

The Trucking Industry in Ontario **L'industrie du camionnage dans l'Ontario**

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Résumé de l'article

Le seul exemple de l'industrie ontarienne du camionnage fournit un modèle sophistiqué de négociation multi-employeur et présente un climat agité de relations du travail, climat caractérisé par des grèves sauvages.

La partie syndicale représentée par les unités locales des Teamsters a fait preuve d'une cohésion d'ensemble en négociant globalement avec l'association d'employeurs et en faisant bloc dans les arrêts de travail. L'association d'employeurs de son côté négocie des conventions collectives multi-employeurs et de plus simples contrats couvrant 65 compagnies. Cette association regroupe 21,000 membres et conduit les négociations par son Conseil mixte composé de représentants des onze locaux de la province.

Les employeurs trouvent plusieurs avantages à ce style de négociations. Sans tous les mentionner, notons la possibilité d'un front commun, l'auto-détermination des politiques et l'absence de concurrence dans les salaires. Pour le côté syndical, notons entre autres avantages d'un tel style de négociations : une plus grande facilité d'administration et l'uniformité dans les tactiques de grèves.

L'absence de négociation au niveau de la firme et les imperfections de l'organisation au moment de crise apparaissent comme les principaux inconvénients de ce type de négociation du côté patronal. Du côté syndical, la présence d'une menace possible de lockout constitue un désavantage marqué.

En Ontario, la partie patronale a fait preuve d'une remarquable stabilité principalement basée sur sa structure organisationnelle, sur la faiblesse de la partie syndicale, sur des techniques raffinées d'administration de conventions collectives et sur la solidarité des employeurs. Comme résultat, le chaos actuel résulte principalement de la dissension à l'intérieur des syndicats.

Multi-Employer Bargaining-Ontario Trucking: A Case Study

Graeme H. McKechnie

In this case study of the Ontario trucking industry, the author considers the « for hire » section of the industry and, within this section, emphasizes general freight transport in order to illustrate the advantages and shortcomings of the multi-employer bargaining system.

The Ontario trucking industry is a major segment of the transportation industry in Canada. It provides within a single example a sophisticated model of multi-employer bargaining and, surprisingly, an enigma of turbulent labour relations highlighted by wildcat strikes. Turbulence in Ontario trucking has been amply documented in newspaper headlines, in Royal Commission Submissions and in speeches of labour and management. In fact, gloomy predictions about the state of labour relations in the industry are made based on its public image. The Teamsters have been accused by public, management and government sources alike of promoting violence, outright villainy and general disruption of the industry.¹ Management officials have indicated that the industry has had trouble attracting high quality personnel because of the ugly labour relations the public has come to take for granted.

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* The Author would like to thank his colleague, Professor J. T. Montague for his helpful comments on an earlier draft of this paper.

¹ See for example : *Kitchener Waterloo Record*, Feb. 11, 1966 ; *The Telegram*, Feb. 11, 1966 ; *Welland-Port Colborne Tribune*, Feb. 22, 1966 ; *The Telegram*, Feb. 23, 1966 ; *Brantford Expositor*, March 23, 1966 and *Ottawa Journal*, March 23, 1966.

Yet, collective negotiation in the industry as it has emerged is much more supportable than one would expect, for the public image does not include a number of relevant and positive characteristics of the system. Negotiations have been marked by sophisticated and demonstrated overall cohesion. Union locals have bargained *as a unit* with an employer's association and have engaged in work stoppages *as a unit*. This cohesion has transcended, as will be discussed later, the chaotic internal politics of the Ontario Teamsters.

Further it is all too easy to overlook the fact that « growing-pains » of the industry itself may be a root cause of troubled labour management confrontations. While providing one of the most critical transportation services in the economy, the trucking industry has grown to its existing proportions in the short space of the last quarter of a century. Only in the last decade, have the trucking services slowed to a rate of growth, which is still impressive, but more in keeping with other forms of transport. In fact, the industry almost spurted to a front and centre position in the single decade of the forties and did so amid the throes of a tough competitive struggle. The major surge of growth in trucking came about largely by attracting shippers of high value goods away from the railways. Continuing close competition between truck and rail transport has been a factor in the similarities in labour relations policies in the two modes of transportation ².

It is impossible to discuss all sections of the trucking industry in this paper, even restricting the geographic area to Ontario. This paper, therefore, will consider the « for-hire » section of the industry and within this section emphasize general freight transport. This excludes a number of areas, most notably private trucking, which is a large segment of the total industry, posing a real threat to the for-hire section.

