

Getting Good Agreements: Does Third-Party Intervention Improve Faculty Union Contracts?

Jennifer Dekker University of Ottawa Cecile Farnum Ryerson University

Abstract

Although many faculty and academic staff in Canada are union members and collective bargaining is a regular occurrence in all Canadian provinces, there is scant contemporary literature devoted to the effectiveness of third-party intervention in achieving satisfactory results for unions and their members in academic settings. This article reports on the results of interviews with union negotiators and content analysis to explore this issue. We discuss the risks and benefits of intervention in a variety of bargaining situations from low-stakes to hostile.

Keywords *Collective bargaining; Alternative Dispute Resolution; sector norms; mobilization*

Négociier de bonnes conventions :

L'intervention d'une tierce partie améliore-t-elle
les contrats négociés par un syndicat de professeurs?

Résumé

Même si, au Canada, bon nombre des professeurs d'université et autres membres du personnel académique sont syndiqués et même si la négociation collective est chose courante dans toutes les provinces, peu d'études examinent dans quelle mesure les interventions de tierces parties bonifient les résultats des négociations pour les syndicats et leurs membres des milieux académiques. Dans cet article, nous rendons compte des résultats d'entrevues réalisées avec des négociateurs syndicaux et d'analyses du contenu pour mieux fouiller cette question. Nous discutons des avantages et des risques que présente ce type d'intervention dans divers contextes, des négociations sans grands enjeux aux négociations carrément conflictuelles.

Mots-clés *Négociation collective; mode substitutif de résolution des différends; normes sectorielles; mobilisation*

Most professors and academic staff in Canada are members of certified labour unions or associations with similar rights and functions.¹ Unions negotiate with management to enhance contract language when collective agreements expire, or by mutual agreement at other times. The typical goal of collective bargaining for unions is to improve the terms and conditions of employment for members of the bargaining unit, whereas the goals of the employer include labour peace (preventing a strike) and extending management rights. Improvements to working conditions for unionized academic staff include health benefits, pensions, physical workspace, remuneration, and vacation or other leaves, among others. When collective bargaining becomes difficult or reaches an impasse, third-party intervention² may be sought by the disputants, or imposed by provincial law. Despite the fact that many faculty and academic staff in Canada are union members and that collective bargaining is a regular occurrence in all Canadian provinces, there is scant contemporary literature devoted to whether the use of third-party intervention is effective in achieving satisfactory results for unions and their members in academic settings. For the purposes of this study, the term third-party refers to a neutral individual who is hired to assist the disputing parties to manage or resolve their conflicts in the collective bargaining setting. They consist of arbitrators who make a legally binding decision; mediators who assist the parties in various ways but do not impose any binding decision; and conciliators who are usually appointed by the province in which they operate and who, like mediators, assist the parties but have no decision-making authority. Third parties may be engaged on a voluntary basis or provincial labour laws may mandate their services. We use the term faculty union to refer to legally recognized and certified bargaining units.

Our study seeks to understand whether third-party intervention has an impact on the quality of collective agreements as experienced by academic faculty and staff involved in the collective bargaining process. We determined that although there are some faculty unions that were satisfied with third-party intervention, this was far from universal. Through interviews and content analysis, we learned from those who have direct experience with third party intervention during labour negotiations.

Other questions about the uses of third-party intervention are similarly neglected in the literature. These include when and why do parties involved in collective bargaining engage a third party? What impact does third-party intervention have on collective bargaining and collective agreements? Do third parties only focus on settling a dispute, or can the intervenor(s) assist union members in achieving additional goals that may be beneficial to the post-secondary sector as a whole? Although not the original intention of our research, our interviews made us question whether growing dependency on third-party intervention might present new opportunities for increasing material and social justice benefits to those who work and study in the Canadian post-secondary system, but who are not necessarily covered by the collective agreements being negotiated.³

