

A MODEL OF COLLECTIVE BARGAINING AND ITS  
APPLICATION TO THE EVOLUTION OF COLLECTIVE BARGAINING  
IN THE PUBLIC COLLEGE (CEGEP)  
SECTOR OF QUEBEC  
(1967-1980)

by  
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## STATEMENT OF ORIGINALITY

Most of the literature on collective bargaining deals with specific components of the process (e.g. influential variables, mechanisms of dispute settlement, strategies). Also, most of the literature deals with the private sector. Very little research has dealt with the education sector. Collective bargaining at the public post-secondary level (CEGEP system) in Quebec has not been the object of a major study. Hence, this study makes two major contributions to the understanding of collective bargaining in the public sector: (1) it proposes a model of collective bargaining which can assist in analysing bargaining experiences; and (2) it makes available an account of the evolution of collective bargaining by teachers in the CEGEP sector of Quebec from 1967 to 1980.

## ABSTRACT

In this study a model of collective bargaining is proposed in which collective bargaining is considered as an ongoing process with component activities recurring periodically. The eight component activities identified are: (1) influential variables, (2) perception and evaluation of the influential variables, (3) bargaining power, (4) prediction, (5) negotiation, (6) mechanism of dispute settlement, (7) feedback loops, and (8) the collective agreement.

In addition to the model, an evolution of collective bargaining by teachers in the CEGEP sector of Quebec is presented. This is achieved by descriptive case studies of the first four rounds (1967-1980) of collective bargaining in this sector. The data for this study has been acquired through a review of the literature, documents of the parties concerned, newspapers and interviews.

The model is used to analyse the four case studies. From the analysis it is concluded that collective bargaining in the CEGEP sector of Quebec has become highly centralized and politicised. This has contributed to numerous labour conflicts both during the negotiations and during the term of collective agreements. Recommendations are proposed to help resolve some of the problems encountered. The major recommendations include a labour relations board for the public sector and the division of bargaining issues into provincial and local levels. For the negotiations at the provincial level it is proposed to allow the parties to negotiate a mechanism of dispute settlement and a bargaining calendar with compulsory



mediation. Also, it is proposed to base the acquisition of the right to strike and lockout on the refusal of the mediation report by one of the parties. For the negotiations at the local level, a system of permanent negotiation is proposed.

## RESUME

Dans cette étude on propose un modèle de négociations collectives dans lequel les négociations sont considérées comme un processus continu comportant des activités se reproduisant périodiquement. Les huit activités de base identifiées sont: (1) variables déterminantes, (2) conception et évaluation des variables déterminantes, (3) rapport de forces, (4) prévisions, (5) négociation, (6) mécanisme pour régler les différends, (7) boucles de ré-évaluation, et (8) la convention collective.

De plus, ce texte comprend une présentation de l'évolution des négociations collectives des enseignants dans le secteur collégial (CEGEP) du Québec. Ceci est accompli par des études descriptives des quatre premières rondes de négociations (1967-80) dans ce secteur. Les données pour cette étude proviennent d'une synthèse de publications, de documents émis par chacune des parties concernées, d'articles de journaux, ainsi que d'entrevues.

Le modèle est utilisé pour faire une analyse des quatre rondes de négociation étudiées. De cette analyse on conclut que les négociations collectives dans le secteur collégial au Québec sont devenues hautement centralisées et politisées. Ceci a contribué à plusieurs conflits de relation de travail pendant les négociations ainsi que pendant la durée des conventions collectives. On présente des recommandations visant à résoudre certains des problèmes identifiés. Parmi les recommandations les plus importantes on trouve: une commission de relation de travail pour le secteur public ainsi que

la division des dossiers de négociations entre le niveau provincial et le niveau local. Pour les négociations au niveau provincial on propose de permettre aux parties de négocier leur propre mécanisme pour régler les différends, ainsi qu'un échancier de la négociation débouchant par une médiation obligatoire. On propose aussi que les droits de grève et de lock-out ne soient acquis que dans le cas où une des deux parties refuse le rapport de médiation. Quant aux négociations au niveau local, on propose un système de négociations permanentes.

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## INTRODUCTION

An increasing rate of socio-economic and socio-structural changes (e.g. social welfare programs, unions, employer associations, government agencies) is an element common to most contemporary societies. Often the result of industrialization (Dunlop & Healy, 1953), these changes have contributed to a feeling of social and economic isolation among many workers. Consequently, some have resorted to unionism to react and contribute to these changes. Unionism has become a collective power to protect their socio-economic status. Recent experience indicates that this applies also to teachers. As Donley (1977, p. 8) points out:

... the servant status began to change only when teachers began to organize. They learned the lesson that there is strength in unity.

An important change in North American society during the past few decades has been the expansion of collective bargaining in the public sector. Within this sector, collective bargaining in education has enjoyed remarkable growth (Fris, 1976). Teacher-board negotiations have become a major concern for educators, administrators, politicians and the general public (Fris, 1980). A major problem with collective bargaining in the education sector has been the limited understanding of the process. As Downie (1980, p. vii) points out:

... few, unfortunately, understand the process or, in some cases, the real issues at stake. There is a formidable discrepancy between perception and reality when it comes to the reasons for, and the procedures and substance of, collective bargaining in education.

Collective bargaining as a new field of study is just beginning

to have an impact on the bargaining models which have evolved from every day practices and on the laws which govern the bargaining process. However, most of the research on labour relations has been concerned mostly with collective bargaining in the private sector. Although collective bargaining in the public sector is quite different (because of the potential involvement of the government and the public), it has been studied considerably less. Even less research has focused on the education sector.

The education system in Quebec has undergone a period of rapid social change and transformation since the early 1960s. One of the major changes has been the creation of the CEGEP (Collège d'Enseignement Général et Professionnel) system in 1967. The primary objective of the CEGEPs was to establish a uniform system of post-secondary public education compulsory for admission to Quebec universities. Ever since, the CEGEP system has played an important role not only in the socio-economic and political events within the province, but also in the evolution of collective bargaining in the public sector.

Collective bargaining in the education sector of Quebec is centralized at the provincial level. This makes it quite different from that in the private sector and from that in other provinces or states. Except for a few scattered studies (Cinq-Mars, 1969; Blais, 1972; Lavery, 1972; Boivin, 1975; Goulet, 1975; Isherwood et al., 1977; Krause, 1979; Gaulin, 1980; Hébert, 1980), very little research has been devoted to collective bargaining in the education sector of Quebec. None of the research has been concerned primarily with the



CEGEP sector. Hence, the importance of this study.

Collective bargaining in the CEGEP sector has been very complex and filled with problems. Evidence of this is the continuous labour conflicts, frequent labour strikes most of them illegal, and the frequent use of special legislation to influence or terminate the negotiation process. In spite of the complexities and problems, collective bargaining within this sector seems to be an irreversible process. The solidarity and determination of teachers to disobey what they considered an unfair law in 1976 is but one indication. Consequently, it is important for the CEGEP community to better understand the process of collective bargaining. One aim of this study is to contribute to and facilitate this effort.

This study is organized into eight chapters. The first chapter introduces the scope, limitations, methodology and structure of the study. The second chapter deals with the construction of a theoretical framework, i.e., a model of collective bargaining is developed. The third chapter describes the environment in Quebec prior to the CEGEP system. The next four chapters present case-studies of the first four rounds of collective bargaining in the CEGEP sector. Finally, in the eighth chapter, recommendations, conclusions and areas for further research will be discussed.

## CHAPTER I

### SCOPE, LIMITATIONS, METHODOLOGY AND STRUCTURE OF THE STUDY.

#### SCOPE OF THE STUDY

Collective bargaining can be defined as a conflict relationship with accommodation as the ultimate objective. Because of the inherent contradiction between conflict and accommodation, it has not been easy to understand the dynamics, impact and process of collective bargaining. The complexity of collective bargaining increases in the public sector because of the potential involvement of governments, the nature of the organizations, the method of financing public institutions and the public interest.

One reason for the difficulty in understanding collective bargaining in the education sector is the dearth of literature dealing with the subject (Wood, 1978). Empirical and theoretical information about bargaining is scattered across the literature of various academic disciplines (Cresswell & Murphy, 1976). Another reason is the complexity of the process itself (Cresswell & Murphy, 1976). The unpredictable nature of human behavior contributes further to this complexity.

Another important reason for the difficulty in understanding collective bargaining is the lack of a conceptual model that deals with the entire bargaining process. Most of the literature deals with specific elements or components (e.g. bargaining power, influential

variables, conflict resolution) of the process. Therefore, the first objective of this study is:

to develop a comprehensive model of collective bargaining that will provide an integral description of the bargaining process.

Several approaches can be identified in collective bargaining. They range from some that have closely followed industrial economic patterns to others that attempt to adapt the process to specific sectors or situations. Whatever the approach, there is consensus that the outcome of collective bargaining is not the result of some fixed set of rules (Boivin, 1975). There are various forces (economic, political, cultural, etc.) which influence directly or indirectly the outcome of collective bargaining (Boivin, 1975; Levinson, 1966; Craig, 1975; Crispo, 1978; Hébert & Vincent, 1980). Therefore, the second objective of this study is:

to develop a model of collective bargaining which identifies the major components of the bargaining process and to propose a relationship among these components.

As in the rest of the Quebec public sector, collective bargaining in the CEGEP sector has been quite complex. On several occasions the negotiations have been influenced by special legislation. Since its beginning, the CEGEP sector has experienced numerous labour conflicts, not only during the negotiations but also during the term of a collective agreement. In spite of all the complexities and problems, collective bargaining in the CEGEP sector has been studied very little. Therefore, a third objective of this study is:

to make available an account of the evolution of the collective bargaining process in the CEGEP sector by doing a case-study of each round of

negotiation in this sector.

The teacher unions in the CEGEP sector have played an important role in the decision-making process. In spite of several government studies on CEGEP education very few of their major recommendations have been implemented. This may be the result of the rigorous and conflicting approach in labour relations. The lack of a study on collective bargaining in this sector makes it difficult to identify the variables or factors which have contributed to this approach. Therefore, the model of collective bargaining developed will be used to do a critical analysis of collective bargaining in the CEGEP sector. Hence, the fourth objective of this study is:

to identify the major variables and factors which have influenced collective bargaining in the CEGEP sector and to generate conclusions and recommendations to improve the process.

#### LIMITATIONS OF THE STUDY

This study is primarily concerned with the labour-management relationship of the teaching staff in the CEGEP sector. It is not concerned with non-teaching professionals (e.g. counsellors, academic advisors) or with support staff (e.g. secretaries, technicians). However, because of the extensive centralization and coordination of collective bargaining in the public sector of Quebec, references to the labour-management relationships of other employees will be unavoidable and essential to this study.

By 1980 the teaching staff in each CEGEP was unionized. Consequently, the study is concerned with all CEGEPs. All teacher

unions were affiliated with one of two provincial federations. The "Fédération Nationale des Enseignants Québécois" (FNEQ) represented approximately 8,000 members from 40 local teacher groups. The "Fédération des Enseignants de CEGEPs" (FEC) represented approximately 1,900 members from 9 local unions. FNEQ was affiliated with the "Confédération des Syndicats Nationaux" (CSN) and FEC was affiliated with the "Centrale de l'Enseignement du Québec" (CEQ). Since the two provincial federations have been recognized by legislation as the bargaining agents for all CEGEPs, the study will be concerned mainly with these two federations.

The period covered by the study is from the beginning of the CEGEP system (1967) to the end of the fourth round of collective bargaining in 1980. More specifically, the study will be concerned with the four rounds of collective bargaining which have occurred in this sector.

#### METHODOLOGY

In studying the evolution of labour-management relationships, one must be aware of some important precautions to be taken in any study on collective bargaining (Boivin, 1975). One such precaution is that the researcher must recognize the fact that each bargaining experience is unique. It is unlikely that two bargaining experiences will unfold in the same manner or arrive at similar conclusions. They may differ in length, procedures, strategies employed by the parties, the impact on the negotiations by the membership and the public, and on the

relative importance attached to similar issues. The mechanism of dispute settlement may also differ considerably. Secondly, the researcher must recognize that although the factors which influence collective bargaining may seem to be the same, the degree of influence may vary not only from one bargaining experience to another, but may also vary in time during the same experience.

The research on collective bargaining has not produced a method to predict the outcome of a bargaining relationship. While quantitative studies have provided valuable insights into the nature of collective bargaining, they also have some important deficiencies. As Levinson (1966, pp. 15-6) points out:

... since most of them (quantitative methods) have utilized statistical techniques of varying degrees of sophistication, they have necessarily been confined in the scope of their analysis to variables that were quantifiable - union membership, profit rates, concentration ratios, etc. There may, however, be equally important qualitative factors - such as the degree of union political rivalry, the size and cohesiveness of employers, or the militancy of the union's membership - that have an important bearing on the outcome.

Research can be conducted in different ways. As Scott (1965, p. 265) points out:

it is the nature of the phenomena under investigation and the objectives of the study which must determine what approaches are taken and what materials are gathered by what methods.

In general, if the purpose of the research is to portray the characteristics of a particular situation, a group or its relationship (with or without specific initial hypotheses about the nature of these characteristics), a descriptive approach is appropriate (Seiltiz et

al., 1976). Also, a descriptive study is appropriate if the researcher is likely to engage in sustained interaction with subjects or if the researcher is directly involved in the situation under study (Scott, 1965). Furthermore, a descriptive study is preferable when it is difficult to quantify the variables or factors under investigation (Levinson, 1966; Boivin, 1975).

Collective bargaining in the public sector of Quebec is centralized at the provincial level. Almost all public and para-public employees negotiate at the same time with the government. Since 1971, all the unions affiliated with CEQ, CSN and FTQ (Fédération des Travailleurs du Québec) have negotiated some issues jointly and have thereby presented a "Common Front" to the government. The teacher unions in the CEGEP sector have participated in all three "Common Fronts" since 1971. As a result, events which occur in the bargaining process of other groups (especially the CEQ which represents most of the elementary and secondary teachers in Quebec), will influence the negotiations within the CEGEP sector. Furthermore, the two provincial teacher federations (FNEQ and FEC) in the CEGEP sector often compete with one another. All of these elements make it extremely difficult to quantify the variables or factors which influence collective bargaining in this sector. The research is also concerned with the characteristics of particular situations and with the relationship among different groups. Consequently, a descriptive approach is adopted for the study.

This study will use three research methods suggested by Selltitz et al. (1976): (1) a review of the related literature, (2) a survey of

the people who have had practical experience with the problem to be studied, and (3) an analysis of practical experiences related to the objectives of the study.

A review of the literature is useful to build upon the work already done by others and to organize the knowledge we already possess on a subject. As Selltiz et al. (1976, pp. 92-93) point out,

... the focus of review is on hypotheses that may serve as leads for further investigation. Hypotheses may have been explicitly stated by other workers; the task then is to gather the various hypotheses that have been put forward, to evaluate their usefulness as a basis for further research, and to consider whether they suggest new hypotheses.

A problem in the study of collective bargaining is the small proportion of written experiences by those who are directly involved in the process. These people, in the course of their practice, are in a privileged position to observe the decision-making process, issues and actions which influence collective bargaining. Also, because of their positions, they often possess a vast knowledge of the procedures involved in a bargaining relationship. Consequently, their experiences can be of tremendous value to the study of collective bargaining. Therefore, in this study interviews were conducted with some of the individuals who were directly involved with the negotiations in the CEEEP sector.

Researchers working in relatively unformulated areas have found that intensive studies of selected experiences or cases can stimulate insights and hypotheses for further research (Selltiz et al., 1976). In a case-study the concern is mostly with describing rather than with testing. The researcher is not limited to the testing of hypotheses



but guided by the unfolding features of the object being studied. The inquiry is constantly reformulated and redirected as new information is gathered. The study of collective bargaining requires a research approach that takes into account the uniqueness of each bargaining relationship and its transient nature. In this study, a case-study approach is adopted because of its compatability with these requirements. Therefore, the research method adopted for this study is a descriptive case-by-case approach.

#### STRUCTURE OF THE STUDY

Based on the objectives and research methods adopted, the following structure is adopted.

First, a theoretical framework will be developed. This will include a model of collective bargaining which will identify the major components of collective bargaining and the relationship among these components.

Secondly, the environment in Quebec during the period preceding the CEEF system will be described. This will include a description of the socio-political, economic and legislative (labour) setting.

Thirdly, a descriptive case-study of each of the first four rounds of collective bargaining will be presented. This will be done by describing the environment prior to the beginning of the negotiations, by identifying the major objectives of the parties, by a summary of the negotiations, and by describing the outcomes of the negotiations. Each round of negotiation will be analysed using four

sources of information: (1) newspaper clippings, (2) union and government documents, (3) publications, and (4) personal interviews with individuals closely involved with the various rounds of negotiations.

Finally, the model of collective bargaining developed will be used to analyse the four case-studies. The analysis will attempt to identify the major variables and factors which have influenced the collective bargaining process in the CEGEP sector and to generate conclusions and recommendations. Furthermore, the analysis will include some generalizations that can be made from the CEGEP experience and suggest further areas of research.

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## CHAPTER II

### THEORETICAL FRAMEWORK: A MODEL OF COLLECTIVE BARGAINING

#### INTRODUCTION

The factors which have led to the appearance of collective bargaining in the public sector are the same factors which have led workers in the private sector to form unions and seek participation in the determination of their working conditions (Boivin, 1975a). Some of these factors are: wages, hours of work, common standards to which employees are subjected, several layers of supervision, the employer in a management role, performance and results that depend on management policy, and job security. In general, whenever a group of employees is affected by similar issues, there is a natural tendency to organize in pursuit of common goals and objectives. This natural phenomenon applies to most workers.

The rapid growth of the education sector in Quebec since the 1960s has been instrumental in fostering among teachers a more favourable attitude towards unionism. Many new university graduates entered the teaching profession with different socio-economic objectives and with a different perception towards unionization and their profession than was formerly the case. They began to view their job more as a socio-economic function rather than one of personal and unconditional dedication.

Another important factor which facilitated unionization was the increasing economic insecurity among teachers. Wage and fringe benefit gains made by unionized workers in the private sector, widely reported in the press, found a receptive audience among teachers. The gap between the salaries of teachers and those of other professionals was increasing continuously and not to the advantage of the former. In addition, the usual arbitrary methods by which teachers received wage increases were too cumbersome and uncertain. New approaches were called for. All of these factors encouraged teachers to demand more and become involved in collective bargaining as a means of improving their socio-economic status and as a means of participating in the decision-making process.

Collective bargaining within most educational jurisdictions can best be characterized as new experience. Also, most of the literature deals with specific elements (e.g. bargaining power, influential variables, conflict resolution, etc.) of collective bargaining. These two factors, along with the uniqueness of each experience, contribute to the difficulty in understanding the collective bargaining process. Hence, the objective of this chapter is to develop a theoretical framework, i.e., a model of collective bargaining, that will propose an analytical and complete description of the collective bargaining process.

## REVIEW OF THE LITERATURE

### Bargaining Power

A review of the literature on collective bargaining prepared by Boivin (1975b) reveals the commonly accepted view that the outcome of the negotiation process is strongly influenced by the relative power of the parties involved in the bargaining relationship. Also, the literature reveals that it has not been possible to reach a consensus on a concept of bargaining power that is common to all bargaining relationships. It has proved just as difficult to test the many definitions of the term bargaining power.

Quite often bargaining power is related to the right and the ability to strike and/or lock out. However, this concept is based on factors which relate power directly to ownership without considering the economic, cultural, political or legal factors within the environment in which the ownership is exercised (Boivin, 1975b). Furthermore, Boivin maintains that in certain situations, such as in cultural organizations and schools, it is difficult for the employees to exercise economic pressures on the employer by striking. Thus, as Chamberlain and Kuhn (1965) conclude, the right to strike cannot always be associated with bargaining power. Moreover, there are degrees of effectiveness in the use of such a right.

Among the many definitions of bargaining power (Dunlop, 1948; Mabry, 1965; Smythe, 1967; Monat, 1971) Chamberlain's provides the most general and applicable definition of bargaining power.

Chamberlain's definition is based on the relative costs of agreement and disagreement. Thus, A's bargaining power is defined as the ratio of the cost to B of disagreeing on A's terms to the cost to B of agreeing on A's terms, as assessed by B, i.e.,

$$\text{A's Bargaining Power} = \frac{\text{Cost to B of disagreeing on A's terms as perceived by B}}{\text{Cost to B of agreeing on A's terms as perceived by B}}$$

For example, a union can increase its bargaining power by decreasing its wage demands and thus decrease the cost of agreeing for the employer.

The advantage of Chamberlain's definition is that it recognizes the fact that bargaining power may change over time because of changes in economic conditions, changes in governmental support, and shifts in public opinion. In addition, the relative bargaining power of the parties may change depending on the nature of the issues in dispute.

#### Influential Variables in Collective Bargaining

Many models have been proposed to determine the bargaining power in a collective bargaining relationship. According to Monat (1975) many of these models tend to be too general and they concern themselves mostly with the conflicting nature of collective bargaining. Nonetheless, a few models have been developed specifically to explain collective bargaining relationships and bargaining power. Some of these models are briefly discussed.



### Dunlop's Model

Dunlop (1970) suggests that the relative bargaining power of the parties involved in a bargaining relationship is influenced by four elements:

1. The strategic technological position of the work group
2. The strategic market position of the work group and the employer
3. Community institutions
4. Ideals and beliefs of the parties.

Dunlop suggests that the relative bargaining power of the parties will be determined by economic variables such as their strategic position in technology and in the labour and product markets. Strategic technological position creates bargaining power by virtue of the location, position and influence in the production process. If a group is not strategic technologically, it must achieve bargaining power in the market structure.

Once a group has determined its strategic technological market positions (economic bargaining power), the use of this bargaining power will depend on variables such as favourable community institutions and favourable ideals and beliefs among workers and managers. Consequently, from this model it can be concluded that the relative bargaining power of the parties is influenced by economic variables whereas the use of such power is influenced by psychological-sociological variables.

Dunlop identifies three actors in the bargaining process - the government, workers and their associations, and employers and their

associations. These actors are bound together by a "network of rules" which govern the workplace and the work community. Furthermore, they are guided by similar socio-cultural and economic values. These will dominate and guide the parties especially in times of conflict.

Many critics (Ross, 1948; Flanders, 1965; Levinson, 1966; Anderson, 1979) suggest that Dunlop's model fails to provide a satisfactory unifying framework for the study of collective bargaining. The model has been criticized for failing to identify a major difference between the procedure for establishing rules and the application of the rules. Dunlop assumes that because rules exist, the parties will adhere to them. The experience with collective bargaining (e.g. illegal strikes, special legislation, disobeyed injunctions) in the public sector of Quebec since the early 1960s casts serious doubts on this assumption. By restricting his examination to the market and technological aspects of collective bargaining, the model fails to identify possible influences from the wider economic, political, legal and social systems. Furthermore, when applied to the public sector Dunlop's model fails to identify the public as a major influence on the bargaining process. Finally, Dunlop identifies the employees and their union as one actor. Management and employers are also assumed to be a single actor. Woods' (1973) identification of employees, unions, management and employers as distinct actors seems to provide a better framework for understanding the actors involved in collective bargaining.

### Smythe's Model

From Dunlop's work other models of collective bargaining have unfolded. Smythe (1967) proposed a bargaining model which suggests that the relative bargaining power of the parties is influenced by five elements:

1. Critical need
2. Irreplaceability
3. Cost of agreement and disagreement
4. Perception of bargaining power
5. Willingness to use bargaining power.

Like Dunlop, Smythe relates bargaining power with economic variables. Critical need is similar to Dunlop's technological factors. However, irreplaceability is not the same as Dunlop's market factors. When Smythe refers to irreplaceability, he is referring only to the labour market. Furthermore, Smythe holds that having bargaining power is not in itself sufficient to be effective in achieving collective bargaining objectives. The parties must perceive their bargaining power and be willing to use it. According to Monat (1975), the inclusion of specific psychological factors, perception and willingness, is the critical distinction between Smythe's model and Dunlop's.

### Levinson's Model

Levinson (1966) has developed a general framework, somewhat

similar to Dunlop's and Smythe's, for the analysis of factors that influence the bargaining power. His conclusions are based on case-studies of the collective bargaining developments in six Pacific coast industries from 1945 to 1962. He assumes that bargaining power is influenced by the interaction of three categories of variables: economic, political, and pure-power forces.

The economic variables are those variables which reflect the supply and demand characteristics of the product and labour markets. From the experience of previous studies, Levinson identified three economic variables: profit rates, competitive product market characteristics, and changes in employment.

The political variables are those variables which apply pressure on the union's leadership to match or exceed the wage-fringe improvements negotiated by other unions in order to maintain or extend the strength of the union as an institution. Levinson did not recognize or consider the impact of political variables on the bargaining power of the employer.

The pure-power variables are those which affect the strength and stability of the bargaining institutions themselves: the union, the individual employer and the employers associations. They affect the union's ability to undertake, and the employer's ability to resist a strike action. Levinson claims that, in the past, this ability has often been "measured" by the number of employees within the bargaining unit. He notes that little attention has been given to other factors such as the cohesiveness of the union movement; support from non-unionized workers and the public; the legal structure; the size,

financial resources, and cohesiveness of the employers; and, the degree of diversification of their products.

Although Levinson provides a more extensive approach to the study of collective bargaining, his definition of political variables restricts the influence of a larger political environment. A more complete definition would apply political variables also to management and employers (Boivin, 1975b). Also, the definition fails to identify the political influence of other actors involved directly or indirectly in the bargaining process: employees, the public, political parties and governments. The political influence of these actors is significant especially when the collective bargaining process involves the public sector or major industries (steel, communications, transport, etc.) essential to the overall economy of a jurisdiction.

#### Boivin's Model

In a study on the evolution of the bargaining power in the public sector of Quebec, Jean Boivin (1975b) adapted Levinson's framework to the bargaining relationships in this sector. However, some of Boivin's concerns were quite different than those of Levinson. Boivin found that Levinson was exclusively interested in examining the outcome of negotiations from the point of view of wage and fringe determinations. He felt that a more appropriate approach would take into account the whole content of the collective agreement. Sometimes a party may appear to have gained very little with respect to wages and fringe benefits but nevertheless may be quite satisfied with the

agreement as a whole because of non-economic gains. Also, Boivin felt that Levinson's concept of three independent categories of variables does not seem to be a realistic approach. He suggests that regardless of the nature of the categories, there will always be some overlapping between them and possibly some dependency. For example, Levinson classified the employer's financial resources as a "pure-power" variable but it could also have been classified as an economic variable.

With these concerns in mind, Boivin identified fourteen independent variables which influence the outcome of the bargaining process in the public sector and classified them into the same three categories adopted by Levinson.

Economic Variables: Tax structure and budgetary constraints  
Monopsonist conditions in the labour market

Political Variables: Pressure to meet comparable bargains in other jurisdictions  
Public opinion pressure  
Lobbying and/or electoral powers

Pure-Power Variables: Degree of unionization  
Militancy of membership  
Aggressiveness of leadership  
Support of other unionized or non-unionized workers  
Cohesiveness of employers  
Skills of negotiators  
Statutory provisions  
Overall economic and socio-political context  
Bargaining history

### Craig's Model

Craig's model identified four components of an industrial relations system: (1) the inputs, (2) the mechanisms for converting inputs into outputs, (3) the outputs, and (4) the feedback loop.

#### The Inputs

The inputs are divided into those which flow from within the system and those which flow from the environment. The inputs from within the system include the goals, values and powers of the actors. Craig identifies the following actors: individual workers, formal and informal organizations of workers, managers as individuals and as members of a management team, the government, private agencies and individuals.

The inputs which flow from the environment include the following categories: ecological (or physical), economic, political, legal and socio-cultural.

The ecological variables reflect the physical environment in which the parties find themselves and to which they have to adjust. For example, the natural resources of a country or region will have an impact on the bargaining demands and outcomes.

The economic variables are those variables which reflect the supply and demand conditions in the product, labour, and money markets. Also, those variables which reflect the capital productivity and the technological innovations.

The political variables are those which reflect the roles played by the government in assuring that the public interest is well protected. They refer mainly to legislative actions which take place during the negotiation.

The legal variables include the legislation or laws which prescribe or prohibit certain kinds of action. (e.g. a labour code, a bill of human rights).

The social-cultural variables include those variables which reflect the main goals and values of the total social system; and, consequently those of the workers, union leaders, managers, politicians and the public.

#### Mechanisms for Converting Inputs into Outputs

In an industrial relations system the inputs are converted into outputs through several mechanisms. Craig identifies the following mechanisms: the day-to-day interpersonal relations to satisfy individual goals; the structure of the negotiating units; collective bargaining, grievance procedures, and continuous committee; conciliation; inquiry commissions; and the strike or lockout.

#### The Outputs

These are the results arrived at by the application of the different mechanisms identified above. These include wages, hours of work, fringe benefits and other working conditions.



### The Feedback Loop

Craig perceives the feedback loop as the linkage between the outputs of the industrial relations system and the environmental sub-systems (inputs) within which the system operates. Also, the outputs can feed back into the mechanisms for converting inputs into outputs.

### Hébert and Vincent's Model

Hébert and Vincent (1980) identify two categories of influential variables: (1) the extrinsic constraints and (2) the immediate environmental context.

The extrinsic constraints include the economic context, the legal system and the methods of production. To these they add more subtle influences such as the history of labour relations between the parties and the socio-political climate.

The immediate environmental context is divided into two groups of variables: the situational factors and the personnel factors. The situational factors include the initial positions of the parties and the subsequent concessions, time constraints such as deadlines, the intervention of a mediator and the physical environment in which the negotiations take place.

Personnel factors include the representativity of the negotiators, their personality, the image to be protected by the parties, their level of aspirations and the use of non-verbal language

(e.g. gestures, tone of voice)

### Differences Between Private and Public Organizations

Public organizations differ considerably from private organizations. To understand collective bargaining in the public sector it is important to identify these differences and to recognize them when developing a theoretical framework. In this study six major differences are identified: (1) the labour force and wages, (2) the product market, (3) the methods of financing, (4) the purpose, (5) the vulnerability of the organizations, and (6) the government's role in the bargaining process.

#### Labour Force and Wages

A major argument for collective bargaining in the private sector is that it serves to limit and define the employer's power over labour. In the past governments and public opinion have maintained that this protective role of the union is not needed as much in public sectors. Many of the skills needed in the public sector (e.g. teaching, typing, nursing) are also demanded by private employers. Thus, the bidding by numerous competitors can be counted on to prevent governments from paying less than the market rate. Furthermore, even if the government has substantial power (e.g. legislation, regulations) over the labour force in the public sector, it might not take full advantage of this power because of political reasons.

Workers in public sectors are also voters.

If the above arguments are valid, then the wage-protective function of unionism as well as its role in limiting the employer's power over labour may be less necessary in the public sector than in the private sector. In practice, however, this is not always the case. In Quebec, wages and participation in the decision-making process have been some of the major concerns of unions in the public sector during the last two decades.

#### Product Market

The wage-increasing power of a union in the private sector is constrained by market forces. There are usually a number of employers competing in the same product market. Unless a union can organize all workers in a given industry, it cannot force wage rates in union plants much above the non-union level. Also, large wage increases in a given industry tend to reduce employment in that industry both by stimulating mechanization and by raising product prices. It seems, therefore, that the wage-employment trade-off does have some influence on union wage demands. The question is whether or not there are similar constraints in the public sector. Several points are relevant. First, the government or the public employer is almost a monopolistic seller of public services. A citizen who finds the price for these services too high cannot refuse to pay taxes. Second, the demand for public services is more inelastic than the demand for most private goods and services. Therefore, it seems that the demand for labour in

the public sector is more inelastic than in the private sector. In theory, wages can be pushed up without a considerable decrease of the personnel required.

#### Method of Financing

The methods of financing employee compensation is characteristically different between the two sectors. Employers in the private sector sell their product and services at a price and in most cases can respond to wage increases by price increases. Most public organizations, however, are financed mainly from tax revenues. Although there are a variety of constraints on tax increases (e.g. public resistance, political factors), the constraints are different and, as mentioned above, possibly weaker than those operating to restrain price increases by private employers. (This is mainly due to the monopolistic nature of public services.

#### Purpose

Another difference between private and public organizations is the purpose or the "raison d'etre" of the organization. Private organizations are mostly concerned with a product while public organizations are mostly concerned with a service. As Blau and Scott (1969), p. 14 point out,

The difference between these two types of organizations is that only the latter are confronted with problems of establishing social relations with the "objects" of their end

endeavors and of having to motivate them in various ways.

In private organizations the prime beneficiaries are owners and shareholders. The organization is established for the purpose of realizing a profit. It will be closed if it operates for very long showing a loss. In contrast to this situation, public organizations provide services to the public. The input and output are not easily quantifiable in terms of a profit or loss. Their prime beneficiary being the public, the government or a city is not expected to close a school board or a hospital because it fails to show a "profit". Most public organizations continue to operate in the interest of the public even at a financial loss. Hence, we can conclude that the involvement and interest of the public is much greater in public organizations than in private ones.

#### Vulnerability

Public organizations tend to be much more vulnerable than private organizations (Miles, 1969). They are continuously subject to control, criticism and a wide variety of "legitimate" demands from the surrounding environment. A public organization, such as a school or hospital, deals with people who recount subjectively and more or less accurately how they are treated by these organizations. Thus, in public organizations almost any role occupant - board member, nurse or teacher - can be criticized by parents or citizens at large. Hence, to its members, a public organization seems quite vulnerable to public

opinion. This not only affects the relationship between the organizations and its environment, but also the interplay of the different groups or conditions within the organization.

#### The Role of the Government and the Public

Another major difference between private and public organizations is the fact that in the latter the government may be directly involved in the bargaining process (Hildebrand, 1967). When this is the case the employer plays a dual role at the same time - that of an employer and that of a legislator. Contrary to the private sector where the employer does not have the power to legislate, the government-employer in the public sector can influence or terminate the bargaining process through legislation. Perhaps more fundamentally, the government-employer is sovereign.

The involvement of governments in public sectors implies a role for the public in the bargaining process. In the public sector the public is more involved as a third party to the bargaining process. The natural tendency for the public to safeguard its interests is much stronger. Consequently, public opinion has a greater impact on the bargaining process in the public sector than in the private one.

## A MODEL OF COLLECTIVE BARGAINING

### Definition of Collective Bargaining

In the study of labour relations several definitions of collective bargaining have been proposed. Chamberlain (1951, p. 444) defines collective bargaining as "a process of group decision-making." The Report of the Task Force on Labour Relations in Canada in 1968 defined it as "a process by which groups of organized workers and those desiring their services seek to resolve their differences through reason, the threat of economic conflict or actual conflict" (Jain, 1975, p. 122). Levinson (1966, p. 18) defines it as "the interaction of several independent variables, classified broadly as reflecting the economic, political, and pure-power forces in the environment within which the parties are negotiating." Crispo (1978, p. 8-9) defines it as "a joint endeavour on the part of the workers to bring their combined pressure to bear on their employers in order to persuade them to better their wages, fringe benefits, and other conditions of employment." Hameed (1970, p. 538) defines it as "a rule-making process, on a private and voluntary basis, ... a process of conflict resolution and mechanism of decision-making: an instrument of social justice."

Although the above definitions provide insight into the nature and purpose of collective bargaining, except for Levinson's definition, they restrict the activities of collective bargaining to those between the employer and its employees. Little concern is

expressed for environmental activities. Also, most definitions neglect to clarify whether or not collective bargaining deals also with non-unionized employees. To clarify these points and for the purpose of this study, collective bargaining is defined as:

An ongoing process of a system of activities which influence the working relationship between an organized group of employees and their employer. The system of activities includes those operating between the two parties and those operating within the environment in which the employer-employee relationship is exercised. It is a continuous process in which specific activities (e.g. negotiation of a collective agreement, evaluation of bargaining power, legislation reoccur periodically.

This definition not only integrates features of the above definitions, it also enlarges the scope of collective bargaining to include not only the activities between the employer and its employees, but also the social, economic, political and legislative activities operating within the environment. Also, it clarifies that collective bargaining within a legal context is concerned with a group of organized or unionized employees. Also implied is a "history" factor; for example, the effect of events in one round of collective bargaining on a later round.

#### Objective of the Model

A survey of the literature on collective bargaining reveals that little clarity exists on the role, components and requirements of a model of collective bargaining. For example, models formulated to explain collective bargaining are actually models that explain the



negotiation process. However, negotiation is only one of the components of collective bargaining (Ahmeed, 1970). Other integral components could include: the impact of influential variables, mechanism of dispute settlement, and bargaining power. A model which identifies only some components is at best partial or inadequate. Consequently, the proposed model is an attempt to provide a complete and integral description of collective bargaining.

The proposed model is based on the assumption that collective bargaining is applicable to the public sector, hence, the education sector. However, differences between private and public organizations suggest that collective bargaining in the public sector tends to be much more complex and requires a more critical analysis. Unfortunately, the research on collective bargaining in the public sector has been concerned mostly with the right to strike. As Fleming (1967, p. 13) points out:

It is unfortunate, in a sense, that the strike issue has received so much attention, because in the long run it may well be much less important than questions of exclusive representation, appropriate subjects of bargaining, and the structural problems of bargaining which face both sides.

A model of collective bargaining cannot be prescriptive nor mathematical. Collective bargaining is an ongoing process much like economic, political, and other social processes. The parties involved in collective bargaining may find themselves unnecessarily frustrated if they view the process too determinatively. Consequently, the objective of the model is to provide:

a qualitative description of the activities, and

the relationships among them, which influence the collective bargaining relationship ~~between~~ a group of organized employees and their employer.

### Description of the Model

The model proposed describes collective bargaining by eight component activities and by the relationships among them. These activities are: (1) influential variables, (2) perception and evaluation of the influential variables, (3) bargaining power, (4) prediction, (5) the negotiation process, (6) dispute settlement, (7) the collective agreement, and (8) feedback loops. The relationships among these components are illustrated in Figure 1.

#### 1- Influential Variables

Bargaining models in the private sector place considerable importance on economic variables. However, in public sectors the variables which influence the relative bargaining power of the parties, and hence the outcome of the bargaining process, are not only economic, but also social, political and legislative. Consequently, it is assumed that the bargaining objectives, strategies, and the relative bargaining power of the parties are influenced by a variety of variables.

In this model a distinction is made between external and internal variables. The former encompass the variables outside the bargaining relationship i.e., those variables (e.g. labour law, inflation) upon

# A MODEL OF COLLECTIVE BARGAINING

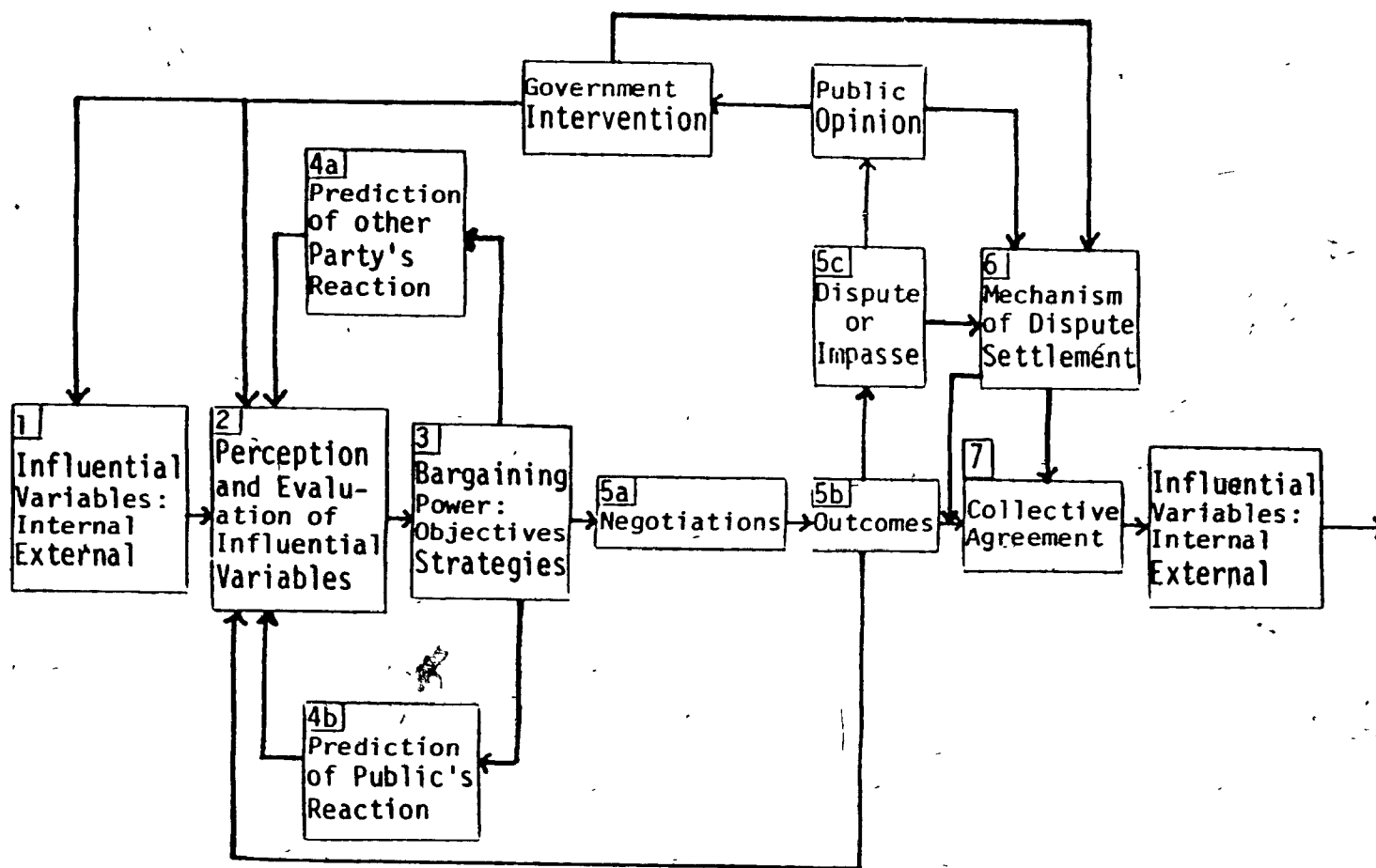


Fig. 1

which the parties do not have a direct control; the latter encompass those variables (e.g. skills of negotiators, cohesiveness of group) upon which the parties have or have had some kind of control. A list of influential variables is hypothesized for the education sector. Although this list can differ from one bargaining jurisdiction to another, the set of variables proposed in this model is believed to be present in most bargaining relationships.

#### External Variables

- |              |  |
|--------------|--|
| Economic:    | 1. Working conditions in other sectors       |
|              | 2. Labour market                             |
|              | 3. Inflation                                 |
|              | 4. Tax Structure                             |
| Legislative: | 5. Labour law (e.g. Bargaining structure)    |
|              | 6. Common law                                |
|              | 7. Statutory law                             |
|              | 8. Special legislation                       |
| Political:   | 9. Political party in power                  |
|              | 10. Lobbying and/or electoral powers         |
|              | 11. Public opinion                           |
| Social:      | 12. Social structure                         |
|              | 13. Social goals and values                  |
|              | 14. Population growth and demographic shifts |

#### Internal Variables

- |  |
|--|
| 1. Organizational structure of the parties                     |
| 2. Organizational goals and ideologies                         |
| 3. Skills of negotiators                                       |
| 4. Bargaining history  |
| 5. Cohesiveness of group                                       |
| 6. Image of group  |
| 7. Attitudes of parties  |
| 8. Militancy of membership                                     |
| 9. Politicization of membership                                |
| 10. Work ethic   |
| 11. Experience with previous agreements                        |
| 12. Pressure to meet working conditions in other jurisdictions |

These internal and external influential variables play an important role in determining a party's bargaining power, objectives and strategies, although to different degrees, they affect both the employer and the employees. For example, inflation will affect not only the union's wage demands but also the budget of the employer. The tax structure may affect not only the number of jobs but also several employer's operations (e.g. planning, growth, budget). The internal variables such as bargaining history, cohesiveness of group, experience with previous agreements, are also applicable to both the employer and the union.

## 2- Perception and Evaluation of the Influential Variables

The perception and evaluation by the parties of the influential variables will determine their perceived bargaining power as well as their objectives and strategies. Although perception is an important psychological factor in collective bargaining, it has not been sufficiently or effectively exploited in bargaining models and theories. Monat (1975) suggests that bargaining power in itself is not sufficient to achieve collective bargaining objectives. The parties must perceive their bargaining power. The attachment until the early 1960's of nurses and teachers to anti-collective bargaining attitudes in the face of substandard income and working conditions can be explained partly by their perception of limited bargaining power.

The perception of influential variables may not only undermine the real bargaining power which a party has, it may also result in an

overestimation of this power. The frequent violations of back to work legislation in the public sector of Quebec are good examples of overestimation by a government-employer.

Perception is subjective in nature. Nevertheless, the parties involved in a bargaining relationship should recognize it as an element which can influence the outcome of negotiations. A serious error in the perception of the influential variables may be detrimental to the achievement of one's bargaining objectives.

The relative importance of the different influential variables will vary with time, thus making it difficult to evaluate and assess them concretely. An accurate evaluation is further complicated because it is based on perceptions. In spite of the difficulties, a reasonably accurate evaluation of the influential variables can help the parties in at least three major ways: (1) the parties can focus on the real issues more quickly; (2) bargaining objectives and strategies can become more appropriate and realistic; and (3) the parties can identify more easily and sooner the changes (e.g. attitudes, demands and/or offers) which have to be made in order to reach agreement.

### 3- Bargaining Power

According to Lieberman and Moskow (1966), in order for meaningful negotiations to take place each party must possess a reasonable degree of bargaining power. If A has no bargaining power, it is impossible for A to provide any inducement for B to change its proposals. It would then be necessary for A to accept B's proposal without

modification.

Chamberlain's definition of relative bargaining power is based essentially on economic factors. Although one could translate important issues in education such as consultation and participation into political costs, it would be difficult to quantify these costs. A definition of relative bargaining power in education cannot be limited only to economic issues. The history of collective bargaining in the education of Quebec has demonstrated that some issues imply very little financial cost and yet create considerable difficulties in reaching agreement.

The definition of bargaining power proposed in this model considers not only economic variables but adapts also to social, political and legislative variables. It is general and it reflects the activities and issues which influence bargaining power and which are often too complex and too varied to be calculated. Bargaining power is defined as "the capacity or ability of a group to induce to another group satisfaction with one's proposals". The relationship between bargaining power and satisfaction/dissatisfaction is described by the following relation:

$$\text{Bargaining power of A} = \frac{\text{Satisfaction of B with A's proposals}}{\text{Dissatisfaction of B with A's proposals}}$$

As defined above, bargaining power can be achieved by exercising control over the activity (e.g. pressure tactics, bargaining strategy, lobbying) and influential variables which can influence the other party's satisfaction and/or dissatisfaction with one's terms. For

example, a union may gain bargaining power by decreasing its wage demands and thereby decreasing the employer's dissatisfaction with the union's terms. Similarly, management can increase its bargaining power by increasing the teachers' satisfaction and/or by decreasing their dissatisfaction with its terms. For example, this can be achieved by making some concessions on consultation, by enlarging their participation in the decision-making process and by increasing its wage offers.

According to the above definition, bargaining power can be achieved by influencing the satisfaction and/or dissatisfaction of the other party. A misconception often encountered in collective bargaining is to think that if a factor accounting for dissatisfaction is altered or eliminated, satisfaction will result. Or, failure to maintain a satisfaction condition will result in dissatisfaction (Sergiovanni, 1969). Research with engineers and accountants (Herzberg, Mausner & Snyderman, 1969) suggests that some factors in the work situation are satisfiers, but when eliminated do not result in dissatisfaction. Sergiovanni (1969) studied the factors which affect satisfaction and dissatisfaction of teachers. The research supported the hypothesis that some satisfiers and dissatisfiers tend to be mutually exclusive.

The advantage of the above definition when compared with Chamberlain's definition is that economic issues or costs are only part of the variables which influence the bargaining power of the parties. The psychological factors of satisfaction are more reflective of all the variables and activities which influence the



bargaining process. As such, the problem with Chamberlain's definition of converting "political costs" into dollar equivalents is eliminated. Another advantage of this definition is that the bargaining strategies, objectives and concessions of the parties are closely related to their degree of satisfaction and/or dissatisfaction, hence, to their bargaining power.

#### 4- Prediction

Another concept which plays an important role in collective bargaining and which has received little attention in the literature is the psychological factor of prediction. In contrast to content (bargaining objectives and strategies), which is based on the perception and evaluation of the influential variables, prediction is concerned with the impact of the bargaining objectives and strategy on the other party and the public. For example, the impact of influential variables such as population growth, social values and goals, organizational ideologies, public opinion, and unemployment, may cause a teachers' union to demand a teacher-student ratio of 1:20. The chance of achieving this objective can best be evaluated by predicting the reaction of the other party and of the public. Another example is the case of a teachers' union that has decided to strike to exert pressure on the employer. The impact of this strategy on variables such as back-to-work legislation and public opinion can be evaluated best by trying to predict the reaction of the other party and of the public to this strategy.

On the management side, a school board may, given its evaluation and perception of the influential variables, decide to increase the teacher-student ratio from 1:30 to 1:35. The impact of this objective on influential variables such as social values and goals, the tax structure, the public's opinion, the militancy of the union members and the work ethic, may also be evaluated by predicting the reaction of the other party and of the public to this bargaining objective.

The importance and impact of the psychological factor of prediction has been neglected not only in bargaining models but often also in bargaining practices. In this model, it is assumed that a systematic and objective prediction of the reaction of the other party and of the public will cause a continuous revision of the perception and evaluation of the influential variables through a feedback process as shown in Fig. 1 (p. 37). Hence, it is posited that the better this prediction, the better will be the evaluation of one's bargaining power. This will in turn contribute to more realistic bargaining objectives and to more appropriate bargaining strategies.

#### 5- The Negotiation Process

Negotiation is probably the most visible activity of collective bargaining (Peach & Kuechle, 1975). It is the process by which the parties define the terms and conditions of their relationship. It may occur because of common interest, conflict, or because it is required by law. Whatever the reason for negotiating, it can be described by three component activities: (a) objectives and strategies, (b)

operational activities, and (c) dynamics of the process.

### Objectives and Strategies

The strategies employed by the parties are integral parts of the negotiations. Bargaining objectives are not independent of the strategies used to achieve them. However, unrealistic objectives are unlikely to be achieved no matter what strategy is used. A realistic objective is one that is based on consideration of (1) what the party needs as a minimum, (2) what bargaining power it possesses to achieve more, and (3) what the opponent is able to concede (Mabry, 1966).

A strategy that will enable a party to achieve with greatest certainty its bargaining objectives will be built on an assessment of the objectives of the other party, together with an objective evaluation of the influential variables. Furthermore, a proper strategy is one that can be implemented, controlled and re-evaluated throughout the negotiations. Fundamental to a successful strategy is the selection of appropriate means of implementation. Not only the means must be appropriate to the strategy and the objective desired, they must also be appropriate for the occasion (Mabry, 1966).

Strategies are adopted to meet expected environmental conditions to the best of one's advantage. For this reason, no two strategies are exactly alike. Nevertheless, some approaches are common to most strategies. Three of these will be discussed: publicity, commitment and influence of perception.

Bargaining "through the press" is a strategy used especially when

the industry or organization is believed to be sensitive to public opinion. News releases are often employed to win the support of the public. Advertisements are used to convince the public of the reasonableness of one's position and of the unreasonableness of that of the opponent. It is presumed that the public will react and exert pressure on the opponent.

A variation of the publicity approach is a strategy designed to increase the likelihood of the intervention of a third party and/or of the government. Many employers are opposed to these interventions. They view them as infringements upon their managerial rights. Consequently, the potential intervention of a third party makes some employers more conciliatory. Many unions, especially in the public sector, incorporate within their strategy a demand for the intervention of the government. Through this type of intervention, some unions have been able to obtain concessions that otherwise would have been more difficult to secure (Mabry, 1966).

Commitment is another important strategy. A commitment is the communication of one's incentives and is designed to impress on the other party the automatic consequences of an act (Schelling, 1969). A commitment may or may not imply a threat. For example, an employer may make an early commitment to a final offer with no specific threat. A union may threaten to strike if agreement is not reached by a certain date. Whatever the nature of the commitment, its efficacy will depend on the credulity of the other party and on the threatener's ability to demonstrate an incentive to carry it out. Consequently, if commitments are rational and are effectively used,

they will establish bargaining credibility and both parties will benefit. However, if used simply as a tactic, they can maximize the possibility of miscalculation and deadlock.

Since commitment tends to create tension, it is likely to precipitate a breakdown in the negotiations. A less conflicting strategy involves persuasion to modify the other's perception of one's proposals and of the dissatisfaction that a conflict implies. The advantage of this alternative is that in a long term relationship it is less damaging than publicity and commitment. As Walton and McKersie (1975, p. 146) point out:

the strategies used by the parties may have important consequences for their feelings of satisfaction with the ultimate decision and their adherence to it in spirit and letter.

#### Operational Activities

Walton and McKersie (1975) suggest that the negotiation process is comprised of a system of different types of activities, each with its own function, its own internal logics and its own identifiable set of instrumental acts or strategies.

The first type of activity identified is distributive bargaining. It refers to the activities instrumental to the attainment of a party's goals when they are in basic conflict with those of the other party. It is similar to what game theorists refer to as fixed-sum games: one party's gain is a loss to the other. This relationship has also been described (Schelling, 1960; Print, 1968) as pure-power bargaining. Distributive bargaining usually occurs when the parties

are faced with scarce resources. Consequently, the relationship is competitive and a conflict of interest results as to how the available resources should be allocated (Herring, 1980).

The second type of activity is integrative bargaining. It refers to the activities instrumental to the attainment of objectives which are not in fundamental conflict with those of the other party and which can, therefore, be integrated to some degree. Integrative potential exists when the nature of the problem permits solutions which benefit both parties, or at least, the gains of one party do not represent equal sacrifices by the other.

The third type of activity is attitudinal structuring. Distributive and integrative bargaining are concerned primarily with content and with the rights and obligations of the parties. However, as Walton and McKersie (1975) postulate, the negotiations are also influenced by the attitudes of the parties (e.g. friendliness, hostility, trust, respect). Therefore, attitudinal structuring refers to those activities instrumental in achieving a desired relationship.

The fourth type of activity identified by Walton and McKersie is intra-organizational bargaining. The three types of activities discussed thus far relate to the negotiation activities between the parties. However, during the negotiations another type of activity, designed to achieve consensus within each party, takes place. Intra-organizational bargaining refers to those activities concerned with a party's decision-making process. On the union side, coalitions, local unions and the membership exert competing influence on the bargaining objectives and strategies. Similarly, on the

employer side top management and various staff groups will compete to influence the bargaining process.

### Dynamics of the Process

Phillips (1975) suggests that at the outset of the bargaining process one of two most likely situations will exist. In the first case (Fig. 2) no gap exists between the union's minimum demands and the employer's maximum offer. In such a case no settlement is possible unless the union lowers its minimum demands or the employer raises its maximum offer or both. The threat of a strike and/or lockout, or, of another mechanism of dispute settlement to which the parties may be subjected, will play the role of inducing the two parties to adjust their respective minimum and maximum positions. If neither party adjusts an impasse or dispute will result. The parties may overcome this initial impasse by reviewing their evaluation and perception of the influential variables as well as their bargaining power, objectives and strategy.

When an overlap exists (Fig. 3), the overlap constitutes the bargaining range. The actual settlement will be determined by the relative bargaining power of the parties. Although it does not happen very often, a gap may also exist as a result of the union's maximum demands being lower than the employer's minimum offer. This could happen for example when coordinated union actions and union solidarity attempt to decrease the wage differentials among workers.

The dynamics of the relationship between the satisfaction of the

BARGAINING RANGE AT THE  
BEGINNING OF NEGOTIATIONS  
WITH NO OVERLAP

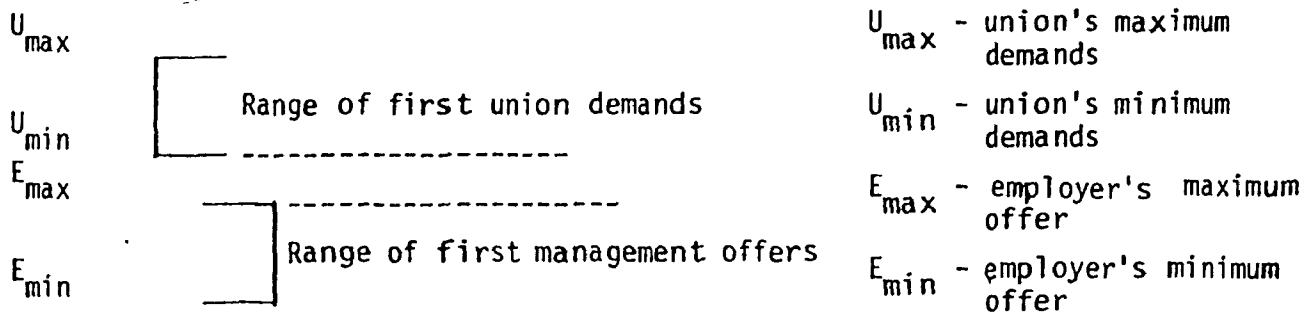


Fig. 2

BARGAINING RANGE AT THE  
BEGINNING OF NEGOTIATIONS  
WITH OVERLAP

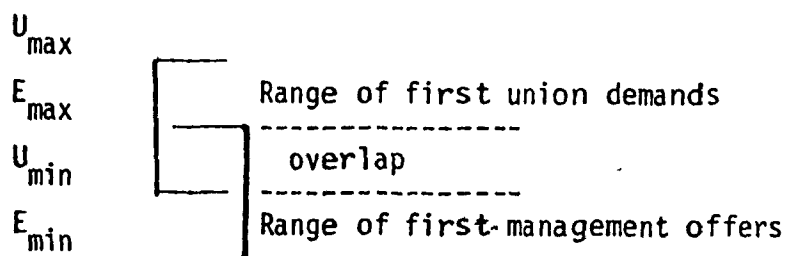


Fig. 3



0 employer and that of the union can be analyzed by a satisfaction-satisfaction equilibrium model presented in Figure 4. Although the actual position and slope of the satisfaction-concession lines will vary with time and from one relationship to another, the dynamics of the negotiations are essentially the same. Also, they depend on the bargaining power, objectives and strategies of the parties and consequently on the perception and evaluation of the influential variables.

The overall objective of the negotiations is to reach a comparable level of satisfaction for both parties. At  $E_{min}$  the employer's level of satisfaction is maximum. As the employer makes concessions its level of satisfaction decreases. At  $E_{max}$ , where the employer has made all its possible concessions, the level of satisfaction is at its minimum level. Similarly for the union's satisfaction-concession curve. It is unlikely that a final settlement is reached at extreme levels of satisfaction or at some point P (Fig. 4). At this point the union's level of satisfaction is relatively higher than that of the employer. The strategy of the employer will then attempt to induce the union to make further concessions. When a better satisfaction-satisfaction equilibrium exists as at point A, the chance of reaching agreement is much greater.

The dynamics which induce the parties to change their positions can be understood by describing the concessions of the parties as a function of time. This is illustrated in Figures 5 and 6. As the satisfaction-concession lines, the position and slopes of the concession-time curves will depend on the bargaining power, objectives

# SATISFACTION-SATISFACTION EQUILIBRIUM MODEL OF NEGOTIATION

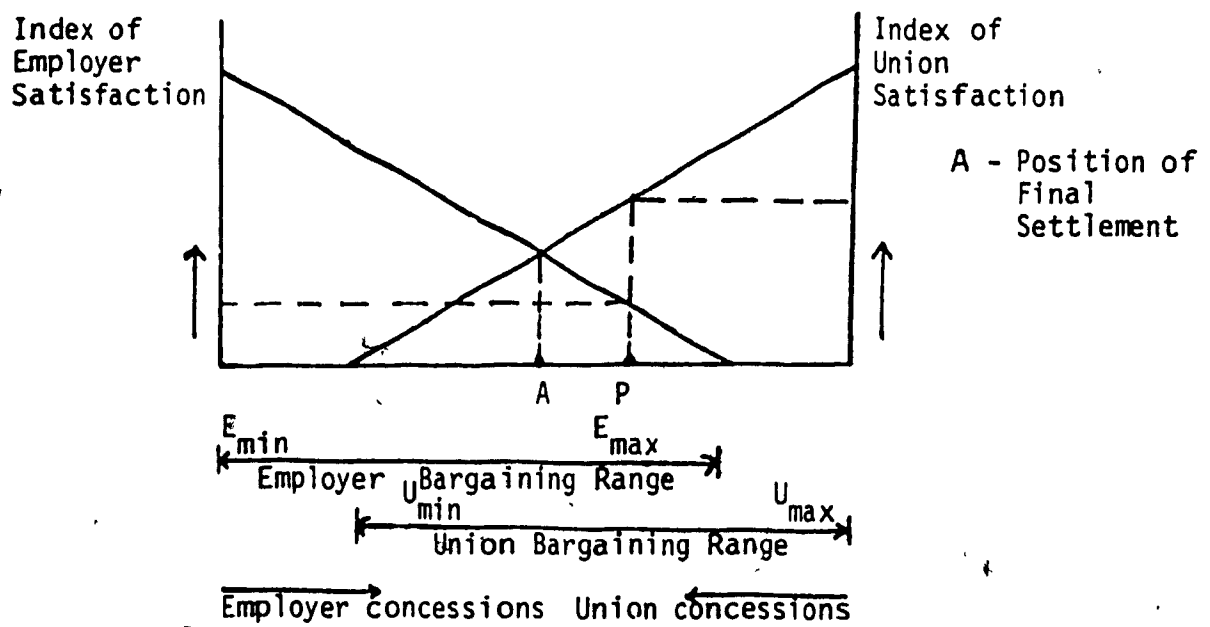


Fig. 4

# EMPLOYER'S RESISTANCE TO CONCESSIONS AS A FUNCTION OF TIME

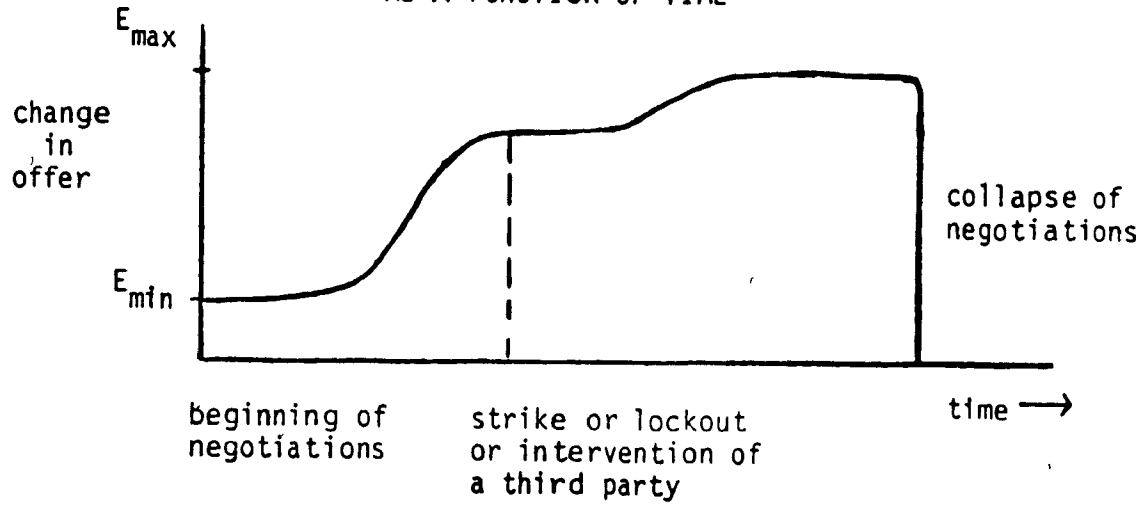


Fig. 5

# UNION'S WILLINGNESS TO MAKE CONCESSIONS AS A FUNCTION OF TIME

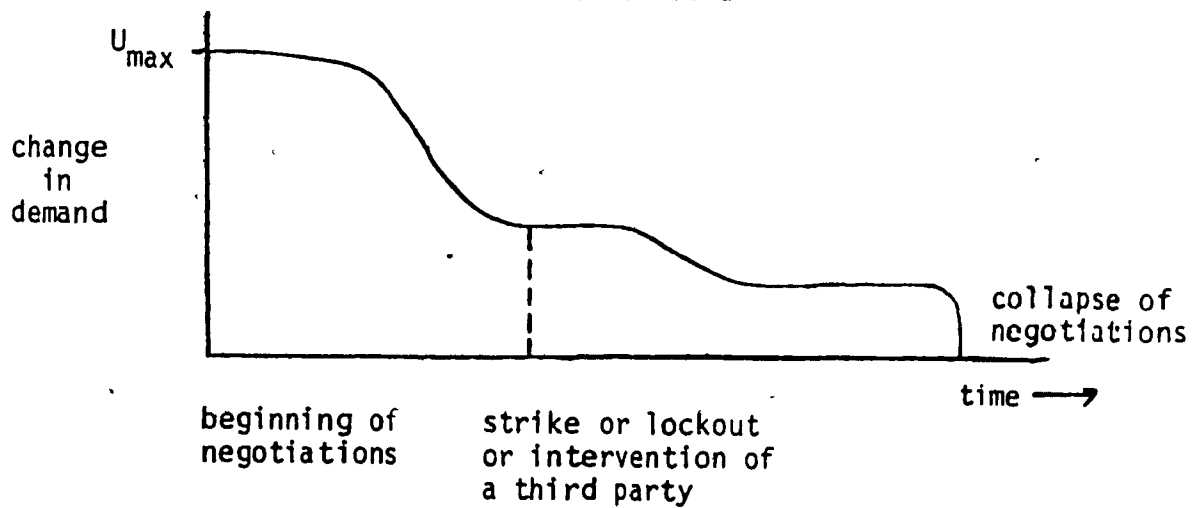


Fig. 6

and strategies of the parties. Consequently, they will vary with time and from one bargaining relationship to another. The concession-time curves reflect several assumptions concerning the negotiation process. As Phillips (1975) suggests, the parties will make most of their concessions just prior to a potential strike or lockout or just prior to the intervention of a third party. In general, very few concessions are made at the beginning of the negotiations. Also, it is assumed that a period of intensive re-evaluation follows the beginning of a strike/lockout or the intervention of a third party. During this period the parties will attempt to identify the changes which can favour a settlement or that will result in a favourable position in the recommendations of a third party. After this re-evaluation a period of concessions may follow. If no agreement is reached, either the parties will re-evaluate again their respective positions or the negotiation process will collapse. Since in the education sector a permanent shut-down is not likely to occur, a dispute is eventually settled either through the intervention of the government or that of a third party.