Industrial Relations in Ontario Trucking

Collective bargaining in the Ontario for-hire trucking industry is carried out between the Motor Transport Industrial Relations Bureau and locals of the International Brotherhood of Teamsters as represented by their Joint Council.

² D. B. S. statistics indicate that net ton miles performed by the for-hire section of the industry in Ontario doubled between 1956-61. Across Canada, road transport accounted for 9% of total net ton miles performed in 1965 compared to rail- 42%, water - 27% and pipeline - 22%. Comparative figures in 1950 were : road - 10%, rail - 47%, water - 26% and pipeline - 17%. *Source* : D. B. S. Daily Bulletin, June 28, 1965 and D. B. S. Catalogue 53-207.

The Bureau is an employers' organization in keeping with the terms of the Labour Relations Act of Ontario and the Industrial Relations and Disputes Investigation Act³. It was formed in 1944 largely at the insistence of the Teamsters as they sought to find a clear expression of employer policies. Teamsters' organizing drives gained momentum in the United States during the forties and the union subsequently extended its influence to Canadian truck drivers. Demands for multi-employer collective bargaining were presented to Canadian employers as they had been in the U.S. This makes the organization somewhat unique in that it represents the result of the recognition by both labour and management that the industry had need for a single voice in negotiations. More often such a system is a defensive tactic of employers.

The Bureau that arose represents 65 companies employing almost 10,000 workers in Ontario and Quebec. Approximately 25 companies are not members of the Bureau. Each member company is limited to one nomination for election to the Bureau's eleven member Board of Directors. This policy was adopted to prevent domination of Bureau policies by large companies, a concern in the industry since there are only a few companies with 500 employees or more. The majority of firms employ less than 100 workers.

Negotiations by the Bureau cover more than one type agreement on behalf of its members – including multi-employer and individual agreements. These agreements cover the company and all its terminals. Companies who are non-members bargain individually and usually follow the pattern established by the Bureau in the Master Agreement.

The Bureau does a complete job as bargaining representative. It represents member companies in negotiation, arbitration and conciliation proceedings. In addition it offers advice on personnel problems, presents the views of the industry in legislative matters and appears at inquiries or Royal Commissions.

The IBT has approximately 21,000 members across Ontario who make up the Ontario Joint Council which is a member of the Central States Conference. Union membership is most prevalent in the larger companies. Workers in firms with their own trucking facilities are usually members of the Union certified for the company.

The union structure is such that North-South relationships have remained strong. The Ontario Teamster locals are members of the Central

³ *The Labour Relations Act*, R. S. O. 1960, Chapter 202 as amended, Section 1 (1) (f) and *Industrial Relations and Disputes Investigations Act*, R. S. O., 1952.

States Region of the IBT rather than part of any Canadian organization. In fact, few attempts have been made to strengthen East-West (Canadian) links in the trucking industry at least ⁴.

The Joint Council in Ontario is comprised of seven members from each of the eleven Teamster Locals in the Province who in turn elect a seven member executive. For bargaining purposes, three of the joint council members from each local that is party to the agreement comprise the bargaining team.

Since there is centralization or organization of both employee and management, the style of collective bargaining in the trucking industry is one of centralization and concentration. It is consistent in all respects with the meaning of multi-employer bargaining. In other words, bargaining in trucking has gone a step further than is usual ⁵. There is nothing in the Labour Relations Act regarding the certification of bargaining units to correspond with that found in trucking – it is a voluntary move. Herman states that until 1950 the OLBR had discretionary authority to certify such units; however, this was withdrawn after 1950 and not reinstated ⁶. The Task Force on Labour Relations recognizing actual practice recommended « that an accreditation system of an employer association along the lines of existing union certification procedures, be made available on a trial basis in trucking, longshoring, and any other federal industry where the Canada Industrial Relations Board considers it appropriate ⁷ ». Recent changes in Ontario law indicate that procedures for accreditation of employers' association are now available.

Multi-employer Bargaining

S. Eastman has defined multi-employer bargaining as follows : « All systems of bargaining in which representatives of a number of separate firms act as a group in negotiating with representatives of their workers ⁸ ». This definition allows the distinction to be made between various styles of multi-employer bargaining. Negotiating may take place between em-

⁴ Opinions taken from personal interviews.