Literature Review

There exists a broad literature on collective bargaining, negotiations, conflict resolution, and third-party intervention. Third parties typically provide a range of services: including fact-finding (where a neutral third party examines the arguments of both sides and makes recommendations regarding resolutions), facilitation (focused on communication and information sharing), conciliation (encouraging the parties to settle the dispute), mediation (informal, confidential discussions between the parties that can often lead to dispute

settlement), and arbitration (a legally binding decision). Together, these approaches are collectively known as Alternative Dispute Resolution (ADR). These extrajudicial systems of conflict resolution are said to offer quicker, less expensive, more cooperative, and often more effective solutions than litigious options (Feuille, 1992). However, the assumption that an impartial third party is more effective at resolving disputes than the disputants arriving at an agreement themselves is debatable. This is particularly the case when conflicts are non-linear, when goals involve “changes in the distribution of resources” (Schehr and Milovanovic, 1999 p. 217), or when non-traditional demands are central to the conflict. For example, the Chicago Teachers’ Union demanded caps on public school class sizes, additional art teachers, nursing and social services for students, and its members struck in 2019 against austerity agendas that starved schools of public funds (Bradbury et al., 2014 p. 129; Maass, 2019). Whether third parties can be effective at assisting bargaining when demands go beyond the collective agreement is yet to be fully understood.

Many large-scale empirical studies regarding the settlement of collective bargaining disputes were executed in the post-World War II era, when the labour movement gained momentum first in private industry, and later in the public sector. Research has diminished greatly in the past three decades as unionization has plateaued or declined (Galarneau & Sohn, 2013; Wickens, 2008 p. 545)⁴. Contemporary scholarship on the use of third parties tends to be neglectful of the post-secondary sector, despite the intensity of unionization of academics in Canada, estimated at 80% (Katchanovski, Rothman, & Nevitte, 2011 p. 349) and recent substantial growth of union affiliation in post-secondary educational institutions in the US (Herbert & Apkarian, 2017).

Furthermore, literature on ADR often discusses the methods for settlement of disputes rather than the parties’ satisfaction with third party intervention. While this goal is the result of decades of practice in conflict resolution, it can be neglectful of other desirable outcomes such as conflict transformation (Fisher, 2011 p. 160), quality or satisfaction with the agreement, and justice-oriented goals. Conflict transformation involves identifying structural issues that lead to conflict and changing them to prevent the same conflict from recurring (“Transforming conflict,” 2019). The quality of agreement is instrumental in managing or transforming conflict, but ADR literature rarely mentions any follow-up with disputants regarding their levels of satisfaction with agreements achieved with the assistance of a third party.

The practical value of third-party interventions includes better and more frequent communication between disputants, providing an intermediary in situations where parties refuse to meet, encouraging or suggesting solutions to conflicts, interpreting the positions and statements of each side for parties who do not or choose not to understand each other, building trust or suggesting solutions that do not require trust, and providing a way for parties to compromise without having to directly concede to each other (Carnevale and Pruitt, 1992). Mediation specifically has been found to be more useful in moderate rather than intense conflicts, when motivation to reach settlement is high, where there is not a severe shortage of resources, when the parties disagree on specific items rather than general issues, and when there is not a serious power imbalance between the disputants (Carnevale & Pruitt, 1992). Mediation in ‘rights conflicts’ — which occur when new language is being negotiated into a collective agreement — are less effective than interventions in ‘interest conflicts,’ where interpretation of existing language in a collective agreement is the subject of disagreement. A 2013 study revealed that a 30% difference in settlements was achieved when the two types of

conflict situations are compared (Martinez-Pecino, Munduate, Medina, & Euwema, 2013). Since much collective bargaining attempts to improve existing language, this figure bodes well for negotiations.

Data from the Workplace Information and Research Division at Employment and Social Development Canada⁵ regarding the frequency of dispute settlement in Canada suggests that despite an increased use of third parties in resolving collective bargaining impasse in the public sector, the number of settlements reached through conciliation and mediation did not increase significantly, and in certain cases, decreased over a 35-year period (Rose, 2019). Between 1980 and 2015, the number of public sector settlements achieved with the use of a conciliator decreased by 3% and those settled by mediation increased only 2% (Rose, 2019). Agreements achieved without the assistance of a third party grew by roughly 10% during the same period. It should be noted, however, that many Canadian universities have independent unions, and that these data sets may not be reflective of trends in the post-secondary sector.

Mironi (2011) is one of the few authors to interview disputants about levels of satisfaction with arbitration in a collective bargaining dispute. In his study of doctors in Israel, Mironi found that union members were extremely dissatisfied with the outcome, and over the life of the ten-year agreement, became increasingly dissatisfied with the process as well. The employer representatives likewise had negative impressions. However, a second study examining satisfaction with third-party intervention found that firefighters and police unions in New York State rated the process favourably, since they achieved better results through arbitration than with collective bargaining alone (Kochan, Mironi, Ehrenberg, Baderschneider & Jick, 1979 p. 159).

