

## Pros and Cons Le pour et le contre

David M. Beatty

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### Résumé de l'article

L'auteur ne croit pas que la négociation collective en soi puisse être une question capable d'entraîner des changements fondamentaux dans la vie universitaire, parce qu'il ne la considère pas comme une force radicale susceptible de modifier les principes traditionnels de la communauté universitaire. Au contraire, il faut tout simplement voir un régime qui pourra transformer les processus décisionnels sans beaucoup exercer d'influence sur les objectifs que ces institutions poursuivent. On ne saurait non plus ignorer que, en Amérique du Nord, la négociation collective est essentiellement une force conservatrice en lutte contre les institutions en place beaucoup plus qu'une activité visant à les renverser. Ses objectifs sont d'assurer la sécurité économique et financière bien plus que de prôner des idéologies. Aussi, au niveau des professeurs d'université, elle affectera surtout les méthodes et non les fins.

Au fond, il existe toujours des forces extérieures qui ont eu et continueront dans l'avenir à avoir plus d'impact sur l'orientation des universités que la négociation collective et il faut considérer le recours à ce moyen principalement en tant que réaction contre le poids des forces extérieures qui se manifestent par la réduction brusque des subsides des gouvernements, l'accroissement concomitant du contrôle de l'État et de sa participation à la vie universitaire, par le jeu des forces d'égalitarisme qui se développent au sein de la société et par les pressions d'autres groupes comme les étudiants et le personnel de soutien qui veulent se mêler de l'administration des affaires universitaires. Plus l'action conjointe de ces quatre facteurs sera marquée, plus les professeurs seront enclins à s'engager dans la négociation collective. C'est dans une telle perspective qu'il faut voir ce phénomène nouveau.

D'autre part, selon l'auteur, il est difficile d'y aller de prédiction concernant l'influence de la négociation collective sur les traitements, la sécurité d'emploi et les conditions de travail des professeurs, parce que ceux-ci dépendront toujours, en dernier ressort, de la situation des marchés de l'emploi, de la puissance de marchandage des universités et des associations de professeurs. En soi, la négociation collective n'offre pas de solutions toutes faites aux mises à pied, au non-renouvellement des contrats d'emploi et aux questions touchant la recherche et les responsabilités des professeurs. La façon dont seront abordés ces sujets variera sans doute d'une institution à l'autre et selon les desiderata des professeurs de chaque faculté. Tentier de procéder à une analyse des forces et des faiblesses de la négociation collective comme modèle décisionnel approprié pour les universités ne serait que spéculation et hypothèse, et ceci ne servirait qu'à embrouiller les caractéristiques même de la négociation collective en tant que processus de décision.

L'auteur passe ensuite à l'examen des changements institutionnels qu'entraînera l'action collective des professeurs et il estime que, tout comme les choses se sont passées dans le secteur privé, il s'ensuivra une certaine amélioration des traitements et de la sécurité d'emploi des professeurs. Par ailleurs, il faut rejeter l'idée que la négociation collective chez les professeurs d'université conduira nécessairement à la médiocrité et qu'elle aura une espèce d'effet grégaire sur leur comportement de telle manière que la compétence sera ramenée au plus bas dénominateur commun.

Il existe en effet plusieurs modèles de conventions collectives pouvant s'adapter à des situations différentes selon les modalités des différents secteurs de l'activité économique. On peut en citer plusieurs exemples : artistes, athlètes, journalistes. Les différences de traitements et de conditions de travail entre un Marlon Brando, un Joe Namath et un Pierre Burton ne peuvent-elles pas s'appliquer à un Claude Bissel, un Buzz Woods ou à un Fred Carrothers au niveau universitaire ? Bref, il est inexact de soutenir que la négociation collective est incompatible avec l'établissement de traitements, de conditions de travail et d'une sécurité d'emploi fondés sur la compétence et les qualifications. Elle ne tend pas naturellement vers de pareilles formes d'égalitarisme, même s'il faut admettre qu'on trouve dans la société des courants en ce sens qui se manifestent aussi dans les universités. Il appartient aux professeurs eux-mêmes d'y voir de manière à leur faire obstacle.

Toutefois, ce qui précède ne signifie pas que la négociation collective n'aura pas de conséquences sur la vie universitaire. On peut les grouper sous trois chefs principaux.

D'abord les relations entre le corps professoral et l'administration. Il sera inévitable que si la négociation collective s'implante parmi les professeurs d'université, elle accélérera l'érosion du système collégial d'autogouvernement des universités.

Une fois engagés dans un régime de négociation collective, les corps professoraux devront se départir des responsabilités administratives au niveau des facultés et il est certain que leur influence diminuera comme conséquence de l'intrusion des gouvernements dans les affaires universitaires.

En second lieu, étant donné que, par suite de la négociation collective, les professeurs scrutent plus près les actes de l'administration, celle-ci agira de façon à accroître la qualité de son bureau de direction du personnel. On peut croire qu'ainsi disparaîtront peu à peu certains débordements de personnalité. Le rôle et le pouvoir des professeurs se trouveront bien délimités, plus tranchés.

Il ne faudrait pas penser non plus que des sujets tels que l'engagement, les promotions, les méthodes d'enseignement, les responsabilités en matière de recherche et, en général, tout ce qui relève de la pédagogie, va nécessairement échapper aux professeurs, parce que, dans nombre de négociations collectives déjà, chez les musiciens et chez les journalistes, par exemple, des questions de cet ordre restent en dernier ressort la responsabilité du syndicat et de ses membres. L'intervention des gouvernements et des administrateurs agissant comme leurs mandataires dans ces domaines dépend généralement de considérations politiques et économiques qui n'ont rien à voir avec la négociation collective. Ainsi, le fait que le gouvernement s'en soit historiquement remis aux professeurs pour ces questions académiques a implicitement été payé par eux sous forme de mauvaises conditions de travail et de masse salariale inférieure.

