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# The Task Force Report
# Le rapport de l'Équipe spécialisée en relations du travail

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Résumé de l'article

Le Rapport Woods est un de plusieurs de son genre à être publié depuis ces dernières années : d'autres couvrent la négociation dans les services publiques, la négociation soumise à certaines juridictions provinciales, et la position qu'elle occupe par rapportaux objectifs économiques du Canada. Ces rapports discutent beaucoup de points semblables, mais utilisent des approches fort différentes aux points de litige soulevés par la négociation.

Le Rapport de l'Équipe spécialisée en relations du travail occupe une position unique parmi ces rapports, en ce sens qu'il tente d'éclaircir les intentions dans une négociation et sa signification pour l'économie, le Rapport offre même un énoncé clair du fondement utilisé pour évaluer les techniques de négociation. Il exprime clairement qu'on ne doit pas procéder à une restructuration des procédures de négociations qui puisse priver l'économie de solutions partagées par le travailleur et l'employeur. Le Rapport rejette des formes de contrainte même là où la contrainte semblait inévitable.

Un cadre conceptuel autre que la convenance manque à la forme pure d'analyse du phénomène de la négociation, et cette forme n'est pas sans inviter des conflits.

À notre avis l'Équipe spécialisée ne réussissait pas à expliquer l'utilité de la négociation et ne l'évalue pas d'une façon analytique, malgré qu'elle demande aux Canadiens d'appuyer la forme de négociation collective.

Cinq secteurs majeurs créent une difficulté dans la négociation :

1 ) l'antipathie publique face à la grève ;

2) une intervention gouvernementale inepte ;

3) l'attribution au mécanisme de négociation de rôles qui ne lui sont pas appropriés ;

4) les problèmes techniques face à la loi ;

5) la faillite des personnes impliquées dans la négociation à respecter la loi.

L'Équipe spécialisée considère la grève comme un catalyseur injecté dans la prise de décision concernant le travail, et ne l'intègre pas comme partie réelle du mécanisme de négociation. À notre avis, elle devrait le faire.

Nous croyons qu'une approche plus large à la question aurait pu modifier le jugement de l'Équipe spécialisée sur le rôle que le gouvernement doit jouer en relations industrielles. Nous aimons croire que le gouvernement jouera un rôle plus important dans le champ des relations industrielles, quoique cet espoir semble contraire à l'idée avancée par l'Équipe spécialisée.

L'analyse de l'Équipe spécialisée prouve bien la nécessité de réorienter l'activité gouvernementale. C'est douteux par contre qu'elle ait réussi à prouver la minimisation impliquée dans sa preuve, du rôle prochain du gouvernement. Ce n'est pas suffisant que le gouvernement se limite à la considération des disputes relevant de la négociation collective. Le Ministère du Travail doit pouvoir non seulement régler les disputes mais aussi coordonner les relations industrielles et ses politiques générales touchant l'économie. La seule administration des décisions politiques touchant les champs de crise ne répond pas aux besoins et restreint la discussion des relations industrielles à un champ d'analyse beaucoup trop étroit.

# The Task Force Report

**J. T. Montague**

*The author gives a philosophical analysis of the general tenor of the Woods' Report, and provides a brief appraisal of its observations, particularly in regard to collective bargaining.*

The time seems to have arrived to wax philosophical and appraise the broad strokes of the report. Something can be said about the general tenor of the Woods' Report and, indeed, of the role it has visualized for collective bargaining.

One observation is in order at the outset about the environment in which the Task Force Report exists and competes for attention and support. This is not the only such report to be issued in Canada during recent years. There have been reports on bargaining in the civil service, on bargaining within certain provincial jurisdictions, and on how bargaining has measured up to economic objectives in Canada. In total, there must be at least six or seven reports. Bargaining seems to have become the darling of the report-writing set, and of the report-demanding mandarins of governments.

One would hope that the report writing of recent years fortells important changes in practices and laws — for all the reports arose out of dissatisfactions. Improvements have already taken place in civil service bargaining and in certain provincial practices. But the results so far appear to have been of mixed value in the eyes of most observers. Now we seem to be entering a new phase in the use of the insights that have been brought together. This may well be an unproductive stage that will discourage us all, if only because of the change of pace involved. The origins of this next phase in the saga of collective bargaining in Canada are indigenous to the reports. The reports have much in common. But more

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often they offer strikingly different approaches to the issues that have been raised about bargaining. It almost seems one can take stock of his preferences and then find a report to match. Each observer or participant in the bargaining process can choose his own poison and champion his favourite report. The danger is a polarization of opinion on how to handle the institution of bargaining — a war of reports fully equipped with crusades, heros and villains. Such events, and we have already seen some in British Columbia and in Ontario, could minimize the importance of the whole exercise.