Method

The authors interviewed union negotiators about their experiences with third party intervention in academic labour negotiations. We asked about the number of times they had used a third party to resolve conflict, the role(s) of the intervenor, the party who initiated intervention, and specific effects of, and satisfaction with third parties in resolving bargaining conflicts. Participants were recruited through the Canadian Association of University Teachers' (CAUT) email list-serv, which is subscribed to by a large number of active faculty association volunteers and people who have been on faculty bargaining teams. CAUT's membership includes academic staff representing 72,000 teachers, librarians, researchers, general staff and other academic professionals at some 125 universities and colleges across the country. CAUT gave permission for the researchers to use the list-serv for recruitment purposes because the study is concerned with a subject matter that is relevant to the list. In addition to utilizing CAUT's membership network, the researchers also personally contacted faculty associations at institutions in provinces that were not already represented in the study. A total of fifteen participants were interviewed from Alberta, Manitoba, Ontario, Nova Scotia, and New Brunswick. Interviews were structured but there were opportunities for open-ended reflection. The complexity of responses ranged according to the number of events described and how many stages of the conflict were discussed. To simplify their comments, certain respondents generalized their experiences over several negotiations to find commonalities throughout them, while others spoke in depth about one or two negotiations only. Most of the interviews were conducted over the phone and transcribed

by the interviewer, but one participant was interviewed in person. Interview responses were reviewed and coded by theme.

Where is third-party intervention required in Canada?

The following table indicates where in Canada third-party intervention is a requirement prior to strike or lockout.

Province	Is third-party Intervention a requirement before a strike or lockout?
British Columbia	Not required.
Alberta	Not required.
Saskatchewan	Required: either a labour relations officer, mediator, or conciliator will be appointed after negotiations reach impasse.
Manitoba	Required if the Minister of Labour decides to appoint a mediator or conciliator. Mediation can be initiated during a strike.
Ontario	Required: conciliation is mandatory.
Quebec	Not required.
New Brunswick	Required: conciliation is mandatory.
Nova Scotia	Required: conciliation is mandatory.
Prince Edward Island	Not required.
Newfoundland	Not required.

Discussion

Despite a broad range of experiences in Canadian provinces with varying laws and practices regarding collective bargaining and third-party interventions, large differences in the size of unions, and the age of the collective agreements, common themes emerged from the interviews. Some reflected previous findings discussed in the literature, while others revealed new elements of third-party intervention. These are discussed in the following pages.

General observations

The respondents in this research were generally passionate and committed union negotiators, even though recent rounds of collective bargaining frustrated some. Many were seasoned negotiators with decades of

experience, while others had only participated in one or two rounds of collective bargaining. When entered into willingly, or initiated by the union negotiators, respondents tended to describe third-party intervention as helpful. The decision to seek outside assistance was made when unions recognized that the parties would benefit from outside experience, or when the conflict was ripe for settlement.⁶ However, when interventions were imposed on unions they were seen as a heavy-handed, legislated interference in negotiations, which might explain why fewer unions request third-party intervention than employers (see below). Openness to the process is hindered and efficiency is lowered when intervention is imposed, and when the impartiality of the third party is in question. The issue of impartiality was a concern in areas with small pools of provincially appointed third parties.

Who initiated third-party intervention?

When grouped together regionally, participants in Manitoba and Alberta related accounts of 17 different third-party interventions in three universities. Two of the unions had been on strike in recent years. In this group, all third-party interventions were initiated by the employer, except in two instances when they were mutually initiated. No respondent in this group recalled the union ever requesting third-party intervention independently.

Respondents in Ontario described 14 different interventions at five universities. Two had been on strike in past years and another nearly went on strike. In this group, third-party intervention was initiated four times by the union, eight times by the employer, and twice by agreement of both parties.

In the Eastern provinces (Nova Scotia and New Brunswick), respondents representing four universities and 13 third-party interventions stated that unions and employers initiated six interventions each, and only one was invited by mutual agreement. Three of the bargaining units had been on strike in recent years.

