

Third Party Intervention in Collective Bargaining Disputes Jennifer Dekker (University of Ottawa)

Negotiation is “the basic means of getting what you want from others,” but is often fraught with conflict when parties with opposing interests engage in collective bargaining (Fisher, Ury & Patton 2011, xxvii). Collective bargaining is a negotiation between employees (usually represented by union officers) and their employer regarding each party’s rights and the working conditions of employees. These can include salaries, hours of work, extended health benefits, pensions, grievance procedures, task definition, physical environment, equipment, etc.... Conflicts can escalate to strikes or lockouts with serious consequences for workers, students, colleges and universities and unions, especially in an economic climate of austerity and a political environment where strikes are less and less visible. This paper will discuss third-party intervention, focusing on facilitation, mediation, conciliation and arbitration, including negotiating librarian issues when they are embedded in a professor-dominated round of bargaining.

Has third-party intervention been helpful in managing conflict so that collective bargaining negotiations can be reasonably successful (meaning that not only do the parties achieve agreement, but they also obtain a reasonable level of satisfaction from the process and the outcome)? When should bargaining teams engage a third party? How does an association select a third party? What should participants in collective bargaining be aware of when engaging the assistance of a third party? These are the main questions that this paper will address.

The methodology consists of a compilation and analysis of desk research and personal experiences. I have participated in three consecutive negotiations on behalf of my union, the Association of Professors of University of Ottawa and have served as its President, from 2015-2017, when the Association engaged in various forms of mediation and negotiations. This discussion will be most useful for participants with an understanding of and some experience with collective bargaining, but will also be suitable for participants more generally interested in collective bargaining in our academic institutions.

Fisher, R., Ury, W. & Patton, B. (2011). *Getting to Yes: Negotiating Agreement Without Giving In*. 3rd ed. New York: Penguin Books.