The Task Force Report has, however, distinguishing features in its field. The writers of this report have set themselves a wide area of interest. Perhaps only the Rand Report in Ontario has anything approaching the same sweep to its work. But the Task Force Report is certainly alone in the degree to which it struggles with perspectives on the purposes of bargaining and its meaning for the economy. Other reports have been less informative in this respect. The flourish with which some of the reports approach their subject seems to fortell a philosophy and approach to bargaining as complete as the formal attire of a burlesque queen at a charity ball. But as the same reports carry on with an obvious lack of consistent approach to the meaning of bargaining, it would appear the more appropriate simile would be to the queen's attire late in her regular theatrical endeavour. At least the Task Force catches the young lady about half way through her act. Nevertheless inadequacies in the basic philosophy will be seen below as a major problem of the report.

The underpinnings of a report on bargaining are crucial. Why do we have the animal around (i.e. bargaining), and what is it we want to accomplish by having it around ? The Rand Report, for example, avoids the issue and merely takes collective bargaining as given. Then it grafts on prohibitions of practices that offend the public. All this takes place without any assessment of the *raison d'être* which one would have thought should influence the logic of any suggestions. The same can be said of the Nemetz Report in British Columbia.

The Task Force does go so far as to offer a clear statement of its base for assessing the mechanics of bargaining. It is made very clear that in the opinion of the members of the Task Force there should be no reshaping of the process of bargaining that deprives the economy of answers jointly shaped by labour and management. They hold to this view even if the cost is inconvenience to society in the form of strikes. Thus the report turns

away from many forms of compulsion urged in other reports and searches dilligently for half-way houses when some form of compulsion appears unavoidable. Areas such as emergency disputes and mass picketting are treated in ways that suggest the minimum of compulsion while retaining bargaining characterization.

The pure bargaining approach carries its own difficulties even though most of us will agree with it as far as it goes. It lacks, however, any conceptual framework other than expediency. You pay your money and take your choice as to just what you think will impede or assist collective bargaining. And the issue becomes one of how to make bargaining work for its own sake. The technique of analysis is comparing, and subjectively evaluating, potential nuts and bolts of the operation. The only wider analysis of any revelance is the codifying examinations of power relationships and its product, the mish-mash of seemingly endless variety of ways of doing business.

Moreover, the lack of a thorough-going conceptual framework invites conflict. Analysts set individually satisfactory frameworks for the effectiveness of bargaining and a « Tower of Babel » effect emerges. One of the unsatisfying parts of industrial relations work is the failure to communicate in meaningful ways. While it is undoubtedly true that theories of the market and bargaining theory are not now in the best of shape, they do give more to work with, the above form of analysis implies. Even the most rigid of theoretical economic analysis has long since ceased to look on unions and bargaining as merely the purveyors of unpredictable reform in the labour market. J. R. Hicks nailed this one thirty-seven years ago.

The Task Force does less well in explaining the usefulness of bargaining. It is really not good enough to tell us that collective bargaining is substantiated because it is keeping with liberal-democratic traditions in this country. Surely this is a support for the nuts and bolts of the operation and not the rationale for having it around. Without some more enlightening understanding of the goals sought by the Task Force through the instrument of bargaining it is difficult to evaluate the work of the report. The exercise seems to be reduced to fiddling with the « hang-ups » of bargaining.

The Task Force asks Canadians to put their money on collective bargaining. Although Canadians have never legislatively done so in a positive way, we have more or less aligned ourselves among the converted. The Task Force appears to want more active support of bargaining, and,

indeed, an expansion in the areas of the labour force eligible. But it would seem the more urgent query in the minds of Canadians is « having given support to collective bargaining what has been done to our range of alternatives in such areas as monetary policy, industrial development and labour standards ? »

Industrial relations people have the nasty habit of departing the premises when such questions are asked. But the Task Force did not avoid the issue as blatantly as some of its predecessors. In effect, the Report steers a careful course among the range of possible alternatives in the relationship of bargaining and the economy, apparently not wanting to claim either positive interrelationship or complete absence of interplay. The suggestion is that economic studies are by no means certain of whether or not bargaining has an independent effect over and above market effects on wages and, in turn, on the economy. It is noted, however, that the studies appear to have found that unions and bargaining do play a role in wage setting, but the time and conditions must be described. The Task Force might have strengthened its case if it had set forth the pretty generally held opinion of economists that market forces have played a much more dominant role in the labour market than once was thought to be the case, or, in other words, if the Task Force had stated more positively what has been found. This might have made the Report less defensive in some of its recommendations and the reasoning behind them.