Most negotiations result in a collective agreement prior to the beginning of a strike/lockout or prior to the intervention of a third party. This case is illustrated with the help of the concession-time curves in Figure 7. The case when the negotiation process does not result in a collective agreement prior to a strike/lockout or prior to the intervention of a third party is illustrated in Figure 8. When an agreement is not reached through the negotiation process in spite of a strike/lockout or the intervention of a third party is illustrated in

REPRESENTATION OF A NEGOTIATED AGREEMENT  
PRIOR TO A STRIKE/LOCKOUT OR PRIOR TO THE  
INTERVENTION OF A THIRD PARTY

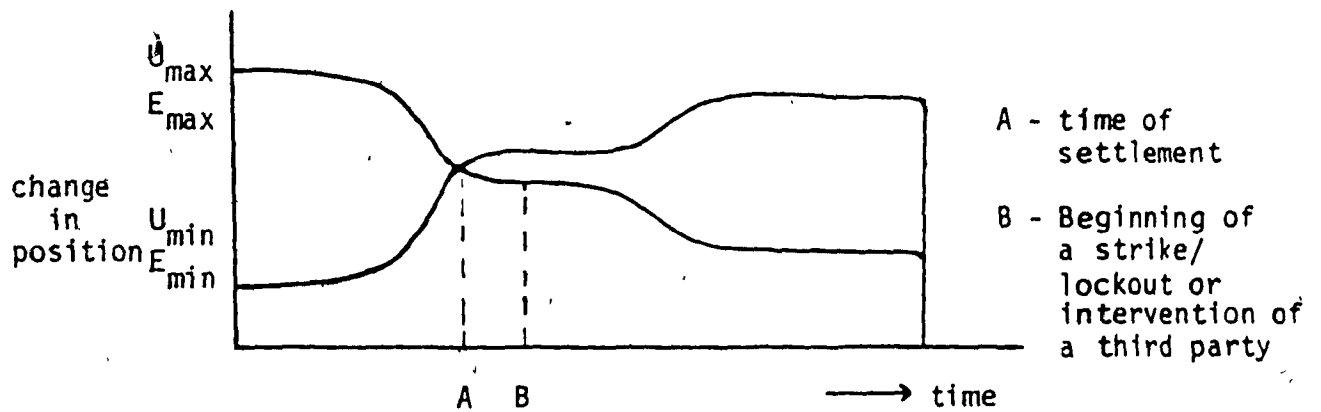


Fig. 7

REPRESENTATION OF A NEGOTIATED AGREEMENT  
AFTER THE BEGINNING OF A STRIKE/LOCKOUT OR THE  
INTERVENTION OF A THIRD PARTY

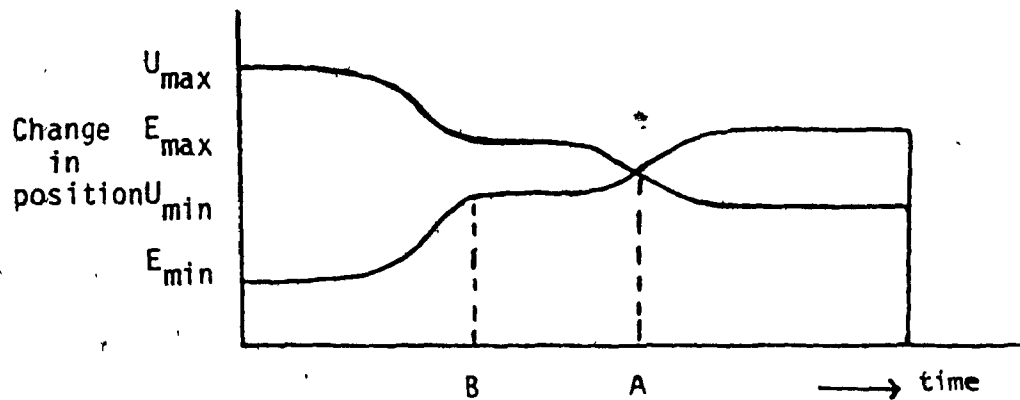


Fig. 8

Figure 9.

The superposition of the concession-time curves is useful not only in visualizing the dynamics of the negotiation process but also, as Phillips (1975) suggests, to analyze the effects of third-party intervention either before or after a strike or lockout. By acting as a good-faith intermediary, a third party aims at helping the parties reach agreement. The intervention of a third party can assist the parties in three possible ways: (1) the concession-time curves can be altered to prevent a strike or lockout; (2) the duration of the strike or lockout can be reduced; and (3) special legislation may be prevented. The objective of the intervention is to lower the union concession-time curve and/or raise that of the employer so that an agreement will be reached earlier and without special legislation.

#### 6- Mechanisms of Dispute Settlement

According to Crispo (1978) not only a much greater proportion of strikes is occurring in the public service sector, a growing proportion of illegal strikes is also occurring in this sector. Boivin (1975a) claims that the major cause for this increased strike activity is the lack of appropriate mechanisms of impasse resolution.

Most Canadian jurisdictions have limited their mechanisms of dispute settlement to mediation, conciliation, binding arbitration and the strike or lockout. In most cases the legislation does not permit experimentation with newer mechanisms (e.g. voluntary arbitration, fact-finding, etc.) Furthermore, it compels the parties to a specific

REPRESENTATION OF A SITUATION WHEN NO AGREEMENT IS  
REACHED THROUGH THE NEGOTIATION PROCESS

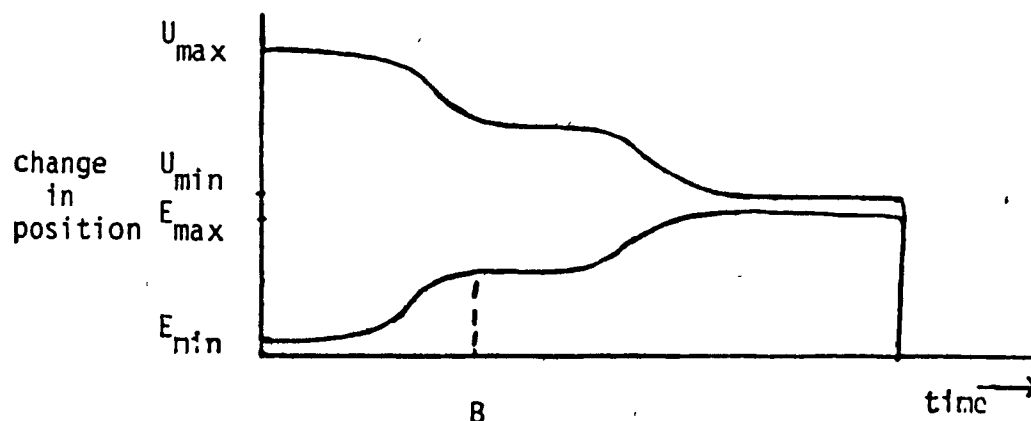


Fig. 9

mechanism. The parties are often not free to select an alternative. A brief review of different mechanisms of dispute settlement most often used in Canadian jurisdictions will be presented.

### Conciliation and Mediation

These two mechanisms are very similar and are often used interchangeably. Both processes attempt to resolve labour disputes by compromise or voluntary agreement. By contrast with most arbitration processes the mediator, conciliator, or conciliation board does not produce a binding award. The parties are free to accept or reject the recommendations. The conciliator is often a government official while the mediator is usually a private individual. It should be noted that compulsory conciliation is mostly a Canadian experience. Also, in various jurisdictions some form of conciliation is compulsory before the right to strike and/or lockout is acquired. In other jurisdictions, as is the case in Quebec, the exercise is voluntary.

### Binding Arbitration

In Canadian jurisdictions the most common substitute for resort to strike and/or lockout in interest disputes has been binding arbitration. This process may take place for various reasons depending on the jurisdiction: it may be automatic upon the failure of preliminary conciliation; it may be mandatory upon the request of either party, regardless of the consent of the other party; it may



require the consent of both parties; or, it may be imposed by the government on its own motion (Gunderson, 1975, pp. 8-10).

Although binding arbitration does provide a viable alternative to the strike and/or lockout, it does not guarantee that the final outcome will be acceptable and satisfactory to both parties. Since the future relationship between the parties is determined by a third party, there is nothing to suggest that this model will foster a good working relationship. Binding arbitration is often considered not to be compatible with the principle of free collective bargaining. It may encourage the parties not to engage in good-faith bargaining if they know that they can force binding arbitration by withholding agreement. Furthermore, in the public sector it is still considered in many jurisdictions an undesirable delegation of sovereign authority (Gunderson, 1975).

### The Strike

It has often been proposed that strikes in the education sector should not be allowed because of the nature of this service. The general public has often advocated compulsory binding arbitration as a desirable alternative. However, since the economic and political costs of a strike and/or lockout to both the employer and the employees are in themselves strong incentives for the parties to reach agreement, what happens if these incentives are removed? There are reasons to believe that the number of failures to reach satisfactory agreements would greatly increase (Kennedy, 1975).

Kennedy (1975) suggests two major reasons why the employer and the unions find it more difficult to reach a satisfactory agreement when the possibility of the strike and/or lockout has been removed: (1) the parties are not under so much pressure to reach agreement because while the compulsory settlement may be less desirable than the contract that could be negotiated, it does not carry a threat of immediate loss of production and wages; and, (2) if the settlement authority, whether it be an arbitration board, a court or a single arbitrator, has the authority to decide on what it considers a fair settlement, management and union may well hesitate to make a move towards a settlement, fearing that the other party will hold at its initial position and that the final decision will be a split of the difference.

The threat of a strike and/or lockout seems to be the ultimate sanction in collective bargaining. This applies to the education sector just as well as it does to the private sector and for two other reasons: 1) collective bargaining serves the same protective functions in public as in private employment; and (2) without the potential of a strike and/or lockout, the employer and the union are under little pressure to make concessions. Kennedy (1975) suggests that the strike and/or lockout possibility is needed both to force serious bargaining and to ensure that disputes will eventually be settled by the parties themselves since the cost of disagreement will increase with time for both parties. Also, it should be remembered that the experience in North America with legislation prohibiting strikes and/or lockouts in public sectors indicates that such

legislation does not automatically prevent or put an end to strikes (Gundersen, 1975).

#### 7- The Collective Agreement

The collective agreement is a legal contract between the employer and the union. It represents the outcome or the outputs of the bargaining process. It defines terms and conditions of employment for a fixed period. Most collective agreements are concerned with issues such as wages, hours of work, union security, managerial rights, the jurisdiction of the agreement, a procedure for settling grievances, job security, holidays, employees' participation in the decision-making process, pensions and other fringe benefits.

Collective agreements are indicative of the concerns of workers. For example, during a period of high unemployment or a decrease in the birth rate, teachers will probably place greater emphasis on job or income security. Whereas, in times of high employment and expansion, they will probably place more emphasis on wages and other fringe benefits.

In the study of collective bargaining, a collective agreement must not be seen only in terms of rewards to employees for their services (Craig, 1975). It must also be seen in terms of its effect on other segments of the society. The terms and conditions of employment in a given industry or sector have an impact not only on the bargaining process in other sectors, but also on the working conditions of non-unionized workers. For example, job security

achieved by workers in one sector will influence the negotiations on job or income security in another sector.

Finally, the experience with a collective agreement will influence the inputs or influential variables for the next round of bargaining. The interpretation and application of the agreement by the employer will undoubtedly influence future bargaining objectives. During the term of a collective agreement, disputes often arise because of the different interpretations of the agreement. The union sees it as a minimum set of working conditions whereas the employer sees it as maximum.

#### 8- Feedback Loops

The feedback loops represent the linkage between the different components of the model. Craig (1975) suggests two major contributions of feedback loops to the understanding of collective bargaining. First, it is necessary to look at feedback in order to see what activities feed back and influence previous activities. This implies that the relationship between the components of the bargaining process can be better understood by considering the outputs of an activity as partial or conditional inputs of other activities. For example (see Fig. 1); the outcomes of the negotiations will have a feedback effect on the perception and evaluation of the influential variables. This will influence not only the relative bargaining power of the parties but also their bargaining objectives and strategies.

Secondly, it is essential that we investigate the consequences

and impact of the outputs of a given activity. For example, one of the consequences of a dispute in the education sector is the possibility that the government will intervene in the bargaining process through special legislation. This type of intervention will not only change the relative importance of some influential variables, it may also terminate the negotiation process. Although it is difficult to establish objective measures of the impact of a given activity, it is nevertheless important to consider its consequences and relationship to other activities. Feedback loops can assist in this task.

#### SUMMARY REMARKS

Collective bargaining as it has unfolded in the private sector can be adopted for the education sector since similar forces are involved (Boivin, 1975a). However, important differences between the two sectors can be identified. These differences need to be considered when models of collective bargaining are adapted to the education sector. Furthermore, the continuous and evolving relationship between an employer and its employees is best understood if collective bargaining is viewed as an ongoing process with specific activities (e.g. negotiation of a new collective agreement, dispute settlement) recurring periodically.

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## CHAPTER III

### THE QUEBEC ENVIRONMENT DURING THE PERIOD PRECEDING THE CEGEP SYSTEM

#### INTRODUCTION

Major changes have taken place in the province of Quebec during the last two decades. Prior to this, the strong attachment of French Canadians to the Roman Catholic religion and to an agrarian way of life lead to a stable and conservative society. However, signs of discontent began to rise especially during the 1950s (Wade, 1968).

In spite of the traditional resistance to change by Quebec governments, the 1950s were followed by a period of rapid social changes. Since the CEGEP system is one of the major changes that resulted, a brief description of the general environment in Quebec prior to 1967 - the beginning of the CEGEP system - is essential to understand the evolution of collective bargaining in this sector. As we have seen in Chapter II the environment (influential variables) plays an important role in collective bargaining.

Therefore, the objective of this chapter is to identify some of the major forces for change during the 1950s and to describe the major results. For this purpose, a brief historical description of the four categories of external influential variables (economic, legislative, political and social) will be presented. Hence, the chapter is divided into three sections: (1) the socio-political environment, (2) the general economic environment, and (3) the state of labour

legislation.

## THE SOCIO-POLITICAL ENVIRONMENT

### Background to the Quiet Revolution

The large majority of the Quebec population is French-speaking and Roman Catholic in faith. Legally and politically the position of French Canadians in this province seems secure. Under the British North America Act, Quebec, like other provinces, has a high degree of autonomy. It controls its own education and legal system, the industries and labour within its jurisdictions, and its natural resources.

The economic and social status of French Canadians, however, has been more ambiguous and insecure (Jamieson, 1973). The main capital, technological and organizational structures of the Quebec economy have been controlled largely by English-speaking Americans or Canadians (Wade, 1968). This has resulted in a division of labour and in patterns of economic and social inequality that coincided broadly with differences in language and religion. As Jamieson (1973, p. 33) points out:

Ownership and control of the major commercial, financial and industrial enterprises, the key executive and technical positions, and the more lucrative trades ... have been largely in the hands of the English-speaking and mainly Protestant minority. The French-speaking Catholic majority ... has been predominant in the ranks of farmers, unskilled, semi-skilled, lower-paid white collar workers, and the traditional profession of law, medicine and the priesthood.

In the eyes of many French-Canadians these developments threatened to undermine and destroy their cultural identity. Consequently, many Quebecers have been preoccupied with maintaining their French-Canadian culture in the midst of a predominantly English-speaking North American society. Many Francophone leaders have believed that as French-Canadians participated in the organizational activities of the English-speaking milieu in order to improve their economic and social status, they would lose their traditional ties of language, culture and religious beliefs. In effect, they would cease to be Catholic and French-speaking (McRoberts & Posgate, 1980). Because of these and other related developments, nationalism among French Canadians has increased considerably during the last few decades (Monière, 1977).

The rapid industrialization in Quebec during the first half of the twentieth century had a considerable impact on the Francophone community in the province. A considerable decline occurred in agriculture as the major economic activity. This has affected not only the economy but also the traditional value systems of French Canadians. Until well into the 1930s the Church had succeeded in imposing on French Canadians a value system that idealized the agrarian way of life versus the "materialism" of industrialization. However, through industrialization French Canadians became aware that they had been dominated by a set of values which rationalized their political and economic subordination and which idealized the family life, agriculture and the Roman Catholic faith (McRoberts & Posgate, 1980).

### The Major Forces for Change

During the 1950s government policies began to face growing opposition and dissatisfaction. Many began to realize that if French Canada was to survive and grow as a distinct cultural identity, it must accommodate itself to the industrial system (Jamieson, 1973; Trudeau 1974). French Canadians had to acquire the scientific knowledge and essential skills of modern industrial society to compete and cooperate as equals with English-speaking Canadians. To achieve this objective, the Church would have to abandon much of its direct control over education, trade union organizations and other secular activities in favour of new sources of lay leadership (McRoberts & Posgate, 1980; Burgess, 1978).

While we can easily identify the major achievements of the Quiet Revolution in Quebec, it is more difficult to identify the specific factors or events that led to it. From the works of several authors (Burgess, 1978; Trudeau, 1974; McRoberts & Posgate, 1980; Wade, 1968; Monière, 1977; Magnuson, 1980) the following six major factors can be identified as leading to the Quiet Revolution in Quebec: (1) the Union Nationale and the Duplessis regime, (2) the negative effects of the philosophy of the Roman Catholic Church, (3) the socio-economic effects of industrialization, (4) Laval University and its Faculty of Social Sciences, (5) the labour movement, and (6) the state of public education. Although this list is not exhaustive, an understanding of these six factors will provide a good insight on the Quebec environment at the outset of the Quiet Revolution. Since these

factors are highly inter-related, the order in which they are discussed is not in order of priority or importance.

### The Union Nationale and the Duplessis Regime

Until the later part of the 1950s, governments in Quebec played a balancing role between economic and socio-cultural forces (McRoberts & Posgate, 1980). This was especially the case of the Union Nationale government in power from 1936-1939 and from 1944-1960. To achieve rapid industrialization and economic growth, the Union Nationale government adopted an almost "laissez-faire" attitude to encourage the influx of outside, predominantly American and English Canadian, capital and technology. In general, it was assumed that the economic sector should remain in the hands of private interests; the economic responsibility of the provincial government was to facilitate the objectives of private interests (David, 1969). In the public sector, the government encouraged and perpetuated Church control in education, health services and other important social institutions. As a rule, social measures were left entirely to the Church. This implied that the Church could maintain its jurisdiction over education and social affairs as long as it did not question the government's approach in economic matters; the private sector could maintain its jurisdiction in economic matters as long as it did not question the government's approach in socio-cultural and educational matters.

A major activity of the Duplessis government was to limit the independent actions of unions. In 1954 legislation was passed that

gave the government authority to decertify unions with "communists" in their ranks and unions that threatened to strike in the public sector. The legislation had a retroactive effect and was widely used to decertify unions seen as too aggressive (CNTU-CEQ, 1979). In addition, the government often used the provincial police to break up strikes that had retroactively been declared illegal; the most notorious of these was the Asbestos strike in 1949 (Trudeau, 1974).

The passivity of the Duplessis government was even more pronounced in the education sector. The critically important private education sector continued to be totally under clerical authority with hardly any government intervention. The Church played the deciding role. The government limited its responsibilities to providing material facilities. The failure of Quebec governments to take full responsibility for public schools clearly distinguishes pre-1960 Quebec from most other provinces (McRoberts & Posgate, 1980). Almost the same arrangements existed in the rest of the public sector.

As one might expect, given the limited scope of governmental activity, administrative structures were poorly developed. Prior to 1960, government structures were decentralized and without a clear system of operation (Monière, 1977). The provincial administration contained relatively few individuals with the expertise required to respond to the socio-economic developments of the times (Bolduc, 1964).

By the end of the Duplessis regime in 1959, government activities in Quebec lagged behind social and economic developments. Not only were its activities and structures not appropriate for the times, they

also were not developed to a degree comparable to that of most other provinces. As Jamieson (1973, p. 34) points out:

By comparison with most English-speaking provinces ... Quebec standards could be deemed poor and backward in such fields as protective labour legislation, social welfare, health services and education at all levels.

By the end of the 1950s the conservatism of government policies, the "laissez-faire" attitude of the government in dealing with the private sector, the continuous control of the Church over both private and public education as well as in other social institutions, the continuous external control of the Quebec economy, the backward state of labour legislation, and the poor working conditions of French-Canadians, had contributed to a growing feeling of discontent. What made the 1950s different was not only the growing magnitude of discontent but also its quick extension to all sectors of the society (Trudeau, 1974).

Although the controversial impact of the Duplessis government on the Quebec society is being re-evaluated by several historians (Black, 1977; Rumilly, 1973), especially in regard to the relationship between provincial and federal governments, it still remains that his regime was a repressive one for labour.

#### The Negative Effects of the Church Philosophy

Much has already been said about the control and impact of the Roman Catholic Church over the socio-economic and cultural values of French Canadians in Quebec. The Church delayed in recognizing the

impact and consequences of industrialization (e.g. urbanization, different methods of production). Also, it was not prepared to understand or adapt to the new industrial society. As Trudeau (1974, pp. 12-13) points out:

Our official leaders (the clergy), with amazing consistency, ignored all the social science of their own day. To judge by their writings, we may say without exaggeration that until very recently they knew nothing of universal legal thought ..., nothing of sociology, ... economics, ... political sciences, ... (and) nothing of pedagogy ... They filled these gaps in their social thought with a set of ideas which they called the social doctrine of the Church.

French Canada had become a society in which a priest's opinion was almost an order. Consequently, it was difficult to foster a spirit of inquiry and a freedom of thought necessary to adapt to the socio-economic changes of the times. On the contrary, the Church was suspicious of the people who had betrayed their religious mission and left the land to go and work in the cities (Wade 1968; McRoberts & Posgate, 1980).

The Church also had a considerable impact on the union movement in Quebec. What distinguishes the development of trade unionism in Quebec from that of the rest in North America is the active role of the Church (Goldenberg, 1975; Jamieson, 1973; Bouvier, 1980). The Church organized the first Catholic unions at the beginning of the century. In 1921 the Catholic labour movement united to form the Canadian Catholic Confederation of Labour - presently the CSN.

The actions and policies of these early Catholic unions were based on a papal encyclical, *Rerum Novarum*, issued in 1891 (Goldenberg, 1975). Although this document recognized the workers'



right to organize, it stressed socio-economic status quo. According to Goldenberg (1975, p. 4), Quebec priests interpreted this as follows:

Encourage workers to join together, not primarily for economic purposes, but to preserve their French and Catholic character. This was compatible with traditional French Canadian preoccupation with "survivance" - survival as a group. But in this case it also meant keep out the international (industrial) unions, don't upset the established order and for heaven's sake, don't strike.

The Church not only provided the organizational skills and resources for the Catholic union movement, it also participated actively in its leadership, consequently, in its policies and objectives. The role of the chaplain remained dominant until the 1950s. It was not until the late 1950s that the CSN dropped its Catholic character.

The preoccupation of the Church philosophy - family, rural and religious virtues - which made the leadership of the clergy incapable of resolving the problems of the new era, also prevented them from studying new alternatives. Although its role and impact on the Quebec society needs re-evaluation, especially its role in protecting the French language and culture in the midst of a North American English society, it still remains that it contributed considerably to fostering obedient and passive attitudes among Francophone workers in Quebec.

## The Socio-Economic Effects of Industrialization

The rapid industrialization during the first half of the twentieth century resulted in a considerable decline of agriculture as an economic activity. This decline had a particular significance since agriculture was not only a prominent economic activity but also an important element of the traditional value system of French Canadians (McRoberts & Posgate, 1980).

Industrialization meant a new way of life and created new strains for French Canadians. As they left their farms and the cultural homogeneity of the rural parish to work in an office or factory, they became aware not only of their cultural difference but also of their lower socio-economic status.

Industrialization was sponsored mostly by foreign English capital. As a result, French Canadians played a limited role in the expansion and control of their economy. As McRoberts and Posgate (1980, p. 42) point out:

French Canadians as a group hold a disproportionately small share of the high-status, high paying jobs in Quebec's economy ... Not only are French Canadians under-represented in the higher occupations, but this under-representation has held right through the period of economic growth since the war ... They have shifted into "modern" jobs but ... not into positions that control these jobs. John Porter's "The Vertical Mosaic", ... found French Canadians more under-represented in 1951 in the "Professional and Financial" category than they had been in 1931; a decade later the Royal Commission on Bilingualism and Biculturalism showed French Canadians at a greater occupational disadvantage in 1961 than in 1941.

It can be said that industrialization in Quebec has had

implications far beyond the problem of achieving occupational mobility ~~in a~~ changing society. Until the early 1970s French Canadians have found themselves at a disadvantage in Quebec's occupational hierarchy within the private sector. This resulted in major difficulties for French-Canadians with respect to wages, career advancement, and retention of linguistic and cultural identity at the work place.

#### Laval University and the Faculty of Social Sciences

During the post-war period a young generation of French-Canadian elites began to play a leading role in Quebec. Notable in the new movement was the Faculty of Social Sciences at Laval University (Wade 1968; Trudeau 1974; Burgess, 1978) headed by the progressive Dominican Father Georges-Henri Lévesque.

The faculty became a training school for leaders of the new order despite Duplessis' efforts to cripple the school. The major contribution of the school was its impact on a growing number of students seeking careers in fields other than the traditional professions of law, medicine and theology (Burgess, 1978).

Under the leadership of Father Lévesque, the faculty became an academic centre which opposed the Union Nationale government. The first major sign of opposition came during the Asbestos strike in 1949. Father Levesque and other professors of the faculty openly supported the strikers (Trudeau, 1974; Wade, 1968; Burgess, 1978). As it turned out, the Asbestos strike was the beginning of a long cooperation between the university and the labour movement.

The faculty has played an important role in the defeat of the Union National government in 1960. In 1956, shortly after the fourth re-election of the Union Nationale, two priests at Laval University, Gérard Dion and Louis O'Neil, published a pamphlet entitled "Political Immorality in the Province of Quebec". It criticized and condemned the widespread political corruption of the Duplessis government. Its importance was far reaching. It received even more attention when it was reproduced as an appendix to a book by the same authors that was published just seven weeks before the election that finally defeated the Union Nationale. The timing played a role as critical as its content.

The Faculty of Social Sciences at Laval University played a major role in changing the Quebec society of the 1950s. It fostered a new approach within the Francophone education institutions based on rational and scientific thinking. Furthermore, it provided a spark to a more active and aggressive labour movement.

#### The Labour Movement

One of the first notable signs of dissatisfaction among Quebec workers was the strike in 1949 in the asbestos industry at Asbestos. A dramatic confrontation occurred in which the Duplessis government sought to put down the union movement by every legal and extra-legal weapon at its command, including an admittedly "instructed" judge and the use of the police as strike-breakers (Jamieson, 1973). A number of scholars have marked this bitter strike as a major turning point in

the course of Catholic unionism in Quebec and, indeed, in the social history of Quebec itself. It triggered a major split in the long and accommodating relationship between Quebec governments and the Roman Catholic Church. As Jamieson (1973, p. 38) points out:

This seven-month struggle brought forth the unusual spectacle of the Catholic hierarchy ... openly supporting the strikers against a large American subsidiary, after the provincial government had declared the strike illegal, decertified the union, and despatched several hundred heavily armed provincial police to the scene of the conflict.

While the workers won very little in the way of tangible gains, the labour movement emerged more united and determined than ever. It became the main rallying force during the 1950s in pressing for overdue social and political reforms in Quebec (Jamieson, 1973). However, the strike also brought out the bargaining weakness of a divided labour movement. Consequently, the strike marked the beginning of a closer cooperation among the different labour groups.

The Asbestos strike represented the beginning of a more aggressive labour movement in Quebec. Probably, more important, it shook the long lasting institutional equilibrium in Quebec (Goldenberg, 1975). Until this time Quebec governments, the Catholic Church and the industrial sector had harmoniously acted together, each supporting the other in its respective jurisdiction. The Asbestos strike, with the Church openly supporting the workers, not only created a permanent rupture in this relationship, it also demonstrated that the Church could no longer be counted upon to settle or control labour disputes.

Another highly publicized strike involved copper mining and

smelting workers in Murdochville in 1957. This conflict had many features similar to the Asbestos strike. The openly discriminatory and hostile stance towards militant unions by the Duplessis government on this and other conflicts during the 1950s had the effect of further politicizing and radicalizing the labour movement (Jamieson, 1973; Goldenberg, 1975).

Another landmark in the evolution of the labour movement was the strike of CBC (Canadian Broadcasting Corporation) producers in Montreal in 1959. In the opinion of many observers it was "the sparkplug of the Quiet Revolution" (Goldenberg, 1968). It established important precedents concerning the right to strike by, and union recognition of, professional and supervisory employees in the public sector.

#### The State of the Education System

The state of the Quebec education system prior to the 1960s is well described by Audet (1971), Henchey (1972), Magnuson (1980) and the Parent Report (Royal Commission of Inquiry on Education, 1963-66). The public education system was divided into two parallel sectors according to religious faith. The Roman Catholic sector was largely Francophone whereas the Protestant sector was largely Anglophone. This is still the case today. At that time, however, the two sectors were in practice independent of one another.

The School Act of 1875 eliminated the Minister of Education who had only been in power since 1867. Hence, prior to 1964 the chief

administrator at the provincial level was a superintendent appointed by the government. He was responsible for the Department of Public Instruction and the Public Education Council which included two permanent committees: one Catholic and one Protestant. Each committee was responsible at the provincial level for education policies in their respective sectors. Over 1,700 school boards made decisions at the local level (O.E.C.D. Report, 1975).

In addition to this public education system, there existed a considerable number of private schools and other government institutions. The normal route leading to university for Francophone students was the "classical college" which covered eight years of education after elementary school. Most of the classical colleges were controlled by religious orders with practically no intervention from the government. In addition to these private colleges, various Quebec Ministries, private organizations and the federal government operated a variety of specialized schools. These included teacher training schools (the normal schools), schools of nursing, domestic science institutes, technical and trade schools, and agricultural schools (Henchey, 1972; Magnuson, 1980; O.E.C.D. Report, 1975). Most of the CEGEPs were created by grouping two or more of these institutions.

The scattered and uncoordinated system of near-autonomous educational institutions existing at the secondary and post-secondary levels created dead-ends, obstacles, impediments and delays in the education of most Francophone students (O.E.C.D. Report, 1975). Most specialized institutions did not allow entry into university. Also,

transfers between them, especially into classical colleges, were very difficult. On the other hand, because of the concentration of the English population in specific areas of the province and its higher degree of socio-economic affluence, a coordinated system of public high schools was available to most English students. The curriculum was oriented towards university admission.

While a French student would have to complete fifteen years of schooling to enter university; an English student could enter university after grade eleven. Furthermore, a French student had to attend a private classical college in order to enter university. Consequently, higher education was accessible only to a privileged minority of French-speaking students. Many were unable, for financial or family reasons, to complete the required preparation. In the English sector a student could enter university through free public high schools thus making higher education accessible sooner and to a larger population (Henchey, 1973; Magnuson, 1980).

During the early 1960s it became clear that a new education system was needed. The new objectives of the province in the area of economic development called for a more skilled labour force. Another objective that emerged during these years was a desire for a greater social justice: the French-speaking population should have equal access, and in the same amount of time, to post-secondary education as the English-speaking population. The CEGEP system in 1967 was created to achieve these objectives. It has made post-secondary education accessible to more students, especially Francophones, and it has removed the disparities between the French and English education



ladder (Denis & Lipkin, 1973). Table 1 shows the Quebec educational structure pre- and post- 1967.

The Report of the Royal Commission of Enquiry on Constitutional Problems in 1956 raised serious questions about the state of the public education sector. Instead of limiting themselves to strictly constitutional and fiscal problems, the commissioners also produced an in-depth study of the education system (Burgess, 1978). However, they acknowledged that this task was beyond their competence and therefore recommended that the government should pursue this matter with a new inquiry entrusted to study all aspects of the education system.

Severe criticism of the Quebec public education system was also expressed by the publication of "Les Insolences du Frere Untel" (The Impertinences of Brother Anonymous) in 1960. The book criticized not only the poor state of the education system but also that of the French-Canadian culture (LeBlanc, 1972). Jean-Paul Desbiens (Brother Anonymous) claimed what many suspected: the Province's education system needed serious reform. He criticized the pious statements instead of rational judgement that characterized the approach of the Department of Public Instruction. He insisted that if something was not immediately done to improve the teaching of French as a mother tongue, national disaster beckoned. According to LeBlanc (1972, p. 177):

Had these reflections been made, by an ordinary mortal, their impact would have been of limited consequence. Considering, however, that Desbiens was a young Roman Catholic teaching brother, his highly personal study prodded a major furor...

Table 1. Quebec Educational Structure (Pre and Post 1967).

Pre 1967					Total
	Elementary	Secondary	Higher		
French	■ ■ ■ ■ ■ ■ ■ (7)	■ ■ ■ ■ ■ ■ ■ (8) <i>cours secondaire collégial</i>	■ ■ ■ (3)		18 yr.
English	■ ■ ■ ■ ■ ■ ■ (7)	■ ■ ■ ■ ■ (4)	■ ■ ■ ■ ■ (4)		15 yr.
Post 1967					Total
	Elementary	Secondary	CEGEP	Higher	
French and English	■ ■ ■ ■ ■ ■ ■ (6)	■ ■ ■ ■ ■ ■ ■ (5)	■ ■ ■ (2) ■ ■ ■ (3) — work	■ ■ ■ ■ ■ (3)	16 yr.

Source: Denis, A. & Lipkin, J. Quebec's Cegrep: Promise and Reality. McGill Journal of Education, Fall 1972, Vol. VII, no. 2.

## The Quiet Revolution

Few periods in the history of Quebec have had an impact on its society as the 1960s, a period known as the Quiet Revolution. During this period, the socio-cultural values that had guided French-Canadians for over a century were irreversibly modified.

The major thrust of the Quiet Revolution was a new outlook on the role that the state should play both in the public and private sector. The state, i.e., the Quebec government, was seen as the prime mover of the "rattrapage" needed in social and economic developments. It was believed that only a strong and centralized government under a greater control of Francophones could assume the new responsibilities (McRoberts & Posgate, 1980).

The election of the Liberals under the leadership of Jean Lesage in 1960 resulted in an era which eliminated the major obstacles (e.g. Duplessis' Union Nationale, the limited role of the state, the impact and role of the Church) that in the past had contributed to the lack of examination and socio-economic changes. Within the Liberal leadership were individuals such as René Lévesque and Paul Gérin-Lajoie who were committed to major governmental initiatives. In short, by the early 1960s not only had French Canadians undergone a major change in their attitude toward progress in general, a generation of technocrats was willing to expand the role of the provincial government.

The major changes that resulted during the period of the Quiet Revolution will be briefly described. For the purpose of this study

they are grouped in three sections: (1) the education sector; (2) the health and welfare sector; and (3) the economic and other sectors.

### The Education Sector

Of all the sectors in Quebec probably none has been transformed as much as the education system. The educational reform began when Paul G rin-Lajoie became Minister of Youth in 1960. He took three steps which were aimed at generating a fundamental change in Quebec education (Audet, 1971; Henchey, 1972; Magnuson, 1980; Webb, 1971): he assumed financial control of public education, established the Royal Commission of Inquiry on Education, and revised facets of secondary education. In a flurry of legislation he extended the age of compulsory attendance to fifteen, abolished tuition in all public schools and established a framework within which school boards could cooperate to make public secondary education more comprehensive.

In 1963 the Royal Commission of Inquiry on Education, better known as the Parent Commission, produced the first volume of its five-volume report. It contained the "radical" recommendation of creating a Ministry of Education. Such a ministry was seen as a challenge to existing structures, traditions and values (Audet, 1971; Henchey, 1972; Magnuson, 1980). Consequently, a great deal of public opposition resulted when Bill 60 was introduced to implement the recommendation. Bill 60 was finally adopted in 1964 after a good deal of hard selling by the Minister of Youth. The Roman Catholic Church, more sensitive to its changing role in society, presented no

opposition as long as the Bill contained a preamble recognizing the rights of parents and the right to operate independent schools.

In addition to the creation of the Ministry of Education, Bill 60 also created an advisory body to the Minister called the Superior Council of Education. Two committees were attached to the Council, one Catholic and one Protestant, with powers to regulate in moral religious matters only. Hence, the power of religious authorities was reduced considerably. The government was almost in full control of public education.

In the fall of 1964 the Parent Commission produced the second and third volumes of its report. The Commission proposed a detailed plan for the reform of education from kindergarten through university (Audet, 1971; Henchey, 1972; Magnuson, 1980). Elementary education was to be reduced from seven to six years, divided into two three-year cycles. The curriculum, especially at the secondary level, was to be expanded to include contemporary subjects and disciplines. Schools and teachers were to be given greater initiative and teaching methods were to be "activist" and pupil-centered. Secondary education was to be increased from four to five years. Separate academic, general, and vocational programs were to be abolished in favour of core and elective subjects. Furthermore, secondary education was to be comprehensive with subject promotion.

At the post-secondary level, comprehensive public "institutes" were to be created for both English and French students. These institutes would offer both pre-university and advanced technical programs while at the same time allowing for the completion of the

general education of students. They would become the compulsory route to university for both Anglophones and Francophones and thus unify the diversity of post-secondary education into one educational structure.

From 1965 to 1968 five Regulations were adopted to implement some of the recommendations (Audet, 1971). Regulation One established the structure and objectives of elementary and secondary education; Regulation Two introduced a centralized system of provincial examinations; Regulation Three defined pre-university and professional studies; Regulation Four established a provincial system for teacher certification; and Regulation Five defined the criteria for a uniform classification of teachers based on academic studies.

By the end of the 1960s, new problems were developing at the post-secondary level. The reforms at elementary and secondary levels resulted in more students attending schools (Henchey, 1972). Something had to be done to normalize and expand post-secondary education. To deal with this problem, the Government decided to implement another recommendation of the Parent Report - the principle of "institutes". In June 1967, the National Assembly adopted Bill 21 establishing the "Collèges d'Enseignement Général et Professionnel" or CEGEPs as they came to be called. A network of these public, free, and comprehensive institutions was established as of September, 1967. A great deal was expected from the CEGEP system: the rationalization of free and public post-secondary education, equal access for Francophones and Anglophones to advanced studies, and a balance between pre-university and vocational programs.

### Health and Welfare Sectors

The same centralization of authority and power at the provincial level also occurred in the health and welfare sectors (McRoberts & Posgate, 1980). As in the education sector, the Church lacked the financial resources and the qualified personnel (e.g. economists, psychologists) to deal with the new needs of an increasingly urban and industrial society. Consequently, religious institutions became dependent on the provincial government for financial assistance and for the services provided by government bureaucracies. In many cases, the institutions were completely taken over by the government and public corporations were instituted (e.g. hospitals).

The establishment of a provincial scheme of hospital insurance (the Hospitalization Insurance Act) in 1961 further increased the control of the government in this sector. Hospitals were forced to conform to provincial norms and regulations regarding personnel qualifications, administrative procedures, standards and costs of services. In addition, the government expanded its involvement in welfare programmes through a network of community institutions. The creation of a new compulsory pension plan in 1964 increased further the involvement of the provincial government in this sector.

### Economic and Other Sectors

Most of the other initiatives of the Lesage administration focused on the economy. A major goal was to redress the

under-representation of French Canadians in the upper levels of the Quebec economy.

One of the first measures taken was the creation of a council for economic planning - The Quebec Economic Advisory Council - in 1962. The mandate of the Council was to prepare a plan for the economic organization of the province with the purpose of achieving the most complete utilization of its material and human resources. In spite of the high hopes placed on this council, its accomplishments have not been numerous (Boivin, 1975).

Another realization of the Quiet Revolution was the creation in 1962 of the General Investment Corporation - GIC. Its mandate was to attract investment from both the public and private sector. The corporation acts both as a supplier of credit and as a resource for modern management techniques. The GIC has been most active in buying shares in several private enterprises (e.g. Marine Industries, Volcano Limited) and in creating new corporations such as a forest products corporation (Sogefor), a manufacturer of electrical equipment (Ceglec Industries), and the assembly plant (Soma, Inc.) for Renault automobiles (McRoberts & Posgate, 1980). The state is always assured an important place in the management of the GIC with three of the twelve directors appointed by law by the government (Boivin, 1975).

Another notable achievement was the nationalization in 1963 of most private electrical utility companies - owned and operated mostly by English Canadians - and their incorporation into Hydro-Quebec. Geographical extremes of the province were suffering from a system in which local private companies sold their surplus electricity not



needed for their production process (Boivin, 1975). This resulted in regular periodic shortages in some areas and in some users paying up to five times as much as residents of Montreal and Quebec City. Also, most companies could not afford the high cost of converting the out-of-date twenty-five cycle system to the sixty-cycle power.

Another reason for the nationalization was related to federal taxation policies. Under federal law, publicly owned institutions did not have to pay taxes on their profits whereas private ones did. As a result, approximately fifteen million dollars were paid annually to Ottawa by the private companies (Boivin, 1975).

In addition to the economic gains of the nationalization of Hydro-Quebec, another primary benefit was the creation of new opportunities for French-Canadians in managerial and technical positions (McRoberts and Posgate, 1980). With strong governmental support, the top management of Hydro-Quebec vigorously sought to establish French as the working language of the new enterprise. Also, the company's giant hydroelectric project provided new opportunities and initiatives for French Canadians.

Although it did not become a reality until the late 1960s, another major economic enterprise was envisaged during the Lesage administration. In 1964, the Quebec government established SIDBEC (Sidérurgie Québécoise). Its goal was to construct a steel mill able to break Quebec's dependence on the steel mills of Hamilton, Ontario (McRoberts & Posgate, 1980). Also, the mill was expected to trigger the expansion of secondary industries.

The involvement of the Quebec government in the economy and in

the public sector continued, although to a lesser extent, throughout the 1970s. However, as in the 1960s, it had a much greater impact in the education, health and welfare sectors than in the private sector. Whereas education, health and welfare are fully within the constitutional jurisdiction of the provinces, the economy is not. Consequently, the initiatives of the Quebec government in the economic sector have often been influenced by competing federal activities.

The increased government involvement in the public sector has resulted in a very centralized system of control. As we will see later, this has had a substantial impact on the evolution of collective bargaining in the CEEEP sector as well as in the rest of the public sector of Quebec.

#### THE GENERAL ECONOMIC ENVIRONMENT

The economic environment in which collective bargaining unfolds determines, as we have seen in Chapter II, a set of external variables that influence the outcome of a collective bargaining relationship. Therefore, it seems appropriate to present a brief evolution of some economic indicators from 1961 to 1970. The indicators presented are: (1) the gross national product (at market prices); (2) measures of inflation; (3) expenditures of the Quebec government; (4) the labour market; and (5) methods of financing public education.

## The Gross National Product - GNP

As we can see from Tables 2 and 3, the rate of growth of Quebec's GNP compared quite well with that of the rest of Canada during the 1960s. It represented 25.46 percent of the Canadian GNP in 1961 and 24.3 percent in 1970.

From Table 2 it can be seen that Quebec's economy had its greatest rate of growth from 1964 to 1966. Since these years were characterized by a low inflation rate (see Tables 4 and 5), the increases in the GNP represented real gains compared to the 1970s when a larger share of the GNP increases was absorbed by inflation. It is not a coincidence then that the peak of the Quiet Revolution occurred from 1964 to 1966.

## Measures of Inflation

Inflation refers to rising prices for commodities and factors of production (Samuelson, 1971). The device used to describe changes in "real" purchasing power is the price index (Heilbroner & Thurow, 1978). There are many different kinds of price indexes depending on what price one wants to measure: price indexes for wholesale commodities, for housing, for capital goods, for the gross national product, and for the gross internal product.

The evolution of the implicit price index of the Canadian gross internal product from 1961 to 1978 is shown in Table 4. It is a measure of the changing prices of goods and services produced and sold.

Table 2. Evolution of Quebec's Gross Internal Product  
(at market prices) from 1961-1978.

<u>Year</u>	<u>GIP in \$'000,000</u>	<u>% increase</u>	<u>Year</u>	<u>GIP in \$'000,000</u>	<u>% increase</u>
1961	10,571	-	1970	22,026	6.95
1962	11,466	8.47	1971	23,752	7.84
1963	12,099	5.52	1972	26,384	11.08
1964	13,407	10.81	1973	30,204	14.48
1965	14,737	9.92	1974	36,197	19.84
1966	16,311	10.68	1975	41,008	13.29
1967	17,660	8.27	1976	47,087	14.82
1968	18,866	6.83	1977	51,394	9.15
1969	20,594	9.16	1978	56,772	10.46

Source: Government of Quebec. Analyse de l'Evolution des Principaux Indicateurs Economiques au Québec, en Ontario, au Canada et aux Etats-Unis: 1961-1978.

Table 3. Evolution of Canada's Gross Internal Product  
(at market prices) from 1961-1978.

<u>Year</u>	<u>GIP in \$'000,000</u>	<u>% increase</u>	<u>Year</u>	<u>GIP in \$'000,000</u>	<u>% increase</u>
1961	40,368	-	1970	87,071	7.42
1962	43,698	8.25	1971	96,034	10.29
1963	46,825	7.16	1972	106,785	11.19
1964	51,188	9.32	1973	125,384	17.42
1965	56,384	10.15	1974	149,883	19.54
1966	62,976	11.69	1975	168,010	12.09
1967	67,678	7.47	1976	194,505	15.77
1968	73,837	9.10	1977	213,917	9.98
1969	81,057	9.78	1978	236,027	10.34

Source: Government of Quebec. Analyse de l'Evolution des Principaux Indicateurs Economiques au Québec, en Ontario, au Canada et aux Etats-Unis: 1961-1978.

Table 4. Implicit Price Index of the Canadian GIP from 1961 to 1978.

1971 = 100

<u>Year</u>	<u>Percent</u>	<u>Year</u>	<u>Percent</u>
1961	72.6	1970	97.0
1962	73.6	1971	100.0
1963	74.9	1972	105.0
1964	76.8	1973	114.7
1965	79.3	1974	132.5
1966	82.8	1975	146.7
1967	86.0	1976	160.8
1968	86.8	1977	172.1
1969	92.6	1978	183.2

Source: Government of Quebec; Analyse de l'Evolution des Principaux Indicateurs Economiques au Québec, en Ontario, au Canada et aux Etats-Unis, 1979.

Table 5. Evolution of the Consumer Price Index in Montreal from 1961 to 1978.

1971 = 100

<u>Year</u>	<u>Percent</u>	<u>Year</u>	<u>Percent</u>
1961	79.0	1970	98.2
1962	79.9	1971	100.0
1963	81.3	1972	104.3
1964	82.6	1973	111.9
1965	84.3	1974	124.5
1966	86.8	1975	138.1
1967	92.2	1976	147.4
1968	93.3	1977	159.7
1969	96.2	1978	173.1

Source: Government of Quebec; Analyse de l'Evolution des Principaux Indicateurs Economiques au Québec, en Ontario, au Canada et aux Etats-Unis, 1979.

within the entire Canadian economy (Government of Quebec, 1979).

Another measure of inflation is the consumer price index - CPI. Table 5 shows the evolution of the CPI for Montreal from 1961 to 1978.

During the 1960s the wage increases in the public sector of Quebec were generally higher than the low inflation rates of this period (Boivin, 1975). However, during the 1970s this was no longer the case. Inflation was often higher than the wage increases. It is of no surprise then that the indexation of salaries to the cost of living became a major bargaining issue during this period.

#### Expenditures of the Quebec Government

Table 6 substantiates that in the middle of the 1960s, i.e., at the peak of the Quiet Revolution, the Quebec government pursued a policy of easy spending. There was more money to spend and it was used to promote all sectors of the economy (Boivin, 1975). The most important role of the provincial government in the Quebec economy was played through its subsidizing of institutional services such as health and education.

For most years during the 1960s, the annual rate of increase of the net general expenditures ranged between 10.8% and 17.9%. For the two peak years (1964/65 and 1965/66) of the Quiet Revolution the increases were 30.6% and 19.4% respectively. The increases of expenditures in the education sector do not show such a marked variation. However, one can detect a substantial increase of expenditures in this sector from 1963 to 1968. Also, it is worth

Table 6. Evolution of the Net General Expenditures (NGE) of the Quebec Government and of the Net Expenditures of the Ministry of Education (NEME) from 1960/61 to 1978/79.

(\$'000.)

<u>Year</u>	<u>NGE</u>	<u>% increase</u>	<u>NEME</u>	<u>% increase</u>	<u>% of NGE</u>
1960/61	745,475	-	173,674	-	23.3
1961/62	844,180	13.2	244,334	40.7	28.9
1962/63	956,728	13.3	262,775	7.6	27.5
1963/64	1,100,909	15.1	312,876	19.1	28.4
1964/65	1,437,715	30.6	375,372	20.0	26.1
1965/66	1,860,522	29.4	436,655	16.3	23.5
1966/67	2,119,995	13.9	513,044	17.5	24.2
1967/68	2,499,608	17.9	625,663	22.0	25.0
1968/69	2,770,499	10.8	755,201	14.3	25.8
1969/70	3,234,744	16.8	870,836	21.8	26.9
1970/71	3,659,372	13.1	1,025,339	17.7	28.0
1971/72	4,257,223	16.3	1,280,692	24.9	30.1
1972/73	4,699,396	10.4	1,360,604	6.2	29.0
1973/74	5,290,578	12.6	1,449,558	6.5	27.4
1974/75	6,761,470	27.8	1,897,044	30.9	28.1
1975/76	8,791,122	30.0	2,417,412	27.4	27.5
1976/77	10,208,430	16.1	3,037,343	25.6	29.8
1977/78	11,503,008	12.7	3,527,554	16.1	30.7
1978/79	13,402,830	16.5	3,744,822	6.2	27.9

Sources: Annual Report of the Ministry of Education, 1969/70.  
Public Accounts, 1970/71 to 1978/79.

noting the considerable increase in 1961/62, at the beginning of the Lesage administration, and the increase in 1967/68, the beginning of the CÉPEP system.

### The Labour Market

The unemployment rate in Quebec was almost non-existent during the first half of the 1960s and very low during the second half (see Table 7). Also, from Table 8 it can be seen that during this period there was a considerable growth of employment in most sectors of the Quebec economy, especially in government institutional services.

In the education sector, because of the expansion brought about by the educational reform, there was a considerable demand for teachers during the 1960s. Not only was it relatively easy for teachers to find jobs, the low unemployment rate and the expansion of most sectors within the Quebec economy, meant that they could easily find jobs in other sectors also. The growth rate of the entire labor force in Quebec was 27% during the 1960s while in education it was 55% (Blais, 1972). The educational labour force increased from 2.5% of the total labour force of Quebec in 1960 to 3.2% in 1969. In absolute figures this represented an increase of 25,300 teaching jobs.

### Methods of Financing Public Education

For the elementary and secondary levels of education, school boards are financed from two sources: a local school tax on real

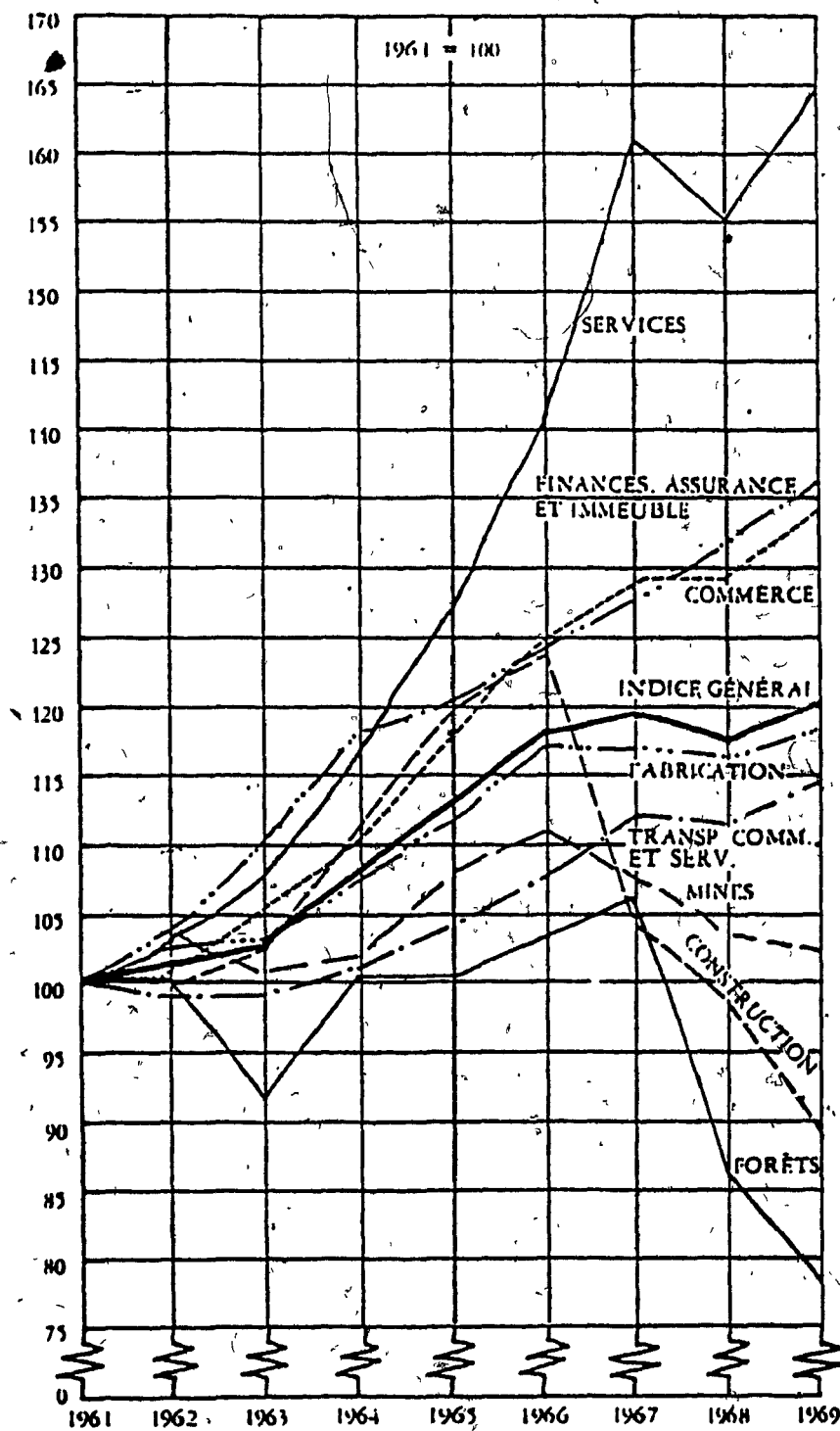


Table 7. Unemployment Rate in Quebec from 1961 to 1978.

<u>Year</u>	<u>Rate</u>	<u>Year</u>	<u>Rate</u>
1961	-	1970	7.0
1962	-	1971	7.3
1963	-	1972	7.5
1964	-	1973	6.8
1965	-	1974	6.6
1966	4.1	1975	8.1
1967	4.6	1976	8.7
1968	5.6	1977	10.3
1969	6.1	1978	10.9

Source: Government of Quebec. Analyse de l'Evolution des Principaux Indicateurs Economiques au Québec, en Ontario, au Canada et aux Etats-Unis: 1961-1978. Conseil du Trésor: Bureau de Recherche sur la Rémunération, 1979.

Table 8. Index of Employment per Group of Industry in Québec.  
from 1961-1969.



Source: Annuaire du Québec, 1971-1972.

estate and government grants based (not directly proportional) on the number of students.

Until the 1950s the revenue generated from school taxes was sufficient for most school boards to cover their expenditures. However, the effects of the educational reform of the 1960s (e.g. increase in the number of students, more programs, and improved working conditions) increased considerably the cost of education. This, combined with the fact that the success of the Quiet Revolution depended on the success of the educational reform, encouraged the government to become directly involved in the financing of school boards. Presently, the provincial government contributes to a large share of the budget of school boards.

The method of financing CEGEPs is quite different. They cannot by law levy taxes. Therefore, contrary to a school board, almost all the revenue of a CEGEP comes from grants of the provincial government. These grants take into account a basic operating cost, the number of students, the costs generated by labour agreements and the number of different programs offered. This method of financing has resulted in a direct government involvement and control of the CEGEP system from its beginning. As we will see later, this centralization of power and authority has had a considerable impact on collective bargaining in this sector.

## THE STATE OF LABOUR LEGISLATION

Before presenting a brief evolution of the labour legislation in

Quebec, it should be mentioned that labour legislation in Canada falls within the jurisdiction of the provincial governments both for the private and public sector. The Federal government has jurisdiction only over the sectors which fall under its jurisdiction according to the British North American Act of 1867 (e.g. communications, fisheries, transcontinental transportation).

The right of workers to organize in Quebec for both the private and public sector was recognized by the Professional Syndicates Act in 1924 (Dion, 1976). However, the mandatory right to bargain collectively was not granted until 1944 when the Labour Relation Act was adopted. The main principles of this Act were similar to those of the P.C. 1003 adopted earlier in the same year by the Federal government and to those of the Wagner Act adopted in 1935 in the United States. The Labour Relation Act applied to the private sector as well as to the public sector except for the civil service where government regulations unilaterally controlled the working conditions.

Prior to 1964, a major distinction existed between the public and private sectors with regard to the mechanism of dispute settlement. In the private sector, the Labour Relations Act forced the parties to submit their dispute to two compulsory procedures before obtaining the right to strike or lockout (Boivin, 1975): a mandatory conciliation or "cooling off" period followed by a tripartite arbitration with non-binding recommendations. In the public sector the right to strike or lockout was not recognized by the Public Employees Disputes Act (1944) and the Act Respecting Municipal and School Corporations and Their Employees (1949). In this sector, after the compulsory

conciliation period, the recommendations of the arbitration board were binding on the parties.

During the early 1960s the Quebec government experienced constant pressure from a new wave of union leaders, especially from the CSN president Jean Marchand, to grant all workers equal rights in regards to collective bargaining including the right to strike. In addition, they demanded greater union recognition and increased union participation. The lobbying activities of organized labour were eventually successful. Among the various reform measures that were adopted by the Liberal government, the most important for organized labour was the adoption of a new labour statute - the Labour Code or Bill 54 - in 1964. According to Boivin (1975, p. 40):

It introduced two major innovations from past practices in Canada as well as in Quebec: first, the public sector statute was to be the same as that which applied to the private sector; secondly, public employees were granted the right to strike.

A major effect of the Quebec Labour Code was to group under one piece of legislation the major principles of different (seven) labour laws of the time. It reaffirmed the right of employees to organize freely without employer intervention. It reaffirmed the right to strike for all employees in the private sector and extended this right to most employees in the public and parapublic sectors. Among those excluded were teachers, firemen, policemen, and civil servants. Furthermore, it assured legal protection to a worker who wished to abstain from participating in an organized union and it protected workers and unions from unfair labour practices. Conciliation was still mandatory before acquiring the right to strike or lockout.

Binding arbitration of labour disputes became a voluntary exercise and it could take place at any time, i.e., before or after a strike or lockout. Also, the Labour Code legally authorized for the first time union recognition and the voluntary affiliation of unions with other labour organizations (Jamieson, 1973). The overall effect of the Labour Code was that the compulsory nature of collective bargaining was more strongly stated.

