

The Saskatchewan Government's Internal Arrangements to Accommodate Collective Bargaining

Les négociations dans les secteurs public et parapublic en Saskatchewan

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Résumé de l'article

L'article ci-dessus analyse les adaptations qui ont été faites par la direction du secteur public en Saskatchewan afin de répondre aux exigences de la négociation collective. Cette étude s'étend aux employés des institutions psychiatriques, des hôpitaux et des centres d'accueil ainsi qu'aux enseignants et aux fonctionnaires. Sauf en ce qui a trait aux enseignants de niveau primaire et secondaire, les salaires du secteur public relèvent du *Saskatchewan Union Act*, loi qui s'applique aussi à ceux du secteur privé. Tous les groupes d'employés du secteur public jouissent du droit de négociation collective et du droit de grève. Dans chacun des cas, la négociation est centralisée au niveau de la province.

Aussi, le gouvernement s'est-il efforcé de s'y impliquer en y désignant des représentants et des cadres supérieurs au moyen d'ententes qui délèguent la responsabilité de négocier à des porte-parole professionnellement qualifiés et capables d'avoir une bonne compréhension des problèmes des employeurs immédiats. Le plus possible, grâce à ces ententes, la négociation est orientée vers des objectifs économiques plutôt que politiques. En même temps, le gouvernement a reconnu explicitement la nécessité qu'il y avait pour lui de participer aux décisions, d'être informé de la situation à chaque table de négociation et de coordonner le cheminement suivi et les offres soumises en son nom à chacune des tables.

On relève trois modèles de négociation dans le secteur public en Saskatchewan. Le premier consiste en une structure classique où les représentants de la Commission de la fonction publique, au nom du gouvernement, négocient séparément avec les employés de la fonction publique et des institutions psychiatriques. Dans ce cas, il s'agit, en droit et en fait, des relations entre l'État et ses employés propres et aucune tentative n'a d'ailleurs été faite pour éloigner le gouvernement de la négociation.

Le deuxième modèle qu'on retrouve dans les hôpitaux et les centres d'accueil est caractérisé par l'existence d'associations parapubliques (*Saskatchewan Health Care Association* et *Saskatchewan Association of Special Care Homes*) qui négocient au nom d'institutions totalement ou partiellement subventionnées par l'État. Le trait fondamental et unique de ce modèle est le fait que le gouvernement y est représenté par un observateur qui joue divers rôles. L'observateur du gouvernement fournit de la documentation à l'équipe des négociateurs et indique si l'État est disposé à faire certaines propositions spécifiques; il tient le gouvernement informé du pouls des négociations, lui transmet les messages des deux parties lorsque demande lui en est faite; il s'efforce d'apprécier les possibilités d'accord tout en agissant comme médiateur entre les parties. Toutefois, il ne fait pas de doute que ce sont les associations d'employeurs et les syndicats qui ont la responsabilité de négocier et de ratifier les conventions collectives.

Le troisième modèle est le système hybride que l'on trouve dans le secteur de l'enseignement. Dans ce cas, l'État, par l'intermédiaire de porte-parole désignés par le ministère de l'Éducation, et l'Association des commissions scolaires (*Association of School Trustees*) sont l'un et l'autre représentés à la table de négociation face à la Fédération des enseignants de la Saskatchewan (*Saskatchewan Teachers' Fédération*). Le *Teachers Collective Act* de 1973 stipule en effet que le gouvernement a droit de nommer cinq membres de l'équipe patronale et l'Association, les quatre autres. Cette disposition résulte de l'opposition de l'Association patronale à des négociations à l'échelon de la province pour les enseignants de niveau primaire et secondaire. Parce que les commissions scolaires soutenaient que le secteur de l'éducation devait être contrôlé au plan local, le gouvernement, craignant que l'Association ne soit pas assez motivée pour réussir dans des négociations provinciales, s'est donné la majorité dans l'équipe des négociateurs. Cependant, résultat du désir du gouvernement de donner à l'Association la possibilité de jouer un rôle valable dans le processus de négociation, ce système est caractérisé par nombre de pourparlers internes. Cette structure plaît à la Fédération des enseignants qui tenait beaucoup à ce que le gouvernement soit représenté à la table des négociations, car de 55 à 30 pour cent du budget de chaque commission scolaire provient de subventions de l'État.

Le gouvernement s'est montré fort conscient de la nécessité d'une coordination et d'un contrôle au sommet afin d'éviter qu'un secteur donné négocie des conditions qui pourraient avoir un impact indésirable ailleurs. Le Bureau de perfectionnement de l'Administration du ministère des Finances a assigné à son groupe de la gestion du personnel la tâche de coordonner les négociations aux nombreuses tables de négociation provinciale. Ce groupe est aussi chargé d'informer le Comité du cabinet sur les négociations collectives. Il étudie les tendances des négociations au niveau régional public et dans l'industrie, le climat politique, les conditions économiques générales; il tient des conférences avant les négociations pour s'efforcer de connaître ce qu'attendent les syndicats et les hypothèses de règlement. Il tente enfin de s'informer de l'ampleur des augmentations générales de salaire qui peuvent être exigées en vue de la conclusion des conventions collectives.