Enfin, il faut aussi souligner que le pouvoir de marchandage est possiblement un puissant moyen de résistance à l'intrusion des gouvernements dans la vie universitaire.

Si l'on considère la négociation collective sous l'aspect des rapports du corps professoral avec les autres groupes de la communauté universitaire, surtout dans la mesure où les subventions gouvernementales se raréfient, on peut s'attendre à ce qu'il s'élève des conflits d'intérêts entre, d'une part, le collège des professeurs et, d'autre part, les étudiants, le personnel de soutien, voire le service de la construction et du développement. À l'université, les étudiants recherchent le passeport de leur carrière, le personnel de soutien, leur bien-être et celui de leur famille, ce qui n'est pas conforme aux objectifs vers lesquels tend le corps professoral. C'est pourquoi il est normal de s'attendre à des tensions internes, à moins que l'on ne réussisse à obtenir de plus grandes ressources de la part de l'État.

Un dernier angle, enfin, sous lequel il faut considérer la négociation collective, c'est celui des rapports des professeurs entre eux, en particulier entre les facultés universitaires proprement dites et les écoles professionnelles : droit, médecine, génie, etc. Les administrateurs devront tenir compte de ce facteur qui peut être de nature à mettre sérieusement en péril le prestige et la réputation de leur université. Il s'agira pour eux d'éviter toute attitude qui pourrait entraîner des scissions désastreuses.

Comme conclusion de son travail, l'auteur estime que la négociation collective peut s'adapter au milieu universitaire et résulter en un examen sérieux et approfondi du rôle de chacun des groupes qui constituent la communauté pour peu que l'on comprenne que la négociation collective est fondée sur des compromis raisonnés et sur la volonté de tous les participants de vouloir maintenir le dynamisme de l'institution dont ils font partie en évitant l'acrimonie et les situations conflictuelles. Au contraire, la négociation collective, si elle rend la collectivité universitaire plus apte à résister aux forces sociales et politiques qui s'opposent actuellement à elle, contribuera à lui assurer plus de succès et de prestige.

# Collective Bargaining in the University Faculties

## Pros and Cons

David M. Beatty

*In this paper, the author concludes that the collective bargaining model will be able to preserve the most vital features of the intellectual community.*

It is my feeling that it would be presumptuous of anyone to advise others of what they conceive to be the pros and cons of university faculties entering into a regime of collective bargaining. Ultimately such characterizations must remain matters of subjective judgment which will vary with each of our own personal philosophies, experiences and most especially with the vantage points from which we will monitor this emerging phenomenon on university campuses.

I do not perceive collective bargaining in the abstract as itself being the primary causal force which will wrench major and fundamental changes in the university's life-style. More specifically, I am of the view that collective bargaining should not be perceived as a radical force intent upon challenging or undermining the historical purposes pursued or the basic principles subscribed to by the university community. To the contrary collective bargaining must be recognized as simply one model on which the decision making process may be patterned and as such its major, if not sole impact on any organization, industrial or academic, will be with respect to the existing structures and institutional relationships of that organization. Although of necessity the replacement of a collegial process, through which most universities presently determine and select their most immediate objectives, by a system of collective

BEATTY, D.M., Faculty of Law, University of Toronto, Toronto, Ontario.
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bargaining, may affect the priorities attached to any one of those objectives, nevertheless there is nothing inherent in the collective bargaining model which would suggest such a reorganization will generate fundamentally or radically different ideologies and objectives for the universities. To the contrary, experience would suggest that collective bargaining in North America is essentially a conservative force, one which reacts to rather than initiates fundamental change in the institutional and organizational structures of which it becomes a part. Although it is true that collective bargaining has I believe added immeasurably to the financial and economic security of the worker in North America, it is also manifest that it has never professed to be intent upon altering the basic economic or philosophical underpinnings of our quasi market economy. Similarly then in the university community, while collective bargaining will affect the methods by which and the structures through which universities resolve and fulfill their aims and ambitions, experience would suggest that it will generally accept and subscribe to the basic premises and purposes of those universities of which it will become a part. Indeed, as I shall elaborate below, it is the academics' perception of collective bargaining as a process or framework through which those precepts and ideals which they conceive to be basic and integral to the university concept can be vigorously defended and pursued, which in large part explains their present interest in and filtration with this decision making model. Succinctly, collective bargaining as simply one available structure for decision making stands neutral on and is compatible with the generally accepted ambitions and objectives pursued by university faculties.

To apply this general premise more particularly to the development of collective bargaining on the university campus, I believe that there are strong external forces acting upon the university community which have had and will continue to have far more impact than collective bargaining in the delineation of the basic purposes and priorities which ought to be pursued by that community. Indeed to a large extent I view the present interest in collective bargaining primarily to be a reaction to the impact faculties assume such external forces have had or are likely to have on the fundamental premises which faculties generally assert lie at the heart of the university's existence. More particularly I believe that the trends we are presently experiencing, for example, (1) the sharp curtailment of governmental financial support to the educational community in general, (2) the concomitant increase in governmental scrutiny of and participation in the life of the university, (3) the forces

of egalitarianism that are manifesting themselves throughout our society, and (4) the demands of other interest groups such as students and support staff to participate in the governing structures of the university, rather than collective bargaining, have been and will continue to be the root causes of the fundamental reordering of university life that we are presently witnessing across the country. In short faculty interest in collective bargaining should be perceived as a response to, rather than an initiator of these basic alterations in the structure, role and life of the university. It would be inaccurate and I believe unfortunate to perceive collective bargaining as the root cause or even a major force in the reordering of the goals and objectives of the university community. Collective bargaining has not been traditionally, nor is it likely to become on university campuses, a mechanism by which existing institutional assumptions are radically reordered. Rather collective bargaining is properly viewed as a tool, a technique, or one of the available means by which one or more of the constituencies living within the university structure can respond to these forces of change. Needless to say then, one would expect to witness the development of collective bargaining models rather more quickly on those campuses where the forces I have described have matured more completely and impinged more immediately to the perceived disadvantage of the faculties located at those campuses. Thus, where faculty control of university life has been relatively unaffected by such forces and accordingly where the faculty's perception of the basic ideals and fundamental priorities of the university institution remains paramount and uncompromised, it is unlikely collective bargaining would be considered a preferable alternative to the collegial control presently exercised by those faculties. Where however these social and political forces have seriously eroded or altered the traditional pre-eminence of the faculty in the articulation, promulgation and administration of university policy, collective bargaining is likely to be viewed as a viable means by which some or all of the traditional faculty prerogatives and objectives for the university can be preserved.

