area is now overcrowded, he   shopping malls, to encourage

Management, unions need win-win approach to negotiations

Business Beat
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Ontario College teachers' strike recently left thousands of students wondering if their year would be lost.

The teachers said they were striking for smaller class sizes and higher wages because of an increased workload. Both sides blamed each other for the strike. Students felt they were being used as bargaining chips, especially since the strike came towards the end of their year.

This jeopardised their prospects for summer employment and even permanent employment for graduating students. Eventually, binding arbitration ended the strike.

Another recent strike at Mont Tremblant saw workers strike for higher wages and a pension plan right before the Christmas holidays hurting sales at a critical time for the ski resort.

Strikes create bad publicity and are damaging to both sides as it creates an "us versus them" relationship with negative consequences that can effect productivity and sometimes even the viability of a company.

Then, how can both sides work to prevent a strike, which will only harm the company in the long run?

One way would be for union and management to start the process sooner, allowing more time before the contract's expiration date. Another way would be for both sides to agree in advance that if the situation is not solved within a reasonable timeframe, it is sent to arbitration.

Thus, both sides know that they cannot drag the process out over months like Via Rail's protracted negotiations that went on for over a year.

Michael MacNeil, a professor of law at Carleton University, says this is often referred to as a "no strike policy" and only exists in a few unions such as the Christian Labour Association of Canada. He adds, arbitration should have been considered earlier in the college teachers' strike.

Fostering co-operation between the unionized workers and management will reduce the possibility of a strike.

Rather than the traditional thinking of regarding negotiations as a contest between unions and management, Canadian workers and management should consider they are on the same side.

MacNeil says this strategy is often referred to as mutual gains or principled bargaining. If the company prospers due to higher production and better quality control and safety standards, then the workers could have some of the profit passed on to them in the form of wages and possibly stocks if it is a publicly owned corporation.

MacNeil warns that this can be problematic if a company fails to show a profit — and was disastrous for Enron workers whose pensions were based on company stock.

Management and the union could still be at odds regarding pay raises under principled bargaining. Management could suggest that high pay raises may lead to job losses while the union could counter that inflation needs to be taken into account. In the public sector, higher salaries are pasted onto the taxpayer in the form of taxes.

While unions represent the workers, their aim should be to come to a sustainable agreement that benefits the company by keeping it profitable thus improving pay and benefits for the workers and protecting their jobs.

Sonya Lipsett-Rivera is the chief negotiator for CUASA, the union that represent Carleton University professors. She says principled bargaining has no agreement on the quality of the agreement.

Nor does it have a difference on how long it takes to reach that agreement.

Principled bargaining and arbitration are just two of the methods used to avoid strikes which only harm a company and ultimately its workers. Perhaps the Ontario College Teachers' Union may have been able to avoid a strike if they utilised one of these strategies.