

# CBC Broadcast Policy and



# 'The Collective' Agreement

*At the opening of new contract talks with its unions in the spring of 1985, the Canadian Broadcasting Corporation (CBC) made a breathtaking array of concessionary demands, including the elimination of job security and union jurisdiction as they had been defined in over 30 years of labour negotiations. Senator Goldenberg, called in a year later to mediate talks between CBC and its main technical union, NABET, said that "the number of issues in dispute is excessively large because CBC seeks in one stage an extensive revision of a very long, technical and complex collective agreement."*

*To the unions, CBC's proposals were the last oppressive straw in a series of indignities encompassing a persistently hard-nosed attitude towards labour and the 1984 budget-cut layoffs. At one point, in the fall of 1986, it seemed as if CUPE, NABET, and the other major unions, might form a lethal united labour front against CBC management. But by Christmas CUPE—both French and English chapters—had settled, leaving its technical brethren at NABET isolated.*

*Why had the most ominous changes in CBC's labour practices been met with, seemingly, such little resolve? What was CBC management up to in launching a major labour offensive at a time when it needed all the support it could muster in the face of severe budget cuts and an uncertain political environment? How could management justify drastic labour changes just as the Caplan-Sauvageau report on broadcasting was—in despair at the mare's nest of labour relations at CBC—recommending a committee of inquiry "to conduct a thorough examination of the labour relations practices and structures of the CBC"?*

*The following article delineates in broad strokes the main issues besetting labour relations at CBC. It was written when many of those interviewed were still under the constraints of negotiations and perhaps could not speak as freely as they might otherwise have done. Finally, the article benefitted from Pat Crawley's, at times, extraordinarily lucid insights into the connection of technology and union jurisdiction.*

by Tom Perlmutter

Societies have dual ways of marking time: an astronomically-based calendar system; and a ritualistic calendar based on significant, often traumatic, events such as the death of a king, the birth of a saviour, etc. Seemingly rational organizations operate on the dual system as much as archaic societies. For example, at CBC we can gauge the relative significance given to calendar time by the way 50 years of public broadcasting was marked in 1986 not with a bang but a whimper.

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## The Year of the Long Knives

What was commemorated in 1986 and continues to be commemorated in 1987 is "the year of the cut." No matter where you go in the Corporation, or whom you talk to, there is a haunting reference back to 1984—whose horror was not so much Orwellian as the reverse: the melting away of Big Brother in any sense, pejorative or otherwise. The outstretched hand of government was withdrawn. "Since the budget" is the hollow echo in the corridors—all the corridors of CBC. No single event in its recent history seems to have traumatized the Corporation more. What OPEC and 1973 was to the western

economy, Wilson and 1984 was to the CBC.

As the money was sucked out of the system the joints began to creak. But by a curious twist of fate one of the most seemingly delicate ligatures in the body corporate—labour-management relations—has proved most elastic under the budgetary pressure. Relations never seemed so fragile as hundreds of employees were laid off and the Corporation gave notice of major 'take away' demands from the unions in the name of flexibility. Despite all that, despite the frustrations of protracted contract negotiations (running close to two years), the large staff unions, poised for strike action since September 1986, hung back as they had never done before.

The cuts meant not only that money wasn't there; the logic behind the cuts posed a threat to the very continuance of the Corporation. While the Corporation had been criticized endlessly in the past, its very existence was never called into question in such a concrete manner. Quite simply, the unions were not willing to endanger the Corporation. The commitment of their members to public broadcasting was overwhelming. There was also fear. If they went on strike would they have jobs to go back to?

## Taking Advantage

From the Corporation's point of view, the silver lining in the Wilson budgetary cloud has been the ability to radically rewrite labour contracts in a way that



would have been extremely difficult under normal funding circumstances. Just how difficult was proved in 1981 when the Corporation attempted to negotiate only part of its radical agenda.

In negotiations with NABET the Corporation came to the table with demands for greater flexibility in the use of contract labour and in commissioning programs from the independent sector. NABET took the position that work should stay in-house except under limited circumstances. CBC offered written guarantees that there would be no erosion of in-house production jobs as a result of contracting out or co-producing programs with private producers. NABET held firm and launched a three-and-a-half month strike. At the end of it, though NABET conceded some points on contracting out, CBC gave way on its major demands. The most stunning management concession was a minimum level of employment (fixed at 2103) of NABET technicians.

The issues of the 1981 talks would re-surface with a vengeance four years later. The minimum level, in particular, stuck like a bone in management's gullet. As Pierre Racicot, interim vice-president of Human Resources at CBC, notes, "There was some unfinished business in '81 about contracting out, utilization of outside resources and job security." But by '85, when new contract talks began, the name of the game had changed.