Having attempted to place the significance or impact of collective bargaining in what I believe is its proper perspective, I should acknowledge that in forecasting the consequences which are likely to ensue from faculties embracing a regime of collective bargaining, I will not attempt to predict its probable effect on faculty remuneration, job security, working conditions and other substantive issues. In the first place, that ultimately will be a function of the market forces and bargaining power of the respective faculty associations and universities which prevail at the

relevant negotiation times. More critically however if one recognizes that collective bargaining is merely a process or framework through which virtually any set of ideals or interests may be pursued, it necessarily follows that in the abstract, the model itself stands neutral not only on what priorities and objectives will be advanced by any one constituency but necessarily on which of those ideals and priorities will prevail in the process. Collective bargaining simply does not project any preconceived solutions on such substantive issues as lay offs, non renewal of term contracts, research assistance and responsibilities nor indeed on any other such issue of topical concern to the faculty. Collective bargaining merely provides the process through which those goals and ideals which the faculty conceives as essential to a vibrant university concept, will be articulated and may be attained.

It is of paramount importance that collective bargaining be viewed as simply one model of the decision making process and not confused with any set of assumed priorities which may be advanced in the process or with any set of predetermined solutions which might be generated by the process. Endless debate on the proper posture a faculty should, or is likely to adopt during collective bargaining with respect to such issues as lay off, non renewal of term contracts, teaching and research responsibilities is more properly a matter of determination by all of the faculty members in the union and will necessarily vary in each academic institution. Whether a given faculty union will in the first instance demand detailed rules and provisions with respect to lay offs or teaching responsibilities and whether ultimately such demands will prevail will obviously vary with the circumstances prevailing at each institution and in all events on the wishes of a majority of each faculty. To draw such issues into an analysis of the strengths and weaknesses of collective bargaining as an appropriate model of decision making for universities would be to enter the realm of purest speculation and unfounded hypothesis. Moreover, and more critically, such a discussion would only serve to confuse and obfuscate the essential characteristic of collective bargaining as a decision making process and lend credence to the common mis-assumption that this model will of necessity generate and indeed is synonymous with a given set of substantive solutions.

As a general principle then any analysis as to the applicability and appropriateness of the collective bargaining model to the university community must be limited to an examination of the procedural, structural and institutional changes that will be occasioned by that model. However,

and although the greater part of this analysis will be restricted to delineating such consequences, if one subscribed to the generally accepted view that collective bargaining, by stipulating that the employer must meet and bargain with its employees, (which most commonly will result in a legally binding contract between the parties), has in fact resulted in some economic gains and a very dramatic improvement in job security for those employees in both the public and private sectors who have opted for collective bargaining, then one may be reasonably confident in forecasting similar results in the university community. In short I take it as a given that collective bargaining should result in some real improvement in the financial and more critically in the job security of faculties generally and most especially for the younger and more junior members of those faculties. These then I assume may be taken as two accepted « pros » which in all probability will flow to those faculties who opt for collective bargaining.

To suggest what other faculty objectives can or are likely to be secured in collective bargaining would be as I have indicated, to engage in idle speculation and is neither an appropriate nor a relevant inquiry in an analysis of the propriety of collective bargaining for the university community. Rather I will attempt to identify what I conceive as three more far reaching, though perhaps less dramatic, structural consequences that faculties who engage in collective bargaining are likely to confront. Before I briefly discuss each of these however I must digress to unequivocally and categorically reject one negative scenario, commonly suggested, that collective bargaining by university faculties will necessarily lead to enforced mediocrity or a herd effect in which the lowest common denominator must inevitably prevail. Such an assumption exhibits to my mind a myopic view of collective bargaining. In the first place it incorrectly assumes that this process of decision making is ideologically committed to and virtually synonymous with a certain set of objectives and priorities. To repeat, collective bargaining as simply one model of the decision making process stands neutral and silent upon the determinations that will be generated by it. Further such an assumption focuses exclusively on a single model of collective bargaining that prevails in most, but by no means all, of the private, blue collar sector (which is admittedly the most pervasive) where precisely because there are at best only marginal differences in the skill and job functions required to be performed, unions have historically sought, and to a significant degree succeeded in eliminating differentials in wages and working conditions which to their members had been promised on personal acquaintances, preferences, favour-

itism, and other invidious subjective distinctions. To assume however that collective bargaining is only capable of pursuing that single objective simply ignores the adaptability and flexibility of this model to respond and conform to significantly different employment markets where substantial and objective differences in skill and ability are manifest and indeed are encouraged. Indeed it is quite improper to assume the existence of a single model of collective bargaining when in fact an infinite variety of models have been constructed to meet the peculiarities of the various sectors of the economy. For example the assumption of enforced mediocrity simply denies the existence of those collective bargaining models that are firmly entrenched in the entertainment industry, the athletic professions, in journalism and indeed in those universities such as C.U.N.Y. where faculties presently bargain collectively with their administrators. In those sectors the significant differences in the wages and working conditions enjoyed by a Marlon Brando, a Joe Namath, a Pierre Berton manifestly refute the assertion that in the University community a Claude Bissell, a Buzz Woods or a Fred Carrothers is likely to suffer the same remuneration, teaching load, office amenities, or research assistance that is presently enjoyed by their junior colleagues. In short it is simply inaccurate to assume, as some commentators have, that collective bargaining is necessarily inconsistent with and must ultimately deny gradations in working conditions, remuneration, job security, etc. which can be premised upon objective differences in skill, ability and qualifications.