There might have been less tendency to protect the « rare gem » of collective bargaining and more inclination to send bargaining out to do its job in the economy, if its role had been appraised. The Task Force is left with an argument that bargaining is « alive, well and living in Paris » and that something ought to be done to bring it home. Surely the more positive point would have been that bargaining is « alive, well and giving Canadians fits. » The former reasoning leads to playing with the instrument of bargaining, the later reasoning leads, in addition, to economic and social effects.

Task Force reasoning about the importance of bargaining has independent important academic support more or less by default. J. R. Hicks talked about the importance of labour standards on prices once the gold standard went by the boards. Keynes avoided important difficulties by freezing most labour market conditions before he began his analysis. Strangely enough the Task Force chooses to confine its analysis to bargaining. In effect, it reversed the earlier thinking based, in the first in-

stance, on an impressive chart of how an industrial relation system operates. It was swayed by current pressure to evolve industrial relations systems or, in other words, to develop a means of analysis in areas others have taken as frozen. Instead of treating the conditions of labour input as given, the Task Force treats everything else as given, and proceeds to fiddle with the can of worms marked industrial relations.

Such is the only explanation consistent with the readiness of the Report to make positive assertions about characteristics of the Canadian economy where controversy exists, or even rages. Assertions about the Canadian economy and its operations are made with much more certainty, and with much less room for variation, than are the recommendations on bargaining. In the latter area, variation and alternative approaches are set forth, but not so on economic conditions. For example, the combined word on Canadian-American relations, business cycles and their effect on bargaining power are somehow combined into a seven-line paragraph.

Now where does this leave us ? Frankly, I thing it makes it possible to agree with many of the recommendations, but also to disagree with the report. The question is one of scope or the sweep of the issues that are used in explaining the difficulties of bargaining over the years.

The Task Force undoubtedly put its finger on the major overt causes of difficulty. Five areas appear to have caught the interest of the group :

(1) Public aversion to strikes.
(2) Inept government intervention.
(3) Loading the bargaining process with tasks inappropriate to its work.
(4) Technical problems with the law.
(5) Failure of those involved in bargaining to abide by the law.

The question becomes whether or not the Task Force attacked problems with sufficient scope of inquiry behind their analysis. Or put more positively, would there seem to be a different set of recommendations involved in a wider look at what industrial relations mean to the economy. We can try the exercise in a few general areas. The answers we will come up with would seem to be not so much in conflict with what the Task Force said, as they will indicate that wider support for the suggestions exists, and perhaps in some cases a little different emphasis would have been in order.

We start out by appraising the view taken of the union and bargaining. In Task Force terms the usefulness of unions and bargaining is limited to a kind of « mod » version of the thinking of the Webbs at the turn of the century. Bargaining is the democratic way of gaining the views of the worker and creating a better chance of making theory stick. But surely it is this one-sided reasoning that leads to treatment of the union as nothing more than a power structure with which to badger management. This may be the worker's reason for joining, but scarcely the shape of overall participation in the economy such as the analyst requires. Little note is taken in the Report of the outcome of the state of comparative literature on industrial relations systems of the world which appeared in the fifties.

The link between industrialization, unions and industrializing élites established in comparative studies has been interpreted in the North American context to give rise to assuming a problem solving flavour for bargaining as opposed to the rigidity of any imposed evangelic objectives. Problems to be undertaken in this context are not simply those of the employee, but also those of the employer, the union and, at times, society at large.

Some understanding of the broader view of bargaining would have made the treatment of the strike much easier to come by. The strike is looked on in Task Force terms merely as a catalyst injected into decision-making about labour. It is not pointed out why this particular catalyst should be supportable over others that might be used except by implication in the general opposition to arbitration. Standard answers to questions about strikes are trotted forth. They are few and far between. Society can stand a few strikes just like we can withstand an intake of arsenic if the dose is small enough. But nowhere does it say that the strike is an integral part of the bargaining process.

The point is that the strike, or the ability to hold up a labour deal in a problem-solving exercise, is little different than the right to call off haggling over the deal for any other factor or product. The only real difference is that the employment effects of a break in negotiations are more immediately obvious and, since nobody is working during the strike there is time to thrash the whole thing out in public. The strike adds a new perspective to the haggling of labour and management through adding a cost dimension to the process. Without the strike or lockout the bargaining process has much in common with a close horse race in which you have no bet. There is

really no need for the Report to have been defensive about strikes. More, in fact, could be said about their use along with the effectives of the various parts of the bargaining process. It might asked whether the strike or lockout is as forcefull a weapon as it once was. Has the ingenuity of the modern business man and of to-day's trade unionist combined to move the strike on its way to the museum as far as a pressure for settlement is concerned ? Many feel there is something of this change in current trends. If this is so, and we still feel the need of a pressure for settlement, the question is not should we have strikes, but what would we do without them ?