In the intervening period CBC was being buffeted by major changes both internally and externally – changes that held the potential for a labour relations disaster. Technological change aided by CRTC decisions and a lukewarm, if not hostile, parliament served to undermine public broadcasting by licensing the American domination of Canadian airwaves. One could make a case that CBC's budget cuts were predicated on this technical/regulatory erosion of CBC's audience. Governments could and have argued that CBC was no longer relevant to the majority of Canadians and thus not worthy of extensive funding.

We mustn't forget that while the Conservatives put the knife to CBC the Liberals before them had been quietly bleeding the Corporation through underfunding. CBC's figures show that since 1978/79 the Corporation's government appropriation level has declined by 4.6% as measured in constant 1978/79 dollars. The CBC estimated that by 1986 underfunding had caused a cumulative shortfall of close to \$400 million.

Much of the strategy of CBC has been to show that it continues to be relevant. Rudi Carter, CBC's head of independent production, emphasizes that the Corporation "has demonstrated it's becoming more and more relevant. The constant issue is value for money." With that issue hounding them, change becomes the order of the day. "The alternative," says Carter "is to batten down the hatches. We can become an irrelevant,



• The National – anchored staff

white elephant."

But it's the way that change is effected that concerns the unions. Peter Kappel, former president of CBC's television producers association, wonders if relevance means chasing ratings. "Money has become important. Not what's on. CBC will do anything to build audiences so it can charge more. Audience is now the only consideration." It is a situation that easily leads to conflict as veteran producers are asked to work in ways foreign to them.

Occupying the high ground of Canadianization of the airwaves became the focus of the pursuit of relevance. CBC redefined its strategic goals in terms of increased Canadian content. In its 1983 document *The Strategy of the CBC*, the CBC laid out its plan of action: Canadian programming in prime-time to increase from 20.5 hours to 25 hours each week. Canadianization was to be built on two cornerstones: co-productions with the private sector and the so-called 'Journalization' of the CBC.

### Current Affairs

The Corporation began to concentrate its resources on that which it could do better than anyone else: producing news and current affairs programming. Canadian news, public affairs and sports productions also attract a much larger share of the audience than foreign-produced programs. Since 1981 CBC shifted *The National* to ten o'clock, and created *The Journal*. It later created the regional supper-hour news programs and *Midday*. In its latest vision of the future, the CBC proposes an all-news network.

Wouldn't an increase in news production, any production, be welcomed by the unions? Yes and no. Racicot observes that CBC has gotten to be "more and more a journalistic operation. And the way we have done it – using more and more a daily journalism, which has changed the pressures on the environment. If you have to put out every day, your concerns become delivering that product. You become delivery conscious and not as sensitive as you should be. Your relationships tend to suffer a bit."

The change also meant a new style of production – e.g., *The Journal's* short, video documentaries – at the expense of traditional formats. "The form has shifted," says Carter. "A senior producer

is no longer able to exercise a highly regarded craft. That has had a tremendous impact." For the producers there is a sense of betrayal of lives dedicated to public broadcasting. As one put it, "We're no longer valued. There is no room for us." Racicot confirmed the point. "If you made a career producing documentaries pre-1981 and suddenly we say we are not doing documentaries anymore, you would be displeased. You would say that the boss is uncaring."

At the same time there has been a shift in the relative numbers of staff and contract producers. *The Journal* is staffed almost entirely by contract producers. The unions are afraid that the Corporation wants to move entirely to contract labour which is cheaper and less troublesome than entrenched staff.

### Contracting Out

Dave Martin, director of production and operations, English Television Network, questions "the reality of the fear. I don't see, in the broad sense, any direction, even in these current negotiations, that talks about a large freelance component. What we're talking about is the ability to maintain the amount of people necessary to do the work and no more."

Bob Paterson, president of the Broadcast Council, CUPE, says "Contracting out has been their objective for many years. With each round of negotiations they give it a try and we resist. It's definitely a threat." He thinks that the budget crisis has added a sense of urgency to that objective. "They want to put themselves in a flexible enough position in case of further serious government cuts or underfunding. It's easier to sever connections with contract staff."

Dan Zeidler, branch director of the Canadian Wire Service Guild (CWSG) which represents CBC journalists, sees the use of temporary employees at CBC as a growing problem. "The Corporation has a problem," says Zeidler. "The government has told it to downsize. The Corporation has responded by hiring casual staff and part-timers because they don't show up on the books." He is concerned that using those people downgrades working conditions and salaries. "It's taken us 30 years to make those gains." Obviously, the unions are not about to suffer rollbacks without a struggle.

More than anything else the relatively

new marriage of CBC with independent producers worries the unions. While the CCA-Hollywood North craze of the late '70s was doing its famous belly flop, Canadian production was undergoing a quiet and overwhelmingly successful revolution in television, where producers lobbied for access to the nation's television screens.

