

**Commerce 4BG3
Public Sector Collective Bargaining
Winter 2020 Course Outline**

**Human Resources
DeGroot School of Business
McMaster University**

COURSE OBJECTIVE

The purpose of this course is to expose students to the context, process and outcomes of public sector bargaining, including practical applications through case analysis.

Prerequisites: One of Comm. 3BA3, 3BC3, OR 4BC3 (recommended)

INSTRUCTOR AND CONTACT INFORMATION

Class: Fridays 8:30 am to 11:30 am

Dr. Paul Bocking

bocking@mcmaster.ca

Office: TBA

Office Hours: 11:30 am to 12:30 pm

Class Location: KTH B124

COURSE ELEMENTS

Credit Value: 3	Leadership: Yes	IT skills: No	Global view: Yes
A2L: Yes	Ethics: Yes	Numeracy: Yes	Written skills: Yes
Participation: Yes	Innovation: Yes	Group work: Yes	Oral skills: Yes
Evidence-based: Yes	Experiential: Yes	Final Exam: Yes	Guest speaker(s): No

COURSE DESCRIPTION

This course examines unionization and collective bargaining for employees in the public and para-public sectors. The topics covered include the origin and growth of public sector unions, models of public sector bargaining, legal aspects of bargaining rights and impasse resolution, bargaining issues and bargaining outcomes, and empirical studies of the effectiveness of dispute resolution procedures. The course also includes a case study of bargaining in the education sector, and an assessment of the emerging movement of 'bargaining for the common good'.

COURSE MATERIALS AND READINGS

Required:

Course Materials Are Available on Avenue to Learn

- <http://avenue.mcmaster.ca>

Custom Courseware

- Available at the bookstore

EVALUATION

Missed tests/exams will receive a grade of zero unless the student has submitted and been approved for a Notification of Absence or MSAF. Late assignments will be penalized 5% for each day they are late. Your final grade will be calculated as follows:

Course Evaluation Breakdown and Due Dates

Assessment	Due Date	Weight
Class Participation	Class Dates	10%
Discussion Facilitation	Selected Class	10%
Midterm Test (In class, 1.5 hours)	February 14	20%
Research Paper	March 27	20%
Negotiations Simulation (In class)	April 4	10%
Final Exam	TBA During Exam Period	30%
		100%

Class Participation: Students are expected to actively participate in class discussions, and to attend all classes. A mark will be assigned based primarily on completion of exit cards. Meaningful participation in class discussions and attendance is also important.

Discussion Facilitation: Each student will work with one or two other students to lead and facilitate one of the weekly class discussions. The role of a facilitator is to encourage discussion and debate on

issues related to that week's topic. This is NOT a presentation: while discussion facilitators might provide a brief summary of the main arguments of the week's readings, as well as introduce and close their questions, they are not expected to simply express their own views at length. Instead, the goal is to get people talking about the issues raised by the readings. For this to work, all students are expected to come to each class having done the readings and prepared to engage in thoughtful discussion and debate. While one discussion facilitator is presenting their question, the other facilitators should manage class participation.

Each discussion facilitator will develop at least **two discussion questions** and post them on Avenue to Learn **at least two days prior to the beginning of the class** (so, each **Wednesday by noon**). Questions should highlight the key themes and concepts in the week's readings, seek to make links between the various readings for that week and to other course materials. Discussion facilitators are also invited to add other relevant resources (academic articles, songs, videos, posters, blog entries, magazine or newspaper articles, film clips, fiction and photographs) in their seminar facilitation and to post them with their discussion questions on Avenue. These supplementary materials should seek to illustrate or shed further light on the readings' themes, but not substitute for the week's readings. The format of the actual discussion is open, and students are encouraged to experiment with different strategies for encouraging discussion.

The Midterm Test will cover material up to the date of the term test. It will be in written-answer format 90 minutes held in the normal class time and location on February 14th, 2020. Additional information will be posted on Avenue to Learn and discussed in class. The principal goals are to test your comprehension of material discussed in class and in readings and to assess your ability to communicate this understanding in written format in an organized and coherent manner. Policy on Missed Test: Students must inform their professor **by email within 24 hours of a test date** through MSAF of any circumstances that prevent them from writing the test. There will be no re-writes or make-ups for the term test missed for University-accepted, verifiable reasons.

Research Essay: There will be several possible topics, drawing from major course themes. They will be discussed in class and posted to Avenue to Learn.