Although our data indicated that third-party intervention is initiated more often by the employer than the union, most interview participants did not have strong opinions regarding whether it should be requested by one or the other disputant. Irrespective of who initiates mediation, conciliation, fact-finding, or arbitration, there was agreement that the broader union membership expects union negotiators to participate in alternative dispute resolution in good faith as part of bargaining. For a few unions, third-party intervention is now a standard element of collective bargaining and both parties expect it. One respondent stated that their union had suspended its right to strike in favour of routine arbitration given the current circumstances and characteristics of its employer. In this instance, the union considered arbitration to be more effective than striking or collective bargaining alone.

Communication

In general, participants were the most satisfied with improvements to communication as a result of third-party intervention. Third parties were said to motivate the employer to come to the negotiating table, explain bargaining positions, and prevent extended strikes. Even participants who were the most resistant to working with third parties admitted that mediation is effective for getting the parties talking or better understanding opposing perspectives. Beneath this comment, however, is the sense that employer teams lack respect for collective bargaining and that combative, hostile negotiators (especially external consultants or lawyers hired to be chief negotiators) are a sign of disregard for the other party and counter-productive to

resolution. One participant mentioned the importance of having a witness to the negotiation in the form of a third party, something that was echoed in various ways by others. Often respondents stated that their negotiating positions were taken more seriously when presented by mediators or conciliators. In several cases, union demands were received differently by the employer team when the third-party was in favour of them — this was especially the case when unions were attempting to achieve sectoral norms for salary and extended health benefits.

Timing

Many respondents mentioned that timing is improved with the use of third parties. There was almost universal acknowledgement that third parties achieve settlements faster and prevent long strikes. In several recent negotiations, the employer suggested a schedule that included only a few negotiating sessions, but a quick route to mediation, suggesting that these employers prefer third-party intervention to bargaining. Many participants had the impression that relying on third-party intervention was becoming commonplace in post-secondary union negotiations and some respondents suspected that it is a way to “keep unions in line.” Readers should remember that third-party intervention was not the only reason that settlements were reached more quickly. A strong strike vote and strike deadline also had significant impacts on timing.

Maturity of collective agreement

Union experiences with third-party intervention were the most positive where the union had recently organized and when the collective agreement was relatively new, especially if peer institutions had significantly better working conditions codified in a collective agreement. Third parties regularly helped unions achieve sectoral standards in terms of salaries and extended health benefits. However, as unions and collective agreements matured, interviewees felt much more strongly that the employer and the union negotiators were uniquely able to understand the contract and preferred to negotiate independently. Union negotiators with significant experience were also much more likely to prefer unassisted bargaining.

Competence of third parties

Experienced and knowledgeable third parties were appreciated by interview participants, who also indicated that such qualities were not typical in their province’s pool of mediators, conciliators, and arbitrators. To have more control over the conflict resolution process, parties preferred to hire skilled and impartial private contractors if they could afford to. When this occurred, satisfaction was high on the union side; one participant noted that the decision to engage a third-party can be empowering as both sides jointly choose someone who they believe is competent. It should be noted here that not all faculty unions can afford to hire private contractors and that the more experienced and skilled the third party, the higher the cost. This is a disadvantage for new unions and for those whose contracts fall behind sectoral norms.

When having to rely on provincially mandated third-party intervention, participants often expressed impatience and frustration because experience and knowledge of post-secondary sector contracts were lacking. Several respondents mentioned the concept of shared governance as an example. Most industrial labour unions do not include such language in their collective agreements and respondents did not think that most third parties could appreciate the critical importance of shared governance or effectively forward the interests of the union with respect to this topic. In one specific example, a female-dominated faculty union

attempted to negotiate innovative family violence and domestic caregiving leaves. Initially the union was not successful. The conciliator then unwisely took a risk and opened with these contentious issues, failing to achieve settlement. It was only in post-conciliation negotiations that the union succeeded, and its collective agreement now includes these important provisions for members.

Employer's lack of preparation

Unions exhaustively prepare for collective bargaining, often months or sometimes years in advance. However, the same cannot be said of employer negotiating teams that, according to the participants, arrive largely unprepared and sometimes unwilling to negotiate. Union negotiators interpreted the absence of adequate preparation as a lack of commitment to the process, and as a show of disrespect towards the union. An unfortunate consequence of the lack of preparation combined with the intervention of a third party is what some respondents called “the unhelpful drama surrounding negotiations.” It causes the broader union membership to become anxious and frustrated, adding further pressure to collective bargaining. Third parties were identified positively as one way to motivate the employer teams to take negotiations seriously, to incentivize concession, encourage compromise, and ultimately achieve agreements.