At the same time, the Labour Code protected the employers from potential abuses of unions. The rights of employers were divided into three groups: (1) freedom of association, i.e., an employer was free to join an association of employers and to participate in its activities; (2) freedom of enterprise, i.e., an employer had the right to assure the normal operation of its enterprise. To this end, the Labour Code protects an employer if any worker is dismissed, suspended, or transferred for a just cause and it reaffirms the employer's right to lockout employees during a labour conflict; (3) freedom of expression, i.e., the employer was free to communicate to its personnel any information or opinions as long as the information did not constitute an unfair labour practice (Gagnon, LeBel, Verge, 1971).

The Labour Code of 1964 excluded teachers from its jurisdiction. Until its adoption teachers had shown little interest in the right to strike. The arbitration awards during the 1950s and early 1960s had been quite favourable to them. However, with the increasing centralization of the public education system, the shifting of financial power from school boards to the provincial government, the

increasing disparities of working conditions from one school board to another, and the increasing union militancy, teachers began demanding the same rights granted to other workers: mainly, the right to strike. Eventually, an amendment was adopted in 1965 that extended the jurisdiction of the Quebec Labour Code to all teachers in the province, including university professors.

Another major amendment to the Labour Code was adopted in 1965. It broadened the definition of an employee to include most civil service workers. Prior to 1965, civil service employees did not have the right to associate, to bargain collectively, nor the right to strike. The terms and conditions of employment of these employees were determined unilaterally by the government-employer. Again under union pressure to grant to all workers the same rights, the Lesage government adopted in 1965 the Civil Service Act. Although some restrictions were placed on the union's bargaining power (some subjects were by law not negotiable and would continue to be determined unilaterally by the government), the Act did extend to most civil service employees the provisions of the Labour Code including the right to strike. Excluded were peace officers, prison guards, transportation and autoroute inspectors, and other persons performing duties of a peace officer.

Thus, by the beginning of the CEGEP system in 1967, the legal framework for collective bargaining in Quebec was the same for both the private and public sector except for the following provisions in art. 99 of the Labour Code which applied only to the public sector:

- (1) In addition to the general requirement of a conciliation period, an association of public employees

has to give 'at least eight days' prior written notice to the Minister of Labour of the time when it intends to strike.

- (2) Wherever in the opinion of the Lieutenant-Governor in Council a threatened or actual strike in a public service endangers the public health or safety, he may appoint a board of inquiry which shall have the powers of a council of arbitration, to inquire into and report upon the dispute, save that it shall not pronounce any decision or make recommendations, but must confine itself to ascertaining facts ...
- (3) Upon the petition of the Attorney-General after the appointment of a board of inquiry, a judge of the Superior Court, if he finds that the strike imperils the public health or safety, may grant an injunction as he deems appropriate to prevent or terminate such strike. An injunction granted under this section must cease not later than twenty days after the expiry of the delay of sixty days within which the board of inquiry must file its report, and such delay cannot be extended.

Although the intention of the legislator was to provide the same framework for collective bargaining for both the private and public sector, experience has shown otherwise. Since 1964 the government has made very little use of art. 99. Instead, as we shall see later, it has preferred to adopt special legislation on several occasions both prior and during the negotiations.



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## CHAPTER IV

### THE FIRST ROUND OF COLLECTIVE BARGAINING IN THE CEGEP SECTOR (1968-71)

#### INTRODUCTION

This chapter presents a case study of the first round of collective bargaining in the CEGEP sector which occurred in the midst of the building phase of this sector. As mentioned in Chapter I, this study is concerned only with teachers in this sector. Since a general contextual environment prior to the CEGEP system has been discussed in the previous chapter, only an up-date will be presented prior to each case study.

The presentation of each round of collective bargaining will follow a pattern inferred by the model of collective bargaining discussed in Chapter II: (1) an up-date of the influential variables; (2) a description of the major objectives of the parties; (3) a summary of the negotiations; and (4) a summary of the outcomes of the negotiations.

It is difficult to predict at this stage the effects of diverging views in Quebec on collective bargaining. However, we cannot dismiss lightly the impact of sustained labour conflicts on CEGEP education. But, as in any discipline, before arriving at any recommendation or conclusion concerning collective bargaining in this sector, it is important to understand what has happened previously. Therefore, the major objective of the next four chapters is to describe the main

events of the four rounds of collective bargaining which have occurred in the CEEEP sector from 1967 to 1980.

#### THE ENVIRONMENT PRIOR TO AND DURING THE FIRST ROUND OF COLLECTIVE BARGAINING

In Chapter II it was proposed that environmental variables play an important role in the collective bargaining process. According to the model of collective bargaining developed, these variables influence the bargaining objectives and strategies of the parties, hence, the outcomes of the negotiations.

The general socio-political, economic and legislative (labour) environment in Quebec has been described in the previous chapter. Consequently, this section is concerned with environmental factors specifically related to the education system and primarily to the CEEEP sector. The presentation will be divided into five sections: (1) the building phase of the CEEEP system; (2) collective bargaining at the elementary and secondary levels; (3) collective bargaining in institutions that preceded the CEEEP system; (4) the social economic environment; and (5) the legal framework for collective bargaining.

#### The Building Phase of the CEEEP System

In October 1964, the second volume of the Parent Report outlined the initial concept of post-secondary "Institutes." In January 1969 the Minister of Education created a Pre-university and Vocational Education Planning Committee (COPEP, the French acronym) to study the

recommendations of the Parent Report concerning pre-university and technical education (Annual Report of the Minister of Education, 1967-68). The mandate of the committee was to advise the Minister on problems related to pre-university and vocational education in the light of the Parent Report (Webb, 1972). The work of the committee resulted in Regulation 3 adopted by the Minister of Education on March 30, 1966. The Regulation defined and governed pre-university and vocational education (Documents d'Education, 1967).

In November 1966, the pre-university and Vocational Education Branch of the Ministry of Education was established. Shortly afterwards a College Task Force was formed. In April 1967, after a period of intensive consultation, the Task Force published a "Guide for the Setting Up of General and Vocational Colleges (CEGEP)". The principles of the report were based on the assumption that success was only possible if the institutions involved were willing to pool their resources and merge together within a common administrative and legal framework (Annual Report of the Minister of Education, 1967-68).

In June 1967, the General and Vocational Colleges Act, better known as Bill 21, was adopted. The law enables the Lieutenant-Governor in Council to constitute by letters patent a comprehensive college. Each college is a public corporation within the meaning of the Civil Code and can exercise all powers of a corporation. In particular, it can enter into agreements with other institutions, contract debts and issue bonds. The legal responsibility of a CEGEP is assumed by a Board of Governors consisting of twenty members (ten internal and ten external) appointed

by the government.

CEGEPS are public tuition-free institutions accessible to students who have successfully completed a high school diploma (grade eleven). Each CEGEP offers two types of programmes: (1) a general two-year pre-university programme, which is compulsory for all students intending to go on to university; and, (2) technical-vocational programmes which are terminal and two or three years in length (see Chapter III, Table One).

Implementing the CEGEP system was not without problems. On the French side it was easier than on the English side. A network of post-secondary institutions (e.g. classical colleges, technical institutes) already existed. In some cases, a single institution was converted into a CEGEP. For example, CEGEP Maisonneuve was formed from a single classical college. In other cases, the process was considerably more difficult. It involved integrating several institutions, different in nature and background, under a single administrative and academic structure (Magnuson, 1980; Burgess, 1972; Campbell, 1971). On the English side it was much more difficult. A comparable network of post-secondary institutions did not exist. Consequently, English-language CEGEPs were slower to develop since they had to be created from scratch (Magnuson, 1980).

The first twelve CEGEPs were opened in September 1967. All used existing plants and hastily reconstructed administrative staffs and programmes. In 1968-69 eleven more CEGEPs were created. Seven more opened in 1969-70. By 1972 the CEGEP system was almost complete. The last CEGEP was opened in September 1973. Presently there are 43

CEGEPS, one of them a regional college with three campuses. In some colleges more than one teacher union exists because of the considerable distance between the campuses of the same college or because of the distinctiveness of different pavillions., In 1980, 49 local teacher groups existed. As mentioned earlier, 40 were affiliated to FNEQ (CSN) and 9 to FEC (CEQ).

The building phase of the CEGEP system was not a simple matter. There were legal complications involving the ownership of land and buildings, problems of administering CEGEPs spread over several buildings, problems with integrating the personnel of the preceding institutions into new structures, and problems in adapting to new academic structures and programmes. It was during this building phase that the first round of collective bargaining unfolded.

#### Collective Bargaining at the Elementary and Secondary Levels

Prior to 1964 the general attitude that prevailed in Quebec with respect to the right of free collective bargaining (right to bargain with the right to strike) for public employees was: "Her majesty the Queen does not negotiate with her servants" (Boivin, 1975). Until this time strikes and lockouts were illegal in the public sector. As we have seen in Chapter III, this right was extended to most public sector employees in 1964 and to teachers in 1965.

Although teachers did not enjoy the right to strike until 1965, they did enjoy the right to associate and bargain collectively. By this time, collective bargaining in the education sector was well

established. The poor working conditions of teachers during the 1950s and the educational reform of the 1960s revitalized collective bargaining and favoured a rapid growth of unionism among teachers (Goulet, 1978; Boivin, 1975). From the school year 1953-54 to the school year 1965-66, the number of collective agreements in the education sector increased from 23 to 1,123. By 1966 every school board was covered by a local collective agreement (Boivin, 1975).

#### Teacher Organizations at the Elementary and Secondary Levels

Although some form of teacher organization was in existence in the Francophone sector as early as 1845 (The Quebec Lay Teachers Association), it was not until the 1930s that teacher unions became active in collective bargaining (Goulet, 1978; Boivin, 1975; Muir, 1968). The 1930s saw the rise of three Francophone provincial unions: one included rural female teachers, another rural male teachers, and a third included male and female teachers in urban centers (CSN-CEQ, 1979). These three provincial unions merged in 1946 to become the "Corporation of Catholic Male and Female Instructors of the Province of Quebec" (Blais, 1972), better known by the French acronym CIC.

The charter of the CIC obtained in 1946 made it a quasi-public organization regulating the exercise of the teaching profession. At the same time it became a labour union empowered to conclude collective agreements. Adhesion to the corporation was compulsory for lay teachers of all schools at the elementary level. In 1946 the CIC represented 96% of the Francophone teaching profession (Blais, 1972).



in the education sector, most of them in rural areas. During that year the teacher labour movement suffered a severe blow. Rural teachers, the majority of the CIC membership, lost, through special legislation, their right to compulsory binding arbitration of labour disputes. Henceforth, the school boards in rural areas could decide unilaterally the working conditions of teachers. The major reason for the legislation was the fact that Maurice Duplessis, the Prime Minister of the Province at the time, did not want to lose the support of rural school boards. His party, the Union Nationale, had its major electoral strength in rural areas (CSN-CEQ, 1979). Another attack against the CIC came in 1953 when Duplessis deprived it of its compulsory adhesion. The consequences of these two drastic measures were twofold: the CIC membership, decreased from 7,500 in 1946 to 4,000 in 1953 and the number of collective agreements throughout the province was reduced to 35 by 1955 (Boivin, 1975; Blais, 1972).

After Duplessis' death in 1959 (and before the election of the Liberal Government in 1960) his successor, Antonio Barrette, adopted a more lenient attitude toward teacher unions and the teaching profession. The minimum salary was increased from \$600.00 to \$1,500.00 per year, the right to compulsory arbitration was restored for rural teachers, and the right to an automatic deduction of union dues was granted to the CIC (Boivin, 1975). In 1960 the Liberal Government extended by legislation the jurisdiction of the CIC to include all teachers, i.e., teachers both at the elementary and secondary level were now automatic members of the CIC. This new law had important consequences: secondary school teachers soon became the

most militant members of the teacher labour movement (Blais, 1972).

The automatic membership rule did not apply to a teacher employed in a school considered or recognized as a Protestant educational institution. These teachers were members of the Provincial Association of Protestant Teachers (PAPT) which was incorporated in 1889. Also, it did not apply to a teacher employed in a Catholic school where the principal teaching medium was the English language. Most of these teachers became members of the Provincial Association of Catholic Teachers (PACT).

In 1967 the CIC became the Quebec Teachers' Corporation. By this time - at the request of the local unions - it had become quite involved in collective bargaining. As a result, a large portion of its budget was devoted to this purpose. Prior to the 1960s the corporation had emphasized the development of the teaching profession. However, during the 1960s, because of the changes brought about by the educational reforms of the Quiet Revolution and by the centralizing tendencies of provincial governments, it became primarily concerned with the improvement of wages and working conditions for its members (Boivin, 1975). The change of orientation of the CIC during the 1960s indicated that it had become a labour union. This new orientation was further confirmed in 1972 when the name was changed to the "Centrale de l'Enseignement du Quebec", better known as CEQ.

By the middle of the 1960s the union movement in the public education sector of Quebec was well organized. A large majority of teachers belonged to one of three provincial associations: the CEQ, PAPT and PACT. Collective bargaining proceeded at the school board

level with little government involvement or input.

The First Round of Collective Bargaining at the  
Elementary and Secondary Levels (1966-67)

The beginning of 1966 marked a profound change in the bargaining relationship between teachers and school boards in the province of Quebec. For the first time teachers had not only the right to bargain collectively but also the legal right to strike. In June 1966, many collective agreements between Catholic teachers and their boards expired (Lavery, 1972). As a result, a great deal of collective bargaining activity occurred during that year.

In October of the same year, the Minister of Education, Jean-Jacques Bertrand, issued guidelines to school boards stipulating the maximum salary increases that could be contracted for the various categories of employees. The school boards were informed that they would have to pay from their own tax resources any amounts contracted for teachers' salaries which exceeded the guidelines. The net effect of these guidelines was to render the negotiations between school boards and teacher unions almost meaningless. The provincial government had in fact become directly involved in the collective bargaining process between teachers and school boards (Lavery, 1972; Blais, 1972; Isherwood et al., 1978; Boivin, 1975).

Most teachers were not satisfied with the government guidelines. Negotiation and then conciliation broke down. Demonstrations, work-to-rule tactics, study-sessions and strikes spread to several areas of the Province. The teacher unions were determined to resist

by all means the arbitrary guidelines imposed unilaterally by the government. Between the end of November 1966, and the middle of February 1967, close to 15,000 teachers went on strike in different school boards. The major strike involved 12,000 English and French speaking teachers at the Montreal Catholic School Commission.

Faced with such strong opposition, on February 17, 1967 the Government adopted "An Act to Ensure for Children the Right to an Education and to Institute a New Schooling Agreement Plan," better known as Bill 25. The legislation forced the striking teachers back to work; suspended the teachers' right to strike until June 30, 1968; extended the existing agreement until the same date; established a new province-wide salary scale for all teachers with no discrimination between male and female; created a new bargaining structure at the provincial level for the negotiation of all teacher contracts after June 30, 1968; and threatened heavy fines for teachers and union leaders who disobeyed the law (Cinq-Mars, 1969; Isherwood et al., 1978; Boivin, 1975; Lavery, 1972). In addition to solving the labour disputes, through Bill 25, the Government implemented a few more recommendations (same salary for men and women teachers and centralized bargaining) of the Parent Report.

Bill 25 established a new framework for collective bargaining in the public education sector. Henceforth, much of the significant bargaining would be conducted at the provincial level. The parties on the employer side would be the government, the Federation of Catholic School Commissions and the Quebec Federation of Protestant School Boards; and, on the union side the three provincial teacher

associations. In fact, the government had legislated itself as one of the parties on the employer side. Because of its legislative powers, the government represented a party "more equal" than the others in the collective bargaining process: not only could it negotiate like the other parties, but it could also legislate. Ever since, the government has extended its presence in the collective bargaining process to the rest of the public and para-public sectors.

#### Collective Bargaining in Institutions that Preceded the CEGEP System

Before the establishment of the CEGEP system two provincial unions represented most of the teachers in the institutions that preceded the CEGEPs: (1) "le Syndicat des Professeurs de l'Etat du Quebec" (SPEQ) which represented teachers in government institutions; and (2) "le Syndicat Professionnel des Enseignants" (SPE) which represented mostly teachers in classical colleges. Both groups were affiliated to CSN.

As mentioned in Chapter III teachers in Quebec acquired the right to strike in 1965. It did not take long for the teachers represented by SPEQ to use it during the negotiation of their first collective agreement with the state. One hundred technical, trade, and teacher-training schools throughout Quebec were closed on April 12, 1966, as 2,000 teachers went on strike. The teachers' major demands were higher salaries, clarification of teaching programmes, seniority, lighter work-load and union security (Muir, 1968). The strike had been originally scheduled for March 16 but was delayed when the

Government obtained an interim injunction to prevent the strike.

Prior to the strike the Labour Relations Board had ruled that the teachers' services were essential this late in the school year. According to the Deputy Justice Minister, although this ruling did not have the force of an injunction, it nevertheless had the effect of making the strike illegal. On this ground the superior court granted another interim injunction ordering teachers back to work on April 14th. The teachers, however, refused to comply with the injunction and remained on strike (Muir, 1968).

The government originally took the position not to negotiate unless the teachers went back to work. The teachers, on the other hand, refused to return without a contract. On April 26, after two protest marches by students and teachers, the Government agreed to negotiate while the teachers were still on strike. The next day a settlement was reached that gave teachers most of what they were asking for. The teachers still refused to return to work until the court charges against union executives were dropped and until they were paid for the time they were on strike (Muir, 1968). Although the teachers were successful in obtaining make-up pay for part of the time they were on strike (Boivin, 1975), the Government refused to drop the court charges. They eventually ended their three-week strike on May 3, 1966. As a result of the strike, thirteen union leaders were jailed for twenty days and fined \$2,000 each for having disobeyed an injunction ordering the teachers back to work.

The collective agreement negotiated between SPEQ and the Government expired on June 28, 1967. On the first of July SPEQ

deposited its demands to the Government for a new collective agreement. This second round of negotiation began officially on the sixth of July. As at the elementary and secondary levels, the rhythm of negotiation was very slow. Negotiation sessions were often cancelled or postponed. At times weeks went by without a day of negotiation. In March 1968, the Government had still not replied to the salary demands deposited by SPEQ in October 1967. In spite of this slow rhythm, a new collective agreement was signed on June 1, 1968 (Education Québécoise, March, 1968). Although this second round of negotiation lasted over eleven months, it was relatively short when compared to the length of the negotiations at the elementary and secondary level which lasted twenty-two months.

Although no strike occurred during the second round of negotiations, the militancy of the SPEQ teachers during the previous negotiations served well also in this second round. The new collective agreement represented major gains for teachers and their union. The agreement recognized the union as the exclusive bargaining agent for all teachers covered by the unit of certification. It granted tenure to a teacher after two years of teaching in a government institution. It provided for a permanent provincial committee to deal with the professional improvement of teachers. A second provincial committee dealt with pedagogical, professional and syndical problems of teachers. At the local level, the agreement provided four committees to ensure the participation of teachers: a school council to deal with the application and supervision of the collective agreement, an academic council to deal with academic and

pedagogical matters; a workload committee to assure the distribution of the workload equally among teachers; and a grievances committee to deal with the grievances of teachers (Education Québécoise, June, 1968).

The teacher gains, however, were not so spectacular in the area of workload and salaries. The Government was successful in imposing its wage policy and a workload similar to that in the previous agreement. The salaries negotiated were comparable to those at the elementary and secondary levels. Although the workload remained almost unchanged, the Government was unable, as it was in other sectors, to impose a workload based on a teacher-student ratio. In most institutions represented by SPEQ the workload of a teacher would continue to be determined by a number of teaching periods. The fact that this was the only group not to accept the government's normalization of workload based on a teacher-student ratio was a major gain in itself.

It was in the area of job security, however, that the SPEQ teachers made their major gains. As government institutions were being integrated into the CEEQ system or closed, teachers in these institutions became concerned with protecting their employment. As a result of the negotiations the teachers acquired absolute job security, i.e., in case of a transfer or a closure of their institution, they were guaranteed integration into the new institution or in another teaching institution. If this was not possible, they would be integrated in a compatible function in the Quebec public sector (Education Québécoise, June, 1968). Considering that teachers



at the elementary, secondary and CEEEP level did not achieve job-security until 1976, this represented a remarkable achievement by SPEQ teachers.

On June 16, 1967, negotiations began between SPE and representatives of about thirty classical colleges. The provincial government was a party on the employer side. It was easily agreed at this first meeting to negotiate at the provincial level rather than at the local level. As in the other education sub-sectors, the negotiations proceeded at a very slow rhythm. It was not until December 8, 1967, that the employer group deposited counterproposals to the teachers' demands deposited on the sixteenth of June (Education Québécoise, March, 1968).

As in the rest of the education sector, the major issues were salaries, workload, participation in the decision-making process and job-security (Le Devoir 15, 08, 1968). Since classical colleges were to be integrated into the CEEEP system, teachers in these institutions became, as those in government institutions, concerned about their future employment. The negotiations lasted over a year with no major conflicts or work-stoppages.

In June 1968, a three-year provincial collective agreement was signed. It provided for salary scales equal to those at the elementary and secondary level. It provided for tenure after two years of teaching in the same institution. As the SPEQ collective agreement, it provided four local committees to be consulted on the following issues: (1) academic and pedagogical matters; (2) grievances of teachers; (3) distribution of the workload among teachers; and (4)

the application of the collective agreement and other contractual matters. The workload of teachers would be determined by a teacher/student ratio of 1 to 15 at the post-secondary level and 1 to 17 at the secondary level (Le Devoir, 15, 08, 1968). Since classical colleges offered only pre-university programmes, these ratios allowed, contrary to the case in technical institutions, for a satisfactory workload (technical programmes required smaller student groups compared to the traditional academic pre-university courses, thereby, the number of different courses taught by a teacher and the number of teaching hours per teacher were greater in technical institutions).

The SPE teachers, however, were less successful in the area of job-security. The agreement was less satisfactory in this respect than that of the SPEQ teachers who obtained full job-security. The SPE collective agreement provided that in the case of a closure of a classical college or its integration into the CEQEP system, compensation or the integration of teachers in other institutions would be left for local negotiations. Each case would be solved on an ad hoc basis (Education Québécoise, July - August, 1968).

### The Socio-Economic Environment

The general socio-economic environment was described in Chapter III. Hence, this section is concerned primarily with the environment specific to CEQEP sector.

In June 1968, a meeting was called by the Quebec Government to evaluate the first year of the CEQEP system (Dorais, 1968).

Representatives of the existing colleges as well as those to open in September of that year were invited. Teacher representatives were also present. At this meeting the Government's policy on this new system of education was presented. According to Dorais (1968, p. 312) the essence of this policy was:

.... not to initiate fundamental reforms nor important changes in education. The attitude expressed was conservative and prudent. The essence of the message was let us try little by little to implement the recommendations of the Parent Report and to continue modestly what has been started ... to correct here and there the deviations which have occurred. There was a strong desire not to touch the existing structures but to improve what existed already (personal translation).

The attitude of the Government reflected possibly the attitude of the general public: the educational reform had gone too far and too quickly. The costs had become excessive. As mentioned in Chapter III, this was one of the major reasons for the defeat of the Liberal Government in the provincial elections of 1966.

In September 1968, some of the new CEGEPs experienced considerable difficulties in beginning the academic year (Dorais, 1968). One of the major causes was the fact that the Government didn't provide the necessary funds to buy the institutions which were to be transformed into CEGEPs. In many of the new CEGEPs the academic year began in a state of confusion. Both administrative and academic structures were put together with little preparation and in a hurried fashion.

In addition to structural problems, the academic year was also disrupted by a wave of student protests. These protests were another

indication that everything was not well with the new CEGEP system. The students' most immediate concern was with the government's bursary and loan system, especially with the increase of the interest rate from 5 3/4% to 7 5/8% for loans (Rocque, 1968). Their second grievance dealt with the few openings in Francophone universities. Since more students than projected had opted for pre-university programmes, the total number of students that could be accepted by the three French universities was not sufficient to meet the actual demand for admission. The protests led to occupation of college buildings and to student walkouts. In some CEGEPs a considerable number of school days were lost.

#### The Legal Framework for Collective Bargaining

As mentioned in Chapter III, teachers acquired the right to strike and school boards the right to lockout in 1965. When the CEGEP system was created in 1967 it was not excluded from the jurisdiction of the Quebec Labour Code. Hence, at the start of the first round of collective bargaining in the CEGEP sector teachers had the legal right to strike and the employers the right to lock out.

The same impasse procedure applied to both the private and public sector. A conciliation period was compulsory before the right to strike or lockout was acquired. Binding arbitration was possible only if both parties agreed to submit their dispute to a council of arbitration. Article 46 of the Labour Code read as follows:

If the intervention of the conciliation officer has been unsuccessful, the right to strike or lockout

shall accrue 60 days or, in the case of the making of a first agreement, 90 days after the Minister (of Labor) has received the notification provided for in article 43 (conciliation request), unless the parties submit their dispute to a council of arbitration.

Since this was the first round of collective bargaining in the CEGEP sector, the conciliation period was ninety days.

Bill 25 adopted in February 1967, established a provincial collective bargaining structure at the elementary and secondary level. However, the certified associations continued to represent the bargaining unit at the local level. The parties were free to negotiate when and where they wished. The Code did not provide compulsory delays, deadlines or a timetable. The parties were to negotiate in good faith. Bill 25 did not apply to the CEGEP sector, hence, the negotiations were to proceed at the local level.

In general, the legal framework for collective bargaining in the CEGEP sector, as in the rest of the public sector, was the same as that in the private sector except for two provisions in article 99 of the Labor Code: (1) in addition to the requirement in article 46, public employees had to send a written notice to the Minister of Labour eight days prior to the time they intended to strike; and (2) after an inquiry commission had been appointed, the Attorney General could request an injunction to the Supreme Court if an actual or potential strike interfered with the education of a group of students or if it endangered the health or safety of the public. The injunction, seen as a "cooling-off" period, could suspend the right to strike for a limited period. There is nothing in the Labour Code to deal with situations where this procedure fails to stop or prevent a

strike. As we will see later, this procedure has never been applied to disputes in the CEGEP sector. Instead, the Government has often intervened by adopting special legislation.

In addition to the Labour Code, the legal framework for collective bargaining in the CEGEP sector was also defined by article 23 of Bill 21 which established the CEGEP system in 1967. Although article six of this law confers to the board of governors of the college the status of employer in the sense of the Labour Code, the Bill imposes a restriction on the college when it comes to the negotiation of collective agreements. Article 23 of Bill 21 states:

... a collective agreement with employees of a college is not valid unless it is negotiated and signed, for the employees, by the recognized association or the association certified in accordance with the Labour Code, and for the employer, by the authorized representatives of the college and the Government or its representatives.

Therefore, from the beginning of the CEGEP system the Government legislated itself as a party on the employer side for each college. Since CEGEPs are funded totally by Government grants, the Government saw an interest in collective bargaining. The major part of a CEGEP's budget is allocated to the salary of employees. Therefore, to control effectively the cost of this new system, the Government saw a need to have some control on the negotiation of collective agreements.

#### THE OBJECTIVES OF THE PARTIES

The description of the environment before and during this first round of collective bargaining suggests that most teachers in the

CEGEP sector (mostly integrated from government institutions and classical colleges) were quite experienced in the process of collective bargaining. They had already achieved a considerable level of union organization and militancy. Consequently, when the CEGEP system was created it did not take long for teachers to unionize. As mentioned earlier, the teachers in all CEGEPs are now unionized.

According to the legal framework described earlier, the negotiations during this first round of collective bargaining were to proceed at the local level. However, since the teachers in government institutions (SPEQ), in classical colleges (SPE) and at the elementary and secondary level, as well as most hospital employees were negotiating at the provincial level, it did not take long for the teacher unions affiliated to CSN, the colleges concerned and the Government to agree to a provincial negotiation. This approach was favoured by the unions because they felt that in financial matters it was the Government and not the college that had the final say. The Government favoured it because it could better control costs and normalize, as at the elementary and secondary level, the working conditions throughout the province.

In the colleges where the teacher unions were affiliated to CEQ the negotiation proceeded at the local level. Two reasons were suggested by the persons interviewed: (1) the considerable distance between these CEGEPs; and (2) a "certain" tradition in the institutions that preceded these CEGEPs that they were different.

This case-study of the first round of collective bargaining is concerned only with the fifteen colleges that negotiated at the

provincial level. This choice is based on three major reasons: (1) fifteen of twenty-three CEGEPs that existed at the time are considered a large enough number to identify the major factors and issues which influenced the outcomes of the bargaining process; (2) the provincial negotiation of the fifteen colleges is a better indication of the next three rounds which proceeded at the provincial level; and (3) the issues and outcomes in the local negotiations were quite similar. The persons interviewed agreed with this evaluation. Therefore, the parties to the negotiation in this case-study are on one side the teacher unions affiliated to CSN and on the employer side the Government and representatives of the CEGEPS concerned.

In general, the major preoccupation of the Government was financial. As at the elementary and secondary level, this implied a control of teachers' salaries and the determination of teachers' workload through a strict teacher-student ratio. This would free the total number of teachers allocated to a CEGEP from arbitrary local administrative decisions. The CEGEP administrators were squeezed between the Government's desire to impose teacher-student ratio and to control salary increases and the teachers' determination to participate actively in the decision-making process. More precisely, it was important for administrators during the first round of collective bargaining to safeguard administrative prerogatives.

As seen earlier, most of the CEGEPs were created from existing government institutions and classical colleges. When the negotiations began in the CEGEP sector, the teacher unions in the institutions that remained (SPEQ and SPE) were both in the midst of their negotiations.



Both groups were also affiliated to CSN. Most of the teachers had previously belonged to SPEQ or SPE. It is not surprising then that the union demands included the best clauses of the SPEQ and SPE projects.

The purpose of this section is to describe the major objectives of the parties during this first round of collective bargaining in the CEEP sector. These will be divided into eight groups: (1) union prerogatives, (2) participation of teachers in the decision-making process, (3) classification of teachers, (4) job security, (5) workload, (6) professional improvement, (7) salaries, and (8) other union objectives.

#### Union Prerogatives

The unions demanded that the collective agreement should apply to all teachers working at the college including those in continuing education. On the other hand, the employer group wanted it to apply only to those teachers hired to teach in the day-division of the college.

In regard to working conditions, the unions demanded that the local union should be the exclusive representative of all teachers, including those in continuing education. The employers' position was that the union had the legal right to represent only those teachers covered by the certificate of accreditation. Also, the employer group wanted the unions to acknowledge in the collective agreement that the right to administer belonged to the college.

Furthermore, the unions requested the application of the Rand formula, the right to obtain information, the right to hold meetings on the premises of the college, and the right to post and distribute information.

#### Participation of Teachers in the Decision-Making Process

The unions requested three committees to promote the participation of teachers in the decision-making process: a professional relations committee, a joint provincial committee and a grievance committee (Unions' Project for a Collective Agreement, February, 1968).

The professional relations committee was to be a permanent parity committee - three members designated by the union and three by the administration. The mandate of the committee was to make recommendations to the college on any problem regarding the good-functioning of the college. On some subjects (listed in the unions' project) the college administration had to proceed according to the recommendation of the committee. On these issues, the unions demanded the right to file a grievance on the future decision of the college.

The joint provincial committee was also to be composed of six members, three appointed by each party. Its mandate was to deal with any grievance concerning the application of the collective agreement that could not be settled at the local level. This was to occur before the grievance was sent to arbitration.

The grievance committee was to be composed of four members, two appointed by the union and two by the college. Its mandate was to deal with any local grievance on the application of the collective agreement or with any other misunderstanding related to the working conditions of teachers.

Although the employer group favoured some form of teacher participation in the decision-making process, it wanted to differentiate between two types of consultation: those related to pedagogical and academic matters and those related to working conditions, namely, the application of the collective agreement. Therefore, the employer group would not accept the unions' request that all committees were to report to the professional relations committee. Also, it would not accept that some recommendations of this committee were binding on the college administration. The employer group maintained that this was contradictory to provisions of Bill 21 which gave the Board of Governors the legal responsibility for the college. The unions argued that some of this responsibility should be delegated to those who were affected by the decisions.

#### Classification of Teachers

The unions requested that the classification of teachers for the purpose of remuneration be based on a unit system. A mechanism was provided to convert academic studies and vocational training into a number of units. A procedure was also provided to evaluate the number of years of teaching or related experience. A teacher's salary was to

be determined by both the number of recognized units and by the number of years of experience. According to this method of classification, the number of units attributed for academic studies and/or vocational training would depend both on the level and the specialization of the studies (Le Devoir July 29, 1969). For example, one year of university studies or vocational training in the discipline(s) taught by the teacher would be granted two units; whereas, one year of pedagogical studies would be granted four units.

Furthermore, the unions demanded that the classification of teachers should be done at the local level by the professional relations committee. If no agreement was reached at the committee, the unions demanded the right to grieve on the decision of the college.

The Government's objective in regard to the classification of teachers was to implement Regulation No. 5 adopted in March 1968. According to this regulation a teacher's classification is based on academic studies converted into years of scholarship. A year of scholarship is equivalent to a full year of academic studies or to thirty university credits. It is possible in some cases to grant years of scholarship for vocational training. Contrary to the unions' demand, no distinction is made between the types or levels of education.

The intention of the Government was to classify all teachers in the public education system according to a single system independently of the teaching level (elementary, secondary or CEGEP). Contrary to the unions' request, the classification was to occur at the provincial

level rather than at the local level. Also, teachers would not have the right to grieve on their classification. According to the government proposal, a teacher's salary would be determined by a provincial academic classification expressed in years of scholasticity and by the number of years of experience determined at the local level.

### Job Security

Since the CECEP system was in a period of growth, job security per se was not a major issue. The unions requested that teachers who taught in institutions that were closed or integrated in the CECEP would be given a hiring priority. The same applied to a teacher laid-off in another CECEP. To assure that these priorities were respected by the college administration, the unions demanded that the selection of new teachers be done by the professional relations committee discussed earlier.

The Government had made a commitment in article 22 of Bill 21 to integrate, whenever possible, teachers in the institutions that preceded the CECEP system. Although there was a general agreement on the objective, this was not the case on the means to implement it. The employer group again wanted to separate the application of the collective agreement from other issues. It wanted the implication of the departments and not the union in the hiring process.

### Workload

The major objective for both parties was the workload of teachers. All the persons interviewed agreed that this was the pivotal point of this first round of collective bargaining. According to the union proposal the number of teachers allocated to a college was determined by the individual workload of a teacher. This workload was based on a unit system. Each hour of work was equal to one unit. The maximum workload was to be forty working units. Working units were recognized for activities other than those related to teaching. For example, a member of the academic council would be allotted three working units for his/her participation in this committee and a member of the professional relations committee would be allotted five working units. Five units were granted to a teacher responsible for a class. The maximum number of students per class was to be thirty. If this number was exceeded additional hiring would be required.

To determine the number of teachers needed each department was to convert teaching, academic and other related activities into a number of working units. For every forty units a teacher would be allocated. The total workload of the department was then distributed by the department head after consulting the members of the department. The distribution of the workload had to respect the maximum individual workload of forty units and it had to be approved by the professional relations committee.

The major objective of the Government was to control its costs and to assure equal opportunities for all students throughout the

province (Martin, 1981). Also, it intended to extend a principle of Bill 25 to the CEEEP sector, i.e., "equal work for equal pay." Although the unions agreed with these objectives, a strong disagreement resulted on the ways to implement them. The unions maintained that its proposal not only normalized the workload of teachers in all CEEPs, it also assured that each CEEEP would be able to hire teachers according to its needs. The Government's rejection of the union proposal was based on the fact that it would not be able to control the number of teachers hired - too many decisions would be made at the local level.

As mentioned earlier, the Government was negotiating at the same time with SPEQ, SPE and elementary and secondary teachers. To all these groups it had proposed a strict teacher-student ratio to determine the workload. These ratios were 1 to 40 for kindergarten, 1 to 28 at the elementary level, 1 to 17 at the secondary level (Boivin, 1975) and 1 to 15 at the post-secondary level (government institutions, classical colleges and CEEPs). This proposal implied a better control by the Government on the number of teachers hired by an institution. Contrary to the union proposal, it depended on one variable only, i.e., the number of students. It did not depend on local decisions such as the distribution of the workload within a department, the number of courses followed by a student and it did not recognize committee work as part of the workload of a teacher. According to a representative of the government interviewed, the teacher-student norm of 1 to 15 had a built-in allowance for a considerable flexibility at the local level to take into account many

of the teachers requests.

The unions were strongly opposed to the Government norm for five major reasons. First, they claimed that the norm would result in a different teacher workload depending on the CEGEP. Some CEGEPs had more pre-university students while others had more students in vocational or technical programmes. The average number of teaching periods per student was about 22 for pre-university students and about 28 for vocational students. The Government's proposal did not take this factor into account. This meant that fifteen students whether in a pre-university or vocational programme would generate one teacher in either case even though the vocational students would generate ninety teaching periods more than the pre-university students. This implied that two CEGEPs each with 1,500 students would both be allocated 100 teachers even though one had a much higher workload than the other. Consequently, the unions argued that the government's proposal would create disparities in the workload of teachers from one CEGEP to another.

The second objection to the government proposal was a consequence of the first. The unions maintained that the 1 to 15 norm would not favour the development of professional or vocational programmes. Since these programmes created a higher workload, teachers would oppose the opening of new professional programmes. Also, administrators would hesitate in opening these programmes in order to avoid a conflict with teachers. Although it is difficult to measure the impact of this strategy on the relatively slow growth of vocational programmes, especially during the first few years, one



cannot ignore its contribution.

The third objection of the unions to the government proposal was that it favoured the private classical colleges. The government had offered the same 1 to 15 norm to these colleges. Consequently, the unions criticized the Government claiming that it offered better working conditions to private colleges and thus it favoured private over public education. This, the unions maintained, was in contradiction with two principles upon which the Government claimed to have based its proposal: "equal work for equal pay" and equal opportunities for all students throughout the province.

The fourth major objection to the Government's proposal was the fact that it did not include a maximum individual workload. Also, there was no mention on how the teachers would be distributed among the different departments. The Government maintained that these issues should be decided locally. Also, it maintained that the 1 to 15 norm generated enough teachers that, with a proper distribution of teachers among the departments at the local level, a reasonable average workload would result.

The fifth major objection of the unions to the government's proposal was the fact that the 1 to 15 norm implied an increase in workload. The norm in government institutions from which many CEQP teachers came was 1 to 11.4 and in the CEQP system it was 1 to 13.2 for the academic year 1967-68 (Hebdo-Education, Novembre, 1968). All the persons interviewed on the employer side agreed with the fact that the 1 to 15 norm implied an increase in workload, however, it was not as much as the unions and some administrators suggested. Their

evaluation was that the norm in the CEGEP sector for the academic year 1967-68, was approximately 1 to 14.6.

### Professional Improvement

Another major objective of the unions consisted in obtaining the necessary funds and opportunities for teachers to retrain themselves or to improve their academic and pedagogical qualifications. Many of the teachers integrated, especially those from technological and trade schools, were faced with entirely new academic programmes and pedagogical approaches.

The unions' proposal contained an elaborate procedure to administer the professional improvement of teachers. It provided for a committee of eight members, four teachers designated by the union and four representatives of the college. The mandate of the committee was to make recommendations to the professional relations committee concerning the re-training of teachers, training programmes, the criteria for eligibility, the choice of candidates and the distribution of the funds provided for such programmes. In addition, the unions requested that after six years of teaching in a college a teacher was entitled to a year of professional improvement (sabbatical year) with full pay. Furthermore, the college was to allocate 4% of the total teacher salaries for professional improvement.

Although the Government recognized the need for re-training and professional improvement, it did not agree with the order of magnitude suggested by the unions. Also, the employer group again wanted to

separate the application of the collective agreement (the mandate of the professional relations committee) with the mandate of other committees. It maintained that the different committees should recommend to the college and not to the professional relations committee. The sabbatical leave was rejected because of the cost involved.

### Salaries

During the academic year 1967-68 some teachers were paid according to the SPEQ collective agreement while others were paid according to the scales imposed by Bill 25. The unions' proposal consisted of a basic salary defined by a teacher's category and annual increase due to the additional year of experience. The category of a teacher was established according to the classification procedure presented earlier. The annual increase requested varied from \$375.00 per year for the lower categories to \$640.00 per year for the higher categories. The maximum number of years of experience recognized varied from 12 years for the lowest categories to 8 years for the highest categories. Furthermore, contrary to the Government's proposal, a Ph.D. was not required to accede to the highest salary (Unions' Project of a Collective Agreement, February, 1968).

Compared to the salaries imposed in 1967 by Bill 25 for the elementary and secondary teachers, the unions requested a two year contract with salary increases of 79.7% for the lowest category and 21.4% for the highest category. The elementary and secondary teachers

had requested an increase of 41.5% for the lowest category and an increase of 1.1% for the highest category. An additional 6.7% for all categories was demanded for the second year of the contract (Boivin, 1975; Goulet, 1978).

The government's salary proposal was based on the teacher's academic classification (years of scholarship) discussed earlier and years of experience. Compared to the salary scales imposed by Bill 25 the salary increases proposed by the government varied from 6.7% to 10.3% (depending on the classification) for the first eighteen months of the contract and approximately 7.5% for the next eighteen months. In addition, it provided for increases due to the extra year of teaching experience that varied from \$185 per year for the lowest category to \$410 per year for the highest category.

In general, the government proposal favoured those teachers with higher academic qualifications. The objective was to attract to the education sector better qualified teachers to continue the educational reform. On the other hand, the unions' objective was to decrease the salary differential between the lowest and highest paid teachers. The unions' mild criticism of the government's proposal was based on the fact that it did not take into account the projected increase in the cost of living and the increases of the province's productivity (Education Québécoise, May, 1968).

#### Other Union Objectives

Some of the other objectives considered important by the teachers

were union security, sick leave holidays, tenure after two years of full-time teaching, a pension plan, maternity leaves and the indexation of salaries to the cost of living. However, these objectives did not represent priorities as high as those which have been described earlier. According to the persons interviewed the objectives with the highest priority were workload and the participation of teachers in the decision-making process. As we will see in the next section, it was these latter objectives that created difficulties during the negotiation.

#### A SUMMARY OF THE NEGOTIATIONS

Although this case-study is concerned only with the CEGEPs which negotiated at the provincial level, some references will be made to the negotiations in other CEGEPs and at the elementary and secondary level. These references are essential because of the centralization of collective bargaining in the public sector of Quebec and because of the inter-dependence among different groups within this sector.

The Provincial negotiations in the CEGEP sector began in February 1968 and terminated in July 1969. The careful approach of the parties in this first negotiation and the fact that they were experimenting with a new and fragile bargaining structure (provincial negotiation, contrary to the elementary and secondary level, was a voluntary exercise in the CEGEP sector), explain to a large extent why it took seventeen months to reach agreement. For the purpose of clarity, this seventeen-month period will be divided into five periods: (1) the

exploring phase, (2) the conciliation period, (3) intensive negotiations, (4) a deaf dialogue, and (5) the final phase.

#### The Exploring Phase (Feb. 1968 - July, 1968)

The first project of a collective agreement in the CEGEP sector was deposited on January 30, 1968, by the teacher union at the CEGEP Rouyn-Noranda affiliated to CEQ (Le Devoir January 31, 1968). This, only five months after the beginning of the CEGEP system. Formal negotiations at the provincial level began on February 22, 1968, when the nine teacher unions affiliated to CSN deposited their proposal. This group of unions was represented by a single negotiating committee. The employer group - the colleges and the Government - was also represented by a single negotiating committee. During this first phase both parties maintained a very cautious approach.

At the first negotiating meeting on February 22, 1968, the unions explained the major objectives of their project. The teachers intended to participate in the administration and in defining this new level of education. Furthermore, they intended to play a role not only in developing the CEGEP system but also in its role within the Quebec society (Education Québécoise, 1968). As the teachers' negotiating committee claimed (Union minutes of the first negotiating meeting, p.6):

We want these institutions to be really different and we don't want only one personnel group to administer (translation of the author).

The second meeting took place on March 6, 1968. At this meeting

the technical aspects of the negotiations (e.g. place of meeting, number of meetings per week) were discussed. At the third meeting on March 13, 1968, the parties studied the unions' proposal on the professional relations committee, workload and professional improvement (Minutes of meetings).

On the 12th of this month the employer group tabled its counter-proposal to the unions' requests. According to the unions, on major issues such as workload, participation, classification and union prerogatives, the employers' proposal was diametrically opposed not only to their demands but also to the existing working conditions.

After an interruption of more than two months, the negotiations resumed on the 31st of May and continued throughout the summer at a rhythm of approximately one day per week. During this period, the Government agreed to the principle of a retroactive salary adjustment for the academic year 1967-68. However, by the middle of July little concessions were made by either party on major issues. Both parties maintained their original positions. The last negotiation meeting occurred on the 19th of July when the employer group interrupted the negotiations for its summer vacation.

The first sign of pressure tactics by the unions took place also on the 19th of July. The unions requested conciliation according to the procedures of the Labour Code. This implied that the right to strike and lockout would be acquired ninety days later, i.e., on the 20th of October.

### The Conciliation Period (July, 1968 - Oct. 1968)

Negotiations resumed on August 21, 1968. However, during the summer two important events occurred. Teachers in government institutions (SPEQ) and teachers in the classical colleges (SPE) signed an agreement (Le Devoir August 15, 1968). This played an important role for the remainder of the negotiations for two major reasons: (1) both teacher groups were also affiliated to CSN; and (2) they had accepted the employers' proposal on workload, teacher participation, salary and workload. Most important was the fact that they had accepted the principle of a teacher-student ratio strongly rejected by CEGEP teachers. From now on the employer negotiating committee would often remind the unions that their proposal had already been accepted by two teacher groups also affiliated to CSN.

Although this is called a conciliation period, no conciliation of any kind occurred. At the first meeting of this second phase the employer group insisted on clarifying the reasons for requesting conciliation: was it to let the delays run in order to acquire the right to strike, was it to have a third party intervene in the negotiations, or, both (Unions minutes of meetings)? It was clear that the employer group did not want the intervention of a third party. As far as the unions were concerned, although they had not asked the Minister of Labour to appoint a conciliator, they did not object to one being appointed. Since government representatives were members of the employer negotiating committee, a conciliator was never appointed. Hence, the problem of a Government being both a party and



judge during the negotiations.

An intensive negotiation period occurred during the end of August and the beginning of September. Although the parties' intention was to settle before the beginning of the new academic year, no concessions were made on major issues. Nevertheless, the parties agreed to and signed a series of articles on minor issues such as statutory and other holidays, tenure, hiring procedures, re-assignment, disciplinary measures and the content of a teacher's file (Union minutes of meetings).

In the meantime another important event occurred on September 6, 1968. The teachers at CEEF Ste-Foy unanimously accepted the conditions of a first collective agreement in the CEEF sector. Like the teachers in classical colleges, they accepted the teacher-student ratio of 1 to 15 proposed by the Government. The agreement provided a professional relations committee to be consulted (not decisional) by the college on the application of the collective agreement and an academic council to make recommendations to the college on academic and pedagogical matters (Le Devoir, September 7, 1968).

Little negotiation occurred during the rest of September except for a short meeting on the 27th. The meeting lasted a little over one and one half hours due to the withdrawal of the employer negotiating committee. A series of press conferences by the unions criticized the employers' attitude in the negotiations, the administrative priorities of the 1 to 15 norm rather than pedagogical and academic concerns, and the fact that this norm favoured the private classical colleges where hardly any professional or vocational programmes were offered.

On October 4, 1969, the colleges and the Government jointly deposited a second complete counter-proposal. The unions criticized the new proposal on grounds that it was, as admitted by the employer group, very similar to the first proposal. Not only did it not include some of the agreements reached earlier, it also ignored the major objectives of the teachers. As far as the teacher-student ratio of 1 to 15 was concerned, the employer group maintained the following (Union minutes of the meetings):

The Government attaches a high priority to the 1 to 15 norm. It is the heart of the negotiations. An agreement will be difficult if there is no agreement on this norm... We ask you to participate in this objective (translation of the author).

By the end of October teachers in the nine CEGEPs involved in the provincial negotiations had acquired the right to strike. In the meantime, six of the eleven new CEGEPs established for the academic year 1968-69 had joined the provincial negotiation. However, it was clear that an impasse had been reached.

#### Intensive Negotiations (Nov. 1968 - Jan. 1969)

During the early part of November teachers rejected by a large majority (unanimously in some CEGEPs) the employers' offer of the 4th of October. Also, they decided to continue negotiating for another month and to evaluate the progress and the actions to be taken in January.

Negotiations resumed on November 21, 1968. "For the purpose of reaching an agreement on all the major issues" (Union document, April,

1969), the colleges and the Government added to their counterproposal of October a salary adjustment for the academic year 1967-68. Although the amounts offered varied from \$250 to \$900, the majority of the teachers would receive approximately \$875. The strategy of the Government was obvious - arrive at an agreement on the 1 to 15 norm by making some monetary concessions. The teachers rejected the offer and many found the Government's approach offensive (Union document, April, 1969).

During the months of October and November another important event occurred, this time at the elementary and secondary level. Two major issues were settled. The employer group agreed to reduce the teacher-student ratio at the elementary level from 1 to 28 to 1 to 27. On the other hand, the teachers accepted the principle of a teacher-student ratio and the salary scales proposed by the Government. Although a final settlement in this sector was not reached until November 1969, these subjects were no longer an issue in the negotiations (Boivin, 1975; Goulet, 1978).

Intensive negotiations continued throughout December. The unions made a new counterproposal on workload. They dropped their demand that activities related to teaching, such as committee work, be considered part of a teacher's workload. According to the persons interviewed, this new proposal was refused for the same reasons as the first: the Government would not be able to control the costs since too many decisions would be made at the local level.

During the month of December the unions engaged in a series of press releases to put pressure on the Government. The Board of

Governors of several CEGEPs pronounced themselves against the 1 to 15 norm and the mechanism of teacher classification proposed by the Government. Since no major concessions were expected on these two major issues, the unions announced a strike vote for January (Le Devoir, December 6, 1968). Although some progress was made during this month an impasse still existed by the beginning of the Christmas holidays. The unions had accepted to separate the consultation on the application of the collective agreement at the professional relations committee from the consultation on other issues. Also, they accepted to include within the collective agreement the consultation of the academic council, established by Bill 21, on academic and pedagogical matters. The employer group accepted to extend the jurisdiction of the professional relations committee to include hiring procedures and the granting of tenure. Also, it agreed on the parity nature of this committee. In addition, the Government agreed to allocate 1% of the total teacher salaries (the unions' demand was 4%) for professional improvement.

At meetings on the 7th and 8th of January the Government maintained its position on workload and classification. The impasse confirmed, the unions decided to take a strike vote. Of the fifteen CEGEPs involved in the provincial negotiation, only the nine that began the negotiations had the legal right to strike. The six which had joined the negotiations in the fall had not finished the compulsory conciliation period. During January a strike vote was taken in the nine CEGEPs. Six voted by a majority of 75% to strike whereas three rejected it by a majority of 60%. Since the six CEGEPs

did not even constitute the majority of the teachers involved in the negotiations, the strike mandate was never implemented.

The first meeting after the strike vote occurred on January 24, 1969. The employer group suggested a two-week negotiating calendar in order to arrive at a "quick" settlement. However, the proposed agenda did not include the teachers' major concern-workload. The silence of the employer group on this issue indicated the beginning of a "deaf" dialogue between the parties. On the 25th of January CEGEP Rimouski withdrew from the provincial negotiation and signed a local agreement.

#### A Deaf Dialogue (Jan. 1969 - Apr. 1969)

The negotiations resumed on January 31, 1969. The employer group made some concessions on job security, sick leaves and maternity leaves. However, it emphasized that it had no mandate to modify these new offers. On job security it proposed a placement office that would assist teachers laid off to find jobs in the public education system or in the civil service. Sick days accumulated in the institutions that preceded the CEGEP would become transferable and could be used for maternity leaves (Le Devoir, February 1, 1969). Once this was announced, the employer group left the meeting.

Negotiations resumed on the 7th of February. The unions accepted the Government's proposal on the classification of teachers as long as a teacher would have the right to grieve if he/she was not satisfied with his/her classification. The Government proposed a provincial classification committee to deal with the classifications

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contested. Since this was refused by the unions no agreement resulted on the issue.

The parties had agreed to meet on February 21. In the meantime the employers' negotiating committee sent a long telegram to the Board of Governors of the colleges concerned describing the poor state of the negotiations and criticized the attitude of the unions. In turn, the unions sent to the board members their own explanation of the state of the negotiations and accused the employer group of not negotiating in good faith. In the midst of these accusations, each party maintained their respective positions at the meeting of the 21st of February.

The parties met again on the 7th and 14th of March. The unions presented another counterproposal on workload based on a study of the application of the 1 to 15 norm at CEGEP Chicoutimi. According to this new proposal, the number of teachers allocated to a college would be decided by a maximum number of teaching periods per week - twelve for non-laboratory courses and fifteen for laboratory courses. The maximum number of students per teacher was to be 120 with a normal class size of 30 students. This, the unions maintained, compared well with the workload the Government had accepted for the private classical colleges and with other community colleges in North America. In addition, the unions accepted the employers' proposal on job security as long as a teacher laid off would be guaranteed a re-training program or a job in the public sector. Also, they accepted 1% of the total teacher salaries for professional improvement.

The parties had agreed to meet on the 21st of March. The employer group was to give a reply on the last union proposal. However, the "deaf dialogue" continued. The employer group unilaterally cancelled the meeting. In the meantime a second CEGEP (CEGEP Chicoutimi) decided to negotiate locally and withdrew from the provincial negotiations.

Faced with the impasse, the unions decided to take a second strike vote (Le Devoir, April 1, 1969). By now fourteen CEGEPs had the legal right to strike. Seven of these gave their union executive the mandate to strike between the 9th and 15th of April, five voted against, and two that had previously voted against decided not to revise their position.

The negotiations resumed on the 11th of April. The Government maintained its position on the 1 to 15 norm. Faced with a strong stand of the employer group, the unions had two choices: strike in the seven CEGEPs that had voted for a strike, or, accept the employers' proposal. However, since it was close to the end of the second semester (the second semester generally ends at the beginning of May in the CEGEP sector), and, since elementary and secondary teachers had decided to take a strike vote in September if no agreement was reached by then, CEGEP teachers decided to immediately take a strike vote for September. By the 12th of April ten CEGEPs had adopted to strike in September.

A "deaf dialogue" continued throughout April. During this time the unions engaged in various pressure tactics. The unions bypassed the employer negotiating committee and invited the Minister of

Education and the colleges to negotiate at different colleges. A refusal would be interpreted as negotiating in bad faith. The employer negotiating committee resented being bypassed and it in turn accused the unions of negotiating in bad faith. Needless to say, the colleges and the Government did not attend the meetings.

In the meantime, teachers at CEGEP Edouard-Montpetit and Valleyfield went on strike on the 14th of April, 1969 (Le Devoir, April 14, 1969). On the 15th of April the premises of CEGEP Maisonneuve were occupied by students and some teachers. As a result, twelve students were expelled and six teachers were suspended (Le Devoir, April 18, 1969). A "student strike" followed in which one third of the teachers participated. Teachers at CEGEP Ahuntsic, negotiating locally, were engaged in work-to-rule tactics.

During the month of April unions sent open letters to the members of the National Assembly (Le Devoir, April 10, 1969). Informal meetings were held with thirty of them to explain the union requests, especially, the academic and pedagogical problems with the 1 to 15 norm. The necessity of a maximum individual workload was also emphasized. An information session was called in Quebec city for all the members of the Board of Governors of the CEGEPs. However, no one attended the meeting.

#### The Final Phase (May 1969 - July 1969)

During the month of May relevant events were taking place at the elementary and secondary level. Fact-finding, conciliation and



mediation had failed to produce an agreement after approximately fifteen months of negotiations. On May 1st, 1969, the minister responsible for the public service met with the teacher unions and announced that the Executive Council's Parliamentary Commission would be convoked to deal with the dispute (Boivin, 1975; Gullet, 1978).

On the 26th of May, a representative of the CEQP teacher unions, Jean-Pierre Boutin, demanded that CEQPs also be heard by the Parliamentary Commission. This was refused on the ground that the mandate of the Commission did not include the CEQP sector. The unions repeated their request on several occasions. The effect of this continuous request was the resumption of the negotiations.

At meetings on the 5th and 10th of June the unions presented a new counterproposal which emphasized the need for a maximum individual workload. In the meantime, teachers at a second CEQP (CEQP de Rimouski), one of the original nine CEQPs involved in the provincial negotiations, accepted the employer proposal (Le Devoir, June 6, 1969).

During the remainder of the negotiations the unions' strategy changed considerably. Although ten CEQPs had adopted to strike in September, only approximately one third of the teachers involved in the negotiations had voted in favour. The unions recognized that they would not succeed in changing the Government's proposal on the 1 to 15 norm. Hence, the unions concluded that they had no choice but obtain the most "honorable" agreement possible (Union Document, Undated). Consequently, after more than sixteen months of negotiation a provincial agreement was concluded in early July. Twelve CEQPs

signed the provincial agreement on July 24, 1969. An agreement which the unions described as a "surrender" to the power of the Government (Le Devoir, July 28, 1969).

#### THE OUTCOMES OF THE NEGOTIATIONS

To appreciate the outcomes of the negotiations it is important to remember that this is the first round of collective bargaining in the new CEGEP sector and the first experience at the provincial level. Also, it is important to remember the difficulty in negotiating one set of working conditions for fifteen institutions scattered across the province, with different histories, different modes of operation and with different priorities.

The outcomes of the negotiations suggest that the employer group was successful in imposing its salary policy, its system of classification, and a teacher workload based on a teacher-to-student ratio. Also, it was able to restrict the participation of teachers in the decision-making process. In short, the employer group achieved its major objectives. On the other hand, the unions' impression of a "surrender" to the power of the Government describes well the outcome of the negotiations with respect to their original demands.

As teachers at the elementary and secondary levels (Boivin, 1975), CEGEP teachers learned an important lesson - collective bargaining with the Government was a highly political activity. Many of their major objectives were refused on the ground that they conflicted with public interest, i.e., the growing cost of the

education system.

#### Union Prerogatives

The collective agreement applied only to teachers in the day division. Contrary to the union demands it had a very limited application to teachers in continuing education. The colleges recognized the union as the exclusive representative of the teachers they represented. The unions recognized that the right to administer belonged to the colleges. The colleges accepted to apply the Rand formula for union dues. In addition, they agreed to provide the unions with information such as non-confidential documents sent to committees where teachers were represented. They agreed to leaves for union activities. They accepted the union's right to distribute and post information within the college, and the union's right to hold meetings within the premises of the college.

#### Participation of Teachers in the Decision-Making Process

As at the elementary and secondary levels, the teachers at the CEGEP level did not succeed in obtaining a joint decision-making power with the administration. However, they did obtain mandatory consultation on a number of issues through a series of joint committees. The professional relations committee had to be consulted on the application of the collective agreement and could make any recommendation on the proper functioning of the college. The academic

council had to be consulted on academic and pedagogical matters. A provincial committee would be appointed to deal with grievances not settled at the local level before they were sent to arbitration.

Although teachers obtained considerably less than what they demanded, they made up for it with their aggressive and effective participation in the committees established. Their input and impact within the CEGEP system was much greater than what many administrators would have liked. Most of them, like teachers, had come from the institutions that had been integrated in the CEGEP system. Many of them were not able to adjust to the participation of the teachers and other employees in the decision-making process. It is not a surprise then that the average administrative life span of chief executive officers in the CEGEP sector was 1.5 years for quite some time (LeBlanc, 1980).

#### Teacher Classification

The Government, in spite of the objection of some colleges, was successful in imposing its system of classification. According to Regulation 5, teachers would be classified by a number of years of scholarship. A provincial classification committee was provided to administer the classification mechanism and to deal with the classifications contested. However, teachers were able to obtain the right to file a grievance on their classification. This was probably their major gain on this issue.

As previously, the salary of teachers in the CEGEP sector and at

the elementary and secondary levels would be based on an academic classification expressed in years of scholasticity and on the years of teaching or relevant experience. Furthermore, the salary scales for all three levels of education would be the same, i.e. a teacher in the public education sector of Quebec would be earning the same salary regardless of the level at which he/she taught.

#### Job Security

As mentioned earlier this was not a major priority for the unions since the CEEEP sector was in expansion. Nevertheless, the collective agreement provided a placement office that would assist teachers laid off to find jobs in other CEEEPs, in the public education system or in the civil service. The placement office could also recommend a training program to a teacher laid off.

#### Workload

The Government was successful in imposing a workload based on a teacher-student ration of 1 to 15. This, in spite of the strong objection of the unions and of some colleges. The teachers were not successful in obtaining a maximum individual workload, a maximum number of students per teachers, nor a maximum number of students per class. Without any doubt, the Government achieved its entire objective in the area of workload.

### Professional Improvement

Teachers had much greater success in the area of professional improvement. The employer group accepted to grant leaves of absence for retraining or upgrading purposes. An amount equal to 1.2% of the total teacher salaries (the union demand was 4%) within the college would be made available for this purpose. A joint professional improvement committee would determine the selection criteria and recommend the candidates to the academic council. The collective agreement also provided a joint committee at the provincial level to study additional needs in the area of professional improvement and to make recommendations to the Minister of Education.

### Salaries

Salaries were not a major issue during these negotiations. Although teachers would have liked more substantial increases, they eventually accepted the Government's wage policy. There was a general feeling among the population that teachers were enjoying reasonably good salaries. Teachers in Quebec had made substantial gains with the salaries imposed by Bill 25 in 1967 (Boivin, 1975; Goulet, 1978). Although the Bill did not apply to the CEGEP sector, it served as the basis for teacher salaries also in this sector.

Although no major gains were made in salary increases, teachers did obtain the indexation of their salaries to the cost of living. Their salaries would be adjusted if the consumer price index (CPI) in

Montreal during an academic year was 3% more than that of the previous year. From Table 5 in Chapter III it can be seen that CPI in Montreal was never greater than 3% from 1967 to 1971. Hence, this indexation formula resulted in no costs to the Government.

#### Other Outcomes

Teachers made substantial gains in the area of sick leaves. The employer group accepted that the number of sick days accumulated in a previous institution would be transferable to the CEGEP sector. Also, this accumulated "bank" of sick days could be used for a maternity leave. Furthermore, fifteen paid sick days were credited to a full-time teacher. If not used, these days could be accumulated from year to year. In addition, the agreement granted tenure to a full-time teacher at the renewal of his/her third contract, i.e., after two years of full-time teaching.

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## CHAPTER V

### THE SECOND ROUND OF COLLECTIVE BARGAINING IN THE CEGEP SECTOR (1971-75)

#### INTRODUCTION

The second round of collective bargaining in the CEGEP sector is more or less a continuation of the first. The major objectives of the parties were quite similar to those of the first round. The major difference in this round was the fact that the parties had some previous experience with provincial bargaining. Furthermore, the experience with a first collective agreement provided the parties with concrete information.

Although the major issues were quite similar to those of the previous negotiation, a major difference occurred in the bargaining process and structure. CEGEP teachers participated in a centralized bargaining process (central bargaining table) that negotiated some monetary issues on behalf of the vast majority of employees in the public and para-public sector. This will result in a change in the presentation of this second case-study - the outcomes of the negotiations will be divided into two sections: the issues negotiated at the central table and those negotiated at the sectorial (CEGEP) tables.