The independents won a significant victory in 1980 when the CBC set up the Office of Independent Production to act as a liaison with private producers. The victory signalled a profound change in the industry, endorsed by a federal government eager to foster a private-sector production industry. That policy was formalized by Liberal Communications minister Frances Fox in 1983. The Broadcast Fund, under the aegis of Telefilm Canada, depended on CBC participation to make it work.

For CBC the Broadcast Fund was an almost financially painless way to increase the level of Canadian drama production. In essence the Fund has become an alternative method of funding the CBC, bypassing in-house production. For some it was a back-door privatization of the CBC.

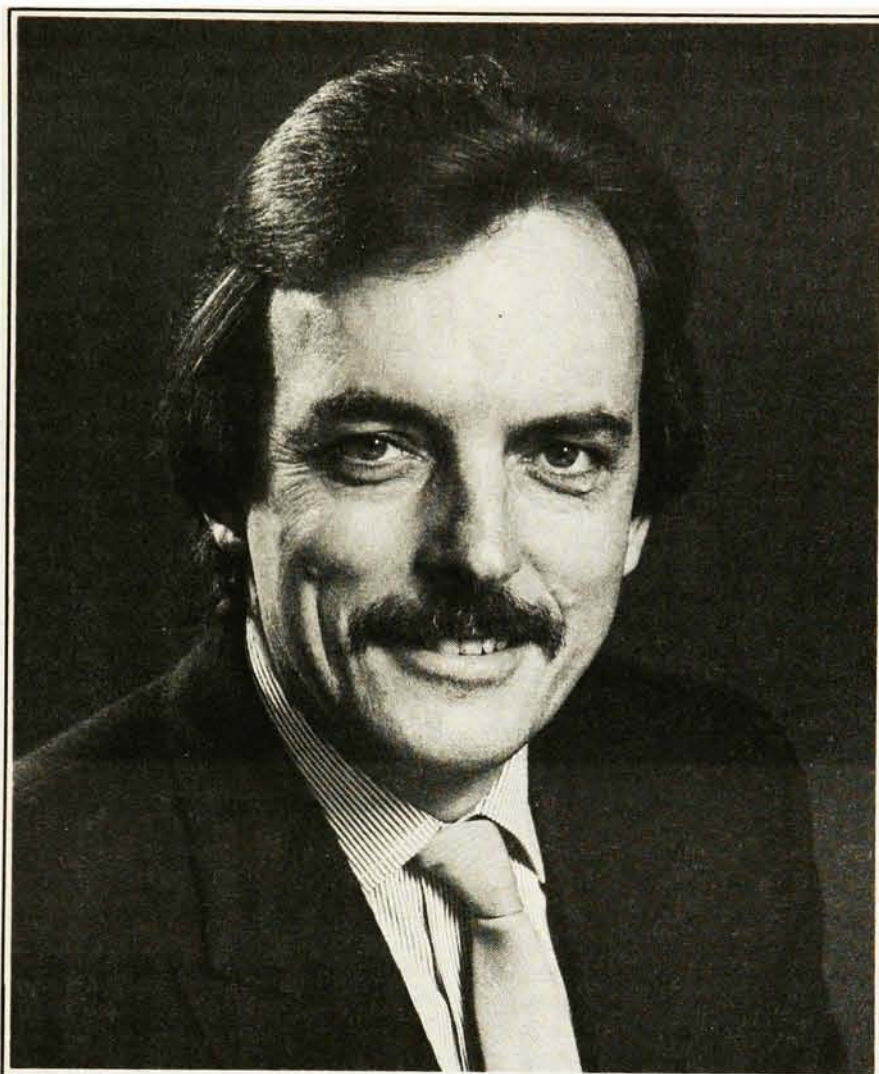
Carter notes, "My perception is that it's CBC money. It's up to us to leverage it. We've been very successful." Martin affirms the fiscal reality. "If you can work with an independent producer and Telefilm, and have the program available to you, in essence, for one-third of the cost because that's your particular share, obviously that's a financial ability that allows us to continue to increase Canadian content."

Over the last few years CBC has publicly affirmed its commitment "to Canadianize the program schedule, primarily through the use of independent production with an overall target of 50 per cent of entertainment programs coming from the private sector."

For the unions it seemed a victory of Canadianization at their expense. Carter says, "The pressure on those individuals comes symbolically from this corner." For CBC staff it is an erosion of what had once been their exclusive domain. CBC management argue that that's just not the case. Co-productions are separate and *in addition to* in-house productions.