⁵ Commerce Clearing House, *Canadian Labour Terms 1970*, CCH Canadian Ltd., Toronto, 1970, p. 50, defines multi-employer bargaining as : collective bargaining between a union and a group or groups of employers.

⁶ HERMAN, E., *Determination of the Appropriate Bargaining Unit*, Canada Department of Labour, Ottawa, 1966, p. 130.

⁷ Privy Council Office, *Canadian Industrial Relations*, Ottawa, 1969, p. 159.

⁸ EASTMAN, S., « An Analysis of Multiple-Employer Collective Bargaining Based on Three Case Studies », *Canadian Journal of Economic and Political Science*, XVIII, November 1952, p. 464.

ployers' representatives and representatives of employees from the same local, or group of locals of one international union (e. g., the International Brotherhood of Teamsters (IBT)). On the other hand, employers' representatives could face employee representatives of locals of many international unions. The union side of the negotiations may take the form of (a) representatives from each local or (b) an elected or selected team representing a joint union council.

In the same manner, groups of employers may elect a bargaining team or they may select a neutral (a « non-employer ») to bargain on their behalf. In the latter case, the employers have usually formed an association which may have a life of its own even after contract negotiations are concluded, although this continuous activity is not a *sine qua non*. Ontario trucking fits the style of a continuing organization.

J.T. Carpenter in his book *Employers Associations and Collective Bargaining in New York City* has distinguished three basic models or systems, – the informal, closed and open patterns⁹. In the informal pattern, the employers' association is formed before each contract negotiating period begins and functions until the collective agreement has been signed. On this date, the association disappears. The composition of such a group can change each time negotiations take place. This is a minimum form of formal employers' organization for bargaining purposes. There are, of course, occasions where even more informal arrangements are made which do not bear directly on the bargaining process. For example, firms may simply exchange information concerning labour relations policy. These firms may even go so far as to engage in « parallel bargaining¹⁰ », in which management representatives discuss collective bargaining goals and the limits of acceptance of union demands. In these cases, the employers do not face the union as a group but bargain individually. These employers are not engaged in multi-employer bargaining. Actually, they may be in different industries and facing different international unions. But the effect may be the same as multi-employer bargaining. An interesting related question, but outside the scope of this paper, is just how collective bargaining systems are handled in conglomerate enterprises.

⁹ CARPENTER, J.T., *Employers' Associations and Collective Bargaining in New York City*, Cornell University Press, Ithaca, N.Y., 1950, pp. 105-157.

¹⁰ MCPHERSON, W. H., « Cooperation Among Auto Managements in Collective Bargaining », *Spring Proceedings, I. R. R. A.*, May 1960, Reprinted in *Labour Law Journal*, Chicago, July 1960, p. 607.

The second pattern Carpenter cites is that of a closed style negotiation in which *all* employers in an industry are members of the association that bargains with the union. This position would appear to represent a position of equity since all workers and all employers are « organized » to bargain jointly.

The third pattern and the one which is characteristic of the situation in the Ontario trucking industry is what Carpenter calls an open negotiating style. In this pattern the employers' organization is permanent and is likely to remain active in the periods between contract negotiations. The organization is comprised of a fairly constant group of employers. In addition there are a number of « independent » employers in the industry who negotiate and sign individual contracts with the union. These independents may follow the pattern of the employers' association.

Readily obtainable figures on the incidence of multi-employer bargaining do not exist in Canada. S. Eastman indicates that in 1946, « 26% of all workers under collective agreements were covered by agreements negotiated by associations or groups of employers¹¹ ». Herman, in 1966, states that in Ontario, 56,629 employees in bargaining units of 500 or more workers were covered by agreements negotiated on a multi-employer or association basis¹². Unfortunately, such analysts have been more impressed with the number of agreements that are signed as multi-employer or multi-plant contracts as opposed to the implicit broadening of bargaining relationships. As a result it is difficult to be accurate with respect to the numbers of workers covered by multi-employer bargaining.

Employer representatives in the Trucking industry felt that the incidence of negotiation on this basis is on the increase. The Task Force on Labour Relations reported that in 1965, in Canada, approximately 12% of agreements covering 500 or more employees were bargaining on an employer association basis¹³.

Variables Leading to the Creation of an Employers Association

Industrial conditions can be cited that would seem to encourage the creation of some form of employers' association for labour relations purposes. On a simple power analysis one might expect employers to ban

¹¹ EASTMAN, E., *op. cit.*, p. 464.

