problems arise. Data would ideally be adjusted for the number of grievances from which the arbitrations arose, to indicate whether there was greater difficulty in settling grievances between the parties in one group than the other. For Labour to be shown in a more favourable light - that is, for its ratio of arbitrations to grievances to be lower than Industry's - its grievance rate would have to be even more disproportionately high than its arbitration rate. A case might then be made that the climate was not as bad as it seemed, but only if it could be argued convincingly that a high grievance rate was positive or at worst neutral. If, instead, its grievances were fewer than in Industry, then arbitrations as a percentage of grievances would even more strongly suggest a problem in Labour. These data are not available.

What is available is an indication of the relative size of the Labour workforce. Assuming that Labour was about 0.14% of the workforce over the 1970's as well as the 1980's, it is startling that this group generated 0.71% of all listings. From 1971 to 1985, its yearly percentage of listings averaged 0.69% with a range of 0.37% to 1.16%, implying that Labour regularly contributes more than its share to the arbitral workload. Few aggregate categories suggested a Labour share proportional to its size; on most it was over-represented.

Technical factors may account for some of the discrepancy. One of these is the exclusion of construction industry and civil service arbitrations, creating an artificially low total for the provincial workforce and exaggerating Labour's apparent contribution. Including either group, however, would be problematic. Problems in the construction industry may differ in nature from those filed with the Office of Arbitration and distort the pattern of issues in the overall workforce. Civil service workers may more closely resemble those in the labour sector, but the lower cost of C.E.G.S.B. services means that the number of arbitrations may be inflated relative to what would be found if its rates were comparable to other arbitrators'.^{xxxix} Table 6 does not indicate that these groups have high enough rates to significantly alter the picture, if awards issued rather than grievances filed and settled is taken as the measure.

Data sources may exhibit noise due to fluctuations in rates of return on surveys, delays in receipt of information by government agencies, differences in dates of compilation, or restrictions on sampling. These do not necessarily introduce a systematic bias, however.

The indeterminacy of the number of grievances arbitrated raises the possibility of distortion if arbitration of Labour disputes generates more reports or more multiple listings of a given report. In Industry cases reviewed, only one double listing was found. But Labour's multiple listings cannot explain fully its over-representation in the Bulletin: there is no a priori reason to expect the rate of multiple listings to differ between groups. Their absence from the Industry sample is likely due to the fact that only 127 of the

17,776 (0.71%) were selected; the probability was small of choosing all listings of even one case let alone a set of seven related cases, as was found in Labour. While the present data do not permit a direct comparison of the groups, the higher percentage of listings for Labour under preliminary issues such as res judicata, and supplementary awards, as well as the significantly higher percentage of procedural issues in general, suggest that multiple listings may partially explain Labour's high number of total listings. However, Industry's rate of multiple listings would have to be considerably higher than Labour's to alter the picture dramatically.

A tentative conclusion is that Labour accounts for a disproportionately high number of Bulletin listings and - given the similar pattern from reports filed with the Office of Arbitration - exceeds its expected number of arbitrations. If arbitration rates are a measure of the climate of employment relations, there is support for the belief that labour relations in the Labour movement are not as good as in Industry.

Whether Labour and Industry employment relations differ can also be couched in terms of the kinds and patterns of issue. The correlation between their distributions is evidence that the groups are similar in this respect, but an inspection of data in particular categories points to some differences as well.

Again, some methodological qualifications are relevant. The small number of Labour listings (127 out of 17,901) means that a single case under any heading has a greater impact on the proportion for that type of issue for Labour than Industry: multiple listings, then, may be distorting the pattern. This is evident with AWARDS, which subsumes the Bulletin heading, 'damages'. (See Appendix 1.) Damages includes one Labour report listed three 'times: for entitlement to compensation, mitigation, and reduction of entitlement for income taxes otherwise payable. Had this been a single listing, AWARDS would have been 2.42% of Labour's total instead of 3.94%; and Labour would have accounted for only 1.5% of the listings in the category, rather than 2.42%.

The pattern of issues found may be partly an artefact of the aggregates created: other researchers might find different patterns by combining other issues. This is especially so with less common Labour categories, because of the impact of single cases in this group. The small number of total cases appears, in fact, to present the more serious problem: the data are numerically unstable. On a category with zero frequency for Labour, one case would increase that category's percentage of Labour's own total from zero to near 0.8%; on WORK, CONDITIONS & STANDARDS, for instance, this would be almost double the rate within the Industry set. For the disproportionality measure a single case would change Labour's percentage of the listings in the category by an amount dependent on the number of Industry listings: if Industry's frequency was low, Labour's percentage would alter substantially. On WORK, CONDITIONS & STANDARDS, Labour would rise from 0% to 1.35% of all listings - nearly ten times its expected rate based on its representation in the workforce.

Aggregation has also the potential to mask differences or blur their interpretation. This can be seen in Appendix 1, which reveals that the difference on LEAVE is due not to compassionate leave but to LEAVE, OTHER (specifically, leave of absence). On COMPENSATION: OTHER, the discrepancy is under ALLOWANCES/EXPENSES, largely dealing with travel, moving and related employment expenses. On the other hand, accumulating over work assignment, work scheduling and overtime - none of which alone suggests a difference between groups - yields 9.49% of total within-group for Industry and 3.93% for Labour, a difference of 5.6 percentage points.

With these considerations in mind, some differences in the pattern of issues deserve attention. Certain substantive issues are either unique to, or relatively rare in, Labour. The COMPENSATION issues referred to above are an example of the former, and may reflect nothing more sinister than working conditions requiring more travel for Labour than Industry. The cumulative difference in issues around workforce management cited above may arise only from Industry's greater use of shift and overtime work to manage equipment efficiently.

The relative frequency of other aggregate issues appears to differ between groups. Like COMPENSATION, wages and discipline surpassed the four percentage point difference and discharge approaches it; Labour is high on the first two, low on discipline and discharge. The difference in wages is partly an artefact of the fact that six of the eleven Labour listings arose from one incident involving several employees. Conversely, the seemingly low rate of discharge and discipline cases in Labour may be spurious: neither is low on disproportionality. LEAVE appears to be high on disproportionality because of the importance of educational leave for certain Labour employees.

On the procedural-substantive distinction, the reversal of the Industry-Labour difference on the overall set (Labour > Industry) and the sample (Industry > Labour) may reflect instability in the sample, or the effects of aggregation. Otherwise, the overall significance seems stable: on each of the six procedural categories, Labour's percentage of its total is higher than Industry's. It may explain some of the discrepancy between Labour's size and its arbitration case-load. A multiply listed case generally has at least one procedural listing. As hearings between two more or less equally expert parties, arbitration in the Labour sector might be expected to reveal a greater sensitivity to and command of procedural and legal niceties, and an ability and willingness to exploit them more fully.

This argument ignores the fact that the persons involved in Labour cases may plead the union side of Industry cases, and probably underestimates the expertise in many especially large - Industry employers. It would also seem to imply a greater willingness to fight on a procedural level for the parties to the Labour contract than for the Industry members of the employer unions.

Alternatively, as parties professing similar values, the Labour employer and union might resort to procedural issues as a means of defusing or masking destructive ideological or practical disputes springing from substantive issues. For example, an employer union in a financial crisis may seek - and believe it has marshalled - more cogent justifications of, say, ineptly handled layoffs than mans' Industry employers could. Staff working under those same pressures may feel they are treated with less fairness and dignity than their employer demands for its members, and that they are being asked to sacrifice their interests for their beliefs or for the interests of others. Such a situation may be tolerated for long periods of time but erupt into open conflict if other stresses are added.^{x1} With principles as well as interests at stake on both sides, the risk of entrenchment is great and the difficulty of achieving a resolution is increased.

To minimize the contradictions of open conflict over labour values - conflict with greater destructive potential in Labour than in other workplaces - the parties might cloak disputes in procedures, generating a greater frequency of this type of listing. This analysis could be partially tested - although not with the present data - in the pattern of arbitration for clerical and support staff vs the 'core' of organizational, educational, and negotiating staff whose sensitivity to ideological issues may be expected to be greater.

A related hypothesis would be a preference for submitting disputes to a neutral party in a formal setting as a way to minimize face-to-face conflict in the grievance process and resolve them in an authoritative forum. If this were a consideration, faster processing of grievances through the initial steps would be expected. Again, no information relevant to such a hypothesis was gathered here.

Neither 'contradiction-minimizing' interpretation explains the frequency of substantive issues, which are still 'too high' for Labour's workforce. But they do suggest mechanisms which may affect the overall rate.

Given problems in determining the appropriate workforce statistics for comparing the groups, and the strong, correlational similarity between the two groups' patterns of issues, it is premature to conclude that the Labour group's rate of arbitration reflects a poor climate. Differences found relate partly to characteristics of the work and working conditions of Labour employees. Residual discrepancies, and the overall interaction between groups on the procedural-substantive distribution may reflect in part a tension over shared values and how they should apply in work relations within the Labour movement. Procedural disputes may divert attention from more contentious interest disputes and inherent contradictions. The data do not serve to identify the stronger of these speculations.

A higher percentage of Labour's than Industry's total listings are procedural. However, in the sample analysed the groups do not differ in terms of whether the decision favours the union or the employer. The latter does not contribute to an image of the disputants in Labour as being more evenly matched in expertise, nor of a 'worse' climate.

On substantive outcomes, the groups differ overall on the distribution of allowed, partial and dismissed grievances; given that a grievance is not dismissed, Labour unions tend to achieve a higher rate of full rather than partial success than do Industry unions. When a monetary award is involved in a grievance at least partially allowed, Labour wins full compensation more frequently than do Industry unions; this is not entirely independent of the overall effect with respect to outcomes, and does not constitute added evidence. There is no significant differential success in awards of position.

If the perception of unions as poor employers were valid, one would expect the Labour employer to be acting on average more 'unreasonably' than Industry employers, and that this would be reflected in arbitral outcomes favouring employees and their bargaining agents more often in Labour than Industry. The present sample gives statistical evidence of such a pattern in grievances allowed. It is possible, however, that a different Industry sample would have yielded different results. Nor can it be asserted that the results demonstrate the unreasonableness of Labour employers. Although this is a possible partial explanation, it may reflect added constraints (e.g., financial) on managerial flexibility in choice of strategies to deal with the workload.

On awards of status, the groups do not differ statistically. In only two cases were non-trivial conditions imposed on reinstatement; both were in Labour. The arbitrator in one case pointed out that the job demanded "dedication", required of the employee a statement of willingness to comply with relocation as needed by the employer union, and assigned three months' probation. [Appendix 2, 12:07] In the other, the arbitrator found reinstatement inappropriate because of severe personal conflicts involved, and awarded compensation instead. [14:02] What these point to is not so much a good or poor workplace but one in which commitment and positive relationships among co-workers are of considerable importance.

One must question the notion of a 'poor employer'; it implies that the climate of relations can be attributed exclusively to one party, an unjustified inference in a context where many employees are as conversant as the employer with practices conducive to a 'good' climate.

Is Labour then enjoying superior employment relations? Nothing in the pattern of awards so far supports this portrayal either, nor yet any inference that the employees are 'poor employees'.

The data on awards of compensation, which are not entirely independent of overall outcomes and status awards, show a difference between groups as between full and partial awards. Table 11 suggests that most of the difference is attributable to the Other, rather than discipline and discharge or wages, categories. Labour's higher rate of full awards here seems straightforward, relating to the importance of certain types of expenses and benefits for a workforce in which travel is a common requirement. Still, a previously mentioned case warns of possible underlying malaise in such disputes.^{xli}

There is also a relatively clear split between full and no compensation where discipline and discharge are involved. Only one Labour employee was granted partial reinstatement effective prior to the award - they tended to be granted either full retroactive or uncompensated post-award reinstatement. The latter was awarded mainly to employees accused of insubordination or incompetence. Some full awards involved extenuating personal circumstances, evidently neglected by the employer, but not enough to suggest a pattern on the basis of numbers alone. On the whole, the pattern of compensation awards sheds little light on the quality of the Labour employer-employee relationship.

Finally, one of the few clear differences between Labour and Industry relationships suggests a certain reasonableness in the relationship: the favouring of sole arbitrators in the former and three-person boards in the latter. A perusal of contracts on file with the Ontario Ministry of Labour suggests that this difference is established during negotiation rather than when submitting to arbitration. Cost-minimization may be a potent factor in such a contractual agreement, but it is remarkable that so many more Labour than Industry partners are able to forego the option of imposing costs on the opposite party through arbitration. This is true notwithstanding an apparent emerging trend for more cases to be submitted to sole than to three-person arbitration in Industry as well.

In short, neither the total listings, nor the pattern of issues, nor arbitral outcomes gives unambiguous support for a belief that Labour differs from the average employer or that general employment relations are different in this sector. If methodological weaknesses are corrected, the data may be found to reflect unique characteristics and demands of Labour working conditions. Relations as a matter of mutual responsibility and of special circumstances aggravating the difficulty of maintaining a positive climate need to be investigated. Such factors are explored in Chapter IV by a review of cases on selected issues. Chapter V will propose further research to aid in interpreting the present results.

IV. CONTEXT, CONDUCT, CONFLICT, COMMENT: A CASE REVIEW

Five substantive issues had 5 or more Labour listings. The reports of these and the matched Industry cases were scanned for conduct of the parties or arbitrators' comments which might illuminate or reflect unique features of Labour employment relationships.

The remarks in this section need qualification as did the numerical analyses. (1) It is difficult for a researcher to remain objective; certain types of comment stand out more in one context than the other; systematic occurrence of details over a set of cases is hard to verify. (2) On each topic, Industry cases are a small percentage of its total under the heading (wages: 1.75%; promotions: 0.72%; layoffs: 0.60%; discharge: 0.60%; discipline: 0.31%) and may be unrepresentative. (3) As a corollary, aspects of Labour cases may be spuriously unique, occurring in the Industry population but not in the sample. (4) Other features may correspond to unanalyzed differences in the character of the work giving occasion for varying kinds of conduct. Generalization from comparisons must be cautious, therefore.

It is difficult to know how closely comparisons correspond to reality, since they are filtered not only through the researcher but through the parties and the arbitrators. With respect to the latter, the Labour cases were heard by a group of arbitrators only partially overlapping with the set who reported the Industry cases, so variations in comments may partly reflect their different perceptions or expectations.^{xlii}

i. Promotions

This heading included six Labour cases; three were dismissed, two allowed in full, and one partially allowed. Three Industry cases were dismissed and three allowed. The groups are similar in this respect.

An immediately noticeable difference is that no Industry but two Labour cases involved hiring from outside the staff complement. [Appendix 2: 11:06, 3:02] One was for a position requiring specialized research knowledge and skills. The employer's executive committee expressed reservations about the grievor's personality and purported interest in the salary rather than the work, which may have led it to bypass the grievor, who was acknowledged to be essentially qualified. Although reference was also made to the outside candidate's having been given the position at a salary lower than would have been paid the grievor, nothing was reported indicating financial problems which might have influenced the decision. 111:06] This suggests that unions draw from a labour market restricted in terms of some requisite qualifications. Even internal candidates may lack a range or level of skill - or less measurable personal quality - deemed essential.

In an Industry case, personal characteristics influenced the decision to reject an employee's application for promotion to dog-catcher. Because of his observed reluctance to engage in conversation, the grievor was felt to be too nervous to make required court appearances over summonses; the employer was concerned that he would stop issuing summonses to avoid doing so. 111:061 The Labour case is distinguished from this one by the level of expertise in a specific field and the importance of dedication to the work itself.