Another difference of this second case-study is its scope. Contrary to the first case-study this will be concerned with most of the teachers in the CEGEP sector. Therefore, this case-study is

concerned with the provincial negotiation of both teacher groups - FNEQ (CSN) and FEC (CÉQ).

As the previous one, this second case-study is divided into four parts: (1) the general environment prior to the second round of collective bargaining; (2) the objectives of the parties; (3) a summary of the negotiations; and (4) outcomes of the negotiations.

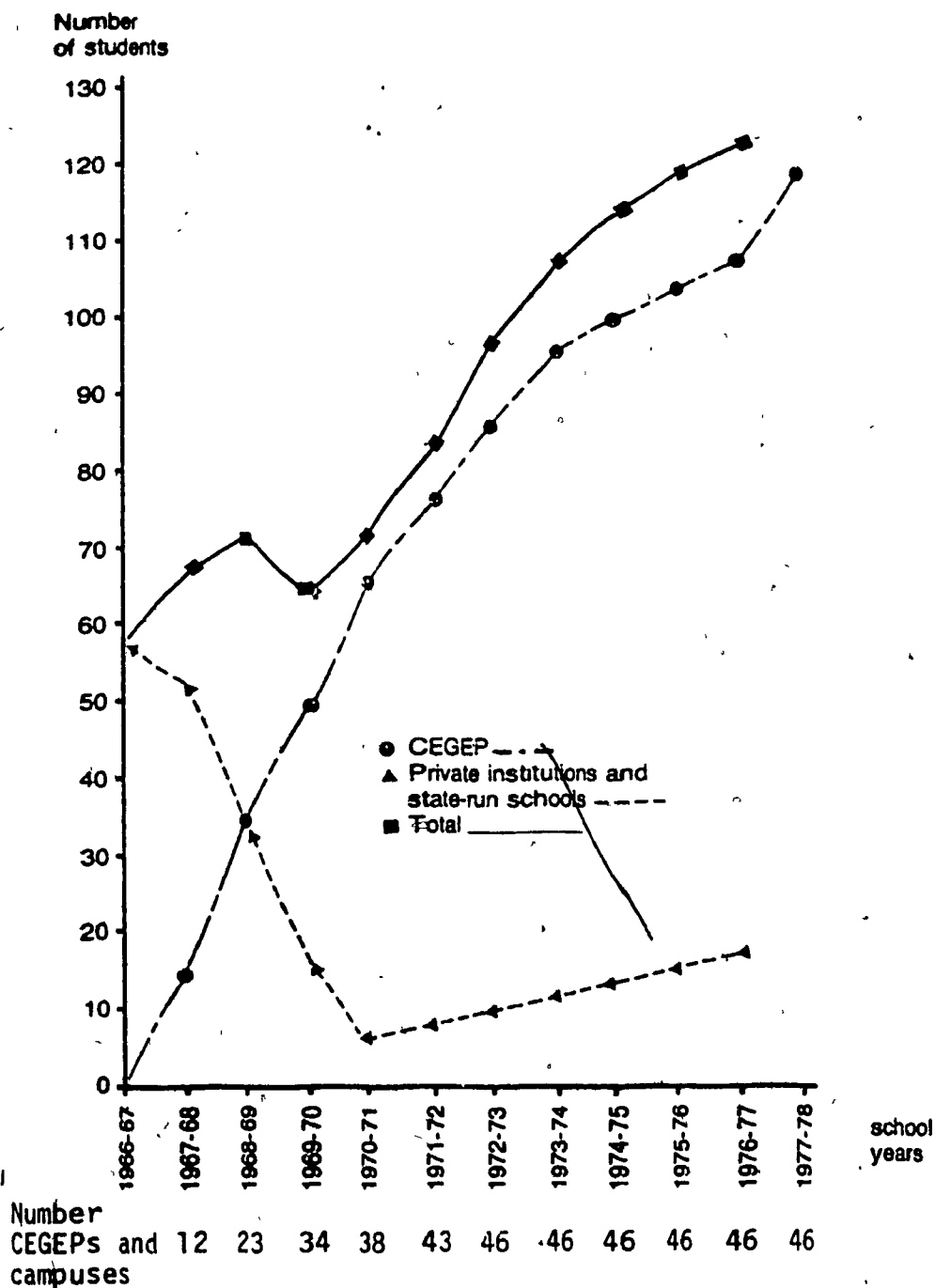
## THE GENERAL ENVIRONMENT PRIOR TO THE SECOND ROUND OF COLLECTIVE BARGAINING

### The State of the CEGEP System

The existing collective agreement expired on June 30, 1971. Negotiations for a new agreement began in May, 1971. By this time the CEGEP system was almost complete (see Fig. 10). Few Quebec institutions had experienced a rate of growth as exceptional as that of the CEGEP system (White Paper, 1978). By the academic year 1971-72 forty-three colleges and campuses had been created. Students at this level of post-secondary education numbered approximately 58,000 in 1967. Most of them were in private colleges or various government institutions. By 1971-72, only four years later, over 75,000 students were attending the tuition-free public colleges. By 1977-78 the number of students had reached almost 120,000 (White Paper, 1978). The CEGEP system was completed in 1972-73 when the last three colleges and campuses were created.

The building process was not easy. The mosaic of institutions that prevailed in 1966 had been replaced within a few years by a

Figure 10. Evolution of Student Attendance in CEGEPs from 1966 to 1977 (thousands).



Source: White Paper, 1978.

coherent network of public colleges (White Paper, 1978). In 1966 no fewer than six networks of post-secondary institutions provided parallel instruction that made it difficult for students to change area of studies. Each program of study was almost a closed path. In addition, some 265 institutions - classical colleges, institutes of technology, teachers' colleges, etc. - had different administrative and academic practices. The avenue to university for most Francophone students was narrow and restricted. It is not a surprise then that many differences and conflicts marked the growth of the CEGEP system. Not only was the transition quick, everyone - teachers, administrators, civil servants, etc. - had a different view of what the CEGEP system should be.

During its first five years, the CEGEP system achieved remarkable success especially in the democratization of, and accessibility to, post-secondary education (White Paper, 1978). Not only did the number of private schools decrease considerably (see Fig. 1), the passage from high school to university became the same for both Francophone and Anglophone students. Furthermore, university education became accessible to many more students, especially Francophones.

In spite of the incontestable success of the CEGEP system during the first five years, signs of internal problems began to surface by the early 1970s (White Paper, 1978). One such problem resulted from the sharing of decision-making powers between the colleges and the Ministry of Education. According to Bill 21 that created the CEGEP system in 1967, a college was a public corporation with considerable autonomy. The government had thrust the responsibility of a college

to a board of governors while reserving regulatory powers. As often is the case, a considerable discrepancy has resulted between the intentions and the everyday practice. As the White Paper (1978, p. 25) points out:

... it appears that we have not yet found the necessary equilibrium between the autonomy of a local institution and the imperatives which flow from the very existence of a national system of public colleges.

The control and power of the government during the first round of collective bargaining is but one example of this discrepancy. On issues such as workload, the classification of teachers, and salaries it did not play a regulatory role - it decided; at times, contrary to the wish of many colleges.

The difficulty between the government and the colleges in determining or knowing who is responsible for what, has contributed to an internal problem. In several colleges, labour relations between teachers and administrators have become quite adversarial. In some cases, the continuous tension and friction has made communication between the two groups extremely difficult. Although the atmosphere has improved somewhat, a credible improvement in communications between teachers and administrators remains one of the major imperatives for the CEEEP system.

The first government study on CEEEP education was conducted in 1970. In January of that year a committee - comité d'étude des cours communs à tous les étudiants du CEEEP - was appointed. The mandate of the committee was to study the courses common to all CEEEP programs (Roquet Report, 1970). At that time, as is still the case today, all

students had to take courses in philosophy (Humanities courses in English language colleges), language and literature, and in physical education, regardless of their program of study. These courses constituted the core area of all CECEP programs. The committee presented its report, better known as the Roquet Report, in December, 1970. It recommended that the core area be expanded to include courses in mathematics, natural sciences, social sciences, philosophy, mother language and literature, technology, a second language and physical education. The general objective was to make CECEP education as comprehensive as possible. In addition, the committee made recommendations regarding teaching methods, the selection of teachers, professional training and development, coordination with other levels of education, continuing education, and the evaluation of programs, students and teachers. The report was strongly criticized by the teachers and other groups as being too premature. Consequently, its recommendations were never implemented. Undoubtedly, the result of another power struggle between the centralized power of the government and that of the local authorities.

Prior to the beginning of the negotiations changes had occurred also on the union side. In September 1969, the three teacher groups (private colleges - SPE, government institutions - SPEQ, and the CECEP sector) affiliated to CSN, united in a single federation - Fédération Nationale des Enseignants Québécois - better known as FNEQ (Nouveau Pouvoir, Sept. 1978). In September 1971, thirty-one teacher groups were represented by FNEQ (Nouveau Pouvoir, Feb. 1972). Another eleven teacher unions were represented by the "Fédération des Enseignants de



CEGEP", better known as FEC and affiliated to CEQ which represents also the vast majority of the teachers at the elementary and secondary levels. Two teacher groups were not affiliated to any group since the colleges had recently been established. Therefore, by the beginning of the second round of collective bargaining, most teachers were affiliated to one of two provincial federations. Together the two federations represented approximately 5,000 teachers.

### The Socio-Political Context

The late 1960s and early 1970s in Quebec were characterized by a steady growth of political discontent and social conflicts. The sources were varied, however, as McRoberts and Posgate (1980, p. 155) point out:

... to a large extent they can be traced to the modernizing reforms of the Quiet Revolution in the early 1960s, with their massive growth in public spending and the proliferation of new structures of authority.

The Lesage regime of the early 1960s had led many Francophones to believe that a strong Quebec government could bring about major changes in the province: a greater role for Francophones in the economy and a greater accessibility to public services, especially in education, health and housing (McRoberts & Posgate, 1980; Moniere, 1977). Not all expectations were satisfied - some felt that the expansion of the role of the government in the public sector had gone too far, others felt that it had not gone far enough, while others felt that the expenditures of the government had increased far too

quickly. Whatever the reasons for discontent, some blamed the Quebec government, while others blamed its restricted power within the federal system. For many, to continue the reforms initiated during the Quiet Revolution, it would be necessary to transfer more power from the federal to the provincial government.

The Union Nationale was re-elected to power in the provincial election of 1966. During its term (1966-70) not only did it fail to maintain the momentum of the Lesage administration in socio-economic reforms, it also failed to retrieve additional powers from the federal government (McRoberts & Posgate, 1980). Although the major programs of the previous administration were continued, especially in education, few new programs were developed. The rate of increase in government expenditures decreased markedly during the 1960s (see Table 6, Chapter III). Many proponents of the objectives of the Quiet Revolution concluded that in order for Quebec to continue modernizing, it would have to leave the federal system.

The debate on the role and the state of Quebec within the federal system had a considerable impact on the Liberal Party. During the late 1960s it formally adopted a continued participation of Quebec within the federal system (Monière, 1977). Many liberals such as Robert Bourassa and Pierre Laporte accepted this new orientation of the party. Others, most notably René Lévesque, one of the major forces of the Quiet Revolution, left the party. Most of those who left the party declared to be in favour of Quebec's independence. In 1967 they formed the "Mouvement Souveraineté-Association" which the following year drew most of the members of the two existing separatist

political parties (Rassemblement pour l'Indépendance Nationale-RIN and the Ralliement National-RN) into a new political party, the Parti Québécois (CSN-CEQ, 1979; McRoberts & Posgate, 1980).

With the return to power of the Liberals in 1970 one might have expected a return to the objectives of the Quiet Revolution. However, it soon became clear that the Liberal Party of the 1970s was quite different from that of the early 1960s (McRoberts & Posgate, 1980). Its new leader, Robert Bourassa, did not share the major belief of the Quiet Revolution that socio-economic developments necessitated the expansion of the role of the Quebec government. On the contrary, the new Liberal Party expressed faith in the private sector.

The re-election of the Liberals not only did not reduce the socio-political discontent in the province, it seemed to aggravate it (Jamieson, 1973). The separatist Parti Québécois, under the leadership of René Lévesque, received more than 25 percent of the popular vote but was badly under-represented in the provincial legislature. The Liberals with 44 percent of the votes represented 72 seats, the Union Nationale with 20 percent of the votes represented 17 seats, the creditistes with 11 percent of the votes represented 12 seats, whereas the Parti Québécois represented only 7 seats (Bergeron, 1975).

The unrepresentative aspect of Quebec's electoral system resulted in a new wave of political discontent. At the extreme of the separatist movement, the "Front pour la libération du Québec", better known as the FLQ, emerged as a clandestine revolutionary group. During the late 1960s it had carried out several bombings and other

acts of terrorism on a small scale (Jamieson, 1973). In the fall of 1970, shortly after its election to power, the Bourassa government faced a major crisis when the FLQ kidnapped James Cross, British Trade Commissioner in Montreal, and later kidnapped and murdered Pierre Laporte, Quebec's Minister of Labour. Upon the request of the Bourassa government, the federal government invoked the War Measures Act and sent units of armed forces to Quebec.

The War Measures Act had a considerable effect on the labour movement. As Jamieson (1973, p. 113) points out:

The suspension of civil liberties and the arbitrary arrest and imprisonment of hundreds of suspected supporters or sympathizers of the FLQ, including several prominent labour leaders, was viewed by many unionists as a special threat to organized labor.

#### The Economic Environment

The Union Nationale government elected in 1966 continued, although not to the same degree, the socio-economic reform of the Lesage administration. In 1968 another plan of the Lesage administration was implemented - the operations of Dominion Steel Corporation were purchased by the Quebec government and turned over to SIDBEC, a public corporation (McRoberts & Posgate, 1980). In the education sector a province-wide university - Université du Québec - was created in 1969.

In spite of the continued socio-economic reform, the rate of increase in government expenditures decreased considerably during the Union Nationale regime (1966-1970). During the early 1960s the total

net expenditures of the Quebec government had increased continuously culminating in a rate of increase of 30.6% in 1964-65 (see Table 6 in Chapter III). During the first year of the Union Nationale administration expenditures increased by only 13.9%. In 1968-69 it reached the lowest rate (10.8%) of the 1960s. If the rate of inflation during the late 1960s is considered, the impact of the reduced rate of increases was greater than the actual decreases. The consumer price index in Montreal had increased by 13.9% from 1965 to 1970 compared to only 5.3% from 1960 to 1965 (see Tables 4 and 5 in Chapter III).

Although the Union Nationale administration succeeded in controlling government expenditures in general, the expenditures of the Ministry of Education continued to increase at a fairly constant rate (see Table 6 in Chapter III). In fact the increases of the expenditures of the Ministry of Education from 1966-67 to 1971-72 increased at a higher rate than that of the general government expenditures. As a percent of the expenditures of the government, those of the Ministry of Education increased from 23.5% in 1965-66 to 30.1% in 1971-72 (see Table 6 in Chapter III). Many observers have suggested that the continued increases in the expenditures of the Ministry of Education, i.e., of the continued reform of the education system, reflected the commitment of senior civil servants more than those of the Union Nationale government. As McRoberts and Posgate (1980, p. 159) point out:

In some ministries, particularly in education, civil servants had been able to acquire critical policy-making roles during the Lesage administration and had maintained these positions

under the Union Nationale. In other ministries, such as municipal affairs, senior civil servants had not acquired such positions.

The lower increases in government expenditures during the administration of the Union Nationale is explained partially by the fact that many observers felt that the reforms of the Quiet Revolution had gone too far and too quickly. As mentioned earlier, government expenditures, especially in the public sector, contributed to the defeat of the Liberal government in 1966. However, there was also an economic factor that contributed to restrain government expenditures. Although Quebec's gross internal product maintained a comparable growth with that of the rest of Canada during the late 1960s (see Tables 2 and 3 in Chapter III), the increases decreased from 10.7% in 1966 to 6.8% in 1968.

The lower increases in government expenditures contributed to an increasing rate of unemployment. It increased from 4.1% in 1966 to 7% (see Table 7 in Chapter III). The rate of increase in government employees was also affected by the Union Nationale administration. From 1960 to 1965 government employees had increased by 53%. During the next five years the increase was only 24% (McRoberts & Posgate, 1980). However, since the CEGEP system was expanding during the major part of the Union Nationale regime, the increases in unemployment rate and the lower increases in the number of government employees hardly affected the labour market of this sector.

## The Legal Framework

We have seen in the previous chapter that although the negotiations were to be conducted at the local level according to the framework established by the Labour Code, they were conducted at the provincial level for the majority of the colleges. However, since no amendments had been made to the Labour Code, each college had to ratify the provincial agreement at the local level.

The continuous and increased involvement of the provincial government in public sector bargaining since 1964 demanded, as far as the government was concerned, a formal structure for this involvement. By 1970, the process of centralization at the provincial level had become irreversible. Consequently, before the second round of collective bargaining began (the third in the public sector), the government attempted to clarify its role and the bargaining structure for the coming negotiations. Two steps were taken to achieve these objectives. First, in 1969 the government adopted "la Loi du ministère de la fonction publique". The law established a Civil Service Department and a Civil Service Ministry responsible for all the negotiations in the public sector. The creation of this ministry was a confirmation of the direct role which the government had played in the previous negotiations and of its intention to be involved in the coming ones. It justified this increased involvement by the "need" to balance the interests of public employees with those of the general public (Boivin, 1975).

In February 1970, a second step was taken to clarify the

bargaining structure in the public sector. The Union Nationale government appointed an inter-ministerial committee to study the existing labour laws and to make recommendations for the coming negotiations (Rapport du Comité Interministériel, 1970). Four ministries were involved: health and social welfare, education, labour and the civil service. The committee was concerned mostly with five major issues: (1) sectorial bargaining; (2) employees representation; (3) employers' representation; (4) conciliation, arbitration and the right to strike in the public and para-public sector; and, (5) the organization of the negotiations to begin in 1971.

The newly elected Liberal Government, in April 1970, reaffirmed the need for the study and mandated the committee to continue its work. In November of that year the committee presented a report with a list of fifty-two recommendations (Rapport du Comité Interministériel, 1970). The committee recommended that the negotiations in the public and para-public sector be conducted at the provincial level. It suggested that all the employees affected be grouped into eight categories (e.g. CEGEP teachers, maintenance workers) regardless of the employer structure. Also, each category of employees should be encouraged to seek a provincial or sectorial bargaining certificate. The authorized sectorial bargaining unit would then negotiate a collective agreement for all the employees in the province in that category. If sectorial bargaining certificates were not applied for or granted, then each existing union association would be recognized. However, if an association represented the majority of employees in a category it would be recognized to



negotiate on behalf of all the employees in that category.

On the employer side, the committee recommended that the government should be an official party, along with the employer associations, in the education and health and welfare sectors. In addition, it identified the employer associations that should take part in the coming negotiations and recommended an organizational structure (e.g. coordinators, committees).

Furthermore, the committee recommended that the right to strike and lockout be detached from conciliation, i.e., conciliation should no longer be compulsory before acquiring the right to strike or lockout. It recommended that conciliation become a voluntary exercise. One of the parties could request it at any time. Also, it suggested that the right to strike or lockout be acquired at the expiration of the collective agreement and that a strike vote be taken by secret ballot.

Finally, the committee recommended that the negotiations should begin 120 days prior to the expiration of a collective agreement. It recommended a procedure to determine the essential services to be maintained in case of a strike. These had to be determined before the right to strike was acquired.

Very few recommendations of the interministerial report were implemented by the Bourassa government. The legislation (Bill 46) adopted in June 1971, implemented only those recommendations with centralizing features. The law established officially for the first time a provincial bargaining structure for the education and health and welfare sectors. In so doing, the government extended the

principle of provincial bargaining established by Bill 25 in the education sector, to the health and welfare sector. However, the law did not affect the units of certification, i.e., the local unions. Therefore, as in the previous round of collective bargaining, the agreement would be negotiated at the provincial level but would have to be ratified at the local level.

Furthermore, the law recognized the official parties for the coming negotiations in the education and the health and welfare sectors. In the CEGEP sector it recognized FEC (CEQ) and FNEQ (CSN) on the union side, the provincial government and the Federation of CEGEPs on the employer side (the Federation of CEGEPs represented the CEGEPs). Hence, not only the bargaining structure was centralized, the government legislated itself as a partner on the employer side.

Formally then, the second round of collective bargaining in the CEGEP sector was to proceed at the provincial level. As we have seen in the previous case-study, most colleges negotiated at the provincial level on a voluntary basis. Therefore, a major difference in this second round of collective bargaining was that this time all the colleges would have to negotiate at the provincial level. Hence, the bargaining structure would be in harmony with the legislated framework. However, as we will see later, this is not what happened. CEGEP teachers negotiated four major issues at a centralized bargaining table together with most public sector employees. Consequently, as in the rest of the public sector (Boiyin, 1975), the parties were once again involved in a bargaining structure which did not conform to the legislated framework.

## THE OBJECTIVES OF THE PARTIES

The parties to this second round of collective bargaining were those identified in Bill 46. The employer side consisted of the government and the Federation of CECEPs which represented the vast majority of the colleges. On the union side, each local union was affiliated to one of two federations - FNEQ (CSN) or FEC (CEQ). Although the two federations made an attempt to coordinate their objectives and strategies, i.e. to negotiate jointly with the employer group, each federation conducted its own negotiation. Consequently, the negotiations occurred at two different tables. The employer group was represented by the same negotiating committee at each bargaining table.

As in the first round of collective bargaining, the major preoccupation of the government was financial. This implied a control of salary increases and the maintenance of a teacher student ratio for the workload of teachers. However, more so than in the previous round, the colleges were squeezed between the government's objective of controlling expenditures and the unions' objective of co-management. CECEP administrators perceived in the union demands a central theme of power control with two facets: the control by teachers of the decision-making process and the essential role of the union in the exercise of this control (Fortin, 1971). The title of FNEQ's journal, "Nouveau Pouvoir," reflected this new orientation.

The role that teachers intended to play was also expressed by FNEQ's perception of a teacher in the teaching act. As Francine

Lalonde (president of FNEQ at the time) pointed out before the beginning of the negotiations (Nouveau Pouvoir, May 1971):

... dans la production de l'enseignement, c'est le professeur qui, avec l'étudiant, est l'élément essentiel. Tout le reste peut être considéré comme un service auxiliaire.

According to Francine Lalonde, the unions' objectives unfolded from previous experiences (Employer Minutes of Negotiation Meetings):

Souvent les professeurs se sont aperçus que leurs visions des choses n'étaient pas toujours acceptées, que leur participation servait de moyen, pour la direction des CEGEPs, des collèges privés, des écoles du gouvernement, de faire passer ses décisions, de les faire assumer par le milieu sans qu'il ait été partie.

The purpose of this section is to describe the major objectives of the parties. These will be divided into eight groups: (1) union prerogatives, (2) participation of teachers in the decision-making process, (3) classification of teachers, (4) job-security, (5) workload, (6) professional improvement, (7) salaries, and (8) bargaining structure.

#### Union Prerogatives

Both teacher federations requested that the union be the exclusive representative of all teachers covered by the unit of certification. FNEQ also requested that the union should elect the teacher representatives to any committee within the college to which teachers participated, including the Board of Governors. FEC restricted its demand only to those committees within the collective

0 agreement. Also, both federations requested that all documents sent to any committee should also be accessible to the union or to any teacher that requested it. This was to facilitate the participation of teachers in the decision-making process. In addition, the unions demanded leaves of absence without loss of pay for syndical activities and a decrease in the workload of some teachers to coordinate the participation of teachers and to supervise the application of the collective agreement (Projet de Convention Collective - FEC, 1971; Projet de Convention Collective - FNEQ, 1971). These leaves were important to achieve the objective of co-management. Furthermore, the collective agreement was to apply to all teachers including those at continuing education.

The employers' proposal implied a restricted role for the unions. The union would represent teachers only with regard to the negotiation and the application of the collective agreement. Only non-confidential documents would be made available to the union and only for the committees where teachers were represented. Leaves of absences for syndical activities were possible but at the expense of the union (Projet de Convention Collective de Travail de l'Ensemble des Collèges et le Gouvernement du Québec, 1971).

#### Participation of Teachers in the Decision-Making Process

To facilitate the participation of teachers in the decision-making process, both federations demanded several joint committees. The academic council was to be consulted on all matters

related to academic or pedagogical issues. In the case of FNEQ, teachers were to compose the majority of the council and its decisions were executory. According to FNEQ's proposal (article 7.11):

La commission pédagogique (academic council) est obligatoirement consultée par l'employeur avant toute décision d'ordre pédagogique. Ses avis font autorité...

In the case of FEC, the composition was left for local negotiation; however, if no agreement was reached, half of the members had to be teachers. Also, the decisions of the council were not binding on the college - if the Board of Governors refused to implement a decision of the council, the latter would have to reconsider the issue. If the council confirmed its first decision, then the college would have to implement it. Furthermore, the unions' proposals listed a number of issues upon which the consultation of the council was compulsory. As far as CEGEP administrators were concerned, the unions' requests implied a struggle for power (Le Devoir, September 8, 1971).

FNEQ proposed that the professional relation committee in the previous collective agreement be abolished. This committee was consulted on the application of the collective agreement; however, its recommendations were not binding on the college. Most of its mandate (e.g. selection of teachers, number of departments) was transferred to the academic council and the rest to ad-hoc sub-committees of the council. Furthermore, FNEQ proposed that the union executive could meet with the college administration to discuss any question that it judged important (Nouveau Pouvoir, 22 Nov., 1971). On the other hand, FEC demanded a labour relations committee (similar to the previous professional relations committee) to deal with the application of the

collective agreement and with any issue that could improve the well-functioning at the college (Projet de Convention Collective - FEC, 1971). The labour relations committee was a parity committee whose decisions were recommendations (not binding) to the college.

Furthermore, FEC demanded a series of parity-committees to deal with specific issues: a workload committee whose mandate was to make recommendations on the distribution of the workload among teachers, a committee for the selection of teachers, a provincial committee to study different teaching methods, and a professional improvement committee to study re-training programs. The consultation of these committees was compulsory; however, their decisions were recommendations to the college and therefore not executory. In the FNEQ proposal the issues considered by these committees were within the jurisdiction of the academic council whose decisions were executory. The council could establish ad hoc committees to deal with specific issues.

In general then, the demands of the two federations on teacher-participation differed in two respects. Instead of the executory nature of the consultation process in the FNEQ project, FEC proposed only compulsory consultation. Also, whereas FEC demanded several committees to deal with specific issues, in the FNEQ project the academic council represented the umbrella of all potential ad hoc committees.

Although the employer group agreed to some participation of teachers in the decision-making process, a wide discrepancy existed in the application of this principle, especially with the FNEQ project.

The employers proposed a joint academic council to be consulted on academic and pedagogical matters. Although the consultation of this council was compulsory on a list of issues, its decisions were not executory. The council would be composed of fifteen members and it included eight teachers. Also, the employers proposed a parity labour relations committee to replace the professional relations committee in the previous collective agreement. The mandate of this new committee was essentially the same, i.e., it had to be consulted on the application of the collective agreement. Furthermore, the employer group proposed parity committees to deal with professional improvement and the selection of teachers.

In general, the employer group accepted the principle of compulsory consultation. However, it did not accept that the decisions which resulted would be executory. The committees made recommendations to the college which was free to implement or reject them. Therefore, on the issue of teacher participation the employers' proposal was closer to the demands of FEC. Since the employers presented their offers after both federations had deposited their demands, it is not surprising that their project is closer to the least demanding proposal.

#### Teacher Classification

Both federations accepted that teachers be classified according to years of scholarship and experience as proposed by the government (this classification determined the salary of a teacher). However,



there was a considerable difference on how to determine the years of scholarship. The unions demanded a parity provincial classification committee (one for each federation) whose mandate was to determine the classification of a teacher. Once the classification was established by this committee, a teacher could file a grievance if he/she was not satisfied. However, once the committee had reconsidered the case, the second decision was binding on all parties including the teacher. Whenever the provincial classification committee could not reach agreement, the issue would be resolved through arbitration.

The union demands represented a considerable change from the provisions of the previous collective agreement whereby the classification of a teacher occurred at the local level. The college alone determined the classification according to criteria established unilaterally by the government. A teacher had the right to grieve if he/she was not satisfied with his/her classification.

Furthermore, the unions requested that the minimum number of years of scholarship attributed to a teacher at the college level should be seventeen regardless of the academic classification. Also, a year of scholarship should be independent of the number of academic credits, i.e., a year of full-time studies at the university level should be equivalent to one year of scholarship regardless of the number of credits received. In addition, a year of scholarship should be recognized for every five years of experience. This would allow all teachers, regardless of their actual scholarship, the possibility to reach the maximum salary. The maximum number of years of scholarship recognized would be twenty-one. This could be attained

without a doctoral degree. In the previous agreement the maximum was twenty and it could not be attained without a Ph.D. A premium was demanded for teachers with twenty-two and twenty-three years of scholarship.

The employer group proposed that teacher's scholarship would be determined according to criteria (Manuel d'évaluation de la scolarité du ministre de l'Education) established unilaterally by the government. A teacher's salary would depend on the years of scholarship and years of teacher experience. The years of scholarship were based on strict academic credits. The employer's proposal implied two major changes with respect to the previous agreement: (1) a teacher's scholarship would no longer be evaluated at the local level but at the provincial level and unilaterally by the government; (2) a teacher no longer would have the right to file a grievance if he/she was not satisfied with his/her classification.

The government's objective on classification was twofold - control teacher salaries and assure that teachers would receive the same salary wherever he/she taught in the public education system. With the previous agreement, although the colleges had to use the government's criteria to classify teachers, they often overclassified them. According to persons interviewed, some colleges felt that this was necessary to attract qualified individuals to the teaching profession. This was especially the case for vocational programs. Professionals like engineers would not consider the teaching profession if they were paid strictly according to their academic years of scholarship. Hence, the "need" to overclassify. This implied

that the government could not effectively control teacher salaries and that teachers could shop around for the college or school board that would recognize the highest scholarship for them.

### Job-Security

Both FNEQ and FEC demanded full job-security for tenured teachers. Most public sector employees except public school teachers had previously obtained some form of job-security (Boivin, 1975). Tenure was to be acquired after two years of teaching if a teacher was not released for cause. Once tenured, a teacher would receive full salary and all other benefits if he/she was declared surplus. However, this job-security was not at the local or institutional level. If no teaching existed for a teacher in his/her college, he/she would have to accept a job in another CEGEP, at the elementary or secondary level, or in the civil service. Seniority, and then scholarship, determined who would be declared surplus or who had priority when a position was available. A Quebec Teacher Placement Bureau (Q.T.P.B.) would administer the job-security mechanism, i.e., assist teachers in finding jobs and recommend re-training programs.

The employer group rejected the principle of job-security with full salary. It proposed essentially the status quo of the previous agreement. Tenure would be acquired at the end of two years of teaching if a teacher's contract was renewed for a third year. A Q.T.P.B. was provided to assist teachers in finding jobs in the public education system or in the civil service. Contrary to the union

proposals, if no position was found for a tenured teacher, he/she would simply be without a job.

In spite of the resemblance to the previous agreement, a major change was introduced by the employer group concerning this issue - a teacher would be declared surplus in order of competence and then seniority. The criteria for competence were: (1) availability and motivation, (2) teaching aptitudes (ability to transmit knowledge), (3) adaptation to the environment, and (4) academic qualifications. These criteria would be evaluated unilaterally by the employer.

#### Workload

The proposals of the two federations differed considerably on the workload issue. FNEQ proposed that the number of teachers allocated to a college should be determined by the individual workload of a teacher. This would be expressed in terms of the number of a weekly number of student-teacher-contact-hours (STCH). A maximum number of students per group and a maximum number of teaching periods per week was established for each discipline. For example, in Psychology the maximum number of students per group was thirty and the maximum number of teaching periods per week was twelve. This resulted in a STCH of 360 per week which represented the maximum for a teacher in Psychology. Once the total STCH was established for Psychology it would be divided by 360 to determine the number of teachers required for this discipline. The number of teachers allocated to a college would equal the sum of the number of teachers required for each

discipline. Furthermore, FNEQ demanded that a teacher with a workload equal to or greater than 75% of that of a full-time teacher should be considered a full-time teacher.

FNEQ's objections to the teacher-student ratio proposed by the government were essentially the same as those during the previous negotiations. Basically, it maintained that a teacher-student norm favoured those colleges that had a lower percentage of vocational programs. Also, the norm did not provide for a maximum individual workload.

FEC accepted the principle of a teacher-student ratio. However, it proposed that it be applied at the provincial level rather than at the local level and that it be reduced from 1:15 to 1:14. According to this proposal, the number of teachers for the entire CEGEP system would be determined by applying the 1:14 teacher-student ratio to the total number of students in the CEGEP system. Once this determined, the number of teaching hours in each college and in the entire CEGEP system would be determined. The number of teachers allocated to a college would then be a fraction of the total number of teachers. This fraction was equal to the fraction that the number of teaching hours in a college represented with respect to the total number of teaching hours in the CEGEP system. The purpose of this ponderation factor was to allocate more teachers to those colleges that had more courses to teach given the same number of students. In fact, this ponderation factor was introduced to solve a problem which resulted from a strict application of the 1 to 15 norm. As FNEQ, FEC also maintained that it favoured colleges with a low percentage of

vocational programs. —

Although the teacher-student norm of 1:15 had created considerable discrepancies in the workload of teachers from one CEGEP to another, the employer group proposed it again. This, in spite of a study conducted by the Federation of CEGEPs which recognized that teacher workloads varied from one CEGEP to another. As the study (1971, p. D-21) points out:

Dans l'administration de la norme 1:15 jusqu'à maintenant, il n'était pas possible de tenir compte des fardeaux d'enseignement différents imposés par les divers programmes, notamment dans les programmes de spécialités (professionnelles).

To deal with the discrepancies in workload the Federation suggested alternatives with ponderation factors. Nevertheless, the government insisted on a strict application of the 1:15 norm. The reasons were essentially the same as those during the previous negotiations - control costs and remove the determination of the number of teachers from decisions at the local level.

#### Professional Improvement

As during the previous negotiations, the unions requested 4% of the total teacher salaries for professional improvement. The collective agreement provided for 1.2%. A parity committee would be mandated to identify re-training programs, determine the criteria for eligibility, and to select candidates. In addition, FNEQ requested a sabbatical leave for every five years whereas FEC demanded one for every six years. Although the employer group agreed with these

objectives, the amount allocated was essentially the status quo.

### Salaries

CEGEP teachers, along with elementary and secondary teachers, requested yearly increases of 8.1% for a three year contract. In fact, on this issue teachers joined, as we shall see in the next section, other public and para-public employees. Together they presented joint salary demands to the government. In most sectors the unions requested considerable catch-up increases for low-paid employees. A minimum salary of 100 dollars per week was demanded as of June 30, 1971. The yearly increases of 8.1% applied also to catch-up increases. The demand of 100 dollars per week affected mostly hospital employees since more than 50% of them were earning less (Boivin, 1975; Goulet, 1978).

The government offered yearly increases of 4.8% for a three-year contract. This hardly covered the projected increases in inflation. Also, the government refused to immediately raise the minimum weekly salary to 100 dollars although it accepted that it should be an objective in the near future. Furthermore, it agreed that many public sector employees were far from earning a decent salary (Boivin, 1975). However, instead of catch-up increases, it favoured changes in social policies rather than amending the salary structure. This approach was preferred because it would also apply to private sector employees. Also, the government maintained that social measures were non-negotiable. On the other hand, the unions preferred negotiated

catch-up increases because these would be more permanent and would serve as a pattern or stimulus for private sector employees.

### Bargaining Structure

The unions in the public sector were determined not to let the government divide them as it did during the previous negotiations (Boivin, 1975; Goulet, 1978). For this reason, the three provincial centrals - CSN, FTQ and CEQ - presented a "Common Front" to the employer associations and the government. The major objective of the Common Front was to negotiate wage increases for all the employees it represented at one central bargaining table. As we have seen earlier, the bargaining structure legislated by Bill 46 and the Labour Code did not allow for inter-sectorial bargaining (central table). At the beginning of the negotiations the government maintained that all issues, including salaries, should be negotiated at sectorial tables. However, as we shall see in the next section, the government changed its position and again the negotiations unfolded in a bargaining structure that did not conform to the legislated framework.

### A SUMMARY OF THE NEGOTIATIONS

This second round of collective bargaining in the CEGEP sector (the third in the public sector since the right to strike was acquired) is marked by the beginning of new approaches in public sector bargaining in Quebec, indeed in North America (Cardin, 1972).



Almost all public employees were negotiating their working conditions at the same time, and, for the first time they joined to negotiate certain objectives in a "Common Front".

For most employees the negotiations began in March 1971 and terminated in the fall of 1972. In the CEEEP sector, as at the elementary and secondary level, the negotiations ended with a government decree in December 1972. However, a major conflict occurred in the CEEEP sector in the Spring of 1973 when hundreds of teachers were declassified. Negotiations in fact ended in December 1973. For the purpose of clarity this long period will be divided into seven parts: (1) preliminary discussions on the government's wage policy and the bargaining structure; (2) sectorial negotiations: a deaf dialogue; (3) parallel negotiations at the central and sectorial tables; (4) a general strike and work stoppages; (5) intensive negotiations at the central table; (6) towards a government decree, and (7) the declassification conflict.

#### Preliminary Discussions (March 1971 - Sept. 1971)

Most collective agreements in the public sector expired on June 30, 1971. In March 1971 the Liberal government submitted to the coordinating committee of the Common Front a document which outlined the principles upon which the government would base its salary offers and other monetary issues (Boivin, 1975; Goulet, 1978; Le Devoir, April 5, 1971).

One objective of the wage policy was to establish a wage parity

among all employees in the public sector performing the same type of work and between men and women. A second objective was to widen the salary gap between low-paid employees and high-paid employees in order to attract qualified personnel to the public sector. A third objective was to align public sector salaries with some kind of a provincial average. Finally, the rate of salary increase should take into account the rate of increase in the productivity of the province.

Several meetings took place during this period between representatives of the Common Front and the government. The government wanted to make sure that the unions understood the principles before it made its salary offers. However, the different perception of the parties on the nature of the meetings soon resulted in an impasse. The unions considered the meetings as real bargaining sessions. On the other hand, the Civil Service Minister, responsible for the negotiations in the public sector, maintained that the meetings were information sessions (Le Devoir, August 17, 1971). Furthermore, the government maintained that its wage policy was not negotiable and that negotiations should take place at the fifteen bargaining tables established by Bill 46. On the 17th of August the Common Front made an official demand to the Civil Service Minister to negotiate salaries at one central table. The Minister replied that this was not desirable for the moment (Sabourin, 1973). Hence, by the end of the summer no agreement was reached on the nature of the meetings between the Common Front and the government.

In the meantime, FNEQ deposited its sectorial demands in May 1971 and FEC in June of the same year (Sabourin, 1973). As members of the

Common Front, both federations decided not to present their salary demands at the sectorial tables. According to a policy of the Common Front, these were to be negotiated at one central table for all employees.

The first negotiation meeting between FNEQ and the employer group took place on the 17th of June. The bargaining structure, the number of negotiation days per week, and the place(s) of negotiation were discussed. A similar meeting took place on the 23rd of August with FEC.

#### Sectorial Negotiations: A Deaf Dialogue (Sept. 1971-Feb. 1972)

During September and the first half of October FEC met with the employer group on three occasions and FNEQ twice. Having rejected a central table, the government deposited its salary offers at each sectorial bargaining table. The same occurred in other sectors. However, the unions refused to discuss them since they were still demanding a central table. On the 7th of October FNEQ decided to withdraw from the negotiations until the employer group presented a new set of offers which would take into account the union demands. By the middle of October the negotiations were suspended with both groups. The employers were still in the process of determining their bargaining structure (Sabourin, 1973).

Negotiations with FEC resumed one month later on the 15th of November. In the meantime it had made an official request to the Minister of Labour for conciliation. As during the previous

negotiations, since the government was a party on the employer side and at the same time responsible for appointing a conciliator, it decided not to appoint one. Negotiations continued throughout November and December (six meetings) on teacher participation, the possibility of negotiating certain issues at the local level, workload, and the working conditions of teachers in continuing education (Employer Minutes of Negotiation Meetings).

Negotiations at the FNEQ bargaining table resumed more than two months later on the 16th of December. During this time FNEQ had consulted its membership on the latest government offer. Most of the local executives had rejected the offers and had mandated FNEQ to demand conciliation whenever it judged appropriate. The parties did not meet again until the 7th of January 1972. In the meantime FNEQ requested conciliation on the 18th of December.

By the middle of December no agreement had been reached on a central table. Hence, the Common Front still refused to present its salary demands at sectorial tables. A strike in the public sector seemed inevitable to overcome the impasse (Le Devoir, December 18, 1971).

A few days before the Christmas holidays the CSN declared, "there is no future for Quebec in the present (capitalistic) system", (Le Devoir, Dec. 19, 1971). Also, it invited its members to reflect on the socio-economic system of the time. For this purpose, the president of CNTU, Marcel Pepin, had prepared a document entitled "Ne comptons que sur nos propres moyens." The other two centrals were also engaged in similar reflexions. Hence, by the beginning of 1972

the labour movement was having serious doubts about the possibility for workers to achieve their objectives within a capitalistic system.

Nevertheless, negotiations continued at the sectorial level throughout January and February. During these two months the employer group and FNEQ met on five occasions (Employer Minutes of Negotiation Meetings). The items discussed included teacher participation, grievance procedure and arbitration, union prerogatives, union dues, sanctions, departmental structures, workload, and the academic council. By the end of February agreements were reached on minor clauses such as the right for the union to distribute information and the collection of union dues.

FEC and the employer group met on seven occasions during the same two months. The issues discussed included workload, the possibility of negotiating certain issues at the local level, continuing education, union prerogatives, departmental structure, and the academic council. As at the FNEQ bargaining table, the parties did not discuss important monetary issues.

Parallel Negotiations at the Central and Sectorial Tables  
(March 1972-Apr. 1972)

On the 3rd of March, 1972 the first strike in the CEGEP sector occurred (Employer Minutes of Negotiation Meetings). Teachers at the "CEGEP de la Gaspésie" began an illegal strike since the college had refused to pay them a bonus for regional disparity of \$1,000 in their

individual contract; this, contrary to an arbitration award.

On the 20th of February the Common Front announced its salary demands. At the same time it decided to take a strike vote among its 210,000 members (Le Devoir, march 1, 1972). On the 5th of March the Common Front leaders met with the Civil Service Minister and again demanded a central table. On March 9, 68.5% of the union members rejected the government offers and mandated the Common Front to call a strike at the opportune moment (Boivin, 1975; Goulet, 1978). In the CEGEP sector the majority was even greater - 74.5% (Sabourin, 1973). The strategy of the unions began to pay off even before the vote was taken. On the 8th of March the Civil Service Minister announced at the National Assembly, "the government does not close any means of negotiation" (Le Devoir, march 9, 1972).

The union strategy did indeed pay off. Four days later the Civil Service Minister agreed to intersectorial bargaining (Central table). However, since the gap between the union demands and the government offers was more than \$400 million, the chance of a quick settlement was quite remote (Boivin, 1975). On the 13th of March, the government and the Common Front agreed to negotiate salaries, collective insurances, a pension plan, and job security for teachers at one central table (Sabourin, 1973). By the end of March little progress was made - both parties maintained their original positions. On the 28th of March a 24-hour general strike occurred in the entire public sector.

Because of the 24-hour strike the government obtained injunctions to prevent similar events in some psychiatric hospitals and the whole

of Hydro-Quebec (Boivin, 1975). Intensive negotiations took place during the next few days. The Common Front decreased its annual salary demand from 8% to 7% and proposed a \$100.00 minimum weekly wage as of the third year of the contract. The concessions decreased the gap between the parties' positions from about \$400 million to \$200 million. The government agreed to add \$11 million if the unions accepted an increase in working hours by approximately 2.5 hours per week (Boivin, 1975; Goulet, 1978). Although the salary gap decreased considerably, at the beginning of April the impasse still persisted.

During this time parallel negotiations were taking place at sectorial tables. However, as at the central table very little was accomplished by the beginning of April. Although the unions had expressed a desire to increase the rhythm of negotiations, the pace did not increase much. Throughout March and the beginning of April the employer group met eight times with FNEQ and five times with FEC.

During this period the main issue at the FNEQ bargaining table was workload. The government insisted on the 1 to 15 teacher-student norm whereas the unions were demanding a workload based on a number of student-teacher contact hours - STCH (see objectives of the parties). In early March the parties discussed the possibility of appointing a joint committee to study the unions' proposal. On the 27th of March most of the teachers affiliated to FNEQ went on a half-day strike (Le Devoir, March 28, 1972). They protested against the slow pace of the negotiations and requested four days of negotiations per week. According to the employer group this was not possible since the same negotiating committee met with both federations.

Most CEGEP teachers continued their pressure tactics for several days. On the 28th of March they participated massively in the 24-hour general strike called by the Common Front. On the 29th of March a group of teachers occupied the locals of the Federation of CEGEPs. The police had to intervene (Sabourin, 1973). On the 30th of March the parties signed an agreement to appoint a joint committee to study the unions' workload proposal. However, because of the continuous conflicts, the committee did not meet often and never presented a report. By the beginning of April three CEGEPs (Rosemont, Victoriaville, and Thetford Mines) were completely paralyzed by student and teacher protests (Le Devoir, March 30, 1972).

Towards the end of March and the beginning of April the rhythm of negotiations at the FNEQ bargaining table did in fact increase as a result of the pressure tactics. However, this was at the expense of FEC where, compared to January and February, fewer meetings were taking place. Since FNEQ represented a large majority of CEGEP teachers, the employer group saw a greater interest in reaching agreement with this group. Although the teacher unions affiliated to FEC also engaged in pressure tactics, such as massive absence for sickness, it was becoming clear that because of their small number they could exert little pressure on the employer group. In fact, during the month of March they began sending an observer at the FNEQ bargaining table (Employer Minutes of Negotiation Meetings).



General Strike and Work Stoppages (Apr. 1972 - May 1972)

At the beginning of April the Common Front requested the presence of the Civil Service Minister at the central table. The Minister refused. On the 6th of April negotiations broke down and a general unlimited strike of the entire Common Front was called for the 11th of April (Boivin, 1975).

During the strike injunctions in several hospitals were not respected as recommended by the Common Front leaders. However, the situation was different at Hydro-Quebec where the local unions obeyed the injunctions and withdrew from the Common Front. This first sign of discontent within the Common Front eventually led to a series of disaffiliations from CSN. Teachers at the Montreal Catholic School Commission, still bitter from their 10-week strike in 1967 terminated by special legislation (Bill 25), also withdrew from the Common Front.

On the 18th of April the government added \$21 million to its salary offer (Boivin 1975; Goulet, 1978). Also, it offered 1.7 million for the professional improvement of laid-off teachers. However, it still refused to grant them full job security. The Common Front rejected the offer claiming that it included the \$11 million previously offered and, furthermore, it simply was not enough. On the same day, the trials of union leaders who had refused to obey the injunctions began (Boivin, 1975; Goulet 1978).

On the 19th of April a meeting between the ministers involved in the negotiations and the presidents of the three centrals failed to resolve the impasse. On the 21st of April special legislation (Bill

19) was adopted to end the strike. The Bill legislated all striking employees back to work. It stipulated that if no agreement was reached by the 1st of June, the government would unilaterally determine the working conditions through a decree effective from July 1st, 1972 to June 30, 1974. Also, it provided heavy fines for those who did not respect the law.

The Bill was not clear in the event of a unilateral decision by the government. It did not specify if the decree would include the first government offers or the last. The next day, mostly because of the intervention of the Parti Québécois members, amendments were introduced which guaranteed the workers the last government offer.

Negotiations did not resume until the 6th of June. In the meantime the three leaders of the Common Front (the presidents of the three union centrals) were sentenced to one-year jail terms for contempt of court. They had encouraged union members to disobey court injunctions and Bill 19. Many local union leaders were also found guilty and fined (Boivin, 1975; Goulet, 1978).

The imprisonment of the union leaders had the effect of rebuilding some union solidarity greatly weakened during the 11-day general strike. It led to sporadic walkouts both in the public and private sectors. However, by March 16th the vast majority of workers were back at their work.

Another important feature of this period was the disclosure by the three Common Front leaders of political objectives underlying their demands. They maintained that since the government depended on business to maintain its power, it could not grant the \$100 minimum

weekly salary because it would create a pattern for the private sector. Consequently, as Boivin (1975, p. 262) points out:

... the Common Front leaders were using the public sector battle for the \$100 a week minimum for higher political objectives: the distortion of the private sector wage structure which, according to the union leaders' ideological position, should in turn lead to the breaking up of the capitalistic system.

During the later part of April and the month of May, negotiations at the CEGEP bargaining tables, as at most other tables, were also suspended. At a meeting with FNEQ and the 13th of April the employer group maintained that it suspended the negotiations until administrators, non-teaching professionals and non-unionized personnel would have free access to their work places (Sabourin, 1973). On the same day, a telegram was sent to FEC stating the same intention.

During this period several CEGEPs were occupied by students who protested against the extension of the semester (Le Devoir, April 15, 1972). Administrators wanted to extend the academic calendar to make up the days lost because of work stoppages. In three CEGEPs (Rosemont, Lionel Groulx and Saint-Jérôme) students had voted the expulsion of the administration and demanded self-management by a committee composed of students, teachers and other employees (Le Devoir, April 28, 1972). The teachers' strikes combined with the students protests made the CEGEP system one of the most turbulent sectors within the Common Front (Le Devoir, May 3, 1972).

The conflicts within the new CEGEP system were symptoms of a struggle for power by its constituents. According to some of the persons interviewed, most administrators maintained the administrative

styles of the integrated institutions (e.g. technical schools, classical colleges). These institutions being more homogeneous were much easier to administer. Furthermore, the fusion of several institutions into one CEGEP often resulted in a lack of leadership. The difficulty or unwillingness of administrators to adapt to new administrative structures and approaches contributed considerably to the adversary relationship among teachers, administrators and students. By the spring of 1972 the stage was set: Administrators wanted to maintain their managerial rights, students wanted to participate in the decisions that affected them, and teachers were demanding joint decision-making with the administration.

#### Intensive Negotiations at the Central Table (June 1972 - Aug. 1972)

Although no agreement was reached by June 1st, the government was reluctant to impose a unilateral decree in all sectors. It feared losing political prestige in the process (Boivin, 1975) and it could increase union militancy. The unions were also not interested in a unilateral decision by the government. In order to resume negotiations each party revised its strategy. The government replaced its entire bargaining team at the central table. The Civil service Minister was replaced by the Minister of Labour, who, contrary to his predecessor became actively involved in the negotiations.

On the union side, the jailed Common Front leaders had until now refused to exercise their right to appeal. Their strategy was to force the government to free them so that negotiations could resume.

The changes adopted by the government and the prospect of a new offer on job security for teachers, made the Common Front leaders review their strategy. They appealed their jail sentence and were quickly released. Another factor which contributed to revise their strategy was the creation on May 15, 1972, of a fourth provincial union central, "Centrale des Syndicats Démocratiques", better known as CSD. This new central was formed mostly of unions in the private sector that had disaffiliated from CSN as a result of the 11-day general strike. They maintained that the CSN had become too political. The civil servants' union had also disaffiliated from CSN. They had refused to stop sectorial negotiations while the Common Front leaders were in jail. (Boivin, 1975; Goulet, 1978).

Negotiations at the central table resumed on the 6th of June. The government made a new proposal on job security for teachers. The unions had requested full job security as it existed in most of the rest of the public sector. This had always been refused by the government, school boards and CEŒPs. The new government offer proposed an intersectorial job security, i.e., a teacher laid off in a school board or CEŒP, would have absolute priority in another institution or in the public service. A manpower agency would be established to administer the job security mechanism. Although the proposal did not save teachers full job security (if no job could be found for them they were out of work), the unions accepted the compromise. However, the school boards and the CEŒPs rejected the proposal. They feared the loss of an important managerial right - the power to hire and lay-off teachers (Boivin, 1975; Goulet, 1978).

At the end of June another special legislation (Bill 53) was adopted. The Bill extended to September 15 the date when the government would unilaterally determine the working conditions if no agreement was reached. Also, the Bill provided the possibility for the parties to jointly extend this deadline. The school boards and the CEGEPs were not in favour of Bill 53 since it maintained that if the government decided unilaterally, the last government offer would be adopted. This implied an intersectorial job security for teachers to which they objected.

During the month of July, considerable progress was made at the central table. The government accepted the \$100 minimum per week as of the third year of the contract and the Common Front accepted to increase the working hours of some employees. Also, the unions agreed to extend the collective agreement by an extra year. By the end of August the parties at the central table had almost reached agreement. However, the government insisted that it would not ratify any agreement unless the sectorial tables would reach agreement simultaneously (Boivin, 1975). In the education sector this was not likely to occur - job security for teachers still remained a major issue.

During this period no negotiations occurred at the CEGEP bargaining tables. Negotiations with both federations had reached an impasse. The last meeting at the FEC bargaining table occurred on the 18th of April. The parties did not meet again from there on. Except for a brief meeting on the 9th of June, the FNEQ bargaining table had not met since April 13 (Sabourin, 1973).

Towards a Government Decree (Sept. 1972 - Dec. 1972)

At the beginning of September it was clear that an agreement would not be reached by the 15th, especially in the education sector. The government once again faced the undesirable political alternative of determining unilaterally the working conditions of over 200,000 employees. According to some of the persons interviewed, the unions were resigned to let the government decide unilaterally. This approach was seen as a last attempt to restore some union solidarity. As Boivin (1975, p. 267) points out,

The union's rationale was quite simple: it was preferable to let the government unilaterally establish working conditions, since there was insurance that the last government offer would be maintained rather than to sanction an agreement which would be rejected by a substantial number of public employees.

In the education sector this attitude was encouraged by the fact that the intersectorial job security proposed by the government but rejected by the school boards and the CEGEPs, would be included in the government decree. Furthermore, in the CEGEP sector the unions were determined not to "surrender" as in 1969 to the government's power. If the government wished to impose an agreement on the unions, it would have to do so by a decree.

As mentioned earlier, the government did not want to impose an agreement for political reasons. Hence, it proposed to extend the bargaining period until December 15. Even though the Common Front refused, a compromise was reached. The bargaining period was extended until October 15 - if no agreement was reached by then; the government

would have to determine unilaterally the working conditions (Boivin, 1975; Goulet, 1978). During the following month an agreement was reached at the central table and at most sectorial tables. However, the impasse persisted in the entire education sector.

Negotiations at the FNEQ bargaining table resumed after five months on the 14th of September. Negotiations at the FEC bargaining table, also suspended for five months, did not resume. FEC representatives maintained that the gap between the positions of the parties was so large that it would be difficult to reach agreement within the established deadline. Hence, they refused to reconstitute their bargaining committee (Employer Minutes of Negotiation Meetings).

At meetings on the 14th and 15th of September FNEQ presented six issues upon which a negotiated settlement was essential. These were: workload, job security, classification, teacher participation, the right to file a grievance on the non-renewal of the contract of non-tenured teachers, and teacher certification. The parties met on two other occasions during the month of September. However, since both parties maintained their positions, the possibility of an agreement was quite remote. By the end of September the negotiations were again suspended. Eventually, the working conditions for both groups were determined unilaterally by the government. This was also the case for elementary and secondary teachers and for workers in Quebec liquor stores.

The first government decree in the education sector was adopted on the 16th of October. It determined unilaterally the salaries for all teachers in the public education system (Le Devoir, October 18,



1972). For all other issues the decree provided a mechanism which allowed the parties to present their concerns for a final decree to be adopted on the 15th of December. According to some of the persons interviewed, none of the unions made presentations. A final decree was adopted on the 15th of December.

#### The Declassification Conflict (Jan. 1973 - Dec. 1973)

Even though the working conditions were decreed, conflicts and negotiations in the CEGEPs did not terminate. A clause in the decree of December 15 maintained that teachers would be paid according to an academic classification (years of scholarship) determined unilaterally by the Minister of Education. Until this time teachers had been classified at the local level by CEGEPs and school boards. Different practices in these institutions resulted in teachers with similar studies being classified differently from one institution to the other. As a result, the government could not effectively control teacher salaries nor abolish the disparities. Furthermore, the decree removed a teacher's right to file a grievance on his/her classification.

At the beginning of 1973, the government issued provincial classifications for most teachers in the province. Approximately 35% of CEGEP teachers were declassified, i.e., the number of years of scholarship recognized by the government was less than that recognized by the CEGEPs (Nouveau Pouvoir, May 11, 1973). In some cases the decrease was as much as five years of scholarship. Consequently, many

teachers experienced a considerable loss in pay and projected revenue. What resulted was one of the major conflicts in the CEGEP sector.

At the beginning of March, 1973, Vanier CEGEP decided to pay the retroactive salary according to local classifications. As a result of this decision, the Minister of Education froze the funds of the CEGEP and named a trustee.

On the 19th of March FNEQ took legal action to have the decree annulled. It maintained that the decree did not respect a provision of Bill 53. The Bill provided that in the event of a government decree the last government offer would be part of the decree. The teachers maintained that the decree did not include the intersectorial job security which the government had offered at the central table, therefore, it was illegal. However, since the offer was made at the central table and since the legal framework did not recognize it, the court concluded then that the provisions of Bill 53 were respected by the decree, i.e., it did include all the government offers made at the sectorial tables.

On the 19th of March, 1973, CEGEP St. Laurent decided to follow Vanier's example and paid the retroactivity according to local classifications. Its funds were also frozen. By the beginning of April many other CEGEPs had followed the example of Vanier and St. Laurent (Le Devoir, April 6, 1973). On the 26th of March teachers at CEGEP St. Laurent reacted to the freeze of their retroactivity by stopping to teach (they were present in the locals of the CEGEP but did not teach their courses). On the 14th of April FNEQ demanded that the local classifications be respected and that the application of the

government classification manual be postponed until the 1st of June 1974 (Nouveau Pouvoir, May 11, 1973).

On the 7th of April the government and FNEQ met for the first time to discuss the conflict. By the 26th of April teachers at about thirty colleges had decided to stop teaching. Since the semester was coming to an end, it was also decided to withhold the students' grades. In the meantime several other CEGEPs were placed under trusteeship.

Although they had not been paid since March 27, on the 4th of May teachers at CEGEP St. Laurent rejected the ultimatum of the trustee to stop their pressure tactics or the semester would be annulled (Nouveau Pouvoir, September 21, 1973). On the 8th of June most teachers decided to submit the grades of students and continue the struggle in the fall. On the 11th of June the Minister of Education annulled the semester at CEGEP St. Laurent (Le Devoir, June 12, 1973).

Negotiations resumed in August. Eventually an agreement in principle was reached in early September. The agreement provided several appeal mechanisms for teachers declassified and joint committees empowered to revise the classification manual. According to some of the persons interviewed, most of the teachers declassified were eventually reclassified to their original classification.

#### THE OUTCOMES OF THE NEGOTIATIONS

A major result of the negotiations was a structural change. The unions achieved their major objective in the bargaining structure,

i.e., intersectorial bargaining (central table). As a result of this change, the outcomes of the negotiations will be divided into two groups: those at the central table and those at the sectorial tables. The outcomes at the central table will be divided into four groups: (1) salaries; (2) job security for teachers; (3) pension plans, and (4) collective insurances. Those at the sectorial tables will be grouped into six groups: (1) union prerogatives; (2) participation of teachers in the decision-making process; (3) classification; (4) workload; (5) professional improvement, and (6) continuing education. Except for very minor differences, the decree was the same for both teacher groups. Hence, no differences will be described between FNEQ and FEC.

#### Outcomes at the Central Table

##### Salaries

The unions were demanding \$100 minimum salary for 32 1/2 hours of work per week. The government agreed to this objective as of the third year of the contract (July 1, 1974 - June 30, 1975). On the other hand, the unions accepted an increase in working hours to 35 per week and agreed to extend the contract by an extra year. The four-year contract would expire on July 1, 1975 (Boivin, 1975; Goulet, 1978; Decree, 1972a; Decree 1972b).

The unions were demanding yearly salary increases of 8.1%. The government offered yearly increases of 5%. The outcome was yearly

increases of 4.8%, 5.3%, 6% and 6%.

One of the major monetary objectives achieved by the unions was the indexation of salaries to the cost of living. Public sector employees would receive lump sum payments at the end of each year of the contract (June 30) to take into account the increase in the cost of living. If the Montreal Consumers Price Index increased more than 2.8% during a contract year, the employees would receive the difference.

#### Job Security for Teachers

According to the agreement at the central table the principle of intersectorial job security for teachers was accepted by the government. However, the modalities of its application and its compulsory nature were vague. Due to the protests of school boards and CEGEPs, the government did not include in the different decrees its offer on intersectorial job security. The decrees provided for manpower agencies to assist teachers in finding jobs within their own sector (elementary, secondary or CEGEP). In practice, teachers did not acquire job security since the participation of school boards and CEGEPs in the job security mechanism was not compulsory. Furthermore, a teacher laid-off in one CEGEP did not have to be hired by another CEGEP. If no jobs were found for teachers laid-off, they were simply out of work with no salary. In essence then, school boards and CEGEPs maintained their right to hire and lay-off teachers. As Boivin (1975, p. 279) points out:

...the compromise seemed to have been the following: the government yielded the principle of job security to the Common Front but in practice it maintained the status quo...

### Pension Plans

A new pension plan was adopted as of July 1, 1973. The plan was compulsory for all public sector employees. Those employees who already participated in pension plans (teachers and civil servants) would have the option of remaining with their old plan or join the new one. Employees hired after the 1st of July 1973 had to join the new plan. The cost of the plan was assumed by a contribution of 5/12 paid by employees and 7/12 paid by the government (Boivin, 1975; Nouveau Pouvoir, Feb. 16, 1973). Since the new pension plan was adopted by an order in council, its negotiable character has often been a source of dispute.

Both parties achieved some satisfaction with the new pension plan. The government was able to decrease its contribution with respect to the existing plans. On the other hand, the unions were assured that at least the employees' contribution would be invested. With the old plan the employees' contribution went into the general revenue of the province. Hence, employees became concerned about the state of the plan at the time they would reach retirement.

### Collective Insurances

The government agreed to finance the entire cost of life

insurance. The amounts were \$3000 for married persons and \$2000 per single individual. Furthermore, the government agreed to an insurance to complement the provincial medicare program to cover the costs of prescriptions from doctors and dentists. The insurance was compulsory unless an employee had a similar insurance elsewhere. The government's financial contribution to the plan was double that of the employee up to a maximum of \$40 for a married person and \$16 for a single person (Decree, 1972a; Decree, 1972b)

The most interesting innovation of the collective insurances agreed upon was the salary insurance plan. Part of the sick-leave holidays was replaced by a long term plan for prolonged illness. According to this plan, teachers would receive 85% of their salary during the first year of their illness and  $2/3$  during the second year. On the other hand, the unions accepted to decrease the total number of sick days per year. Also, they conceded the accumulation of these sick days from year to year (Nouveau Pouvoir, Feb. 16, 1973; Boivin, 1975). Except for minor differences, the salary insurance is similar for other employees in the public sector.