¹² HERMAN, S., *op. cit.*, p. 189.

¹³ Privy Council Office, *op. cit.*, p. 61.

together in industries in which labour-management confrontations are frequent and hostile — i.e., employers would organize to combat overwhelming union power. Although there are instances of hostility and work stoppages in industries which have given rise to multi-employer action, centralizing pattern in the relationship would likely be present even without this bargaining experience. The more important impetus to bargaining in groups comes from the product and labour markets. Even though the Ontario Labour Relations Board certifies bargaining units on a terminal by terminal basis, in the trucking industry, there is strong market motivation for employers to bargain as a group. A number of market variables come into play.

a) With respect to wages, S. Eastman showed that even before a multi-employer association was formed in the trucking industry in Ontario, significant similarities of wages existed among firms in the industry¹⁴. This interdependence arises from the nature of the competition in the product market as well as the labour market. Labour costs make up a large proportion of total costs – approximately 20%, thus the desire to take wages out of competition existed.

b) The number and size of firms in the industry also had an impact on the growth of an employer's association for bargaining purposes. The industry in Ontario taken as a whole, is made up of a very large number of small trucking companies – the majority with less than 50-100 workers. Some sections of the industry are more likely to show this pattern than others – for example, a majority of the holders of Class F licenses are dump truck operators. In this section, the standard operating unit is comprised of only two or three trucks. There is virtually free entry to this section of the industry, i.e., little legislation and limited cost of equipment. In the General Freight section of the industry, Class A, B, C licenses, entry is limited by legislation and cost of equipment. The Ontario Highway Transport Board is charged with the responsibility of receiving applications for entry into this section, advertising them and holding hearings, if opposition to the application is made. The hearing will determine whether the applicant can demonstrate that his entry is required by « public necessity and convenience ». Even with these limits, the practicality of using simple technology and of ignoring possible economies of scale allows a number of small trucking companies to remain in this section of the industry. Nevertheless, the number of firms is decreasing and the average size of firm is increasing.

¹⁴ EASTMAN, S., *op. cit.*, p. 465.

Thus the trucking industry offers all the classic characteristics of an industry in which management meets market forces which encourage wage uniformity and collective action. A rising oligopoly with little product differentiation or variation in labour requirements make wage uniformity almost mandatory. And for the small firms the price leadership of the oligopoly provides a compelling limit on their decision making.

c) The composition of the labour force within the industry also provides encouragement for employer organization. Technology in the industry is relatively simple and few classifications of employees exist. If white collar employees are excluded, four classifications remain – highway drivers, pickup and delivery drivers, mechanics and maintenance, and dockworkers and checkers. The lower the number of the classifications the easier it becomes to provide for uniformity throughout the industry and the greater the threat of employee mobility.

d) Two centralizing factors dominate the product market. First the government licensing system has made for overall oligopolistic organization of the industry. Second the truckers have themselves introduced the stabilizing influence of a rate filing system.

In the past, the Canadian Transport Tariff Bureau Association members have met frequently to discuss rates and arrived at a concensus that all carriers, particularly large firms, could follow. But in 1963, a rate filing system was established. Under this scheme, rates charged by trucking companies are published and, once in effect, rates other than those filed are prohibited until proposed changes are filed with the association for 30 days.

It is clear that the industry has sought stability in the product market that was bound to be reflected in industrial relations. But it is also very clear that the system is very much on trial in the market conditions of the present time. Recently, the industry has been involved in what has been described as a « rate war ». While the rate filing system is still being followed, changes in rates are being filed almost daily. The industry has suffered employment cutbacks as part of general slowdown of the economy which in turn has provided the impetus for rate cutting.

e) The lack of a fixed workplace and the resulting sociological characteristics of the work force provide further encouragement to combined employer action. Employees for most of their working time are not under strict supervision. In fact, in the case of longhaul over-the-load freight, the driver may be away from his home terminal a large portion of the time. Since all firms are in similar positions, it would seem logical that uniform standards would be desirable. Truckers are in constant con-

tact with one another on the road. The vision of the « truck stop » is clear in everyone's mind. The ease of communication in this industry is such that interdependence and resulting attempts at uniformity are inevitable.