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The Saskatchewan Government's Internal Arrangements to Accomodate Collective Bargaining

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and
Daniel G. Gallagher

This study looks at three models employed by Saskatchewan's provincial public sector management to facilitate bargaining. First is a relatively conventional adaptation to bargaining with provincial civil servants. In the second, associations of nursing homes and hospitals bargain in the presence of a government observer. The third has the government and school trustees, with government holding the balance of power, negotiating jointly with the teachers. The paper also discusses the central coordination and control functions which the government has developed to deal with bargaining.

The Saskatchewan Trade Union Act neither excludes public employers nor provides them the luxury of special treatment**. In view of this lack of legal differentiation, but recognizing that public employers face problems that are different from private employers', this paper assesses the Saskatchewan government's attempts to structure bargaining and field credible,

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*** While the teachers are covered under special legislation and the acts governing police and fire fighters contain voluntary interest arbitration provisions which augment the Trade Union Act, no group is denied bargaining rights or the right to strike. The Trade Union Act of 1972, Statutes of Saskatchewan, Ch. 137 (1971-72); The Teachers Collective Bargaining Act of 1973, Statutes of Saskatchewan, Ch. 112 (1973); The Education Act of 1978, Queen's Printer, Regina (1978); The Fire Departments Platoons Act, Revised Statutes of Saskatchewan, Ch. 173 (1965), am. Statutes of Saskatchewan, Ch. 39 (1973); The Police Act of 1974, Statutes of Saskatchewan, Ch. 77 (1973-74).

reliable management representatives in such a fashion that meaningful bargaining can occur at the tables. It also analyzes the control and coordination function which this multi-bargaining unit employer, the government, has developed to minimize the likelihood of wide disparity developing among settlements in various bargaining units.

In attempting to fulfill its responsibilities as keeper of the public purse and an employer with the duty to bargain in good faith, the provincial government has adhered to the principle that elected officials and operating officers should avoid direct issue involvement in negotiations. Since key cabinet ministers, as budget makers, are frequently the ultimate management decision makers, they can be objects of union pressure to persuade them to improve management offers or even to participate in actual negotiations. If the government's officially designated negotiators are successfully circumvented with any regularity, their credibility along with that of formal collective bargaining is likely to be severely undermined. As a group, elected officials are not likely to be extremely sophisticated in dealing with labour relations matters. Even if they were, neither ministers nor their deputies are apt to be able to allocate sufficient time from their primary responsibilities to allow negotiations to run a full normal course¹. Moreover, the impact of a change of government upon a bargaining relationship would result in unnecessary discontinuity if elected officials were direct participants at the bargaining table. Although they may bear ultimate responsibility for labour relations, top government officials are, on average, less than ideal bargaining spokesmen for government.

The employee relations goals of Saskatchewan's New Democratic Party (NDP) government of the 1970's have been threefold. First, within budgetary limitations, it has sought to be a good employer, providing its employees with equitable and satisfying settlements. The government's methods of and success in achieving its equity goals are beyond the scope of this study. Second, it seeks to maintain and strengthen the credibility of the formal bargaining process in order that the heat generated in negotiations be confined as much as possible to the table and not be directed toward cabinet. Effective public sector bargaining minimizes the influence of political considerations in determining bargaining outcomes, relying instead upon good faith negotiations to establish the terms and conditions of employment. To reduce a union's temptation to try to involve elected of-

¹ SHAW, Lee C., and R. Theodore CLARK, "The Practical Differences Between Public and Private Sector Collective Bargaining", *UCLA Law Review*, Vol. 19, No. 6, August 1972, pp. 867-886.

ficials by approaching members of cabinet directly (i.e. "end running" the table), bargaining must be structured in such a way that unions are convinced either that effective decision making rests at the table or that the best means of communicating with the "real" decision makers is through the formal bargaining process. Under such arrangements, the negotiator's role assumes considerable importance. The government must therefore have confidence that its negotiators comprehend and can protect government's interests as well as develop rapport with the unions. Third, government attempts to ensure that there is a flow of information between it and its spokesmen and that there is an element of coordination among its bargaining tables. The aim in this case is that there be a degree of central control and a modicum of uniformity in the bargaining outcomes among the various provincial tables. In some measure this goal conflicts with government's desire to establish the credibility of each bargaining table. One way of establishing the credibility of the bargaining process is to vest sufficient authority in the negotiators to enable them to reach agreements. Through various arrangements, the Saskatchewan government has pursued a deliberate policy of ceding decision making authority to its bargaining agents. A primary problem in this regard is that of fielding management bargaining teams which it trusts with the authority to negotiate agreements. Such a team has to reflect both a professional labour relations orientation and political acuity and reliability.

The government's situation is compounded by the fact that it bears the direct costs of any one settlement as well as being the employer in the "unit(s) of impact". Patterns set at one table can rebound upon other public sector relationships. As the largest employer in the province, government or quasi-government negotiators deal at central tables with teachers, civil servants, employees of health-care institutions, nursing homes, mental institutions, crown corporations in addition to numerous small bargaining units. In response to this potential problem, the government had found it necessary to develop mechanisms for across table coordination of provincial negotiations.

This paper assesses the Saskatchewan government's efforts to structure bargaining in such a fashion that meaningful negotiations can occur at the tables. It also discusses the control and coordination function which the government has evolved to protect its interests concerning the level of wage settlements and concomitant government expenditure levels. For the purpose of this study three broad employment relations and bargaining structures in the province are examined and contrasted: public service, education and health services.