#### Outcomes at the Sectorial Tables

##### Union Prerogatives

The unions had requested exclusive representation for teachers in all matters. The decree maintained a representation only in matters of labour relations and in regards to the application of the

collective agreement. The unions would not be able to elect teachers to the Board of Governors nor to committees in which teachers participated. For the academic council and the Board of Governors the teacher representatives would be elected by all teachers (members and non-members of the union). In the case of hiring committees the teacher representatives were elected by each department. The application of the Rand formula for union fees was maintained.

Furthermore, the decree provided some leaves of absence for syndical activities. Some of the leaves were at the expense of the union and some at the expense of the college. The unions would be provided non-confidential documents sent to all committees in which teachers participated. The unions could hold meetings within the locals of the college and they could distribute and post information.

#### Participation of Teachers in the Decision-Making Process

Again teachers did not achieve joint decision-making, one of their major objectives. The decrees maintained, as the previous agreements, the concept of compulsory consultation with non-executory powers. Contrary to FNEQ's objective to have only one committee for the participation of teachers in all matters, the decrees maintained the principle of parallel consultation, i.e., different committees would be consulted for different matters.

The decrees provided an academic council to be consulted by the college on academic and pedagogical matters. Specific items were identified upon which the consultation was compulsory. The



composition of the council was left for local negotiations, however, if no agreement was reached within the 30 days that followed the adoption of the decrees, the council would be composed of 8 teachers and 7 representatives of the administration. The decisions of the council would serve as recommendations to the administration.

The decrees also provided a labor relations committee to replace the professional relations committee in previous agreements. It was composed of three teachers elected by the union and three members appointed by the administration. The committee could make recommendations on all matters susceptible of maintaining, improving or developing good labour relations. It was also responsible for the application of the collective agreement. As the academic council, the labour relations committee had to be consulted on a list of specific issues. However, contrary to the academic council, some progress was made towards joint decision-making. If a decision at the labour relations committee was unanimous, it was binding on the college and the union.

The most interesting feature of the decrees was the mechanism for hiring new teachers. According to the decrees new teachers would be selected by a committee composed of a majority of teachers. Each department was to have its own selection committee. Each committee was composed of five members: three teachers appointed by the department and two members of the administration.

Furthermore, the decrees allowed the participation of teachers within a departmental structure. The number of departments was determined by the academic council. Each department was responsible

for a series of activities. Only teachers participated in departmental activities. Each department elected a department head among the teachers of the department. Release time was granted to a department head in order to coordinate the activities of the department. For this purpose, one additional teacher was allocated for every twenty full-time teachers or its equivalent.

Although teachers did not achieve joint decision-making, they did increase their participation in the decision-making process. They represented the majority on the academic council and the selection committees, unanimous decisions at the labour relations committee were binding on the college, and they were responsible for departmental activities. However, in spite of these concessions, the overall effect of the decrees was such that the administrations of the colleges maintained their control on the decision-making process.

### Classification

Much has already been said on this issue in the previous section. Not only the unions failed to achieve their objectives on classification, they also failed to maintain the provisions of the previous agreements. The government imposed a provincial classification for all teachers in the public education system. As a result teachers would no longer be classified at the local level. Also, they lost the right to file a grievance on their classification. They did not acquire the minimum classification of seventeen years of scholarship. The minimum in the decrees was twelve years. Also, they

did not obtain different methods for calculating the scholarship for different types of studies. Furthermore, the decrees did not allow the conversion of five years of experience to one year of scholarship. This prevented another objective of the unions, i.e., a single salary scale which would allow all teachers to eventually reach the maximum salary.

#### Workload

The workload was another issue where teachers made no gains. A joint committee was appointed during the negotiations to study the unions' proposal based on teacher-student contact hours. However, because the negotiations were suspended for several months, the committee never completed its mandate. Although both teacher federations and several CEEPs maintained that a single teacher-student norm favoured the CEEPs with fewer vocational programs, the government maintained the 1 to 15 norm of the previous agreements.

#### Professional Improvement

The unions were demanding 4% of the total teacher salaries for professional improvement. The previous agreements provided 1.2%. Again, not only teachers failed to achieve their objective, they also failed to maintain the status quo. The amount available for professional improvement was reduced approximately by one half.

According to the decrees, the government would provide \$100 per full-time teacher (or the equivalent) for this purpose.

#### Continuing Education

Contrary to the union demands, the decrees did not apply to teachers in continuing education. Only their hourly salaries were specified. Hence, although some of these teachers taught the same courses and had the same workload as teachers in the day division, they continued to be paid on an hourly basis and would not benefit from the provisions of the collective agreement (e.g. insurances, pension plan, tenure).

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## CHAPTER VI

### THE THIRD ROUND OF COLLECTIVE BARGAINING IN THE CEGEP SECTOR (1975-79)

#### INTRODUCTION

The third round of collective bargaining in the CEGEP sector was a continuation of the first two. Hence, the presentation of several bargaining objectives and outcomes will be somewhat repetitive. This is to be expected since, as defined in Chapter II, collective bargaining is an ongoing process. The major objectives of the parties (e.g., job security, workload, indexation, participation) were similar to those of the first two rounds. However, as we will see later, the outcomes were quite different. Teachers achieved most of their major objectives.

As the second case-study, this third study is concerned with both teacher federations in the CEGEP sector - FNEQ (CSN) and FEC (CEQ). By the beginning of the third round of collective bargaining the CEGEP system was complete. Teachers in all CEGEPs were unionized and all were affiliated to one of the two federations. A large majority was, as in 1971-72, still affiliated to FNEQ. Hence, the scope of this third case-study includes all teachers in the CEGEP sector.

As the first two, this third case-study will be divided into four sections: (1) the general environment prior to the third round of collective bargaining; (2) the objectives of the parties; (3), a summary of the negotiations; and, (4) the outcomes of the



negotiations. Contrary to the legislated framework, some issues were again negotiated at a central table for most public sector employees. Therefore, the outcomes of the negotiations will again be divided into two sub-sections: the issues at the central table and those at the two sectorial tables.

#### THE GENERAL ENVIRONMENT PRIOR TO THE THIRD ROUND OF COLLECTIVE BARGAINING

The general socio-political, economic, and legislative (labour) environment in Quebec until the 1960s has been described in the previous chapters. Consequently, this section will focus on the factors which occurred during the early 1970s. The purpose of this section is to identify the major events which influenced the third round of collective bargaining in the CEGEP sector. The model of collective bargaining developed earlier suggests that collective bargaining is influenced by external (social, political, economic and legal) and internal variables. Hence, the presentation is divided into four sections: (1) the socio-political environment; (2) the economic environment; (3) the legal framework for collective bargaining; and, (4) the environment within the CEGEP system.

##### The Socio-Political Environment

During its first mandate (1970-73) the Bourassa government received considerable support from the general public. As can be seen from Table 2 in Chapter III, the Quebec economy was booming in spite

of rising inflation and unemployment. Labour conflicts were at a minimum in the private sector and the anti-Bourassa labour movement was divided as a result of the Common Front strike in 1972.

In the fall of 1973 the Liberal government felt that the time was ripe for a provincial election. The Union Nationale lacked leadership and the economic policies of the Parti Québécois for an independent Quebec lacked credibility among the population. Four provincial budgets had been presented without tax increases and a new family allowance program was announced for January, 1974. Bourassa argued that the government had fulfilled its first mandate and a "new plan for action" was needed. Also, the electoral map had been redrawn and the National Assembly was therefore no longer representative (Saywell, 1977). Elections were called for October 29, 1973.

The Liberal party centered its campaign around Bourassa. The slogan for the campaign was "Bourassa builds". The Liberal platform was outlined in a document entitled "A NEW PLAN FOR ACTION" (Saywell, 1977). The plan emphasized support for federalism and rejected separation on the ground that it would seriously harm Quebec's economy. It proposed a decentralized federal system which would recognize the cultural sovereignty of Quebec at the constitutional level (McRoberts & Posgate, 1980). In the area of labour relations, Bourassa emphasized law and order (Saywell, 1977). Furthermore, the Liberals maintained that Quebec's economy was to be stimulated through the private sector.

The Parti Quebecois (PQ), under the leadership of René Lévesque, maintained that the Liberals had betrayed the "étatisme" trend of the

1960s. Furthermore, it emphasized that the objectives of the Quiet Revolution could only be achieved if Quebec separated from the rest of Canada (Saywell, 1977).

By election time three choices were available to Quebecers: economic growth, federalism, political stability and some form of cultural sovereignty promised by the Liberals; economic and political uncertainties of an independent Quebec proposed by the Parti Quebecois; and, the middle of the road approach proposed by the Union Nationale and the Creditists. The elections resulted in a victory for the Liberals unprecedented in Quebec's history: the Liberals elected 102 candidates, the PQ six, the Creditistes two and the Union Nationale none.

In spite of its overwhelming victory the Bourassa government soon experienced problems and criticism (Milner, 1978; Dupont, 1977). The considerable number of Liberal candidates elected left many backbenchers with time to develop their own private interests. The government was soon being accused of mismanagement, patronage and carelessness with public funds (Dupont, 1977). These impressions were reinforced by scandals surrounding several Liberals widely reported in the press.

The Bourassa government was the first Quebec government to adopt legislation (Bill 22, 1974) which declared French as the official language of Quebec. The Bill also legislated the language of instruction for public schools. From now on, to be admitted in English schools students would have to demonstrate a "sufficient" knowledge of the English language. The Report of the Gendron

Commission published in 1972 concluded that Francophones were absent in key sectors of the Quebec economy (McRoberts & Posgate, 1980). To rectify this problem, Bill 22 established a permanent commission to promote French as the working language. The Bill created a lot of dissatisfaction among Quebecers - some felt it went too far while others felt it did not go far enough to promote the French language.

During the second mandate of the Bourassa government, discontent grew considerably also within the labour movement. The Common Front strike in 1972 and the government decrees in the education sector had contributed to an adversary relationship between the Bourassa government and public sector unions. In the private sector, the "laissez-faire" attitude adopted by the Liberals resulted in major labour conflicts.

In March 1973, workers at the Firestone plant in Joliette went on strike for a period of ten months. Workers at Canadian Gypsum, also in Joliette, were on strike from May 1973 to March 1975 (Bergeron, 1975; CSN-CEQ, 1979). The solidarity of the labour movement in the region provided financial and moral support for the striking workers. These bitter and long strikes triggered a sense of cooperation among the labour movement.

Another major strike occurred in Thetford Mines. In April 1975, 3,500 asbestos miners in nine different locals affiliated to the CSN and the United Steel workers of America (AFL-CIO) went on strike for the first time since 1949. This seven-month strike was another sign of solidarity among the labour movement. Teachers and students staged walk-outs to support the striking workers. The experience of workers

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in Joliette served as a source of inspiration for the asbestos workers.

One of the major labour conflicts in the history of Quebec began in January 1974 at United Aircraft (Now known as Pratt and Whitney). The bitter strike lasted over 22 months. The use of scabs by the company not only prolonged the conflict, it also provoked one of the major labour debates within the province. The strike made it clear that the company was able to continue its production even though 2,000 employees were on strike. The protection which the company and the scab workers received from the police reminded of the approach used by Duplessis.

Probably the most controversial labour conflicts occurred in the construction industry. Bill 290 in 1968 called for negotiations in the construction industry at the provincial level. The law provided for a two-month period during which 100,000 construction workers would have to choose between FTQ, CSN and CSD (Centrale des Syndicats Democratiques). The central that would receive the majority of the votes would acquire the right to bargain on behalf of all construction workers regardless of their affiliation. During the campaign physical violence among workers resulted at several construction sites. Control over hiring procedures contributed to the violence. The major incident occurred at the James Bay hydro-electric project where a wrecking spree caused over 35 million dollars in damage.

Public opinion forced the Bourassa government to set up a royal commission to look into the violence and corruption within the construction industry. For this purpose, the "Cliche Commission" was

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— appointed in April 1974. The Commission presented its report in May 1975. Based on the recommendations within the report, the Bourassa government adopted legislation that placed four building trade unions under trusteeship. In addition, the legislation barred workers with criminal records from holding union office (Bergeron, 1975; Dion, 1976).

Other major conflicts, most notably a strike by 1,600 employees at the Montreal Urban Transit Commission in 1974, centred around the indexation of salaries to the cost of living. The labour conflicts on indexation paved the way for conflicts on wage control. In October 1975, the federal government adopted Bill C-73 on price and wage control. A similar legislation (Bill 64) was soon adopted by the Bourassa government. The labour movement throughout Canada contested the wage controls on the ground that they restricted free collective bargaining. Also, the unions maintained that only wages would be controlled and prices would continue to rise.

Although the Bourassa government was elected with an overwhelming majority in 1973, its credibility decreased considerably by the beginning of the third round of collective bargaining in the CEEF sector (the fourth in the public sector). Discontent with the Bourassa administration existed in all sectors (Milner, 1977; McRoberts & Posgate, 1980). Its most aggressive adversary was undoubtedly the labour movement.

## The Economic Environment

The early 1970s represent in many industrial countries the beginning of the most serious economic crisis since the depression of the 1930s. Since then, the economy can be characterized by "stagflation", i.e., the stagnation of production and at the same time by increases in unemployment and inflation (Fréchette et al, 1979; CSN-CEQ, 1979).

Although the Gross Internal Product (GIP) of Quebec and Canada continued to increase from 1972 to 1976 (see Tables 2 and 3 in Chapter III), it is important to relate these increases to other economic indicators in order to understand the "real" impacts. From 1971 to 1976 the Implicit Price Index (IPI) of the Canadian GIP increased by 60.8%. Hence, the increases in GIP both in Quebec and Canada were hardly keeping up with inflation. For example, in 1974 the Canadian GIP increased by 19.54% whereas the IPI increased by 18%. The steady increases of the Consumer Price Index (CPI) had a major impact on collective bargaining in all sectors. In fact, the indexation of wages to increases of the cost of living became one of the major objectives of the labour movement.

Unemployment, almost non-existent during the 1960s, also increased considerably during the 1970s. In Quebec it had reached 8.1% by 1975. In fact, the number of unemployed in Quebec doubled from 1970 to 1977 (CSN-CEQ, 1979). The building phase of the CEGEP system was complete by 1972. This, combined with rising unemployment, made job security one of the most important bargaining objectives.

The fact that the Quiet Revolution had come to an end with the Bourassa government is most evident with respect to Quebec's economy (McRoberts & Posgate, 1980; Milner, 1978). From its beginning, the Bourassa administration maintained that the growth of Quebec's economy could be best achieved through the private sector. For many, this was contrary to the "étatisme" of the Quiet Revolution which emphasized a greater involvement of the state in Quebec's economy.

One of the major priorities of the Bourassa administration was to encourage the investment of foreign capital in Quebec. As Duplessis, Bourassa was primarily concerned with creating a socio-political and economic climate that would attract American investment. To achieve this objective, the Bourassa administration adopted a "laissez-faire" attitude for the private sector and made remarkable concessions to American companies. For example, in 1972 it allowed Rayonier-Quebec, a local branch of I.T.I., to exploit over 50,000 square miles (12% of the Quebec territory) of forest land along the North shore of the St. Lawrence River (Bergeron, 1975).

In general, the third round of collective bargaining marks the beginning of an economic crisis. Furthermore, there was a lot of discontent with the economic policies of the Bourassa government. These factors influenced the militancy of CEEF teachers probably more than that of other workers. The academic and intellectual nature of their work enabled them to be more critical.



## The Legal Framework for Collective Bargaining

The legal framework for collective bargaining in the CEEF sector was determined by three pieces of legislation - the Quebec Labour Code which applied to all sectors, Bill 95 (1974) which applied to the public sector, and Bill 21 (1967) which established the CEEF system in 1967. In general, the legal framework was quite similar to that of the last round of collective bargaining. The Labour Code which applied to both the public and the private sectors provided the general framework. The other two laws added provisions for collective bargaining in the public and CEEF sectors.

The Labour Code adopted in 1964 had not undergone any major revision. Teachers had the right to unionize and to bargain collectively as well as the right to strike. Employers had the right to lock-out. Some provisions of the Labour Code were different for the public sector. An association of employees in the public sector had to send a written notice to the Minister of Labour eight days (two days in the private sector) prior to the beginning of a strike. As in the previous round, article 99 allowed the Attorney General to suspend the right to strike after a board of inquiry had been appointed by the Lieutenant Governor.

Since the adoption of the Labour Code, the same impasse procedures applied to both the public and private sectors. A conciliation period of 60 days was compulsory before the right to strike or lockout was acquired. Binding arbitration was possible only if both parties agreed.

As in past negotiations, Article 23 of Bill 21 (1967) imposed an additional condition to the legal framework for the CEÆP sector. This article maintains that the provincial government was a party on the employer side for the purpose of negotiating collective agreements in the CEÆP sector.

The legal framework for collective bargaining was completed by a third piece of legislation - Bill 95 - adopted on the 24th of December 1974. It replaced Bill 46 adopted for the previous round and which was to expire on June 30, 1975. The Bill applied to the education sector, social affairs (e.g. hospitals, community centers) and to all government agencies. As Bill 46, it reaffirmed two major principles: (1) the government was a party to the negotiation on the employer side; and (2) the negotiation would proceed at the provincial level. In spite of the important role which the central table played during the previous round of negotiations, it was not recognized by the legislation.

As far as the CEÆP sector was concerned, Bill 95 recognized three categories of employees - teachers, support staff and non-teaching professionals. On the teacher side both teacher federations - FNEQ and FEC - were recognized. On the employer side it recognized the Federation of CEÆPs and the Ministry of Education. The Federation of CEÆPs is a public corporation which represents all the CEÆPs for the purpose of the negotiations since 1975. In addition, it provides legal, administrative and labour relations services to its member colleges.

Furthermore, Bill 95 provided a time-table for the beginning of

the negotiation. The recognized parties were to agree, within the 90 days which followed the adoption of the legislation on the issues which were to be negotiated at the provincial level and those which were to be negotiated at the local level. If the parties failed to reach agreement within the fixed deadline, the Lieutenant Governor would decide by an order in council.

In addition to the above legislation, two other laws completed the framework for collective bargaining in the public sector. Bill 253 (1975) dealt with the essential services to be maintained during a labour conflict. The legislation applied mostly to the hospital sector. This was the first time that a provincial government was able to legislate on this highly controversial issue. Finally, as we have seen in the previous chapter, the Minister of the Civil Service was responsible for negotiating collective agreements to which the government was a party (Civil Service Department Act, 1969).

#### The Environment Within the CEGEP System

As we have seen in the previous chapter, the CEGEP system experienced a rapid growth. It was completed within five years. The fast rate of growth allowed for little questioning of the original orientation and objectives. Consequently, in 1973 the Ministry of Education invited the Superior Council of Education to conduct a study on the state and needs of the CEGEP system. The Nadeau Commission was established to fulfill this mandate. The report of the Commission, better known as the Nadeau Report, was published in July 1975, just

prior to the beginning of the negotiation. Some of its major recommendations will be briefly summarized.

In general, the Nadeau Report found that students were dissatisfied with the CEGEP system. The original goal of the CEGEP system was to prepare some students for the labour market and others for university. The findings of the study indicated that CEGEPs were not achieving this objective adequately. Furthermore, the CEGEP system had not been able to identify and ascertain its place between the secondary level and university education.

As far as CEGEP programmes were concerned, the Superior Council claimed that they lacked the flexibility to take the needs of students and society into account. Most programmes were found to lack general and specific objectives. According to the Report, the most serious weakness of CEGEP programmes resulted from the fact that they had been designed by academic specialists and they were conceived on the basis of abstract cultural and social needs. Also, the programmes focused too heavily on the demands of university programmes and employers. Finally, the Council maintained that the students had been forgotten in the development of programmes.

To correct the drawbacks of existing programmes, the Superior Council recommended a "formation par programme". Each programme would clearly identify its objectives and the activities required of students to achieve them. Some of these activities could take place outside of the CEGEP system (e.g. industry, hospitals).

The Nadeau Report also suggested that the administrative structures of the CEGEPs were not functioning well. Delays in the

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decision-making process warped the planning mechanisms; the presence of interest groups within the Board of Governors, often seen as representing constituencies, transformed the Board into a negotiating table and this distorted the whole meaning of participation; management centered on resources and activities caused administrators to be more concerned with means rather than with goals and objectives; and the hierarchical arrangement of responsibilities was based on respect for authority rather than on a sense of responsibility. In general, there were complaints within the college community that administrators were concerned more with procedures than with pedagogy. Services were often perceived as constraints rather than as supports. In addition, the faculty departmental structure did not meet the needs of academic life. The overall effect was that students were ignored and everybody wanted to participate in the decision-making process.

furthermore, the Report found that the administrative structure of the colleges was inspired, at least in part, by a mechanistic conception of the organization of resources. Consequently, the Superior Council recommended that a basic administrative unit had to be found which allowed a regrouping of pedagogical and administrative functions as well as the participation of all concerned groups in the decision-making process. To achieve this objective it recommended an administrative structure based on a "module" concept. As defined in the Report, a module was a basic operational unit grouping together the students enrolled in the same programme, their teachers, the socio-economic community, the support personnel, and administrative groups. Each module would be responsible for both the pedagogical and

administrative activities of a programme.

The Nadeau Report was heavily criticized by both teacher federations. Many other groups also found the recommendations of the report premature and not based on accurate information. The teacher unions maintained that the recommendations of the Report would decrease considerably the number of teachers in the CEGEP system. The Report recommended that a programme of studies should include only those activities directly related to the objectives of the programme. For example, there was no need for physical education courses within a nursing programme, or, for philosophy courses within vocational programmes. Both teacher federations were concerned with the abolition of courses and hence the teachers affected. Furthermore, the report recommended that some activities within a programme could take place outside of the institution. However, the report did not specify if these would be new activities, or, if they would replace other activities (e.g. classes, laboratories) conducted by teachers. Hence, the question arose again, "What would happen to the teachers affected?" Finally, the Report was criticized for emphasizing an approach which favoured specialization at the expense of a general education.

Both teacher federations also objected to the organizational structure recommended by the Report, i.e., the organization of programmes by module. Teachers and other groups maintained that the grouping together of all those involved in a programme (e.g. administrators, support staff, teachers) would decrease the communication among members of the same category of employees.

Teachers preferred to maintain a departmental structure which respected the autonomy of each discipline. For example, if organized by module, a group of Physics teachers could find themselves divided among several modules. The unions maintained that this would decrease academic and pedagogical exchanges among teachers and it would increase the power of administrators on academics.

The recommendations of the Nadeau Report were also not well received by other groups. Nevertheless, the government intended to make changes within the public college system. Consequently, the branch of the Ministry of Education responsible for CEGEP education (la Direction Générale de l'Enseignement Collégial-DIÆC) was mandated to study the needs of the CEGEP system. A report called "The Point of View of DIÆC on Collegial Education," better known as the "GTX Report" was published in December 1975, in the middle of negotiations.

The GTX Report was inspired mostly by the Nadeau Report. It proposed an "integrated system" of administration in which the administration of level B reports to its superior A on the activities for which C is responsible. Furthermore, the administration at level B recommends to its superior A on the hiring at level C. This implied that teachers, students and other groups would no longer be members of selection committees for administrators. In addition, they would no longer be consulted on the evaluation of administrators nor on the renewal of their contracts.

As the Nadeau Report, the GTX Report proposed a structure by programme. This implied the abolition of the departmental structure. DIÆC claimed that the structure by departments had not fulfilled the

objectives of the Parent Report. The latter had emphasized that students and professors should be grouped according to common interests. This would create a feeling of belonging which enhanced the academic progress of students and assured the growth of the student's collective way of life. However, the teacher unions believed that the Ministry of Education was using the pretext of student participation in order to impose a greater administrative control on academics.

The Report also proposed a new pedagogical regime. With the existing regime, a D.E.C. (CEGEP diploma) was obtained upon the completion of a fixed number of courses - 24 for general programmes (pre-university) and approximately 36 for three-year vocational programmes. With the new pedagogical regime, the number of courses would be replaced by a credit system. Both general and vocational programmes would require 60 credits. The existing vocational programmes converted to credits varied from 75 to 105 credits. Thus, the proposed changes would decrease vocational programmes from three years to two years, or, from an average of 90 credits to 60 credits. Since 47% of the students attending the CEGEPs at the time were in vocational programmes, it was estimated that the teaching personnel would be reduced by 15 to 20% if the proposed changes were adopted.

In addition, the new pedagogical regime decreased the number of compulsory English courses from 4 to possibly 1, 2, or a maximum of 3. The four compulsory Humanities courses would be abolished. They would be replaced by a maximum of 3 courses designed to achieve local institutional objectives. Physical Education courses would no longer



be compulsory. Furthermore, the Report recommended a decrease in the participation of teachers in the decision-making process at all levels. The number of teachers on the Board of Governors would decrease from 4 to 2. The academic council composed of a majority of teachers would be abolished. Furthermore, the administration would determine unilaterally the hiring criteria for teachers and other groups.

Needless to say, both teacher federations reacted strongly against the proposed changes. Not only the recommendations of the GTX Report violated the provisions on participation in the teacher contract decreed in 1972, they also abolished any form of participation in the decision-making process, in the determining of course content, in the development of programmes, in professional improvement programmes, in the distribution of workload, and in the selection of new teachers. In addition, the teacher unions maintained that the study was more concerned with administrative norms and controls than with academic and pedagogical concerns. As we will see later, these two studies had a considerable impact on the objectives of both teacher federations.

#### THE OBJECTIVES OF THE PARTIES

As mentioned earlier, this third round of collective bargaining can be viewed as a continuation of the first two - especially, concerning issues such as workload, the participation of teachers in the decision-making process, and job security. As we will see later

these, and the indexation of salaries to the cost of living, became the most important issues.

According to the legal framework described earlier, negotiations were to proceed at the provincial level. For this purpose, the two provincial teacher federations - FNEQ (CSN) and FEC (CEQ) were recognized as the bargaining agents for all CEGEP teachers. FNEQ represented 39 teacher groups with approximately 6,000 members and FEC represented 9 teacher groups with approximately 1,500 members (Negosi, Feb. 1976).

Although an attempt was made by the two teacher federations to negotiate jointly, each federation eventually conducted its own negotiation as in the previous round. Each federation presented its own demands. Therefore, the objectives of the teacher unions will be again referred to as those of FNEQ and those of FEC. On the employer side the same offers were made to both federations. The same negotiating committee negotiated with both teacher groups.

The purpose of this section is to describe the major objectives of the parties. These will be divided into ten groups: (1) union prerogatives, (2) teacher participation in the decision-making process, (3) professional improvement, (4) classification, (5) job security, (6) workload, (7) salaries, (8) continuing education, (9) other objectives, and (10) bargaining structure. The order of presentation is not in order of priority or importance.

### Union Prerogatives

The two federations demanded that a teacher could be liberated from his/her duties to participate in union activities; this without a loss of salary and fringe benefits. The employer group accepted the principle for union activities within the college. For activities outside the college the employer group maintained the provision of the decree, i.e., a maximum of 45 days for FNEQ and 20 days for FEC. Beyond this number the unions would have to pay for the release time (FNEQ Demands, 1975; FEC Demands, 1975; Employer Offers, 1975).

In addition, both federations demanded that some teachers be liberated to supervise the application of the collective agreement. The employer group rejected this demand categorically. It maintained that it was against a policy of the government to finance union activities.

Both federations also demanded, as the decree already provided, the possibility to hold union meetings within the locals of the college and during working hours. Furthermore, they demanded the right to distribute information and a local to serve as a union office. The employer group accepted these demands but it maintained, contrary to provisions within the decree, that the union meetings were not to occur during working hours.

### Teacher Participation in the Decision-Making Process

In the previous two rounds both federations demanded joint

decision-making. The approach this time was somewhat different. The unions were demanding permanent negotiation during the term of the collective agreement, i.e., the parties would form several committees to negotiate matters in dispute. Also, this time the unions were not demanding one committee to be consulted on all matters (e.g. academic, pedagogical and syndical). The objective of college administrators during the previous rounds to differentiate between the consultation on academic matters and that on working conditions was achieved at the outset. This remains one of the major achievements of college administrators. The division in this type of consultation has often created major splits within teacher groups - those who favour a syndical approach and those concerned with pedagogical and academic matters.

#### The Academic Council

Bill 21 which established the CEGEP system in 1967 provided an academic council to make recommendations to the Board of Governors.

Article 17 states:

Le conseil établit une commission pédagogique (academic council) dont la fonction principale est de l'aviser sur l'organisation et de développement de l'enseignement et sur les nomination aux fonctions de direction pédagogique.  
Les membres de cette commission sont nommés par le conseil, mais au moins trois doivent être choisis parmi les personnes désignées par les professeurs du collège.  
Le directeur des services pédagogiques est membre ex officio de la commission pédagogique.

Although it was provided by law, the unions had negotiated the mandate

and composition of the academic council since 1967. In fact, the decree in 1972 provided for a teacher majority on the council.

The employer group maintained the principle of compulsory consultation which had existed since the beginning of the CEGEPs. Specific issues were identified upon which the college had to consult the academic council before proceeding. However, the decisions of the council would remain recommendations to the college. The council would be composed of representatives of the three categories of employees (teachers, support staff and non-teaching professionals), students, and the administration. Teachers would no longer constitute the majority. The voting procedure was by individual members.

The position of the two federations on the academic council was somewhat different. FNEQ demanded that the academic council constituted a meeting of the parties where agreements could be negotiated. Hence, the voting would proceed according to the parties represented and not by individuals. FNEQ agreed that all parties within the college should be represented. Contrary to FNEQ, FEC maintained that the academic Council should be composed only of teachers. Both federations maintained that the decisions of the council should bind the union and the college. As we will see later, FEC eventually dropped its demand on the academic council. It was replaced by compulsory meetings between the parties. Furthermore, FNEQ demanded a "national" academic council to be consulted by the government on academic and pedagogical matters at the provincial level.

### The Labour Relations Committee (C.R.T.)

Both federations demanded that the CRT was a permanent parity committee for the purpose of negotiating all matters related to working conditions and, more specifically, to the interpretation and application of the collective agreement. The employer group agreed with the principle of permanent negotiation; however, it wanted to restrict the mandate of the CRT to the interpretation and application of the agreement. The decisions of the CRT were binding on the college and the union.

In addition, the employer group wanted to limit the number of possible meetings on a given issue. Hence, if no agreement was reached at a first meeting, a second meeting would automatically occur within the next three days to reconsider the same issue. If no agreement was reached at this second meeting, the college could proceed unilaterally.

### Departmental Structure

Both federations demanded that teachers be grouped by departments. According to the existing decree the functions of the department were exercised under the authority of the college. The unions demanded that the functions of the department should be exercised through departmental meetings only and not subject to the administration's authority. Furthermore, they demanded that the department, could elect more than one person to coordinate the

activities of the department.

The employer group maintained the provisions of the decree, i.e., the activities of the department were to be exercised under the authority of the college and the department was to elect only one person (a department head) to represent the department.

#### Selection of Teachers

The unions demanded that the selection of new teachers was the responsibility of the department. It would determine the criteria for selection and appoint a selection committee for the purpose. The college could not hire a teacher without the consent of the department.

The employer group proposed the provisions of the existing decree. The college would appoint a selection committee for each department. Each committee was composed of 5 members: 2 representatives of the college, the department head and 2 teachers chosen by and among the teachers of the department. The role of the selection committees was to make recommendations to the college. Contrary to the unions' demands, the college could hire a candidate not recommended by a selection committee.

#### Professional Improvement

Both federations-- were demanding a committee to determine programmes and criteria for the professional improvement of teachers.

The committee would also be responsible for administering the budget allocated for this purpose. However, there was a considerable difference on the compositions of the committee. FNEQ demanded a permanent committee with a representation by party (the principle of permanent negotiation). The committee would serve to negotiate agreements regarding professional improvement. FEC, on the other hand, demanded for a committee composed of teachers only. Furthermore, both federations demanded a professional improvement budget equal to 2% of the total salary of all teachers at the college.

The employer group proposed a committee of six members - 3 representatives of the college and three teachers appointed by the union. The committee was consultative. Its mandate was to make recommendations to the college on professional improvement programmes and on the selection of teachers. The budget allocated was the same as within the decree, i.e., \$100 per full-time teacher or the equivalent.

#### Classification

The unions demanded a local committee to classify teachers temporarily. Also, they demanded that the "Manuel de Classification" of the Ministry of Education used to classify teachers according to years of scholarship be negotiable. Furthermore, they demanded that the minimum classification for a teacher at the CEGEP level should be sixteen. The objective was to reduce the salary gap between the lowest and highest paid teachers. The unions maintained that some



teachers were earning less than some students graduating from vocational programmes. In addition, the unions demanded the recognition for a half-year of scholarship.

The employer group maintained that the "Manuel de Classification" was not negotiable. Also, it proposed to abolish the committees established as a result of the declassification conflict in 1973. At the local level, it maintained that the provisional classification of a teacher would be determined unilaterally by the college. Recognition for a half-year of scholarship as well as the minimum classification of sixteen years of scholarship were both rejected.

#### Job Security

As we saw in the previous chapter school boards and CECEPs were successful in preventing the government from granting teachers job security similar to that of other public sector employees. However, it became more and more difficult for the government to justify job security for some of its employees and not for others.

Consequently, the employer group proposed provincial job security for tenured full-time teachers with three years of seniority. A teacher with job security and without a full-time workload would be placed on availability. He/she would have to accept a job at any other college in the province if a full-time job became available in his/her discipline(s). A teacher maintained all his/her rights (e.g. tenure, seniority) when transferred. If a job was not found in another college, the teacher remained at his/her college. However,

after one year on availability the teacher's salary would be frozen.

The positions of the two federations on job security were considerably different. FNEQ demanded job security after one year of teaching. FEC demanded an immediate job security for all teachers in the CEGEP sector at the time. In the future it should be acquired at the time of hiring. Both federations demanded that a teacher on availability maintained all his/her rights including salary increases. However, the two federations had different positions on the application of the job security. FEC demanded that it applied at the institutional level; whereas, FNEQ proposed, as the employer group, job security at the provincial level.

#### Workload

As we have seen in the previous two chapters the workload of teachers constituted one of the major issues in the negotiation. The government was able to maintain a teacher-student norm of 1 to 15 since the beginning of the CEGEPs. The unions had continuously objected to this norm since it favoured colleges with fewer vocational programs. Although some CEGEPs recognized this fact, the government had maintained the 1-15 norm in the decree of 1972.

The decree provided for a study on the workload of teachers in the public education system. Article 11-1:05 stated:

Le Ministère (Ministry of Education) met sur pied une commission d'étude dont le mandat sera de proposer des méthodes, systèmes pouvant permettre une utilisation optimale des ressources humaines actuellement affectées au système d'éducation, compte tenu des orientations pédagogiques du

Ministère, des disponibilités financières et de priorités collectives du Québec.  
La commission examinera les systèmes existants tant au Québec qu'à l'extérieur.

In April 1973, the "Commission d'Etude de la Tâche des Enseignants Collégial" (C.E.T.E.C.) was appointed to study the workload of teachers in the CEËP sector. The CETEC presented its three volume report (La Tâche des Enseignants du Collégial, Tome I, II and III) in June, 1975. The CETEC recommended that the norm of 1 to 15 be abolished. It recommended that the number of teachers allocated to a college be based on a standard teacher workload negotiated with the teacher unions. Furthermore, it recommended that the new mechanism be implemented progressively over several years.

The employer group based its proposal on workload on the recommendations and findings of the CETEC. The commission found that for the academic year 1973-74 the workload of CEËP teachers compared well with that of similar institutions in North America. During this year the real teacher-student ratio was 1 to 14.53. Many CEËPs especially those with a high percentage of vocational programmes, hired more teachers than they were allowed by the 1-15 norm. The employer group converted this ratio into another ratio based on weekly student contact hours (SCH). A teacher-student ratio of 14.53 was found to be equal to a teacher - SCH ratio of 1 to 360.

Consequently, the employer group abandoned the institutional norm of 1 to 15 and proposed a provincial norm of one teacher for every 360 SCH. This new norm would take into account the fact that some students took more courses than others. Hence, the number of teachers allocated to the CEËP system would depend not only on the number of

students as with the 1 to 15 norm, but also on the number of courses that they followed. Once the total number of teachers was determined, they would be distributed among the CEGEPs according to one of the methods (Formula H) proposed by the CETEC. Formula H took into account the preparation, teaching hours, correction and the number of students in every course. It determined a ponderated teacher-student ratio for each college. The ponderated ratio served to allocate a number of teachers to each CEGEP. The employer group proposed to implement this new mechanism over a period of three years.

Both teacher federations favoured the abolition of the 1 to 15 norm. However, they demanded, as in the past, that the number of teachers allocated to a CEGEP should be determined by a maximum individual workload. FNEQ demanded that the annual workload of a teacher should not exceed 25 teaching periods per year. This included a maximum of two different courses per semester. The workload should be decreased by three hours for every additional new course. FNEQ's demand also provided for a maximum of 220 students (110 per semester) per teacher, a maximum of 30 students per class, 15 per laboratory group and 7 per practical work groups outside the college. FEC's demand was similar except that its maximum class size was 25. The cost of the unions' demands amounted to an increase of approximately 40% (Employer Minutes of Negotiation Meetings, 1975-76).

In general, a considerable difference existed between the approach of the employer and that of the unions. The unions maintained that the workload of teachers was different from one discipline to another and from CEGEP to CEGEP. To equalize the

workload the unions demanded additional teachers. On the other hand, the employer group maintained that the number of teachers in the CEEP system was sufficient. Hence, the workload should be equalized by distributing the number of teachers among the CEEPs differently. This would be accomplished by the proposed formula H.

### Salaries

The government decree of 1972 provided for the indexation of teacher salaries to increases in the cost of living. At the end of each school year, teachers received a lump-sum payment to cover part of the increase in the cost of living during the past year. However, these increases were not integrated in the salary scales. Consequently, in September 1975 teachers were paid according to the same scales as in 1972. This represented approximately 20% less than what they had earned the year before.

The government offers were based on three major principles: (1) an update of the salary scales; (2) a restructure and reorganization of the salary scales to harmonize the salaries in different sectors (equal pay for equal work); and (3) catch-up increases (CSN, 1976). On the other hand, the Common Front had five major objectives: (1) a catch-up increase of 23.5% due to increases in the cost of living during the past three years; (2) a minimum salary of \$165 per week; (3) a single reference scale for all sectors; (4) a collective enrichment increase of 5% per year; and (5) the indexation of salary scales every trimester (CSN, 1975).

The salary demands of the Common Front were the same for all teachers in the public sector. As in the past, teachers demanded a single salary scale that integrated scholarship and experience. This would allow all teachers to eventually achieve the maximum salary. The government offers maintained the provisions of the decree, i.e., seven salary scales (one for each year of scholarship from 14 to 20). It was not possible to pass from one scale to another unless a teacher acquired an additional year of scholarship.

Since the salary scales had not been indexed, teachers, as members of the Common Front, were demanding a catch-up increase of 23.5 for the first year and yearly increases of 5% for a three-year contract. This meant an increase of more than 28.5% for the first year. As mentioned earlier, the salary scales were to be indexed to increases in the cost of living every trimester. The government offered an average increase of 28% for the first year, 8% for the second year, and 6% for the third year. The salary scales would be adjusted at the end of each academic year if the cost of living increased. The adjustment would be equal to the increase in the cost of living during the previous year minus 8% for the first year, 6% for the second year, and 4% for the third year (Négosi, 1975).

#### Continuing Education

Both federations demanded the integration of continuing education into the day division. This implied the full application of the collective agreement (e.,g. job security, workload, tenure, selection

of teachers) to all teachers in continuing education. In general, not only were their working conditions worse than those of day-time teachers, they were also paid less.

The employer group proposed a limited application of the collective agreement to continuing education teachers. For example, they would not be eligible for tenure, job security or be able to participate in departmental meetings. They would be hired without any input of the departments and their workload would be determined unilaterally by the college. Furthermore, they would continue to be paid on an hourly basis.

#### Other Objectives

The unions demanded that the collective agreement should apply to all teachers. The employer maintained that it applied only to those teachers who taught courses officially recognized by the Ministry of Education.

Both federations also demanded that tenure should be acquired at the end of the first year of teaching. The employer group maintained the provision of the decree, i.e., it was acquired after a probation period of two years.

Concerning the teachers' presence at the college, the unions demanded that it should not be obligatory unless required by a specific duty. The employer group demanded compulsory presence, i.e., a teacher should be present in the locals of the college at least 32 1/2 hours per week.

In addition, both federations demanded maternity leaves with full pay. FNEQ demanded a leave of 15 weeks whereas FEC demanded 20 weeks. In both cases the teacher would not lose any rights during the leave. The employer group proposed a leave of 17 weeks of which 15 were paid by the unemployment insurance. The other 2 weeks were at the expense of the teacher. However, accumulated sick days could be used for this purpose. A teacher on a maternity leave would retain all the acquired rights.

The pension plan for all public sector employees (Régime de retraite des employés du gouvernement et des organismes publics RREQP) established in 1973 by government legislation and the old teacher pension plan were both administered unilaterally by the Government. The unions proposed the administration of the plans by a bilateral committee with equal representation and a neutral president (Nouveau Pouvoir, April, 1975). The government maintained the status quo.

#### Bargaining Structure

As we have seen in the previous section the legal framework did not recognize the central table although it had played an important role during the previous round of collective bargaining. Nevertheless, the largest three provincial centrals (CSN, CEQ and FTQ) formed a second Common Front and demanded to negotiate major monetary issues, such as salaries and pension plans, at one central table for all their members (approximately 200,000). At the beginning of the



negotiations the Government again maintained that all issues, including salaries, would be negotiated at sectorial tables. However, as we will see in the next section, the Government again changed its position.

#### SUMMARY OF THE NEGOTIATIONS

The last round of collective bargaining in the education sector was terminated by a government decree. For the coming negotiation the government wanted to avoid a second decree and its negative political consequences (Ministere de l'Education, 1977). On the other hand, the unions, somewhat weakened by the events of the previous Common Front, intended to capitalise on this fact. Having decreed the existing working conditions, the government was in a weak political position to decree again.

Most public sector unions again presented a Common Front to the government. This organizational structure allowed them to coordinate demands at different bargaining tables and to negotiate some major monetary issues at one central table.

The second Common Front adopted two major changes in strategy. Instead of the presidents of the three centrals (FTQ, CSN, CEQ), three coordinators - one from each central - were appointed to coordinate the negotiations and to intervene with the government. This avoided the internal conflicts of 1971-72 since the coordinators would intervene on behalf of public sector members only. Secondly, the Common Front did not adopt a general strike strategy as in 1971-72. It preferred a series of escalating walkouts.

For most employees the negotiations began in the Spring of 1975 and terminated in the Fall of 1976. In the CEGEP sector FNEQ reached an agreement in May 1976 and FEC in June of the same year. A salary agreement was reached at the central table also in June. For the purpose of clarity, the major events of this period will be divided into seven parts: (1) the preparation period; (2) a slow progress; (3) the beginning of pressure tactics; (4) a blitz in the negotiation; (5) Bill 23; (6) an agreement in principle; and (7) the agreement at the central table.

#### The Preparation Period (Jan. 1975 - July 1975)

The first meeting between the employer group and FNEQ occurred on the 29th of January, 1975. With FEC the first meeting occurred on the 13th of February (Employer Minutes of Negotiation Meetings, 1975-76). During the month of February the parties agreed on the number of teachers to be released from their duties to participate in the negotiations. Twelve teachers would be released on a part-time basis (8 full-time equivalent) to negotiate on behalf of the teachers affiliated to FNEQ. Five teachers would be released on a full-time basis to negotiate on behalf of FEC.

During the same month the parties also agreed, according to provisions of Bill 95, to negotiate all issues at the provincial level. Some issues could be negotiated at the local level within a framework agreed to at the provincial level. Both teacher federations also demanded to negotiate salaries at one central table for all the

members of the Common Front. The employer group maintained that the legal framework did not provide a central table, hence, all issues would be negotiated at sectorial tables (Employer Minutes of Negotiation Meetings, 1975-76).

The first official negotiation meeting with FEC occurred on the 7th of April. With FNEQ the first meeting occurred on the 10th. At its first meeting FEC exposed the general objectives on job security. It demanded, along with the rest of CEQ, immediate job security for all its members. For the future, it demanded job security for all workers in the education sector. At its first meeting FNEQ demanded to negotiate three days per week. The employer group did not agree since the same negotiation committee was negotiating with both federations.

On the 17th of April FNEQ presented an incomplete set of demands. The issues presented were union prerogatives, teacher participation in the decision-making process, professional improvement, job security and workload. Among the major issues missing were the pension plan, insurances, social leaves, and salaries. The first reaction of the employer group to FNEQ's demands was positive. At a meeting on the 23rd of April the employer group maintained,

Ce projet semble plus réaliste que l'ancienne demande. Les mécanismes de participation qui y sont élaborés cherchent à favoriser une gestion qui aurait comme point de départ, l'entente entre les parties... Le projet dans son ensemble est intéressant et nouveau... Les chapitres sur la participation, la tâche et la sécurité d'emploi sont sujets à une recherche commune.

On the 6th of May FEC presented its demands on job security only. At the same meeting it demanded to negotiate four days per week. The

employer group maintained it disposed three days per week to negotiate with both federations. The parties met again on the 2nd of July. At this meeting FEC presented its demands on teacher participation, workload, and parental rights.

No other meeting occurred with either federation during the month of July. The employer group decided to take a one-month vacation. In the meantime, most collective agreements in the public sector including the decree for CEGEP teachers expired on the 30th of June. During the month of July the teacher groups affiliated with FEC made a request to the Minister of Labour for conciliation. Hence, within 60 days they would acquire the right to strike and employers the right to lockout.

#### A Slow Progress (Aug. 1975 - Oct. 1975)

Negotiations resumed on the 5th of August with FNEQ and on the 12th with FEC. At these meetings the employer group deposited similar offers to both groups on the following issues: definitions, jurisdiction, union prerogatives, teacher participation in the decision-making process, social benefits, professional improvement and grievance procedures. Missing were major issues such as job security, workload and salaries. The unions' reaction to the employer proposal was far from positive. Both federations maintained that it would be difficult to arrive at a quick settlement. Some of the offers were a drawback with respect to the decree and others did not satisfy their objectives. Nevertheless, negotiation continued with both groups.

During the month of August FNEQ met with the employer group on the 12th, 13th, 14th, 21st and 26th (Employer Minutes of Negotiation Meetings). The negotiation focused mostly on the participation of teachers in the decision-making process. The parties agreed that the labour relations committee (Comité de Relation de Travail - CRT) would constitute a meeting of the parties, i.e., a form of permanent negotiation. However, disagreement persisted on the mandate of the committee. The employer group maintained that only the administrative decisions related to the application of the collective agreement should be discussed at the CRT. FNEQ maintained that the committee should deal with any issue submitted by either party. Disagreement persisted also on the composition of the academic council. The employer group proposed a council of 16 members including 5 teachers designated by the union. This represented a drawback with respect to the decree which gave teachers a majority (8/15) on the council.

During the same month two meetings occurred with FEC. The negotiation centered mostly on continuing education. FEC maintained its demand for a full integration to the day division. This would provide similar working conditions for all teachers at the college. The employer group maintained a restricted application of the collective agreement.

During the month of September five negotiation sessions occurred with FEC. The discussions centered on the integration of continuing education, tenure, and the participation of teachers in the decision-making process. Regarding tenure FEC maintained that it was a recognition of a teacher's competence and it could not be revoked

once obtained. Tenure was acquired after one year of full-time teaching. The employer group maintained that tenure did not imply eternal competence and that it was acquired after a probation period of two years. Concerning the departments, FEC maintained that their decision (e.g. distribution of workload, selection of teachers) should no longer be subject to the college's approval. Also, instead of one department head it should be possible to elect one or several departmental coordinators. On the academic council the union maintained that it should be composed only of teachers. The employer group was receptive to the idea of coordinators; however, it maintained its position on the academic council, i.e., all groups of employees should be represented. Disagreement on the CRT persisted. FEC demanded the right to file a grievance on the decisions of the college if an agreement was not reached after one meeting. The employer group proposed a second meeting to resolve a disagreement. However, if the disagreement persisted the college could proceed unilaterally.

During the month of September, five sessions occurred also with FNEQ. The parties discussed issues such as the jurisdiction of the collective agreement, availability to the college, tenure, and syndical leaves. FNEQ maintained its position that the collective agreement should apply to all teachers. On the other hand, the employer group maintained that it applied only to those who taught courses recognized by the Ministry of Education. The employers also maintained that teachers should be present at the college at least 6 1/2 hours per day. The union persisted that presence should not be

compulsory unless it was necessary (e.g. teaching hours, committee work). FNEQ also maintained its position that tenure was acquired after one year of full-time teaching. The employers on the other hand demanded a probation period of two years. Disagreement also persisted on syndical leaves. FNEQ demanded a series of syndical leaves without loss of pay. The employers agreed for leaves for activities within the college. For activities outside the college the union would have to reimburse the college.

By the end of September most employees in the public sector were engaged in negotiation. The rhythm was similar to that in the CEGEP sector - slow (CSN, 1976). On the 29th of September the Common Front presented its salary demands to the government on behalf of approximately 200,000 employees mostly from the hospital and education sectors. In the meantime, the government continued to refuse a central table.

During the month of October three meetings occurred with FEC and ten with FNEQ. With FEC disagreement persisted on syndical leaves. Also, the employer group presented a new proposal on the professional improvement committee. As for the CRT, it agreed to a permanent committee grouping both parties (principle of permanent negotiation). Each party would delegate two representatives. FEC maintained that the committee should be composed of teachers only and the college would have a veto power over the committee. The discussions on this topic brought forth a new approach by FEC on participation. It began to reject consultative participation in favour of compulsory meetings (permanent negotiation) between the college administration and the

local union.

The negotiations with FNEQ focused on disciplinary measures, grievance procedures, an employer counter-proposal on the CRT, the academic Council, and the professional improvement committee. The new offers enlarged the mandate of the CRT and accepted the composition proposed by FNEQ, i.e., a minimum of three representatives from each party and a maximum of seven. The academic council would remain a consultative committee; however, unanimous and majority decisions would bind the college. Also, it proposed to leave the composition of the council for local negotiation. Concerning the professional improvement committee it proposed, in addition to what was presented to FEC, that the decisions of the committee would bind the parties. By the end of October the parties had signed a series of minor clauses on grievance procedures and the CRT (Employer Minutes of Negotiation Meetings).

As we have seen, during this period none of the major monetary issues were discussed at either tables. The situation was similar in the negotiation of most other groups. However, in the hospital sector several unions, mostly affiliated to CSN, began to walk-off their jobs to protest against the slow progress of the negotiations. Four months after the collective agreements had expired the government had still not presented its offers on major issues such as workload, job security in the education sector, and salary. A series of injunctions were granted by the Superior Court to prevent sporadic walkouts in several hospitals. As we will see later, these events marked the beginning of escalating walkouts in the hospital and the education



sectors.

The Beginning of Pressure Tactics (Nov. 1975 - March 1976)

On the 7th of November the employer group presented to both federations its offers on workload, job security and salaries described earlier. This confirmed the government's intention to negotiate all issues at sectorial tables. During the month of November both federations - as well as the rest of the Common Front - rejected the offers and maintained their demand to negotiate salaries at one central table. They rejected the salary proposal mostly because it conformed to the provincial and federal price and wage controls which they rejected.

FEC's reaction to the government offers was much more aggressive than FNEQ's. It threatened to withdraw from negotiations if the employer group would not present more serious offers (Employer Minutes of Negotiation Meetings). This behaviour was also encouraged by the administration of several colleges which denounced the government salary offers (CSN, 1976). FEC rejected the workload proposal since it implied a decrease of approximately 500 teachers over a period of three years. The job security offer was rejected because it created two types of tenured teachers - those with job security and those without.

During the month of November there was a considerable change in the attitudinal behaviour of the two federations (Employer Minutes of Negotiation Meetings). FEC's attitude became very adversarial as a

result of the government offers. On the other hand, FNEQ adopted a more conciliatory approach. After it rejected the government offers, FNEQ proposed to continue negotiations on minor issues. As a result of this attitudinal change, an increase in the rhythm of negotiation occurred with FNEQ. During the months of November and December 13 negotiation sessions occurred with FNEQ and only 6 with FEC. As we will see later, FNEQ's strategy had a greater impact on the final settlement.

The government offers on job security, salaries and workload had the effect of solidifying the Common Front. On the 16th of November it held its first Orientation Council (CSN, 1976). Over 750 delegates participated. Several positions were adopted at the council: all local unions would demand conciliation before the 1st of December, a request would be made to the government to revise its offers, salaries would be negotiated once the sectorial issues were well advanced, and a plan for pressure tactics would be developed. The possibility of a general unlimited strike was excluded at that moment. Instead, the Common Front adopted a plan of escalating sporadic walkouts (CSN, 1976).

It did not take long for CEGEP teachers to implement the pressure tactics adopted by the Common Front. On the 19th of November over 10,000 teachers (elementary, secondary and CEGEP) participated in a one-day strike in the Montreal area. On the 21st, most CEGEP teachers participated in a one-day walkout. On the 28th of November, all teacher unions affiliated to FNEQ - along with most unions in the Common Front - demanded conciliation (CSN, 1976). Hence, the legal

right to strike would be acquired within 60 days.

During the month of December the strategy of the two federations remained quite different. FEC decided to negotiate only job security and workload whereas FNEQ negotiated all issues except salary. Nevertheless, no major progress was achieved at either table by the end of the month. FEC maintained its position on job security at the time of hiring, tenure after one year and on a maximum individual workload. The employer group continued to reject these proposals. At the FNEQ bargaining table some progress was made on issues such as teacher participation in the decision-making process, professional improvement and grievance procedures.

During the month of December pressure tactics increased on both sides. At the elementary and secondary levels several school boards locked out teachers. On the 6th of December Oswald Parent, the Civil Service Minister responsible for negotiations, maintained in a televised press conference that the government offers to teachers were in many cases better than the working conditions in Ontario. In the meantime, several groups announced their support for teachers. Parent groups at several schools kept their children at home in support of teachers' demands. Several school boards followed the example of three CEEPs and denounced the government offers.

On the 10th of December over 5,000 teachers in the Montréal area participated in a half-day strike. On the 11th most teachers in the CEEP sector occupied the locals of administrations. At the end of the first semester most teachers withheld the students' marks for several weeks. The situation deteriorated further when the government

adopted Bill 253 on the 18th of December, and Bill 64 on the 19th. Bill 253 established the procedure to determine the essential services to be maintained during a labour conflict. Bill 64 legislated, as Bill C-73 of the federal government, price and wage controls. Hence, by the end of December not only were negotiations not progressing well, the parties' positions were considerably polarized. Public support for teachers' demands and some division within the employer groups contributed to the polarization.

Negotiations resumed at the end of January with both federations. However, as in all other sectors, none of the major issues were settled by the end of March. During this period the parties met on an average of twice a week. Most issues were discussed except salaries.

From the end of January to the end of March the employer group made several concessions. Job security would be acquired after two years of full-time teaching instead of three. Teachers with job security on surplus would no longer have their salary frozen and they would have access to professional improvement. If teacher certification became compulsory at the CEGEP level, tenured teachers would not be penalized. The student contact hours to determine the number of teachers allocated to the CEGEP system was decreased from 360 to 346. This was equivalent to a teacher-student ratio of 1 to 14.53. Teachers' presence at the CEGEP was no longer compulsory at all times. Furthermore, in February a new salary offer brought the average increases for the first year from 28% to approximately 31.5%. This additional increase would be used to increase the salary of low-paid teachers, i.e., with 17 years of scholarship or less. Employer

Minutes of Negotiation Meetings).

During the same period no major concessions were made by the unions. They maintained that most of the employer concessions represented existing provisions within the decree or a correction of the previous offers. Hence, by the end of March an impasse existed on all major issues and workload had emerged as the major priority of teachers. The employer group rejected a demand of FNEQ to appoint a technical committee to study the parties' proposals on workload. The polarization of the parties increased during the month of March. The unions obtained a leaked copy of the GTX Report discussed earlier. Although the employer group maintained it was only a working document, the report had the effect of reinforcing the unions' positions on job security and workload. As we have seen earlier, the unions maintained that the recommendations of the report decreased the number of teachers in the CEGEP sector by approximately 20%.

The increased polarization from January to March intensified the pressure tactics. On the 14th of January Oswald Parent threatened to suspend the negotiations at all tables unless the unions would stop their pressure tactics. Not only was the threat not implemented, it had an opposite effect. Parent groups continued to support teachers and the press was becoming more critical of the government's actions. During February the government refused to appoint a mediator in the education sector at the request of school boards and CEGEPs (Ministere de l'Education, 1977). It maintained that it could not delegate its sovereign responsibility as a government to a third party.

Pressure tactics resumed in February in all sectors in spite of

the government's threat to suspend negotiations (CSN, 1976). CEGEP teachers played a leading role. Continuing education courses were boycotted at several CEGEPs. On the 4th of February teachers walked out in most CEGEPs. On the 11th they participated in study sessions with support staff employees. By the middle of March walkouts and study sessions had intensified to the equivalent of two days per week throughout the Common Front. It should be noted that the vast majority of these sporadic walkouts were illegal since the eight-days written notice required by the Labour Code was often not given.

On the 17th of March the Common Front organized a vote on the government offers. Sixty-one percent of the members participated in the vote. The offers were rejected by 73.6% of the voting members. Sixty-five percent voted in favour of intensifying the sporadic walkouts (CSN, 1976). A few days later the members of the Parti Quebecois at the National Assembly criticized the government for not having appointed conciliators in the disputes as the Labour Code demanded. Similar criticism was expressed by the media (La Presse, March 22, 1976).

Pressure tactics by the Common Front, criticism by the media and public opinion in favour of teachers' demands forced the government to change its strategy. At a press conference on the 25th of March Oswald Parent accepted the principle of a central table. A first meeting was held four days later (Federation des CEGEPs, 1976). In addition, the Civil Service Minister announced a "blitz" of intensive negotiation at all sectorial tables. He reaffirmed the government's intention to reach a negotiated settlement. To achieve this objective

he maintained that the employer groups were ready to negotiate seven days per week and twenty-four hours per day (CSN, 1976).

A Blitz in the Negotiations (March 26 - April 7, 1976)

During this intensive period of negotiation the employer group met seven times with FNEQ and eight times with FEC (Employer Minutes of Negotiation Meetings). Although several concessions were made by all parties, no agreement was reached with either federation. FNEQ accepted to separate the functions of the departments from those of the academic council. It withdrew its demand for a provincial academic council but it maintained that it was necessary for the federation to obtain information at the provincial level, especially, in view of the Nadeau and GTX Reports. Furthermore, an agreement was reached with FNEQ on most issues concerning the CRT and the selection of teachers.

The discussions with FEC centered mostly on job security, workload and maternity leaves. Agreements were reached on minor issues such as hiring procedures and seniority lists. Also, FEC accepted that the professional improvement committee would be a parity committee. Its recommendations would bind both parties.

On job security the employer group maintained that it was acquired after two years of full-time teaching. However, it proposed that a teacher with job security would be given a one-year written notice prior to being relocated in another CEGEP. This was to make sure that the projected decrease in student enrolment would in fact

materialize. If the decrease was not confirmed the notice would be cancelled retroactively. In return both federations accepted that both tenure and job security would be acquired simultaneously after two years of full-time teaching. With these concessions the parties had reached agreement on the major issues concerning job security.

Although some concessions were made on continuing education and workload, the impasse persisted on both issues. Both federations maintained their position on the full integration of continuing education to the day division. The employer group revised its position slightly. It proposed to maintain constant the number of full-time positions which existed already for the duration of the collective agreement. On workload, both federations maintained that additional teachers should be added to equalize the workload among disciplines and colleges. The employer group maintained its refusal. It restated that the workload should be equalized by a redistribution of the existing number of teachers. In spite of the impasse, some concessions were made in workload. The employer group accepted the principle of a maximum individual workload. FNEQ reduced the cost of its original demand by more than half. The new demand reduced the cost from 40% to between 16.5% and 19.5% (Employer Minutes of Negotiation Meetings). Also, it proposed to spread this cost over a period of three years. FEC maintained its original demand.

Similar intensive negotiations occurred at all bargaining tables both in the education and hospital sectors. However, as in the CEGEP sector, no agreement was reached anywhere. The central table had met everyday from the 1st to the 7th of April. As elsewhere, no agreement



was reached.

In the meantime pressure tactics increased in all sectors on both sides. The unions reaffirmed their intention to increase the sporadic walkouts until a final settlement was reached. The government on the other hand threatened to end the pressure tactics in the education sector by special legislation. At a gathering of the Liberal Party on the 4th of April, Bourassa maintained (CSN, 1976, p. 49),

A moins d'un déblocage à la table de négociation du secteur de l'enseignement, Québec interviendra dès cette semaine pour sauver l'année scolaire.

On the 6th of April Jean Bienvenue, the Minister of Education, confirmed that over 10,608,365 student-days had been lost in the education sector. The average per student at the elementary and secondary levels was 7.6 by the first of April (CSN, 1976). In the CEGEP sector approximately 12 days of classes had been lost. The media and the public began questioning the validity of the second semester in the CEGEP sector and the school year at the elementary and secondary levels. Faced with the unlikelihood of reaching an early agreement in the education sector, the government adopted Bill 23 (Loi concernant le maintien des services dans le domaine de l'éducation et abrogeant une disposition législative) on the 9th of April. The government justified the legislation by the need to save the school year. As Bienvenue pointed out during the debate at the National Assembly (CSN, 1976, p. 51):

Je ne puis permettre que l'année scolaire d'un seul enfant soit perdue par la non-préstation de cours d'un enseignant au Québec... c'est pour pallier au désordre inqualifiable qui règne sur la scène scolaire.

To protest against the special legislation the Common Front suspended the negotiations at all bargaining tables.

Bill 23 (April 9, 1976)

Bill 23 applied only to the education sector as of the 11th of April. The legislation suspended the right to strike and lockout for a period of 80 days, i.e., until the end of the school year. It prohibited any form of work stoppages, work to rule, or harassment. Anyone (e.g. students, teachers, parents) who disobeyed the law was subject to fines from \$50 to \$250 per day. Unions could be fined from \$5,000 to \$50,000 per day. Contrary to most North American legislation, those who were accused were guilty until they proved themselves innocent. The Minister of Education could change unilaterally the school calendars. Finally, it mandated three commissioners to investigate the disputes and to make a written report within 60 days of their appointment.

On the 8th of April, the day after Bill 23 was announced at the National Assembly, approximately 140,000 members of the Common Front walked off their job to protest against the bill. The tactic of the government to divide and conquer was having the opposite effect. Workers in the education sector received support by most workers in the public sector. When teachers disobeyed the law, they also received support from workers in the private sector, from the media and the public. Principals and administrators also criticized the repressive measures of the legislation. Most school boards and CECEPs

complained that they had not been consulted on the adoption or content of the law (Ministère de l'Education, 1976).