An employer's good faith may be questioned in arbitration. Instances of both acceptable and unacceptable treatment of candidates for promotion can be cited from both groups' promotions cases.

In an Industry case the arbitrator stated that allowing the grievance did not imply a judgement that the employer's action was in bad faith. 13:02*] A Labour union conceded that there was no evidence of malice on its employer union's part; the grievance was dismissed in recognition that responsibility was more important in the position under scrutiny than was the grievor's unchallenged technical skill. 19:02]

An Industry supervisor was accused of bias against an applicant for promotion, and a trial period on specific tasks was described by the union as unfair. The arbitrator agreed that the supervisor's past conduct indicated "animus", but this did not affect the decision, since the union failed to meet its obligation to prove the grievor qualified. 110:031 A Labour employer failed to inform a grievor of a significant criterion for a posted job; the grievor, though basically qualified, was not granted an interview, while another applicant was. The employer was ordered to grant a "full and fair interview", as "the (selection) process had elements of unfairness tantamount to discrimination which may be cured" by such a remedy. [13:03]

The promotion cases reveal no clear and consistent difference between the groups.

ii. Layoffs

Although 30% of Industry layoff arbitrations occurred in the years 1971 to 1978, no Labour case was listed until 1979.^{xliii} Four of the five Labour cases were dismissed and one was partially granted; four of the Industrial cases also were dismissed, and the fifth allowed in full.

In three Labour cases, the arbitrator found no evidence of bad faith; in another, alleged discrimination against the grievor for filing previous grievances was unsubstantiated. Three referred to financial difficulties as justifying layoff and as evidence against bad faith; one of these involved contracting out of the grievor's work as a cost-cutting measure. Another person was laid off when a newly hired business agent took over the grievor's duties as well. Three referred explicitly to management's right to control the work or the workforce.

The most complex Labour case was that of a grievor - later discharged - whose work week was cut to reduce labour costs. Since the hours of the other person in the bargaining unit were not altered, the arbitrator found the employer to have effectively laid off the grievor contrary to the seniority provisions of the collective agreement. It was deemed inequitable to reduce the opportunity to work for one but not all on financial grounds; compensation was ordered for the difference in salary. This was the sole layoff grievance allowed in Labour, all others being dismissed, including a complaint of discrimination. [14:04]

No Labour case involved bumping rights. The bargaining units concerned were typically small; one had a sole member; bumping would rarely apply. In Industry, they were of concern in one form or another in all cases. A policy grievance affected 68 members, 50 actually on layoff. Three persons facing layoff were given positions vacated by resignations; since they were working at the time they could not be considered "laid off", and therefore were not "recalled". The jobs should have been posted in accordance with the collective agreement, as the union argued. The grievance was allowed and the employer ordered to post the jobs. [9:03*] Another case was in a unit large enough that the arbitrator commented on the impact of multiple bumping on job security for both more and less senior employees. 114:04*]

Management rights were not usually explicitly challenged. A case of interdepartmental bumping when the required period of familiarization to fill the open position exceeded the anticipated layoff was dismissed; the company was found to have acted reasonably. 115:02*] Here, depressed sales were the reason for the original layoff.

In another, a store closure was at root; and in a third, several employees were laid off as "surplus". Financial straits were of concern (as one would expect) to Industry as well as Labour in layoff situations.

Differences lay more in the size of bargaining unit (larger, perhaps more powerful, in Industry) and in the gravity of the financial situation (greater in Labour): the sole Labour case of multiple layoffs (three) reported the employer union as insolvent.

The five pairs of layoff cases suggest that the employer's good faith was challenged more often in Labour cases; that finances may justify the actions of either but are more crucial to Labour; and that bumping rights are central in Industry but not Labour cases, perhaps because of the small number of members in Labour bargaining units. Management rights appeared to be raised explicitly more often in Labour cases. On the surface this is unexpected, but may - if it is a general difference - reflect a tendency in Industry for both employer and union to assume their legitimacy, as compared to a perceived need to assert them in unions - whose employees are expected to challenge such rights (in other contexts).

iii. Wages

This heading accounted for eleven of Labour's total - six from a single incident. Five were allowed, two partly allowed, and three dismissed; a policy decision favoured the employer. Only three Industry cases were fully and two partially allowed, while six were dismissed. These outcomes suggest little in themselves, because of the small sample size, the related subset in Labour, and some differences in the disputes themselves. The details of the cases are more telling.

Four Industry disputes dealt with aspects of wages relatively unlikely in a Labour setting: a guaranteed minimum work/wage income; a shift bonus; a type of call-in pay; and a production incentive system. Only the latter was allowed.

On three topics, both groups were represented: whether an employee was reassigned long enough to be entitled to an increment (both dismissed); retroactivity (both allowed at least in part); and some form of wage adjustment: Labour lost a policy grievance claiming applicability of a cost-of-living clause in an old agreement under the renegotiated one.

The remaining issues in each group might conceivably arise in the other: Labour disputes over a bilingualism bonus, and a requirement that a temporary employee given permanent status serve a probationary period (both allowed); and Industry arbitration of a per diem allowance for travel expenses (dismissed), the pay rate for a trainee relieving a fully qualified worker (allowed), and compensation for extra duties assumed without consulting with the supervisor (partially allowed).

Despite the occasionally strained interpretation of a contract by union or employer, neither party in either group appeared exceptional in the above reports.

A noteworthy Labour incident, leading to seven reports, was triggered by refusal of some nine union employees to cross a picket line set up by fellow employees represented by a different bargaining agent.^{xliv} It merits study less for the issue or the technicalities of the arguments than for the reports' elucidation of special sources of conflict in the labour movement: values or principles, their expression in the workplace, and their relevance to the roles and work responsibilities of staff.

The employer union's staff were represented by two bargaining agents. On the eve of a strike in an Industry unit represented by the employer, one staff unit planned a picket protesting slow progress in its own negotiations. The employer posted a memorandum regarding the picket line, referring to its previous "enlightened view of the actions of certain employees with respect to their obligations to the organization and the problems created by picket lines." The Executive Management Committee declared that it would "no longer countenance any type of abuse directed at other employees whose feelings of loyalty to our membership and their responsibilities to their employment require them to continue to carry out their duties," [11:07, 4] and authorized the Executive Secretary to deduct one or a half day's pay from the pay of any employee absent without permission on account of the picket line.

Nevertheless, on the day in question, a group of employees from the non-picketing union met on arriving at the premises and decided not to cross. Most were seen by a supervisor, and phoned to notify the employer that they would be out of the office. Most were on a flexible schedule allowing them to work a seven-hour day at whatever hours were appropriate for their work demands. In general, a grievance was allowed if evidence was adduced of the employee's having performed work of relevance to the employer for the requisite hours at appropriate times; one grievance was dismissed and one allowed only partially because the grievors had worked less than seven hours on the day in question.

Some grievors argued that the employer had a policy or a practice of granting leave of absence for employees whose conscience did not permit them to cross a picket line. The arbitrator found no evidence of a written policy. Previous incidents were too few to constitute a practice, and had involved employees of other (Labour) employers housed in the same building, so that pertinent considerations differed.

From the grievors' arguments and the arbitrator's analysis it was clear that tensions existed between solidarity with fellow workers and responsibility to the employer and its members, and between credibility and more material forms of service.^{xlv} Values such as solidarity are relevant for negotiators, organizers, and education officers, whose effectiveness in promoting them among the employer's members may be diminished if they are seen not to practise them in their own workplace. On the other hand, the absence of staff could have had serious repercussions for the economic interests of the employer's members who were about to strike, and ultimately for the employer's position as bargaining agent. One wonders what priority members assigned to staff credibility vs their own need for material solidarity in the form of effective service.

There was no reference to remote benefits for the grievors in terms of improvements to their working conditions which might accrue from the other group's gains, or support from their co-workers should they be in a similar situation in the future. One can only speculate whether such factors influenced the grievors' behaviour. Conversely, the employer's interest might have contributed another dimension to the conflict: the employer union was no doubt aware of the potential value of solidarity not only in maintaining its own credibility through its staff's conduct, but as a source of strength in the Labour unions' negotiations with it.

iv. Discipline

Six incidents of discipline were arbitrated in the Labour group. Five involved suspension, one only a letter of discipline. All but one were allowed in full, the exception being an indefinite suspension adjudged excessive and reduced to a limited suspension with conditions.

In Industry, three involved suspension; the penalty in the others was verbal, except one in which the grievor was sent home before his shift terminated. The latter was allowed; one disciplinary report was found unjustified; and a ten-day suspension was reduced to three days. Three complaints were dismissed: a verbal warning imposed on a grievor testing the meaning of a clause in the collective agreement was upheld; another lost his grievance that his suspension for fighting was longer than that imposed on the other participant; and a three-day suspension was found appropriate. Again, the small sample and differing characteristics of Labour and Industry workplaces preclude a firm conclusion that the severity of penalties or the level of demands was unrealistic in either group.

Fighting in the workplace, and "horseplay" (found not blameworthy despite serious injury to another worker) were types of conduct found in Industry but not Labour. (Both incidents were in production industries.) Absence from work accounted for three: leaving a workstation during coffee break (the case of disputed interpretation), early departure from a voluntary overtime assignment when no work was being done, and leaving without explicit permission to attend a political rally regarding import quotas.^{xlvi} The latter was treated by the arbitrator as revolving around insubordination, as was the sixth case, in which instructions to terminate a Christmas party and return to work were not followed, but were found not to have been communicated clearly. Disruption of work or the workplace, then, seems to have been central in the Industry reports.

The arbitrator felt that the employer had been lenient over the political rally; [15:08] another considered that, in failing to notify the grievor that he was not needed for overtime, the employer had not acted "fairly and openly". [12:07, 11] The 'fighting and horseplay' - with other workers - did not challenge managerial authority, and was treated as less serious, despite the consequences for the other worker.

Industry discipline reports were relatively straightforward, seeming to represent well or poorly handled individual situations, rather than generally poor employment relations.

Superficially, the Labour cases were not dissimilar. One grievor had left early without notifying the supervisor. Insubordination was alleged in two, but linked in one case with failure to perform duties and in the other with breach of trust. The latter two deserve attention.

In the former, recent elections and management turnover had occurred in the employer union; financial problems and cutbacks may have raised the general tension. The arbitrator attributed the problem to personal conflict, antedating the elections, between the grievor and a construction industry fitter serving for the first time as a business representative. "The evidence overall suggests that (the new business representative) was uncomfortable with what he perceived to be a challenge to his authority." [15:08, 5-6] "I note with some concern the employer's comment that there was no intention to fire the grievor, but just to 'let her know who is the boss', and ... that procedures are set by the employer and the employer is 'not to be dictated by the employee.'" [p 7]^{xlvii}

In the other, the grounds for discipline were changed from breach of trust to insubordination. This case involved a potential conflict of interest in that the grievor was assigned to type minutes of a meeting about a dispute between the employer and her own bargaining agent, but also a potentially grievable violation of procedures for assigning work - a recurring complaint about the supervisor. The employee had copied the minutes - as evidence in case of a grievance - before being told not to leave them lying around (not, as the supervisor initially claimed, not to copy them). [5:04]

The arbitrator pointed out the jurisprudential unacceptability of changing the grounds for discipline; the need to do so argues against the previous suggestion that procedural wrangling in Labour cases is attributable to the presence of two expert parties. So does the employer union's action, in another incident, of imposing a suspension without the presence of a union representative; the arbitrator declared the right to such representation to be substantive, not just procedural, and declared the suspension void ab initio as a result of the employer's violation. [14:03] Institutional expertise does not guarantee immunity from error when individuals exercise authority in particular situations.

These two cases of insubordination involved clerical staff expected to follow instructions. Professional status and standards of conduct were central in the next two incidents.

A grievor's fabrication of medical evidence to delay or avoid a transfer were described by the arbitrator as indefensible, intended to frustrate the employer's planning objectives. Although the arbitrator remarked, "To successfully perform the job requires a degree of dedication" [12:07, 28; emphasis added] which the grievor had failed to evince, the employer was firmly reminded that "as a general rule, indefinite suspension militates against the principle of just cause"; [p 26] and reprimanded for failing to provide the employee with guidance regarding conduct required in order to be returned to the payroll. However, the employee's conduct was judged more reprehensible, although his ten-year prior good record and willingness to comply with a transfer were considered in terminating his indefinite suspension.

The final case was related to professionalism, being a dispute over the appropriateness of a negotiator's taking a vacation while bargaining was in progress with a difficult employer for a bargaining unit already dissatisfied with the employer union. The employer's stance was that the position of negotiator demanded a duty of care and that the collective agreement stipulated that vacations "not interfere with efficient operations." [10:07, 9] The arbitrator's approach was to question whether discretion was acceptably exercised, not whether the decision was the best possible,^{xlviii} and to point out that it was not the grievor's fault if the negotiating employer had "played a little 'dirty pool'" in the grievor's absence. [p 12] Nonetheless, in allowing the grievance and directing the expunging of the disciplinary letter, the arbitrator warned the grievor against disregarding its contents, as an employer is entitled "to demand a certain type of performance". [p 13]

In discipline, the conduct of the parties as well as the contexts differ between Labour and Industry cases. Particularly noteworthy are the importance of management's flexibility in transfers, the presence of inexperienced managerial staff, the demand for dedication on the part of professional staff, and concern with conflicting interests. That conflict occurs as or is described in terms of personality clashes rather than physical threat or attack is perhaps significant. Tensions due to financial problems, and - reading between the lines - a tendency (also seen in some promotions grievances) for Labour employers to exaggerate the professional and even personal qualifications for some positions, may help explain the more frequent

awards favouring Labour grievors, to the extent that over-reaction by untrained managers does not do so. Application or interpretation of the collective agreement was sometimes anomalous, considering that both parties are presumably experts in such matters.

v. Discharge

Discharge, the most frequent category, repeats some of the already noted difficulties. This category not only constitutes the largest set of listings but involved some of the most complex and contentious disputes.

Of the 23 Labour grievances, eleven were dismissed. In one, three discharges were declared void ab initio for a violation of procedures declared mandatory by the courts. The only indication of grounds was the employer's assertion that the grievors were "not acting in the best interests of the association".^{xlix} Two grievances were allowed with reinstatement and compensation; one was allowed with a monetary award in lieu of reinstatement. The other eight were allowed in part, with substitution of a lesser penalty: suspensions of varying length, with compensation depending on when reinstatement was to take effect.

Only eight Industry grievances were dismissed outright; three were allowed in full, and twelve in part. Certain types of conduct were alleged which were rare in Labour discharge cases. Consumption of alcohol during working hours or on company property contributed to at least six dismissals, and was part of the history in at least one more. Racism was not alleged in Labour, but was in two Industry cases. [2:09*, 12:05*] Assault, fighting, or threats were at the root of four cases, including one involving alcohol; abusive or "coarse" language was sometimes involved. These cases often elicited discussion of the gravity of altercations with co-workers vs supervisors.

Another type concerned damage or risk to company property: an accident with a van, unsafe handling of equipment, lying down (literally) on the job by a person in a position of responsibility; alcohol was involved in some of these. Related issues of direct cost to the employer - rare in Labour partly because the opportunity for various sorts of misconduct depends on the nature of the work or workplace - were those involving the handling of records (a security guard in a position of trust); money (a cashier conspiring with a customer to commit fraud); 'conviction' of (pleading guilty to) theft (not from the employer, but the employer was concerned with the level of theft by employees); breach of fidelity (accepting a contract from a friend who was also a customer of the employer, who was unable to accept the contract at the time). The latter, in threatening the competitive position of the employer, approximates the kind of 'breach of trust' sometimes alleged in Labour contexts where there is potential for jurisdictional conflict.