PUBLIC SERVICE

Even if it so desired, the government could not place great distance between itself and negotiations involving the employees of the provincial civil service and mental hospital workers. In the middle forties, at the outset of the bargaining relationship, the government settled upon an internal structure for dealing with these negotiations which has remained fundamentally unchanged. Civil service bargaining in Saskatchewan did not commence in the larger departments and spread gradually through government. Rather, in 1945 the Saskatchewan Labour Relations Board made a determination of two appropriate bargaining units for government employees, one covering public service employees and the other including employees of the provinces mental institutions. A third unit, which was determined in 1948, was comprised of seasonal employees who worked primarily for the Highway Department and were not covered by the Public Service Act. This unit has subsequently been merged (1976) with the public service for purposes of bargaining.

The government's spokesmen in negotiations has been the Saskatchewan Public Service Commission (PSC) which received its mandate to negotiate on behalf of the government from the Public Service Act, 1945. This act, which post-dated the passage of the Trade Union Act, was in large measure the CCF (Cooperative Commonwealth Federation) government's response to campaign promises to rationalize and professionalize the province's personnel functions, thereby eliminating the pre-existing system which was typified by departmental control and political patronage. The PSC, a centralized personnel agency, was charged with recruitment, selection, classification and bargaining. Centralization of the personnel function during the 1940's was convenient and logical if for no other reason than the fact that public employment was not large. Furthermore, Saskatchewan Government Employees Association (SGEA) favored centralization. The unique feature of this personnel system, especially the collective bargaining features, is not the fact that it is centralized but that centralization occurred at such an early date.

The long-standing relationship between the Cabinet and PSC is close and obvious. Presently the Minister of Finance also serves as the Minister-In-Charge of the PSC. Bargaining parameters within which PSC negotiators must operate are approved by the Cabinet Committee on Collective Bargaining, with final authority residing in Cabinet. The government has found little need to become directly involved in negotiations since it can safely assume that the PSC comprehends its interests and will see that they are protected. The level of trust and comfort which the government feels

with this relationship is manifested by the fact that it does not feel the need to have a non-PSC government representative to report on the pulse and direction of talks as it does where the immediate employer is outside of government e.g. hospitals and nursing homes. Aside from an occasional direct communication between the Minister-In-Charge and the unions, the unions expect to deal with the PSC, as the government's spokesmen.

The bargaining problems which exist in these relationships appear to be less a function of the way government has structured itself than the unions' internal structure, size and unity. This is amply demonstrated by contrasting the PSC's relationship with the smaller CUPE #600 which represents mental hospital employees with the large, heterogeneous SGEA.

In CUPE #600, 1425 employees from seven institutions bargain with the PSC. At least one quarter of these are psychiatric nurses who share with the administration a high level of concern for the quality of patient care. There is no great physical and social distance between administrators and employees. Work is performed in relatively confined spaces, in close contact and cooperation with management. Many of the administrators are former members of the bargaining unit, even union officers, and these personal ties remain. There are also professional ties between nurses and administrators through the Psychiatric Nurses Association. No automatic assumption is made that the goals of the union and the administration are in conflict. Not only is there a tradition that hospital administrators participate in central negotiations but there is also a tradition of autonomy for institutions which has meant that the branches of CUPE #600 bargain locally especially over how the master agreement should be applied. At no two institutions are the work days of identical length. Since the different occupational groups within an institution come into contact with each other, there is a degree of mutual awareness of the contribution made by others and the interdependence of jobs. The result is a relatively disciplined and cohesive organization which can arrange internal compromises when it is establishing bargaining priorities. Since the union's intra-organization bargaining problems are usually resolved before it comes to the table, it is not particularly difficult for CUPE #600 and the PSC to get down to serious bargaining.

In contrast to the PSC-CUPE #600 bargaining relationship, the PSC-SGEA relationship is cumbersome and, from time to time, rocky. Unlike the smaller, cohesive CUPE local, SGEA in the public service is typified by heterogeneity of its membership' work and working conditions, its substantial size and a lack of internal consensus, all of which compound the difficulties associated with establishing bargaining priorities and reaching

compromises. The public service unit includes 15,700 employees spread throughout the province and working within a myriad of decentralized organizational entities which are charged with carrying out a variety of organizational missions.

SGEA has endeavored to adjust its structure to meet its internal problems. Recognizing that there is an array of occupations, the skill level and numerical strength of which vary, it has gone to two tier bargaining. Ten occupational groups meet separately with PSC bargainers on issues relevant to each group and jointly with the PSC on common issues. There are 20 geographical regions within which local meetings are held and grievances are filed.

There remains the problem that bargaining is protracted and frustrating due in some measure to the great number and variety of issues which are presented. None of this is to suggest that SGEA's internal problems and lack of discipline are pathological, for they could be expected in any large, pluralistic and democratic union. Rather it does appear that the more identifiable problems which are manifested in this relationship can in some measure be attributed to SGEA's internal difficulties and not the current management structure. As long as this is the case, management will not have a strong incentive to adjust its structure.

HEALTH SERVICES

In the health services field, the government has encouraged hospitals and nursing homes to assign their bargaining rights to two non-governmental provincial industry associations. The Saskatchewan Health-Care Association (SHA) represents the province's 107 organized hospitals in bargaining, a responsibility it has carried out since 1973. Of the province's 133 hospitals, all those employing more than 15-20 workers are organized. The Saskatchewan Association of Special Care Homes (SASCH) negotiates for 38 of its 110 member nursing homes, a function it began in 1975. Both associations existed prior to the centralization of bargaining. SHA has developed a sizeable, professionally qualified labour relations staff, which it shares on a fee-for-service basis with its sister organization SASCH. SHA receives direct government subsidies designated to defray the costs of negotiating and administering province-wide agreements.