Advantages to Organization in Trucking

One general comment is in order. The employers are far from sheltered from competition, both from within the industry and from alternative means of transport. Multi-employer bargaining as such may find support in the nature of the product market but the thrust of the exercise is in the direction of good industrial relations in an effort to make life in the product market a little more manageable. A profitable existence depends on a reasonable industrial relations system. In fact, the collective agreement states that the intent is to promote and improve both industrial relations efficiency and economic efficiency.

There are specific advantages to centralized organization for both the employer and the union. Among the employers' advantages, three items appear most important : the maintenance of a united front ; self-policing and removal of wages from competition.

The employers' organization, if cohesive, can prevent successful « whip-sawing tactics » by the union. The union's ability to single out a small employer for a threatened or actual strike may be sufficient to convince that employer to sign a pattern-setting agreement. If this employer is part of an association, and if all members of the association take concerted action to support the smaller company, the union is presented with a different situation. Employer cohesion may be a double edged sword since all companies who are members of the organization may have to close their own doors. This can be serious if alternatives are available to consumers. In the « for-hire » trucking industry, two elements of competition are important — competition from other modes of transportation and fear of increases in private trucking ¹⁵.

Existence of an employers' association will aid in policing of the agreement, through common contract interpretation. This will add another element of security for the individual trucking company.

Multi-employer negotiations tend to remove the wage variable from competition. The union was the major proponent of this uniformity when

¹⁵ With regard to rail — especially piggy back, the current contract allows this only if regular highway drivers are fully used or if loads can't be reduced to highway maxima.

it encouraged the formation of the employers' association as part of this goal. On the employer side, fears that removal of wage competition would lead to the increase of price competition based on non-wage costs have not materialized.¹⁶ While there has been less competition in trucking rates in recent years than in the 1940's and earlier, wage uniformity, perhaps a factor in competitive pricing, seems not to have been a prime cause.

There are also advantages to the union arising from multi-employer bargaining — for example, ease of administration, uniformity and strike tactics. It is clear that a union leadership that negotiates and administers over 40 contracts, as would be required in the General Freight section of the industry, is operating most inefficiently. The combination of employers into one association signing one agreement is preferable.

The union also benefits from uniform standards applied by each company to each employee. If in addition to the uniformity in the contract, common adjudication procedures are in effect and the union is able to conduct its affairs in an equitable way for each member.

The organization may give the union some advantage in strike tactics. The impact of a strike may be much greater if the entire industry can be shut down, especially with the forms of competition mentioned earlier — rail, private trucks, etc. This does have a reverse side, however, in that if the union is to shut down this industry, it, like the employer, must be prepared to face the effects of possible changes in the product market.

Disadvantages to Organization

The employers within an organization formed for bargaining purposes may not reap only advantages. Even within an apparently strong organization, small companies, with relatively poor profit situations will exist. Such companies are, of course, apt to do one of two things. They may give in to union pressure with only token resistance just to make sure they remain operational. Or, at the other extreme, they may force unrealistic financial horizons on the employer group. Either way the association has an uneasy time. Smaller companies have in the past defected from organizations at critical times and signed an early agreement that plagues the larger group. The interests of the larger firms will of course be best served if smaller and less affluent firms who want to break away will wait and sign the negotiated contract after the pattern signed under the multi-employer bargaining.

¹⁶ EASTMAN, S., *op. cit.*, p. 470.

This problem of variations in the success of enterprises is very difficult to overcome in bargaining. Persuasion from other member companies may be sufficient to maintain a united front. However, other incentives such as strike insurance and cost sharing may become necessary. One solution suggested by the Task Force on Labour Relations is to certify employers' associations in the same way as union certification now occurs. Thus the association would become the exclusive bargaining agent for the employers. There are certainly historical biases against this existing in the credo of entrepreneurial freedom and untold administrative issues to be faced.

The employers' association for bargaining can be seen as a growth from informal cooperation to common collective bargaining goal setting, to pattern setting and finally to interdependence and multi-employer negotiations. Legislative forcing of this progression could be unsound in both a practical and economic sense. For example, a few large employers in an industry where numerous small companies exist may be put in so dominant a position that they can dictate a solution that drives smaller firms from the field. Or accreditation could enable the larger companies to use this domination to maintain monopoly profits through insisting on wages at levels of less profitable firms in the group. The result could be either induced improvements in efficiency by smaller firms to compete or increased financial returns to the larger firms and subsequent amalgamations. If smaller firms could not compete, a rate war might result and lack of cohesion appear. On the other hand, amalgamations could result in an even more cohesive organization since larger firms would begin to gain greater control in the industry. In Ontario the latter situation seems to be developing.