Such an assumption inaccurately attributes to collective bargaining an ideology of egalitarianism which while admittedly may be embraced as part of it, must not be construed as synonymous with it. It is true that there are strong currents and pressures in society calling for a more egalitarian and co-operative community the results of which are already manifesting themselves on the university campus. It must also be conceded that such pressures may ultimately undermine or indeed deny the existence of a meritocracy in university life in particular or the larger community in general. Nevertheless from what has been said above, it must be recognized that collective bargaining need not join cause in the university environment with such external forces. That is a matter for the faculty itself and not the process of collective bargaining to determine. Moreover, I would suggest that to the contrary, collective bargaining ultimately being an adversary and not a co-operative model, and recognizing that real and significant differences in skills, abilities and market power between individual faculty members as well as between

departments and disciplines can be objectively delineated, the introduction of collective bargaining to university campuses will act as a counterforce to the egalitarian undercurrents I have described above. Indeed as I shall elaborate below, (where for the last time I shall speculate as to a substantive solution this or any other process is likely to generate), it would be my view that not only is collective bargaining consistent with the application of the merit principle to determine the future of both individual faculty members as well as departments and faculties, but to the extent the collectivity of faculty fails to perceive and respond to the heterogeneity existing between individual faculty members and departments and disciplines, the viability and efficacy of collective bargaining as an appropriate decision making mechanism for the universities will be largely forfeited. In fact, not only is a meritocracy consistent with and essential to a regime of collective bargaining on university campuses from the faculty's perspective, but I suspect that, as reflected in the various pieces of legislation governing public servants across the country, university administrators, like their counterparts in the public service, will join cause with faculties to ensure that this principle remains paramount and pre-eminent in the years to come.

Having described the context in which collective bargaining on university campuses is evolving and against which it must be measured, and having delineated what I conceive to be the most germane characteristics of the model for university faculties, let me now identify three fundamental consequences which I believe will confront those university faculties who turn to collective bargaining to respond to the social forces of which I spoke earlier.

#### THE RELATIONSHIP OF THE FACULTY TO THE ADMINISTRATION

In the first place and most fundamentally I would think it inevitable that if collective bargaining does take root in university faculties, it will precipitate the current erosion and ultimate demise that we are presently witnessing in the collegial system of university self government. Very simply to the extent faculties determine to engage in collective bargaining to forestall this perceived erosion in their influence, they must necessarily formally withdraw from the day to day responsibilities of university management and administration. To put the matter succinctly, faculties will not be allowed to bargain with themselves. That is to say, it is logically inconsistent (if not legally impossible) that government would countenance a union dominated management. Rather, to opt for collective bar-



gaining necessarily implies the faculties' input in the decision making process must be by means of their participation in an adversary bargaining relationship with the university administrators or more likely in the final instance, with the relevant government authorities. To properly comprehend this transition from collegial decision making to adversary bargaining several points should be made. In the first place to the extent that faculties who are seriously considering the collective bargaining option have already experienced a serious erosion of their influence and ideals in the collegial system as a consequence : of the more direct and frequent governmental intrusion into university affairs ; of the sharp decrease in the level of financial support being allocated to all educational institutions ; and of the enforced sharing of the decision making process with other constituencies within the university community ; collective bargaining again must be seen as simply recognizing and responding to a given set of social conditions which themselves are the major cause in that erosion of the faculty influence and ideology. As I have indicated rather than initiating a reordering of the university's priorities and objectives, collective bargaining should properly be recognized as simply one means by which faculties may respond to the reordering which is already taking place.

Secondly I believe that the faculty in opting out of the direct governing of university life, both university administrators and the faculty will ultimately be seen to be net beneficiaries. I would reach this conclusion because it would be my expectation that faculties who opt for collective bargaining will for the first time provide a meaningful check upon and act as a continuous monitor of university administrators which should inevitably result in improved and more responsive managerial personnel. Conversely by consciously forcing a recognition and acceptance of the essence of their relationship to the university as one of employment, collective bargaining will explode what Professor Myron Lieberman has referred to as « the pathetic confusions about professionalism [which] have misled faculty members into believing that professors at each institution are entitled to make management decisions. . . » It is this failure to recognize and come to terms with what essentially is a split or dual personality which has created innumerable conflicts of interest for faculty members torn between their concern for the university in general and their colleagues in particular. In short, such a dramatic withdrawal by faculties from the management function will serve to clearly delineate the proper roles and responsibilities of both faculty and administrator. It will remove the present schizophrenia, under which so many faculties

have unwittingly laboured, and which has been so clearly recognized by students and other estates who have perceived the governing structures, regardless of the bona fide of its participants, at worst as heavily biased against them and who at best viewed such faculty managers as incapable of exercising a completely objective and rational judgment on university issues where their faculty and administrator hats might lead them to opposite conclusions.

A third point that must be made with respect to the conscious relinquishing of the operational responsibility which is implicit in a collective bargaining model is that it does not necessarily follow that such issues as hiring, promotion, tenure, curriculum, admission requirements, teaching methods and loads, research responsibilities, etc., and other traditionally « academic » issues need necessarily be turned over to or indeed even bargained about with university administrators. Again there is ample precedent in several collective bargaining models e.g. the musicians unions, the newspaper guild and perhaps more ominously the skilled construction trades where such « internal market issues », which otherwise might be considered traditional management prerogatives, are in fact made the ultimate responsibility of the trade union and its members. Whether or not governments as the ultimate employer, or university administrators as their surrogates, intrude into areas traditionally considered the academics' exclusive preserve depends upon political and economic considerations which are quite independent of whether or not a university faculty opts for collective bargaining. It is true that to the extent collective bargaining were, as it has been in the private sector, instrumental in protecting the legitimate economic and social interests of the faculty, governments or their administrators might well be more inclined to attempt to examine more closely at the bargaining table such « academic » issues, traditionally considered to be within the faculty's exclusive jurisdiction, as hiring, promotion, tenure, curriculum, teaching methods and loads, sabbaticals, etc. as a means by which other « economic » gains secured by the faculty through collective bargaining could be offset. To accept the possibility of more active government interest with respect to these « academic » issues if collective bargaining did in fact secure such additional « economic » benefits as improved remuneration, job security, and working conditions, is however to expressly acknowledge that governments' historic deferral to the faculty on matters « academic » has implicitly been paid for by faculties in the form of poor working conditions, and lower wage and benefit packages. To put the matter somewhat differently, insofar as government or any employer is con-