The SHA bargains at separate central tables with the Saskatchewan Union of Nurses (SUN), representing 3000 registered nurses; Service Employees International Union (SEIU), representing 2000 employees and

the Canadian Union of Public Employees (CUPE), representing 4000 employees. It also conducts negotiations with three other unions representing smaller units.

The SHA's bargaining committees are drawn from its labour relations committee and include hospital board trustees, hospital administrators and SHA labour relations consultants. Present at both hospital and nursing home tables, but not attached to either the union or management teams is the government observer. He represents the funding agencies, the Departments of Health and Social Services. Comprehensive agreements with the unions are negotiated centrally although a very limited amount of local bargaining does occur. When a settlement is reached, it is submitted to the SHA's labour relations committee which recommends it to the SHA board of directors. The board submits it to the Saskatchewan Health Services Plan (SHSP) in the Department of Health which has the power to authorize funding for the agreement. When funding is secured, the agreement goes to the individual hospital boards which can accept, reject or amend it. Since any amendment which exceeds the level which SHSP has agreed to fund must be covered by the local hospital itself usually through increased municipal taxes, and rejection of the agreement means that the hospital must negotiate its own agreement without SHA assistance, unamended ratifications have been the norm.

SASCH bargains with SEIU and CUPE at separate central tables, a practice begun when coalition bargaining ceased in 1978. Its negotiating teams include trustees, administrators, a director of nursing and the SHA labour relations consultant. When an agreement is concluded, it is taken to the labour relations committee and subsequently the executive board for approval. It is not submitted to the Department of Social Services for funding approval as the SHA does with its agreements. The difference here stems from the fact that virtually all hospital costs are borne by the provincial government while nursing home residents receive government assistance covering from 20-30% to 100% of their costs, depending upon the level of care required and the resident's ability to pay. SASCH has more flexibility than SHA because it has sizeable extragovernmental funding sources. The individual homes ratify, reject or amend the recommended settlement. As with the hospitals, local bargaining is negligible.

By the nature of the structures which have been created, it would appear that the government is anxious to avoid direct participation in these bargaining relationships. By placing distance between itself and the negotiations, or at least developing a form of involvement which is minimal and even vague, the government endeavors to reduce its vulnerability to direct

pressure from unions for bargaining concessions. Apparently, the government would like to maintain and enhance the credibility of the bargaining tables, ideally to the point where any union ire or frustration generated during negotiations would be directed at SHA or SASCH rather than cabinet or the party in power. Thus SHA and SASCH serve as agents for their constituencies and buffers for the government. In the latter function they act to confine bargaining as much as possible to the table and to bring in politically acceptable settlements.

The associations are anxious to retain the authority to conduct negotiations and to absorb the resulting heat. The more successful they are at dispelling any doubts which the unions may hold as to whether the associations wield sufficient power to direct their own labour relations, the stronger their credibility with the union becomes. Furthermore, if they manage the labour relations function capably and prudently, the associations stand to gain government's trust and with that more freedom from interference. The directors of health services institutions appear convinced that the associations, rather than government, are able to bargain collective agreements which more closely approximate the institutions' needs. They find the present arrangement vastly more preferable to having government conduct bargaining on their behalf.

Both associations seem to believe that maximum freedom from government interference can be attained by demonstrating that they can be trusted to evolve reasonably stable relationships with the unions and produce prudent settlements. In this regard, SASCH and the SHA have different emphases. SASCH is more conservative, probably reflecting a rural bias and a tendency to be more heavily influenced by local trustees than professional administrators. Its reluctance to yield quickly on monetary issues reflects the above orientations plus a desire not to sharply increase charges to paying residents. Thus SASCH tends to keep a tighter hold on the purse strings than SHA. The SHA's labour relations have a different orientation, reflecting the fact that SHA is heavily influenced by administrators and larger, urban hospitals. Since patients are not charged directly, SHA has only to satisfy the government and its membership in bargaining. It, more than SASCH, is concerned with bringing in settlements that government will find reasonable enough to fund. SHA is the wage leader and SASCH tends to be a somewhat reluctant follower.

Despite its restricted participation in the bargaining process and the nature of the certification orders, the government's interest in the outcomes of bargaining, due to its role in funding agreements, is such that it could be argued that government is in fact the ultimate employer, at least in the

hospital field. It picks up the entire hospital wage bill, some \$170 million in 1977, and a good share of it in nursing homes. Not only must government approve the funding of hospital settlements but it must feed information to the SHA's bargaining teams so that they know what their parameters are. The usual problem in this regard is that of the "ghost" at the bargaining table, i.e. the unseen but real decision making party who establishes budgetary priorities. In the case of the health services industry the government has attempted to circumvent this problem with a unique approach. The ghost is directly represented by the government observer.

As it has evolved the government observer's role has proven a multifaceted, intricate one. Originally, the observer was to be a resource person for both parties since he enjoyed access to objective government data on health services operations. Furthermore, he was to be the government's eyes and ears at the table, keeping it informed as to what could be expected in terms of settlements while making certain that the government's interests were being adequately protected. This roughly approximates the roles he plays in nursing home negotiations, albeit he is asked more questions by management than union bargainers. The role has expanded considerably beyond that in hospital bargaining.