Another disadvantage for the employer is the loss of bargaining at the plant level. Negotiating a master agreement, without supplemental company or terminal agreements, means that each firm must be willing and able to subscribe to standard practices. Master negotiations could in part overlook local terminal conditions. This does not appear to be a problem in that no supplemental agreements on substantive items are signed in Ontario. Again this reveals the strength of the social and economic characteristics provided by the labour and product markets in the industry. Memoranda covering contract administration, however, are signed on a company or terminal basis.

From the union side of the negotiating table, the existence of the association may present a lockout threat whereas individual bargaining allows leverage.

In summary, multi-employer bargaining tends to lead to wage uniformity and may allow employers to project labour costs more accurately. Herman suggests that multi-employer negotiations are more mature than single unit negotiations because of better information and more long run views of the parties.¹⁷ Uniformity does not necessarily lead to removal of wages as a competitive factor in terms of unit costs as there is still plenty of room for variation in the productivity of labour. This is borne out by the recent experience in Ontario when some industry officials feel that the rate war being waged is the result of failure of employers to recognize fully their unit labour cost functions.

The Ontario Experience

In Ontario as in other places, the economic organization of the trucking industry favours multi-employer style of bargaining and its effective operation. The interesting feature in Ontario is the success of the Bureau. In fact, the remarkable achievement of trucking negotiations is the continuous operation of the Bureau and its strength during contract disputes. In contrast, associations in the United States are typically informal and active only during negotiations. They either disappear or lie dormant in periods between the contract talks. Few organizations have permanent staff members who will serve as a unifying force in the industry as the Bureau does in Ontario. There appear to be five special reasons for the Ontario Bureau's strength and cohesion.

a) The continuing organizational structure of the Bureau. The Bureau has now become an incorporated body which lends more weight to its permanency. The secretary-manager is the only full time staff member and he is guided by the Board of Directors.

b) The weakness of the Union in Ontario. This may be a major factor in employer solidarity because employers have needed broad insights on which to base their strategy. The Ontario locals, particularly the largest local, in Toronto, have undergone considerable internal dissension of an ideological nature. This has resulted in a lack of cohesion. This is in direct contrast to U.S. experience where strong figures have been present to control dissident factions within the Union.

In Ontario, centralization within the union has not had the strength that has been identified with the U.S. parent union. This is also noticeable at the national level where until recently, no clear leader has even begun to emerge. While discussions do take place regarding national contracts,

¹⁷ HERMAN, E., *op. cit.*, p. 119.

union officials are ever mindful of internal local problems that must be solved before a national policy can be realized.

The lack of centralization and its resultant tendency to local autonomy has led to intra-union rivalry and subsequent confusion and frustration at the negotiating table. Division in the union ranks has led to local trusteeship by the IBT on a number of occasions. In addition, struggles for leadership on both ideological and general rank and file problems have split union forces at times when cohesion was needed. For example, during the 1965 negotiations in which a long strike occurred, the Toronto local was undergoing severe leadership problems. This had a serious impact on bargaining as shifting membership allegiances caused uncertainties for the bargaining committee.

c) The Bureau and the Union have drawn up sophisticated techniques for contract administration. The method of contract interpretation and discussion of problems arising are handled in two ways. Grievances at the last step before outside arbitration are handled by the Joint Grievance Committee or « inside board » which is comprised of four members — two from each party. The parties appear to be satisfied with this method. Discussion with Union and Bureau representatives indicate that 90% of the grievances are referred to this Board and 80% of these are settled by it.

The other technique of contract administration developed by the parties, without reference to outside direction, is the monthly meeting of the Special Joint Committee. This Committee meets to clarify policy questions arising out of the interpretation of the agreement. Once decisions are made, these are binding. No change can, of course, take place in the terms of the agreement. Discussions with the parties revealed that during the first year of the agreement, these meetings were helpful. However, as negotiations approached, the meetings became « mini-bargaining » sessions.

d) Employer solidarity in the face of union strike activity. As already mentioned, an employers' association can suffer from lack of cohesion, particularly from those companies whose resources are not adequate to withstand a prolonged strike. In Ontario, the employers have had few instances of so-called defections from their ranks even though strike action has been frequent¹⁸. In the 1966 negotiations, the Union struck five of the

¹⁸ Between 1959 and 1962, 127 illegal strikes were conducted. After 1962, the frequency decreased for a number of reasons, most important were : change in union leadership and the lodging of grievances by the companies against this strike action.

fifty-five employers who were signatories to the Southern General Freight Agreement. The Bureau immediately and successfully called for the remaining employers to lock-out. Over the term of the negotiations, only a very few firms left the Bureau, and none of these signed early agreements with the Union.

e) Following from point d), the solidarity shown has been possible because many of the tactics used to split employers' association in the U.S. « for hire » trucking industry have not been available in Ontario. The existence of a national contract in the U.S. allows concerted activity against all or selected employers at the same time.

