

Union Negotiations

Location: Alberta

Topic(s): Council Ethics, Ratepayer and Resident Associations, Talking to the Media

Please describe the situation.

The Public Works, Utility and Firefighters were the only union staff in the municipality. Every two to three years, meetings were held to negotiate new multi-year collective agreements. The majority of the municipal staff were non-union. The Human Resources department would conduct a survey annually reviewing and assessing the salaries paid to a broad range of union and non-union positions and would recommend annual cost of living salary adjustments and any position salary and/or classification adjustments for non-union staff based on their research. Positions in high demand with a shortage of qualified person would require adjustments beyond the cost of living.

The unions would seek and get multi-year contracts and often find after two to three years that they needed to catch up and seek to get ahead of the adjustments given annually to non-union personnel.

Historically, Council had two representatives on the negotiating team and the unions encouraged this as well. This made negotiating very challenging! The union would look at and address the councillors, exclaiming their worth and complaining how poorly they were treated by management and how the unreasonably low pay was demoralizing and disrespectful. Also, the union representatives would often call all the councillors to have them approve settlements beyond that which management was recommending and more in line with what they were seeking.

What was the current political environment? What factors led to the situation? What were the events that unfolded in this particular scenario?

During election years some incumbent councillors and candidates would be targeted by union representatives seeking support for their salary and classification demands with the promise of their members support on the ballot. Those incumbents and candidates who accepted the support assertively sought the positions on the negotiations team causing friction amongst their fellow councillors who saw through their 'political agenda' and would not support their appointment or sought their fellow councillor's support for one of their priorities in return for their support.

The politicization of any human resource function like compensation and classification, recruitment or organizational design, sets a dangerous precedent that erodes the role of Council and its relationship with the CAO and the CAO's role in the leadership and management of personnel.

In the year leading up to the fall election, the two unions took a very aggressive position in negotiations with extraordinary demands. They started having off duty members walking in front of firehalls with placards declaring “poorly treated”. The Public Works union threatening to strike or walk off the job with the election and winter snow weeks away.

How did you respond to or address the situation?

Senior management, led by the CAO, prepared a detailed plan for managing the threats, settling the disputes and managing post settlement relationships. While reluctant to present the approach and details to Council, given the support the unions had from a minority of Council, this was done in-camera (personnel issue) with the Mayor reminding councillors that what was being presented was highly confidential and not to be discussed outside of the meeting. To manage the threat, our first objective was to enhance the communication of our position emphasizing three points. The offers were fair given what other municipalities of our size were paying, Council’s commitment to a modest tax increase required to pay for the offer, and our overall benefits package. We valued our employees and the work they do for our residents.

To resolve the dispute, we proposed voluntary arbitration thereby removing the elected officials from the process. We assured residents all the work that had been done to ensure public works services could be provided by the private sector and the provision of emergency services through mutual aid agreements.

In preparation for post settlement recovery we wanted to ensure that the Mayor and Council would be viewed as having ensured a balance between respecting staff and tax payers. Only when the settlements were reached did the Mayor speak thanking management and union staff for their commitment to the municipality and their joint efforts in reaching a settlement.

At no time did the CAO make any public statements. There is unnecessary risk when the CAO is speaking publicly about sensitive personnel issues. The position must be and must be seen to always be providing council with rational objective recommendations within council’s priorities. Becoming embroiled in a public war of words in what had become a very emotionally charged situation would detract from the role and image of the position of CAO. The same rationale is true for the head of Human Resources. The view of that position and its incumbent should be one of an objective person caring for and ensuring the well being of all employees.

Someone had to be the ‘bad guy’ sticking to the script and assuring the public that critical services would be provided in the event of a strike or walk outs. The General Manager of Operations was the official spokesperson for the municipality prefacing all remarks by emphasizing Council’s direction to pay employees slightly above the average to encourage retention and recruitment, and that our offer achieved that direction based on all our research.

What lessons did you learn from this scenario?

Maintain as much distance as possible between Council and employee negotiations; they are difficult and challenging at the best of times without political interference.

Always focus on how you want the relationship with staff to be post-settlement. Chose your messages carefully to maintain a positive supportive approach despite the current tension.

Choose a spokesperson who is an effective public communicator. It is critical that the municipality's spokesperson is articulate, calm and speaks clearly. Image matters. Do not get caught up with "well it is their responsibility". Very few people are effective 'toastmaster' speakers.

Do not compromise the role of the Mayor or the CAO by making them the spokesperson in controversial, emotional conflicts. There are many times when the position of Mayor should be the public spokesperson – but negotiations with employees is not one of those times.

What advice would you give to someone going through a similar situation?

In some municipalities, unions are trying to run a slate of candidates for seats on council. The result is CAO's will need to be willing and able to be an adaptable and advocate for a rationale. Maintain an objective approach to employee relationships that respects the need for cost effective delivery of municipal services.

Most Municipal Government Acts clearly define Council's role. CAO's will need to create the environment and encourage councillors and their Councils to adhere to and respect the law governing their actions.