Not only does he report progress at the SHA tables, but he supplies information to them. The SHA team does not know precisely how much money is available, so the observer provides go-no go signals which are tantamount to indicating that the government will fund particular proposals. The real advantage of this arrangement is its speed. Management is not placed in the position having to adjourn for consultations with the funding agency. By avoiding such delays, management spokesmen are less likely to lose face because they do not know the exact parameters within which they are working. While government makes funding decision, bargaining is structured so that power to settle or take a strike resides at the table.

While the observer is an information conduit between the table and the funding agency, he is also the medium through which the SHA bargaining team negotiates with the government to secure funding for positions it deems necessary to get settlements. There is, however, the understanding between management representatives and the government that management must never blame the government when SHSP takes a firm stand and refuses to expand SHA's parameters. At this point the association is expected to absorb the heat.

It is noteworthy that at the table the observer does not speak unless he is either asked a direct question or the government comes under direct attack. There is some evidence that he serves as a moderating influence on the

more extreme tendencies of both table parties. No one wants to appear to be unreasonable in the eyes of the observer. Furthermore, depending upon the union and how negotiations have proceeded, he plays a conciliation role. Although the observer sits with the management team, coming and going with them in addition to attending meetings of SHA's labour relations committee and working directly for SHSP's negotiations branch, he will visit union caucuses, either invited or uninvited. Sometimes he will be asked to leave but frequently his ouvertures are accepted. The observer can facilitate communications among the parties and the government. A union may feel that the government's position is the problem and will ask him to relay certain information to top officials in the Departments of Health, Social Services or Finance. It may be easier for a union team to lay its final position before the observer than its bargaining opposite. This conciliation role becomes more evident when the parties are closing and hard decisions are being made. He is often in a position to help ameliorate problems which result from misunderstandings, inadequate communications or either party taking "unreasonable" stands.

Having watched the talks unfold and sensing the tone of the discussions, he may find himself in the position of explaining to top government officials concerned with budgetary implications of a settlement that the management team got the best possible deal under the circumstances and that it should be funded. Thus he may end up selling an agreement to the government.

To perform effectively in this capacity, the observer must be trusted by management, government and the unions. The job also requires a sophisticated understanding of the pressures upon each and how the bargaining process works. It may well be that the current observer's background and personality have served to make *him* effective while the position is an impossible one. From the inter- and intra-organizational perspective, the role of the observer is an interesting adaptation to the health services bargaining environment.

EDUCATION

In contrast to the Saskatchewan government's successful attempts to structure public sector bargaining in a manner which avoids direct participation by immediate representatives of the elected government, e.g. the entire health services field, bargaining in the area of elementary and secondary education represents a third or hybrid operational structure.

With the exception of a few local issues, bargaining in education over major economic issues occurs at the provincial level. In contrast to health services bargaining, the movement to province-wide bargaining has not been the result of a voluntary evolution. Rather province-wide bargaining was mandated by the Teachers Collective Bargaining Act of 1973. Prior to that bargaining had existed under two other structural arrangements. From 1949, the date the Teachers' Salary Negotiation Act was passed, until 1968 bargaining was conducted at the local school district level and involved the Saskatchewan Teachers Federation (STF) local and local school board trustees. Local bargaining resulted in considerable diversity in negotiated wage rates and related conditions of employment among school districts. The differences in bargaining outcomes were most evident when urban and rural school districts were compared.

In an effort to strike a balance between the STF's desire for a more centralized and hence a single province-wide salary structure and the school trustees who sought both to minimize the impact of the fractionalized bargaining structure and to retain educational decision making near the local level, the Teachers Salary Agreement Act of 1968 was enacted under the Liberal government. This legislation divided the province into thirteen areas for bargaining purposes. Within each area, representatives of STF locals and school district trustees negotiated at a single table to establish a salary and benefit structure for the area.

Dissatisfied with the area structure, the STF continued to pressure the government to restructure bargaining into a single province-wide system. The STF's push for centralized bargaining was predicated on the knowledge that the provincial government was assuming a greater decision making role in bargaining because an increasing percentage of educational costs were being underwritten with provincial funds. The STF also believed that area-wide bargaining had been hindered by the Liberal government's restraint policies which limited budget growth and wage changes. The STF concluded that if the government was going to be more active in funding decisions affecting the economics of bargaining, then its representatives should defend those interests directly at a single centralized bargaining table. As the situation existed in 1971 when the NDP came to power, the Saskatchewan School Trustees Association and STF, as central loci of power, were bargaining at a distance thus giving bargaining an aura of artificiality. Apparently the government found this unacceptable.

In a response to its desires to establish salary equity throughout the province, as well as to keep a degree of control over the level of educational spending, in 1972 the NDP government proposed a bargaining structure

which involved the STF and the SSTA negotiating a province-wide agreement, with the government operating in an observer capacity as in health services. The government's plan to establish a centralized bargaining system, which would end disparity in salaries and facilitate centralized cost control while permitting the government to avoid direct participation in bargaining, was destroyed when the SSTA announced its opposition to the concept of centralized bargaining.

The SSTA's opposition to centralization was based on the conviction that decision making in education should remain close to the local level^a. This position reflects the thinking of the rural membership, the dominant group in the SSTA. The trustees were also apprehensive about the increased bargaining power the teachers would enjoy as a result of centralization, especially the prospect of a province-wide strike.