cerned and regardless of the model of decision making under which the employer is constrained to operate, the distinction between « academic » and « economic » issues is an illusory and meaningless one. Every issue, including class size, teaching methods and loads, curriculum, sabbaticals and research responsibilities has a price tag or an economic component to it. Indeed to ignore the duality of all of these issues is to deny the experience of the secondary school teachers in Ontario whose success in protecting the academic integrity of their staff-student ratios was paid for directly in the form of smaller wage settlements. Conversely then to the extent faculties are able to secure larger wage and fringe benefit packages, additional protection of job security, etc. through collective bargaining or otherwise, it necessarily follows government will endeavour to offset such gains by more closely scrutinizing the costs attributable to and the inefficiencies inherent in the curriculum, teaching and research, tenure and promotion and sabbatical aspects of university life. It is essential however that one not attribute such heightened governmental concern with issues of primary importance to the academic to the advent of collective bargaining on the university campus. Such detailed scrutiny by the legislators will follow, regardless of the methods by which faculties participate in the governance of the university, whenever legislators conceive the allocation of public monies to the university community to be beyond their means and this regardless whether such faculty gains at the bargaining table are the root cause of this perceived misallocation.

Ultimately the ability of faculties to resist and forestall governmental intrusion on any of these fronts, « academic » or « economic », will primarily be a function of their bargaining power. If, as is generally acknowledged, collective bargaining is seen to enhance the bargaining power of the individual constituents in any community, university faculties' interest in and movement towards collective bargaining is readily explicable and conforms to my earlier characterization of it as primarily a reactive force. Further if the experience in the private sector is applicable to the university community, collective bargaining by augmenting the collective power of the university's faculty will, as noted earlier, result in their being better able to ensure that faculty ideologies and objectives as to the fundamental role and responsibility of their university are more likely to be recognized and given effect to by administrators and governments alike. Indeed, if the experience in the private sector holds true, the gains secured by those faculties who have opted for collective bargaining will in all probability be made at the expense of those other areas of the public sector, including other university campuses, which, by re-

maining unorganized, have to some degree prejudiced their relative bargaining power.

In any event, as I have suggested, bargaining power aside, there is simply nothing inconsistent with any theory of collective bargaining for faculties to retain or seek to retain jurisdiction over issues primarily of an academic nature. What is true and what would be inconsistent for a faculty which sought to bargain collectively with its administration would be for them to attempt to participate in the initial formulation and administration of basic university policy other than through the negotiation and bargaining process. In sum then, apart from enhancing the bargaining strength of the individual faculty member, the major consequence of a faculty pursuing its interests and participating in the affairs of the university through a model of collective bargaining, would be a structural or mechanical one. Faculty members who were to be included in the faculty union or association would be required to withdraw from the policy making organs of the university which in the first instance are charged with the responsibility of formulating policy on issues over which the university administration retained control. As noted above, collective bargaining clearly perceives the illogical and potentially inequitable consequences of allowing one group to bargain with itself. It is this concern which has generated much debate in legal circles and at Labour Boards as to whether or not Deans, Directors and Chairmen should fall within or be excluded from the bargaining unit and faculty organization. To the extent such persons do determine and formulate basic policy on issues over which the administration has retained control, in their departments and faculties, it would necessarily follow from what has been said about the nature of the collective bargaining model, that they would be required to withdraw from the faculty for the period that they occupied such positions. More specifically, and by way of illustration, any one who was to remain within the faculty unit would no longer be allowed to participate in the budget formulation process. The faculty union's input in this process would be to respond to rather than formulate basic financial decisions. In essence it would be the faculty's function to serve as a scrutineer of those other constituencies who in the first instance drafted the budget proposals. Where those proposals allocated a sum or percentage about which the faculty felt aggrieved, that would delineate the areas of bargaining between them and the budget making authorities.

As I have said, such a restructuring of the decision making process from collegial self government to adversary bargain can I believe ensure

to the benefit of faculty and administration alike. By providing a meaningful check on or review of the proposed allocation of university resources, the administration would be required to justify its priorities, its anticipated expenditures and its inability or unwillingness to meet faculty concerns and priorities in a detailed fashion that they are not presently called upon to do. It will require administrators to justify on objective criteria the policies and objectives they intend to pursue rather than, as at present, to explain away unpopular decisions on the idiosyncracies of collegial self government. In short it will deny administrators the possibility of using faculty or other participants in the self governing institutions as scapegoats for irresponsible or faculty decisions. Again, if the private sector experience prevails in the university community the collective bargaining model, by requiring the administration to justify its basic budgetary and policy decisions, will likely generate a group of more sophisticated skilled and efficient administrators. Faced with the bargaining power of a strong faculty union, university administrators, like their counterparts in the private sector will be required to more diligently explore methods by which the university function can be more efficiently exploited. Conversely faculties by shedding one half of their split personality, by recognizing that the essence of their status is that of a professional *employee* who increasingly has little input in the key decisions which are critical to his or her professional development, would be able to rigorously pursue their legitimate concerns and objectives. In a system of collegial decision making individual faculty-governors are daily subjected to political pressures inducing them to respond to and take account of the competing and often conflicting claims and ideologies of other estates in the university community often by compromising what for a majority of that faculty is a vital and integral concept or principle of an academic institution. By way of contrast, in the process of collective bargaining the majority of the faculty would be able to ensure their spokesmen and figureheads vigorously and faithfully defended such claims and objectives. In such a system it would be the task of the administrator, rather than selected persons from an interested constituency who would be called upon, in the first instance, to choose between all or portions of such competing views and to then defend the policies and objectives they have adopted. In short, in such a posture faculties would be liberated from their present participation in the collegial, self governing process where, responding to and sensitive of their conflicting roles of faculty and administrator they wittingly or unconsciously have been constrained to compromise their legitimate self interests.