ESSAY STRUCTURE: The final paper *must* contain the following four sections:

1. The introduction will contain a clear and strong statement of the central argument/theme in your paper and an overview of the components of the essay.
2. Framing the Issue. In this section your basic terms and concepts will be defined and the major relevant issues/debates identified. This section will draw on more general sources including required and supplemental course readings on the chosen topic.
3. Case Study. This section will focus on the specific case. It will illuminate the general issues raised in the previous section.
4. Conclusion/Implications. This section will summarize your central argument and will make explicit links to the literature discussed in section two. In this section, you may also assess the contribution of your case study.

LENGTH: The paper will be no more than 3000 words (10-12 double spaced pages). Figures, maps, charts, and tables are not included in the page length and their use is encouraged where appropriate.

SOURCES: A variety of source material should be included. Reference to the course readings is encouraged, but other monographs, academic articles, newspaper and magazine articles must also be included. Reliable web-based sources (government sites, industry associations) are acceptable, but must be cited correctly using an acceptable convention. Statistics are also encouraged.

REFERENCES: All source material must be referenced. A number of citation systems are acceptable (e.g., footnotes, endnotes, references in text (i.e., Smith, 2005) with bibliography. A complete and consistent citation protocol must be maintained. Choosing a system from a well-known academic journal is one way of ensuring consistency. Web-material must also be cited with the URL address and the last date accessed.

CONSULTATION: Each student will have the opportunity to consult with the instructor about their paper (during office hours). Prior to consultation, have some idea of the case study you would like to explore and issues you would like to address.

The Negotiations Simulation will occur during class on April 3. Students will participate within teams in a role-playing scenario representing the negotiators of either a public sector union or employer. Further instructions will be provided in class and posted on Avenue to Learn.

The Final Exam will cover all course material. It will be written answer format, two hours in duration. The date and location will be posted by the Registrar with the April Exam Schedule. Additional information will be posted on Avenue to Learn and discussed in class. The principal goals of the exam are to examine your comprehension of material presented in class and in readings, and to assess your ability to communicate understanding of the material in an organized, coherent manner in written format, utilize appropriate terminology, cite examples, apply what you have learned, and synthesize material from different parts of the course.

Communication and Feedback

Students who wish to correspond with instructors directly via email must send messages that originate from their official McMaster University email account. This protects the confidentiality and sensitivity of information as well as confirms the identity of the student. Emails regarding course issues should NOT be sent to the Area Administrative Assistants.

ACADEMIC INTEGRITY

You are expected to exhibit honesty and use ethical behaviour in all aspects of the learning process. Academic credentials you earn are rooted in principles of honesty and academic integrity.

Academic dishonesty is to knowingly act or fail to act in a way that results or could result in unearned academic credit or advantage. This behaviour can result in serious consequences, e.g. the grade of zero on an assignment, loss of credit with a notation on the transcript (notation reads: “Grade of F assigned for academic dishonesty”), and/or suspension or expulsion from the university.

It is your responsibility to understand what constitutes academic dishonesty. For information on the various types of academic dishonesty please refer to the *Academic Integrity Policy*, located at:

www.mcmaster.ca/academicintegrity

The following illustrates only three forms of academic dishonesty:

1. Plagiarism, e.g. the submission of work that is not one's own or for which other credit has been obtained.
2. Improper collaboration in group work.
3. Copying or using unauthorized aids in tests and examinations

AUTHENTICITY/PLAGIARISM DETECTION

In this course we will be using a web-based service (Turnitin.com) to reveal authenticity and ownership of student submitted work. Students will be expected to submit their work electronically via Avenue to Learn (A2L) plagiarism detection (a service supported by Turnitin.com) so it can be checked for academic dishonesty. Students who do not wish to submit their work through A2L and/or Turnitin.com must still submit an electronic and/or hardcopy to the instructor. No penalty will be assigned to a student who does not submit work to Turnitin.com or A2L. All submitted work is subject to normal verification that standards of academic integrity have been upheld (e.g., on-line search, other software, etc.). To see the Turnitin.com Policy, please go to;

www.mcmaster.ca/academicintegrity.

ONLINE COURSE COMPONENTS

In this course we will be using Avenue to Learn. Students should be aware that when they access the electronic components of this course, private information such as first and last names, user names for the McMaster e-mail accounts, and program affiliation may become apparent to all other students in the same course. The available information is dependent on the technology used. Continuation in this course will be deemed consent to this disclosure.

If you have any questions or concerns about such disclosure, please discuss this with the course instructor.

REQUESTING RELIEF FOR MISSED ACADEMIC WORK

Students may request relief from a regularly scheduled midterm, test, assignment or other course components. Please refer to the policy and procedure on the DeGroote website at the link below;

<http://ug.degroote.mcmaster.ca/forms-and-resources/misled-course-work-policy/>

STUDENT ACCESSIBILITY SERVICES

Students who require academic accommodation must contact Student Accessibility Services (SAS) to make arrangements with a Program Coordinator. Academic accommodations must be arranged for each term of study. Student Accessibility Services can be contacted by phone 905-525-9140 ext. 28652 or e-mail sas@mcmaster.ca.