More in common to the groups were insubordination (neglect of duties, refusal to work rescheduled hours), and arriving late at, being absent from, or leaving the workplace without notice or permission.

In the Labour sample, the immediate grounds included two cases of alleged quit, and two in which there had been an illegal strike. One was over the duty of fidelity, one over public attacks on the employer union's management, and one over failure to act in the best interests of the employer. One employee was accused of abusing sick leave; another, charged with failure to report to work, counter-charged in justification that severe and prolonged sexual harassment necessitated extended medical care. More conventional grounds were forms of insubordination (five cases), fighting (one: in a licensed social facility,

an atypical work environment in Labour) or disruptive behaviour, inadequate work performance (four), and inappropriate attitudes or personal qualities (two; in one the grievor had already been put on probation).

By now it is evident that the grounds for grievances in the Labour relationship do not generally or necessarily differ from those in Industry contexts over a variety of issues. Any appearance that they do reflects in part a restricted sample of Industry cases and different characteristics of the work settings represented in the samples. The Labour group includes primarily clerical, service, and semi-professional employees, somewhat less frequently organized in Industry employment.

For this reason, the discussion of the final cases is not explicitly comparative, focusing less on the nature of the formal dispute than on interactions among Labour employers, unions, and employees. Attention is paid to how such interactions reflect working conditions, and how arbitral comments reflect perceived or prescribed standards differing from those applying in the typical Industry setting.

General and specific expectations about standards of conduct in Labour employment are sometimes implied in arbitrators', unions', or grievors' remarks. An arbitrator recognized one union's efforts to serve as a model employer, despite its failure to establish procedures for dealing with such a sensitive complaint as sexual harassment. The employee's notion of sexual harassment was found to be overly broad; the problem was attributed to a deteriorating personal relationship between the grievor and the other employee in the office. [12:06] An employer union, having tolerated an employee's poor performance and lack of effort to improve for almost four years, stated its practice of not disciplining or firing its employees. This may also be the sole case in which a positive personal relationship between a grievor and superiors played a part. [9:05] A grievor expressed faith in the employer union's good will and even-handedness: it would not fire her because it was a union, and would recognize the legitimacy of the Labour union's wildcat strike because it as Industry union - also conducted them. [5:06]

The Labour union sometimes blamed employer provocation for actions - such as illegal walkouts - leading to discharge. The preceding was one such case, involving an illegal work stoppage. The employees complained of close surveillance, abuse of management's right to use casual employees, and training of temporary employees in jobs on which they then had an advantage when the jobs became permanent. The immediate cause of the strike was the employer's refusal to post a job and a letter announcing a "temporary permanent" appointment despite warnings that the employees were unhappy with the practice. The arbitrator agreed with the Labour union's characterization of the employer's letter as provocative. Another incident of provocation, involving 'politicking' by the employees, is discussed at length below.

The uniqueness of unions in general and of their personnel needs and employment relations in particular are sometimes the subject of arbitral comment, especially in grievances where conflicting interests or loyalties are expressed. An employee - also a shop steward in the Labour union - went over the head of the employer's General Manager to the Board of Directors and the public press with charges that - inter alia - the Manager had interfered in the Labour union's internal affairs. As steward, the grievor was found to have generally acted in good faith, but as employee his first responsibility was to the employer, notwithstanding his responsibility to the union and its members. The arbitrator agreed with the employer, asserting: "To bring a union's management into disrepute could be far more damaging to that union and its members than perhaps in the more dispassionate 'industrial area.'" [2:09, 21; emphasis added.] Destruction by a confidential secretary of documents prejudicial to her former supervisor (an action conceivable in

Industry as well) elicited from the arbitrator: "[L]oyalties are to (the employer) and not to any faction, past or present, or to any person." [7:01, 7]

Problems leading to discharge were attributed partly or entirely to personal characteristics or relationships in at least five Labour cases [5:03, 9:05, 11:14,¹ 12:06, 14:02], a startling number considering that this did not occur in Industry reports.¹ In one case, the grievor was described as "disputatious, over zealous and somewhat arrogant in his assumption of superior credentials in carrying out the affairs of the Local." [14:02, 26] Nor is management exempt from criticism; in the same case, the problems were exacerbated by the employer's replying in kind, instead of using progressive discipline. On occasion, an employer or supervisor may evince great tolerance, sometimes because of personal liking for the grievor [9:05] or inexperience in office management and awkwardness with supervisory duties. [10:02; the arbitrator noted the relevance of but did not discuss deteriorating personal relations between the supervisor and grievor over several years.]

Finally, such conduct as coarse or obscene language in the Labour workplace was treated with a degree of tolerance, as normal in union settings, even when used to describe the employer. "Being a union itself (the employer) should be sensitive to and aware of employees indulging, among themselves, in a little 'employer bashing'." [14:02, 16]. The grievor here was known for the colourfulness of his general manner of speaking in the office and in dealings with Industry employers. The distinction between the use of such language with other employees and its import when addressed to a superior was emphasized more in Industry. "Coarse shop talk may be expected and is tolerable, but an employee's verbal abuse openly challenging a foreman's authority is not." [6:03ⁱⁱ, 6] Extenuating circumstances in Industry seem to be peculiar to the incidents, rather than a feature of the environment itself. [5:03¹

An employer union is vulnerable to conflict not only in its image before the public and its members, or as a result of interpersonal loyalties or discord, but in its business viability. A union policy of not hiring relatives of members of other unions acquired significance when a secretary was found to be married to the Local president of a rival union. The employer's failure to mention the policy and the grievor's credibility with regard to not discussing office affairs at home exonerated the grievor, and the employer showed particular good will in reinstating her pending the outcome of arbitration. The policy was deemed reasonable, however, and the grievance was dismissed. [4:03]

Unions as democratic organizations are sensitive to the integrity of internal politics. Staff interference in the employer's internal affairs, political or administrative, is rarely tolerated.^{liii} Labour employers and Labour unions alike have accused each other of direct interference. In [2:09], above, it was the General Manager of the employer who was alleged to have done so.

More commonly, accusations are laid against the Labour union. The Executive Assistant to the President of an employer union was charged not only with incompetence (charges responded to adequately, in the main) but with making political statements at a convention without authorization and contrary to the employer's stated policy. The grievor, it was found, had a right to speak on that occasion. [5:03]

Serious charges of politicking were brought by member-delegates regarding the activities of three staff members at a union convention at which several incumbent directors were defeated. The employer planned an investigation, to be conducted by a former police officer in a private investigating firm, with instructions

to, as the arbitrator put it, "seek new evidence ... against staff, ... an unfortunate choice of methods". [4:01, 31] An illegal strike took place over this and other issues; the grievor admitted participating, but labelled the employer's actions provocative. The arbitrator found interference in elections undesirable, but also said the definition of "politicking" and instructions prior to the convention had been unclear. The discharge was upheld on the grounds that the grievor, a steward and likely to be looked to as a model, was "experienced, mature and highly intelligent ... [and had] consciously contravened" the collective agreement and the Labour Relations Act. "Of no small consequence in [the decision not to reduce the penalty] is the importance to an organization, with the responsibilities [the employer] has, of imbuing within its staff and membership a philosophy of lawful dispute resolution." [p 36; Emphasis added.]^{liii}

The arbitrator agreed that the employer had chosen a provocative way of dealing with the allegations of politicking, but concluded that the staff had overreacted and rejected opportunities to settle the strike through arbitration. With regard to politicking he said: "In an organization like the [employer] it is appropriate that the board of directors be elected by the untrammelled expression of the will of the membership. It would be inappropriate for the board to be the creature de facto if not de jure of the staff." [p 18]

Policy, when set by elected officers but administered by employees with more direct experience of its impact on members, can generate tension, especially when aggravated by financial constraints. [14:02; see the arbitrator's analysis, in the next section, of this situation.]

While no employer has unlimited financial resources, the labour movement is in a uniquely constrained position, as previously discussed. Such constraints in themselves can create tension, by increasing the workload on current staff [6:03], restricting access to needed resources [14:02], or requiring staff cutbacks [10:06]. In the latter case, an employer union needed to reduce staff, and asked one employee to resign in exchange for a monetary package. He refused, was terminated with the original terms, grieved, then was offered reinstatement when a possible transfer came up. The grievor engaged in a series of actions, including threats and a lawsuit against the employer. Finally discharged for insubordination, he again grieved. At arbitration, his previous actions were found to have been an ongoing attempt to get a monetary award. The employer's strategy resembles the Industry practice of offering early retirement on favourable terms to reduce staff; the employee's reaction may be unusual in comparison to what would occur there.

Unexpected laxity emerged in some cases. Most conspicuous were those in which no progressive discipline was attempted. The two most extreme cases have already been referred to. In one - apart from two officers' liking for the grievor - the use of "continual dialogue rather than formal warnings" was deemed correct in "a professional area where the blunt methodology of discipline expected in the industrial setting is not necessary." 19:05, 46) A less commendable episode found the employer responding in kind to the grievor's provocative, abusive, hostile behaviour towards a superior; the arbitrator found the absence of progressive discipline equivalent to tacit approval. [14:02] In 16:03] the grievor's record showed some warnings followed by a long period with none; the arbitrator treated this as indicative that the employer had found the work adequate or had condoned it. Another employer explained that it was not its practice to give warnings, and that supervision was sporadic because of the frequent need for supervisors to be absent from the office. Although its criticisms of performance and attitudes were legitimate, it had not provided adequate training, delegating the task to other "girls". [9:011 (And see 110:02]: a supervisor's "forebearance" was attributed to

his lack of experience, although he had evidently been working in this capacity with the grievor for at least eight years!)

Another type of laxity occurs during bargaining, then affects the relationship for the duration of the contract. Parties become embroiled in arbitrations which could have been avoided had they negotiated such standard clauses as "no-strike", 15:061 management or residual rights, [4:02, 12:051 and even "just cause". [10:10, 12:051 At times, one side appears to take advantage of the other's carelessness; one arbitrator remarked: "[T]here is considerable force to the Employer's contention that this particular group of employees ought to ID2 aware of arbitral consensus on the need for a 'just cause' limitation." [10:10, 171] "Ought" the employer union have pointed out the deficiency, or refrained from taking advantage of it?

vi. General Comments and Arbitrators' Remarks

From time to time, there has been bizarre, reprehensible, or - as in missing contract clauses - incomprehensible behaviour in the Labour setting. A grievor on probation for previous conduct misrepresented an incident in his personal life by fabricating and over-dramatizing the surrounding events, partly to impress the employer with his dedication. [13:01 High expectations can backfire!] An employer spied on a grievor, who was moonlighting with the employer's consent, after she phoned in sick instead of requesting an explanation of the apparent contradiction in her presence at the second job. [12:05] An employer declined to give sufficiently detailed reasons for discharge to permit the grievors to prepare a defence. [1:05] A clerical employee did not submit a grievance although presumably aware that this was the correct route to seek redress - partly because she knew of noone winning one. [5:06]

Confronted with such behaviour, an arbitrator may slap wrists, set standards, or suggest strategies. "I do not expect ... that the grievor will attempt to relitigate the good faith of his employer," was the relatively mild reprimand to one grievor, whose grievance was scheduled to be heard on the merits nevertheless. [14:08] The behaviour of representatives needs to be "exemplary in integrity, honesty and loyalty." [13:02, 21]^{iv} In a dispute over management's right to promulgate new rules unilaterally, the arbitrator offered advice on how to tighten up efficiency by discipline rather than new rules. [7:04]^{lv}

Some problems, to the extent that they differ from those occurring in the dispassionate industrial area, are partly explained by comparatively unique Labour working contexts and demands: limited resources, small groups, inexperienced managerial staff, internal conflicts of the employer union, exigencies of democracy, and the central role of values. The following analysis, by arbitrator Bernstein, if not comprehensive or universally applicable, is certainly a propos. [14:02, 27-29]

There is a state of tension in any organization such as a union between elected officials, who have full time jobs elsewhere and are essentially volunteers, and the permanent staff who carry on the day to day operations. In the case of [the employer], the business representative, being the senior staff member in terms of responsibility, provides the continuity of the organization. It is he who has direct contact on a continuing basis with the membership and serves their interests. The executive are also responsible to the members who elected them, but in a different way. They are responsible for the overall direction of the organization; the establishment of policy, the finances, the general administration. The business representative in his representation of members and in his other functions such as organizing has a direct interest in the policy of the union as it affects his work. His perspective tends to be longer range

than the executive's whose mandate is of a shorter duration. The priorities, financial and political, of the executive affect how the representative carries out his duties. Thus he is dependent on the executive for resources. In turn the executive is dependent upon the experience, knowledge and advice of the representative based on his usually more intimate familiarity with the membership and its needs. This inevitably leads to the representative taking on a quasi-political role. The difficulty arises in trying to draw a line of demarcation between the role and responsibilities of the elected executive and the full time staff, where the staff is not elected as in this case. ...

Specifically, in this case,

the Local has seen four presidents ... (in less than 18 months). Other positions on the executive also saw similar turnover. ... [i]t was evident that the Local suffered from lack of stable, continuous political direction. Secondly, testimony of several witnesses disclosed internal tensions between the disparate bargaining units, with their diversity of types of employees, making up [the Local]. (Emphasis added.)

One can imagine non-Labour contexts in which some of these arbitral comments would be appropriate. Their rarity in Industry cases may only reflect relatively low union density in job categories which resemble Labour. It is difficult, however, to envisage a situation in which an arbitrator would be called on to analyze as did Bernstein the nature of the relationships among the employer, union, employee, and client.

An approximation may be government or governmentally funded institutions. Here, as in Labour, are workers whose access to and use of resources for their jobs is strongly affected by policy directions and budgetary decisions imposed by elected officials. In both the election and the decision processes, these employees are expected to remain aloof, if not actually silent. Provincial civil service arbitrations were largely excluded from the database used for this study,^{lvi} although municipal employees were not; whatever parallels may exist with Labour arbitration issues remain for future research to uncover.

Arbitrators' remarks often indicate sensitivity to the uniqueness of employment relations in the Labour sector. They may demonstrate this by withholding comment: [15:07, 24]

Given the special relationship of the Staff Union to the Employer, which is itself a Union, I think that virtually nothing would be served by dealing with disputes about credibility which are not essential to my jurisdiction, and a great deal of harm to the relationship of the persons involved could be done by making determinations which I have no need to make.

Previous quotations portrayed the special character of unions as institutions as well as employers. Even when the details of a case are not unique, arbitrators may exercise care in their deliberations and reports. For instance, without implying that 'personality clash' is an inappropriate way to describe interpersonal conflicts such as were described in the present study, or that they are less common in the Labour context than reports indicate, the perceptions and sensitivity of arbitrators may account for the use of this phrase rather than a more pejorative or explicit one. It seems that some clashes are rooted in profound disagreements over values, their applications, or the competence or authority of one of the parties to make decisions regarding them. This is a kind of confrontation one might expect in normative organizations, in

which knowledge, strong commitment and dedication are demanded of employees and officers alike and may be seen by employees as justifying greater influence in policy decisions and their application.

But not even such organizations can reasonably require their staff - whether elected officials, managers, or unionized employees - to divest themselves completely of those emotions which occasionally erupt under personal or organizational stress. Not even the weight - obiter or ex officio - of an arbitrator's refusal to condone what he evidently saw as a grievor's overly emotional response to perceived threats to her future employment, child-care problems, and rather gruff supervisory handling^{lvii} can contribute much to eradicating such 'human' reactions.