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#### THE RELATIONSHIP OF THE FACULTY TO OTHER ESTATES WITHIN THE UNIVERSITY

Given the existing economic constraints under which universities are required to operate, it is manifest that faculties, staff, students and administrators will not all be able to realize all of their objectives nor ensure the university ultimately conforms to the ideological model each assumes proper. To take but one illustration, if university administrators were to accede to student and/or governmental interest in and demand for a more active and effective faculty commitment to its teaching function, necessarily a faculty's concern for more research assistance, in the form of both time and money, would be inhibited. Conversely to the extent that a faculty bargaining collectively is able to secure additional benefits and safeguard its vested interests more adequately than it can through a collegial, co-operative process it necessarily follows that in an era of diminishing financial support, other segments of the university community must invariably experience some erosion of their respective interests. More specifically to the extent a faculty were able to successfully bargain collectively for higher wages, better sabbaticals, less teaching responsibilities, universities and governments would necessarily have fewer resources available to meet the demands for better student amenities, lower tuition fees, and higher remuneration for its support staff. Succinctly then, collective bargaining would I think make explicit what hitherto has been the implicit conflict of interest between faculty and student, faculty and support staff, faculty and building development. In previous decades when growth was unrestricted and resources unlimited this conflict could be easily avoided. In an age when the size of the pie is actually shrinking the luxury and myth of assuming a university to be a homogeneous community of scholars must necessarily be exploded. For the student the university has become a passport to a chosen career, for the support staff it is the very basis for their family's sustenance and physical well-being. For both groups the rationale for and objective of an academic institution will not conform in every detail with those assumed by the faculty. To the extent a faculty perceives a lower wage scale, poorer physical amenities etc., as an enforced subsidy of higher education and to the extent that collective bargaining is able to shift those costs to the direct users of the system (be they taxpayer and/or student), the implicit conflict between staff and student will be made manifest. Not surprisingly then on those campuses where faculties have opted for collective bargaining and have been able to secure larger financial settlements, additional research support, protections from mass-lay offs within depart-

ments, protection from dismissal and denial of tenure, student organizations, (who have long since clearly discerned the force of collective action) have generally opposed faculty initiatives at the bargaining table. In short although not the root cause, I think it clear that collective bargaining will, by making explicit the inherent tensions which divide the constituent estates within the university, precipitate the demise of the assumption that the university institution is made up of and created for a homogeneous community of scholars. Unless faculties presently have it within their power to preserve their critical interests and ideologies, or unless they are prepared to actually subsidize such other estates and abandon their objectives, to the extent they seek to preserve their interests and aspirations through collective bargaining, they will find themselves inevitably competing at the bargaining table with those other estates. Although I personally believe this is the scenario which is likely to unfold, it is also true that the resulting tensions may possibly be muted to the extent that governments may respond to faculty successes at the bargaining table, at least in part, by allocating greater resources to the education budget rather than simply extracting the entire component of such faculty gains from the other sectors who lay claim to the university budget. Although I suspect that faculty gains made through collective bargaining would in fact result in some marginal increases to the university budget, nevertheless I think it inevitable that some part of those gains would in fact remain to be borne by and extracted from the other actors on the university's stage.

I should add that perhaps more than any other fact, it is this fear that a faculty, bargaining collectively, might well secure additional benefits, that has induced some groups such as professional librarians, whose aims and interests, unlike the student or staff groups, in some respects parallel the faculty's, to more frequently and plaintively make overtures for inclusion in the faculty organization. Recognizing that there are differences in training and purpose between themselves and the faculty, these professional librarians nevertheless clearly perceive that given their own limited bargaining strength, serious and adverse consequences would likely result if they were required to compete with the faculty, student and support staff constituencies for recognition by the university administration of their own particular interests and claims. For such groups, what autonomy would be sacrificed in joining the faculty organization is generally felt to be more than offset by the additional strength and security that would be afforded by inclusion under the faculty's umbrella.

## THE RELATIONSHIP WITHIN THE FACULTY ITSELF

Perhaps the consequence which will become most immediately apparent to a faculty which opts for collective bargaining and in a sense the most significant cost of the gains which are likely to be secured through this regime, is to reveal to it the sharp divisions and tensions which exist within its own membership. It is here where debate and democracy will have its full play that the limits and range of possible conclusions which will be generated by the collective bargaining process will be defined. Where salary increases should be channelled, criteria for tenure and promotion procedures to be employed, when lay offs and non renewal of term contracts are pending, whether the faculty union should press for a dental plan or improved pension benefits, whether professional librarians should be included in their association, all will reveal sharp underlying splits between young and old, tenured and non tenured faculty, Departments and Faculties presently co-existing within the faculty constituency. Of these, and most critically I believe, collective bargaining will immediately delineate the tenuous relationship of the professional faculties to the rest of the faculty community. It has uniformly been the experience where faculties have considered the option of collective bargaining that unless meaningful salary differentials, concurrent vetoes on issues directly affecting them and other such guarantees are assured for such professional faculties as law, medicine, engineering and dentistry, these segments of the faculty community will either resist collective bargaining or alternatively will sever from the main faculty unit in order to preserve their real market power and their peculiar needs. In a sense the professional faculties together with the « academic stars » form the essence of the faculty's true bargaining power. In both cases, the professional faculties and the acclaimed scholars possess real and attractive alternatives to a particular university and indeed to a university career. It is this market power which both possess and which the university administrators can ignore only at the peril of seriously depreciating the prestige and reputation of their university, which provides both groups in particular and the faculty in general with their bargaining strength. Similarly it is the recognition of this fact that should induce faculty unions to make special provisions within their own constitutions for both the acclaimed scholars and professional schools. Although conscious of the fact that I am entering again the world of speculation as to an actual determination that is likely to follow from a faculty pursuing collective bargaining, I do so here because of the prevalence of the view that collective bargaining must necessarily lead