Ralph and Estelle James in their book « Hoffa and the Teamsters » explain Hoffa's strategy when dealing with large transcontinental carriers.¹⁹ Such carriers will have local operations in various parts of the country which are a minor segment of their total operation. Hoffa was able to use these employers through their less important activities to put pressure on other employers in the employers' associations to sign under Hoffa's terms. Hoffa could use a similar tactic against a local union found to be exhibiting too much autonomy. Friendly employers were encouraged to route their trucks around areas of such locals, thereby cutting off work.

These techniques are not available in Ontario. No sectors exist where large segments of the industry are uncontrolled and where the Union leader can gain control of these by threatening to strike a terminal with whom a contract exists. A final leverage technique — the open-end grievance procedure with the possibility of strike action is of course illegal in Ontario.

In summary, the Bureau has been able to maintain a united front in the face of union power. This is partly the result of sound organizational policies on the part of the Bureau and partly the result of weaknesses in the Union.

Summary and Conclusion

It is difficult to make a statement concerning the success of multi-employer negotiations in the Ontario « for-hire » Trucking Industry. To do so one would have to estimate what would have happened if this type of bargaining did not exist. Comparisons with U.S. experience are of little aid since the labour relations climate is so different. At first glance,

¹⁹ JAMES, R. and E. JAMES, *Hoffa and the Teamsters*, (Van Nostrand, Princeton, N.J., 1965), pp. 163-166.

one would say that in Ontario, the multi-employer style of negotiations has operated in favour of the employers ; whereas, in the U.S. the opposite is true. Wage comparisons between Ontario and the Central States Region show that U.S. Teamsters have an advantage over Ontario Teamsters even though parity will become a fact by 1971.

The more interesting finding of this analysis is the sophistication of bargaining in an industry marked by turbulence. As stated earlier, one would predict a chaotic and somewhat confused bargaining situation. Instead, we find a mature bargaining situation. But internal dissention within the rank and file union members appears to have been the cause of much of the strife. Using this criterion, the style of bargaining would appear to have been successful.

LA NÉGOCIATION MULTI-EMPLOYEUR : L'INDUSTRIE ONTARIENNE DU CAMIONNAGE

Le seul exemple de l'industrie ontarienne du camionnage fournit un modèle sophistiqué de négociation multi-employeur et présente un climat agité de relations du travail, climat caractérisé par des grèves sauvages.

La partie syndicale représentée par les unités locales des Teamsters a fait preuve d'une cohésion d'ensemble en négociant globalement avec l'association d'employeurs et en faisant bloc dans les arrêts de travail. L'association d'employeurs de son côté négocie des conventions collectives multi-employeurs et de plus simples contrats couvrant 65 compagnies. Cette association regroupe 21,000 membres et conduit les négociations par son Conseil mixte composé de représentants des onze locaux de la province.

Les employeurs trouvent plusieurs avantages à ce style de négociations. Sans tous les mentionner, notons la possibilité d'un front commun, l'auto-détermination des politiques et l'absence de concurrence dans les salaires. Pour le côté syndical, notons entre autres avantages d'un tel style de négociations : une plus grande facilité d'administration et l'uniformité dans les tactiques de grèves.

L'absence de négociation au niveau de la firme et les imperfections de l'organisation au moment de crise apparaissent comme les principaux inconvénients de ce type de négociation du côté patronal. Du côté syndical, la présence d'une menace possible de lockout constitue un désavantage marqué.

En Ontario, la partie patronale a fait preuve d'une remarquable stabilité principalement basée sur sa structure organisationnelle, sur la faiblesse de la partie syndicale, sur des techniques raffinées d'administration de conventions collectives et sur la solidarité des employeurs. Comme résultat, le chaos actuel résulte principalement de la dissension à l'intérieur des syndicats.