On the 9th of April, over 40,000 members of the Common Front walked off their job for a second day (CSN, 1976). Several teacher unions declared that they would disobey the law. Most students in the CEGEP sector also decided to defy the law. On the 10th of April the Common Front recommended to its members to disobey the law and continue the sporadic walkouts. In the CEGEP sector over 72% of the members adopted the recommendation. The percentage was even higher at the elementary and secondary levels. In general, the law not only increased the militancy of employees throughout the public sector, it also increased the support of the public for the teachers' demands.

#### An Agreement in Principle at FNEQ (April - May, 1976)

Pressure tactics continued during this period. By the middle of May most CEGEPs had lost an equivalent of approximately 22 school days, i.e., about one third of the semester. The second semester in most CEGEPs ends around the third week of May. The validity of the semester was very much a concern of the government, students and the public. According to some of the people interviewed this probably constituted the teachers' best bargaining power. Most people in the CEGEP sector agreed that once students were gone for the summer holidays, it would be difficult to bring them back. Also, most student associations were against any form of recuperation unless they were involved in negotiating it.

Several events led to the agreement in principle in May with FNEQ. On the 13th of April the Minister of Education demanded that the CEGEPs establish new calendars in order to recuperate the lost days of classes. However, teachers maintained that they would not make up lost classes unless an agreement was reached. Many teacher unions also stated that no student marks would be given without an agreement (CSN, 1976).

During this period the Quebec Provincial Police were instructed to take pictures of demonstrators and to obtain their names. Administrators were instructed to collaborate. The provincial police visited almost daily many of the CEGEPs. Anyone could be accused. This quasi state of terror frightened many people. Nevertheless, the walkouts continued.

On the 13th of April the three commissioners appointed under Bill 23 asked the government to adjust the teacher salaries by 17% and to stop the legal proceedings. Teachers were making approximately 20% less than the year before since the salary scales had not been indexed to the cost of living during the past three years (Poirier, Nault, Paterson; 1976). The government did not accept either recommendation.

On the 21st of April the Common Front reduced its salary demands by \$127 million (CSN, 1976). On the 22nd negotiations resumed at the FNEQ bargaining table. The employer group confirmed the concessions made during the "blitz". The next day 156,000 members of the Common Front from both the hospital and the education sectors walked off their job. As of this day, teachers and other workers in the education sector disobeyed Bill 23 on several occasions. On the 26th

the commissioners insisted that the government adjust the teachers' salaries.

On the 28th of April the employer group met with both federations. It maintained that its offers of the 22nd were final and it expected a yes or no answer. Both federations accused the employer group of negotiating in bad faith (Employer Minutes of Negotiation Meetings). On the same day the government accepted to adjust the teachers' salaries by 17% and to stop the legal proceedings. However, by this time there were more than ninety accusations against unions and teachers in the CEGEP sector (CSN, 1976). In the meantime, several unions announced that they intended to contest the constitutionality of Bill 23 since it dealt with penal matters - a jurisdiction of the federal government. On the 30th of April the law was again disobeyed; over 160,000 members of the Common Front walked off their job to demand new offers.

At the beginning of May both teacher federations in the CEGEP sector presented counterproposals to the employer group. Most important was a joint proposal on workload - the major impasse. The new proposal decreased the cost of the unions' demand to approximately 11.5%. The employer group maintained its final offer of the 28th of April. On the 5th of May over 130,000 members of the Common Front went on a one-day strike. However, on the 7th it announced a suspension of pressure tactics for a period of 8 days and it invited the government to intensify the negotiations at all tables.

At a meeting on the 11th of May FNEQ reported that the last offers had been rejected by more than 80% of its members (Employer

Minutes of Negotiation Meetings). Consequently, it demanded to continue the negotiations. The employer group stated it did not have any new mandates. The next day a total impasse occurred also with FEC.

On the 13th of May the commissioners asked all parties to resume the negotiations. This, combined with the fact that the semester was almost over, resulted in a negotiation "marathon" with FNEQ of approximately twenty-one hours from the 18th to 19th of May. During the night an agreement in principle was reached on all issues except insurances, pension plans, maternity leaves, and salaries which were being negotiated at the central table. Furthermore, the parties negotiated an agreement for the recuperation of the lost days of classes. According to this agreement teachers would lose a maximum of six days of pay.

FEC was not involved in the negotiation "marathon". However, since FNEQ represented approximately 80% of CEGEP teachers, FEC's position was considerably compromised by the agreement at FNEQ. Eventually, a similar agreement was reached with FEC by the end of June.

#### The Agreement at the Central Table (June, 1976)

In the meantime pressure tactics continued in the hospital sector. At the end of the month of May workers in this sector voted in favour of a general strike. During the same month members of CEQ rejected the government offers by a vote of 80%. Also, they decided

to stop the pressure tactics and negotiate until the fall. If an agreement was not reached by then pressure tactics would resume. Teachers in the Protestant sector (PAPT) adopted a similar plan of action. English Catholic teachers (PACT), not members of the Common Front, had reached an agreement in early May.

On the 12th of June a general strike in the hospital sector was announced for the 18th. On the 15th the three commissioners presented their 130-pages report. The report criticized both parties in the negotiation: Bill 23 was too repressive, on the employer side the school boards and the CEGEPs were better prepared than the government, the differences among the parties on the employer side delayed the negotiation process, and the unions maintained unrealistic demands (Poirier, Nault, Paterson, 1976). The report recommended a negotiation calendar and to consider the closure of schools in September if an agreement was not reached during the summer. However, the agreement which occurred at the central table shortly after the report was published, left the recommendations of the report almost unnoticed.

On the 15th of June the Common Front mandated Marcel Pepin, president of the CSN, to negotiate directly with Prime Minister Bourassa. During the next few days the two engaged in intensive negotiations on salaries, the mobility of personnel in the hospital sector, insurances, maternity leaves and pension plans. Nevertheless, a general strike in the hospital sector began on the 18th as previously announced. On the afternoon of the 18th a four-year agreement was reached at the central table (CSN, 1976).

Most collective agreements were ratified in the fall. In the CEGEP sector both teacher federations signed a four-year (July 1, 1975 - June, 1979) collective agreement on the 21st of September. Both agreements were almost 200 pages long.

#### OUTCOMES OF THE NEGOTIATIONS

The Common Front achieved its objective to negotiate certain monetary issues at one central table. Therefore, the outcomes of the negotiations will be divided into two groups: those at the central table and those at the sectorial tables. The outcomes at the central table will be divided into three groups: (1) salaries, (2) pension plans, and (3) maternity leaves. Those at the sectorial tables will be divided into eight groups: (1) union prerogatives, (2) participation of teachers in the decision-making process (3) professional improvement, (4) classification, (5) job security, (6) workload, (7) continuing education, and (8) other outcomes. In general, the collective agreement signed by the two federations were quite similar. As we will see later, the major difference was on the participation of teachers in the decision-making process.



## Outcomes at the Central Table

### Salaries

The most important achievement of the Common Front was the minimum salary of \$165 per week. This was achieved for a 38 1/4 hour week as of the 1st of July 1976, and as of the 1st of July 1978, for a 35-hour week (CSN, 1977). As a result the minimum hourly wage in the public sector increased from \$3.35 to \$3.99. The government had originally offered \$3.64. In the private sector the minimum hourly wage at the time was \$3.00.

The salary agreement provided for an average increase of 28.84% for the first year, 8% the second year and 6% for the next two years (Deom, 1982). The salaries would be indexed to the cost of living on a yearly basis and not on a trimester basis as originally demanded. However, contrary to the decree, the indexation would be integrated to the salary scales on the 1st of July of each year. The adjustment was equal to the percentage difference between the increase in the cost of living and 8% for 1976-77, 6% for 1977-78, and 4% for 1978-79 (FNEQ Collective Agreement, 1975-79; FEC Collective Agreement, 1975-79). In general, the salary agreement was above the guidelines of the price and wage controls.

### Pension Plans

The Common Front did not obtain a bilateral commission to

administer the pension plans. The government maintained that the law is not negotiable. In general, the outcome was the status quo. The government continued to contribute 7/12 of the cost and the employees 5/12. However, the Common Front did succeed in obtaining an extra year during which teachers could change from the old pension plan (TPP) to the new one (RREGOP). According to the legislation which established the new pension plan the deadline was 1974 (CSN, 1977).

#### Maternity Leaves

The Common Front did not achieve its objective of maternity leaves with full pay. The agreement provided for a leave of seventeen weeks of which fifteen would be covered by unemployment insurance. For the two weeks not covered the employer would pay an amount equal to that of the unemployment insurance.

In addition to the above, both federations negotiated several additional leaves. After the 17-week period a teacher could use the accumulated sick days to extend the leave, or, work on a half-time basis for a maximum of two years. After these leaves a teacher could work on a part-time basis for another two years.

#### Outcomes at the Sectorial Tables

#### Union Prerogatives

Both federations made some progress on the release time for union

activities. At the local level a teacher could participate in union activities without a loss of pay. In addition, some teachers could be released from part of their teaching duties. In this case, however, an equivalent workload would have to be absorbed by all the other teachers. For union activities outside the colleges a maximum of 45 days was maintained for FNEQ. FEC increased its number of days from 20 to 45. Beyond the 45 days the unions would have to reimburse the colleges for the release time.

In addition each local union maintained the right to distribute information to its members, to hold union meetings within the locals of the college, and to have a local as a union office. The Rand formula was also maintained. Contrary to the original position of the employer group, the collective agreements allowed the unions to hold meetings during working hours.

#### Participation of Teachers in the Decision-Making Process

Although the overall effect was the same, the outcome on teacher participation was slightly different for the two federations. FNEQ maintained an academic council similar to the decree. The consultation was compulsory on some issues; however, its decisions were not binding on the college. They were recommendations which the college could accept or refuse. However, teachers remained a majority on the council. FNEQ did not obtain a "national" academic council. Both agreements provided the possibility for each federation to meet with the Minister of Education and the Federation of CEGEPs to

exchange and obtain information.

The Labour Relations Committee (CRT) was maintained in the FNEQ agreement. The CRT became a permanent committee where the parties could negotiate agreements on working conditions and on the application of the collective agreement. If no agreement resulted after two consecutive compulsory meetings on a given issue, the college could proceed unilaterally. On the other hand, if an agreement was reached it was binding on all parties.

FEC replaced the academic Council and the CRT by compulsory meetings between the union and the college. However, since the academic council was part of the legislation (Bill 21, 1967), the option to have one still existed. In the meantime, its composition and mandate was no longer part of the collective agreement. The procedure for the meetings between the parties was quite similar to that of the CRT within the FNEQ agreement. Consultation was compulsory on a list of issues and the negotiation was permanent. If an agreement was reached it was binding on all parties. However, the FEC agreement did not provide a compulsory second meeting if an agreement was not reached on a given issue. In this case, the college could proceed unilaterally ten days after an issue was discussed.

Both federations were able to maintain a departmental structure. This was an important achievement since it implied that the major recommendations of the Nadeau and GTX Reports could not be implemented during the term of the collective agreement. - Contrary to the employers' original position, the departments would be able to elect more than one person to coordinate the activities of the department.

Concerning the jurisdiction of departmental activities a compromise was reached - some activities would remain under the authority of the college and others would be assumed by the department alone.

The federations achieved most of their objective on the selection of new teachers. Although it did not become an activity of the department without the participation of the administration, the overall effect was the same. The agreements provided for a selection committee of 5 members - 3 teachers appointed by the department and 2 representatives of the administration. The college could not hire a new teacher without a favourable recommendation of the selection committee. Since teachers represented the majority on the committee, they in fact controlled the hiring of new teachers. The college could proceed only if the committee neglected its functions.

#### Professional Improvement

Both agreements provided a parity committee to negotiate on a permanent basis agreements on professional improvement. The mandate of the committee was to define professional improvement programs, administer the funds allocated, and select the candidates. The decisions of the committee were binding on all parties.

The amounts allocated for professional improvement were \$108 per full-time equivalent teacher for the first year, \$114.48, \$119.06, and \$123.82 for the next three years respectively. Contrary to the decree, if the amount allocated was not spent during a given academic year, it would be transferred to the budget for the next year.

### Classification

The procedure for classifying teachers remained the same as that negotiated during the declassification conflict in 1973. The government would continue to evaluate the scholarship of teachers unilaterally. However, as before several committees were provided to review the "Manuel de Classification" of the Ministry of Education, to deal with special cases, and to make recommendations to the Minister. At the local level, the provisional classification of a new teacher would continue to be determined unilaterally by the college.

The single salary scale demanded was not obtained. Teachers would continue to be classified according to years of scholarship and experience. However, a minimum of 16 years of scholarship was achieved in the CEGEP sector as of the fourth year of the collective agreement. As before, a teacher could change his/her classification only at the beginning of each academic year. A half-year of scholarship was still not recognized.

### Job Security

On this issue, the agreement was the same for both federations. Job security was granted to all tenured teachers. Tenure was acquired on the first of April of the second year of full-time teaching if the teacher's contract was renewed. Surplus of personnel could not be used as a reason to refuse tenure.

In case of a surplus of personnel a tenured teacher was placed on availability. Thereafter, the teacher had the option of choosing a

position in another college if one was available, or, remaining in his/her college for one year. During this first year if the decrease in student enrolment did not materialize, the teacher concerned would be removed from the availability list. However, if the decrease did occur the teacher would have to accept the year after a position in his/her discipline(s) in another college anywhere in the province. If a position was not found, the teacher remained in his/her college with full pay.

#### Workload

The workload settlement was the same for both federations. The agreement provided a provincial norm based on teacher-student ratio of 1 to 15. During the term of the decree several colleges had hired more teachers than they were allowed. At the beginning of negotiations it was not known how many teachers had been hired above the 1 to 15 norm. However, towards the end of negotiations this number was evaluated at approximately five hundred. Although the unions were not able to obtain a local norm based on a maximum individual workload, additional teachers were added to the CEGEP system. For 1975-76 all the surplus teachers were maintained. For the next years the number of teachers allocated to the entire CEGEP system was determined by the 1 to 15 norm applied at the provincial level plus 640 teachers for 1976-77, 740 for 1977-78 and 840 for 1979-80. With a provincial norm on workload the centralization of the major costs of the CEGEP sector was now complete. The colleges lost

their control on the number of teachers they could hire and job security. During previous negotiations they had lost their control on salaries and classification.

The objective of the additional teachers was to equalize the workload from one CEGEP to another. For this purpose an amended version of the original formula H was agreed upon. The formula took four parameters into account for each course - preparation, teaching, administration and correction. Once the number of teachers was determined by the provincial norm discussed earlier, formula H would be used to generate a ponderated teacher-student ratio to distribute the total number of teachers among the colleges.

The agreement did provide for the first time a maximum individual workload. However, its application could not generate additional teachers. Furthermore, a teacher with a workload equal to or greater than three quarters of the average workload within the department would be recognized as a full-time teacher with all the rights of the collective agreement.

### Continuing Education

Continuing education was the least successful issue for the unions (Nouveau Pouvoir, Oct. 1977). The agreements did not integrate continuing education into the day division. Hence, only part of the collective agreement would continue to apply to continuing education teachers. Nevertheless, the agreements did recognize the principle of full-time teachers. However, the number of teachers with full-time



contracts was frozen for the term of the agreement.

#### Other Outcomes

The collective agreements applied to all teachers who taught courses recognized by the Minister of Education. All other courses (e.g. socio-cultural, hobby) were excluded.

A teacher had to be available to the college at least 32 1/2 hours per week. However, presence at the college was not compulsory unless it was demanded by the teacher's duties (e.g. meetings, teaching).

The unions recognized the college's managerial rights. However, this right was to be exercised in a fashion compatible with the terms of the collective agreement. Also, whenever the college formed a committee not provided for in the collective agreement, only the union could nominate teachers. Finally, teachers maintained all the social benefits (e.g. insurances, sick days) of the previous decree.

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## CHAPTER VII

### THE FOURTH ROUND OF COLLECTIVE BARGAINING IN THE CEQEP SECTOR (1979-80)

#### INTRODUCTION

The fourth round of collective bargaining is the first negotiation by public sector employees with the Parti Québécois (PQ) government. In the past, the PQ and the labour movement had often joined their efforts in criticizing the Bourassa government. Union members were quite active within the PQ and undoubtedly contributed to its election in November, 1976.

Most collective agreements in the public sector, as in the CEQEPs, expired on the 30th of June 1979. The new legal framework again imposed provincial negotiations. In the CEQEP sector the parties to the negotiation were the same as the previous round - FNEQ and FEC on the union side, the Ministry of Education and the Federation of CEQEPs on the employer side. Teachers in the CEQEP sector were all unionized. Hence, the scope of this fourth case study includes again all CEQEP teachers.

As the first three case studies, this fourth will be divided into four sections: (1) the general environment prior to the fourth round of collective bargaining; (2) the objectives of the parties; (3) a summary of the negotiations; and (4) the outcomes of the negotiations.

## THE GENERAL ENVIRONMENT PRIOR TO THE FOURTH ROUND OF COLLECTIVE BARGAINING

The purpose of this section is to identify the major events prior to the beginning of the negotiations. The presentation is divided again into four parts: (1) the socio-political environment; (2) the economic environment; (3) the legal framework for collective bargaining; and, (4) the environment within the CEGEP sector.

### The Socio-Political Environment

Discontent with the Bourassa administration grew considerably during the early 1970s (Milner, 1977; Saywell, 1977). As we have seen in the previous chapter, labour relations in the public sector had deteriorated. Bourassa's promise of law and order in labour relations was far from reality. The special legislation (Bill 23) to deal with the labour conflicts during the previous negotiation in the education sector had been disobeyed on several occasions. Illegal walkouts in the hospital sector continued in spite of the legislation on essential services. The collective agreements in the public sector went too far for some and not far enough for others (Dupont, 1977). Many considered the concessions made to the Common Front (e.g. full indexation, maternity leaves, restricted managerial rights) as an attempt to "buy" the political support of the labour movement.

The situation was not much better in the private sector. The "Conseil du Patronat" (an employer group in Quebec) repeatedly accused the government of unnecessary meddling in the private sector (Dupont,

1977). Here again the government was not able to find a happy medium. Employers maintained that freedom of enterprise without government intervention was essential to stimulate the economy. On the other hand, the unions were demanding greater government controls.

Discontent grew also over increases in government expenditures. Inflation and patronage combined to multiply the costs of several major projects (Dupont, 1977). The cost of the James Bay Hydro-Electric Plant - Bourassa's dearest project - increased from a projected cost of \$5.8 billion in 1971 to over \$16 billion in 1976 and the project was still not complete. The cost of the Olympics in Montreal grew from \$250 million to approximately \$1.5 billion.

The unions were probably the most dissatisfied groups with the Bourassa government. Not only had the government resorted frequently to special legislation to end labour conflicts, it had also failed to deal with priorities of the unions - unemployment, housing costs, health and safety at work, industrial accidents and inflation.

By the fall of 1976 the popularity of the Bourassa government was probably at its lowest since its first election in 1970. Nevertheless, the Liberals called for a quick election on November 15, 1976 - two years before the end of their mandate. One of the major reasons given for the election was the state of labour relations in Quebec. During 1975-76 Quebec accounted for 41% of all work stoppages in Canada (Saywell, 1977).

The major focus of Bourassa's election campaign was the labor movement. His major theme was to "bring down" the unions (Dupont, 1977). He proposed to abolish the right to strike in the hospital

sector and hinted at controlling the union's expenses. This open attack on the unions, combined with previous conflicts, resulted in the unions' active campaign against the liberals. Although only the FTQ openly supported the PQ, most unions heavily criticized the anti-union stands of the Bourassa government. As Dupont (1977, p. 87) points out:

It wasn't surprising, then, that the union leaders claimed victory on November 15. For them, the Liberal defeat was more important than the PQ victory. They had rid themselves of their worst enemy.

In addition to their attacks on the unions, the Liberals also focused their election campaign on Quebec's independence - a strategy that worked well in the 1973 elections. They stressed the advantages of a reformed federalism such as equalization payments and the outflow of capital if Quebec became independent. When pressed to justify their past records they attempted to shift the debate to separatism (Saywell, 1977).

In retrospect, the timing could not be better for the Parti Québécois. The poor economic record of the Bourassa government, unemployment, inflation, the social unrest which accompanied the labour conflicts, and the language policies emphasized the need for a change in government. Furthermore, the other provincial parties did not present clear alternatives (Saywell, 1977).

With respect to the election campaign of 1973, the PQ downplayed considerably the independence issue. On the contrary, it focused on the poor administration of the Liberals and the need for good government. Although it remained committed to Quebec's independence,

its major priority became to restore Quebec's economy (Dupont, 1977; Saywell, 1977). Its strategy was effective. On November 15, 1976 the PQ was elected with a considerable majority. It elected 71 members to the National Assembly, the Liberals 26, the Union Nationale 11, and the Credistes one. The Parti National Populaire, founded by Jerome Choquette who had left the Liberal Party, also elected one member (Dupont, 1977).

The election of the PQ to power was a major political event in the history of Quebec. Francophones saw in the new government a real chance for change. Many expected that its election would bring fundamental revision of the political and economic power within the province. On the other hand, Anglophones, in and outside Quebec, saw it as a major upheaval and feared the end of a federal Canada. However, as we will see later, no major changes occurred in the private and economic sectors during the two years of the PQ government that preceded the fourth round of collective bargaining. As McRoberts and Posgate (1980, p. 198) point out:

Rather than showing precipitation and haste, the dominant posture of the Lévesque administration has been one of prudence and restraint.

During the first years of government the PQ was concerned with four major issues: a language policy, demonstrating fiscal responsibility and continuity in economic policies, securing support for Quebec's independence through an "étapiste" approach, and promoting the concept of Quebec's sovereignty through an economic association with the rest of Canada (McRoberts & Posgate, 1980).

The major initiative of the PQ has been undoubtedly the adoption



of the "Charte de Langue Française" in 1977. This law is better known as Bill 101. The legislation reaffirmed a principle already included in its predecessor, Bill 22, adopted by the Bourassa government, i.e., the principle of French as the official language of Quebec. However, Bill 101 vastly extended the application of this principle (McRoberts & Posgage, 1980). It required that all public signs should be in French only. It made French the only language in which legislation would be adopted. English translations would be available but they would not be official. French became the language of the judicial system and its role in the public sector would be reinforced. The voluntary "francisation" program of Bill 22 became compulsory for companies with 50 employees or more (Bill 101, 1977).

The most controversial element of Bill 101 was undoubtedly its provision on the language of instruction in public schools. Bill 22 had already restricted considerably the free choice of the language of instruction - only those children with a "sufficient knowledge" of English were admitted to English schools. All other children and all Francophones would have to attend French schools. Bill 101 used the physical boundaries of Québec as the reference point. All children coming into Quebec, including Anglophones from other provinces, would have to attend French schools. However, temporary authorization could be obtained for English-speaking parents from other provinces to send their children to English schools. Furthermore, the PQ government maintained that if the other provincial governments extended the accessibility of Francophones to French schools to a level comparable to that of Anglophones in Quebec, the restrictions of Bill 101 on

English Canadians from outside Quebec would be dropped.

The relationship between the government and the labour movement evolved quickly during the first few years. The implementation of several electoral promises were well received by the unions. The government dismissed the charges against union leaders and unions which had been initiated during the previous negotiation by the Bourassa government. Also, the minimum wage was indexed to increases of the cost of living on several occasions. Other initiatives in the area of labour relations will be discussed in the next section. However, in spite of its impressive legislative record in this area, the honeymoon between the government and the labour movement did not last very long.

#### The Economic Environment

The few and dispersed activities of the PQ government in the private sector have had little impact on the general economic environment. As mentioned earlier, the government, committed to its "étapiste" approach on Quebec's independence, was mostly concerned with being a "good" government. What has probably been most surprising about the PQ government has been the lack of major state expansion in the private sector. In fact, contrary to the party's program, public expenditures have increased more slowly than during the Bourassa regime. As McRoberts and Posgate (1980, p. 199) point out:

...the rate of increase in (government) expenditures fell from 24 per cent in 1974-75 to

11.1 per cent in 1978-79. PQ budgets have allocated relatively small sums for the creation of new programs... and relatively few new state structures have been created. In fact, the existing state enterprises have been subjected to withering critiques from PQ leaders.

A major expansion of the state in the private economic sector has been the creation of "La Société Nationale de l'Amiante" to nationalize the asbestos industry. However, the incremental approach of the PQ government has limited nationalization to Asbestos Corporation only. Even this single attempt was delayed considerably by legal procedures.

Another major expansion of the state has been the creation of the "Régie de l'Assurance Automobile" - an obligatory and fault-free insurance plan administered by the state. However, contrary to the PQ program, neither measure constitutes a major penetration of the state in these two sectors. Several asbestos companies still remain under private ownership. The car insurance plan of the state only deals with physical injury. This plan is complemented by a compulsory insurance for property damage which remains the jurisdiction of private companies.

A major concern of the PQ program was to increase the participation of Francophones in Quebec's economy. For this purpose the PQ government adopted a policy which favoured Quebec firms for purchases within the public and para-public sector. Companies with a francization program would also be favoured. However, rising costs soon changed the attitude of the government in implementing this policy. For example, in 1977 the Lévesque administration awarded a contract for 1,200 buses to General Motors instead of Bombardier, a

Quebec company. In general, the PQ government has not increased the role of the state in the private sector nor that of Quebec companies for that matter (McRoberts & Posgate, 1980).

To stimulate the economy, the Lévesque administration saw the need to improve the relationship - badly tarnished during the Bourassa regime - among the major economic actors. For this purpose, the PQ government has implemented a major innovation in Quebec. Economic summits have brought together representatives of the government, employers, labour unions and the cooperative movement. When compared to previous governments this is an accomplishment in itself. Until 1980 two major summits were held - one in Malbaie in 1977 and the other in Montebello in 1979. In addition, several minisummits have been held for specific sectors. Although these summits have not solved any major economic issue, they have been useful in identifying the priorities of different groups.

Unemployment in Quebec increased considerably during the 1970s as in the rest of North America. However, since 1975 unemployment in Quebec has been higher than the Canadian average and that of the United States. In 1975 the Canadian unemployment rate was 6.9% whereas in Quebec it was 8.1% (Desy & al., 1980). By 1978, the year before the negotiations began, the unemployment rate in Quebec had reached 11%. During the same year the Canadian average was 8.4% and in the United States 5.9%. In Ontario it was 7.2% (Government of Quebec, 1979).

Inflation also increased considerably during the 1970s. The rate of inflation in Canada reached peaks of 10.9% and 10.8% in 1974 and

1975 respectively. In 1971 it was 2.9% (Desy & al., 1980). Although a slight decrease did occur as a result of the price and wage controls it was still 9% in 1978, the year before the negotiations began. The consumer price index in Montreal increased by 73.1% from 1971 to 1978 (see Table 5 in Chapter II).

As mentioned earlier, expenditures of the provincial government decreased considerably during the first years of the PQ government. The rate of increase in the net general expenditures (N<sub>GE</sub>) decreased from 30% in 1975-76 to 16.1% in 1976-77 (See Table 6 in Chapter II). For 1977-78 and 1978-79 the rate of increases were 12.7% and 16.5% respectively. The impact of these increases was minimal since the large part was absorbed by inflation.

During the first few years of the PQ government the decrease in government expenditures was even greater in the public sector. The rate of increase in the net expenditures of the Ministry of Education decreased from its peak of 30.9% in 1974-75 to 6.2% in 1978-79 (See Table 6 in Chapter II). Needless to say, this increase did not even cover the increase in inflation. In fact, the academic year 1978-79 marks the beginning of a series of government cutbacks in both the education and the hospital sectors. As we will see later, the economic environment determined the priorities of the parties during the negotiation. The government's major concern was to reduce the cost increases in the public sector. On the other hand, the union's priorities were dictated by inflation and unemployment.

### The Legal Framework

The legal framework for this fourth round of collective bargaining was considerably different. The PQ government adopted major amendments to the Labour Code and replaced the legislation for public sector bargaining.

During the election campaign the PQ had promised several amendments to the Labour Code. Bill 45, a reform of the Labour Code, was adopted in 1977 to implement the electoral promises. The most important amendment dealt with the issue of "scab" labour. Intense opposition and lobbying from private employers were able to change the original version of the Bill. The provision to prevent all "scab" labour during a strike or lockout was changed to allow employers to hire personnel to maintain essential services and to protect their property. This new version turned both the CEQ and the CSN against the Bill and the government. Since then, only the FTQ has occasionally supported government measures. As McRoberts and Posgate (1980, p. 205) point out:

The fact remains, however, that the relationship between the PQ government and the CSN and CEQ leadership, if not all of the union militants, is openly adversarial. It does not display the type of virtual solidarity that one would expect under a "social democratic" regime. In fact, the PQ leadership has been prepared to challenge outright the pretension of union leaders to represent the aspiration of Quebec workers.

Another major amendment of the Labour Code was the compulsory union check-off (Rand formula). According to this new provision, an employer has to withhold from the salary of every employee within the

bargaining unit, whether or not he/she is a member of the union, an amount determined by the union. Although this principle already existed in most of the public sector and in all CEGEPs it no longer would have to be negotiated.

Other major amendments dealt with conciliation and the right to strike. The right to strike or lockout was no longer contingent on a compulsory conciliation period as was the case previously. This right was now acquired automatically 90 days after a written notice of a meeting for the purpose of negotiating a new collective agreement had been given by either party. Such a notice could be given only during the 90 days preceeding the expiration of the existing agreement. If a notice is not given, the right to strike or lockout is acquired automatically 90 days after the expiration of the collective agreement. As a result of these amendments, conciliation became a voluntary exercise at the request of one of the parties or by a decision of the Minister of Labour and Manpower. These amendments applied to both the private and the public sectors. Teachers maintained the right to strike and employers the right to lockout. However, as we will see later, legislation specific to the education and hospital sectors was adopted to somewhat amend the acquisition of these rights. The other amendments to the Labour Code (e.g. the negotiation of a first collective agreement, responsibilities of a certified association, the procedure and requirements for certification) did not affect the bargaining process directly. Hence, they will not be discussed in the study.

Because of the many problems encountered during the previous

negotiation, the PQ government appointed a special commission in July, 1977, to study and make recommendations on the collective bargaining structure and process within the public sector. The commission presented a report - better known as the Martin-Bouchard Report - with a list of 98 recommendations in February, 1978. These recommendations inspired the essential features of three Bills (Bill 50, 55 and 59) adopted in June 1978. Since Bill 50 dealt with the civil service sector, it will not be discussed in this study.

Bill 55 replaced Bill 95 adopted for the previous negotiation. The new legislation reaffirmed a centralized bargaining process for the education and the hospital sectors, i.e., the negotiation would again proceed at the provincial level. However, contrary to a recommendation of the Martin-Bouchard Report, the central table which played an important role during the previous two rounds was again not recognized. As Bill 95, the new legislation allowed for some issues to be negotiated at the local level.

As the previous legislation, Bill 55 identified the parties to be involved in the provincial negotiation. In the CEGEP sector it recognized both provincial federations - FNEQ (CSN) and FEC (CEQ) - as the bargaining agents for all CEGEP teachers. On the employer side it recognized the Federation of CEGEPs to represent the colleges and Ministry of Education to represent the government. Once again the government legislated itself as a party on the employer side.

The new legislation clarified the bargaining structure on the employer side. Four employer committees - three for the education sector (catholic, protestant and colleges) and one for the hospital



sector - were appointed to conduct the negotiations. These four committees would receive their mandates from the Treasury Board. Hence, contrary to the last two rounds, the Civil Service Minister was no longer responsible for negotiations in the public sector.

The most important changes to the bargaining process were introduced by Bill 59. This new legislation replaced Bill 253 (1975) on essential services and amended some provisions of the Labour Code for the public sector. The provisions on essential services dealt with the hospital and civil service sectors. Hence, they will not be discussed in this study.

One of the major change introduced by Bill 59 was a negotiation calendar. The parties were to negotiate at the provincial level from the 270th day to the 180th day prior to the expiration of the collective agreement, the issues to be negotiated at the provincial level and those to be negotiated at the local level. The issues upon which no agreement was reached would be negotiated at the provincial level unless the government decided otherwise. Furthermore, the unions had to deposit their demands on the 150th day and the employers had to present their offers 60 days later. The right to strike and lockout was acquired when the collective agreement expired. In the CEGEP sector, as well as in most of the public sector, the collective agreements expired on June 30, 1979.

Another new feature introduced by Bill 59 was the concept of an Information Council. The purpose of the Council was to keep the public informed on the state of negotiations. The Council was to be appointed between the 270th and 180th day prior to the expiration of

the collective agreements. The mandate of the council was to make public reports 30 days after the deposit of the employer's offers, at the expiration of collective agreements, whenever the parties requested one, and whenever it felt appropriate.

The major recommendation of the Martin-Bouchard Report which was not adopted dealt with compulsory mediation. The commissioners recommended a two-month compulsory mediation period if agreement was not reached by the day the agreements expired. This two-month period was to begin on the day the agreements expired. At the end of this period the mediation board would have to produce a public report not binding on the parties. The right to strike or lockout would be acquired one month after the publication of the mediation report.

Although the legal framework for this fourth round of collective bargaining in the CEGEP sector (fifth in the public sector) was somewhat different, very little changed in the actual process. Negotiations again proceeded outside of the legal framework, special legislation again interfered with the bargaining process, and the process was still quite long.

#### The Environment Within the CEGEP Sector

The atmosphere in the CEGEP sector deteriorated considerably by the beginning of the fourth round in 1979. Labour conflicts on the application of the job security mechanism, government documents which criticized the system and the tougher approach of college administrators, contributed to polarized and adversarial attitudes. The

conflicts in several CEEPs on the application of the collective agreement was the most obvious symptom.

The major conflicts occurred in the spring of 1978. On April 1st the contract of approximately 400 teachers was not renewed. The objective was to fill these positions with those teachers who had acquired job security. Most of the teachers concerned had become full-time as a result of two full-time sessional contracts, full-time replacement contracts, or, because their workload was equal to or greater than  $3/4$  of the departmental average. The collective agreement clearly gave these teachers a full-time status as far as salary was concerned. However, on other issues such as tenure and job security, a major conflict resulted on the interpretation of the collective agreement.

The unions maintained that the 400 teachers were full-time teachers with all the rights of the collective agreement. Also, they maintained that, as any other full-time contract, the contracts of these teachers should be renewed automatically unless there was a specific reason held against the teachers. The reason given had to concern the teacher and not an external factor. Once the contract was renewed, the collective agreement allowed the lay-off of these teachers on the 1st of May. The lay-off instead of the non-renewal of contract had several advantages. The teacher would have an absolute priority in his/her college above those teachers with job security from other colleges. In addition, the teacher would have a priority for full-time positions in other colleges. The position of the unions implied that within a year the 400 teachers would acquire tenure and

job security (FNEQ, 1978).

The colleges maintained that the contracts were not renewed because they were not "real" full-time contracts. Even if they were, the colleges maintained that the specific reason which had to be given for their non-renewal could be any reason (e.g. decrease in student enrolment, changes in programs) and it did not have to concern the teacher specifically. The colleges' position implied that most of the 400 teachers would not be able to acquire tenure and hence job security. Also, in their colleges they would have a priority below that of teachers with job security from other colleges and no priority at all in other colleges.

The non-renewal of contracts in the spring of 1978 resulted in some of the worst labour conflicts since the beginning of the CEGEP system in 1967. On the 21st of February teachers at "CEGEP du Vieux Montréal" held a one-day study session to discuss the application of the collective agreement on the non-renewal of contracts and job security. In March of 1978 teachers at CEGEP St. Laurent began a series of illegal walkouts (Nouveau Pouvoir, Janvier 1978b). On the 17th teachers at CEGEP Joliette went on strike to protest the administration's decision to delay the tenure of 17 teachers (Nouveau Pouvoir, Mars 1978). Three days later a series of illegal walkouts began at CEGEP St. Jérôme. On the 22nd of March teachers at CEGEP André Laurendeau went on strike until the 29th of the month. On the same day, teachers at Vanier College voted in favour of an unlimited general strike to begin on the 4th of April. It should be noted that as in most Canadian jurisdictions it is illegal to strike in Quebec

during the term of a collective agreement.

On the 6th of April the Minister of Education, Jacques-Yvan Morin, became directly involved in the conflicts. At a press conference, he proposed to solve the conflicts through a special arbitration board. The mandate of the board would be to render a quick decision on the clauses contested. The decision of the board would bind all parties. The proposal was accepted by the colleges but refused by the unions. They maintained that a negotiated solution had to be found by the parties involved in the dispute.

During the month of April the conflicts became a provincial issue. At the beginning of the month the vast majority of the CEGEPs adopted the equivalent of two days of strike to support the teachers in conflict. Also, the unions demanded meetings with the Minister of Education and the Federation of CEGEPs to negotiate a settlement. After a half-day provincial strike on the 17th of April, a first meeting occurred on the 18th. A second meeting on the 19th failed to solve the conflict. On the 21st another half-day provincial strike occurred. This was followed by a full-day strike on the 25th. However, on the same day the majority of teachers refused to adopt additional (the equivalent of three days) days of strike. This event marked the end of the conflict as a provincial issue.

The three major conflicts ended at the beginning of May. The strike at CEGEP Joliette which lasted over a month, was resolved by a local agreement in favour of the union position, i.e., the 17 teachers were granted tenure. The strike at CEGEP St. Jerome which lasted over 20 working days ended on the 5th of May. On the 6th, the strike at

Vanier college which lasted 25 working days was settled through the intervention of a special mediator (Nouveau Pouvoir, 1979a).

Although most of the 400 teachers were re-hired, a feeling resulted among many teachers that possibly the conflicts had been exaggerated. The failure to establish and implement a provincial strategy indicated that teachers across the province were not concerned or affected by the same issues. Hence, by the beginning of the fourth round of collective bargaining teachers no longer seemed to have the cohesiveness which had served well during the previous two rounds. It appears that they have still not recovered from the divisions which resulted from the conflicts on the non-renewal of contracts in 1978. Since then, they have not been able to hold a provincial action on most major issues. As we will see later, the internal divisions persisted also during the negotiations and the agreement which resulted was a setback on several issues.

Since 1970 several studies have dealt with the orientations and objectives of the CEGEP system (e.g. Roquet, Nadeau and GTX reports). However, few of the major recommendations of these reports have been implemented. As we have seen in the previous case studies, some of the recommendations were considered premature, some too drastic and others faced a strong opposition within the CEGEP community - mostly by the unions. In the fall of 1978 the Minister of Education made public a White Paper on collegial education entitled "Colleges in Quebec - A New Phase: Government Projects in the Area of CEGEPs".

The White Paper presents a delicate criticism of the accomplishments and "half-failures" of the CEGEP system. With respect

to the original objectives it claims that the CEÆP system has achieved incontestable successes - greater accessibility to post-secondary education, a single school system for Francophones and Anglophones, improved professional programmes, and a larger percentage of female students in post-secondary education. However, the White Paper maintains that in other respects the system has failed and some new problems have surfaced. Equal accessibility to university education is still not achieved. In the Anglophone sector a large percentage of students are registered in pre-university programs whereas in the Francophone sector the majority is registered in professional or vocational programmes. The desire for a general education at the CEÆP level, an objective of the Parent Report, has not been achieved either. The White Paper maintains that most CEÆP programmes are too specialized. Some of the new problems identified were the quality of education, the division of responsibility between the government and the colleges, and the relationship between administrators and teacher unions.

To deal with the problems encountered and to integrate new objectives, the White Paper made a series of recommendations. It recommended establishing a Council of Colleges to advise the Minister of Education on collegial education. This measure would remove the CEÆP system from the jurisdiction of the Superior Council of Education. In addition, the White Paper proposed a new "régime pédagogique" (programme content and structures) based on a credit system and designed to normalize the workload of students in different programmes. The new "régime pédagogique" would increase the list of

obligatory courses (English, Humanities and Physical Education) to include a course in Economics and one in Quebec civilization. A new composition of the Board of Governors was recommended to assure the representation of all categories of employees. Furthermore, the White Paper suggested administrative changes to provide greater continuity and stability, more flexible administrative policies, some elements of decentralization, easier mechanisms for government control, and some local autonomy in programme and course offerings.

To implement some of the recommendations of the White Paper two bills were adopted in June 1979. Bill 24 established the Council of Colleges. Also, it provided two commissions under the jurisdiction of the Council - one to deal with professional or vocational programmes and the other, to deal with institutional analysis and evaluation. Bill 25 was adopted to amend Bill 21 which established the CEGEP system in 1967. The new legislation amended the composition of the board of governors, established easier government controls, and provided a mechanism to allow colleges to share non-academic services. During the last few years the CEGEP system has been discussing a proposed government regulation to implement the "régime pédagogique" outlined in the White Paper.

#### THE OBJECTIVES OF THE PARTIES

In general, the objectives of the parties centered around the financial preoccupations of the government and the managerial rights of employers. In the spring of 1978 the government budget has



announced drastic cutbacks in the education and hospital sectors. The government saw in the negotiation of collective agreements an opportunity to control the salaries of public sector employees.

The firm attitude of the government on financial matters was similar to that of employers on managerial rights. The employers were committed to retrieve some of the managerial rights they had conceded during the previous negotiations. On the other hand, the unions seemed to lack the firmness and determination of the past. In fact, this first negotiation with the PQ government can be characterized by two opposing tendencies within the labour movement - not be too demanding towards "our" government versus the position that union objectives should be independent of the political party in power. In general, this fourth round of collective bargaining in the CEGEP sector can be summarized as the negotiation of the "status quo" - the unions tried to maintain it whereas the employers tried to change some of its provisions.

According to the legal framework described in the previous section the negotiations were to proceed at the provincial level. For this purpose, both provincial federations - FNEQ (CSN) and FEC (CEQ) - were recognized again as the bargaining agents for all CEGEP teachers. FNEQ represented 40 teacher groups with approximately 6,500 members and FEC represented 9 teacher groups with approximately 1,600 members. As the previous round, all CEGEP teachers were unionized and affiliated to one of the two provincial federations. The number of teacher groups is greater than the number of colleges (46) because some CEGEPs have more than one teacher union. On the employer side

one bargaining agent - composed of representatives of the government, the Federation of CEGEPs and local administrators - negotiated with both groups but separately.

The relationship between the two teacher federations again prevented a joint negotiation. As during the previous three rounds, each federation conducted its negotiations almost independently of the other. Consequently, each federation presented its own set of demands. Therefore, the objectives of the teacher unions will be referred to as those of FNEQ and those of FEC. On the employer side, however, similar offers were made to both groups.

The purpose of this section is to describe the major objectives of the parties. These are divided into eleven groups: (1) union prerogatives, (2) participation of teachers in the decision making process, (3) professional improvement, (4) job security, (5) parental rights, (6) continuing education, (7) workload, (8) classification, (9) salaries, (10) bargaining structure, and (11) other objectives.

#### Union Prerogatives

Both federations demanded the status quo on union dues, i.e., the Rand formula. The employer group proposed the same. However, the position of the parties was considerably different on leaves for union activities. Both federations demanded that a certain number of teachers be released from their work to participate in union activities and this without loss of pay nor reimbursement by the union. FNEQ demanded 1% of the total number of teachers with a

minimum of two full-time equivalent for each local union (FNEQ, 1979a). FEC demanded the equivalent of one full-time teacher plus 1% of the total number of teachers (FEC, 1978). In addition, both federations demanded the possibility of releasing additional teachers within the total number of teachers allocated to the college. In this case their workload would be absorbed by other teachers. Furthermore, they demanded that teachers designated by the union could attend meetings of the federation at the provincial level without a loss of salary nor reimbursement by the unions.

For future negotiations at the provincial level, FNEQ demanded the release of one teacher per teacher group, i.e. 40 full-time teachers. Both federations demanded that the teachers on the Board of Governors should be elected and mandated by the union. FNEQ also demanded that all services of the college (e.g. printing, maintenance, locals for union meetings) should be free to the union.

The employers' proposal restricted the leaves for union activities. At the local level leaves without loss of pay nor reimbursement by the union would be possible on an ad-hoc basis only. At the provincial level, it withdrew the provisions of the existing agreement which granted to each federation the equivalent of 45 days. Furthermore, it withdrew the provision that allowed the release of teachers within the norm allocated to the college. All this implied that the unions had to reimburse the colleges for all union activities at the provincial level and for most within the college. This would result in a considerable drawback with respect to existing practices. In most colleges, teachers were released for union activities within

the number of teachers allocated to the college (Ministère de l'Education, 1979).

Concerning future provincial negotiations, the employer group maintained the existing provision, i.e., the number of teachers to be released would be negotiated prior to the beginning of negotiations. The employer group agreed to the union's right to distribute and post information. On the other demands the employer proposal was silent.

#### Participation of Teachers in the Decision-Making Process

As we have seen in the previous chapter, the collective agreement channelled the participation of teachers through five different avenues: the labour relations committee (CRT), the academic council, the departments, selection committees for new teachers, and the professional improvement committee. Since the beginning of the CEGEPs employers have been successful in separating the consultation on syndical matters from that on academic and pedagogical issues. FNEQ's project and the employers' proposal continued to reflect this division.

For the consultation on the application and interpretation of the collective agreement or on any other labour dispute both federations demanded the principle of continuous negotiation. FNEQ maintained a parity CRT with essentially the same mandate, composition and procedure as those of the existing agreement. FEC maintained the obligatory meetings between the union and the college. The proposal of the employer group was quite similar to the status quo with one

major exception in the case of FNEQ. The existing collective agreement provided for an automatic second meeting of the CRT if an agreement was not reached on a given issue at a first meeting. FNEQ's proposal maintained the obligatory second meeting whereas the employers refused it. The employers proposed that the procedures for the meetings of the CRT be negotiated at the local level. The automatic second meeting was rejected for several reasons (e.g. administrative efficiency, its strategic use by the unions, waste of time) but mostly because in the past the colleges had lost many grievances on procedures (e.g. delays, notices to be given) rather than on content.

Concerning the consultation on academic and pedagogical matters both federations maintained the status quo of their respective agreements. FNEQ demanded an academic council with an absolute majority (9/17) of teachers. The mandate of the council was essentially the same as that of the existing agreement. Consultation was compulsory on some issues but the decisions of the council remained as recommendations to the college except in matters related to programme changes. In this case the college had to proceed within the framework recommended by the council. FEC maintained its position that the participation of teachers in the decision-making process had been used by the colleges to coopt teachers in implementing administrative decisions. Hence, FEC did not demand an academic council.

The proposal of the employer group withdrew the academic council from the FNEQ collective agreement (the FEC agreement did not provide

for one). The employers maintained that since the legislation (Bill 21) provided for one, there was no need to include it in the collective agreement. On the other hand, FNEQ maintained that the law did not describe clearly the composition, mandate and procedures of the council. Hence, the collective agreement could be used to achieve this purpose. Also, it argued that the council had been provided by law since the beginning of the CEGEPs (Bill 21) and yet it had always been part of the collective agreement.

All three proposals maintained a departmental structure. However, the changes proposed by the employers became some of the most controversial issues during the negotiations. Essentially, the unions demanded a greater departmental autonomy, i.e., many of the departmental functions that in the existing agreement were exercised under the authority of the college were placed under the autonomy of the department.

The proposal of the employers implied important changes on the departmental functions and structures. Concerning the coordination of the department the employer group wanted to return to the provisions of the decree of 1972. It proposed that the department elect a single department head instead of several coordinators. The employer group maintained that since the 1975 agreement, it had been difficult to know from the departments who was responsible for what. Another change concerned the mandate of the department head. The employers proposed a two-year mandate for better continuity. The unions rejected these amendments because they feared that the department head would become another "boss".

One of the most controversial changes proposed by the employer group was to withdraw the departmental functions which in the existing agreement were under the authority of the department. Some of these functions were eliminated while others were placed under the authority of the college. In addition, the colleges demanded that the departments should give its advice to the college on any issue presented. In general, the objective of the employers was to exercise a greater control on departmental activities. The unions saw in these changes the application of some of the recommendations of the White Paper (e.g. better control of course content, academic accountability). Not only did they object to the tight control of departments, but they also feared that the employers proposal would lead to the evaluation of teachers by administrators.

As in the existing agreement, the employers demanded that departments establish committees to review the grades of students if a revision was requested. However, contrary to existing practices whereby only a student could ask for a revision, the colleges demanded that administrators could also ask for a mark review. Furthermore, during the negotiations the colleges demanded that each department should submit to the college a written plan of its projected activities at the beginning of each academic year and a report on the achievement of these activities at the end of each year.

Another major dispute was the selection of new teachers. FEC maintained that the selection of new teachers was the responsibility of departments only. Hence, it demanded that a committee composed only of teachers should be appointed for this purpose. FNEQ's demand

was similar to the status quo. It maintained a selection committee composed of 5 members - 3 appointed by the department and 2 by the college. In both cases the college had to hire the candidate selected by the committee. The employers' proposal changed considerably the existing practices. It proposed a committee of 4 members - 2 appointed by the department and 2 by the college. The existing agreement maintained that the college could not hire a teacher without a favourable recommendation of the selection committee. However, according to the employers' proposal, the selection(s) of the committee would become the recommendation(s) which the college could accept or refuse.

#### Professional Improvement

The existing agreement provided a professional improvement committee (PIC) whose mandate was to elaborate professional improvement programs, administer the funds allocated, and select the candidates. The PIC was composed of six members - three appointed by the union and three by the college. It was a permanent committee (principle of continuous negotiation) whose recommendations were binding on all parties.

Both federations made the same demand as in 1975, i.e., the PIC should be a syndical committee composed of teachers only. The recommendations of the committee should bind all parties. The employer group also returned to its position of 1975. It proposed a committee to which two members would be nominated by the union. The



total composition of the committee would be determined by the college. Furthermore, the decisions of the committee would no longer bind the college - they would become recommendations which the college could accept or refuse.

However, the most controversial change in the employers' proposal was a single PIC for the three categories of employees - teachers, non-teaching professionals, and support staff. Both federations objected to a single PIC for two major reasons - the interest of the groups were different and in the existing agreements teachers received more funds for professional improvement than the other groups. Hence, they feared that the funds allocated to them would be used for the professional improvement of other employees.

The existing agreement allocated a budget of \$123.82 per full-time teacher (or the equivalent) for professional improvement. The new demands of the federations varied from about three to four times this amount. FNEQ demanded 1.5% of the total teacher salaries whereas FEC demanded 1.2%. In addition, both federations demanded sabbatical leaves. FNEQ demanded for each academic year a sabbatical leave with full pay for 5% of the teachers whereas FEC demanded a sabbatical leave with full pay for each teacher once every 10 years of teaching.

#### Job Security

The proposal of the parties suggested major changes on the acquisition of job security. The parties wanted to clarify the

provisions of the existing agreement which had led to the illegal walkouts and strikes in the spring of 1978. However, as we will see, the approach of the employer group was quite different from that of the unions.

The existing agreement granted job security to all tenured teachers. Teachers with full-time contracts could acquire tenure after two years of teaching. Surplus of personnel could not be used by the college as a reason not to grant tenure; hence, job security. The employers' proposal maintained essentially the status quo. However, the proposal made it difficult for teachers on full-time replacement contracts, those with a full-time workload for two consecutive semesters, and those with  $3/4$  or more of the average workload of the department to acquire tenure. These were the cases which led to the labour conflicts in the spring of 1978.

Furthermore, the employer group attached a new condition to the acquisition of tenure, hence, job security. To acquire tenure new teachers would have to satisfy provisions of a government regulation which did not exist yet. Both federations feared that this might lead to compulsory certification for CEGEP teachers as at the elementary and secondary levels and possibly, to the evaluation of teachers according to government guidelines.

As the employer, the unions wanted to clarify the procedures for acquiring job security. However, their approach was quite different. Contrary to the employers' proposal, the unions wanted to increase the accessibility for teachers with full-time replacement contracts, those with two full-time seasonal contracts, and those with  $3/4$  or more of

the average workload in their department. Both federations demanded that job security be acquired at the same time as tenure. However, tenure would be acquired at the end of the first year of full-time teaching instead of the second.

The procedure for the application of the job security mechanism in the employer proposal was essentially the status quo. If a surplus of teachers existed in a discipline due to a projected decrease in student enrolment, the teacher with the least seniority would be given a notice of availability between the first of April and the first of May. If the decrease was confirmed in the fall, the notice of availability would be maintained. In this case the teacher would have to accept a job in another college anywhere in the province. If no position existed elsewhere, the teacher remained at the college with full pay. However, if the projected decrease in enrolment was not confirmed in the fall, the notice of availability would be annulled.

FNEQ's proposal was also quite similar to the existing provisions. The major difference was that on his/her first change of employment, a teacher could refuse a position in a college more than 40 km from his/her place of employment. FEC's proposal excluded the possibility of sending a teacher on surplus to another college, i.e., it demanded an institutional job security.

The other major difference between the union proposals and those of the employers concerned the duties of teachers on surplus. The employers maintained that a surplus teacher should accomplish any task determined by the college. The unions maintained that the duties of a surplus teacher should be determined by the departments and should be

related to teaching (e.g. preparation of new courses, pedagogical research). Both federations feared that surplus teachers would be asked to perform administrative duties or tasks usually done by other employees.

### Parental Rights

As we will see later, parental rights were negotiated at a central table for the entire Common Front. Since both teacher federations participated in the Common Front, their demands were the same. Along with other unions in the Common Front they demanded: a maternity leave of 20 weeks with full pay, a bank of 9 days for medical purposes and/or pre-natal courses, and the possibility of leaving work without a loss of pay in case of working conditions being dangerous for the mother and/or the child. Furthermore, the unions demanded a paternity leave of 10 days, a leave of absence without pay for either parent for a maximum period of two years, and a bank of 5 days per year for essential child care. Finally, they demanded free and public day-care centers at the place of work or nearby.

The government proposed a leave of absence of 18 weeks without pay. (Conseil d'Information, 1979). However, the teacher would receive unemployment insurance for 15 weeks. At the end of the 18-week period, the employer would pay the three weeks not covered at the same rate as the unemployment insurance. The 18-week leave could be extended without pay to a maximum of one year. This one-year leave was also possible in case of an adoption. As far as day-care centers

were concerned, the government maintained that social policies were not negotiable.

### Continuing Education

Both federations demanded as in 1975 the full integration of continuing education with the day division. That is, the collective agreement should cover all the teaching offered by the college. In practice, this implied that the college would hire only full-time (part-time in some cases) teachers to teach courses both in continuing education and in the day division. Hence, the teachers in continuing education who until now were paid at an hourly rate and did not enjoy the rights of the collective agreement (e.g. tenure, job security, participation in departmental activities), would have the same working conditions as teachers in the day division. Hourly paid teachers would no longer exist.

The employer's proposal maintained essentially the status quo on continuing education, i.e., a limited application of the collective agreement. This implied that these teachers would continue to be paid on an hourly basis and they would not have access to all the rights of the agreement.

### Workload

According to the existing agreement the workload of CEGEP teachers was determined by a provincial norm. The total number of

teachers allocated to the entire CEGEP system was obtained by a teacher to student ratio of 1 to 15 at the provincial level plus an additional 840 teachers. As we saw in the previous chapter, a formula (better known as formula H) was negotiated to distribute the total number of teachers among the colleges. The employers' proposal maintained the status quo on the number of teachers and on the distribution formula.

During the term of the existing agreement the unions realized the disadvantages of a provincial norm versus a local norm. The effect of "formula H" was to decrease the number of teachers in some CEGEPs (even though the number of students remained constant or increased) and increase it in others. In general, this transfer occurred from CEGEPs with a high percentage of pre-university programs to those with a high percentage of vocational programs. Also, teachers realized that as the number of students in vocational programs in the system increased, their workload increased.

To deal with the above problems both federations demanded to return to a local norm. A formula, very similar to "formula H", was proposed to convert the workload of a college into a total number of hours. As "formula H", it took into account the number of courses to be taught, the number of different preparations, the average number of students per class, and time required for the evaluation of students. The process included all the courses in continuing education. The total number of hours divided by the number of hours per teacher would determine the number of teachers to be allocated. The weekly number of hours of work per teacher demanded by FNEQ was 38 whereas that of

FEC was 36. In addition, both federations demanded several guarantees (e.g. the lowest local norm since 1975, departmental norms) to assure that the workload of any teacher would not increase. Furthermore, both federations demanded maximum class sizes and a maximum individual workload.

### Classification

Since 1973 all teachers in the public education sector have been classified at the provincial level according to a classification manual of the Ministry of Education. The classification consists in determining the years of scholarship granted to a teacher (this number is often not equal to the actual number of years spent in school). The manual consists of ten large volumes which convert almost all school systems throughout the world into years of scholarship. As we saw in Chapter VI, the declassification conflict in 1973 resulted in an agreement which provided several committees to make recommendations on the classification manual and to review appeals from teachers.

All parties maintained a provincial classification determined according to the classification manual of the Minister of Education. However, a difference existed on the procedure to amend the manual. The employer group proposed a committee that would make recommendations to the Minister who ultimately decided. The unions proposed a similar committee, however, if its decisions were unanimous they were binding on the Minister. If they were not unanimous, an appeal committee would decide. The decisions of the appeal committee

was binding on all parties. All proposals provided a procedure for a teacher who wanted to appeal his/her classification. For the purpose of salary, the employers' proposal maintained that a teacher's classification could only be changed once per year (in September). FNEQ demanded a change of classification twice per year.

### Salaries

The employer's proposal maintained the same salary structure as in the existing agreement, i.e. the salary of a teacher was determined by the number of years of scholarship and experience. For the CEGEP sector the years of scholarship in the salary structure varied from 16 to 20. For the purpose of salary, a Ph.D. was required to be recognized at 20 years of scholarship. Each year of scholarship corresponded to a category. Within each of the five categories a maximum of 15 years of experience were recognized. It was not possible to change category unless an additional year of scholarship was acquired.

The unions' proposal on salaries was the same for all teachers in the public sector. As we will see later, salaries were also negotiated at a central table. As in the past, teachers demanded a single salary scale. Two years of experience were equivalent to one year of scholarship. Hence, the scale consisted of 24 steps for the CEGEP sector and 27 for the elementary and secondary levels (the minimum years of scholarship for the CEGEP level was 16 whereas at the other levels it was 14). Hence, a teacher with 19 years of scholarship



and no year of experience would start at the same step as a teacher with 16 years of scholary and 6 years of experience.

The salary offers of the government were based on several principles (Conseil d'Information, 1979). First, the government rejected the unions' position that the negotiations in the public sector should serve as a socio-economic stimulus. It maintained that social problems, such as the level of poverty, should be solved through social policies and not through negotiations in the public sector. Secondly, it maintained that salaries in the public sector should compare with those in the private sector. Thirdly, when comparing salaries between these two sectors, all benefits (e.g. job security, sick leaves) should be taken into account. Finally, the higher salaries in the public sector should be decreased as soon as possible to the levels in the private sector.

To implement these principles a government agency was mandated to conduct a confidential study on the salary differentials between the public and private sector of Quebec. The study concluded that the average salary in the public sector was 16.3% greater than the average in the private sector. To rectify this difference, the government proposed two sets of salary offers. For those whose salaries was less than 3% of the average in the private sector (this included most hospital employees), the salary increases would be 8.9% for the first year and 6.5% annually for the next two years. The 8.9% included the 5.4% granted on the 30th of June 1979 due to the increase in the cost of living during the previous year. For others, including most of the teachers, the offers were 5.9% the first year (this included the

5.4%), and 3.5% annually for the next two years. - Furthermore, salaries would be indexed if the cost of living increased more than 6.5% annually.

Contrary to the government's proposal, the unions maintained that the salaries should be based on the needs of workers and not on a comparison between the private and public sector. Also, they maintained that the public sector should serve to stimulate the private sector, especially for the low paid employees. Based on these orientations, the Common Front adopted the following principles (Conseil d'Information, 1979): the minimum salary in the public sector should correspond to the needs of an average family to live just above the poverty level, reduce the gap between low and high-paid employees, eliminate salary discrimination based on sex, reduce the number of working hours, a salary increase equal to the collective enrichment of the province, and full indexation of the salary scales to increases of the cost of living.

Using the results of a study conducted by the Canadian Senate, the unions concluded that the level of poverty for a family with two children was \$265 per week. The Common Front demanded a minimum salary of \$250 per week. The additional increases demanded applied also to this minimum salary. Hence, the minimum salary as of the 1st of July would be \$265 per week.

The salary increases demanded by the Common Front were divided into two parts: an increase of 4% of the average salary in the public sector divided evenly among all workers (\$650 per year) and 6% for the predicted increase of the cost of living. The 4% was based on the

collective enrichment of the province during the past fifteen years. The Common Front maintained that the average gross internal product (GIP) of the province from 1962 to 1977 was 4.4%. Finally, the Common Front demanded the indexation of all salary scales if the annual increase of cost of living was greater than 6%.

### Bargaining Structure

As we have seen in the previous section the legal framework for collective bargaining in the public sector did not recognize inter-sectorial bargaining. Nevertheless, the three largest provincial centrals (CSN, CEQ, FTQ) formed a third Common Front. As during the two previous rounds, they demanded to negotiate some monetary issues at one central table for all its members - approximately 200,000 mostly from the education and hospital sectors. The issues to be negotiated at the central table were: salaries, parental rights, regional disparities, and pension plans. As we will see later, the PQ government was less resistant to a central table than its liberal predecessor.

### Other Objectives

FNEQ demanded that the collective agreement should cover all teachers including those who taught non-academic and retraining courses. FEC demanded that it should cover only those teachers who taught courses recognized by the Minister of Education. The

employers' proposal was similar to that of FEC.

According to the existing agreement tenure was acquired on the first of April of the second year of full-time teaching. The employer group proposed to change the date to the first of May. In addition, it demanded that new teachers would have to satisfy the requirements of a government regulation on tenure. Both federations demanded that tenure be acquired at the end of the first year of teaching.

Both teacher groups demanded changes on the salary and life insurances. FNEQ demanded a life insurance of \$10,000 whereas FEC demanded \$7,000 indexed to increases of the cost of living. The employer group proposed the status quo, i.e., \$5,000 for full-time teachers and \$2,500 for part-time teachers. On the salary insurance FNEQ demanded that a teacher on a sick leave should receive 100% of his/her salary for the duration of the sickness. FEC demanded the status quo which the employer group offered to both federations, i.e., 85% of the salary for the first year, 66 2/3% for the second year and the use of accumulated sick days thereafter.

Finally, the employer group demanded a compulsory availability period of 32 1/2 hours per week within the locals of the college. The unions maintained the provisions of the existing agreement, i.e. an availability of 32 1/2 hours per week and presence at the college should be compulsory only if required by the teachers' duties (e.g. teaching, department meetings).

## SUMMARY OF THE NEGOTIATIONS

The relationship between the government and the labour movement during this fourth round of collective bargaining was quite different from that of the previous ones. The adversary attitude of the labour movement in the public sector with the Bourassa government was replaced by a careful and hesitant behaviour. The membership was now negotiating with "its" government. Many union members were also members of the PQ. As we will see later, this divided allegiance made the "divide and conquer" strategy of the government quite effective.