to an institution committed to both uniformity and mediocrity. To the contrary however it is most probable, again if the analogy to the federal public service is appropriate, that as with the status of the established scholar, university administrators will be sympathetic to, in accord with, and indeed anxious that such differentiations in the faculty constituency be clearly defined. Failure to perceive that its bargaining strength lies in these two constituencies would I believe have disastrous consequences for a faculty embarking on a course of collective bargaining. Failure to respond to the peculiar claims and interests of these two groups in the association's constitution would likely induce either or both to withdraw from it and seek to obtain such recognition directly from the university administration. Absent these two groups, the consequential effect on the bargaining capabilities of the residual unit would be potentially disastrous. Quite clearly without these two constituencies the bargaining strength of the remaining faculty would be enormously diluted if not completely eroded.

Again, although not the root cause of the tension existing between diverse groups living within the faculty constituency, collective bargaining will I suspect bring such divisions rather dramatically to the fore. If university faculties fail to recognize and respond to their heterogeneous existence and in particular to the unique characteristics of their professional schools not only the faculties' strength but the very character of the university community itself will be fractured and divided to everyone's loss. Seen in this light, collective bargaining may in fact be a positive force which by precipitating the confrontation of such basic issues requires the faculty to resolve these historic tensions within its own organization or face the rather stark alternative of fracturing and fragmenting the faculty constituency into diverse and competing units. Faced with the prospect of an exodus of their colleagues and/or the balkanization of their constituency, collective bargaining should induce faculty associations to respond to the acclaimed and unique positions of its established scholars and professional faculties. Collective bargaining by *internalizing* the resolution of these existing tensions should allow for solutions to be fashioned in much the same spirit of compromise and accommodation that was achieved by those industrial unions which similarly were required to recognize and give effect to the legitimate concerns of its skilled trades minorities in their constitutional charters.

To conclude and at the risk of labelling pro and con the consequences I have described, let me note that there is nothing in what I perceive and

have described to be the likely consequences which would follow from faculties opting for collective bargaining to catapult me into the depths of despair. Given the obviously pessimistic view that I take of the external forces that are likely to impinge on the university communities for some time to come, I believe collective bargaining can be adapted to the institutional peculiarities of the university, can safeguard the legitimate concerns of the faculties and will result in a healthy and serious examination of the roles of each of the constituent bodies in the university community. Collective bargaining should induce entire faculties to confront and examine their basic needs, ambitions and ideologies with respect to the university. Failure to do so in the present environment would be to default and to defer to the judgments of others as to the legitimacy of their claims and aspirations. Although I perceive that collective bargaining is essentially an adversary relationship both with respect to the government, the administration, the students and the support staff, I do not believe that an adversary relationship must necessarily be one ridden with acrimony and conflict. To the contrary the very essence of collective bargaining is founded on negotiation, on reasoned compromise and above all on a desire by all participants to ensure the continued existence of a healthy and vibrant institution which is essential to all of its constituencies. What collective bargaining may achieve is the assurance that administrators and governments will recognize and will ultimately respond to the real and legitimate interests of the faculty. Although the collective bargaining model necessarily assumes and indeed might be criticized for sanctioning and promoting a posture of self interest on the part of each side, as I have indicated such self interest is constrained by the basic realization of the need for the continued existence of a vibrant and probing university. As I have indicated, there is nothing to suggest, and experience would deny, that the adversary nature of the bargaining model necessarily implies acrimony and conflict. To the contrary, to the extent that collective bargaining is better able to resist the social and political forces presently impinging on the university communities and can assign the respective estates to their proper roles, it may be, as I suggested at the outset, that the collective bargaining model will be able to preserve those features of the intellectual community most vital to us all.

## **La négociation collective pour les professeurs d'université : le pour et le contre**

L'auteur ne croit pas que la négociation collective en soi puisse être une question capable d'entraîner des changements fondamentaux dans la vie universitaire, parce qu'il ne la considère pas comme une force radicale susceptible de modifier les principes traditionnels de la communauté universitaire. Au contraire, il faut tout simplement y voir un régime qui pourra transformer les processus décisionnels sans beaucoup exercer d'influence sur les objectifs que ces institutions poursuivent. On ne saurait non plus ignorer que, en Amérique du Nord, la négociation collective est essentiellement une force conservatrice en lutte contre les institutions en place beaucoup plus qu'une activité visant à les renverser. Ses objectifs sont d'assurer la sécurité économique et financière bien plus que de prôner des idéologies. Aussi, au niveau des professeurs d'université, elle affectera surtout les méthodes et non les fins.

Au fond, il existe toujours des forces extérieures qui ont eu et continueront dans l'avenir à avoir plus d'impact sur l'orientation des universités que la négociation collective et il faut considérer le recours à ce moyen principalement en tant que réaction contre le poids des forces extérieures qui se manifestent par la réduction brusque des subsides des gouvernements, l'accroissement concomitant du contrôle de l'État et de sa participation à la vie universitaire, par le jeu des forces d'égalitarisme qui se développent au sein de la société et par les pressions d'autres groupes comme les étudiants et le personnel de soutien qui veulent se mêler de l'administration des affaires universitaires. Plus l'action conjointe de ces quatre facteurs sera marquée, plus les professeurs seront enclins à s'engager dans la négociation collective. C'est dans une telle perspective qu'il faut voir ce phénomène nouveau.