It is interesting, then, to note that standards of conduct seem to be prescribed for the employee more often than the employer or supervisor. Rarely is management berated for insensitivity to the personal situation of employees, even where this is granted as an extenuating circumstance on the grievor's behalf. While employer unions may be scolded or commended for particular incidents, they are not usually advised to 'practise what they preach'. Employees on the other hand are commonly admonished to bring their conduct and attitudes into line with the unique needs of unions as value- and service-oriented institutions.

A dilemma exists when the principles represented by an employer union conflict with the material services rendered the members; interest-related services rather than principles seem to take precedence in determining the standard. (See especially the final wages cases.) Even when procedural aberrations are involved, it seems to be more often the employees than the employers who are reminded that they 'should know better' because of workplace familiarity with proper action or routes of redress. Arbitrator Arthurs' call for "single-minded dedication to the interests of the union members" echoes through the years.

V. CONCLUSIONS

This study has been exploratory, in result if not intention: it yields a sketch of employment relations in the labour sector rather than a fully developed portrayal and explanation. Further research is needed to substantiate results, to clarify details, and to provide adequate interpretations of and explanations for findings. The first section summarizes some correspondences between background factors discussed in Chapter II and the numerical and descriptive analyses. The final section proposes further research into workplace relations in this sector.

i. Labour Employment Relations: Background and Foreground

A remote-proximal dimension helps categorize factors which may affect labour relations in the labour movement.

Proximal factors are linked to the workplace and are susceptible to influence by the parties. They are not necessarily independent of remote forces, nor unique to the Labour workplace, but act more or less directly on or within it.

The appearance of concern with management rights and flexibility, as well as some allegations of insubordination among professional staff seem to relate to the tensions of a developing bureaucratic power structure in conflict with experts (whether by formal training or long experience) largely excluded from influence in policy and its application. Contradictions inherent in bureaucracy as a means to control the workforce in a setting where democratic principles are espoused are hinted at in clashes between experts and elected officials.

A tendency of bureaucracy to convert labour costs from variable to fixed may exacerbate the unstable financial status of unions. Financial crisis led more than one employer union to attempt to reduce labour costs in ways which gave cause for grievance.

The close working relationships in the typically small Labour groups, perhaps combined with a staff sense of powerlessness against a large organization, may have contributed to frustrations and the frequent personality clashes in this sample. The lack of difficulty over bumping rights may also reflect a small workplace in which there is no one to 'bump', or principles and practices so basic in unions that disputes are relatively easy to settle between the parties.

The importance of values for commitment to the employer and as a feature of normative institutions, and their practice in the workplace as well as their inculcation in the membership was made explicit in arbitrators' comments. It relates to the literature on commitment and Callus's (1986) research into variation between Labour employee groups in the focus of commitment. These commitments are themselves stressful, leading to high expectations of staff and management alike which are not always met and hence provoke discord. Their effect is likely aggravated by externally and internally enunciated standards of conduct, and reflected in emphasis on employee dedication and employer good faith.

'Promotions' grievances involving hiring from outside the employer union are reminiscent of Callus's (1986) description of the mixed internal and external labour market for different types of staff and the

relatively low internal mobility, which Wilensky (1965) also found. Inexperience on the part of some supervisory staff also suggests a multi-layered labour market: current staff, membership, employees in other parts of the labour movement, and finally the open market. It is more important to the Labour employer - as to some Industry ones - to hire those with the appropriate attitudes as well as personal experience with its members' working conditions than to purchase high levels of managerial skill. The importance of education of both members and staff is clear, if positions are to be offered to candidates from the membership.

The inadequacy of training for staff hired from the membership is inconsistent with a hierarchically ordered, bureaucratic promotion system. It may work both against management flexibility in controlling the workforce and its operations and against the power of bureaucratic incentives to instil commitment to the organization. That is, the points at which Labour employment structures and bureaucracy diverge may interact with those at which they converge in such a way as to promote conflict beyond what would be predicted in either democratic or bureaucratic organizations. In addition, poor training increases the risk that discipline and other personnel practices will be inconsistent, ineffective, or unfair. Some cases of discipline for insubordination, especially of support staff, might have been avoided by providing better training for supervisory staff. Lack of supervision and carelessness in discipline follow from lack of training and the heavy workload and irregular work patterns of supervisory staff. These factors thus may account for part of the high rate of arbitration.

Competition for scarce jobs and resources and for influence in the organization and the labour movement add to the tension, especially during crises; both layoffs and promotions cases give some evidence of this effect. Together with increasing specialization, they are obstacles to a cooperative approach to problem-solving and settlement of ideological and strategic debates both within and between organizations; again, accusations of insubordination against technical staff suggest this effect. If they have a divisive impact within bargaining units, they would also tend to reduce the cohesiveness of the Labour union and increase uncertainty in contract negotiations and administration, which could lead to instability in labour-management relations.

To the extent that the latter are effects of the labour market union's face, they are only superficially proximal factors. They are, in fact, somewhat removed from the influence of the individual Labour employer and even the Labour movement. Other such remote factors include business cycles, shifting employment patterns, and social attitudes and public policy as expressed in legislation.

Even changes in the structure of the labour movement may appear subject to internal manipulation, but are likely a response to powerful environmental forces largely beyond the control of Labour. The extent of decentralization may increase competitive activity and its associated costs. Although linkages with central bodies provide means for settling disputes, there are costs involved in maintaining the staff to provide these services, as well as in the duplication of services. The tasks of interfacing with other labour bodies are undoubtedly stressful for federations. Six of the cases reviewed were from these work settings, and showed evidence of similar difficulties.

Such remote factors may contribute to explaining Labour employment relations. By demanding increased expenditure of time and energy, they act indirectly to increase financial constraints, reduce the Labour employer's flexibility, and increase the workload and stress on Labour staff.^{lviii} By exerting pressure to

rationalize or adopt efficient methods of a form and character incompatible with labour principles and practices, these external forces may seriously aggravate difficulties with internal labour relations.

While proximal factors such as the degree of training of managerial staff may suggest direct remedial action, awareness of remote factors such as economic and social trends serves primarily to forewarn Labour employers of imminent threats to their viability. Sensitivity to both classes of factor, their effects in the workplace, and effective strategies for dealing with them is needed if disruption of the Labour employment relationship is to be minimized.

ii. A Program of Research

The study has taken arbitrations as a starting point for investigating the Labour employment relationship. Indications are that Labour resorts to the arbitral forum more frequently and on a somewhat different basis than employers in general. Outcomes of the process favour union over employer somewhat more often in Labour than Industry.

Weiler (1980, 91) points out that arbitration "ideally plays a positive role in the workplace ... because among other reasons it protects the dignity and autonomy of workers against the use and abuse of managerial authority." One of these other reasons, implied above, may be the defusing of overt conflict over issues which, reflecting contradictions of basic principles of the labour movement, may pose a grave threat to internal cohesion. By submitting such disputes to a neutral third party for authoritative decision, the parties protect themselves against longer-term consequences.

The other side of arbitration may be the abdication by the parties of some part of the autonomy and self-regulation which one expects unions to value and defend. Granted, a system of arbitration as Weiler outlines it is preferable to labour boards or courts for dispute resolution precisely because it is a creature of the parties. Yet the extent of its use by Labour unions and employers suggests that these parties fall short of providing a fully co-operative model for labour relations, although the force of this critique is attenuated by Labour's greater ability to agree to and accept sole arbitration.

However, neither the numerical nor the qualitative results, let alone particular incidents, justify conclusive statements about the state of labour relations in the labour movement. Constraints on interpretation of the results noted in the paper suggest strategies for future research.

The primary need is to replicate the present study by extending it into the present and to other jurisdictions; a cross-jurisdictional study would provide a larger database for statistical analysis and generalizability. Even so the Labour database is likely to be small. For clearer comparison on specific issues, a larger Industry sample is also desirable.

This macro approach would not address questions of why differences were found. The inadequacies of the numerical analysis and its interpretation require replication with sampling modifications.

A more refined stratification allowing for selection on the basis of sector, size and structure of both employer and bargaining unit would be appropriate to investigate whether the high rate of arbitration and variations in the pattern of issues are endemic to Labour employment relations as such or reflect features of the work and the workplace which may be shared with certain other contexts. At a still finer level,

identifying occupations within the Labour group and selecting Industry cases matched on this basis would not only pinpoint any Labour employment group accounting for a larger part of the cases, but would offer deeper understanding of the extent to which Labour's problems relate to occupation-specific stress. It may clarify, for example, the occurrence of behaviours such as fighting in Industry and 'personality clashes' in Labour.

A variant would compare Labour with a sample drawn exclusively from cases in which the Labour employer was the Industry union bringing the grievance. To the extent that Labour staff are hired from the employer union's membership, both managerial and employee work styles might reflect more closely the Industry employers from which they come, rather than a cross-section of employers. It would have the extra merit of direct comparison of arguments brought by the union-as-employer and the union-as-agent.

To substantiate the implicit, indirect influence of environmental factors, time-series analysis is needed of changes in the level and pattern of arbitrations over the business cycle, and following legislative, jurisprudential, and socio-economic developments (shifting employment patterns, technological change etc.) and structural change and growth in the labour movement.

There is a presumption in this paper and in the literature of developing bureaucracy in the labour movement. Demonstration that it is occurring is required; case studies of the formal power structure and decision-making processes within unions as employers would contribute to this end. At least in the short term, some benefits might accrue to both employer and employee in a developing bureaucracy; in the longer term, negative effects are predicted. Whether the features and contradictions of bureaucracy as outlined by Edwards (1979) and discussed in Chapter II are evinced in internal relations should follow, focussing on such questions as hiring and promotion practices, wage and salary structures, job security, worker autonomy and informal channels of influence.

Case studies would also be appropriate to investigate the effect of the size of the bargaining unit or workplace. Combined with surveys of management and employee attitudes, perceptions and daily experiences, they would help to illuminate commitment, the labour market for Labour employees, management and employee assessment of the climate of relations, and generally the individual and subjective experience of Labour workplaces, whatever their characteristics. Repeated on a periodic basis, surveys could measure responses to changes in structure, financial status, policy, negotiations, and elected leadership. Carefully selected case studies from Industry are essential for comparison.

The uncertain interpretation of the comparatively high frequency of Labour arbitration with respect to its implications for the climate of relations has been stressed. Estimates of the size of the grievance database and the rates of occurrence of issues are needed, and are most practical also at the micro level. Study of the rate of progression of a grievance through pre-arbitration steps has been suggested as an aid to understanding which issues the parties are in a sense reluctant to settle without the assistance of a neutral party. Again, comparison with appropriate Industry employers is critical for interpretation.

Nor is it desirable for research to stop at investigating the ongoing climate as revealed in the grievance-arbitration process. Whether the union as employer provides a model for good employment practices can be approached via negotiations and their outcomes. A time-series study of the inclusion of progressive clauses in collective agreements could be informative. If a union serves as a model, innovative

developments should occur sooner in its agreements with its employees; however, financial constraints - as well as variation in the relevance of some clauses depending on occupational differences from the employers they negotiate with - renders interpretation of the results of such a study more complex than it appears.

The circumstances under which Labour negotiations culminate in strikes, why standard clauses such as 'just cause' are sometimes absent from union-union collective agreements, and the patterns and problems of certification efforts, all merit attention.

It is not possible on the basis of the present study to assert that employment relations in the Labour sector are 'better' or 'worse' than elsewhere, although they do appear to be different. The level of arbitration may be positive in Weiler's sense, or indicate a highly sophisticated use by central actors in the collective bargaining regime of one of the central institutional mechanisms for dispute resolution. It may be a symptom of basic working conditions and tasks which are so demanding as to require heroic effort to maintain even a normally 'good' relationship let alone a model one.

In the final analysis, what constitutes an objective and unambiguous measure of the 'climate' of relations may remain unclear; nor is such a global concept necessarily useful. However careful the research, it may be that the most to be hoped for is some indication of what problems exist, and which factors contribute. These may then suggest remedial or preventive action. Shair's (1970) call for further research into this area must be answered.

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APPENDIX 1: Frequencies of Issues under Bulletin Headings Grouped by Aggregate Categories¹

	Unaggregated		1 st Aggregate		2 nd Aggregate	
	Industry	Labour	Industry	Labour	Industry	Labour
<u>LEGAL/PROCEDURAL</u>						
GREIEVANCE/ARBITRATION PROCEDURES					1274	13
*grievance, procedure	542	6	559	6		
Timeliness	5					
Arbitration, procedure	1					
Grievance	10					
Grievance, withdrawl	1					
*arbitrability	486	3	492	5		
Jurisdiction	8					
Arbitration, board of procedure	98	2				
	123	2	123	2		
<u>LEGAL/EVIDENTIARY</u>					383	4
Estoppel	164		167			
Past practice	2					
Policy	1					
Evidence	164	169				
Proof	1					
Witnesses	1					
Document production	1					
Medical certificate	1					
Medical exam	1					
Laches	18	1	18	1		
Res juicata	29	3	29	3		
<u>AWARDS</u>					202	5
AWARD, SUBSTANCE			183	5		
Damages	176	5				
Compensation	5					
Reinstatement	2					
<u>AWARD, ADMIN./PROCEDURE</u>			19			
Award, implementation	1					
Compliance order	2					
Enforcement	1					
Indemnification	2					
Indemnity, legal	1					
Rectification	6					
Remedies	6					

UNION AND MANAGEMENT

AFFAIRS

*collective agreement			284	3	284	3
Agreement, collective	200	2				
Agreement, memo of	1					
Settlement, memo of	2					
Settlement, minutes of	1					
Interpretation	74					
Definition	5					
Vote, ratification	1					
UNION AFFAIRS					519	5
*union security	48	75				
Union dues	6					
Union dues checkoff	1					
Collection	4					
Grievance, policy	1					
Union recognition	2					
Successor rights	5					
Union hiring	3					
Union (hiring)	2					
Jurisdictional dispute	1					
Jurisdiction	2					
*union rights	103	1	177	1		
Union officer/official	73					
Union discipline	1					
Bargaining unit	266	4	267	4		
Managerial functions	1					
Management rights	266	4	267	4		
Privacy	1					
Time study	111	1	119	1	119	1
<u>COMPENSATION</u>						
COMP., ADMINISTRATIVE,			92		92	
MISCEL.						
Pay reporting	70					
Allowance reporting	1					
Pay day	1					
Pay period	1					
Pay retroactive	2					
Retroactivity	2					
Collection	6					
Pay rate of	5					
Equal pay, equal work	1					
Pay increases in	1					
Pay service	1					
Pay settlement	1					
Wages	621	11	627	11	627	11
Pay	6					
PAY: OTHER					981	5

PAY: VACATIONS & HOLIDAYS			494	1
Pay, vacation	178			
Pay, holiday	316	1		
*pay, premium	139	2	277	2
Pay, overtime	80			
Premium, shift	2			
Premium preparation	1			
Pay, incentive	14			
Pay, responsibility	3			
Pay, call-back	17			
Pay, call-in	14			
Pay, call-out	3			
Pay, stand-by	3			
Pay, travel	1			
PAY: COMPASSIONATE			210	2
Pay, sick	156	2		
Pay, accident	1			
Pay, bereavement	35			
Pay, severance	17			
Retirement gratuity	1			
COMPENSATION: OTHER/PLANS				4
PENSION/BENEFIT/INSURANCE			71	
Pensions	32			
Benefits, disability	2			
Benefits, sup. Health	1			
Benefits, insurance	9			
Benefits, maternity	2			
Benefits, severance	1			
Benefits, sickness	7			
Benefits, sup. unemp.	6			
Benefits, welfare	2			
Insurance, health	1			
Insurance, life	1			
Insurance, legal	1			
Medical premiums	6			
PLANS: WELFARE, etc.			277	2
Welfare plans	252	2		
Pension plan	5			
Insurance, health services				
Insurance, health plan	4			
Health services	3			
Health care plan	1			
Workers compensation				
Educational assistance plan				
Tuition	1			
Training fund	1			