The SSTA's attitude presented a paradox for the provincial government. In a fiscal sense the SSTA was reliable since its primary concerns were with minimizing the level of educational spending within the school districts, particularly the level of local taxation needed to support such spending. However, enactment of legislation forcing the SSTA to bargain with the STF at a central table was unfeasible. The SSTA had openly criticized the proposed structure, predicting that such a system would fail. Any such legislation might have interfered with the government's achieving the goal of promoting a positive industrial relations environment. The government was also confronted with the issue of credibility at the bargaining table. The STF had urged centralized bargaining with the condition that the government would be directly involved in negotiations. If centralized bargaining were to succeed, the STF believed that the government would have to be at the table since it was assuming a greater role in funding education expenditures. The STF warned the government that its bargaining team would have severe credibility problems, if bargaining were delegated exclusively to the SSTA. At the time the government could afford to alienate the politically ineffectual SSTA but it did not want to risk unnecessarily alienating the politically well-connected STF, which boasted a politically astute and homogeneous membership of over 11,000 spread throughout the province. Faced with this political reality and the problem of fielding reliable and credible representatives, while maintaining some distance between Cabinet and the negotiations, a compromise, establishing a unique hybrid structure, was made.

^a It is noteworthy that collective bargaining involving non-teaching employees occurs at the local school district level.

In 1973 the Legislature passed the Teachers Collective Bargaining Act. This law replaced the area-wide system with a centralized structure. The STF would represent the teachers, while stewardship of the employer's interests was shared by the SSTA and government representatives. The management bargaining committee was to consist of nine members, four appointed by the SSTA and five named by the government. Four of the five government representatives have been staff representatives from the Department of Education, with the fifth coming from the Department of Finance. Initially, the Department of Education staffers were assigned to negotiations on a part-time basis, but in an effort to improve the management team's professionalism a number of the Department's staff were assigned to full time labor relations duties.

Under this hybrid structure the government's representatives have the controlling vote in regard to policy and position formulation. The major function of the government representatives has been to protect the interests of elected government as well as to accommodate the interests of the SSTA who represent the immediate employers. The government's major concern is with the economic cost of settlements. Currently the government pays in the range of 30-85% of the local operating costs of school districts, so any significant bargaining concessions would likely require the government to substantially increase its spending. Furthermore a substantial part of the costs of such bargaining items as superannuation are paid by the government. The Department of Education representatives also play a major role by assisting the SSTA to protect their concerns regarding the operational implications of any agreement.

In practice the hybrid management team structure has necessitated considerable prebargaining coordination. Prior to negotiations the SSTA's positions are determined by its 20 member collective bargaining committee, from which its four representatives are selected. These positions must be approved by the SSTA Executive Committee. Similar to the public service model, the parameters for the government representatives are established by consent of the Cabinet Committee on Collective Bargaining with approval of the full Cabinet. Once the guidelines have been set for the component parts of the management team, a considerable amount of intraorganizational bargaining occurs between the government and SSTA representatives. Although the government representatives could control the outcome of the prebargaining strategy sessions, they have been particularly reluctant to decide all issues by means of their majority status. The prebargaining sessions involve substantial compromise. The Department of Education is willing to compromise with the SSTA because the government wants to avoid aggravating the SSTA's dissatisfaction by excessive unilateral decision mak-

ing. If this hybrid structure is to be effective, each party must feel that its concerns are being recognized. By displaying insensitivity to the SSTA's concerns, government representatives would risk the possibility of the SSTA renewing its public opposition to the centralized bargaining and identifying the government representatives as the primary decision makers at whom the STF should direct its efforts.

An interesting aspect of this hybrid structure is the willingness of the SSTA to absorb a great deal of the heat generated in bargaining. The SSTA has generally been reluctant to blame the government publicly for unpopular outcomes. Rather than place responsibility upon the government's agents, the SSTA has accepted union criticisms that the SSTA's presence complicates bargaining. In doing so, the SSTA has attempted to indicate to the STF that it plays a credible role in the process despite its minority status.

For the government, the hybrid structure serves as a dual buffer from direct pressure by the union. The effectiveness of "end runs" to deal directly with the elected officials has been limited because government has delegated considerable decision making authority to the Department of Education bargaining representatives. This has enabled them to negotiate without continued referral to the Cabinet Committee thereby minimizing the visibility of the government's role. In addition the presence of the SSTA at the table allows the government to respond to overtures for direct involvement by indicating that bargaining must occur at the table with the participation of the SSTA. The government's preference for maintaining its distance from negotiations has been largely accommodated.

Although the SSTA has ceased its vocal opposition to the current structure, it still harbors hopes of returning bargaining to a more localized form. It has also begun to advocate changing the legislation to grant the SSTA unilateral control of the management side of the table. Despite the SSTA's efforts to convince the government that the SSTA can now be viewed as a reliable representative of the government's interests, the prospect of the government turning control of bargaining exclusively to the SSTA is unlikely. In the first place the government is reluctant to do so because the STF has long advocated the necessity of having the government represented at the bargaining table and is unlikely to allow government representatives to withdraw without considerable political opposition. Second, the government has found that the protection provided by the dual buffers under this hybrid arrangement has served its interests reasonably well. Removal of Department of Education representatives might prompt the STF to attempt to circumvent the bargaining table and deal directly with the government. By maintaining the current structure the government is better able to

oversee bargaining without becoming directly involved in negotiations. Since the government has committed itself to inserting relatively immediate representatives into the negotiations, it is difficult to terminate that involvement.