Martin concedes that "it would be natural for a union to presume that, had





• Rudi Carter

that programming not existed, there would be more work for them." He adds, however, that "it is not replacing existing CBC-produced programs and is not therefore diminishing staff opportunities. What *is* diminishing staff opportunities is the reality that we may not be able to continue to provide full services in all ranges, in all areas, in all departments given the implications of the 1984 budget. Obviously, if you have 5% less salary budget you have to find a way to operate with 5% less staff in all areas."

All the unions can see, however, is a policy, driven by a government unsympathetic to the CBC, of sending work outside which once was done within the Corporation. Bryon Lowe, NABET's national co-ordinator, is not convinced that "the hierarchy in power at CBC has done what should have been done or could have been done" to alter the situation. Lowe feels that, "if it wasn't for the fact that people work on individual shows and bury themselves in the moment of the day we would have total bloody disaster."

Paterson sees a "balance shifted drastically to out-of-house production as a result of political direction." For his part he is trying to salvage the best he can for his members. "It's a difficult thing to buck," he concedes. In its recently ratified agreement CUPE has agreed to a limited utilization of CBC resources by outside producers in the hopes that CBC management is right when it argues that that "would increase the work opportunities of the membership."

### Critical Mass

At the producers' association the fear is that co-productions will lead to an erosion of what they term "the critical mass," that level of staff required to maintain CBC as a creative organization and to regenerate itself over time through training and development of new talent. Despite reassurances from the Corporation that it is committed to maintaining a critical mass, there is a genuine concern, echoed by management, about a loss of expertise and continuity.

In a candid moment Martin confides, "We've lost many of our key skills. We have to replace those people. We have to seek people in an environment totally different from the environment CBC used to enjoy 10, 15 or 20 years ago. You can no longer infer that we know for certain what the long-term future for you is when you come to join us. That is going to be a very major problem facing us over the next two to three years as more and more of our key creative skills retire."

Budget cuts and underfunding, 'Journalization', and privatization of production were and are major forces acting on the Corporation. None of these were adequately recognized in the existing union contracts. CBC needs to act like a cultural guerrilla retaliating against American domination with more efficient, cheaper, Canadian programming of superior quality; but it has an indus-

trial structure (reflected in management and labour practices) that presupposes an entrenched cultural sovereignty hearkening back to the days when CBC was the only game in town.

### Industrial Relations

The industrial structure is codified by collective agreements which are as much a part of the production process as the way programs are produced. Bryon Lowe expresses indignation that producers can't see that. "People who are involved in programming aspects of CBC have some sort of mysterious belief in the industrial relations system as something totally separate which they can't understand. That is so much bullshit. The whole thing about labour-management relations is just that. It's the relationship between two groups. They understand that when they're making a program - when they're down on the floor and have to keep a crew and musicians and performers as happy as possible to get the best out of them. They understand all that. Yet when it comes to the labour-management relationship suddenly they seem to want to throw it only to these people who have no idea as to what is involved in the product."

### The Collective Agreement

The collective agreements are institutional bibles handed down over generations of negotiations (many unions took hold at CBC in the mid-'50s. They capture the tensions, the methods of operations, the shifting focusses of an organi-

zation. It encapsulates the minutiae of organizational life from pay schedules to holidays. Often newer versions will be encrusted with remnants of bygone times. For example, Racicot notes that in the recent round of negotiations, the Corporation wanted to alter meal scheduling to recognize the production of supper-hour news programs. The existing meal arrangements, reflecting a '50s production schedule, was costing the Corporation hefty penalty payments.

The collective-agreement bibles have their own legion of union and management scholastics poring over the exact meaning of 'the language.' If one phrase stands out in the interaction of labour and management its 'the language' with its ring of a decalogue handed down from some union Sinai.

Racicot, talking about grievances, says "We had different interpretations of the 'language' in the collective agreement." Bryon Lowe marvels at the blindness of management. "Somebody had to say, that what 'the language' says, do it! That's all it needed. Nobody would do that."

'The language' is holy writ but its interpretation is often thorny. Much of it concerns the naming of names with an understanding that proper functioning follows proper naming. For example, the introduction of electronic equipment involved the introduction of new job-description categories.

Lowe recalls that in 1975 a joint management-union committee was set up to establish job descriptions and com-

ensation rates for engineering technicians. It took eight years, several arbitration hearings and a court case to resolve who would be called what.

A leading factor in CBC's labour woes is the proliferation of union contracts. CBC's industrial structure is a veritable Babel of tongues with 31 contracts negotiated with 24 bargaining agents including professional and freelance associations (ACTRA), professional unions (French and English producers), technical unions (NABET) and craft unions (CUPE).

### Disunion

Part of the problem is that the amorphous nature of the Corporation is paralleled by an amorphous union structure. Thus there are separate producers' associations for television and radio. Then there are the divisions along language lines with separate unions for French and English producers, technicians, etc.