Training program	1					
ALLOWANCES/EXPENSES		96	7			
Allowance, clothing	5					
Allowance, cost of living	31					
Allowance, education	1					
Allowance, equipment	2					
Allowance, expense	5	1				
Allowance, meal	3					
Allowance, moving	1					
Allowance, retirement	1					
Allowance, separation	1					
Allowance, special	1					
Allowance, subsistence	1					
Allowance, travel	34	1				
Expenses, employment	0	1				
Expenses, moving	1	1				
Expenses, relocation	2					
Expenses, travel	1	1				
Overtime meals	1					
benefits	0	2				
Benefits, employee	4					
Legal fees	1					
<u>TIME AWAY FROM WORK</u>						
<u>VACATIONS & HOLIDAYS</u>						
Vacations	206	3	216	3	279	3
Vacation with pay	9					
Vacation leave	1					
Holiday	62	63				
Holiday, stat	1					
<u>LEAVE</u>						
<u>LEAVE, COMPASSIONATE</u>						
Leave, sick	81		145	1		
Leave, disability	1					
Leave, maternity	19	1				
Leave, bereavement	44					
<u>LEAVE, OTHER</u>						
Leave of absence	61	4	73	4		
Leave, personal	1					
Personal days off						
Leave, education	1					
Leave, sabbatical	5					
Leave, termination	1					
Jury/witness duty	3					
<u>WORKFORCE: CONTROL AND SIZE</u>						
<u>WORK: CONDITIONS AND STANDARDS</u>						
*work, conditions of	13	62			73	0

Health and safety	26					
Safety	13					
Safety equipment	6					
Safety shoes	2					
Clothing, protective	1					
Sexual harassment	1					
*work, standards	2	11				
Standards	2					
Work, clothing	1					
Clothing	2					
Uniforms	3					
Personal appearance	1					
Work, assignment	599	1	599	1	599	1
Overtime	679	2	679	2	679	2
*work, scheduling	278	1	409	2	409	2
Work, hours	109	1				
Work, shift	10					
Call back	5					
Work, relief	2					
Time, random	1					
Lunch hour						
Travel time	2					
Trip, periodic	1					
Layoffs	835	5	835	5	835	5
REDUCTIONS, EXCEPT LAYOFF					245	1
REDUCTIONS, LARGE-SCALE				183		
Contracting out	178					
Contracting, sub-	1					
Reduction of force	1					
Plant closings	3					
REDUCTIONS, INDIVIDUAL			62	1		
Retirement	39	1				
Resignation	3					
Termination	6					
Redundancy	14					
INCREASES			192	0	192	0
Recall	182					
Staffing	2					
Hiring	2					
Hiring hall	3					
Reappointment	1					
Rehiring	1					
Return to work	1					
INTERNAL MOVES					1031	8
*promotions	819	6	835	6		
Qualification	4					
Job qualification	1					

Progression	11					
Transfers	195	1	196	2		
Transfer, temporary	1					
Relocation	0	1				
Seniority	574	2	575	2	575	2
Tenure	1					
JOB STATUS					641	4
Classification	517	3	520	3		
Grading	1					
Job classification	2					
*job evaluation	116	1	121	1		
Job function	1					
Job description	3					
Work, evaluation	1					
JOB POSTING, VACANCY			399	3	399	3
Job posting	267	3				
Job vacancy	132					
EMPLOYMENT STATUS					204	2
Employee, probationary	107	2	107	2		
EMPLOYMENT STATUS, EXCEPT PROBATION			97			
Employment status	51					
Employment	1					
Employee, casual						
Employee, part-time	20					
Employee, permanent						
Employee, professional	1					
Employee, temporary	19					
Apprentices(hip)	2					
<u>EMPLOYER ACTION</u>						
Demotion	178	1	178	1	178	1
Discharge	3833	23	3833	23	3833	23
Discipline	2190	6	2249	7	2249	7
Warning	9					
Suspension	50	1				
<u>MISCELLANEOUS</u>						
MISCELLANEOUS, ALL					212	2
MISCEL., UNION AND EMPLOYER			41	1		
Arbitration, interest	19	1				
Interest dispute	6					
Technological change	16					
MISCEL., UNION/EMPLOYEES		155	1			
Illness	105					
Physical condition	1					
Absenteeism	3					
Drugs, unprescribed	1					

Mistake (union)	1					
Strike/strikes	4	1				
Strike, illegal	3					
MISCEL., EMPLOYER			16			
Employer misconduct	1					
Discrimination	4					
Employer liability	1					
Property	1					
Security, personal effects	1					
Security, premises	1					
Employers' association	1					
Lockout	6					
TOTAL	17776	127	17776	127	17776	127
Number of headings:	235	46	49	36	28	25
No. of headings, both groups		238		49		28

APPENDIX 2: List of Industry and Labour Cases Used in the Study

- 01:00 Civil Service Association of Ontario & Representatives and Technical Staff Union (unreported, May 3, 1971, H.D.Brown). (Unlisted; coded as Grievance Procedure)
- 01:00* Moffats Limited, Weston, Ontario & United Steelworkers of America, Local 3129 (unreported, Nov. 19, 1971, Egan). (1/17/36: Grievance Procedure)
- 01:01 Canadian Union of Public Employees & Office & Professional Employees' International Union, Local 225. (unreported, date n.a., O'Shea). (1/9/—: Collective Agreement, Job Posting)
- 01:01* Douglas Aircraft Co. of Canada Ltd. & United Auto Workers, Local 673. (unreported, Feb. 18, 1971, Shime). (1/9/--: Collective Agreement)
- 01:02 See 01:01
- 01:02* East York Hydro-Electric Commission & International Brotherhood of Electrical Workers, Local 636. (unreported, March 12, 1971, Hinnegan). (1/9/—: Job Posting)
- 01:03 Canadian Union of Public Employees & Office & Professional Employees' International Union, Local 225. (unreported, date n.a., Simmons). (1/11/--: Suspension)
- 01:03* Dome Mines Limited & United Steelworkers. (unreported, date n.a., Geddes). (1 /11/--: Suspension)
- 01:04 The Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (unreported, Nov. 17, 1971, H.D.Brown). (1/17/13,19: Damages, Discharge)
- 01:04* International Nickel Company of Canada Limited & United Steelworkers (1971), 23 L.A.C. 193. (Rayner). (1/18/5: Damages)
- 01:05 See 01:04
- 01:05* St. Joseph's Hospital, Brantford & International Union of Operating Engineers, Local 772. (unreported, Nov. 8, 1971, Hinnegan). (1/17/18: Discharge)
- 02:01 United Steelworkers of America & Office and Professional Employees' Union, Local 343 (unreported, Feb. 1, 1972, Weiler). (2/3/15,42: Laches, Union Rights)
- 02:01* Consumers' Gas Company & International Chemical Workers, Local 161. (unreported, Feb. 15, 1972, Lysyk). (2/3/14: Laches)
- 02:02 See 02:01
- 02:02* Windsor Star Limited & Windsor Typographical Union, Number 553 (unreported, Jan. 7, 1972, Geddes). (2/3/43: Union Rights)
- 02:03 United Steelworkers & Office and Professional Employees' Union, Local 343 (1972), 24 L.A.C. 1 (Weiler). (2/3/53: Board of Arbitration; 3/4/66: Res Judicata; published as one award).
- 02:03* BP Oil Limited & Oil, Chemical and Atomic Workers, Local 9-593 (1971), 24 L.A.C. 34 (H.D. Brown). (2/3/52,60: Board of Arbitration, Damages)

- 02:04 Re United Steelworkers & Office and Professional Employees' Union, Local 343 (unreported, March 22, 1972, Weiler). (2/3/55: Classification)
- 02:04* Canadian National Railways Telecommunications Department & Canadian Telecommunications Union, Division 43 (1972), 24 L.A.C. 16 (Egan). (2/3/56: Classification)
- 02:05 Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (unreported, March 8, 1972, H.D. Brown). (2/3/61-63: Damages)
- 02:05* Bryant Motors Limited & United Automobile Workers, Local 195. (unreported, Jan. 7, 1972, Brandt). (2/1/14: Damages; also 9: Board of Arbitration).
- 02:06 See 02:05
- 02:06* See 02:03*
- 02:07 See 02:05
- 02:07* Savarin Tavern & Bartenders' Union, Local 280 (unreported, Sept. 27, 1972, Weatherill). (2/12/43: Damages)
- 02:08 See 02:03
- 02:08* International Nickel Company of Canada Limited & United Steelworkers (1972), 24 L.A.C. 120 (Rayner). (2/4/67: Res Judicata; also 47: Layoff)
- 02:09 Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (unreported, May 30, 1972, H.D. Brown). (2/8/65: Discharge)
- 02:09* Canadian Johns-Manville Company Limited & International Chemical Workers, Local 346 (unreported, July 28, 1972). (2/8/63: Discharge)
- 02:10 Canadian Labour Congress & Office and Professional Employees, Local 225 (unreported, July 20, 1972, Curtis). (2/9/39: Welfare Plans)
- 02:10* Hydro Electric Commission of City of Hamilton & International Brotherhood of Electrical Workers, Local 138 (unreported, June 20, 1972, Palmer). (2/9/38: Welfare Plans)
- 03:01 United Steelworkers Centre of Hamilton & Hotel and Restaurant Employees, Local 197 (unreported, April 11, 1973, H.D. Brown). (3/4/24: Discharge)
- 03:01* Lawson Packaging Division, Oxford Paper Boxes Limited & Printing Specialties and Paper Products Union, Local 466 (1973), 2 L.A.C. (2d) 408 (Weatherill). (3/4/23: Discharge; also 64: Scheduling of Work)
- 03:02 Letter Carriers Union of Canada & Office and Professional Employees, Local 225 (unreported, April 23, 1973, Fraser). (3/4/60,65: Promotion, Seniority)
- 03:02* City of London & Canadian Union of Public Employees, Local 101 (unreported, Feb. 9, 1973, O'Shea). (3/3/50: Promotion; also 3: Arbitrability)
- 03:03 See 03:02
- 03:03* Victoria Hospital, London & London and District Building Service Workers, Local 220 (unreported, March 10, 1973, Weatherill). (3/4/71: Seniority)

- 03:04 United Steelworkers & Staffman's Organizing Committee (unreported, Aug. 24, 1973, Krever). (3/8/29: Employment Expenses)
- 03:04* Majestic Construction Limited, Division of Perini Pacific Limited & United Association of Journeymen and Apprentices (Plumbers), Local 800 (unreported, April 19, 1974, Roberts). (4/6/79: Travel Allowance)
- 03:05 Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (1973), 4 L.A.C. (2d) 182 (Johnston). (3/9/25,28,47: Grievance Procedure (25,28), Res Judicata; see also 04:01)
- 03:05* Yardley of London (Canada) Limited & International Chemical Workers Union, Local 351 (1973), 4 L.A.C. (2d) 75 (H.D. Brown). (3/9/27: Grievance Procedure)
- 03:06 See 03:05
- 03:06* Steel Company of Canada Limited & United Steelworkers, Local 1005 (1973), 4 L.A.C. (2d) 68 (Weatherill). (3/9/24: Grievance Procedure)
- 03:07 See 03:05
- 03:07* Regional Municipality of Niagara & Canadian Union of Public Employees (unreported, July 3, 1973, H.D. Brown). (3/8/46: Res Judicata)
- 03:08 Canadian Labour Congress & Office and Professional Employees' International Union, Local 225 (unreported, Oct. 19, 1973, Curtis). (3/10/81: Vacations)
- 03:08* Calvert of Canada Limited & Distillery and allied Workers, Local 73 (unreported, July 20, 1973, Brandt). (3/8/60: Vacations)
- 04:01 Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (unreported, Jan. 10, 1974, Johnston). (4/1/26: Discharge; see also 03:05-7)
- 04:01* Atlas Steels Company & Canadian Steelworkers (unreported, Dec. 17, 1973, Hinnegan). (4/1/22: Discharge)
- 04:02pi Labourers' International Union, Local 493 & Office and Professional Employees, Local 343 (unreported, Jan. 31, 1974, Ferguson). (4/2/72: Scheduling of Work) (policy and individual issues)
- 04:02i* CIP Containers Limited & International Chemical Workers, Local 229 (unreported, Dec. 10, 1973, Hinnegan). (3/12/59: Work Scheduling)
- 04:02p* Windsor Utilities Commission & International Brotherhood of Electrical Workers, Local 911 (unreported, March 7, 1974, Hinnegan). (4/3/69: Scheduling of Work)
- 03:02 Letter Carriers Union of Canada & Office and Professional Employees, Local 225 (unreported, April 23, 1973, Fraser). (3/4/60,65: Promotion, Seniority)
- 03:02* City of London & Canadian Union of Public Employees, Local 101 (unreported, Feb. 9, 1973, O'Shea). (3/3/50: Promotion; also 3: Arbitrability)
- 03:03 See 03:02

- 03:03* Victoria Hospital, London & London and District Building Service Workers, Local 220 (unreported, March 10, 1973, Weatherill). (3/4/71: Seniority)
- 03:04 United Steelworkers & Staffman's Organizing Committee (unreported, Aug. 24, 1973, Krever). (3/8/29: Employment Expenses)
- 03:04* Majestic Construction Limited, Division of Perini Pacific Limited & United Association of Journeymen and Apprentices (Plumbers), Local 800 (unreported, April 19, 1974, Roberts). (4/6/79: Travel Allowance)
- 03:05 Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (1973), 4 L.A.C. (2d) 182 (Johnston). (3/9/25,28,47: Grievance Procedure (25,28), Res Judicata; see also 04:01)
- 03:05* Yardley of London (Canada) Limited & International Chemical Workers Union, Local 351 (1973), 4 L.A.C. (2d) 75 (H.D. Brown). (3/9/27: Grievance Procedure)
- 03:06 See 03:05
- 03:06* Steel Company of Canada Limited & United Steelworkers, Local 1005 (1973), 4 L.A.C. (2d) 68 (Weatherill). (3/9/24: Grievance Procedure)
- 03:07 See 03:05
- 03:07* Regional Municipality of Niagara & Canadian Union of Public Employees (unreported, July 3, 1973, H.D. Brown). (3/8/46: Res Judicata)
- 03:08 Canadian Labour Congress & Office and Professional Employees' International Union, Local 225 (unreported, Oct. 19, 1973, Curtis). (3/10/81: Vacations)
- 03:08* Calvert of Canada Limited & Distillery and allied Workers, Local 73 (unreported, July 20, 1973, Brandt). (3/8/60: Vacations)
- 04:01 Civil Service Association of Ontario (Inc.) & Representatives and Technical Staff Union (unreported, Jan. 10, 1974, Johnston). (4/1/26: Discharge; see also 03:05-7)
- 04:01* Atlas Steels Company & Canadian Steelworkers (unreported, Dec. 17, 1973, Hinnegan). (4/1/22: Discharge)
- 04:02pi Labourers' International Union, Local 493 & Office and Professional Employees, Local 343 (unreported, Jan. 31, 1974, Ferguson). (4/2/72: Scheduling of Work) (policy and individual issues)
- 04:02i* CIP Containers Limited & International Chemical Workers, Local 229 (unreported, Dec. 10, 1973, Hinnegan). (3/12/59: Work Scheduling)
- 04:02p* Windsor Utilities Commission & International Brotherhood of Electrical Workers, Local 911 (unreported, March 7, 1974, Hinnegan). (4/3/69: Scheduling of Work)
- 06:01* R.J. Simpson Manufacturing Company (Canada) Limited & United Automobile Workers, Local 1738 (1976), 11 L.A.C. (2d) 145 (Hinnegan). (6/1/66: Job Posting)
- 06:02 See 06:01.