COORDINATION AND CONTROL FUNCTION

The government appears to be keenly aware of the direct budgetary implications which particular wage settlements can have, as well as their possible impact upon the terms of other settlements. As the province's largest employer, the patterns, which key provincial government settlements can generate, are difficult for those at other public sector tables to resist. The government has recognized the need to coordinate its bargaining to avoid being swamped by the wake of one of its own unexpectedly high settlements. The government also seeks to avoid creating problems for employers with less ability to pay, especially the municipalities.

In the Department of Finance's Bureau of Management Improvement there is a Personnel Policy Unit which is charged with coordinating provincial bargaining and keeping the Cabinet Committee on Collective Bargaining informed. Included in its mandate are crown corporations, education, health services, the public service and various boards and commissions. The Personnel Policy Unit makes regular submissions to Cabinet Committee. Since its task has strong political overtones, an attempt is made to keep its operations as unobtrusive as possible. In fact, the group's role is not clearly understood by those outside government, although some such coordinating or control function is widely and vaguely rumored.

By analyzing regional public and industrial patterns, the political environment, general economic conditions and holding pre-bargaining conferences for the government's various bargaining representatives to gather assessments of union expectations and probable settlement ranges, the Personnel Policy Unit attempts to ascertain what general wage increase figures are likely to be required to conclude agreements. Although cognizant of the bargainers' needs to maintain flexibility, the possible ramifications of a particular "out of line" settlement is probably a greater concern at this level. One might assume with the large number of settlements in the 1978-79 round of negotiations which came in at 7 1/2% and 6% increases over the two years, that the central coordinating role is important in affecting bargaining outcomes. The existence of this type of function carries with it certain risks for the government because evidence of strong central input of this type may cause and in fact has caused some to question whether bargaining of monetary issues at individual tables in "real".

In addition to facilitating regular vertical communication and the exchange of information among bargaining tables, representatives of the Personnel Policy Unit may become involved in relationships if problems occur during negotiations. A unit representative may direct discrete inquiries to union leaders to ascertain what the true nature of a problem is and what might be needed to resolve it. Thus, the government can avail itself of an additional means of communication which does not directly involve ministers.

In 1976 during the period of provincial wage controls, the public sector unions responded to the government's overt policy of central control by forming a common front under the auspices of the Saskatchewan Federation of Labour. No formal structure emerged, no power was ceded to a central body to control or coordinate the front members' bargaining and no common positions or goals were agreed upon. The front has confined its activities to exchanging information on bargaining positions and exchanging assurances of mutual support. However, the very fact of the front's establishment and marginal continued existence is a manifestation of the conviction among a number of public sector unions that the government tends to bargain with public employees as if they represented a single collectivity, employed by different branches of government. It remains to be seen whether this nascent response to central control will become a power for the government to reckon with.

Another aspect of the government's involvement in central coordination relates to provincial boards and commissions which are certified bargaining units. They do not come under the control of the Public Service Commission. These units include larger ones like the Liquor Board (394 employees) and Workers' Compensation Board (175 employees), the six community colleges (12-39 employees) and smaller units such as the Arts Board and Welfare Rights Centre Board (9 employees each). The larger units have experience with and expertise in bargaining. However, management of the smaller units tends to be highly program oriented, frequently lacking both a deep understanding of dynamics of bargaining and the possible implications of some things which they might agree to, especially as they might affect other units.

SGEA has purportedly found these units useful for winning concessions which it has been unable to obtain from the PSC. Armed with such a breakthrough, it has argued for similar benefits for the larger public service group. To reduce the threat of this happening, management of the smaller boards and commissions have been urged to seek bargaining assistance from the PSC. In certain cases this has resulted in PSC negotiators taking over talks, even though these units are officially beyond the PSC's purview.

The PSC evidently hopes that if SGEA representatives hear the same arguments from the same people at different tables, SGEA will conclude that it is unlikely to break new ground with the small units and hence be willing to centralize these talks to save staff time and money. This would help ease the government's coordination and control problems. This situation points up the parties' dilemma. The union claims that each unit should be treated as a separate bargaining entity, however, comparability arguments are an essential part of their negotiating repertoire. In this case, SGEA is driving management to push for more uniformity and central control in its labour relations. SGEA representatives have acknowledged that due to the cost of servicing small units it would be desirable to amalgamate some into the main public service agreement. However, these agreements tend to be marginally better, purportedly to compensate for reduced mobility and promotional opportunities. Therefore, it is difficult to convince members of small units to coalesce. As long as the provincial government bargains separately with a wide assortment of unions and bargaining units, the central coordination and control function will remain an ingredient of the government's internal structure.

CONCLUSION

To varying degrees, the Saskatchewan government has managed to divest itself of direct bargaining roles, assured that its legitimate interests will be adequately protected. Government has also built in an element of coordination which promotes stability for the entire system without imposing rigid uniformities upon it. Adjustments in the relative wages within and among the major bargaining groups can be and are made without upsetting the entire system. Having been reasonably satisfied with the system during recent bargaining round, there are no signs that the government wants any drastic change. The only disaffected "management" group is the relatively weak SSTA. Department officials have shown no inclination to assume bargaining responsibilities from the PSC. SASCH and SHA, which have so far managed to gain the confidence of both the government and their constituencies, are eager to maintain the existing arrangements.