All the public sector unions affiliated to CSN, CEQ and FTQ again presented a Common Front to the government. This organizational structure allowed them to negotiate (as the previous two rounds) some monetary issue at one central table for all their members. However, as we will see later, this third Common Front went only as far as determining common objectives. The coordination of sectorial tables and the implementation of a common strategy was quite a failure.

The objective of this section is to describe the major events of the negotiation. For most public sector employees the negotiation began in March 1979 and terminated in the Spring of 1980. For the purpose of clarity this period will be divided into seven parts: (1) the preparation period - a first conflict; (2) the beginning of negotiations; (3) the negotiation of the status quo and the Fall strategy; (4) the beginning of pressure tactics; (5) Bill 62; (6) the settlement at the central table and the rejected agreement in principle at FNEQ; and (7) the final agreement.

The Preparation Period - A First Conflict (Aug. 1978 - Jan. 1979)

The first conflict of the negotiations occurred during the preparation phase. During the previous negotiation the parties had agreed within a few weeks on the numbers of teachers to be released from their duties in order to negotiate with the employer group. During the last round FNEQ had obtained a negotiation committee of 12 teachers with a total liberation of 8 full-time equivalent. FEC had obtained the liberation of five full-time teachers. The salary of these teachers was paid by the government.

In August 1978, CSN met with representatives of the government to negotiate the release-time of the negotiation committees for the unions it represented. FNEQ demanded the liberation of 12 teachers on a full-time basis. Also, it demanded the liberation of one teacher in each CEGEP two days per month. This was necessary so that each local union could participate in the negotiation. FEC demanded the liberation of 8 teachers on a full-time basis. By the end of November the employer group had still not replied to the unions' demands.

At beginning of December the employer group proposed to each federation the liberation of two teachers on a full-time basis and three on a half-time basis. Both federations rejected the proposal since it represented less than the "status quo", i.e., less than what they had received during the previous negotiation - an argument repeated continuously during the negotiation on several issues. The strategy of the employer group seemed to be clear - reduce the efficiency of the negotiation committees, create internal divisions,

and reduce the cost of the negotiations.

During the month of December the unions decided not to pay the costs encountered by the liberation of the members of the negotiation committees during the Fall term. Also, the leadership of FNEQ decided not to liberate the committee for the winter semester. This was supposed to exert some pressure on the government by delaying the beginning of the negotiation. However, the decision of the executive was not well received by the members of the committee nor by a majority of the local unions. The internal conflict which resulted contributed to the resignation of the entire executive of FNEQ in February 1979. Although the issue was not resolved until the spring, both federations continued to liberate their negotiation committees.

#### The Beginning of the Negotiations (Feb. 1979 - July 1979)

The negotiations began in an adversarial atmosphere. According to the legal framework the unions had to deposit their demands on the 150th day prior to the expiration of the collective agreement. Since both agreements expired on June 30, 1979, the demands had to be deposited on the 1st of February. However, both federations did not do so. They maintained that they had not been consulted on the negotiation calendar adopted in Bill 59. Also, they were protesting against the employers' proposal on the liberation of the negotiation committees. Eventually, both federations presented partial demands on minor issues during the month of February - FNEQ on the 12th and FEC on the 21st (FNEQ, 1980; FEC, 1980).

Although the negotiation began, the conflict on the liberation of the negotiation committees still persisted. By the end of February the employer group proposed the liberation of five teachers on a full-time basis for each federation.

During the month of February pressure tactics began in a few CEGEPs. However, by the beginning of March it had become clear that the liberation of twelve teachers on a full-time basis for the negotiations was not a major issue for the membership. The employer group was quick to exploit the division between FNEQ's leadership and the membership on this issue. In a letter to the Director General on the 7th of February, Jean-Guy Farrier, the president of the committee (C.P.N.C. - Comité Patronale des Négociations Collegiales) responsible for the negotiations in the CEGEP sector, made the following remarks concerning FNEQ (C.P.N.C., 1979):

Le C.P.N.C. considère que sa position est en terrain solide et que l'éventualité d'un conflit sur ce seul sujet est peu probable. Il s'agit en l'occurrence d'un avantage qui ne touche que la centrale syndicale et non les enseignants. Cette dernière attendra vraisemblablement d'être en meilleur terrain pour utiliser ses forces. Elle ne risquera pas d'envoyer une charge de cavalerie sur un point aussi sujet à controverse que celui-là: le financement de l'organisation syndicale par le gouvernement.

According to the legal framework (Bill 59) the employer group was supposed to present its offers sixty days after the unions deposited their demands, i.e., on the 1st of April. However, during the month of March both federations were convened for this purpose. To protest against the state of the negotiations on the release of the members of the negotiation committees, both federations decided not to attend.



Nevertheless, this did not prevent the employer group from making its offers known. A complete set of the offers was sent by taxi to FNEQ on the 19th of March (FNEQ, 1979a) and on the 20th to FEC (FEC, 1980).

On the 21st of March an agreement was reached with FEC on the liberation of the negotiation committee. FEC accepted the last proposal of the employer group, i.e., five teachers on a full-time basis. During this month both federations completed their demands. However, since the Common Front was demanding a central table, their demands did not include salaries, pension plans, parental rights and regional disparities.

During the month of March the government agreed to a first meeting with the Common Front to receive the union demands on the four issues mentioned above. The government wanted a public meeting. The unions refused a public meeting since it would prevent "real" negotiations. As a result, government officials refused to attend the meeting. Civil servants were nevertheless present to receive the demands of the Common Front. To clarify the procedures and the nature of the meetings of the central table, the Common Front and the government agreed to form a bilateral committee.

During the month of April negotiation officially began with both federations - on the 11th with FEC and on the 18th with FNEQ. On the 21st of April an agreement was reached with FNEQ on the liberation of the members of the negotiation committee. The agreement provided the liberation of eight teachers (the writer being one of them) on a full-time basis for the remainder of the negotiations.

During the month of April both federations criticized the

employers' offers. They maintained that the offers were less than the status quo on many issues especially on the participation of teachers in the decision-making process. In some cases (e.g. academic council, syndical leaves) the offers were even below the provisions of the decree adopted unilaterally by the government in 1972. To protest against the government offers, thirty-six of the forty teacher groups affiliated to FNEQ staged a half-day illegal walk-out on the 27th of April.

The negotiations continued until the middle of June at a pace of two days per week with both federations. No concessions were made by any party during this period. Most of the time was spent in detailed explanations of the parties' proposals. The discussions focused mostly on the union documents.

In the meantime, a major event occurred between the government and the Common Front. On the 23rd of May an agreement was reached on the modalities of the central table. The agreement included the composition of the central table, its functions, and the issues to be considered, i.e., salaries, parental rights, pension plans and regional disparities. This was the first time that an agreement of this kind was signed. However, this was not too surprising since Parizeau, who was responsible for the negotiation, was the architect of the first central table on the government side in 1972. He was then a special advisor to the Liberal government of Bourassa.

The first meeting of the central table occurred on the 12th of June where each party presented at a public meeting its general objectives. The government, represented by several ministers,

proposed to reduce the gap between the average salary in the public sector and that in the private sector. Also, it intended to reduce the cost of the education and hospital sectors. Furthermore, it maintained that the salaries of public sector employees would continue to be indexed to increases in the cost of living; however, the indexation could no longer be "absolute" for all employees. The Common Front defended the principle of acquired rights. Also, it proposed to improve the working conditions especially in the hospital sector and to obtain a decent minimum salary.

At the first negotiation meeting at the central table, Parizeau invited all sectorial tables to accelerate the rhythm of the negotiations. He proposed that all parties should "purify" their proposals. To accomplish this objective, the employer group in the CEEF sector suspended the negotiations with both federations for a period of approximately two weeks. On the 27th of June the employer group made a series of amendments to its original proposal and demanded that the unions do likewise. Both federations rejected the request. They maintained that the new offers were mostly a clarification of the first and in some cases they were worse. At the request of the employer group the negotiations were suspended during the month of July for the summer holidays. In the meantime, most collective agreements in the public sector expired on the 30th of June. Hence, the right to strike and lock-out was acquired.

The Council of Information published its first report on the 30th of June. The report presented a detailed summary of the parties' objectives at all bargaining tables. Because of its detailed

character and lengthy presentation, the report was more useful for the press and experts in labour relations than for its intended purpose, i.e., inform the public on the state of negotiations.

The Negotiation of the Status-Quo and the Fall Strategy  
(Aug. 1979 - Sept. 1979)

Negotiations with FNEQ resumed on the 8th of August (FNEQ, 1979b). Since FEC was not negotiating during this month - it was preparing a counterproposal - the negotiation with FNEQ increased to three days per week. Nevertheless, little progress was made during this month. The parties identified the differences in their proposals. The discussions dealt mostly with minor issues such as leaves of absence. The two major issues at the sectorial tables - continuing education and workload - were hardly discussed. On the 27th of August, FEC presented a counterproposal on all issues except workload and job security.

At the beginning of September the employer group, upon the invitation of Parizeau, adopted a new strategy. On the 12th it presented a list of priorities to both federations and it demanded that they do the same. For the issues not identified in the list the status-quo would be maintained. According to the employer group, its list of priorities reduced the number of changes with respect to the previous agreement from 113 to 41. Also, it maintained that the union demands proposed close to 400 changes. At the same time, the employer group proposed a period of intensive negotiation until the 24th of September to identify the "real" differences in the proposals. The

deadline of the 24th seemed to reflect a division between the employers and the government. Rumours were circulating that Parizeau was ready to offer the status-quo on all normative clauses in order to reach a settlement during the Fall. Hence, the employer group had an interest in settling as many clauses as possible.

The concessions made by the employer group were considered minor by both federations. In some cases new demands were made. For example, the college administration wanted the right to ask a teacher to review the grades of a student. Until then, only a student could ask for a revision. Although the concessions were considered minor, FNEQ agreed to present a list of priorities. However, as those of the employers, the changes were not significant and by the end of the month no agreement was reached on any of the major issues. FEC did not deposit a list of priorities - it maintained its counter-proposal of the 27th of August.

Around the middle of September Parizeau proposed a new plan for the remainder of the negotiations. The government's objective, he claimed, was to arrive at a settlement before Christmas. By September it had become clear that the government intended to hold a referendum in the spring on Quebec's sovereignty-association. Since many union members in the public sector were also members of the P.Q., it was important to reach an agreement as soon as possible - an early agreement would allow more time to prepare the referendum. The new plan, soon called the "Parizeau Plan" included the following elements: (1) negotiations would continue until the 30th of November; (2) until then no pressure tactics were to be exerted by the Common Front (This

was an important factor for the government since bi-elections were scheduled for Nov. 19 in three provincial ridings); (3) for the non-monetary issues on which no agreement was reached by the 30th of November, the unions could accept the status quo or consult the membership on new objectives; and (4) towards the end of November the government would present a new salary offer (Le Devoir, Sept. 17, 1979).

The Parizeau Plan was criticized by both the unions and the employer associations. The unions could not understand why they had to wait until the 30th of November to be offered the provisions of the agreement and a new salary offer. Also, they objected to the condition that in order to be offered the status-quo they had to promise not to resort to pressure tactics. As far as the unions were concerned the status-quo was an acquired right and constituted the minimum acceptable conditions. On the other hand, the employer associations did not agree with the status-quo. They wanted to retrieve some important managerial rights conceded during the 1975-76 negotiations. In the education sector some employer associations threatened to withdraw from the negotiations if Parizeau implemented his plan. Because of the strong opposition to the plan by both the unions and employer groups, the plan was eventually abandoned.

By the end of September not much had occurred at the central table (Front Commun, 1979b). Negotiations were expected to resume in October on parental rights. However, in the meantime the Common Front also adopted the strategy of a settlement in the fall. Several factors seemed to favour a fall strategy (Front, Commun, 1979c): an

early settlement was desirable since during a legal void (no collective agreement) the employers could make all the changes they desired (This was feared especially in the hospital sector where as a result of the government budgetary cuts a considerable number of positions were being closed and the number of part-time positions was increasing at an alarming rate); although not explicitly stated, a desire of the unions not to interfere with the referendum; the fear of another government decree; and the fear that the government would suspend the negotiations until after the referendum.

To achieve a settlement in the fall, the Common Front adopted a plan of action which consisted of two twenty-four-hour strikes in October and a general strike to begin at the beginning of November (Front Commun, 1979d).

The Beginning of Pressure Tactics and the End of the Common Front  
(Oct. 1979 - Nov. 1979)

During the month of October both federations continued to negotiate at a pace of approximately two days per week. Although the parties had exchanged counter-proposals by the end of the month, all three parties maintained their major objectives. In the meantime, major events were occurring within the Common Front.

At the beginning of October the Common Front voted on two twenty-four-hour strikes to be implemented during the month. Both the CSN and the FTQ obtained the mandate with a majority close to 80% (Le Devoir, Oct. 12, 1979). However, CEQ to which FEC was affiliated did not obtain its mandate. Several reasons were identified: not enough

time to prepare the vote; the negotiations were not advanced enough; the two twenty-four-hour strikes were useless in view of the general strike intended for early November; and a lack of support for the fall strategy (FEC, 1980). In the CEEEP sector only two of the 9 teacher groups affiliated to FEC adopted the two twenty-four-hour strikes. At FNEQ 30 of the 40 teacher groups adopted the mandate with a 59% majority. Although the vote did not represent the "end" of the Common Front, from this time on the three centrals experienced serious difficulties in coordinating their actions.

In spite of the negative vote as a Common Front, the CSN decided nevertheless to stage a twenty-four-hour walkout on the 25th of October (Le Devoir, Oct. 17, 1979). Seventy per cent of the CSN membership adopted this new strategy (CSN, Oct. 1979). Within FNEQ 34 of the 40 teacher groups adopted the walkout with an overall majority of 74%.

It did not take long for the announced pressure tactics to have an impact on the government. On the 17th of October it accepted a maternity leave of 20 weeks with full pay (Le Soleil, Oct. 18, 1979; Le Devoir, Oct. 18, 1979). In addition, the new proposal provided the possibility to extend the leave for an additional period of two years without pay. Furthermore, the proposal provided a leave of 10 weeks with full pay for the adoption of a child. During these leaves the employee maintained all rights and privileges of the collective agreement.

On the 22nd of October FEC and the rest of CEQ presented a major counterproposal on job security. The institutional job security was



replaced by a regional mechanism. At the same time, FEC accepted that tenure and hence job security would be acquired after two years of full-time teaching (FEC, 1980). Several minor demands (e.g. an increase in the number of sick days, leaves with pay for all syndical activities) were also dropped in favour of existing provisions. On the 24th of October FNEQ presented a written counter-proposal with minor concessions similar to those of FEC except for those on job security (FNEQ demanded a provincial job security). On the 25th of October over 50,000 union members (mostly in the hospital sector) affiliated to CSN walked off their job as planned. (The Gazette, Oct. 25, 1979). Most of the CEGEP teachers affiliated to FNEQ participated in the walkout (La Presse, Oct. 25, 1979).

At a press conference on the 30th of October Parizeau announced that important concessions would be presented at all sectorial tables. At the end of the same day the employers in the CEGEP sector pretended to have reduced their priorities from forty-one to eleven (FNEQ, 1979c) when in fact they had not. The priorities retained intended to restrict the participation of teachers in the decision-making process and to avoid the creation of "artificial" full-time positions. The reaction of both federations emphasized that the status-quo was an acquired right and that the employer group had still not answered their two major objectives: an institutional norm for the workload and the integration of continuing education.

At the end of October the Common Front decided to take a strike vote (Le Devoir, Oct. 30, 1979). Within a few days the government announced another major concession at the central table. It proposed

a regional job security within a radius of 50 km from the workplace (Le Soleil, Nov. 3, 1979). In spite of the new concession, the Common Front proceeded during the first week of November to take a strike vote. Although the government had made major concessions on parental rights and job security, the impasse persisted on workload, the integration of continuing education, participation of teachers in the decision-making process, full indexation, the abolishment of full-time positions in the hospital sector, and on a minimum salary of \$265 per week.

On the 8th of November the Common Front announced that a general strike would begin on the 13th of November (Le Devoir, Nov. 8, 1979) - the day before the three bi-elections. The strike mandate had been adopted by a majority of 64% at the CEQ, 59.5% at the FTQ and by approximately 70% at the CSN (Le Devoir, Nov. 8, 1979). In the CEGEP sector, 91% of FNEQ members rejected the last government offers and 54% were in favour of a general strike (FNEQ, 1980). At FEC 89% of the members rejected the last government offers and 53% of the members were in favour of a general strike (FEC, 1980).

#### Bill 62 (Nov. 12, 1979)

Although the government had made concessions on several demands of the Common Front (e.g. maternity leaves, job security), it was firm on its objective that public-sector salaries should be comparable to those in the private sector. Hence, the indexation of salaries could not be absolute. A general strike seemed inevitable.

On the 8th of November the government appealed to the Common Front to delay the strike (Le Devoir, Nov. 9, 1979). A meeting between Levesque and the presidents of the three centrals also failed to postpone the strike. On the 11th of November, two days before the beginning of the general strike, the government added 690 million (distributed over a period of three years) to its initial salary offer. The new proposal improved somewhat the indexation for those (higher-paid employees) who had not received full indexation in the initial salary offer (CSN, Nov. 1979). The new offer was found unsatisfactory by the Common Front. It maintained that the buying power should be protected for all employees. Another major impasse was the minimum weekly wage - the last government offer was a little over \$190 per week whereas the Common Front was demanding \$265. In addition to salaries, in the CEGEP sector the major issues remained participation, workload, and the integration of continuing education.

The failure to postpone the strike resulted in a familiar intervention of governments - special legislation. Although governments changed, the strategy remained the same. The PQ government, as two of its predecessors (the Union Nationale in 1967 and the Liberals in 1972 and 1976), intervened in the bargaining process by adopting a special legislation - Bill 62 - on Nov. 12, 1979.

The legislation applied to the education, hospital and civil service sectors. The right to strike and lockout was suspended from the 13th to the 30th of November (provincial bi-elections were scheduled in three ridings for the 14th of November). Also, the legislation imposed on the government the obligation to deposit at the

1 National Assembly the latest government offers on the 21st of November at the latest. Furthermore, it imposed on the unions to hold a compulsory vote on the offers deposited at the National Assembly at the latest by Nov. 28th. According to the legislation, if a local union accepted the government offers it implied the signing of a new collective agreement. Finally, the legislation provided fines from \$10 to \$50 per day for any person or union member who disobeyed the law and from \$100 to \$500 per day for a union officer or a union (CSN, Nov. 1979).

Although the legislated intervention was not a new feature in collective bargaining within the public sector of Quebec, two new dimensions were introduced by Bill 62. For the first time the National Assembly was directly involved in the bargaining process. Secondly, a compulsory voting procedure was imposed on the unions.

A Settlement at the Central Table and a Rejected Agreement in Principle at FNEQ (Nov. 13, 1979 - Nov. 30, 1979).

On the 13th of November, the Council of Information published its second report on the state of the negotiations. The report focused mostly on the issues at the central table and criticized the rigidity of both parties. According to the Council, the complexity of the negotiations in the public sector resulted from their far reaching impact. As quoted in La Presse (Nov. 14, 1979):

0 Pour bien comprendre les présentes négociations, il est important de saisir que les enjeux dépassent largement le cadre habituel de la négociation. Les répercussions de ces négociations touchent toute la société. Sur tout

le chapitre des salaires, les parties font montre d'une certaine rigidité; elles sont même éloignées aussi bien au niveau des principes que sur les quantas. L'écart entre les parties sur cet enjeu n'est pas simplement lié à un certain pourcentage d'augmentation trop élevé d'un côté et trop bas de l'autre et où la négociation permettrait de le diminuer en vue d'en arriver à un compromis acceptable. Il reflète plus précisément deux conceptions de la société et la négociation sur ce sujet semble laisser beaucoup moins de place au compromis puisqu'il s'agit alors de remettre en question les principes de chacune des parties négociantes.

In spite of its perceptive analysis, the report was completely ignored by both parties. Neither party made any reference to it (La Presse, Nov. 14, 1979).

On the 14th of November the PQ government lost the bi-elections to the Liberals in all three ridings. The special legislation and the labour conflicts in the public sector, especially in hospitals, undoubtedly contributed to the defeat. Many were dissatisfied for different reasons: some felt the PQ government had behaved like previous governments towards public sector employees, while others felt it had not been firm enough.

The Common Front recommended to its members to disobey the law and a general strike was planned for the 19th of November. The government appealed to union members to obey the law and promised a new salary offer for the 16th. Six PQ members of the National Assembly announced at a news conference that public sector employees could reduce the chances of winning the referendum if they disobeyed the anti-strike legislation (Gazette, Nov. 17, 1979).

The criticism of the government attitudes and of the special legislation by the presidents of the three centrals was not sufficient

to convince the membership to disobey the law. The members of CEQ and FTQ rejected the recommendation of the Common Front. The recommendation was also rejected by both federations in the CEGEP sector. At FNEQ only 43% of the members were in favour of disobeying the law and at FEC only 46%. Nevertheless, the last government offers were rejected by all groups with a large majority. The only group that elected to obey the law was the hospital workers affiliated to CSN.

Although the vote to disobey the law was taken as a Common Front action, about 50,000 union members in the hospital sector decided to disobey the law as planned on the 19th of November. The illegal strike affected approximately 158 institutions (Le Soleil, Nov. 20, 1979). On the same day, the government accepted the demand of a minimum salary of \$265 per week for 1982 (Le Devoir, Nov. 20, 1979). Also, it accepted to reduce the work-week from 40 to 38.5 hours. In the meantime, legal proceedings were taken against Norbert Rodrigue, president of CSN, for violating Bill 62, i.e., for recommending to disobey the law. Also, fourteen unions received a total of fifteen accusations (La Presse, Nov. 21, 1979).

According to Bill 62, the government deposited at the National Assembly on the 21st of November a new set of offers. The union members were obliged to vote on these offers before the end of November. However, the new salary offer and the fact that the number of hospital workers on strike (illegal) was diminishing at a considerable rate, triggered an intensive negotiation period at the central table and in the hospital sector. An agreement was reached at

both tables on the 21st of November after three days of illegal strikes in the hospital sector (Le Presse, Nov. 22, 1979).

While intensive negotiations were taking place at the central table and in the hospital sector to end the illegal strikes, the negotiations at most of the other sectorial tables were suspended. At a press conference on the 23rd of November Francine Lalonde, president of FNEQ, criticized the government attitude towards those employees who had decided to respect the law. She was quoted by La Presse (Nov. 24, 1979) to have said:

Ceux qui ont transgressé la loi ont eu une convention collective satisfaisante; ceux qui ont voté pour le respect de la loi en croyant que la négociation se poursuivrait se voient trompés.

Many of the unions affiliated to FTQ also reached an agreement during the week of the 19th. However, hardly any agreement had been reached in the education sector. As in 1976, FNEQ exploited the government's interest in reaching the first agreement with a teacher group. Consequently, on the 25th of Nov. it engaged in an intensive negotiation period. An agreement in principle was reached by the negotiation committee on the 27th. In the meantime, the negotiations with FEC were suspended.

In spite of the recommendation of the executive of FNEQ and the negotiation committee, the agreement in principle was barely accepted by the deciding committee - better known as "the committee of the 40s". This committee was composed of one delegate from each teacher group. It mandated the negotiation committee and it made recommendations to the general assemblies. The agreement was essentially the status-quo except on the participation of teachers in

the decision-making process. Although the employer group had accepted to reintroduce the academic council in the agreement, the provisions on the selection committee, the labour relations committee, the departmental structure and on job security were not as good as those of the previous agreement.

At the end of November all teacher groups within FNEQ and FEC voted on the latest government offers. At FNEQ the members voted on the agreement in principle reached on the 27th. The recommendation to the members was to accept the agreement. At FEC the members voted on the government offers deposited at the National Assembly on the 21st. The recommendation was to reject the offers.

At FEC the government offers were rejected by a majority of more than 80% (Le Soleil, Nov. 28, 1979). At FNEQ the result of the vote was more complicated. Twenty-one of the teacher groups accepted the agreement and nineteen rejected it. However, the overall membership rejected the agreement by a majority of 52%. According to an internal rule at FNEQ, a double majority was required, i.e., the majority of the unions and of the voting members, for an agreement to be accepted. Hence, the results of the vote implied that the agreement had been rejected. At the elementary and secondary levels the government offers were rejected by 90% of the voting members (Le Soleil, Nov. 30, 1979).

#### The Final Agreement (Dec. 1979 - March 1980)

FNEQ met with the employer group for the first time after the



rejection of the agreement in principle on the 6th of December. At this meeting, the employer group threatened to withdraw the agreement and limit itself to the government offers deposited at the National Assembly. However, on the 7th of December the agreement was confirmed by a telegram of the employer group to FNEQ.

Around the middle of December the agreement in principle was also offered to FEC. However, at the two meetings which occurred between the parties during this month no agreement was reached. FEC maintained that the provisions of the agreement in principle reached with FNEQ were similar to those of the offers deposited at the National Assembly. The latter had already been rejected by the membership with a large majority. Hence, by the end of December a total impasse existed with both federations.

On the 11th of December FEC recommended a general unlimited strike to its membership. The vote would be taken in December but the mandate would be implemented at the beginning of the second semester. Elementary and secondary teachers also intended to strike after the Christmas holidays. Six of the nine teacher groups affiliated to FEC voted in favour of a general strike.

After the meeting of the 6th of December, the negotiations with FNEQ were also suspended for the rest of the month. During this time FNEQ identified a list of sixteen priorities. These included the status-quo on the participation of teachers in the decision-making process, a maximum individual workload, a better application of the existing clauses on continuing education, clarification on the job security mechanism, the status-quo on the one-year-notice prior to

being placed on availability, and full indexation of all salary scales to increases in the cost of living.

During the month of January FNEQ decided to take a strike vote. Negotiations with FNEQ resumed on the 23rd of January. At this meeting the employer group deposited a unilateral writing of the agreement in principle. FNEQ maintained that the writing did not conform to the principles negotiated in November. The impasse persisted. A vote was taken on the 31st of January on the latest written offers and on a general strike. Thirty-eight of the 40 teacher groups rejected the offers with an overall majority of 74%. The results on the strike were quite different - only 11 teacher groups were in favour. The strike was rejected by a majority of 57% (FNEQ, 1980). At FEC the six teacher groups which had adopted a general strike in December reaffirmed the mandate.

During the month of January elementary and secondary teachers affiliated to CEQ (approximately 70,000) voted in favour of a general strike by a majority of 74%. The strike began on the 29th of January. By the beginning of February several groups were on strike: teachers at the elementary and secondary levels, teachers in six CEGEPs, and support staff in several CEGEPs and school boards.

The strategy of the government seemed to be to negotiate with the largest group on strike. Hence, an intensive negotiation period occurred with CEQ at the beginning of February. As a result, elementary and secondary teachers reached an agreement on the 12th of February. A similar process resulted in an agreement one week later with the support staff on strike at more than 22 CEGEPs. During this

time the negotiations with both teachers groups in the CEGEP sector were practically suspended.

On the 15th of February the strike at FEC ended without an agreement. Nevertheless, the last government offers were again rejected by a majority of 93%. An intensive negotiation period began with both federations at the end of February. An agreement was reached with both federations around the middle of March. A collective agreement was signed on the 23rd of April with FNEQ and on the 26th of May with FEC.

#### THE OUTCOMES OF THE NEGOTIATION

Contrary to the legal framework the three union centrals (CEQ, CSN, FTQ) again achieved their objective on the bargaining structure, i.e., they succeeded in negotiating salaries and some other monetary issues for all its members at one central table. Hence, the outcomes of the negotiation will again be divided into two parts: those at the central table and those at the sectorial tables. The outcomes at the central table will be divided into three groups: (1) salary, (2) pension plans, and (3) parental rights.

The outcomes at the two sectorial tables will be divided into eight groups: (1) union prerogatives, (2) participation of teachers in the decision-making process, (3) professional improvement, (4) job security, (5) continuing education, (6) workload, (7) classification, and (8) other outcomes. In general, the collective agreement signed by the two teacher groups are quite similar. As we will see later,

the major difference were the modalities for the participation of teachers in the decision-making process.

#### Outcomes at the Central Table

##### Salaries

As in the rest of the public sector, the agreements negotiated were for a period of 3 1/2 years, i.e., from July 1st, 1979, to December 31, 1982. In general, the salary structure for teachers at the elementary, secondary and CEGEP levels remained unchanged. Since 1967 (Bill 25) the salary of teachers in Quebec is based on years of scholarship and experience. The maximum being twenty and fifteen respectively. As the previous agreement, the salary scales recognized a minimum of sixteen years of scholarship for all teachers in the CEGEP sector.

The Common Front was again successful in negotiating a minimum weekly salary; however, its original objective - \$265 per week as of the first year of the contract (1979-80) was not achieved. This minimum salary was agreed to as of the 1st of July, 1982 (CSN, Dec. 1979). The hours of work per week was reduced from 40 to an average of 38 3/4. Hence, by July 1st, 1982, the minimum hourly rate in the public sector was approximately \$6.85.

The agreement also provided the indexation of increases in the cost of living of the total salaries in the public sector. However, the salary of higher paid employees was not totally indexed. For the

first year of the agreement (July 1, 1979 - June 30, 1980) the settlement provided an increase of 3.5% of the total salaries as a protection against inflation. This amount was distributed unevenly among low-paid and high-paid employees. The amounts were 4.53% and 1% respectively. This achieved partially the objective of the unions and the government to reduce the salary gap.

For the second year the agreement provided a minimum of 5% increase for all employees to make up for the loss in buying power during the previous year. In addition, if the cost of living increased more than 8.5% during the previous year, the difference would also be added to the salary scales. Furthermore, a 3.5% increase of the total salaries was provided as a prevention towards the expected inflation during the second year of the contract. Again this amount was not distributed evenly - low-paid employees would receive 4.23% whereas the highest paid employees would receive only 0.7%.

For the third year of the contract the agreement provided another increase of 5% to make up for the accumulated inflation during the past year. Again, if inflation was greater than 8.5% the difference would be added to the salary scales. In addition, all employees would receive a 3.5% increase as a prevention against the expected inflation for the coming year and a 1.22% increase as a share of the economic growth of the province.

For the last six months of the contract (July 1, 1982 to Dec. 31, 1982) the agreement provided an increase of 5% to make up for the increase in the cost of living during the past year. Again, if the

increase was greater than 8.5% the difference would be added to the salary scales. In addition, a 1.75% increase was provided as a protection against inflation and a 1.6% increase as part of the economic growth of the province. Finally, on Dec. 31, 1982, the difference between the increase in the cost of living for the last six months and 1.75% would be added to the salary scales.

#### Pension Plans

The unions were able to partially achieve their objectives. The retirement age was decreased from 65 to 60 regardless of the number of years of experience. Also, the deadline for teachers to transfer from their old pension plan (T.P.P.) to the new one (R.R.E.G.O.P.) was extended from June 30, 1979 to June 30, 1980. The rate of contribution to the pension plan remained the same - the government contributed 7/12 of the cost and the employees 5/12.

However, the major achievement of the unions was their participation in the administration of the pension plans. Previously the plans were administered by a commission of seven members all appointed unilaterally by the government. According to the new agreement, the plans would be administered by a commission of 12 members - seven appointed by the government and 5 appointed by the unions and other employee organization (CSN, Dec. 1979).

## Parental Rights

The Common Front achieved most of its objectives on parental rights. A maternity leave of 20 weeks with full pay was agreed upon. This leave was granted to any employee with 20 weeks of service and who was eligible for unemployment insurance benefits. The employer paid the difference between the benefits and the full salary. Those employees with 20 weeks of service but who did not qualify for the unemployment insurance were granted a leave of absence of 10 weeks with full pay. Other leaves were granted for pre-natal complications, danger of miscarriage, miscarriage, and for visits to health care professionals. After birth, the agreement allowed a two-year leave of absence without pay. During all these leaves the employee maintained all the rights and privileges of the collective agreement. For example, seniority and experience would continue to accumulate (CSN, Dec. 1979).

The unions were less successful on free day-care centers at the workplace. The agreement provided for a joint committee with representatives from the three union centrals, the Ministry of Education, the Ministry of Social Affairs and employer groups. The mandate of the committee was to study the need for day-care centers and to make recommendations for implementing the services. A report was to be submitted by April 1, 1980.

## Outcomes at the Sectorial Tables

### Union Prerogatives

Essentially the outcome on this issue was the provisions of the previous agreement. As mentioned earlier, this round of collective bargaining can be considered as the negotiation of the "status-quo".

The unions did not obtain a minimum number of teachers released on a full-time basis to participate in union activities. The unions had demanded that a certain number of teachers be released from their duties without a loss of pay or reimbursement by the union. The agreement maintained the existing practices, i.e., once the total number of teachers allocated to the college was determined, some teachers could be released from their duties to participate in union activities. However, their workload would have to be absorbed by other teachers. The slight improvement over the previous agreement was the condition that a minimum number of full-time equivalent teachers would be released. This number depended on the number of full-time teachers at the college. For some teacher groups the settlement represented less than what they had been able to negotiate locally; whereas for others, where local administrators had refused this practice, it was a considerable gain.

Concerning the participation of teachers in union activities at the provincial level, the agreements provided a total of 75 days for all unions affiliated to FNEQ and 56 days for all unions affiliated to FEC - an increase from the 45 days in the previous agreement. Since



forty teacher groups were affiliated to FNEQ, the 75 days represented less than 2 days per year per teacher group. Once the 75 or 56 days were accumulated, the teacher's salary, i.e., the replacement cost, would have to be reimbursed by the union.

Both federations maintained the right to hold union meetings within the premises of the college. Also, the union and its members maintained the right to post and distribute information. Finally, the union had access to the facilities of the college such as printing, audio-visual and addressograph (FNEQ, March, 1980).

#### Participation of Teachers in the Decision-Making Process

As the objectives of the parties, the outcomes on this issue will be divided into four parts: the labour relations committee (CRT), the academic council, the departmental structure, and the selection of new teachers.

The composition and mandate of the CRT within the FNEQ agreement were similar to those of the previous agreement. Both parties could nominate from 3 to 7 members to the committee. The committee was responsible for the interpretation and application of the collective agreement. Also, it dealt with any other issue related to labour relations. The CRT was a parity committee. If two parties reached an agreement at the CRT on a given issue then both the college and the union were bound by its decision. If the parties did not reach agreement the existing practices provided for an automatic second meeting on the issue. The employer group achieved one of its major

objectives in eliminating from the collective agreement this automatic and compulsory second meeting. As mentioned earlier, the colleges found it a waste of time since most often the parties did not change their position at this second meeting. The compromise reached was that the college had to wait five working days before its decision on a disagreement would be implemented. This delay would allow the college to re-think its position, and the union to make additional presentations (FNEQ; March, 1980).

However, the unions affiliated to FNEQ were successful in maintaining the academic council within the collective agreement and this in spite of the employers' objective to withdraw it. As the CRT, the mandate and composition of the academic council remained almost the same as those of the previous agreement. The composition of the council was to be negotiated at the local level; however, if an agreement was not possible the council would be composed of 9 teachers and 8 representatives of the administration and other group of employees.

The mandate of the academic council was to make recommendations on academic and pedagogical matters. On a list of issues identified in the agreement, the consultation of the council was compulsory before the college could make a decision. However, the decisions of the council were recommendations to the college, i.e., they are not binding. In general then, the unions affiliated to FNEQ were able to maintain two of their major achievements of past negotiations: quasi joint decision-making at the CRT on labour issues, and compulsory consultation of the academic council on pedagogical and academic

matters.

The labour relations committee (CRT) and the academic council were again not included in the FEC agreement. In general, the jurisdiction and mandate of these two committees were discussed at meetings between the college and the union (RCS - rencontre entre le college et le syndicat). This constitutes the major difference between the two agreements. Nevertheless, the overall effect (compulsory consultation and joint decision-making) is similar. Furthermore, the possibility to have an academic council in the colleges represented by FEC still exists since it is part of the legislation concerning the CEGEP system.

Both agreements maintained a departmental structure; however, the employer group did achieve some of its major objectives. Contrary to the existing practice, only one teacher would be responsible for a department. In the past, a department could elect several teachers as coordinators. The colleges maintained this arrangement had made it difficult to know who was responsible for what. Although a department could still elect several persons to assist in coordinating the activities of a department, the agreement provided for a single department head.

Another major achievement of the colleges was two compulsory annual reports to be provided by each department to the administration. Each department would have to prepare an annual program regarding its activities and objectives; and, an annual report on their achievement. Although the power of the administration on these reports was restricted, the overall effect was a better

knowledge by the administration of the activities of the department. Such reports did not exist in any of the previous collective agreements.

Both federations did manage, however, to maintain the departmental autonomy of the previous agreement. Whereas the employer group had demanded that all departmental activities be performed under the authority of the administration, both agreements continued to divide the jurisdiction of departmental activities into two parts: those under the jurisdiction of the department alone and those over which the college had authority.

Another achievement of the employer group regarded the procedure for the selection of new teachers. The previous agreements provided a selection committee composed of five members: 3 teachers appointed by the department and 2 representatives of the administration. A majority decision of the committee was binding on the college; hence, the administration did not have much power over the hiring of new teachers. Although the new agreements maintained the same composition, from now on the recommendations of the selection committee had to be unanimous in order to bind the college. If the decision of the selection committee was a majority recommendation the college could refuse the decision. However, it could not hire a candidate it favoured. The college would have to re-consult the selection committee for another selection.

### Professional Improvement

The outcome on professional improvement was essentially the status-quo also. Both agreements provided a bilateral committee to determine professional improvement policies; select programmes and candidates, and administer the allocated funds. As previously, the committee functioned on the principle of joint decision-making, i.e., the decisions of the committee were binding on the college and on the union.

The amounts allocated for professional improvement were those of the existing agreement plus percentage increases similar to the salary increases. As a result, a yearly average of approximately \$130 per full-time equivalent teacher would be allocated. This was much less than what the unions had demanded.

Neither federation obtained a sabbatical leave. On the other hand, the employer group did not achieve its major objective to include all employees in the same professional improvement committee.

### Job Security

As we have seen earlier, job security per se was not an issue. The employers' proposal and that of both federations maintained a job security in case of a decrease in student enrolment for tenured teachers. This implied that a tenured teacher would continue to receive full pay and all the benefits of the collective agreement even though his/her workload could be reduced.

The major difference among the three proposals existed on the nature and acquisition of job security. FEC along with the rest of ~~CEQ~~ (elementary and secondary teachers) had demanded an institutional job security. On the other hand, FNEQ and the employer group had maintained a provincial job security. Although all three proposals maintained that job security was acquired at the same time as tenure, a difference in approach existed on the acquisition of the latter. Both federations demanded that tenure be acquired after one year as a full-time teacher. This included the three categories of teachers over which illegal walkouts had occurred in the spring of 1978, i.e., those teachers on full-time replacement contracts, those with two sessional full-time contracts, and those with a workload equal to or greater than  $3/4$  of the average workload in the department. The employers' maintained the acquisition of tenure after two years of full-time teaching. The three categories of teachers mentioned above were all excluded.

On job security a compromise was reached mostly due to the effort of elementary and secondary teachers. Both agreements provided for a regional job security which allowed teachers on surplus to refuse a job at another CEGEP more than 50 km from their workplace. Job security was acquired, as previously, at the same time as tenure which continued to be acquired after two years of full-time teaching. For the three categories of teachers mentioned above, it would be acquired after three years of full-time teaching. The latter constituted one of the major achievements of the employer group.

Another achievement by the employers on job security dealt with

the workload of a teacher on surplus for whom no job was found at another college. Both agreements provided that such a teacher would have to accept up to a maximum of six hours of teaching in continuing education.

### Continuing Education

Both federations failed to achieve one of their major objectives, i.e., the integration of continuing education with the day division. Hence, teachers at continuing education would, as in the past, continue to be partially covered by the collective agreement. They are not members of a department, have no access to job security or pension plans, are not covered by any of the insurance plans, are paid on an hourly basis, and are not certain to be hired from one semester to another. Essentially, both agreements maintained the existing practices.

The unions did manage (again due to the effort of elementary and secondary teachers who went on strike for a period of three weeks) to have those teachers with a full-time workload in continuing education recognized as full-time teachers. For this purpose, a committee was mandated to identify those teachers with a full-time workload during the academic year 1979-80. However, legal action undertaken by the colleges regarding the jurisdiction and mandate of the committee has prevented the 113 teachers identified to be granted full-time contracts. Consequently, not even this small concession by the employer group has been implemented. Hence, for the second time, both

federations made no progress on one of their most important objectives.

### Workload

The unions achieved very little also on workload. Both federations had demanded an institutional norm to determine the workload of teachers and an improved maximum individual workload. Furthermore, they had demanded a series of guarantees such that the workload would not increase for any teacher. Although some minor concessions were made by the employer group, both agreements maintained essentially the status-quo, i.e., a provincial norm. Hence, the number of teachers allocated to the entire CEGEP system continued to be determined by a provincial teacher-student ratio of 1 to 15 plus 840 teachers. The mechanism used to distribute teachers among colleges (Formula H) was also the same as that of the previous agreement.

Although the workload remained essentially the same, two minor changes did occur. One of the changes concerned the average number of hours worked per week. During the last three years this average had fluctuated at slightly above 39 hours per week. The fluctuation was necessary so that the number of teachers in the CEGEP system would not be greater than the number obtained by the 1 to 15 norm plus 840. The new agreements fixed the provincial average at 39 hours per week. If the provincial norm did not provide sufficient teachers to maintain this average, additional teachers would be allocated. As in the



previous agreement, the number of hours of work per week was based on four parameters: preparation, teaching, adaptation and correction. For each hour of teaching, an additional 1.5 hour was recognized for the preparation and the adaptation of a course to a different group. Only 0.5 hour was recognized if the same course was repeated. In addition, 0.04 hour per student-hour was recognized for correction. These parameters were the same as those in the previous agreements.

The second change on the workload took into account the introduction of new programmes. Both agreements provided a mechanism which protected the workload of teachers from increases as a result of new programmes or changes within existing ones. However, the overall effect of these two changes is minor. The mechanism for the allocation of teachers allows the colleges and the government considerable control on the projected student enrolment. Hence, it is relatively easy to counteract the effect of the two changes described above.

Both federations achieved a slight improvement in the maximum individual workload. Both agreements provided a maximum of 44 hours of work per week. This number was calculated using the same parameters described above.

Also, the unions managed to maintain the existing practices on the availability to the college. Teachers would continue to be available to the college 32 1/2 hours per week. However, they did not have to be present in the locals of the college unless it was required by their duties (e.g. teaching, departmental meetings). The employer group had proposed compulsory presence.

A major achievement of the colleges on workload concerned the revision of a student's grade. In the previous agreement only a student could request a revision. Both agreements now allowed the college, with or without a student's request, to demand a revision of students' grade.

### Classification

As in the previous agreement the salary of teachers was again determined by a classification based on years of scholarship and years of experience. The salary scales remained unchanged in both agreements. The five salary scales - one for each year of scholarship from a minimum of 16 to a maximum of 20 - were all maintained. A Ph.D. was still required to be recognized at 20 years of scholarship. For each scale, again a maximum of 15 years of experience was recognized. It was still not possible to change scale unless an additional year of scholarship was acquired.

The evaluation of a teacher's scholarship continued to be determined unilaterally by the government. However, both federations were able to maintain an appeal procedure similar to the one negotiated in 1973 as a result of the declassification conflict.

A minor achievement of the unions was the revision of teacher's classification twice per year instead of once as was previously the case. Nevertheless, the unions failed once again to achieve their objective of a single salary scale. The unions had demanded that two years of experience be equivalent to one year of scholarship. This

would have allowed all teachers to reach the maximum salary.

#### Other Outcomes

Both agreements maintained the existing practice on the jurisdiction of the collective agreement. Contrary to FNEQ's objective to cover all teachers, the collective agreement would continue to apply only to those teachers who taught courses recognized by the Ministry of Education. Among those excluded were socio-cultural, re-training, and personal interest courses.

Both agreements also maintained the status-quo on the acquisition of tenure. It would continue to be acquired on the 1st of April of the second year of full-time teaching. The employer group, however, did not succeed to condition its acquisition to a government regulation.

Both federations succeeded in improving the insurance plans: life, health and salary. All three plans were extended to part-time teachers. The life insurance benefit was increased from \$5,000 to \$6,400 for a married person and from \$2,500 to \$3,200 for a single person. The employer's contribution to the health insurance was increased by approximately 15%. Finally, the salary insurance no longer froze a teacher's salary at the level received at the beginning of the disability. It would continue to increase as if the teacher were at work.

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## CHAPTER VIII

### AN ANALYSIS OF COLLECTIVE BARGAINING IN THE CEÆP SECTOR OF QUEBEC: CONCLUSIONS AND RECOMMENDATIONS

#### INTRODUCTION

The purpose of this final chapter is to analyse the evolution of collective bargaining in the CEÆP sector of Quebec. The analysis will focus on four major objectives: (1) to verify if the model of collective bargaining developed in Chapter II is useful to analyse bargaining experiences, (2) to propose some recommendations for collective bargaining in the CEÆP sector, (3) to present some general conclusions based on the CEÆP experience, and (4) to propose some recommendations for further studies.

#### APPLICATION OF THE MODEL OF COLLECTIVE BARGAINING TO THE EVOLUTION OF LABOUR RELATIONS IN THE CEÆP SECTOR

The objectives of this section are to use the model of collective bargaining to identify the major factors which have influenced labour relations in the CEÆP sector and to generate some conclusions and recommendations. As the model itself, the presentation will be divided into eight parts: (1) influential variables; (2) perception and evaluation of influential variables; (3) bargaining power; (4) prediction; (5) the negotiation process; (6) mechanism of dispute settlement; (7) the collective agreement; and (8) feedback loops.

## 1- Influential Variables

This component of the model is the most difficult to analyse. Therefore, for the purpose of clarity the analysis of the influential variables will be divided into three parts: (1) a case-by-case analysis; (2) conclusions based on the case-by-case analysis of the influential variables; and (3) proposed recommendations.

### A Case-by-Case Analysis

#### The First Round of Collective Bargaining

The first round of collective bargaining in the CEGEP sector occurred during a period characterized by many socio-political reforms - a period often described as "Quebec's Quiet Revolution". Also, it occurred during a period of intensive growth of the CEGEP system. Teachers had the right to strike and employers the right to lockout. According to the legal framework the bargaining structure was decentralized; however, by legislation (Bill 21) the government had the right to participate in the negotiations on the employer side.

The first round of collective bargaining was characterized by a joint effort by all the parties involved to reach a negotiated settlement. Although the parties had the legal right to negotiate at the local level, a first provincial agreement in the CEGEP sector was negotiated on a voluntary basis.

Among the four categories of external influential variables, the



0 legal variables had the greatest impact. As we saw in Chapter IV, the Labour Code and Bill 21 constituted the legal framework. Together these two pieces of legislation allowed each college and union to sign collective agreement at the local level. This played an important role in the bargaining process. Since the parties were not bound to sign a provincial agreement, three CEÉPs withdrew from the provincial negotiations and signed local agreements. The fear by the labour organizations that more unions would withdraw from provincial negotiations resulted in quicker compromises - a process which the unions negotiating at the provincial level described as a "surrender" to the power of the government.

The external independent variables which had the next important influence were the social variables. Although demographic shifts did not play a major role since students at the CEÉP level are mobile much like university students, the other social variables had an important impact. The goals and values among the Francophone community at the time created an environment of cooperation which has not existed ever since. As we saw earlier, a goal of the Quiet Revolution was to create equal opportunities for Anglophones and Francophones. Many saw the CEÉP system as a key element in the achievement of this goal. Hence, most of the actors in the CEÉP system had an interest in seeing that it became effective to assure its continuity. According to the people interviewed, everyone was willing to participate and cooperate in this new experience.

1 The political and economic variables did not play important roles. As we saw in Chapter IV, teachers in Quebec had made important

salary gains as a result of Bill 25. Furthermore, inflation was almost non-existent and the teachers' labour market at the CEGEP level was expanding due to the growth of the system. Politically, although teachers engaged in some lobbying activities through their representations on the Board of Governors, their efforts were quite futile. In fact, ever since CEGEP teachers have engaged very little in soliciting a favourable public opinion or in lobbying activities. This approach makes Quebec teachers quite unique when compared to the active lobbying of teachers in other provinces.

During the first round of collective bargaining the internal variables had a greater impact on the outcome of negotiations than the external ones. Since the CEGEP system was quite new and in expansion, it was difficult to identify clear organizational goals and ideologies. This factor, combined with the presence of competing post-secondary institutions during the first few years, made it difficult for the parties to achieve an effective organizational structure. Most members of the early CEGEPs were preoccupied with establishing these new institutions. Hence, they felt more attachment to this new experience than to their organizations (e.g. unions, administration, ministries).

The priority of institutional objectives over organizational ones had an important impact on several internal variables. The skill of union negotiators were not effective in obtaining a provincial strike mandate. Cohesiveness also lacked at the local level - most CEGEPs resulted from the merger of several types of institutions.

The attitude of the parties during this first round was quite

cooperative. The militancy and politicization was low. The work ethic among teachers and other members of the early CEGEPs was influenced more by socio-cultural values than by their attachment to a group. In fact, during this first round of collective bargaining group objectives were not as well defined as during the next rounds.

The experience with previous agreements also had an impact on the bargaining outcomes. The unions' demands and the employers' offers were inspired largely by the agreements which existed in the previous institutions. Pressure to meet working conditions in other jurisdictions played a major role especially on the workload issue. The teacher unions continuously emphasized during the negotiations the fact that a teacher-student norm gave teachers in the private classical colleges a better workload than that of teachers in the public CEGEPs.

#### The Second Round of Collective Bargaining

The dominant characteristics of this second round of collective bargaining in the CEGEP sector were: a greater involvement of the government in the bargaining processes well as a greater centralization and politicization of the negotiations.

Bill 25 adopted in February 1967 had established a provincial bargaining structure for teachers at the elementary and secondary levels. Also, the government had legislated itself as one of the partners on the employer side. Bill 46 adopted in 1971 extended these principles to the CEGEP system and to most of the public sector.

The increased centralization of the negotiations was also promoted by the unions. As we saw in Chapter V, almost all the unions in the public sector became involved in presenting a Common Front to the government. Consequently, as during the first round, the negotiations did not unfold according to the legal framework. The major monetary issues were negotiated for all employees represented by the Common Front at one central table not provided by the legal framework.

This second round of collective bargaining was also marked by an increased politicization of the labour movement. The unions in the public sector began to see themselves as trend-setters for union objectives and working conditions (e.g. increased minimum wage, job security) in the private sector. The declarations of labour leaders to "overthrow" the government in reaction to the special legislation (Bill 19) which ended the general strike of the Common Front confirmed the extensive politicization.

As far as the external independent variables are concerned, this second round of collective bargaining in the CEGEP sector is characterized by a decrease in the importance of social variables. However, this does not imply that they did not play an important role. The CEGEP system was almost complete by this time. As such, it had become an important element of the social and educational structure. It had become a compulsory level between secondary and university education. However, as the growth of the system stabilized, teachers became more concerned with economic issues (e.g. labour market, job security) than with social ones.

As in the first round, demographic shifts did not affect the bargaining process. As mentioned earlier CEGEP students are more mobile than elementary and secondary students. The social variables which decreased in importance were social values and goals. The importance that teachers attached to their working conditions and the increased militancy demonstrated by the general strike, were indicative of shifting attitudes towards their work. By this time, as in many other jurisdictions in North America, the missionary goals and values placed on teachers by society had become less important than their economic well-being and security.

The economic variables played a greater role in this second round than in the first. CEGEP teachers compared their salaries and workload to those of teachers in similar institutions in Ontario and the United States. Although teachers' salaries had achieved a major catch-up during the 1960s, a considerable gap still existed with other professions (e.g. lawyers, doctors). Whereas in the past social values had made teachers accept a lower economic status, these values were no longer satisfying. Hence, the teachers' salary demands were influenced more by the salaries in other jurisdictions and other professions than by their traditional social values. This affected not only their demands but also the strategy used to achieve them. CEGEP teachers participated massively in the general strike of the Common Front.

The other two economic variables did not play roles as important as the working conditions in other sectors. Although some inflation did exist at the time, its impact was not really felt until the middle

of the 1970s. The situation was similar for the labour market. Although the CEEEP system was almost complete by this time, it was still growing in student population. Hence, the labour market for CEEEP teachers was still quite good.

The legal variables also played a greater role in this second round. The legal framework (Bill 46) established a provincial bargaining structure. This implied an end to local negotiations. Furthermore, through the legal framework the government became directly involved in the bargaining process and this for most of the public and para-public sector. Its presence at all bargaining tables implied extensive coordination. The novelty of this experience and the lack of expertise in such a massive undertaking (the working conditions of approximately 300,000 employees were being negotiated), made the bargaining process quite long.

The legal presence of the government on the employer side has led to a disguised tri-partite bargaining. As we saw in Chapter V the government proposed, contrary to the wish of school boards and CEEEPs, an inter-sectorial job security for all teachers. The tri-partite bargaining on this issue was mostly responsible for the failure to reach a negotiated settlement and the eventual government decree - another evidence of the importance of legislative variables.

Since this second round of collective bargaining, special legislation has played an important role in all negotiations in the public sector of Quebec. In 1972 CEEEP teachers, along with other public sector employees, were legislated back to work when they exercised their right to strike. The Labour Code gave them the right,

special legislation (Bill 19) suspended it - a refrain repeated during the next two rounds.

Political variables were quite important during this second round. The political party in power, the Liberals, were accused by the three leaders of the Common Front of representing and defending the interests of the capitalistic system which, according to them, had to be changed. Many believed that some of the demands of the Common Front (e.g. job security, indexation, increased minimum wage) were intended to show the abuses and failures of the system (Boivin, 1975). This objective had quite an impact on public opinion. Although the public did support the major objectives of the Common Front and of teachers, the means to achieve them (e.g. overthrow the government, general unlimited strike) created a sense of insecurity among the public.

Public opinion had also an impact on the government. On several occasions it extended by legislation the deadline at which it would unilaterally determine the working conditions - a provision provided in the special legislation (Bill 19).

The increased importance of the external variables resulted in a decreased importance of the internal ones. The organizational structure for the purpose of the negotiations was legislated. The two provincial federations (FNEQ and FEC) were recognized to negotiate on behalf of all CEGEP teachers. Hence, local unions lost considerable power.

The centralization of the bargaining process resulted in umbrella structures which implied goals and ideologies larger than those

pertaining to the CEGEP system only (e.g. elimination of sexual discrimination, minimum wage). This reduced the impact of some variables internal to the CEGEP system. The skills of the negotiators, the attitudes of the parties, pressure to meet working conditions in similar jurisdictions, bargaining history and the experience with previous agreements, all played a secondary role compared to the objectives and strategies of the Common Front.

On the other hand, the centralization of the bargaining structure increased the impact of some internal variables. CEGEP teachers became less concerned with their traditional image and more with their socio-economic status. Hence, their work ethic shifted closer to that of other unionized workers. Furthermore, they became much more militant and politicized.

### The Third Round of Collective Bargaining

The third round of collective bargaining in the CEGEP sector was characterized by a further centralization of the bargaining process, by a considerable importance of economic variables, and a greater sensitivity to public opinion.

The economic variables, especially the labour market and inflation, played the most important role during the major part of the negotiations. The labour market affected two major demands of teachers - workload and job security. By 1975 not only the CEGEP system was completed, a slower growth of student enrolment was also predicted. Hence, teachers became concerned with job security. This



concern was encouraged by two related factors: most government employees (e.g. hospital workers) had already obtained job security and the number of unemployed teachers was increasing. The labour market also affected the workload demands. By decreasing the workload, more teachers would be hired.

The agreement on workload and job security had the effect of centralizing further not only the bargaining process but also the collective agreements. As often is the case with centralization, bureaucratization and related disfunctions have resulted. Since the agreement determined the workload of teachers by a provincial norm, the application of this norm also became centralized at the provincial level. Contrary to the 1972 decree whereby the number of teachers allocated to each college was determined by a local norm, the Ministry of Education now controlled the total number of teachers allocated to the entire CEGEP system and the distribution of this number among the colleges.

The provincial job security negotiated had similar effects - a provincial agency (Bureau de Placement) was provided for its application and administration. With the agreement on job security and workload, the government achieved control over all the major economic aspects of labour relations in the CEGEP sector - salaries, classification, workload, job security, pension plans and insurances. Centralization was now complete not only for the bargaining structure and process, but also for the content.

Inflation also played an important role. During the early 1970s the cost of living began to rise at a rate not known before. Since

the decree did not integrate the cost of living bonuses in the salary scales, teachers were earning in September 1975 close to 20% less than the previous year. Consequently, the catch-up in wages and an integrated indexation formula became priorities. According to the persons interviewed, inflation was one of the major factors which influenced the militancy of teachers and other public sector employees.

Among the legal variables, two played a major role: labour laws and special legislation. First, it should be mentioned that for the third time the bargaining process did not unfold within the legislated framework. As in 1971-72, the legislation (Bill 95) did not provide a central table. However, as we saw in Chapter VI, many unions again presented a Common Front to the government. For the second time major monetary issues were negotiated at one central table for all the union members represented by the Common Front (approximately 200,000).

The further centralization of the bargaining process was promoted not only by the union structure but also by the legislated framework. Contrary to 1971-72 when each ministry had jurisdiction over the negotiation in its sector, Bill 95 gave power to the Minister of Civil Service over all the negotiations in the public and para-public sectors.

For the second time special legislation intervened with the bargaining process. Bill 23 adopted in April 1976 again suspended the right to strike in the education sector to put an end to the increasing sporadic walkouts by the Common Front. This special legislation confirmed several points. First, it showed once again the

double role played by a government employer in the bargaining process - a judge and a party at the same time. It confirmed that a government employer has the luxury to legislate when it no longer likes the unfolding and/or outcomes of the negotiations - a luxury not enjoyed by employers in the private sector.

Secondly, the special legislation demonstrated the impact of public opinion on the government. The sporadic walkouts in the CEGEP sector had reduced the class-time during the second semester by almost one third. Comparable reductions occurred also at the elementary and secondary levels. Public opinion pressured the government to do something in order to "save" the semester and the school year.

Thirdly, the special legislation revealed a common strategy when one party negotiates with several parties, i.e., the strategy of divide and conquer. The jurisdiction of Bill 23 to cover the education sector only can be explained by the fact that the school year was coming to an end. However, the fact that it separated the education sector from the hospital sector - a major division within the Common Front - should not easily be put aside. Hence, it was believed that ~~once~~ the right to strike was removed in the education sector, it would become more difficult for the Common Front to engage in a united action.

The political variables also had an important impact on the bargaining process. As already alluded to, public opinion was most influential. The general unlimited strike by the Common Front in 1972 which involved almost 300,000 employees and the socio-political objectives of the three leaders of the Common Front (e.g. "overthrow"

the government, demonstrate the weakness of the capitalistic system), created some element of fear among Quebec society. This fear was expressed by the vast majority with which the Liberal government of Robert Bourassa was re-elected in 1973.

The massive public support in favour of firmness by the government towards unions expressed during the provincial elections in 1973 had, in the long run, a negative effect on the 1975-76 negotiations - it created an over-confident government. The firm stand of the government during the negotiations and the adoption of Bill 23 were expressions of this over-confidence. This eventually led the Bourassa government into a serious miscalculation, i.e., it neglected the fact that public opinion can shift. The provision of Bill 23 which maintained that if accused of violating the law one was assumed guilty was the final turning point. Not only public opinion shifted in favour of teachers, the public's encouragement was instrumental in the massive disobedience of the law. The fact that teachers achieved most of their major objectives (e.g. indexation, workload, job security) can also be attributed partially to the shift of public opinion provoked by the special legislation.

Public opinion also influenced the strategy adopted by the Common Front. Whereas in 1972 it adopted the strategy of a general unlimited strike, this time sporadic walkouts were preferred. The general feeling within the labour movement was that the public would be less sympathetic towards unions if they engaged again in a general unlimited strike.

The political party in power and lobbying also played a role in

the bargaining process. The Liberal party was in power also during the previous negotiations. Ever since, the relationship between the Liberal party and the labour movement had deteriorated considerably as a result of the suspension of the right to strike for public sector employees in 1972, the imprisonment of the three Common Front leaders in 1972, the government decrees in several sectors, and the government's firm stand towards unions. Although the Common Front did not state it clearly as in 1972, it was no hidden secret that the labour movement wished a defeat of the Liberals at the next provincial election.

During this round of collective bargaining there was a return by the labour movement to some lobbying activities. The close relationship at the time with the PQ members at the National Assembly allowed the unions a voice in the government. This relationship contributed to the election of the PQ in the provincial elections of 1976.

With respect to the three categories of external variables discussed so far, social variables played the least important role. As previous negotiations, demographic shifts did not affect the bargaining process. Although the student population in Quebec was decreasing at the elementary and secondary levels and some schools were closing, the student population was not expected to decrease drastically at the CEGEP level during the next few years. The social structure as well as social goals and values were less influential than the economic, political and legislative factors.

Although not as much as external variables, the internal ones

were also important. As mentioned earlier, as the process became more and more centralized, the variables internal to the CEGEP system played a smaller role in the bargaining process. Nevertheless, the internal variables did help CEGEP teachers in becoming one of the first groups in the Common Front to reach a negotiated settlement. This resulted mostly from the fact that organizational structures, goals and ideologies were more clearly defined than during the previous negotiations. The bargaining history undoubtedly contributed to better defined objectives. As mentioned in Chapter VI, the third round of collective bargaining can be considered a continuation of the first two. The skills of the negotiators contributed to a problem solving approach especially on issues related to workload and job security.

Contrary to 1968-69 and 1971-72, the cohesiveness of the teacher groups prevented the divide and conquer strategy of the employer group. The attitudes of the parties at the CEGEP bargaining table were less adversary than in 1971-72. The image that each group tried to exemplify was better known by the parties. The militancy and politicization of teachers served to demonstrate the seriousness of the objectives.

The experience with the previous agreement (the government decree) and the work ethic emphasized certain priorities, e.g., participation in the decision-making process, job security, indexation and workload. Finally, the desire to achieve job security similar to other jurisdictions in the public sector of Quebec was instrumental in achieving this objective.

## The Fourth Round of Collective Bargaining

The fourth round of collective bargaining is characterized by a change of the provincial government, by a restructuring of the bargaining process, the rigid fall strategy of the Common Front, and by the emphasis on acquired rights.

As we saw in Chapter VII, the labour conflicts during the 1975-76 negotiations contributed to the defeat of the Liberal government in November 1976. The Parti Quebecois with its nationalistic and "social-democratic" objectives was elected to power. This event played an important role in the negotiations. Although by the time of the negotiations - more than two years after the provincial elections - most union leaders had already experienced several divergent views with the PQ government, for many union members it still represented "their" government.

The favourable opinion of union members towards the PQ government made it difficult to elaborate and implement a Common Front strategy. This eventually contributed to a weakened Common Front. Contrary to 1975-76 and 1971-72 when back to work legislation was disobeyed, this time most union members rejected the recommendation of their leaders and voted in favour of respecting the law. Undoubtedly, the political and nationalistic orientations of most union members contributed in this decreased militancy.