- 06:02* Northern Electric Company Limited & United Automobile Workers, Local 27 (1976), 11 L.A.C. (2d) 26 (Weatherill). (6/1/89: Seniority)
- 06:03 Retail, Wholesale and Department Store Union, Local 414 & Office and Professional Employees International Union, Local 343 (unreported, April 2, 1976, Adams). (6/4/27: Discharge)
- 06:03* Canadian Lukens, Limited & United Steelworkers of America (unreported, April 8, 1976, Schiff). (6/4/25: Discharge)
- 06:04 Letter Carriers' Union of Canada & Office and Professional Employees International Union, Local 225 (unreported, Oct. 16, 1976, Curtis). (6/10/48: Leave of Absence)
- 06:04* Wheatley Manufacturing Division, International Tools (1973) Limited & United Automobile Workers, Locals 195, 252 (1976), 12 L.A.C. (2d) 251 (McLaren). (6/7/54: Leave of Absence; also 31: Discipline)
- 07:01 Ontario Public Service Employees Union & Administrative Staff Union (unreported, Feb. 9, 1977, Dunn). (7/2/22: Discharge)
- 07:01* Indal Canada Limited, Alumiprime Division & United Steelworkers of America (unreported, Dec. 17, 1976, Rayner). (7/2/21: Discharge)
- 07:02 Local 199, United Auto Workers Building Corporation, & Hotel and Restaurant Employees and Bartenders International Union, Local 756 (unreported, April 15, 1977, Beck). (7/4/21: Discharge)
- 07:02* Millard and Lumb Limited & United Electrical, Radio and Machine Workers, Local 522 (unreported, March= 31, 1977, McCulloch). (7/4/13: Discharge)
- 07:03 International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Local 27 & The Retail, Wholesale and Department Store Union, Local 448 (unreported, April 28, 1977, Brandt). (7/5/65: Premium Pay)
- 07:03* Riverside Hospital of Ottawa & Ontario Nurses' Association, Local 142 (unreported, June 22, 1977, Weatherill). (7/6/64: Premium Pay)
- 07:04 International Brotherhood of Electrical Workers, Local 353 & Office and Professional Employees International Union, Local 343 (unreported, June 20, 1977, Linden). (7/6/57: Management Rights)
- 07:04* The Ontario Council of Regents for Colleges of Applied Arts and Technology (Seneca College) & Ontario Public Service Employees Union (unreported, July 11, 1977, Weatherill). (7/7/62: Management Rights)
- 07:05 International Association of Bridge Structural and Ornamental Iron Workers, Local 700 & Office and Professional Employees International Union, Local 343 (unreported, Sept. 7, 1977, Rayner). (7/9/91: Sick Pay)
- 07:05* Hodgson's Steel and Ironworks Ltd. & United Steelworkers of America, Local 6460 (unreported, June 24, 1977, Roberts). (7/9/89: Sick Pay)
- 07:06 Ontario Federation of Labour & Office and Professional Employees International Union, Local 343 (unreported part of award, Oct. 4, 1977, Adams). (7/10/56: Promotion)

- 07:06* Dominion Stores Limited & Retail, Wholesale and Department Store Union, Local 414 (unreported, Oct. 20, 1977, O'Shea). (7/10/55: Promotion)
- 07:07 Ontario Federation of Labour & Office and Professional Employees International Union, Local 343 (1977), 16 L.A.C. (2d) 264 (Adams). (7/10/72: Wages)
- 07:07* Abitibi Paper Company Limited, Iroquois Falls Division & United Brotherhood of Carpenters and Joiners of America, Local 2995 (unreported, Sept. 20, 1977, Brunner). (7/10/69: Wages)
- 07:08 The Ontario Public Service Employees Union & The Ontario Public Service Staff Union (unreported, Nov. 10, 1977, O'Connor). (7/11/63: Holiday Pay)
- 07:08* Brockville Chemicals Limited & Canadian Chemical Workers Union (unreported, Oct. 31, 1977, Rayner). (7/11/61: Holiday Pay)
- 08:01 United Automobile Workers, Local 1451 & Office and Professional Employees International Union, Local 343 (1978), 17 L.A.C. (2d) 348 (Shime). (8/4/85: Vacations)
- 08:01* Consolidated-Bathurst Packaging Limited, Hamilton, & International Woodworkers of America, Local 2-69 (unreported, May 15, 1978, Burkett). (8/5/81: Vacations)
- 08:02 Ontario English Catholic Teachers Association & Office and Professional Employees International Union (unreported, May 15, 1978, Rayner). (8/6/91: Wages)
- 08:02* The Corporation of the Borough of North York & The North York Civic Employees' Union, Local 94 (unreported, May 26, 1978, Kruger). (8/6/93: Wages)
- 08:03 The Ontario Secondary School Teachers' Federation & The Office and Professional Employees' International Union, Local 343 (unreported, June 22, 1978, Devlin). (8/8/39: Discharge)
- 08:03* Great Atlantic and Pacific Company of Canada & Retail, Wholesale and Department Store Union, Local 414 (1978), 19 L.A.C. (2d) 139 Burkett). (8/8/23: Discharge)
- 08:04 Canadian Union of Public Employees & Office and Professional Employees International Union, Local 491 (1978), 19 L.A.C. (2d) 176 (Betcherman). (8/8/95: Wages)
- 08:04* International Tools (1973) Limited & Windsor Mouldmakers Union Local 1680 (unreported, Aug. 17, 1978, Rubenstein). (8/8/96: Wages)
- 08:05 Students' Union of Ryerson Polytechnical Institute & Canadian Union of Public Employees, Local 1281 (unreported, Oct 17, 1978, Brunner). (8/11/82: Probationary Employee)
- 08:05* Brewers Warehousing Company Limited & United Brewers' Warehousing Workers' Provincial Board (unreported, Sept. 11, 1978, Weatherill). (8/9/50: Probationary Employees)
- 09:01 C.L.C. Labour Education and Studies Centre & Office and Professional Employees' International Union, Local 225 (unreported, Jan. 2, 1979, Curtis).(9/1/26: Discharge)
- 09:01* Humpty Dumpty Foods Limited & Retail, Wholesale Bakery and Confectionery Workers' Union, Local 461 (unreported, Jan. 3, 1979, Palmer). (9/1/22: Discharge)

- 09:02 Ontario Federation of Labour & Office and Professional Employees International Union, Local 343 (unreported, Jan. 3, 1979, Punnett). (9/1/66: Promotion)
- 09:02* Regional Municipality of Peel & International Brotherhood of Electrical Workers, Local 636 (unreported, Dec. 6, 1978, Beck). (9/1/67: Promotion)
- 09:03 International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 128 & Office and Professional Employees International Union, Local 343 (unreported, April 11, 1979, Teplitsky). (9/4/64: Layoff)
- 09:03* Benson and Hedges (Canada) Limited and Brampton Plant, & Bakery, Confectionery and Tobacco Workers International Union (1979), 22 L.A.C. (2d) 361 (Lederman). (9/4/61: Layoff)
- 09:04 United Automobile, Aerospace and Agricultural Workers of America & Office and Professional Employees International Union, Local 343 (unreported, June 18, 1979, Shime). (9/6/13: Demotion)
- 09:04* Scarborough Centenary Hospital Association & Canadian Union of Public Employees, Local 1320 (unreported, June 19, 1979, Schiff). (9/6/11: Demotion)
- 09:05 United Automobile, Aerospace and Agricultural Workers of America & Newspaper Guild of Detroit (unreported, June 4, 1979, Egan). (9/6/28: Discharge)
- 09:05* Firestone Steel Products of Canada & United Automobile Workers, Local 27 Unit 17 (unreported, June 18, 1979, Welling). (9/6/25: Discharge)
- 09:06 International Association of Machinists and Aerospace Workers & IAM Representatives Association (unreported, May 28, 1979, Jolliffe). (9/6/104: Relocation)
- 09:06* Public Utilities Commission of the City of Stratford & International Brotherhood of Electrical Workers, Local 636 (unreported, June 12, 1979, Rayner). (9/6/111: Transfer)
- 09:07 U.A.W. Building Corporation, Local 1451 & Hotel and Restaurant Employees' & Bartenders' International Union, Local 756 (unreported, Nov. 27, 1979, O'Connor). (9/11/28: Discharge)
- 09:07* Steel Company of Canada Limited, Hilton Works, & United Steelworkers of America, Local 1005 (unreported, Nov. 19, 1979, McLaren). (9/11/14: Discharge)
- 10:01 Labourers' International Union of North America, Local 506, & Office and Professional Employees' International Union, Local 343 (unreported, Jan. 17, 1980, Rayner). (10/1/70: Layoff)
- 10:01* Dominion Stores Limited & Retail, Wholesale and Department Store Union (unreported, Jan. 11, 1980, Picher). (10/1/68: Layoff)
- 10:02 Millwrights and Machine Erectors, Local 1592 & Office and Professional Employees' International Union, Local 343 (unreported, March 9, 1980, McIver). (10/04/21: Discharge)
- 10:02* Oshawa General Hospital & Canadian Union of Public Employees, Local 45 (unreported, March 31, 1980, H.D. Brown). (10/4/27: Discharge)
- 10:03 United Steelworkers of America, District 6, & Office and Professional Employees International Union, Local 343 (unreported, March 26, 1980, Shime). (10/4/73: Promotion)

- 10:03* Welland Forge Ltd. & United Electrical, Radio and Machine Workers of America, Local 523 (unreported, April 23, 1980, Palmer). (10/4/77: Promotion)
- 10:04 Customs Excise Union Duanes Accise & Office and Professional Employees' International Union, Local 225 (unreported, Aug. 26, 1980, Curtis). (10/4/47: Layoff; supp. award: see 10:09)
- 10:04* Consolidated-Bathurst Packaging Limited & International Woodworkers of America, Local 2-69 (unreported, Aug. 22, 1980, Saltman). (10/8/46: Layoff)
- 10:05 Ontario Federation of Labour & Office and Professional Employees International Union, Local 343 (unreported, Oct. 29, 1980, Burkett). (10/10/3: Bargaining Unit)
- 10:05* Carleton University & Canadian Union of Public Employees, Local 2424 (unreported, Dec. 17, 1980, Carter). (10/12/5: Bargaining Unit)
- 10:06 Union of National Defence Employees & Staff Officers Unions (unreported, Oct. 9, 1980, Punnett). (10/10/32: Discharge)
- 10:06* Motor Wheel Corporation of Canada Limited & United Automobile Workers, Local 127 (unreported, Oct. 3, 1980, Palmer). (10/10/15: Discharge)
- 10:07 Ontario Nurses' Association & Ontario Nurses' Association Staff Union, Unit #1 (unreported, Oct. 6, 1980, Palmer). (10/10/48: Discipline)
- 10:07* Noranda Metal Industries Limited & International Brotherhood of Electrical Workers (unreported, Sept. 5, 1980, Keplitsky). (10/10/36: Discipline)
- 10:08 Canadian Labour Congress & Office and Professional Employees International Union, Local 225 (unreported, Oct. 28, 1980, Curtis). (10/10/106: Welfare Plans)
- 10:08* Brazeau Transport Limited & Teamsters Union, Local 91 (unreported, Sept. 2, 1980, Simmons). (10/10/107: Welfare Plans)
- 10:09 Customs Excise Union Duanes Accise & Office and Professional Employees' International Union, Local 225 (unreported, Aug. 26, 1980, Curtis). (10/11/72: Layoff; coded as Damages)
- 10:09* Calvert of Canada Limited & United Automobile Workers, Local 2098 (1980), 28 L.A.C. (2d) 62 (Rayner). (10/11/7: Damages)
- 10:10 Retail, Wholesale and Department Store Union, Local 414, & Retail, Wholesale and Department Store Union Representatives Association of Ontario (1980), 28 L.A.C. (2d) 164 (MacDowell). (10/12/32: Discharge)
- 10:10* Dominion Stores Limited & United Steelworkers of America, Local 14045 (unreported, Dec. 10, 1980, Rayner). (10/12/27: Discharge)
- 11:01 Public Service Alliance of Canada & Alliance Employees Union (unreported, Jan. 13, 1981, Roach). (11/1/121: Wages)
- 11:01* National Arts Centre Corporation & International Alliance of Theatrical Stage Employees, Local 471 (unreported, Nov. 4, 1980, Weatherill). (11/1/125: Wages)

- 11:02 Public Service Alliance of Canada & Alliance Employees Union (1981), 29 L.A.C. (2d) 21 (Fraser). (11/2/1: Arbitrability)
- 11:02* Hanover and District Hospital & London and District Service Workers' Union, Local 220 (unreported, March 9, 1981, Gorsky). (11/3/1: Arbitrability)
- 11:03 Public Service Alliance of Canada & Canadian Union of Labour Employees (unreported, Feb. 9, 1981, Duchesneau-McLachlan). (11/2/81: Strike)
- 11:03* Dominion Textile Limited & United Textile Workers of America, Local 469 (unreported, July 24, 1978, Abbott). (8/9/59: Strike; also 22: Discharge)
- 11:04 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, December, 1980, Arthurs). (11/2/82: Transfer)
- 11:04* Denison Mines Limited & United Steelworkers of America, Local 8519 (unreported, Feb. 16, 1981, O'Shea). (11/2/84: Transfer)
- 11:05 Public Service Alliance of Canada & Alliance Employees Union (unreported, Feb. 19, 1981, Roach). (11/3/71: Hours of Work)
- 11:05* Perley Hospital & Ontario Nurses' Association (1981), 29 L.A.C. (2d) 178 (Barton). (11/3/70: Hours of Work)
- 11:06 Professional Institute of Public Service of Canada & Profession] Institute Staff Association (unreported, Feb. 23, 1981, O'Shea). (11/3/91: Promotion)
- 11:06* Corporation of City of North York & North York Civic Employees Union, Local 94 (unreported, March 10, 1981, Adamson). (11/3/90: Promotion)
- 11:07 Public Service Alliance of Canada & Alliance Employees Union (unreported, Feb. 24, 1981, Roach). (11/3/115: Wages)
- 11:07* Radio Shack Division, Tandy Electronics Limited, & United Steelworkers of America (unreported, March 19, 1981, McLaren). (11/3/111: Wages)
- 11:08 Public Service Alliance of Canada & Alliance Employees Union, Unit 1 (unreported, May 28, 1981, Abbott). (11/6/80: Interpretation)
- 11:08* Reynolds Aluminum Company of Canada Limited & International Molders and Allied Workers Union, Local 28 (unreported, June 4, 1981, Teplitsky). (11/6/79: Interpretation; also 93: Layoff)
- 11:09 Ontario Nurses' Association & Ontario Nurses' Association Staff Union (unreported, June 29, 1981, Houston). (11/7/73: Procedure)
- 11:09* National Arts Centre Corporation & Public Service Alliance of Canada (1981), 30 L.A.C. (2d) 431 (Shime). (11/5/90: Procedure; also 9,49: Demotion, Discipline)
- 11:10 Public Service Alliance of Canada & Alliance Employees Union (unreported, June 10, 1981, Roach). (11/7/121: Wages)
- 11:10* Stratford Shakespearian Festival Foundation of Canada & Canadian Actors' Equity Association (unreported, June 15, 1981, Andrews). (11/7/120: Wages)