Risks of Third-Party Intervention

Several interview participants viewed third-party intervention as risky because the parties lose some control over the process of collective bargaining. Union negotiators worry that the complexity and details will get dropped in favour of finding easy solutions that do not address a multifaceted issue. Furthermore, that third parties rely on precedents makes union negotiators uneasy. If the precedents do not favour the union's desired outcome, it becomes even more difficult to make gains. One respondent mentioned that conciliation has resulted in unwelcome surprises, such as the conciliator writing the language into the collective agreement rather than the language having been agreed to by the parties at the table.

Member and Student Mobilization

Many participants insisted that member mobilization, history of strike, calling for a strike, and student support are all valuable in negotiations, and play a more important role than third-party intervention in getting a satisfactory agreement. A couple of respondents were firm that there is no substitute for member mobilization — third parties cannot achieve the same results as a bargaining unit willing to strike. A significant factor in building member engagement is open and transparent communications regarding the demands of both parties. Several bargaining units visit every department, speak directly to all members, and listen to their concerns. This intensive organizing leads to better outcomes for the union. Although third-party intervention (especially mediation) is often confidential and limits what a union can tell its members, this was not flagged as problematic. This is likely because by the time third-party intervention occurs, member engagement is already strong. As secrecy is perceived to be favourable to the employer, it is critical to have members mobilized prior to third-party intervention.

Whether there is a causal effect of a strike vote or student pressure on the employer and a union's willingness to settle a bargaining dispute is not known from the data collected. Nonetheless, the strong correlation between strike votes combined with third-party intervention suggests that these are both tools that encourage contract settlements and may signal that the conflict is ripe for settlement. Strong member

and student support for the union can also improve the position of the union in the third party's estimation, which helps the union "resist caving" according to one participant. In one notable strike, the employer published its final offer in the local newspaper, thinking it would turn public support against the faculty association, but students united to publish a counteroffer in support of the union. Student support increases the bargaining unit's strength at the table - such displays of solidarity demonstrate concretely that employer positions are unacceptable to the very students the university exists to educate. When the union faces pressure from the third party as well as from the opposite side, member and student mobilization ensure that the union stays firm.

Does third-party intervention improve collective agreements?

Nearly half of the respondents cited instances where third parties pushed the employer for concessions that would not have been possible without third-party assistance or mentioned that third parties helped them resist concessions. As noted, third parties are helpful in achieving sectoral norms, especially with respect to salary and benefits. For example, one mediator convinced the employer to provide vision benefits to a union whose comparators already had the same benefit. A different union achieved a dental plan during mediation for the same reason. Finally, another conciliator assisted two unions in expanding their membership base to include categories of academic staff not previously covered by the collective agreement. On the other hand, several respondents mentioned they felt they had to negotiate with both the third party and the employer, and had to resist the third party's calls for compromise, especially on issues that may have been relatively unimportant to the sector as a whole, but had critical importance to the local union during a specific round of bargaining. One participant even noted, "Our achievements have come despite, rather than because of third-party intervention." Unfortunately, in one case, the third party pushed the union negotiators to settle for a salary package that was less than what it was comfortable with, and that union is now having to make up for the concession in its current round of bargaining. What made the difference between achieving a good agreement with the use of third-party intervention and compromising beyond what a union is comfortable with cannot be ascertained by the data we collected. However, innovative improvements were observed to have taken place at small universities and in provinces with significant budgetary challenges. It is possible that with less money on the table, unions and third parties focus on issues that do not cost as much as large increases in salary.

Conclusion

Despite the widespread use of third-party intervention in collective bargaining in the academic sector, there is no conclusive evidence regarding its level of value to academic staff and faculty. While some interviewees saw benefits to their labour negotiations, particularly when achieving sectoral norms, others saw third parties as impediments to the collective bargaining process, even going as far to view them as agents of the employer. Despite this divergence, most participants agreed that communication between the union and employer improved with the participation of a third party — in particular, having the third party convey the importance of specific issues to the other side, or confirm the existence of sectoral norms. Academic unions should consider their primary goals during negotiations, their relationship with the employer and their specific bargaining environment prior to third-party intervention. The negotiating team's prior bargaining

experience and knowledge of the academic sector, particularly with respect to sector norms and emerging issues, should also be key considerations. These and other factors may help them anticipate the benefits and challenges associated with third-party intervention in collective bargaining.