D'autre part, selon l'auteur, il est difficile d'y aller de prédiction concernant l'influence de la négociation collective sur les traitements, la sécurité d'emploi et les conditions de travail des professeurs, parce que ceux-ci dépendront toujours, en dernier ressort, de la situation des marchés de l'emploi, de la puissance de marchandage des universités et des associations de professeurs. En soi, la négociation collective n'offre pas de solutions toutes faites aux mises à pied, au non-renouvellement des contrats d'emploi et aux questions touchant la recherche et les responsabilités des professeurs. La façon dont seront abordés ces sujets variera sans doute d'une institution à l'autre et selon les desiderata des professeurs de chaque faculté. Tenter de procéder à une analyse des forces et des faiblesses de la négociation collective comme modèle décisionnel approprié pour les universités ne serait que spéculation et hypothèse, et ceci ne servirait qu'à embrouiller les caractéristiques même de la négociation collective en tant que processus de décision.

L'auteur passe ensuite à l'examen des changements institutionnels qu'entraînera l'action collective des professeurs et il estime que, tout comme les choses se sont passées dans le secteur privé, il s'ensuivra une certaine amélioration des traitements et de la sécurité d'emploi des professeurs. Par ailleurs, il faut rejeter l'idée que la négociation collective chez les professeurs d'université conduira nécessairement à la médiocrité et qu'elle aura une espèce d'effet grégaire sur leur comportement de telle manière que la compétence sera ramenée au plus bas dénominateur commun.

Il existe en effet plusieurs modèles de conventions collectives pouvant s'adapter à des situations différentes selon les modalités des différents secteurs de l'activité économique. On peut en citer plusieurs exemples : artistes, athlètes, journalistes. Les différences de traitements et de conditions de travail entre un Marlon Brando, un Joe Namath et un Pierre Burton ne peuvent-elles pas s'appliquer à un Claude Bissel, un Buzz Woods ou à un Fred Carrothers au niveau universitaire ? Bref, il est inexact de soutenir que la négociation collective est incompatible avec l'établissement de traitements, de conditions de travail et d'une sécurité d'emploi fondés sur la compétence et les qualifications. Elle ne tend pas naturellement vers de pareilles formes d'égalitarisme, même s'il faut admettre qu'on trouve dans la société des courants en ce sens qui se manifestent aussi dans les universités. Il appartient aux professeurs eux-mêmes d'y voir de manière à leur faire obstacle.

Toutefois, ce qui précède ne signifie pas que la négociation collective n'aura pas de conséquences sur la vie universitaire. On peut les grouper sous trois chefs principaux.

D'abord les relations entre le corps professoral et l'administration. Il sera inévitable que si la négociation collective s'implante parmi les professeurs d'université, elle accélérera l'érosion du système collégial d'autogouvernement des universités.

Une fois engagés dans un régime de négociation collective, les corps professoraux devront se départir des responsabilités administratives au niveau des facultés et il est certain que leur influence diminuera comme conséquence de l'intrusion des gouvernements dans les affaires universitaires.

En second lieu, étant donné que, par suite de la négociation collective, les professeurs scrutent de plus près les actes de l'administration, celle-ci agira de façon à accroître la qualité de son bureau de direction du personnel. On peut croire qu'ainsi disparaîtront peu à peu certains dédoublements de personnalité. Le rôle et le pouvoir des professeurs se trouveront bien délimités, plus tranchés.

Il ne faudrait pas penser non plus que des sujets tels que l'engagement, les promotions, les méthodes d'enseignement, les responsabilités en matière de recherche et, en général, tout ce qui relève de la pédagogie, va nécessairement échapper aux professeurs, parce que, dans nombre de négociations collectives déjà, chez les musiciens et chez les journalistes, par exemple, des questions de cet ordre restent en dernier ressort la responsabilité du syndicat et de ses membres. L'intervention des gouvernements et des administrateurs agissant comme leurs mandataires dans ces domaines dépend généralement de considérations politiques et économiques qui n'ont rien à voir avec la négociation collective. Ainsi, le fait que le gouvernement s'en soit historiquement remis aux professeurs pour ces questions académiques a implicitement été payé par eux sous forme de mauvaises conditions de travail et de masse salariale inférieure.

Enfin, il faut aussi souligner que le pouvoir de marchandage est possiblement un puissant moyen de résistance à l'intrusion des gouvernements dans la vie universitaire.

Si l'on considère la négociation collective sous l'aspect des rapports du corps professoral avec les autres groupes de la communauté universitaire, surtout dans

la mesure où les subventions gouvernementales se raréfient, on peut s'attendre à ce qu'il s'élevé des conflits d'intérêts entre, d'une part, le collège des professeurs et, d'autre part, les étudiants, le personnel de soutien, voire le service de la construction et du développement. À l'université, les étudiants recherchent le passeport de leur carrière, le personnel de soutien, leur bien-être et celui de leur famille, ce qui n'est pas conforme aux objectifs vers lesquels tend le corps professoral. C'est pourquoi il est normal de s'attendre à des tensions internes, à moins que l'on ne réussisse à obtenir de plus grandes ressources de la part de l'État.

Un dernier angle, enfin, sous lequel il faut considérer la négociation collective, c'est celui des rapports des professeurs entre eux, en particulier entre les facultés universitaires proprement dites et les écoles professionnelles : droit, médecine, génie, etc. . . . Les administrateurs devront tenir compte de ce facteur qui peut être de nature à mettre sérieusement en péril le prestige et la réputation de leur université. Il s'agira pour eux d'éviter toute attitude qui pourrait entraîner des scissions désastreuses.

Comme conclusion de son travail, l'auteur estime que la négociation collective peut s'adapter au milieu universitaire et résulter en un examen sérieux et approfondi du rôle de chacun des groupes qui constituent la communauté pour peu que l'on comprenne que la négociation collective est fondée sur des compromis raisonnés et sur la volonté de tous les participants de vouloir maintenir le dynamisme de l'institution dont ils font partie en évitant l'acrimonie et les situations conflictuelles. Au contraire, la négociation collective, si elle rend la collectivité universitaire plus apte à résister aux forces sociales et politiques qui s'opposent actuellement à elle, contribuera à lui assurer plus de succès et de prestige.

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