

We asked the experts: How long?

Jul 25, 2009 04:30 AM

[Comments on this story](#) (5)

[Nick Aveling](#)

STAFF REPORTER

No end in sight. Not even a hint of what may or may not be happening behind closed doors.

Predictably, representatives on both sides remain mum.

That's why the *Star* spoke to three of Toronto's foremost labour relations experts for their take on how we got here, and how we might get out.

THE BACK-TO-WORK LEGISLATION THEORY

John O'Grady is a former Research Director and Legislative Director at the Ontario Federation of Labour. He has helped arbitrate on behalf of the Canadian Union of Postal Workers, the OPP and the Sheet Metal Workers union.

My interpretation is that Miller played what was his last, best card, and he played it early. It hasn't achieved anything like the results that he expected. He was certainly expecting movement on the union side. That movement may have taken place, but certainly everything we've seen since would suggest that not a lot of movement has occurred. That puts him in an extremely difficult position because he doesn't have an encore.

Frequently in these situations, an employer would say to the government mediator, 'We have some movement, we're prepared to do something here.' And frankly, the government mediator would say, 'Hold off, don't make the move until I tell you to. Let me make sure the other side is going to acknowledge this and respond in kind.'

The second thing a mediator would say is, 'By the way, give me the offer and I'll take it to them. Don't announce it at a press conference.' So it's quite clear to me that the mayor acted without either heeding or hearing the advice of people who do this kind of thing for a living.

If I had to bet, I'd say the strike will go to the end of the summer. At that point, you could see the province saying this is starting to jeopardize economic recovery initiatives.

THE WAR OF ATTRITION IN WHICH BOTH SIDES LOSE THEORY

Paul Gardner is the former Director of the Office of Mediation for the Ontario Ministry of Labour, and a partner of Pathe Gardner & Associates, a labour relations consulting firm.

Both sides seem to have painted themselves into tight corners publicly, which is always difficult to climb down from. I don't think there was any conscious plan to posture, but both parties probably feel they have to justify, not only to their members but to the public in general, the positions they're taking. This public stubbornness is making it really difficult for the mediators and the parties themselves to close a deal.

Before a deal can be reached, both sides need to find themselves in a position where they need a compromise that



TONY BOCK/TORONTO STAR FILE PHOTO

Public health nurses picket outside the Etobicoke North Social Services office July 17, 2009. Talks between the union and the city are continuing July 25-26 weekend.

lets both of them walk away, if not feeling whole, then at least not completely ravaged. If either side waits for the other to say, 'Enough already,' I don't think we're looking at days or weeks, but months.

There will be pressure on the bargaining committees from the (CUPE) members who say, 'I can't afford to do this anymore.' From the city's point of view, aside from the political heat, there are the pressures of the city not being in business. Eventually there will be enough of a backlog on the city in terms of building permits and social services that they'll say, 'We've got to do something different than what we've been doing.'

But I don't think it's going to be tomorrow.

THE REBEL FACTION THEORY

John Kervin is a professor at the University of Toronto. He specializes in the sociology of work and industrial relations, having studied a number of job actions beginning with the Toronto teachers strike in 1975.

In general, unions negotiate the recent past: they look at other settlements and negotiate what's been done. Employers negotiate the near future: they focus on the economic outlook, what their expenses are going to be. When you've got a big economic downturn, it means the union's asking for stuff that management just can't give. That's one of the reasons why looking for the end of this one is going to be tough.

Typically, the initiative for ending a strike lies with the union because it very much depends on union politics. They've got to find a settlement that's politically assailable to the membership, and this takes time. What happens is that you begin to get dissension within the union; you begin to get a faction, or more than one, opposed to the leadership. They argue the leadership should cut their losses and go back to work.

On the other hand, any time something appears in the media that makes it look like political pressure is getting to the employer – I'm thinking of the *Maclean's* article ("Toronto Stinks") – that actually slows things down. It makes the union hopeful that the city's going to make concessions.

I'd say we have two, maybe three weeks until internal pressure forces CUPE to make concessions and this thing wraps up.