The French unions reflect a different social and cultural reality, which was nowhere so evident than in the famous struggle to establish the French producers' union in the late '50s. Since the advent of television the French producers had tried to associate for the purpose of collective bargaining. Radio-Canada would not recognize them, stating that "the Corporation was in no way opposed to the producers forming an association *within management*, but that union affiliation and the right to collective bargaining were incompatible with the producers' role in management."

On December 23, 1958 the producers voted to strike - an act which helped to launch Quebec's Quiet Revolution and the political careers of a generation of Quebec's brightest and best: Trudeau, Marchand, Pelletier, Lévesque. For Lévesque in particular the strike was his road to a Quebec nationalist Damascus. That strike lasted 68 days and the producers won their right to unionize.

It took the English producers, who in 1958 were virulently opposed to their French colleagues, almost 30 years to traverse the same route. Kappelé says, "We were known as a 'wine and cheese society' when I was elected president in 1978." The transformation was via the *Seven Days* controversy and budget cuts. By 1984 deteriorating relations with management pushed the producers to apply for certification as a public union. The Association was certified in January, 1985.

In some ways, the most intractable demarcation is between the industrial and craft unions - a demarcation which has its roots in Canada's labour history and the way the Canadian Labour Relations Board has traditionally carved out jurisdictions.

### The Invisible Guest

Both NABET and CUPE have their roots in American traditions. NABET started as a technicians/engineers union whose



jurisdiction relates to equipment. If a job involves an electronic piece of equipment then it belongs to NABET.

CUPE, on the other hand, ousted IATSE which represents theatrical and film people. Its jurisdiction relates to function, not equipment, and includes all the film functions such as cameramen and editors as well as designers, script assistants, production assistants, etc. As long as function and equipment were separate there was no problem. But technology has bent jurisdictional boundaries out of shape.

In an article on American network unions, Michael Hoyt called technology "the invisible guest at the network poker game, always shuffling the deck, changing the arithmetic." If the technological impact on CBC has been, to date, less severe, it is because budgetary restraints, and a national cultural policy with broadcasting as its jewel (the American networks are not troubled with being the instruments of a government policy), have overshadowed the purely industrial questions. It may also be that underfunding has not permitted the necessary technological modernization at CBC, thus avoiding jurisdictional confrontations for the time being. Technology, if not a yet major issue, is one that will not go away.

NABET, with its jurisdiction, prides itself on being adaptable and welcoming. Bryon Lowe is a source of questions about the union's response to technological innovation. "Most people fail to recognize that in broadcasting it's been constant technological change since the very beginning," says Lowe. "There was the advent of live television, then colour, videotape, and more creative devices. That has been a continuous pattern. There have been adjustments about jobs in broadcasting.

cope technicians', which was the old means of recording live programs on film base. We have jobs today which we never thought of when we began our relationship with CBC. I don't think there is any evidence that we're into a new high-level intensity of technical change. It's always been pretty intense and we've always had to deal with it. We've accommodated technology over the years and will continue to do so."

The immediate impact of technological change is felt in the craft union, CUPE, whose jurisdiction is based on function not equipment. The introduction of Electronic News Gathering (ENG) equipment in the latter half of the '70s sparked a jurisdictional clash. Who controls the video camera? Is it NABET which claims all electronic equipment, or is it CUPE which claims the role?

The changeover to ENG - there is very little film work in news - was a boon to NABET. When the union lost 900 Quebec technicians in 1978, it didn't suffer a drop in union dues, partly because of its takeover of ENG functions.



• Anthony S. Manera

CUPE has currently got an application before the Canadian Labour Relations Board (CLRB) to have their certification amended to reflect its original intent. In other words, to re-define its jurisdiction. Paterson states the re-examination is long overdue. He argues that the change in equipment has not changed the roles. A cameraman, he does not become a technician.

Lowe is not sympathetic to CUPE's position. "They've got no business to be in broadcasting in the first place." He doesn't have much hope for a re-certification. "It's a bit late, folks," he says. "It's been applied about a year-and-a-half ago for re-certification. They used to represent film cameramen doing news and public affairs. They now no longer represent them. Our point is, we've always done news and public affairs, only electronic. Now we're doing more." To cover themselves NABET has formally charged CUPE under the Canada Labour Congress with raiding. That will go to a hearing in March 1987 before Senator Carl Goldenberg, who acted as the federally-appointed conciliation commissioner in NABET's dispute with CBC.

Meanwhile, CBC management can stand aside from labour's fraternal quarrels although conversion to ENG has been the single largest source of grievances. For the moment, Racicot is happy that CBC has had "excellent cooperation from both CUPE and NABET to resolve those issues as the new equipment has come on line."