A broader approach might have altered the judgement of the Task Force about the part government might play in industrial relations. There is no doubt left in the Report that the hope is that the government will play a lesser role as time goes by. The analysis is heavily influenced by government aversion to strikes and the resulting policies which clash with the predisposition of the Task Force. In a way, it is a curious unanimity that emerges. Government policy in the past has presupposed settlements without strikes and this aim has dominated policy. The Task Force says concentrate on settlements, but take the strikes if necessary. Both put their emphasis on settling disputes, and the thrust of their efforts is in this direction to the exclusion of any concern for the process of bargaining. The Task Force, however, appears to believe the flexible policies it advocates could never be achieved by the civil servant. Thus they advocate non-government advice on policy matters at times of crises. But non-crises times barely catch attention in the Report.

For example, the tone of the suggestions for the Industrial Disputes Commission, the Labour Relations Board and even the dreary prognostigation for the Labour Department is one of advancing the cause of the non-government advisor in time of crises. One would have thought that this flies in the face of the issue. Surely, the standing criticisms of the industrial relations expert has been his lack of opportunity to sift through the output of government policy, the observations of the Economic Council and many other sources for their relevance to bargaining. Such things are relevant — in fact that is the whole point of the exercise as originally conceived. The seeming insulation of bargaining from the world around it is just what is worrying people. The Task Force says we should have more of the same agony in order to get the most out of bargaining.

This is not to say that I leap to the other extreme and support a plan to have Mr. Mackasey thread the eye of the needle as a part of his daily

setting-up exercises. On another occasion I said with apologies to a poet whose name I cannot pronounce : « One swallow does not a summer make » and eight gulps do not a labour policy make.

Mr. Mackasey has had remarkable success this year and nothing can detract from his accomplishment. But I cannot help observing his department because it helps develop my point. After his first success the Minister was pictured in the newspapers in bed, in the altogether. His later successes were marked by photographs as he was combing his hair, shaving — until eventually in the darkest moments of the Air Canada dispute he emerged in full attire.

But has he clothed federal labour policy in full attire ? I gather the Task Force would say not. And Mr. Mackasey says his department is working over the Report very carefully in making up its mind about the future. So presumably most people see the present as a time of planning.

The Task Force analysis makes a good case for redirecting government activity, but I doubt that it makes a case for the implied minimizing of the government's continuing role. It would have been more to the point to have suggested that governments should make more effort to be better informed, first in what is going on in the world of industrial relations, and second what these events mean to the Canadian economy. If this were done, matters of intervention, support for the bargaining process, and even such things as certification, surely fall in line. It is simply not good enough for governments to limit their view of collective bargaining to disputes. It is less rewarding to see the Task Force fall into the trap of thinking past performances of Canadian governments were exemplary of what might be done.

The key to the argument about the Department of Labour is the need to look beyond dispute settlement and to insist on this wider view for the crux of policy decisions. This is not an advocacy of so-called co-operation or other well-intentioned shoring up of bargaining. But my point is that the administration of labour policy through a crises orientation falls short of needs and plunges the discussion of industrial relations into a pretty narrow area of concern. Labour policy in Canada has not been found wanting in good intentions, but in the breadth of its base of reasoning. A good example would be the recent advocacy of the simple bargaining unit of civil servants in Ontario on the grounds of past overall efficiencies. But nothing is said about whether it has, or has not, permitted zeroing in on the problems the employee and employer share.

It may be that I still cannot break loose from my fourteen years in the government service, but I think the Department of Labour needs the

chance to raise its sights not to limit its vision to a department of industrial relations. Full time labour relations boards with their narrow terms of responsibility offer no help in overcoming my worries and neither do independent commissions. The need is for a continuing body to be a watchdog on industrial relations, to make us all aware of its strengths and weaknesses, and to relate it to the economy as a whole. Its action side should be strong, but the second level of importance in the department.

This is really not much to ask. The time is long past when collective bargaining was regarded as something that could twist, reshape or even smother the labour market into a troublesome and completely independent market. Neither the institutionalists nor the theoretician hold sway in thinking about the labour market today. Both sides, as Ulman has said, have retreated. But in economic studies the models used, now with some measure of confidence, are closer to the usual allocation models than they once were. Thus there is a beginning on the job of reaching into the area of collective bargaining for insights into the economy, and for the basis of wise industrial relations policy. But it is a never-ending job, and I do not know who does it if the government does not.

## LE RAPPORT DE L'ÉQUIPE SPÉCIALISÉE EN RELATIONS DU TRAVAIL

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