For further information, consult McMaster University's Policy for Academic Accommodation of Students with Disabilities:

<http://www.mcmaster.ca/policy/Students-AcademicStudies/AcademicAccommodation-StudentsWithDisabilities.pdf>

ACADEMIC ACCOMMODATION FOR RELIGIOUS, INDIGENOUS OR SPIRITUAL OBSERVANCES (RISO)

Students requiring academic accommodation based on religious, indigenous or spiritual observances should follow the procedures set out in the RISO policy. Students requiring a RISO accommodation should submit their request, including the dates/times needing to be accommodated and the courses which will be impacted, to their Faculty Office normally within 10 days of the beginning of term or to the Registrar's Office prior to their examinations. Students should also contact their instructors as soon as possible to make alternative arrangements for classes, assignments, and tests.

<https://multifaith.mcmaster.ca/riso>

POTENTIAL MODIFICATION TO THE COURSE

The instructor reserves the right to modify elements of the course during the term. There may be changes to the dates and deadlines for any or all courses in extreme circumstances. If either type of modification becomes necessary, reasonable notice and communication with the students will be given with explanation and the opportunity to comment on changes. It is the responsibility of the student to check their McMaster email and course websites weekly during the term and to note any changes.

RESEARCH USING HUMAN SUBJECTS

All researchers conducting research that involves human participants, their records or their biological material are required to receive approval from one of McMaster's Research Ethics Boards before (a) they can recruit participants and (b) collect or access their data. Failure to comply with relevant policies is a research misconduct matter. Contact these boards for further information about your requirements and the application process.

McMaster Research Ethics Board (General board): <https://reo.mcmaster.ca/>

Hamilton Integrated Research Ethics Board (Medical board): <http://www.hireb.ca/>

ACKNOWLEDGEMENT OF COURSE POLICIES

Your enrolment in Commerce 4BG3 will be considered to be an implicit acknowledgement of the course policies outlined above, or of any other that may be announced during lecture and/or on A2L. **It is your responsibility to read this course outline, to familiarize yourself with the course policies and to act accordingly.**

Lack of awareness of the course policies **cannot be invoked** at any point during this course for failure to meet them. It is your responsibility to ask for clarification on any policies that you do not understand.

Commerce 4BG3 Public Sector Collective Bargaining Winter 2020 Course Schedule

Week	Date	Reading
1-2	Jan. 10 & 17	Introduction to Collective Bargaining 1. Harry C. Katz and Thomas A. Kochan, "A Framework..." [posted on Avenue to Learn] and "The Role of the Environment," in An Introduction to Collective Bargaining and Industrial Relations, 4 th edition [in CC]. 2. Joseph B. Rose, "Private and Public Sector Bargaining: 1980-2015," 30 pages in CC.
3	Jan. 24	Models of Public Sector Bargaining 1. Mark Thompson and Patrice Jalette, "Public Sector Bargaining", in Gunderson and Taras, eds., Canadian Employment and Employment Relations, Sixth edition (Toronto: Pearson Addison Wesley 2009), pp. 403-429 in CC.
4	Jan. 31	Evolution of Public Sector Bargaining 1. Swimmer, Gene, "Public Sector Labour Relations in an Era of Restraint and Restructuring: An Overview," in Gene Swimmer, ed., Public-Sector Labour Relations in an Era of Restraint and Restructuring (Don Mills: Oxford University Press, 2001), pp. 1-35, in CC. 2. Rose, Joseph B., "Public Sector Bargaining: From Retrenchment to Consolidation," Relations Industrielles, v. 59, No. 2 (2004), pp. 271-294. 3. Rose, Joseph B., "Constraints on Public Sector Bargaining in Canada," Journal of Industrial Relations, Vol. 58 (1), (2016), pp. 93-110. 4. Etienne Cantin, "The Politics of Austerity and the Conservative Offensive Against U.S. Public Sector Unions, 2008 – 2012, Relations Industrielles, 67(4), 2012, pp. 612-632.
5	Feb. 7	Essential Services Disputes 1. Bernard Adell, "Regulating Strikes in Essential (and Other) Services after the 'New Trilogy'", Canadian Labour & Employment Law Journal, Vol. 17, No. 2 (2013), pp. 413-426 and 436-441. 2. Paul Weiler, Reconcilable Differences (Toronto: Carswell, 1980), pp. 209-14 in CC. 3. Joseph B. Rose, "Regulating Essential Service Disputes in Canada: The Designation Model," 2018. 27pp, in CC.
6	Feb. 14	Midterm Test
7	Feb. 21	Reading Week: No Class
8	Feb. 28	Compensation Issues 1. Jeffrey Keefe, "Debunking the Myth of the Overcompensated Public Employee, EPI Briefing Paper #276, September 15, 2010 (Washington: Economic Policy Institute), 14 pages in CC. 2. M. Gunderson, "Public Sector Compensation," in Public Sector Collective Bargaining in Canada, Gene Swimmer and Mark Thompson, eds, pp. 103-134 in CC.