It is clear, however, that these are skirmishes in the larger battle looming, which threatens to suck other unions into the jurisdictional question. At the Guild there is a clear recognition that technological developments will have

an effect. Zeidler says, "The dilemma will hit in a few years as the Corporation goes to storefront operations manned by the television equivalent of a photojournalist." Under whose jurisdiction will a person acting as producer/journalist operating a lightweight, miniature, electronic camera fall? Producers? CWSG? NABET? CUPE?

### Labour Relations and Creativity

The technology raises the question of what kind of industrial organization is right for the CBC. Racicot feels "it would be easier if all these functions were in one bargaining unit and they know that." Martin sees jurisdictional splits as a root cause of labour difficulties at the CBC. "By tradition in this country most jurisdictions have been carved out by the CLRB and others on the basis of equipment utilization, when in fact, program production is a creative team effort that brings together the varying skills necessary to produce a program. Equipment is only the tool with which programs get produced. It does not necessarily follow that someone with the appropriate creative skills should be relegated to one bargaining unit or another on the basis of equipment involved. Our business isn't studios. Our business is programs. The focus should be on program opportunity. All of the collective agreements, however, follow the traditional labour situation of almost traditional assembly-line process. And that is not our process."

It's a view that Caplan-Sauvageau seems to agree with. Its report suggested that the main labour difficulty was that CBC staff unions were organized on an inappropriate industrial relations model. "We believe that an inappropriate labour relations regime, which flows from the Canadian Labour Code and North American practice in general, is largely responsible for the contentious atmosphere surrounding labour relations at the CBC. Our research indicates that the problem is that an industrial labour relations model has been applied to an organization that is essentially creative in nature. The challenges posed by the creation of cultural products on a massive scale are only intensified by the burdens of the CBC's far-reaching mandate and the need to justify its use of public funds. The question then, is how to go about finding a labour relations model that is suited to the peculiar structure and activities of this complex, sprawling organization."

But, in fact, those so-called industrial models have proved highly successful elsewhere, particularly in the American context where union stratification is more extreme. The suggestion of some higher good at the CBC (who is to determine that: management? labour?) is potentially dangerous because the rights of workers can be easily set aside in the name of that indefinable, sacred, common good, *the creative product*, without any real gain in the production



• Bob Paterson

process.

The real problem is, what kind of production model does one want, producing what kind of programs, at what cost, and, in the light of the above, how can one protect the legitimate rights of workers?

There is no doubt that there will be a period of severe adjustment within the unions as technology forces a convergence of professional, industrial and craft unions. The role of management will be critical in managing change. Evidence to date, however, suggests a management which has opted for change via confrontation.

Time and again union leaders expressed a hard-headed awareness of current realities, coupled with a bitter frustration at being excluded from the change process. "We are a corporation under siege," says Amber. "That's why I find some of management's attitudes problematic. We're not part of the problem. We're part of the solution."

Martin thinks the problem is not management but the situation. "What they get upset about is why the hell can't you tell us what's going on so we can make our plans. That's the dismay about protracted negotiations and all the rest of the situation. If there was a clear direction for the Corporation; if the Corporation knew what its mandate was, what its funding base was going to be and had a clear direction of what we are expected to do, then I would think 90 per cent of what is perceived as labour relations difficulties would dissolve in air."

Ironically, the budget cuts brought CBC's unions together for the first time in support of the Corporation. If they complain about management procedures, it's almost reluctantly, for fear of hurting the CBC. The CBC seems to lack a clearly defined labour relations policy.



**Lack of Strategy?**

In 1984 the Auditor General gave a resounding indictment of labour relations policy at CBC. Among his findings he reported:

- "We did not find any strategic plans in the labour relations area. As a result, there were no long-term or short-term objectives or operational policies governing the Corporation's relationship with the unions."
- "The role and responsibilities of the Head Office labour relations group were not clearly defined and understood."
- "Information developed for use in labour relations was entirely produced at Head Office level and was inadequate for a variety of reasons. These include unreliability and lack of comparability of data."
- "Managers responsible for labour relations often did not have access to members of their own negotiating teams for interpretation of specific clauses in the agreements. Communication between regional and divisional labour relations groups was poor and of concern to many managers in the area."

Racicot questions the auditor-general's "sampling and understanding of the questions." He adds that his comments were made about "situations that existed prior to 1983" and that since then, Pierre Juneau's more centralized organization has dealt with the perceived problems that "decisions were made at the wrong level and did not involve the right people and that communications were not as they should be."