With respect to social justice-oriented goals, which are becoming increasingly high profile issues in education sector collective bargaining (Coulter & Erwin, 2015; Maass, 2019), we suggest that unions should push third-parties to advocate for possible gains that do not currently exist in collective agreement language, but that are important to the membership. Innovative language regarding class size, numbers of contract and precarious workers, membership scope, and various innovative leaves are examples where professors and other unions have negotiated or attempted to negotiate new gains that push the boundaries of our collective agreements. For unions that are interested in moving beyond traditional bread and butter issues, groups such as Bargaining for the Common Good⁷ offer suggestions for working across labour unions and even with community and student groups to achieve benefits for the whole community of interest, and not only those strictly covered by a collective agreement.

Based on responses from our interviews, unions should approach third-party intervention with realistic expectations. If a union is attempting to achieve the same salaries or benefits as other comparable institutions, there is a good chance that a third party will help to achieve this. However, if the employer is routinely rushing to third-party intervention, this might mean it is not taking the union seriously, is unwilling to adequately consider union proposals, is only interested in maintaining the status quo, or thinks a better deal is possible through negotiating with the third party rather than with the union itself. Though an additional burden for union negotiators, third parties can, like other participants in a high-pressure situation, be persuaded. With effort and commitment to a cause, several unions in this study were able to achieve innovative results that were partly gained by working with a third party. Though there are few guidelines for how to make such gains, and the limited number of participants who were willing and able to speak about their experiences preclude any suggested pathways for doing so, this exploration of the experiences of academic union negotiators has revealed that success with third-party intervention is possible.

We also note that the local context of collective bargaining is important. Faculty associations are advised to communicate with other unions in their province. Mediators, conciliators, arbitrators, and other third parties generally work within their own province (though there are instances where mediators are called from external jurisdictions), and our partners in other institutions may help to make better decisions regarding the use of third parties. Faculty associations are encouraged to contact their local advocacy organizations; groups such as the Ontario Confederation of University Faculty Associations (OCUFA) in Ontario, the Association of Nova Scotia University Teachers (ANSUT), the Canadian Association of University Teachers (CAUT), or the Canadian Organization of Faculty Association Staff (COFAS) may be able to offer advice and assistance regarding both the choice of third party and the methods for working with one.

Finally, we hope that faculty associations will examine their use of third parties in bargaining and share experiences with others in order to build a clearinghouse of information regarding this increasingly common practice. By doing so, we can better understand methods for getting good agreements — whether directly applicable to union members, to students, or to other stakeholders in our universities.