Rumblings of discontent can be heard from within the trade union movement about the way government has structured itself to bargain. However, either this dissatisfaction has not yet been sufficiently focused or the discontent is not widespread or profound enough to provoke concerted action by public sector unions designed to bring about fundamental alterations. Despite the fact that the employer is ultimately the same in each case,

the flexibility that the system confers upon individual unions is evidently valued. Consensus among public sector unions to move to a more centralized system of bargaining or political confrontations through a united front does not appear to be in the immediate offing. The management structure seems to be at a period of temporary equilibrium.

Les négociations dans les secteurs public et parapublic en Saskatchewan

L'article ci-dessus analyse les adaptations qui ont été faites par la direction du secteur public en Saskatchewan afin de répondre aux exigences de la négociation collective. Cette étude s'étend aux employés des institutions psychiatriques, des hôpitaux et des centres d'accueil ainsi qu'aux enseignants et aux fonctionnaires. Sauf en ce qui a trait aux enseignants de niveau primaire et secondaire, les salaires du secteur public relèvent du *Saskatchewan Union Act*, loi qui s'applique aussi à ceux du secteur privé. Tous les groupes d'employés du secteur public jouissent du droit de négociation collective et du droit de grève. Dans chacun des cas, la négociation est centralisée au niveau de la province.

Aussi, le gouvernement s'est-il efforcé de s'y impliquer en y désignant des représentants et des cadres supérieurs au moyen d'ententes qui délèguent la responsabilité de négocier à des porte-parole professionnellement qualifiés et capables d'avoir une bonne compréhension des problèmes des employeurs immédiats. Le plus possible, grâce à ces ententes, la négociation est orientée vers des objectifs économiques plutôt que politiques. En même temps, le gouvernement a reconnu explicitement la nécessité qu'il y avait pour lui de participer aux décisions, d'être informé de la situation à chaque table de négociation et de coordonner le cheminement suivi et les offres soumises en son nom à chacune des tables.

On relève trois modèles de négociation dans le secteur public en Saskatchewan. Le premier consiste en une structure classique où les représentants de la Commission de la fonction publique, au nom du gouvernement, négocient séparément avec les employés de la fonction publique et des institutions psychiatriques. Dans ce cas, il s'agit, en droit et en fait, des relations entre l'État et ses employés propres et aucune tentative n'a d'ailleurs été faite pour éloigner le gouvernement de la négociation.

Le deuxième modèle qu'on retrouve dans les hôpitaux et les centres d'accueil est caractérisé par l'existence d'associations parapubliques (*Saskatchewan Health Care Association* et *Saskatchewan Association of Special Care Homes*) qui négocient au nom d'institutions totalement ou partiellement subventionnées par l'État. Le trait fondamental et unique de ce modèle est le fait que le gouvernement y est représenté par un observateur qui joue divers rôles. L'observateur du gouvernement fournit de la documentation à l'équipe des négociateurs et indique si l'État est disposé à faire certaines propositions spécifiques; il tient le gouvernement informé du pouls des négociations, lui transmet les messages des deux parties lorsque demande lui en est faite; il s'efforce d'apprécier les possibilités d'accord tout en agissant comme média-

teur entre les parties. Toutefois, il ne fait pas de doute que ce sont les associations d'employeurs et les syndicats qui ont la responsabilité de négocier et de ratifier les conventions collectives.

Le troisième modèle est le système hybride que l'on trouve dans le secteur de l'enseignement. Dans ce cas, l'État, par l'intermédiaire de porte-parole désignés par le ministère de l'Éducation, et l'Association des commissions scolaires (*Association of School Trustees*) sont l'un et l'autre représentés à la table de négociation face à la Fédération des enseignants de la Saskatchewan (*Saskatchewan Teachers' Federation*). Le *Teachers Collective Act* de 1973 stipule en effet que le gouvernement a droit de nommer cinq membres de l'équipe patronale et l'Association, les quatre autres. Cette disposition résulte de l'opposition de l'Association patronale à des négociations à l'échelon de la province pour les enseignants de niveau primaire et secondaire. Parce que les commissions scolaires soutenaient que le secteur de l'éducation devait être contrôlé au plan local, le gouvernement, craignant que l'Association ne soit pas assez motivée pour réussir dans des négociations provinciales, s'est donné la majorité dans l'équipe des négociateurs. Cependant, résultat du désir du gouvernement de donner à l'Association la possibilité de jouer un rôle valable dans le processus de négociation, ce système est caractérisé par nombre de pourparlers internes. Cette structure plaît à la Fédération des enseignants qui tenait beaucoup à ce que le gouvernement soit représenté à la table des négociations, car de 55 à 30 pour cent du budget de chaque commission scolaire provient de subventions de l'État.

Le gouvernement s'est montré fort conscient de la nécessité d'une coordination et d'un contrôle au sommet afin d'éviter qu'un secteur donné négocie des conditions qui pourraient avoir un impact indésirable ailleurs. Le Bureau de perfectionnement de l'Administration du ministère des Finances a assigné à son groupe de la gestion du personnel la tâche de coordonner les négociations aux nombreuses tables de négociation provinciale. Ce groupe est aussi chargé d'informer le Comité du cabinet sur les négociations collectives. Il étudie les tendances des négociations au niveau régional public et dans l'industrie, le climat politique, les conditions économiques générales; il tient des conférences avant les négociations pour s'efforcer de connaître ce qu'attendent les syndicats et les hypothèses de règlement. Il tente enfin de s'informer de l'ampleur des augmentations générales de salaire qui peuvent être exigées en vue de la conclusion des conventions collectives.