In 1983 the CBC did in fact enunciate an industrial relations policy. It was contained in half a page in *The Strategy of the CBC*. It was a program of radical change designed to obtain "relief from collective agreement constraints." It spoke of "perceptions of 'featherbedding' and 'under-utilization' in the CBC as being related to the process of collective bargaining in the Corporation." It didn't mention working with the unions to build a reinvigorated CBC. In fact, management did not even bother to inform the unions of CBC's labour relations goals.

In November 1983, eight months after centralization, Paterson wrote to Racicot that the union was seriously concerned about a relationship "that has been marred with insecurity, fear, poor or non-existent information, all of which breed mistrust." He made particular reference to the plan laid out in *The Strategy*.

"Once again CBC published a document for the public containing a section on industrial relations without saying a word to the union. If CBC wants to overcome obstacles which might impede realization of CBC's goals, and if it wants to achieve relief from what it believes to be collective agreement constraints, the first step is communication with the union. It only makes sense for us to know what the problems are, what

Union	Description	Members
National Association of Broadcast Employees and Technicians (NABET)	Technical, announcer-operators, building maintenance and building trade employees outside Quebec and Moncton and technical staff in EHQ in Montreal.	2140
NABET (GCMI)	Building Trade employees in Quebec and Moncton.	49
Syndicat des techniciens de réseau français (STRF)	Technical staff in Quebec and Moncton.	1000
Canadian Union of Public Employees, Office and Professional (CUPE)	Office, sales, radio program support and announce staff outside Quebec and Moncton.	1450
Syndicat canadien de la fonction publique (SCFP)	Office, sales, radio program support and announce staff in Quebec and Moncton.	1150
CUPE (Production)	Television production support staff outside Quebec and Moncton.	850
Syndicat des employés de production du Québec et de l'Acadie (SEPQA)	Television production support staff in Quebec and Moncton.	765
Canadian Wire Service Guild (CWSG)	News service staff in all locations except Rimouski, Matane, Montreal, Quebec City, Chicoutimi, Sept-Îles.	550
Syndicat des journalistes de Radio-Canada (SJRC)	News service employees not covered by CWSG.	200
*Foreign Correspondents	Reporters outside Canada.	10
*AF of M	Musicians	freelance
NRPA	Radio producers outside Quebec	119 staff 120 contract
*APR	Radio producers in Quebec.	75
*Canadian Television Producers and Directors Association (CTPDA)	Television producers outside Toronto, Quebec and Moncton.	100+many contract
Association of Television Producers and Directors (ATPD)	Television producers in Toronto.	78+many contract
AR	Television producers in Quebec and Moncton.	160 few contract
*ACTRA	Performers and writers involved in English programming	freelance
*SARDEC	Authors, researchers, writers in French programming.	freelance
*UDA	French performers	freelance
SEU	Janitor staff in Toronto.	51
*IATSE (Local 58)	Access agreement with Metro Convention Centre in Toronto.	
IATSE (Local 471)	Access agreement with the National Arts Centre in Ottawa.	
*Managers' Association	Management supervisory staff	1050
*APRT	Technical producers in Ottawa, Montreal and Quebec City.	

\*Voluntarily recognized by CBC.

is the background, what are these perceived constraints and how does CBC plan to deal with them. Hidden agendas and surprises lead to unnecessary battlegrounds."

The same story emerges from the other unions. Lowe says that "after 1981 there seemed a real attempt to change the relationship. For about a year-and-a-half after the settlement we were having ongoing meetings with senior CBC officials outside the industrial relations philosophy. We were getting an awful lot of stuff sorted out before it ever became a grievance. Then in came the new hierarchy. Everything went back to a so-called centralized system. Things fell apart. Those meetings ceased despite

the fact that that, by itself, was a violation of the collective agreement."

Amber wonders if "the philosophy of the CBC right from the highest management is secretive and lacking in confidence. Management sometimes believes that if you are an active member in the union you are disloyal. The mentality on the management side seems to be that people get out of control if we don't run them. There is little in the way of a consultative process."

Even Martin agrees that "there may be some communication problems." He feels the consultative process is "only as good as the individuals involved. It seems to me that there are some examples where we have very good joint re-

lationships and others where we don't have as good a relationship as we should have."

Racicot, on the other hand, staunchly defends management's consultative process. "We communicated a lot. Sometimes if we did not communicate what they wanted to hear then they say that's not communicating."

A classic example of a breakdown in communications was the Corporation's attempt to involve the unions in the development of an employment equity program.

**All for Virtue**

In June 1986 CBC management called a meeting with its unions to discuss newly introduced legislation on employment equity. For management it seemed a good issue to test the consultation process with the bargaining units. Racicot says, "It was a good issue, a motherhood issue. We're all for virtue to start with. We can work on this together." Virtue turned to disaster from the start.