References

- “Alberta introduces bill to give professors, other academics right to strike.” *CTV News*.
<https://www.ctvnews.ca/canada/alberta-introduces-bill-to-give-professors-other-academics-right-to-strike-1.3358130> (April 6, 2017).
- Association of Academic Staff University of Alberta. (2017). “About us: Membership.”
<https://aasua.ca/about/mem>
- Bradbury, A. et. al., *How to jump-start your union*. Detroit, MI: Labor Notes, 2014.
- Carnevale, P. J., and D. G. Pruitt. (1992). “Negotiation and mediation.” *Annual Review of Psychology* 43: 531–82.
- Coulter, N. and L. Erwin. (2015). “More than a bargaining unit: York University Faculty Association’s commitment to social unionism.” *Academic Matters* <https://academicmatters.ca/more-than-a-bargaining-unit-york-university-faculty-associations-commitment-to-social-unionism/>
- Feuille, P. (1992). Why does grievance mediation resolve grievances? *Negotiation Journal*, 8(2): 131-146.
- Fine, S. “Canadian workers have fundamental right to strike, top court rules.” *Globe and Mail*.
<https://www.theglobeandmail.com/news/national/top-court-upholds-canadian-workers-right-to-strike/article22717100/> (January 30, 2015).
- Fisher, R.J. “Methods of third-party intervention.” In *Advancing conflict transformation. The Berghof handbook II*, eds. B. Austin, M. Fischer, and H.J. Giessmann. Opladen/Framington Hills: Barbara Budrich Publishers, 2011. 157–82.
- Galarneau, D. and T. Sohn. (2013). *Long term trends in unionization*. Ottawa, ON: Statistics Canada.
<https://www150.statcan.gc.ca/n1/en/pub/75-006-x/2013001/article/11878-eng.pdf?st=imDfjJfI>
- Herbert, W. A., & Apkarian, J. (2017). Everything passes, everything changes. *Perspectives on Work*, 30–35.
- Katchanovski, I., S. Rothman, and N. Nevitte. (2011). “Attitudes towards faculty unions and collective bargaining in American and Canadian universities.” *Relations Industrielles / Industrial Relations* 66(3): 349–73.
- Kochan, T. A., M. Mironi, R. G. Ehrenberg, J. Badenschneider, and T. Jick. *Dispute resolution under fact-finding and arbitration: An empirical evaluation*. New York, N.Y.: American Arbitration Association, 1979.
- Maass, A. “In striking, Chicago teachers went on the offense for public schools.” *Jacobin*,
<https://jacobinmag.com/2019/11/chicago-teachers-union-strike-contract-lori-lightfoot-2>
(November, 2019).
- Martinez-Pecino, R., L. Munduate, F. J. Medina, and M. C. Euwema. (2013). “Effectiveness of bargaining strategies in collective bargaining.” *Industrial Relations* 47(3): 480–95.
- Mironi, M. (2011). “Experimenting with alternative dispute resolution as a means for peaceful resolution of interest labor disputes in public health care: A case study.” *Law & Contemporary Problems* 74: 201–40.
- Rose, J. B. (2019). Private and public sector bargaining in Canada: 1980-2015. *International Journal of Employment Studies*, 27(1): 64–92.
- Schehr, R.C., and D. Milovanovic. (1999). “Conflict mediation and the postmodern: Chaos, catastrophe, and psychoanalytic Semiotics.” *Social Justice*, 26(1): 208+. <http://link.galegroup.com/apps/doc/A55541551/AONE?sid=lms>.

“Transforming Conflict.” *Berghof glossary on conflict transformation* (2019). https://www.berghof-foundation.org/fileadmin/redaktion/Publications/Books/Berghof_Glossary_2019_eng.pdf, 119–20.

Wickens, C. M. (2008). The organizational impact of university labor unions. *Higher Education*, 56(5), 545–564. <http://dx.doi.org.proxy.bib.uottawa.ca/10.1007/s10734-008-9110-z>

Zartman, I. W. “Ripeness: The hurting stalemate and beyond.” In Committee, O. I. C. R., & Commission, O. B. A. S. S. (2000). *International conflict resolution after the cold war*. Retrieved from <https://ebookcentral.proquest.com>, 225-250.

Endnotes

¹ Academic staff composition varies by university, but often includes professors, instructors, librarians, counsellors (psychologists), gallery curators, language teachers, and clinical employees. The Labour Board in a given province recognizes a certified labour union. Although not all professors and academic staff belong to certified labour unions, staff associations often have similar characteristics and functions including collective bargaining.

² Third parties usually include factfinders, mediators, facilitators, arbitrators, and conciliators.

³ During the writing of this paper for example, we observed the negotiations of secondary school teachers in Ontario centre around opposition to increased classroom sizes and mandatory e-learning for secondary students, both of which were seen as having a negative impact on learning conditions and the student experience.

⁴ Despite the broader downward trend in unionization rates, more and more academic workers in Canada are members of unions. In 2017, Canada saw a massive increase to this number, as all academic staff in the province of Alberta - including graduate students - some 4,100 members at the University of Alberta alone, became members of certified bargaining units as a result of Bill 7 (Association of Academic Staff University of Alberta, 2017). The legislation put Alberta’s labour laws in line with a 2015 Supreme Court of Canada decision that the right to unionize and the right to strike are guaranteed in the Canadian Charter of Rights and Freedoms (“Alberta introduces bill” April 6, 2017; Fine, 2015). Previously, employees of universities and colleges in Alberta had been excluded from unionizing unlike counterparts in every other province.

⁵ Data are available publicly in the NegoTech database available at <http://negotech.labour.gc.ca>

⁶ Ripeness theory applies to the timing of resolving intractable conflicts (Zartman, 2000). Ripeness requires two components: a mutually hurting stalemate (in other words, prolonging the conflict is destructive to both parties) and the parties view the possibility of resolution. Zartman argued that conflict resolution is not possible until the dispute has reached ripeness. The model was developed in the context of international relations.

⁷ See <http://www.bargainingforthecommongood.org/resources/>