		<p>3. Jake Rosenfeld and Patrick Denice (2019), "What do government unions do? Public sector unions and nonunion wages, 1977-2015," <i>Social Science Research</i>. 78: 41-56.</p> <p>4. Goldblatt Partners (2019), <i>Ontario Introduces Wage Restraint Legislation</i>. 9 pages Available on Avenue to Learn</p>
9	Mar. 6	<p>Interest Arbitration</p> <p>1. Peter Feuille, "Selected Benefits and Costs of Compulsory Arbitration," <i>Industrial and Labor Relations Review</i>, Vol. 33, No. 1 (October, 1979, pp. 64-76.</p> <p>2. Joseph B. Rose, "The Ghost of Interest Arbitration," <i>Canadian Labour and Employment Law Journal</i>, Vol. 8, No. 2 (2000), pp. 253-289.</p> <p>3. Joseph B. Rose. 2016. "Budgetary Restraints and Compulsory Arbitration in Ontario," <i>Dispute Resolution Journal</i>, 71(4), pp. 91-109 in CC.</p>
10	Mar. 13	<p>Education Sector Negotiations in Ontario</p> <p>1. Michael MacNeil (2014), "Collective Bargaining Between Teachers and the Province of Ontario, 2012-2013: A Study in Charter Politics," <i>Education and Law Journal</i>. 23: 121-147.</p> <p>2. Stephanie Ross, Larry Savage and James Watson (2019), "University Teachers and Resistance in the Neoliberal University," <i>Labor Studies Journal</i>. https://doi.org/10.1177/0160449X19883342</p>
11	Mar. 20	<p>The Charter of Rights and Freedoms</p> <p>1. Sonia Regenbergen and Christopher D. Pigott. 2013. "Constitutional Restrictions on the Capacity of Governments to Enact Reforms: Does section 2(d) of the Charter Include a Right to Strike?," <i>Canadian Labour & Employment Law Journal</i>, 17(2), pp. 449-458.</p> <p>2. Lancaster House, "Government Roll Back of Wage Increases Following 2008 Financial Crisis did not Violate Collective Bargaining Rights under Charter, Supreme Court Rules," April 8, 2015, eAlert No. 66, 4pp in CC.</p> <p>3. Lancaster House, "Workers' Right to Choose their Bargaining Agent Free from Management Influence Protected by Freedom of Association in Charter, Supreme Court Rules," April 8, 2015, eAlert No. 66, 7pp in CC.</p> <p>4. Lancaster House, "Ontario Government's 'Inflexible and Intransigent' Approach to Bargaining Violated the Charter of Rights, Judge Rules," August 15, 2016, eAlert no. 288, 4pp in CC.</p> <p>5. Lancaster House, "B.C. to Spend \$50 Million on New Teaching Positions Following Supreme Court of Canada Ruling – More Funds to be Agreed on Later," March 14, 2017, eAlert No.404, 3pp in CC.</p> <p>6. Larry Savage ad Charles W. Smith. 2017. "Conclusion: Which Way Forward for Labour?," <i>Unions in Court</i>. Vancouver: UBC Press, pp. 207-220 in CC.</p>
12	Mar. 27	<p>Bargaining for the Common Good</p> <p>1. Joseph McCartin (2016), "Bargaining for the Common Good," <i>Dissent</i>. 63(2): 128-135.</p> <p>2. Eleni Schirmer (2019), "After Act 10: How Milwaukee Teachers Fought Back," <i>Dissent</i>. 66(2): 48-56.</p> <p>3. Sarah Jaffe (2019), "The Radical Organizing That Paved the Way for LA's Teachers' Strike," <i>The Nation</i>. January 19. Available at: https://www.thenation.com/article/los-angeles-teachers-strike-utla-organizing-solidarity/</p> <p>4. Sarah Jaffe (2019), "The Chicago Teachers Strike Was a Lesson in 21st-Century Organizing," <i>The Nation</i>. November 16. Available at: https://www.thenation.com/article/chicago-ctu-strike-win/</p>
13	Apr. 3	<p>Negotiations Simulation</p>