The negotiations in the CEGEP sector, as well as in the rest of the public sector, were characterized by two major innovations. These were based on the report of the Martin-Bouchard Commission appointed

by the PQ government to study the bargaining process in the public and para-public sectors. First, new legislation (Bill 55 and Bill 59) implemented a detailed bargaining calendar. However, contrary to recommendations of the Martin-Bouchard Report, the calendar covered a period up to the expiration of the collective agreements, i.e., June 30, 1979. This date coincided with the acquisition of the right to strike and lockout. The calendar was silent as to what would occur if an agreement was not reached by this date. The Martin-Bouchard Commission had recommended a period of compulsory mediation if an agreement was not reached prior to June 30, 1979.

The second major innovation was an Information Council whose mandate was to keep the public informed on the state of the negotiations. However, as we saw in Chapter VII the Council played a very minor role. The media was more effective in informing and influencing the public. The reports of the Council had almost no impact on the public nor on the parties.

Another major characteristic of this fourth round of collective bargaining was the negotiation of the "status quo". Contrary to past negotiations, the unions seemed to lack rigor and militancy in their bargaining objectives. They justified most of their objectives (e.g. indexation, job security) by claiming that they were acquired rights. This was probably another sign of the cooperative attitude of union members. They did not want to be "too demanding" towards "their" government. Although this was not reflected in the original objectives, the rate at which concessions were made was quite indicative of a favourable attitude towards the government. The



0 nature of the concessions made was also indicative. For example, contrary to 1975-76, the final agreement did not index the salary of all employees to increases in the cost of living.

Another major element of this round was the rigidity of the fall strategy of the Common Front. The desire to achieve a negotiated settlement by the fall of 1979 became an objective in itself. For many union leaders this seemed more important than the achievement of union objectives. Not only was this ineffective since the Common Front was not able to implement its general strike strategy, it also contributed to serious divisions within the Common Front. This made the "divide and conquer" strategy of the government much more effective. As we saw in Chapter VII, different groups went on strike at different times.

Economic variables played an important role in the negotiations. However, not as important as during the previous round. The salary gains and the indexation clauses in the previous agreement, not only had protected the buying power of all employees in the public sector; they also made teachers in Quebec some of the best remunerated in North America. Hence, although the original gap between the salary demands of the unions and the government offers was quite large, agreement on the salary issues was relatively easier than during the previous rounds. This contributed to an early settlement at the central table. In fact, this was the first time since the first Common Front of 1971-72 that the central table arrived at an agreement before any of the sectorial tables.

0 Inflation was once again one of the most important variables.

However, the state of the other economic variables resulted in some concessions by the Common Front on this issue. The labour market for teachers was not particularly good and unemployment in general was quite high. Furthermore, wages and working conditions in the public sector of Quebec were quite good compared to similar jurisdictions and to the private sector. Although the agreement provided full indexation of the total salaries in the public sector, not all employees received full indexation as in 1975-76. As we saw in Chapter VII part part of the indexation of the top paid employees was used to reduce salary gaps.

Among the legislative variables, labour laws and special legislation again played the most important roles. As mentioned earlier, the legal framework provided a bargaining calendar until the expiration of collective agreements. This did succeed in having the unions' demands and the employers' offers known quite sooner than during the previous rounds. As a result the length of the negotiation period was reduced to approximately one year.

As during all the previous negotiations in the CEGEP sector, the bargaining process again did not unfold within the legislated framework. As in the two previous rounds, salaries and other major monetary issues were negotiated at a central table not provided by the legal framework.

The bargaining process was for the third time influenced by special legislation. Bill 62 was adopted in November 1979 to prevent a threatened general strike by the Common Front. This special legislation introduced two new features in the bargaining process.

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First, the National Assembly became directly involved in the negotiations. The legislation provided that the government had to deposit at the National Assembly its final offers. This approach confirms further the extensive centralization and politicization of collective bargaining in the public sector of Quebec. Secondly, the special legislation imposed on the unions a compulsory vote on the offers deposited at the National Assembly.

Much has already been said about the political variables. The fact that the PQ was in power seems to have contributed to quicker concessions by all parties. The rate and nature of the concessions made by the parties prevented the Common Front from implementing its action strategy for the first time. Compared to the previous negotiations, the unions were less militant not only on bargaining objectives but also on the strategy to achieve them. Lobbying, as during the previous round, did not play a major role.

Concern for public opinion was a dominant factor for all parties. The creation of an Information Council was concrete evidence of this factor. However, as mentioned earlier, it was the media that played a critical role. The daily coverage of the negotiations exerted considerable pressure on the unions and their members. The media was instrumental in voicing the government's opinion that public sector employees in Quebec had better working conditions than those in other provinces and in the private sector.

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This fourth round of collective bargaining renewed the importance of some social variables. This was illustrated by two of the major demands of the Common Front - free day-care centers at the work-place

and longer maternity leaves with full pay. Both objectives reflected an increased desire to allow women the freedom and possibility of participating in the labour force. As in previous rounds, demographic shifts did not have much of an impact. However, the slower growth of the student population and its long-term projected decrease undoubtedly influenced the demand for an institutional job security by some teachers.

As alluded to earlier, the external political variables had quite an impact on the internal variables. The close tie between CEGEP teachers and the PQ government reduced considerably their militancy and cohesiveness. Whereas in 1975-76 CEGEP teachers were one of the most militant groups within the Common Front, this time they voted in favour of a general strike by a very small majority. Furthermore, they rejected the recommendation of the Common Front to disobey the special legislation (Bill 62).

Probably, the most damaging consequence of the close affiliation of many CEGEP teachers with the Parti Quebecois was its contribution to the internal split which resulted. CEGEP teachers became divided into two distinct groups: those who favoured a militant syndical approach and those who favoured an accomodating approach. The close votes on the "agreement in principle" reached with FNEQ and which was just rejected by the membership was a reflection of this split.

The political environment had a considerable impact on many other internal variables. It diminished the syndical ideologies and goals of many CEGEP teachers. The skills of the negotiators became less important. Also, teachers seemed to be less concerned with their image

as unionized employees, with their work ethic, and the experience with previous agreements.

On the other hand, the political environment had the opposite effect on many CEGEP administrators. Contrary to the past, they were much more cohesive. Also, they were determined to retrieve some of the managerial rights conceded in 1975-76. In spite of a government quite willing to offer the unions the status-quo on normative issues, they did succeed in reducing the impact of collective agreements on managerial rights.

#### Conclusions Based on the Case-by-Case Analyses of the Influential Variables

The analysis of the influential variables suggests four major conclusions on the variables and two on the bargaining process. However, since the negotiations in the CEGEP sector have been closely tied with those in the rest of the public sector, these conclusions can easily be extended to other groups in the public sector.

First, the CEGEP experience confirms the research of J.C. Anderson (1979) regarding the impact of influential variables on the bargaining outcomes for municipal employees. The environmental influential variables (independent variables) have different impacts on the bargaining outcomes (dependent variables). That is, the impact of some variables may be positive while that of others may be negative. For example, during the fourth round inflation had a positive impact whereas the political orientations of teachers had a negative impact.

The second conclusion concerns the relative importance of the independent variables from one round of negotiation to the other. The CEGEP experience suggests that the impact of an independent variable - whether internal or external - will vary from one bargaining experience to another. For example, the impact of the economic variables during the first round was less important than during the next two.

The third conclusion deals with a weakness of the proposed model. The CEGEP experience suggests, contrary to the assumption of the model, that it is difficult to divide the independent variables into internal and external categories. Although this hypothesis is more appropriate for the private sector, it seems less verifiable when the government is a party in the bargaining process. When this is the case, as in the CEGEP sector of Quebec, several external variables become internal.

Hence, from the experience of collective bargaining in the CEGEP sector of Quebec it can be concluded that as the government becomes involved in the finances of an institution it will tend to become involved also in the bargaining process in order to control its costs. A corollary of this conclusion is: as the government becomes directly involved in the bargaining process, the number of internal variables will increase and the number of external variables will decrease. For example, whereas in the private sector an employer cannot legislate, a government employer can. The CEGEP experience clearly demonstrates this difference, i.e., the dual role played by a government involved in a bargaining process - that of an employer and that of a

legislator.

A fourth conclusion on the independent variables based on the CEGEP experience is the inter-dependence among these variables. From the analysis of the four rounds of collective bargaining it can be concluded that a dependence exists among the independent variables. For example, the attitude of the parties may be influenced by the economic variables. A corollary of this conclusion is: the inter-dependence among the independent variables increases as a government becomes involved in the bargaining process. For example, the labour laws or legal framework may depend on the political party in power.

The two conclusions regarding the bargaining process are related to its politicization and centralization. The direct involvement of provincial governments in the bargaining process has been the result of socio-political objectives (Martin, 1981). During the Quiet Revolution provincial governments were concerned with greater accessibility to public education and to provide equal opportunities to all Quebecers regardless of their socio-economic status or geographic location. Socio-political objectives of provincial governments combined with legislative power have resulted in a political environment not found elsewhere in North America. The conclusion that the collective bargaining process in the CEGEP sector of Quebec has become highly politicized reaffirms the results of similar studies on the public sector of Quebec (Blais, 1972; Boivin 1975; Goulet, 1978; Isherwood & al. 1977; Chandler 1981).

The direct involvement of provincial governments in the

bargaining process has also contributed to an extreme centralization of the process in the CEGEP sector as well as in other public sub-sectors. The centralization in the CEGEP sector is obvious. During the first round of collective bargaining the legal framework allowed each CEGEP to negotiate locally the working conditions of its employees. Although some CEGEPs negotiated a provincial agreement, the exercise was a voluntary experience. By the second round of collective bargaining, however, the legal framework (Bill 46) removed the possibility of local negotiations. Since then, the bargaining process in the CEGEP sector as well as in the rest of the public sector has been centralized at the provincial level. The union structures (e.g. federations, Common Front, central table) have also contributed to this centralization.

#### Proposed Recommendations

The objective of the recommendations in this section is twofold - decrease the political nature of the bargaining process and create a better equilibrium between the internal and external independent variables. The underlying assumption for all the recommendations in this chapter is that unless the bargaining process and structure are changed radically, those involved in the process will tend to behave in the same manner as in the past and the same ritual conflicts will result. It is hoped that a radical change in the bargaining procedure and structure will force the parties to re-think their approach and hence behave differently.



Another general objective is to reduce the frequent labour conflicts. The CEEEP experience has demonstrated that the rigidity of the legal framework and the frequent use of special legislation has contributed to the conflicts. Hence, the recommendations proposed will attempt to create a more flexible process which can accommodate initiatives of the parties.

To deal with the problems identified by the analysis of the influential variables, the following recommendations are proposed:

1. Establish a Labour Relations Board for the public sector, and
2. Partially decentralize the bargaining process.

Quebec is probably the only jurisdiction in North America whose Labour Code does not provide a Labour Relations Board (LRB). In Quebec, the jurisdiction of these boards is divided since 1969 between a system of labour commissioners and a labour court. The LRB proposed could have jurisdiction over public, para-public and municipal institutions. Its general mandate would be to oversee collective bargaining in these institutions. For example, it could decide on unfair labour practices and assist the parties in overcoming an impasse. Specific mandates of the LRB will be presented as the discussion continues.

The major reason for recommending a LRB is to reduce the effect of the double role played by the government, i.e., that of an employer and that of a legislator.. In the past, provincial governments have rejected third party intervention in public sector disputes. The major reason being that a government cannot allow a third party to decide on more than half of the provincial budget. Also, they have

maintained that a government cannot delegate the responsibilities for which it has been elected. These objections have been raised when compulsory binding arbitration has been suggested as a substitute for the strike/lockout. However, as we will see, these objections are compatible with the nature of the LRB proposed.

It is believed that the presence of a permanent third party will promote bargaining in good faith and increase the accountability of the parties. It is proposed that the recommendations of the LRB are not binding on the parties. Hence, the past government objections would no longer be valid. The government and the unions would nevertheless be put in a situation to explain why they could not accept a recommendation of the LRB. As far as the government is concerned, this approach would have the effect of increasing its accountability as an employer without affecting its power to legislate. Another advantage of this proposal is that it would be clearer when it would be acting as a government and when it would be acting as an employer.

The centralization of the bargaining process has resulted in a disguised multi-partite bargaining. On the employer side, contrary to the general practice in the private sector, we find two official and supposedly equal partners - the government and the Federation of CEÉPs which represents most of the CEÉPs. However, if we consider closely the nature of these two groups, the employer side is less homogeneous than it looks at first. The government is usually represented by civil servants from three departments - the Treasury Board, the Ministry of Education and DIÉC (Direction Générale de

l'Enseignement Collégial). The Federation of CEGEPs is usually represented by members of the federation and local administrators. Hence, not only is the jurisdiction of each partner different, their interests may also be quite different. For example, the representatives of the Treasury Board may be interested in controlling costs and local administrators may be concerned with managerial rights.

The situation is similar on the union side. As we have seen in previous chapters CEGEP teachers are affiliated to two federations - FNEQ and FEC. The two federations are affiliated to different centrals - FNEQ to CSN and FEC to CEQ. Hence, the unions' ideologies, approaches and objectives have been quite different.

The multi-partite nature of the bargaining process has also been promoted by the legal framework. Since 1971 the legislation has recognized one employer group and both federations separately on the union side. Since the two federations have not been able to negotiate jointly, what has resulted has been a tri-partite bargaining structure which has allowed the employer group to impose the agreements negotiated with FNEQ (the larger group) on FEC.

The CEGEP experience suggests that as centralization increases the parties become more heterogeneous. This has had three major effects on the bargaining process. First, it has taken a long time to arrive at a compromise acceptable to all parties. Secondly, it has created an adversary relationship within the parties. This seems to confirm Hrebiniak's (1978) hypothesis that as organizational subunits become more heterogeneous, intra-unit conflict increases. Thirdly,

serious conflicts have resulted during the application of the agreements. Local administrators have not identified with the agreements negotiated at the provincial level. This is verified mostly by the incredible large number of grievances filed by CEGEP teachers.

To deal with the problems of the centralized bargaining structure, it has often been suggested to decentralize totally the process. Technically this could easily be achieved. The government could allocate a budget to each CEGEP and each CEGEP would negotiate locally the working conditions with its employees. This could solve the problems of centralization while at the same time allowing the government to control its costs. It seems that Quebec society is not ready for this drastic reorientation and that therefore total decentralization can only be seen, if necessary, as a long term objective. The fear in Quebec with total decentralization of the bargaining process is well summarized by Yves Martin (1981, p. 15):

A true decentralization would...necessarily lead to significant disparities or inequalities to the same extent that there are evident differences in wealth between regions or municipalities.

Hence, the question to be answered in trying to decentralize the bargaining process is that asked by Marcel Gilbert (the CSN coordinator for the Common Front during the 1979-80 negotiations) at a seminar on labour relations at McGill University, "How can we decentralize the bargaining process while at the same time maintain the positive effects of centralization?"

To answer the above question and to deal with some of the problems identified earlier, it is proposed to decentralize partially

0 the bargaining process. To achieve this objective it is further proposed to divide the negotiations into two levels - provincial and local. Furthermore, it is proposed that the jurisdiction of each level of negotiation be clearly identified by legislation. Finally, given the concerns expressed earlier about total decentralization (e.g. disparities, accessibility), it is proposed to negotiate all major economic issues at the provincial level and all normative issues at the local level.

The negotiations at the provincial level would proceed between the government and a union (or a group of unions) representing the majority of a given category of employees. In this respect, the legal framework should be flexible. It should recognize and facilitate inter-sectorial bargaining, i.e., the formation of a central table. The negotiations at the local level would proceed between the local union and the college administration.

The proposed arrangement would allow the government to control its costs and at the same time assure its socio-political objectives. At the local level, it would allow the parties to determine their own priorities and relationship. The latter could result in more initiatives at the local level, in a better identification with the collective agreement, and in local accommodation which the rigidity of the present agreements do not allow.

A major advantage of the proposed arrangement is the clear identification of the parties and their jurisdiction - the government would alone negotiate major economic issues (e.g. pension plans, job security, workload, salaries) and the local administrators would alone

negotiate normative issues (e.g. union prerogatives, grievance procedures, participation in the decision-making process). This arrangement could decentralize as much as 50% of the 1979-80 collective agreements. Finally, it would eliminate many of the problems which have resulted from the disguised multi-partite bargaining.

## 2- Perception and Evaluation of Influential Variables

As mentioned in Chapter II, bargaining power in itself is not sufficient to achieve collective bargaining objectives. The parties must also perceive and evaluate their bargaining power and be willing to use it. Prior to the 1960s, public sector employees in most North American jurisdictions did not perceive their bargaining power, or, they were not willing to use it. Because of strong socio-cultural values they often accepted sub-standard working conditions usually determined unilaterally by employers. The experience in the CEGEP sector of Quebec confirms a fundamental change in this attitude. CEGEP teachers, along with other public sector employees, have not only increasingly perceived their bargaining power, they also have been quite willing to use it. This has been demonstrated by the frequent use of strike actions - mostly illegal - not only during the negotiations, but also during the term of a collective agreement.

Perception and evaluation are subjective in nature. As a result, they can undermine "real" bargaining power and/or they can also cause an over-estimation of this power. An example of over-estimation is

the adoption of Bill 23 in 1976 by the Liberal government. As mentioned earlier, the shift of public opinion which it caused contributed to the unions' achievement of most of their major objectives. An example of the unions over-estimating their bargaining power was the rejection by CEGEP teachers of the recommendation of the Common Front to disobey Bill 62 in 1979.

As we have seen earlier, the CEGEP experience indicates that the relative importance of the influential variables may vary with time. Hence, it is difficult to evaluate it accurately. The difficulty of an accurate evaluation is complicated further by the fact that each party bases its own evaluation on its perception of the influential variables. In 1971-72 the government's perception of the labour market was such that it could offer teachers an inter-sectorial job security. The school boards and CEGEPs did not agree. At the beginning of the 1975-76 negotiations the unions maintained that the loss in buying power during the term of the decree was almost 20%. The government maintained it was about 17%. During the same negotiations disagreements on the total number of teachers in the CEGEP system made the discussions on job security and workload quite difficult. The difficulty in evaluating influential variables has been complicated further by the unilateral studies of provincial governments. For example, the studies which compared wages in the private sector and those in the public sector in 1975 and 1979.

Although the subjective nature of perception and evaluation cannot be totally eliminated from the bargaining process, it seems essential that an effort be made to at least reduce its impact. To

achieve this objective, it is proposed that LRB be mandated to conduct studies which it thinks are susceptible of helping the bargaining process, and, those studies jointly requested by the parties. For example, in 1975-76 the board could have determined the total number of teachers in the CEGEP system. In addition, the board could do studies on the labour market, the working conditions in similar jurisdictions, and alternative bargaining structures. The studies of the LRB would be available to the parties and the public.

An advantage of this new approach would be the creation of information or a data bank which could assist the parties in a better evaluation of the influential variables. Since the studies would be done by a neutral third party, the chance of the results being accepted by both parties and the public would be greater than those of the studies done unilaterally by one of the parties. This would result in less time spent on the manipulation of the influential variables and more on the real bargaining objectives. Also, the long period devoted to the exchange of information at the beginning of each round of negotiation would decrease considerably.

### 3- Bargaining Power

The definition of bargaining power based on the concept of satisfaction versus dissatisfaction seems to be a better approach to understand bargaining power than the notion of "costs" proposed by Chamberlain (1965). As we have seen, non-economic issues such as the participation of teachers in the decision-making process have played



important roles in the bargaining process. Furthermore, the definition proposed attaches a greater importance to the fact that collective bargaining is an ongoing process. Chamberlain's definition is concerned mostly with the cost of the agreement or disagreement during the negotiations. An advantage of the proposed definition is that it takes into account the satisfaction and/or dissatisfaction of the parties not only during the negotiations but also during the term of the agreement.

The definition proposed reflects the complexity and inter-dependence of the independent variables. In addition to the conventional economic variables it recognizes a wider range of influences. The CEGEP experience verifies the relative importance of the different categories of influential variables. For example, in 1979-80 the satisfaction of teachers with political variables played a greater role than the dissatisfaction with economic variables. Furthermore, the politicization and some objectives of CEGEP teachers (e.g. comanagement) confirm that bargaining power is not only economic. It is a complex mixture of subjective and objective evaluations of many variables. The CEGEP experience confirms that these evaluations can be better described by general concepts such as satisfaction and dissatisfaction than by a rational process of cost analysis. For example, it is easier to consider the satisfaction with political variables than to "convert" them into political costs.

The CEGEP experience confirms the results of the studies of Herzberg & al. (1969) and Sergiovanni (1969). Both studies concluded that some satisfiers and dissatisfiers tend to be mutually exclusive,

i.e., the removal of dissatisfaction will not automatically result in satisfaction. The concession by the government in 1971-72 on the indexation of salaries did not result in satisfaction with the lack of job security. In 1975-76, the early concession by the government on job security did not result in satisfaction with workload.

The definition of bargaining power proposed can help in understanding the conflicting and adversary relationships of the parties. The CEGEP experience seems to indicate that the parties have been more concerned with decreasing dissatisfaction than with creating satisfaction. The large gap between the early objectives of the parties and the random concessions which follow verify this fact. Except for the first round, the parties have not been inspired by a problem solving approach.

The importance attached to decreasing dissatisfaction during the negotiations has resulted in considerable dissatisfaction with the agreements which have resulted. This is verified by the numerous illegal walkouts during the term of the agreements and the incredible high number of grievance filed by CEGEP teachers. Hence, from the CEGEP experience it can be concluded that if the parties achieve their bargaining power mostly from decreasing dissatisfaction rather than from increasing satisfaction, a conflicting and adversary relationship will result - especially during the term of the agreements.

#### 4- Prediction

The lack of prediction by the parties in the CEGEP sector has

contributed considerably to the conflicting and adversarial relationship. Many examples can be cited where one of the parties did not take into account the reaction of the other party and/or of the public. This factor has been so ignored that it has prevented the parties from revising their positions earlier and/or considering new alternatives.

In 1968-69 the strong stand of the employer group on the teacher-student ratio and the lack of sensitivity to the teachers' concerns on this ratio resulted in a very long negotiation period. The agreement which resulted was considered by the unions as a "surrender" to the government's power. As we saw in Chapter V, the lack of prediction by the government and CEGEP administrators of the reaction of teacher unions on job security and workload resulted in a government decree.

Probably, the most obvious lack of prediction has been demonstrated by the frequent use of special legislation. In 1975-76 the unions were not able to predict the level of tolerance of the government on increasing sporadic walkouts. The reaction of the government to adopt special legislation (Bill 23) only for the education sector was not predicted, hence, not prepared for. Once special legislation was adopted, Common Front action decreased considerably. Eventually, different groups settled at different times and with different strategies.

Also, in 1975-76 the government failed considerably in predicting the public's reaction to Bill 23. It failed to predict that North American values of justice would not tolerate the exceptional measure

of the legislation which assumed someone guilty until innocence was proved. As we saw earlier, this lack of prediction contributed to a considerable shift of public opinion in favour of teachers. This not only helped teachers to achieve most of their objectives, it also contributed to the defeat of the Liberal government at the next provincial election a few months later.

The 1979-80 round of negotiation was not much better. The government failed to predict the negative reaction of the unions and the media on its comparison of wages in the public sector and those in the private sector. It failed to predict the reaction of the school boards, the CEGEPs and the unions on the "Parizeau Plan" which promised to public sector employees the "status-quo" on normative issues (e.g. managerial rights) if they accepted not to strike during a fixed period. On the other hand, the unions failed to predict the cohesiveness of the employer group and their strong intention to retrieve some of the managerial rights conceded in 1975-76. This lack of prediction by the unions prevented them from considering alternative approaches and eventually resulted in gains by the employer group.

Most important in 1979-80, however, was the lack of prediction by the Common Front that the government would adopt special legislation (Bill 62) before the strike began. Furthermore, the Common Front failed to predict the impact of the Fall strategy on its members - this was verified by the rigidity of the plan. These factors contributed to the rejection of the Common Front recommendation to disobey the special legislation by CEGEP teachers and many other

groups.

The lack of prediction has also contributed to unrealistic bargaining objectives. In 1975-76 the unions demanded a workload which would have increased the number of teachers in the system by approximately 40%. The employer group has continuously attempted to remove the academic council from the collective agreement in spite of its important role in many CEGEPs. Hence, from the CEGEP experience it can be concluded that the lack of prediction by the parties will contribute to unrealistic bargaining objectives and inappropriate strategies. This will tend to increase conflicts and extend the bargaining period.

#### 5- The Negotiation Process

As in the model, the analysis of this component will be divided into three parts: (1) objectives and strategies, (2) operational activities, and (3) dynamics of the negotiation process.

##### Objectives and Strategies

The CEGEP experience confirms that the objectives of the parties are based on three considerations: (1) that which a party needs as a minimum, (2) the bargaining power it has to achieve more, and (3) what the opponent is able to concede.

During the first round of collective bargaining CEGEP teachers seem to have achieved what they needed as a minimum. Also, they

lacked the bargaining power to achieve more. The inability of the unions to obtain a provincial strike mandate on several occasions and the signing of a collective agreement confirm these evaluations. Furthermore, since the CEGEP system was relatively new and not yet fully defined, it was still not clear what the government was able to concede in areas such as job security and co-management.

The second round was quite different. After the adoption of special legislation (Bill 19) in April 1972, it became difficult for the Common Front and CEGEP teachers to develop a strategy which involved strikes or walkouts. However, contrary to the first round, the parties did not arrive at a negotiated settlement - the government imposed a decree unilaterally. This confirms that CEGEP teachers could not achieve what they considered a minimum (e.g. job security, improved workload, co-management), that they did not have the power to achieve more, and that the employer group could not concede more than the provisions of the decree.

The third round was again quite different. Contrary to the second round, teachers had enough bargaining power to achieve what they considered a minimum. CEGEP teachers along with the rest of the Common Front developed and implemented an effective strategy involving increasing sporadic walkouts. As a result, they were able to achieve most of their major objectives (e.g. job security, improved workload, increased participation in the decision-making process). However, again they did not have enough bargaining power to achieve more, i.e., what the other party was not able to concede (e.g. single salary scale, integration of continuing education).

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The fourth round was similar to the first. Both parties signed the collective agreement which indicates that both parties achieved their minimum objectives. However, the outcomes indicate that neither party had the bargaining power to achieve much more - the unions achieved very few of their major objectives and the employer group was not able to achieve all its objectives on managerial rights.

All three types of negotiation strategies discussed in Chapter II - publicity, commitment and influence of perceptions - have been used by the parties at one time or another. However, publicity through the media has played an important role during each negotiation. Commitment to strike and to disobey special legislation has been important especially during the last three rounds. On the other hand, influence of perceptions at the negotiation table has not been a dominant activity except for the first round. The centralization and politicization of the bargaining process since 1971-72 has increased publicity and commitment at the expense of dialogue at the bargaining tables. During each round negotiations were suspended during long periods on several occasions.

The strong opposition of provincial governments to the intervention of a third party has resulted in little publicity on this issue as a potential strategy. On the other hand, the publicity surrounding a potential strike has been quite effective. For example, in 1971-72 the government agreed to a central table when the Common Front announced its intention to take a vote on a general unlimited strike.

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The CEGEP experience indicates that teachers were able to achieve

most of their objectives only during the third round when they were able to develop and implement a coherent strike strategy. Hence, from the teachers' experience in this sector it can be concluded that the ability to strike and to defy special legislation does contribute to bargaining power and to the achievement of objectives.

### Operational Activities

The four types of activities suggested by Walton and Mckersie (1975) - described in Chapter II - have all been present in the negotiation process. However, the two which have had the most important impact are distributive bargaining and intra-organizational activities. Distributive bargaining is verified by the numerous conflicts. Often the parties have adopted an adversarial approach and the negotiations have been characterized by an all-or-none approach. Except for the first round, very little time has been devoted to integrative bargaining, i.e., mutual accommodation of bargaining objectives.

Attitudinal structuring has not been a major concern of the parties. Because of the increasing adversarial type of relationship which has resulted from distributive bargaining, the parties have not been too preoccupied in developing good working attitudes.

On the other hand, intra-organizational activity has played a major role. Negotiations within the employer group, especially between local administrators represented by the Federation of CEGEPs and representatives of the government, have been quite difficult. Not



only have they contributed to long delays in the negotiation process, they have also influenced the content. For example, the objection of the CEGEPs in 1971-72 to the government's proposal on job security contributed considerably to the failure in reaching a negotiated agreement. The concern of administrators for managerial rights and that of the government on economic issues has often resulted in internal and open conflicts. A good example is the rejection of the "Parizeau Plan" in 1979-80 by the Federation of CEGEPs.

Intra-organizational bargaining has played a major role also on the union side. The number of CEGEPs represented by the two federations, their different geographic locations, the diversity of the communities represented, and the different social, economic and political ideologies of these different groups, have resulted in considerable internal negotiations. For example, a teacher from a rural setting teaching in Gaspé might prefer provincial job security whereas a teacher in an urban setting might prefer institutional job security in order to remain there.

Hence, from the CEGEP experience it can be concluded that as distributive bargaining increases, attitudinal structuring decreases. Furthermore, as intra-organizational activities increase, the rate at which concessions are made becomes slower and long negotiation periods will result.

In addition to the four types of activities discussed, a fifth activity can be identified from the CEGEP experience. This activity is best defined as inter-organizational activity. A direct result of centralization, this activity has played an important role in the

bargaining process. On the union side much time has been devoted to coordinating objectives between FNEQ and FEC and among the different unions within each federation. Since 1971-72 the major monetary issues have been negotiated by the Common Front at a central table. This has often implied considerable negotiations among CEQ, CSN and FTQ on issues such as wage increases, workload, classification, and maternity leaves. On the employer side the negotiations among different ministries, the Treasury Board, school boards, the Federation of CEGEPs, and other employer groups have been important in order to coordinate objectives and strategies. For example, if job security or indexation is granted to one group of employees, other groups will demand it automatically. Hence, from the CEGEP experience it can also be concluded that as centralization of the bargaining process increases, inter-organizational negotiation increases.

#### Dynamics of the Negotiation Process

The dynamics of the negotiation process in the CEGEP sector is characterized by three factors: (1) a large gap between the objectives of the parties at the beginning of the negotiation; (2) ritual objectives; and (3) a lack of concern for mutual satisfaction.

The gap between the initial objectives of the parties has been quite large especially on issues such as workload, wages, job security and co-management. For example, in 1975-76 the employer group proposed the status-quo on workload whereas the unions' demands would have increased the number of teachers by approximately 40%. In

1979-80 the gap on this issue was close to 25%.

Some objectives have repeatedly been present at the beginning of the negotiation and then dropped. An example for the employer group is its continuous attempt to remove the academic council from the collective agreement in spite of its repeated inclusion since the first agreement. Another example is compulsory presence in the locals of the college for a minimum of 32 1/2 hours per week. Since 1971-72 the employer group has repeatedly maintained this objective at the beginning of the negotiations and then dropped it. The same approach has been used by the unions. Since 1971-72 they have repeatedly demanded without much vigour some objectives which they eventually dropped. Two examples are: a single salary scale and the integration of continuing education.

The teacher experience in the CEÆP sector also demonstrates the lack of concern by the parties for the satisfaction-satisfaction equilibrium illustrated in Chapter II. The distributive bargaining which has resulted prevented mutual accommodation. Hence, little satisfaction has resulted with the outcomes of the negotiations. The dissatisfaction with agreements is obvious in the CEÆP sector. Since the adoption of the decree in 1972, illegal walkouts and labour conflicts during the term of the agreements have been numerous. The high number of grievances filed by CEÆP teachers is another indication of this dissatisfaction.

Some of the difficulties identified in this section would be eliminated by the partial decentralization proposed. The impact of inter-organizational and intra-organizational activities would be

reduced considerably. To deal with the problems related to bargaining objectives and dissatisfaction with the outcomes, permanent negotiation is recommended at the local level. According to this proposal, the collective agreement at the local level would become a permanent agreement which the parties could negotiate in whole or in part at any time.

Permanent negotiation at the local level would eliminate several of the problems identified. Potential conflicts will be dealt with as they arise. In the past the terms of the collective agreements have extended from three to four years. These long periods have contributed to an accumulation of dissatisfaction. Hence, permanent negotiation could result in fewer conflicts at the local level in solving local problems as they arise. This would in turn result in fewer grievances. More important, it would bring part of the negotiation process closer to those affected by it. Also, the participation of the local parties in the process would result in a greater commitment to the agreement.

The CEGEP experience also confirms the hypothesis illustrated by the concession curves described in Chapter II, i.e., intensive concession periods alternate with long static periods. Also, it confirms that major concessions are made when a strike mandate is obtained and/or prior to the beginning of a strike. For example, in 1972 the government conceded to a central table when the Common Front obtained a mandate for a general unlimited strike. In 1979 the government made major concessions on job security and maternity leaves prior to the beginning of a threatened strike by the Common Front. 7

To promote bargaining in good faith, compulsory mediation prior to the acquisition of the right to strike or lockout will be proposed in the next section. It is believed that this will force the parties to make concessions earlier in order to receive a favourable opinion in the mediation report.

#### 6- Mechanism of Dispute Settlement

Although the legal framework has allowed the parties to seek the intervention of a third party to settle their disputes, this has not occurred in any of the four rounds of collective bargaining in the CEGEP sector. As mentioned earlier, Quebec governments have been strongly opposed to the intervention of third parties. This has caused the strike to become the only mechanism to settle disputes. The four case-studies presented indicate that major concessions by governments were made when the unions obtained a strike mandate and just prior to the beginning of a strike. These observations on the CEGEP experience lead to the following conclusion: unless the unions obtain a strike mandate no meaningful negotiation takes place. This was the case during the first round, after the adoption of Bill 19 during the second round, and after the adoption of Bill 62 during the fourth round.

Another major characteristic of dispute settlement in the CEGEP sector as well as in other public sub-sectors of Quebec has been the almost total absence of lockouts. The employer group - especially the government - seems to have replaced the lockout by the following

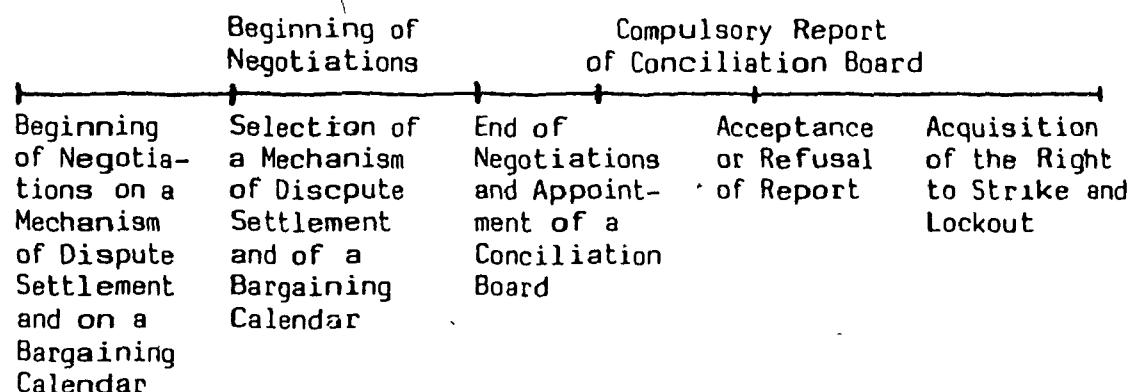
refrain: let us see if the unions can obtain a strike mandate, then we'll wait to see if they will use it, and we'll adopt special legislation if they do. This approach seems to be at the heart of the government's strategy. It is not surprising then that the last three rounds have been influenced by special legislation. Hence, from the CEEEP experience it can be concluded that the wait-and-see strategy of governments has forced unions to engage in strike actions.

The teacher experience in the CEEEP sector also indicates that in spite of the frequent adoption of special legislation, the strike has helped the parties to make concessions quicker. Also, it has helped in reaching negotiated settlements in three of the four rounds. However, the use of the strike seems to trigger automatically special legislation. This phenomena seems to have made special legislation an "integral" part of the bargaining process.

Given the above elements, the importance of the strike must be considered when suggesting changes to the mechanism(s) of dispute settlement. Also, it is important to assure that the strike will be used as a last resort in order to avoid the disadvantages of special legislation and the increased politicization of the bargaining process. Hence, the general objective of the recommendations in this section is to propose a negotiation calendar and process that can foster good faith bargaining before the right to strike is acquired.

The proposed procedure for settling interest disputes is based on three principles: (1) the parties are free to select their mechanism of dispute settlement; (2) if no agreement is reached within a fixed period, the union and the employer acquire the right to strike and

lockout respectively; and (3) this right is acquired after the intervention of a third party. The application of these three principles is illustrated below.



The CEEEP experience seems to confirm Boivin's claim (1975b) that most strikes in the public sector are the result of inappropriate mechanisms of dispute settlement. The legal frameworks constrain and restrict the parties to specific procedures. In Quebec the legal framework has not allowed different mechanisms to be used in different situations. It is assumed that, regardless of the conflict and context, all disputes must be settled through the same mechanism. This does not allow much flexibility and prevents the parties from accommodating each other. If the parties were free to select their own mechanism, not only fewer strikes would result, the outcome of the process would also be more acceptable.

The bargaining calendar proposed above would apply only for the negotiation at the provincial level. At the local level, the permanent negotiation proposed would include the negotiation of a mechanism of dispute settlement. Unless a local agreement between the

parties decides otherwise, the right to strike and lockout is assumed to be permanent.

According to the proposed procedure for the provincial negotiation, a calendar of negotiation, i.e., the length of the negotiation periods, the delays of the Conciliation Board and other periods, would be negotiated by the parties prior to the beginning of the negotiations on the content of the agreement. If the parties could not reach agreement on a calendar within a fixed period decided by legislation, the Labour Relations Board would determine one for them. Once the calendar is decided, it could be amended at any time if both parties agree. The flexibility of this approach can increase the accommodation of the parties and the acceptance of the outcomes.

During the period of negotiation on procedures the parties can also agree on a mechanism of dispute settlement. The mechanism agreed upon can be amended at any time thereafter only if both parties agree. If no agreement is reached on a mechanism of dispute settlement, a compulsory mediation period will precede the acquisition of the right to strike and lockout.

The Conciliation Board would be composed of an odd number of representatives appointed by the government, the union(s) and the Labour Relations Board. Each of these three groups would appoint an equal and odd number of representatives. Unless the parties chose binding arbitration, the compulsory report of the Conciliation Board would not bind the parties. It would become a recommendation which the parties could accept or reject. The right to strike and lockout would be acquired after the rejection of the report by one of the two



parties. An advantage of this non-binding approach would be that the parties would hesitate less in submitting their disputes to a third party.

The concession time curves in Chapter II suggest that the parties make most of their concessions just prior to the beginning of a strike or lockout, or, prior to the intervention of a third party. Therefore, making the intervention of a third party compulsory prior to the acquisition of the right to strike and lockout could force the parties to make concessions sooner than in the past. The compulsory report of the Conciliation Board would induce the parties to seek a favourable position within the recommendations of the report.

#### 7- The Collective Agreement

The centralization at the provincial level of the negotiations has resulted also in the centralization of collective agreements. Since 1975-76 the major parts of the agreements have been administered by government agencies. The job security mechanism is administered provincially by an agency called the Placement Bureau. Until 1980 pensions plans were administered by civil servants appointed unilaterally by the government. Since 1980 the unions have a minor input. The classification of teachers is determined unilaterally by the Ministry of Education. The distribution of teachers among the CEGEPs is also determined by the Ministry of Education. Local administrators cannot make major decisions regarding the application of the agreements without consulting the Federation of CEGEPs. If

they don't implement the recommendation of the Federation they are often threatened with budget cuts.

The centralization of the education system has had an important impact on the centralization of the agreements in the CEGEP sector. This impact confirms conclusions reached by Blais (1972, p. 182) regarding elementary and secondary teachers:

This centralization of the educational system has the additional effect of making any individual participation of the teachers very difficult, if not impossible. In such a system, the teachers who view themselves as professionals and who want to have maximum control over their professional activities, should soon be expected to feel frustrated by a bureaucracy that forever imposes new rules and regulations without adequate prior consultation. In such situations the teachers have no alternative but to resort to the power of their associations, expressing their collective desire in order to influence a distant central authority.

The CEGEP experience indicates that the bureaucratic, centralized and unilateral approach of the Ministry of Education in establishing new programs, revising existing ones, adopting new regulations and in the general organization of the CEGEP system, has, as Blais suggests, contributed considerably to the militancy of teachers. Frustrated by an approach which has regularly attempted to impose changes on their working conditions without prior consultation, teachers have turned towards their associations for protection. The approach which they have favoured has been to define their working conditions in the collective agreements with excessive details. The size of collective agreements have increased from approximately 125 pages in 1968-69 to almost 300 in 1979-80.

The teacher collective agreements in the CEGEP sector have become

highly bureaucratic. The disfunctions which have resulted from a bureaucratic approach in the content of the agreements, have prevented governments from implementing the major recommendations of its studies on the CEGEP system (e.g. the Roquet Report, the Nadeau Report, the GTX Report, the White Paper). Most observers would agree that detailed rules and procedures, the impersonal approach, and the division of labour within the collective agreements can prevent major changes from being implemented. Hence, from the CEGEP experience it can be concluded that a centralized education system will increase the militancy of teachers. This will in turn contribute to a bureaucratic and centralized approach in labour relations which makes revision of the system quite difficult.

The teachers' experience in the CEGEP sector also indicates that unless they participate in the decision-making process they will, through their associations, oppose the implementation of policies determined unilaterally by the government. The best example is the declassification conflict in 1973. To change this attitude and to ease the rigidity of collective agreements, it seems necessary to restore the faith of teachers in the decision-making process, i.e., they have to be assured that major changes will not be implemented without their participation and consent. To achieve this objective, it is proposed to revise the composition of the Council of Colleges in Bill 24 (1979). This Council makes recommendations to the Ministry of Education and its mandate is similar to that of the academic councils at the local level. However, contrary to the councils, the teacher representatives are not appointed by the teachers and they do not

constitute the majority. The Council is composed of 15 members appointed unilaterally by the government with no compulsory teacher representation.

To increase the participation of teachers in the decision-making process and to facilitate revisions and changes of the CEGEP system, it is proposed that teachers become the majority on the Council of Colleges. Also, it is recommended that the teacher representatives on the Council be appointed by their associations. The recommendations of the Council would not bind the Ministry of Education, however, it could not proceed in areas within the jurisdiction of the Council without its approval.

#### 8- Feedback Loops

The last component of the model is feedback loops. The teacher experience in the CEGEP sector confirms the usefulness of feedback loops in understanding collective bargaining. If properly identified they can assist the parties in establishing links between different activities of the bargaining process.

Based on the CEGEP experience feedback loops can assist the parties in at least two major aspects. First, feedback loops can help the parties in determining objectives and strategies. For example, if the government wants to influence the bargaining process by special legislation, it might force the unions to engage in activities not well received by the public. On the other hand, the unions might be quite effective in identifying and/or creating dissatisfaction with an

existing agreement in order to foster a favourable opinion for new bargaining objectives.

Secondly, feedback loops can assist the parties in predicting events. For example, the unions know that long strikes might result in special legislation. The government, on the other hand, can predict union objectives by considering the labour conflicts and grievances during the term of a collective agreement.

#### GENERAL CONCLUSIONS BASED ON THE TEACHER EXPERIENCE IN THE CEGEP SECTOR

##### The Bargaining Structure and the Bargaining Process

The structure of collective bargaining in the public sector of Quebec has become highly centralized to a degree much greater than other jurisdictions in North America. Two major factors have contributed to this centralization: socio-political objectives of provincial governments and the method of financing public institutions. As Boivin (1975, p. 313) points out:

...The particular cultural situation of French Canadians who constitute a small minority in North America and in Canada..., has led the Provincial Government - whatever the party in power - to intervene more directly in economic and socio-political activities of the community.

Successive provincial governments have maintained the need for a strong government to protect the needs of Francophones. As we saw in Chapter III, the major objectives of the Quiet Revolution were to improve the socio-economic status of Francophones and to provide equal resources for all Quebecers. During the 1960s, provincial governments

maintained that these objectives could only be achieved through a complete revision of public sector institutions - especially the education system.

The realization of socio-political objectives has implied considerable financing by the provincial government of the education system as well as other public services. Presently, the contribution of the government at the elementary and secondary levels surpasses the amounts collected through local school taxes. The CEGEP system is completely financed by government grants. This direct financial input of the government has contributed enormously to the centralization of the bargaining process. As Blais (1972, p. 182) points out:

...the educational system becomes increasingly centralized when the investments of the provincial governments surpass the investments at the local level of education. Thus, the very burden of financing education obliges the government to establish controls, making sure on the one hand, that its funds are properly dispensed and, on the other, to keep in line the growing tendency of these expenses. And, since the most important item in these expenses is teachers' salaries, the government becomes directly involved in salary negotiations in order to control the rhythm of increase and, simultaneously, try to broaden the scope of negotiation until it covers the entire province and eliminates whipsawing during the process of collective bargaining.

Therefore, from the teacher experience in the CEGEP sector of Quebec the following conclusions can be made:

#### Conclusion 1

As the financial input of a government in public services increases, its direct involvement in collective bargaining also increases.

## Conclusion 2

The direct involvement of provincial or state governments in collective bargaining will lead to a centralized bargaining structure and to a politicization of the bargaining process.

## Influential Variables

The centralization and politicization of collective bargaining has two major impacts on the independent variables: (1) some of the external variables become internal; and (2) the interdependence among these variables increases. The importance of these two elements becomes even greater when the government is directly present in the bargaining process on the employer side. Hence, from the teacher experience in the CEGEP sector, the following conclusion can be made on independent variables:

## Conclusion 3

As governments become directly involved in collective bargaining, the number of internal independent variables increases and the number of the external ones decreases. Furthermore, the interdependence of these variables will also increase.

The teacher experience in the CEGEP sector also verifies that each bargaining experience - objectives, priorities and strategies - has its own characteristics. In some cases wages may be important whereas in other cases participation in the decision-making process may be a major. Hence, from the CEGEP experience another conclusion

can be made on the independent variables:

#### Conclusion 4

The relative importance of the independent variables will vary in time - especially, from one bargaining experience to another.

#### Bargaining Power

As we have seen in the four case studies, teachers achieved most of their major objectives during the third round of collective bargaining when they were able to implement an effective strike strategy. Hence, the following conclusion can be made:

#### Conclusion 5

The willingness and ability to strike will increase the bargaining power of public sector employees.

The evolution of the labour relations between teachers and management in the CECEP sector indicates that the relationship has been dominated by adversarial attitudes. This is verified by the frequent labour conflicts and illegal strikes both during the negotiation and during the term of collective agreements. The large number of grievances filed by CECEP teachers confirms further this attitude. The factor which has contributed mostly to this adversarial relationship has been the approach of the parties to achieve their



bargaining power by decreasing dissatisfaction with the outcomes of the negotiations rather than by increasing satisfaction. Hence, from the CEGEP experience the following conclusion can be made:

Conclusion 6

If bargaining power is achieved mostly by decreasing dissatisfaction with a collective agreement rather than by increasing satisfaction, the possibility of labour conflicts will increase both during the negotiations and during the term of the agreement.

Prediction

The teachers' experience in the CEGEP sector indicates that the parties have often determined their bargaining objectives and strategies without much concern for the reaction of the public and of the other party. This has resulted in considerable gaps at the early stages of the negotiations and often in unrealistic objectives. The lack of prediction has also contributed to rigid strategies and often to their premature implementation. Hence, from the CEGEP experience the following conclusion is arrived at:

Conclusion 7

Prediction of the reaction of the other party and of the public to one's objectives will contribute to more realistic objectives and strategies.

## The Negotiation Process

The four case studies have shown that some bargaining objectives have never been achieved. This reflects the ability of a party to concede or resist certain objectives of the other party(ies). Also, the case studies have shown that a minimum exists below which the dissatisfaction with the agreement prevents a negotiated settlement. Therefore, from the teacher experience in the CEGEP sector it can be concluded that:

### Conclusion 8

Collective bargaining objectives reflect a combination of three factors: (1) what a party needs as a minimum; (2) the bargaining power necessary to achieve more; and (3) what the opponent can concede.

The evolution of labour relations in the CEGEP sector also indicates that third party intervention has not played an important role as a negotiation strategy. In fact, we have seen that provincial governments have opposed strongly this approach in settling interest disputes in the public sector. The major reasons have been the large budget involved and the difficulty of governments in delegating what they consider sovereign power. Hence, from the teacher experience in the CEGEP sector we can conclude that:

#### Conclusion 9

As a government's contribution to the financing of public services increases, the resistance to third party intervention will also increase.

The CEGEP experience also shows that a centralized bargaining structure in which the provincial government is directly involved as a party on the employer side, will result in activities usually not found in a conventional decentralized structure. Since in Quebec several sectors (e.g. civil service, hospital and education) negotiate at the same time, intra-organizational activities have played a major role in the negotiations. Furthermore, the coordination among the different sectors has resulted in inter-organizational bargaining to a level not known of in other jurisdictions. Therefore, from the teacher experience in the CEGEP sector the following conclusion can be made:

#### Conclusion 10

As the centralization of the bargaining process increases, intra- and inter-organizational bargaining will also increase.

#### Mechanism of Dispute Settlement

The evolution of collective bargaining with teachers in the CEGEP sector indicates that the tolerance of the public and of governments

towards strikes decreases with time. Whereas the first major teacher strike in 1967 lasted 10 weeks before back-to-work legislation was adopted, in 1980 special legislation was adopted before the strike began. Therefore, from the teacher experience in the public sector of Quebec it can be concluded that:

#### Conclusion 11

The frequent use of strikes by public sector employees will decrease the tolerance of the public and governments to such a strategy and will result in a quicker use of special legislation to prevent or to end a strike.

#### The Collective Agreement

The four case studies have shown that the parties have not been too satisfied with the outcomes of the negotiation, i.e., the content of collective agreements. This is verified by the frequent labour conflicts during the terms of the agreements (e.g. declassification conflict) and by the large number of grievances filed by teachers. This dissatisfaction is largely the result of the centralized bargaining structure. A centralized structure reduces considerably the participation of the parties and individuals at the local level. As a result, the parties don't identify with the agreement and often don't understand it. Hence, from the teacher experience in the CEGEP sector the following conclusion can be made:

### Conclusion 12

As the centralization of the bargaining structure increases, satisfaction with the collective agreement at the local level tends to decrease.

The centralization of the bargaining process in the CEGEP sector has also resulted in centralized mechanisms for the application of collective agreements. As we saw earlier, the major items of the agreements (e.g. job security, workload, classification) are administered by government agencies at the provincial level. This has led not only to normalized labour relations but also to a very bureaucratic approach in collective agreements. The complexity which has resulted makes it very difficult for most individuals in the CEGEP sector to understand major sections of the agreements. Most teachers do not understand how their workload is calculated, how their salary is indexed to the cost of living, nor how the job security mechanism functions. The specialized skills required by the agreements have contributed to a further centralization of power in the hands of few individuals both at the local and at the provincial level. Therefore, from the teachers' experience in the CEGEP sector the following conclusion can be made:

### Conclusion 13

A centralized bargaining structure will contribute to normalized collective agreements, to a bureaucratic approach to labour relations, and to excessively complicated agreements.

## Feedback Loops

Feedback loops can help identify the link(s) among the different components of collective bargaining. For example, the CEGEP experience verifies that the experience with a collective agreement influences the bargaining objectives of the parties. It also shows that strikes by public sector employees will often result in the adoption of special legislation. Hence, from the teacher experience in the CEGEP sector it can be concluded that,

### Conclusion 14

The identification of feedback loops will assist a party to predict the outcome(s) of a given activity, as well as the objectives and strategies of the other party(ies).

## RECOMMENDATION FOR FURTHER STUDIES

Labour relations in the CEGEP sector have not attracted the attention of many researchers. The centralized bargaining structure in Quebec which covers almost the entire public sector and the novelty of this large structure, have received most of the attention. Sub-sectors, such as the post-secondary CEGEP level within the public education system, have received much less attention.

This study has shown that collective bargaining in the public sector of Quebec is highly centralized. This has resulted in a considerable normalization and coordination of bargaining objectives and strategies. Hence, the outcomes of the bargaining process have

often been similar from one sub-sector to another. For example, the struggle of CEEF teachers for job security, indexation, and maternity leaves have been shared by elementary and secondary teachers and other public sector employees.

As a result of the centralization bargaining structure and the normalization of working conditions in the public sector of Quebec, the evolution of labour relations and the major issues have become quite similar for a category of employees from one sub-sector to another. Hence, much can be learned by studying the evolution of collective bargaining for a category of employees in a given sub-sector. For example, a study of the labour relations between support staff employees and management in the CEEF sector can help to understand the situation of support staff employees in school boards and hospitals. Therefore, similar studies are recommended for support staff employees and non-teaching professionals in the CEEF sector as well as in other sectors.

The major studies of collective bargaining in the public sector of Quebec have dealt mostly with sectors rather than with categories of employees. Often, the largest group has been treated as representing the sector. For example, most studies on the education sector have dealt with elementary and secondary teachers. Other categories of employees as well as CEEF teachers have been ignored. Therefore, the above recommendation will increase the knowledge and understanding of collective bargaining in the entire public sector. Mostly, the recommended studies will assist in identifying similarities and differences from one group of employees to another.

Another recommendation is horizontal studies for all categories of employees with a given sector. For example, a study of one round of collective bargaining in the CEGEP sector could deal with teachers, support staff employees and non-teaching professionals. This would enable to identify the inter-relationship of bargaining issues and strategies, as well as the impact of one group on the other. Many observers claim that teachers have dominated the resources, the conflicts and the decision-making process within the CEGEP system. Horizontal studies could help in verifying this hypothesis.

Another study could deal with the impact of the centralized bargaining structure on the labour relations at the local level. Such a study could identify to what extent the motivation of the local parties has been affected. Furthermore, it could identify to what extent the local parties have lost autonomy and control over labour relations.

Most of the post-secondary CEGEP level of education in Quebec is public. However, several private institutions provide this level of education. Most of these private institutions provide almost only pre-university programs. Although teachers and other employees in these institutions are not all unionized, almost all engage in some form of bargaining. Since these private institutions are funded largely by grants of the provincial government (in some cases close to 90% of the total budget of the institution), there are reasons to believe that the working conditions in these institutions are similar to those in the public sector. To verify this hypothesis, it is recommended to compare the working conditions of CEGEP teachers in the



public sector with those in similar institutions in the private sector. This study could also identify for this group of employees the impact of collective bargaining in public CEGEPs and that in private ones.

#### CONCLUDING SUMMARY

This study has proposed a model of collective bargaining and has presented case studies of the four rounds of collective bargaining in the CEGEP sector since its beginning in 1967 to 1980. The application of the model to the evolution of collective bargaining in this sector has helped in identifying the major issues and difficulties in the collective bargaining process between teachers and management. Also, it has helped in proposing some recommendations and conclusions on the bargaining structure and process. Furthermore, it has helped in generating some general conclusions on collective bargaining in public sectors.

The results of the study have shown that collective bargaining in the CEGEP sector as well as in the rest of the Quebec public sector have become highly centralized and politicized. The direct involvement of provincial governments in the bargaining process in the public sector has clearly demonstrated the two conflicting roles played at the same time by a government - employer: that of a legislator and that of an employer. The study has shown that this double role forces the unions in the public sector to have to influence the government not only as an employer but also as a

government. This political dimension increases as the centralization of collective bargaining increases.

The frequent use of strikes and the subsequent adoption of special legislation in the public sector of Quebec have been fostered to a large extent by the inadequate legal framework for collective bargaining. As we have seen, all the four rounds of collective bargaining have unfolded in a framework which did not conform to the legal structure. The legal framework has confined the parties to ritual objectives, procedures, and strategies. It has not allowed mutual accommodation and accountability. It is my opinion that the behavior of the parties will not change unless the bargaining structure is changed considerably. The recommendations proposed in this study are based on the assumption that only major changes in the legal framework will cause the parties to revise their attitudes and strategies.

The study has also shown that the frequent use of strikes in the public sector have resulted in quicker adoption of special legislation. This indicates that Quebec society, as probably most jurisdictions in North America, has not fully accepted the extension of free collective bargaining to the public sector. The Quebec experience indicates that strikes in this sector are tolerated but not accepted. Hence, it is expected that the exercise of this right by public sector employees in Quebec will decrease because of its negative impact on other citizens, especially, if the strike is not used as a last resort. The recommendations of this study have attempted to enhance this approach.

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APPENDIX I

LIST OF PERSONS INTERVIEWED

Mr. Guy Bellefeuille	Member of the FEC Negotiating Committee in 1971-72.
	Spokesperson for the FEC Negotiating Committee in 1975-76.
Mr. Roland Boyer	Member of the FEC Negotiating Committee in 1971-72.
	Member of the FNEQ Negotiating Committee in 1975-76.
	Spokesperson for the FNEQ Negotiating Committee in 1979-80.
Mr. Jean-Jacques Deguire	Member of the Employer Negotiating Committee in 1971-72 and 1975-76.
Mr. Paul Doyon	Spokesperson for the FNEQ Negotiating Committee in 1968-69, 1971-72 and 1975-76.
Mr. André LeBlanc	Director of Personnel and Secretary General at Vanier College from 1970 to 1976.
	Director of Student Services at Champlain Regional College (St. Lambert - Longueuil Campus) since 1976.
Mr. Yves Martin	Assistant Deputy Minister of Education from 1966 to 1969.
	Deputy Minister of Education from 1969-1973.
	Chairman of the Commission for the Study and Consultation on the Revision of the Legal Framework of Collective Bargaining in the Public and Para-Public Sectors (Martan-Bouchard Report), 1977-1978.

Mr. Denis Olivier

Member of the Employer Negotiating Committee in 1968-69.

Mr. Jean-Guy Roy

Representative of the Ministry of Education on the Employer Negotiating Committee in 1975-76.

Mr. Robert Sabourin

Member of the Employer Negotiating Committee in 1968-69 and 1971-72.

Mr. Jean-Claude Sauvé

Member of the Employer Negotiating Committee in 1968-69 and 1971-72.

APPENDIX II

AFFILIATION OF TEACHER UNIONS IN 1980

A- Teacher Unions Affiliated to FEC (CEQ)

Collège de Bois-de-Boulogne

Le Syndicat General des Employés du Collège de Bois-de-Boulogne.

Le Collège Régional Bourchemin  
(Campus Drummondville)

Le Syndicat des Professeurs du Collège Régional Bourchemin  
Campus de Drummondville.

Champlain Regional College  
(Campus Lennoxville)

Syndicat des Enseignants du Collège Champlain de Lennoxville.

Le Collège de Granby

Syndicat des Enseignantes et Enseignants du CEGEP de Granby.

Le Collège de Matane

L'Association des Enseignants du CEGEP de Matane.

Le Collège du Nord-Ouest

Le Syndicat des Professeurs du Collège du Nord-Ouest.

Le Collège de Sainte-Foy

Le Syndicat des Professeurs du Collège de Sainte-Foy.

Le Collège de Sherbrooke

Le Syndicat des Employés du CEGEP de Sherbrooke.

Le Collège de Victoriaville

Le Syndicat des Enseignants du CEGEP de Victoriaville.

B- Teacher Unions Affiliated to FNEQ (CSN)

Collège Ahuntsic	Syndicat du Personnel Enseignants du CEGEP Ahuntsic.
Collège Andre-Laurendeau	Syndicat des Enseignants du Collège André-Laurendeau.
Champlain Regional College (Campus St. Lambert-Longueuil)	Syndicat des Professeurs du CEGEP Champlain (St. Lambert).
(Campus St. Lawrence)	Syndicat des Professeurs du Campus St. Lawrence du Champlain Regional College.
Collège Régional de la Côte-Nord	Syndicat des Enseignants du CEGEP Régional de la Cote-Nord.  Two Groups: Hauterive Sept-Iles
Collège Régional Bourgchemin (Campus St-Hyacinthe et Tracy)	Syndicat des Enseignants du Campus Sorel-Tracy.  Syndicat des Professeurs du CEGEP de St-Hyacinthe.
Dawson College	Syndicat des Professeurs du Collège Dawson.
Collège Edouard-Montpetit	Syndicat des Professeurs du CEGEP Edouard-Montpetit.
Collège Francois-Xavier-Garneau	Syndicat des Professeurs du CEGEP Francois-Xavier-Garneau.
Collège de la Gaspésie	Syndicat des Professeurs du Collège de la Gaspésie.  Two Groups: Gaspé Grande-Rivière
John Abbott College	Syndicat des Professeurs du Collège John Abbott.
Collège de Joliette	Syndicat des Professeurs du CEGEP de Joliette.



Collège de la Pocatière	Syndicat des Professeurs du CEGEP de la Pocatière.
Collège de Lévis-Lauzon	Syndicat des Professeurs du CEGEP de Lévis-Lauzon.
Collège de Limoilou	Syndicat des Professeurs du CEGEP de Limoilou.
Collège Lionel-Groulx	Syndicat des Professeurs du CEGEP Lionel-Groulx.
Collège de Maisonneuve	Syndicat des Professeurs du CEGEP Maisonneuve.
Collège Montmorency	Syndicat des Enseignants du CEGEP Montmorency.
Collège de l'Outaouais (Hull)	Syndicat des Professeurs de la Région de Hull.
Collège de Rimouski	Syndicat des Professeurs du CEGEP de Rimouski.
	Syndicat des Enseignants de l'Institut Maritime du Québec.
Collège de Rivière-du-Loup	Syndicat des Professeurs du CEGEP de Rivière-du-Loup.
Collège de Rosemont	Syndicat des Professeurs du CEGEP de Rosemont.
Collège Régional du Saguenay-Lac St-Jean	
(Collège d'Alma)	Syndicat des Enseignants du Collège d'Alma.
(Collège de Chicoutimi)	Syndicat des Professeurs du Collège de Chicoutimi.
(Collège de Jonquière)	Syndicat des Professeurs de la Région de Jonquière.
(Collège de Saint-Félicien)	Syndicat des Enseignants du Campus de St-Félicien (CSN).
Collège St-Jean-sur-Richelieu	Syndicat des Professeurs du CEGEP de St-Jean-sur-Richelieu.

Collège de Saint-Jérôme	Syndicat des Professeurs du CEGEP de St-Jérôme.
Collège de Saint-Laurent	Syndicat des Professeurs du CEGEP de St-Laurent.
Collège de Shawinigan	Syndicat des Professeurs du CEGEP de Shawinigan.
Collège de la Région de l'Amiante	Syndicat des Professeurs du Collège de la Région de l'Amiante.
Collège de Trois-Rivières	Syndicat des Professeurs du CEGEP de Trois-Rivières.
Collège de Valleyfield	Syndicat des Professeurs du Collège de Valleyfield.
Vanier College	Vanier College Teachers Association.
Collège du Vieux-Montréal	Syndicat des Professeurs du CEGEP du Vieux-Montréal.
Pavillon Laliberté	Syndicat des Professeurs et Répartiteurs du Pavillon Laliberté du Collège de Chicoutimi.