All agree that the initial meeting was badly organized. It was called on short notice. There was no agenda. There was a total misunderstanding about the nature of the meeting. Management saw the meeting as a briefing session. The unions expected to be involved in drafting an employment equity program. Racicot admits that "the way the communication went out was not as clear as it should have been."

The unions made it clear that they wanted to be more than sounding boards for Corporate policy. Management agreed to review the consultative process. In the fall of '86, management convened another meeting. It rapidly collapsed on the issue of what was meant by consultation.

As Lowe remembers it, Anthony Manera, then vice-president of Human Resources, bluntly told the unions, "I'm not going to go into a situation where we have to get the agreement of the unions." After three hours of vociferous debate about consultation the unions walked, frustrated with what they saw as management stonewalling.

Racicot says the meeting broke down because the unions wanted to usurp management prerogatives. "What they were saying is you will not proceed with any element of the employment equity program without our total agreement. And what Manera was saying was, 'We shall consult you; you will have input; and then we will make the decisions we have to make.'"

The gulf that yawned between the two sides over what seemed a relatively non-contentious matter is not an anomaly. It is characteristic of labour-management relations at CBC, making it all the more difficult to manage the transformation that CBC must undergo.

**Grievances**

The result of that communication breakdown is an inordinate level of grievances. Lowe estimates that CBC is



spending close to \$500,000 annually on NABET grievances alone. Paterson says CUPE has about the same number of grievances.

Racicot agrees there is a high level of grievances but points out that it's the unions who initiate them. He says the Corporation has, since 1983, "probably been more vigilant in the application of the agreement to make sure we were more efficient."

Martin attributes the high number of grievances to genuine differences of point of view. "They are not casual," he says. "They are closely felt, based on perspective and interpretation of the rights of the collective agreement. The Corporation obviously feels similarly that the interpretation being implemented is right and correct."

The unions also complain that the Corporation, in pursuit of its interpretation, is unfairly challenging many aspects of the collective agreement, taking issues to court when dissatisfied with the decisions of independent arbitrators. In the process, matters take years to resolve which should only take a few months.

Zeidler points to negotiations over a group of French journalists as a case in point. The outstanding issue in contract talks between the CBC and the Guild was the Corporation's refusal to include 30 French current affairs journalists in the contract.

Four years ago the CLRB ruled that those journalists, then in the association Union des Artistes, should be represented by the Guild. The Corporation fought the decision. Zeidler says the CBC prefers to have those journalists on individual contracts with a lower salary rate and inferior working conditions. Two years ago the case went to the Supreme Court, which refused to hear it, upholding the CLRB ruling. The Corporation continued to fight it. Zeidler says "their way of including them in the contract was by adding 2 pages to the contract saying they exist." At the time of this writing, the issue is still to be resolved.

### The Dispute Experts

There seems to be a consensus among the unions that the problem is the do-



• Pierre Juneau

mination of the labour-management process by industrial relations people who have little programming experience, coupled with a lack of decision-making power at the local management level.

Lowe is scornful of the industrial relations experts. "These people have no concept of what we're doing. Manera has never been in broadcasting. He was

an administrator of a school for chris-sake. You scratch your head and wonder, why do they bring in people like that, who don't even understand the business we're in. How the hell is he going to deal with the problems that come out of it?"

Amber feels that the IR people "focus on disputes, not programming. They have a good year if they've dealt with a

lot of disputes. If they kept their nose out we could settle some of these things."

Racicot says the unions are blaming the messenger for the message. He muses that relations might improve if management were less frank and packaged the bad news more attractively.

Labour and management appear to be light years apart. The current round of negotiations are clearly proving to be a victory for management. The question is, does management have the will and capability to repair the breaches and heal the wounds caused by profound change and aggravated by protracted contract negotiations?

### Conclusion

If we look at the various documents CBC has published about its future plans, one is struck by the almost total absence of references to labour relations. In December 1985 CBC submitted its vision of Canadian broadcasting, *Let's Do It*, to the Caplan-Sauvageau task force. It was a wide-ranging report calling for substantial expansion and alteration of the ways CBC does business. All of the proposals would have a major impact on its work force. But the most CBC can say about a labour relations strategy is: "some easements in work practices will only come as a result of negotiations with CBC unions." There was nothing in the document about working with labour to effect change.

We find a similar omission in the mass of documents CBC prepared for the CRTC licensing hearing. The impression is that, in CBC's concern for survival, there is little room for labour. Racicot says that CBC must be "more concerned with the survival of the organization. We must be more concerned with the well-being of the organization." There seems to be little realization that without labour, however re-structured (and on this the unions have much work to do), there is no health for the organization.

At a watershed in its history, it would be a tragedy for the Corporation and its employees if CBC turned its back on its major resource - its people, with their tremendous reserve of talent and commitment to public broadcasting. •

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