- 11:11 Public Service Alliance of Canada & Alliance Employees Union (unreported, June 25, 1981, Roach). (11/8/104: Wages)
- 11:11* Ontario Hydro & Candian Union of Public Employees, Ontario Hydro Employees' Union, Local 1000 (unreported, Aug. 25, 1981, Burkett). (11/8/102: Wages)
- 11:12 Public Service Alliance of Canada & Alliance Employees Union (unreported, June 25, 1981, Roach). (11/8/105: Wages)
- 11:12* Wardair Canada (1975) Limited & Canadian Air Line Flight Attendants Association (unreported, Aug. 5, 1981, O'Shea). (11/8/101: Wages)
- 11:13 Public Service Alliance of Canada & Alliance Employees Union (unreported, June 18, 1981, Roach). (11/8/106: Wages)
- 11:13* Canada Sand Papers Limited & Energy and Chemical Workers' Union, Local 12 (1981), 2 L.A.C. (3d) 85 (Arthurs). (11/8/103: Wages)
- 11:14 Canadian Union of Operating Engineers and General Workers & Office and Professional Employees International Union, Local 343 (unreported, Aug. 11, 1981, Rayner). (11/9/24: Discharge)
- 11:14* Thunderbrick Limited & Labourers' International Union of North America, Local 607 (unreported, Sept. 1, 1981, Bicknell). (11/9/25: Discharge)
- 11:15 (Pair deleted. The Industry employer was initially, incorrectly identified as Labour Employer.)
- 11:16 United Food and Commercial Workers International Union, Ontario Retail Council, & Office and Professional Employees International Union, Local 343 (unreported, Oct. 9, 1981, Houston). (11/10/51: Discipline)
- 11:16* Decor Metal Products & United Automobile Workers of America, Local 1411 (unreported, Oct. 19, 1981, Brent). (11/10/46: Discipline)
- 12:01 Niagara Falls Union Centre & Teamsters Local 2175 (unreported, March 22, 1982, Rayner). (12/3/56,109: Discharge, Procedure)
- 12:01* Canada Safeway Limited & United Food and Commercial Workers International Union, Locals 206 and 486 (unreported, March 19, 1982, Egan). (12/3/37: Discharge)
- 12:02 See 12:01
- 12:02* Chedoke Hospitals, Hamilton, & Ontario Public Service Employees Union (unreported, May 12, 1982, Saltman). (12/5/86: Procedure)
- 12:03 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, April 20, 1982, Arthurs). (12/4/4: Classification)
- 12:03* St. Joseph's Hospital (London) & London and District Service Workers' Union, Local 220 (1982), 4 L.A.C. (3d) 115 (Rose). (12/4/5: Classification)
- 12:04 Canadian Labour Congress & Canadian Labour Congress Representatives' Union (unreported, March 27, 1982, Barton). (12/4/49: Expense Allowance)

- 12:04* Bell Canada & Communications Workers of Canada (unreported, June 25, 1981, Beck). (12/5/116: Travel Allowance)
- 12:05 Port Arthur Labour Association & Service Employees International Union, Local 268 (unreported, May 11, 1982, Adamson). (12/5/20: Discharge)
- 12:05* Toronto General Hospital & Canadian Union of Public Employees, Local 2001 (unreported, April 28, 1982, Brunner). (12/5/24: Discharge)
- 12:06 Canadian Union of Public Employees & Office and Professional Employees' International Union, Local 491 (1982), 4 L.A.C. (3d) 385 (Swinton). (12/5/27: Discharge)
- 12:06* National Steel Car Corporation Limited & National Steel Car Guards Union (unreported, May 10, 1982, Hinnegan). (12/5/13: Discharge)
- 12:07 Canadian Labour Congress & Canadian Labour Congress Representatives Union (unreported, June 29, 1982, Davis). (12/6/72: Discipline)
- 12:07* Air Canada & International Association of Machinists and Aerospace Workers, Lodge 148 (unreported, June 2, 1982, Beatty). (12/6/87: Discipline)
- 12:08 Ontario Nurses' Association & Ontario Nurses' Association Staff Union (unreported, May 31, 1982, Knopf). (12/6/110: Job Posting)
- 12:08* Simcoe County Board of Education & Canadian Union of Public Employees, Local 1310 (unreported, June 23, 1982, Knopf). (12/6/108: Job Posting)
- 12:09 Public Service Alliance of Canada & Alliance Employees Union, Unit 1 (unreported, Aug. 19, 1982, Abbott). (12/9/1: Arbitrability)
- 12:09* Niagara College of Applied Arts and Technology & Ontario Public Service Employees Union (unreported, Sept. 20, 1982, McLaren). (12/9/3: Arbitrability; also 75: Scheduling of Work)
- 12:10 Public Service Alliance of Canada & Alliance Employees Union (unreported, Sept. 9, 1982, Abbott). (12/9/97: Wages)
- 12:10* Woods Bag & Canvas Co. Ltd. & Canadian Textile and Chemical Union, Local 530 (unreported, Sept. 1, 1982, Ellis). (12/9/95: Wages)
- 12:11 United Steelworkers of America, Local 6500 & Office and Professional Employees' International Union, Local 343 (1982), 8 L.A.C. (3d) 71 (Swan). (12/12/116: Retirement)
- 12:11* Religious Hospitallers of St Joseph of Villa Maria & Service Employees International Union, Local 210 (1982), 7 L.A.C. (3d) 131 (Saltman). (12/11/120: Retirement)
- 13:01 Canadian Labour Congress & Canadian Labour Congress Representatives Union (unreported, Jan. 24, 1983, Davis). (13/1/52: Discharge)
- 13:01* Canadian Pacific Limited & Brotherhood of Railroad Signalmen (unreported, Jan. 4, 1983, Weatherill). (13/1/34: Discharge)
- 13:02 Ontario Public Service Employees Union Sr Ontario Public Service Staff Union (1983), 8 L.A.C. (3d) 302 (Saltman). (13/2/2: Arbitrability)

- 13:02* Essex County Roman Catholic Separate School Board & Service Employees' Union, Local 210 (unreported, Jan. 26, 1983, Palmer). (13/2/1: Arbitrability; also 113: Welfare Plans)
- 13:03 Canadian Labour Congress & Office and Professional Employees International Union, Local 225 (unreported, April 11, 1983, Fraser). (13/4/94: Promotion)
- 13:03* Corporation of the Borough of York & Canadian Union of Public Employees, Local 10 (unreported, April 22, 1983, Egan). (13/4/95: Promotion)
- 13:04 Ontario Nurses' Association & Ontario Nurses' Association Staff Union (unreported, May 26, 1983, Devlin). (13/5/12,104,115: Collective Agreement, Maternity Leave, Premium Pay)
- 13:04* Garden City Sanitation (Robran Construction) & Canadian Union of Public Employees, Local 1045 (unreported, April 22, 1983, Devlin). (13/4/17: Collective Agreement)
- 13:05 See 13:04.
- 13:05* Laurentian Hospital & Canadian Union of Public Employees, Local 161 (unreported, Jan. 24, 1983, Duchesneau-McLachlan). (13/1/110: Maternity Leave)
- 13:06 See 13:04.
- 13:06* Consumers Glass Company Ltd. & United Glass and Ceramic Workers, Local 200 (unreported, May 6, 1983, Picher). (13/6/117: Premium Pay)
- 13:07 United Automobile Workers, Local 27 & Retail, Wholesale and Department Store Union, Local 448 (unreported, June 8, 1983, Gorsky). (13/6/3: Bargaining Unit)
- 13:07* Dryden District General Hospital & Ontario Nurses' Association (unreported, July 14, 1983, Knopf). (13/7/8: Bargaining Unit)
- 14:01 Ontario English Catholic Teachers' Association & Office and Professional Employees' International Union, Local 343 (unreported, Jan. 13, 1984, Black). (14/1/136: Work Assignment)
- 14:01* Harbour Castle Hilton Hotel (Toronto) & Textile Processors, Service Trades, Health Care, Professional and Technical Employees, Local 351 (unreported, Dec. 28, 1983, Hearn). (14/1/142: Work Assignment)
- 14:02 Canadian Union of Operating Engineers and General Workers, Local 111 & Professional and Clerical Workers (unreported, Aug. 26, 1983, Bernstein). (14/3/40: Discharge)
- 14:02* National Steel Car Ltd. & United Steelworkers of America, Local 7135 (unreported, March 16, 1984, Hinnegan). (14/3/38: Discharge)
- 14:03 Canadian Union of Public Employees & Administrative and Technical Staff Union (unreported, March 1, 1984, Fraser). (14/3/55: Discipline)
- 14:03* Somerville Belkin Industries Limited & London Commercial Printing Pressmen and Assistants Union, No. 510 (unreported, March 23, 1984, Saltman). (14/3/51: Discipline)
- 14:04 Canadian Union of Operating Engineers and General Workers, Local 111 & Professional and Clerical Workers (unreported, Aug. 16, 1983, Bernstein). (14/3/81: Layoff)

- 14:04* Ontario Hydro & Canadian Union of Public Employees, Ontario Hydro Employees, Local 1000 (unreported, March 9, 1984, Adams). (14/3/76: Layoff)
- 14:05 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, Aug. 3, 1984, Barrett). (14/8/71: Leave of Absence)
- 14:05* Superior Ambulance Ltd. & Ontario Public Service Employees Union (unreported, July 7, 1984, Barton). (14/7/89: Leave of Absence)
- 14:06 Public Service Alliance of Canada & Alliance Employees Union, Unit 11 (unreported, July 25, 1984, Edwards). (14/8/72: Leave of Absence)
- 14:06* Sudbury District Roman Catholic Separate School Board & Ontario English Catholic Teachers' Association (1984), 15 L.A.C. (3d) 284 (Adams). (14/7/88: Leave of Absence)
- 14:07 Ontario Public Service Employees Union & Ontario Public Service Staff Union (1984), 16 L.A.C. (3d) 278 (Swan). (14/9/6: Board of Arbitration)
- 14:07* Maple Lodge Farms Ltd. & United Food & Commercial Workers, Local 1105P (unreported, Aug. 21, 1984, Devlin). (14/7/1: Board of Arbitration)
- 14:08 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, Sept. 10, 1984, Adams). (14/9/94: Res Judicata)
- 14:08* Sidbec-Dosco Inc. & United Steelworkers of America, Local 5629 (unreported, Oct. 2, 1984, Teplitsky). (14/10/82: Res Judicata)
- 14:09 Ontario Public Service Employees Union Sr Ontario Public Service Staff Union (unreported, Oct. 10, 1984, Swan). (14/10/94: Travel Expenses)
- 14:09* Upper Lakes Shipping Ltd. & Canadian Maritime Union, Local 401, CBRT (unreported, Oct. 16, 1984, H.D. Brown). (14/11/141: Travel Expenses)
- 14:10 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, Oct. 11, 1984, Solomatenko). (14/10/99: Vacations)
- 14:10* Regionality Municipality of Hamilton-Wentworth & Canadian Union of Public Employees, Local 167 (unreported, March 9, 1984, Beck). (14/10/100: Vacations)
- 14:11 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, July 25, 1984, Swan). (14/11/9: Benefits)
- 14:11* The Globe and Mail & The Southern Ontario Newspaper Guild (unreported, Aug. 1, 1985, Kruger). (15/8/123: Travel Allowance)
- 14:12 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, July 19, 1984, Swan). (14/11/95: Moving Expenses)
- 14:12* The Provincial Schools Authority & The Federation of Provincial Schools Authority Teachers (1980), 25 L.A.C. (2d) 248 (MacDowell). (10/2/65: Moving Expenses)
- 14:13 Ontario Public Service Employees Union & Ontario Public Service Staff Union (1984), 17 L.A.C. (3d) 57 (Swan). (14/11/104: Overtime)

- 14:13* Raybestos Canada Inc. & United Steelworkers of America, Local 5141 (unreported, Nov. 2, 1984, Thorne). (14/11/105: Overtime)
- 14:14 Ontario Nurses' Association & Ontario Nurses' Association Staff Union (unreported, Nov. 29, 1984, Wilson). (14/12/97: Sick Pay)
- 14:14* Mississauga Hydro Commission & International Brotherhood of Electrical Workers (1984), 17 L.A.C. (3d) 299 (Picher). (14/12/98: Sick Pay; also 6: Collective Agreement)
- 15:01 Ontario Nurses' Association & Ontario Nurses' Association Staff Union (unreported, Jan. 9, 1985, Picher). (15/1/72: Overtime)
- 15:01* Sault Ste. Marie General Hospital & Ontario Nurses' Association (unreported, Dec. 17, 1984, Aggarwal). (15/1/71: Overtime)
- 15:02 Civic Employees Union, Local 43 & Office and Professional Employees' International Union, Local 343 (unreported, April 17, 1985, Barrett). (15/4/70: Layoff)
- 15:02* Reed Decorative Products Ltd. (Sunworthy Wall Coverings) & Canadian Paperworkers Union, Local 304 (unreported, April 16, 1985, Brent). (15/4/68: Layoff)
- 15:03 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, April 19, 1985, Swan). (15/4/99: Travel Allowance)
- 15:03* Bell Canada & Communications Workers (unreported, Jan. 17, 1985, Burkett). (15/1/91: Travel Allowance)
- 15:04 Ontario English Catholic Teachers Association & Deputy General Secretary, et al. Employed by the O.E.C.T.A. (unreported, Oct. 23, 1984, Palmer). (15/5/122: Interest Arbitration)
- 15:04* Corporation of the Town of Cobourg & Cobourg Police Association (unreported, May 17, 1985, Aggarwal). (15/5/123: Interest Arbitration)
- 15:05 Public Service Alliance of Canada & Alliance Employees Union, Unit 11 (unreported, May 14, 1985, Edwards). (15/6/9: Benefits)
- 15:05* Waterloo, Regional Board of Commissioners of Police & Waterloo Regional Police Association (unreported, July 23, 1985, Weatherill). (15/7/91: Legal Fees)
- 15:06 United Auto Workers, Local 222 & United Auto Workers Local 1136 (unreported, July 2, 1985, Hinnegan). (15/7/99: Probationary Employee)
- 15:06* Fiberglas Reinforced Plastics Systems & Sheet Metal Workers, Local 397 (unreported, June 28, 1985, Phillips). (15/7/100: Probationary Employee)
- 15:06* Fiberglas Reinforced Plastics Systems & Sheet Metal Workers, Local 397 (unreported, June 28, 1985, Phillips). (15/7/100: Probationary Employee)
- 15:07 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, Feb. 28, 1985, Swan). (15/8/79: Leave of Absence)
- 15:07* Windsor Arms Hotel Ltd. & Food and Service Workers (unreported, Aug. 12, 1985, McKechnie). (15/8/78: Leave of Absence)

- 15:08 International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Local 128 & Office and Professional Employees' International Union, Local 343 (unreported, Aug. 23, 1985, Solomatenko). (15/9/39: Discipline)
- 15:08* Elan Corporation & United Auto Workers, Local 127 (unreported, Aug. 26, 1985, McKechnie). (15/9/41: Discipline)
- 15:09 Public Service Alliance of Canada & Alliance Employees Union (unreported, Sept. 30, 1985, Abbott). (15/10/10: Classification)
- 15:09* Algonquin College & Ontario Public Service Employees Union (unreported, Oct. 8, 1985, Burkett). (15/10/9: Classification)
- 15:10 Ontario Public Service Employees Union & Ontario Public Service Staff Union (unreported, Sept. 26, 1985, Saltman). (15/10/149: Wages)
- 15:10* University of Toronto & Canadian Union of Educational Workers, Local 2 (unreported, Oct. 3, 1985, Burkett). (15/10/143: Wages)
- 15:11 Ontario English Catholic Teachers Association & Deputy General Secretary, et al. Employed by the O.E.C.T.A. (unreported, Nov. 13, 1985, Brunner). (15/11/5: Bargaining Unit)
- 15:11* Corporation of the City of North York & Ontario Nurses' Association (unreported, Oct. 8, 1985, Weatherill). (15/10/5: Bargaining Unit)
- 15:12 The Union of Postal-Communications Employees & The Alliance Employees' Union (unreported, Nov. 1, 1985, Kates). (15/11/67: Job Evaluation)
- 15:12* Beardmore & United Food and Commercial Workers, Local 0479P (unreported, Nov. 21, 1985, Brent). (15/11/68: Job Evaluation)
- 15:12* Beardmore & United Food and Commercial Workers, Local 0479P (unreported, Nov. 2], 1985, Brent). (15/11/68: Job Evaluation)

END NOTES

¹ Re Office & Professional Employees International Union, Local 343, and United Brotherhood of Carpenters, Local 18 (1966), 17 L.A.C. 417 (Arthurs). Only a brief note was published.

² Dennis McDermott. Presidential Address. 15th Constitutional Convention of the Canadian Labour Congress. Montreal, Quebec, May/June 1984. p 5. He was speaking of the role of women in the union.

³ "Clerical staff at steel union plan protest". The Globe and Mail, Aug. 19 1987, A3. The Professional Employees International Union objected to concessions sought by the United Steelworkers of America, which had "repeatedly advised its [own] members not to give in to employers' demands for concessions." See also Shair (1970) for conflicts associated with efforts to organize employees of unions in the U.S.A.

⁴ United Steelworkers of America, Applicant, v. Service Employees International Union and Service Employees Union, Local 204, Respondents, (1983) OLRB Rep. 1233. The Steelworkers sought certification as bargaining agent for the SEU employees. One SEU argument against certification was the fact that there are limited potential employers for staff organizers. An employee approached to join the Steelworkers - a major source of employment for them - might "feel fettered in his ability to make up his own mind and say 'no', lest the chance of later employment with the USW be thereby reduced.

⁵ "Union's employees sue for overtime pay". The Globe and Mail, Nov. 6 1986, A16. Professional staff had been accepting rules for overtime pay which contravened provisions of the Employment Standards Act, prior to collective agreement changes which brought the employer into compliance with the Act. "However, this charitable attitude by the union's staff has changed. One staff member called the lawsuit and other recent conflicts 'the outward and visible signs of an inward and spiritual malaise.

⁶ The article outlines several intra-labour disputes in the U.S.A.

⁷ Re Alberta Union of Public Employees and Civil Service Office Workers' Union (1983), 9 L.A.C. (33d) 302 (Owen). The employer, rather than fire an office employee who had problems of incompatibility with field staff, had attempted to transfer her. Owen found it unfortunate that in choosing "the less Draconian solution", the employer had transgressed the collective agreement. Sadly, such employer conduct, like all 'good news', is less likely to reach the public's attention.

⁸ Labour Relations Act. Revised Statutes of Ontario, 1980, c. 228.

⁹ For an overview of notions of the public interest see, for instance, Virginia Held, *Public Interest and Private Interests*. New York: Basic Books; 1970.

¹⁰ Employers and employees in the labour movement will be referred to as 'Labour employers', and 'Labour employees'. A union of Labour employees will be referred to as a 'Labour union'. 'Employer-union' and 'union employee' may also occur. 'Industry' will describe all other employers and employees. The forms 'Labour' and 'Industry' will refer to the two samples on which the research is based.

¹¹ Private consulting and law firms further supplement the sources of service.

¹² It is not inconceivable that membership pressure could be exerted on behalf of the employees in a dispute or strike, to protect either union principles or member interests. But see Gordon (1986, 16): "[Here were 1,900 union delegates voting in favour of no bargaining with the staff union at all."

¹³ See Table 1, note 2. Two small groups with fewer than 10,000 members each had 80 employees: The Metropolitan Toronto Police Association, and the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA).

¹⁴ Two of these statutes are the Ontario Labour Relations Act, and the Crown Employees Collective Bargaining Act.

¹⁵ See, for instance, Lawrence Mishel, "The Structural Determinants of Union Bargaining Power", *Industrial and Labor Relations Review*, Vol. 40, 1986, 90-104. He discusses relative effectiveness when union bargaining structures match employer modes of organization more or less well.

¹⁶ The increase to 0.16 in 1988 may be an artefact of the collection method or the fact that data are for September rather than December. It may also indicate a genuine increase in the Labour workforce, perhaps in response to the growing and broadening pressures on the Labour movement.

¹⁷ 'Independent local union' means not affiliated with a federation. Ontario Ministry of Labour Research Branch - Collective Bargaining Office. (Personal communication.)

¹⁸ The potential for conflict within the labour movement when two unions with the same affiliation confront each other over internal labour relations issues may account for the number of independent unions representing Labour employees' interests.

¹⁹ Ontario. Ministry of Labour. Annual Report, 1971-1972 to 1980-1981; and Ontario. Labour Relations Board. Annual Report, 1981-1982 to 1985-86, Table 1. Numbers are for those disposed of by the Board. The much larger numbers settled or withdrawn, although not requiring intervention by the Board, are still indicative of tensions within the movement.

²⁰ Financial Post, April 6, 1987, 6. Both unions are large: in 1986, UFCW membership was reported as 156,000, and CAW as 140,000. Withdrawal or expulsion of either would have been a serious loss for the CLC.

²¹ Ontario. Ministry of Labour. Annual Report, 1971-1972 to 1980-1981; Ontario. Labour Relations Board. Annual Report, 1981-1982 to 1985-21.1986. Table 1 (certification and termination of bargaining rights). Data on votes are based on votes won and total votes, of "regular" votes (excluding pre-hearing, successor, termination, and construction elections) at final elections (excluding those for which the ballots were subsequently discarded): 1971-72 to 1975-1976, Table 4a; 1976-1977 to 1979-1980, Table 3; 1980-1981 to 1985-86, Table 6.

²² First contract arbitration was not provided under the Labour Relations Act until 1986 Labour Relations Amendment Act, Statutes of Ontario 1986, c. 17. It was not necessarily employer action which resulted in failure to negotiate a settlement.

²³ Ontario. Ministry of Labour. Annual Report, 1971-1972 to 1980-1981; and Ontario. Labour Relations Board. Annual Report, 1980-81 to 1986-87; Table 1. The number settled between the parties to the union's advantage is not reported. From 1971-72 to 1979-80 the figures in the table were combined with applications for declaration of successor union; the two were separated by referring to textual reports of caseload.

²⁴ This is not meant to imply that these conceptually distinguishable external influences operate independently in practice.

²⁵ There are added costs for the Industrial employer as well in this event.

²⁶ Some of these activities would be undertaken at the local level with no necessary added cost at head office, but some large locals have their own paid staff whose jobs could be affected by the factors discussed here.

²⁷ An interesting case was the Steelworkers' application to represent the employees of the Service Employees Union. See note 4, above.

²⁸ Revised Statutes of Ontario, 1970, c. 232, s. 60.

²⁹ Edwards (1979, 146) says that "[p]opular opinion strongly suggests that 'bureaucracy' is wasteful, slow, and ineffective. Expert opinion often agrees."

³⁰ Although Herberg is concerned with the implications of bureaucracy for membership democracy, accumulation of power at the top of the membership cannot but influence relations of control in the union workplace as well.

³¹ Edwards distinguishes self-control as "lack of immediate external controls" from autonomy as "the freedom to make decisions in one's own interest"; (p. 146) the latter would not characterize a bureaucratic structure.

³² See [Appendix 2, 2:091, in which a discharged union employee's actions were in part an effort to deal with serious dissent within the Labour union of which he was steward. The employer in this case, the Civil Service Association of Ontario (later the Ontario Public Service Employees' Union - OPSEU) faced over the years of this study at least three unions of its staff: the Representatives and Technical Staff Union, the Administrative Staff Union, and the Ontario Public Service Staff Union (OPSSU). King (1988) found that 9 of 19 Labour cases listed in Canadian Labour Arbitration Summaries from July 1986 to September 1987 involved OPSEU and OPSSU; all were dismissed.

See also the case referred to in note 4 for an example of resistance to unionization; and Table 3 for cases of union staff being represented by a local of their employers. Whether situations such as the latter are counter-examples of the effect of bureaucracy, a form of 'control' of their staff, or a mechanism to allow employees to retain the benefits of membership in the union from which they were (typically) hired, is a related question.

³³ His study does not concern support staff or part-time employees.

³⁴ 'Report' is used to refer to what is sometimes called the award: the written statement of evidence, reasoning, decision, and award proper. 'Award' refers to a grant of reinstatement, promotion, compensation, etc., and 'result' to the broader question of whether the union or the employer was favoured.

³⁵ Most 'procedural' headings clearly belonged in this category: grievance procedures, arbitrability, *res judicata*, and similar matters. Damages less obviously belongs here, but cases actually dealt with implementation of awards, except one case also listed under discharge. Certain 'union affairs' issues might appear substantive rather than procedural, but for the smaller sample, most listings (e.g. 'bargaining unit') were interpretive as far as could be determined from the Bulletin.

³⁶ This was deemed the best strategy in the absence of information about the dates of incidents giving rise to the original grievance, which would in any case fail to control for evolving arbitral authority, although it would better control for environmental factors possibly influencing the nature or rate of grievances filed.

³⁷ Three Labour listings [1:01, 1:02, and 1:03] before the Bulletin began including notes on issues and outcomes, and for which the reports were unavailable, were excluded. The sole 'interest arbitration' listing was also excluded. One Labour case (on work scheduling) was identified as both a policy and an individual grievance. This case was listed twice for the purposes of this breakdown; one listing was coded for the policy decision, and the other for the grievance outcome. A second Industrial listing was selected as a match for the policy aspect.

^{xxxviii} Three Labour and six Industry cases seeming on their face to warrant some compensation are excluded because none was requested or required by the circumstances.

^{xxxix} Thanks to Professor Donald Carter for pointing out these considerations.

^{xl} See note 5, for example.

^{xli} See note 5.

^{xlii} Bulletin notes include names of arbitrators. The list for the sample showed an overlap between Labour's and Industry's arbitrators. Of the total of 73 who heard all the cases, 27 heard at least one from each group; 20 reported cases in Industry only; and 26 in Labour only. This is not to say that differences in issues or circumstances giving rise to arbitration are attributable to differences in arbitrators. It is simply to reiterate the well-known tendency for the parties to select arbitrators with a demonstrated sensitivity to the demands and unique characteristics of the particular workplace - here, the union. This sensitivity may be reflected in the choice of language used to describe the surrounding circumstances.

^{xliii} It is possible that layoff was involved in some cases listed under other headings but not classified under this one.

^{xliv} [11:01, 11:07, 11:10, 11:11, 11:12, 11:13] The seventh report was listed in the Bulletin under hours of work, although it resembled the other six. [11:05] Note also that the cases were heard by the same arbitrator, possibly making them more consistent as a group than would otherwise have been the case.

^{xliv} In another Labour dispute, the employer alleged that an illegal strike had taken place, and that some employees of another unit supported it. One grievor admitted that a sympathy striker should not expect to be paid when showing solidarity with employees striking his employer. The work stoppage in this case was found not to be a strike, as the employees had not acted in concert. [11:03]

^{xlvi} The rally had been arranged by the union and the New Democratic Party. An attempt was made to represent the meeting as union business, but the arbitrator did not agree.

^{xlvii} Partly for financial reasons, the grievor's work week had been reduced. She then refused to work her agreed day off on short notice. Having found no evidence of culpable behaviour therein, the arbitrator went on to advise that "it would not be improper for the employer, outside the context of a disciplinary matter, to set such hours of work as are permitted by the collective agreement and the letter of understanding. [15:08, 8]

^{xlviii} The arbitrator added, "Clearly, persons in the position of (the grievor) are employed because of their professional abilities, their judgement if you will." He went on to comment on appropriate management strategy: "It is for this reason that 'discipline' is not generally apposite to the work performance of such employees." [10:07, 12-13]

^{xlix} This incident gave rise to three damages listings of one report. It generated six listings: a preliminary procedural dispute, [1:00] a discharge and damages hearing, [1:04, 1:05] and a supplementary award dealing with three aspects of damages. [2:05, 2:06, 2:07]

ⁱ The grievor's representative claimed that "the grievor was actually fired because an abrasive relationship developed between the grievor and (a secretary) which (the employer's Business Manager) let get out of hand. He suggested that (the Business Manager) over-reacted to (the secretary's) pressure and the rest of the attempts of the employer to sustain the discharge amounts to a cover-up. As a result, the Board is faced with conflicting evidence. After examining the facts of this distasteful and sordid case, the Board must conclude that (the representative's) estimation of the situation is not entirely incorrect." [11:14, 22] The discharge was sustained "with some reluctance ... because of the evidence tendered to this Board by the employer in certain areas."

ⁱⁱ The only Industry case with language approximating this was 110:03* above, under promotions). An orderly was variously described by nurses he worked with as showing a lack of communication, not having a good attitude, having a chip on his shoulder, being uncooperative or uncivil, etc. The terms used seemed to signify an attitude toward his duties, more than toward the people he worked with.

ⁱⁱⁱ This extends even to internal labour relations. In a case listed under "strike", a group of employees was negotiating a first contract with its employer union; employees in another group, represented by the same bargaining agent, were accused of interfering in the new group's deliberations over whether to strike. [11:03]

ⁱⁱⁱⁱ The arbitrator did not, however, discuss the question of who was the beneficiary of such responsibility, properly excised. The remark may reflect a responsibility imposed on unions in exchange for protection under the law; it also has the markings of a salute to 'the public interest' (see text at note 8).

^{lv} See also note 48, respecting [10:07].

^{lv} See also note 47, respecting [15:08].

^{lvi} Their exclusion is in the first instance from the source used for the study, which did not receive public service arbitration reports. For most of the period studied, unionized civil service arbitrations were heard by the Crown Employees Grievance Settlement Board.

^{lvii} The grievor, already feeling threatened by an impending performance evaluation, was confronted with a problem in finding emergency day-care for her young child. She brought the child to the office. On being told that children did not belong in the office, she became upset and submitted a rather abrupt letter of resignation, without discussing the matter with management. [8:03]

^{lviii} While this study may seem to exaggerate the significance of stress and workload, workload has been recognized by at least one union in a Letter of Understanding Re Workload in its contract with technical staff. The collective agreement for 1986-1987 between the Canadian Union of Public Employees as employer and the Canadian Staff Union includes the letter. (It may have been inserted at some earlier time.) It acknowledges the stress of a heavy workload, especially for field representatives, and the need to develop programs to help deal with it.



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