

Presentation to
The Advisory Committee on Labour Management Relations in the
Federal Public Service

Presented By
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August, 30, 2000 - Ottawa, ON

Association Background

The union, officially called the Aircraft Operations Group Association (AOGA), represents the 450 pilots who regulate, monitor, and oversee the safety of Canadian aviation industry. The AOGA represents the Civil Aviation Inspectors (CAI) and Engineering Test Pilots (ETP) at Transport Canada, as well as the CAIs who work for the Transportation Safety Board, and the helicopter pilots (HPS) employed by the Coast Guard.

AOGA members are Airline Transport Licenced pilots. They test and license pilots, conduct in-flight safety tests, set and enforce the aviation safety standards of the Canadian industry and investigate aviation accidents. Engineering test pilots are responsible for ensuring the safety standards and certification of new aircraft prior to use in Canada. Coast Guard helicopter pilots provide search and rescue, environmental monitoring and other services.

Feedback on First Report

We applaud the work of the committee and feel that the first report *Identifying the Issues - May 2000* is an excellent document. We feel that you have hit the nail squarely on the head and fervently hope that your initiatives will result in significant changes in the near future. To assist the committee in its efforts we have reviewed the first report and have provided our perspective as prompted by the Key Issues identified in the report.

The Government's Dual Role

The dual role of the government as employer and legislator, and the use of its power over the last decade to strangle labour relations, have created a generation of managers with entrenched attitudes towards the roles of management and employees. This dictatorial policy environment has created a legacy of open disdain for unions by management and challenges to the credibility of the union with its members. The pressures of political expediency and a negative attitude towards employees have filtered down to the line supervisor level. Supervisors implement policy and expect compliance. Employees have developed an expectation of the negative and acceptance of the inevitable.

Management feels no requirement to consult and accommodate, merely to decide in isolation and advise prior to implementation. There is no indication that management has any respect for unions, nor do they see any credibility in union points of view. This has created a completely adversarial environment that is unhealthy for employees and management.

Our experience has been that we are largely reactive in our approach and the majority of our association's work is initiated in response to something management has done. We see a desperate need for a improvement in the labour relations climate but are unable to effect this change unilaterally. The government needs to take decisive action to promote cooperative relationships with the unions and resist the temptation to use the more simple and easy option of heavy-handedness. While there have been many good words of late regarding a new and more positive approaches to doing business there has been little

change in practice. To effect substantive change in the labour relations environment the government will require a rapid and difficult attitudinal change on the part of management.

It is suggested that that management incentives become increasingly dependent on improved working environments and positive employee relations rather than rigid fiscal control.

The government needs to consider a shift in focus from budgetary restraint to fostering positive labour relations. The government must demonstrate a recognition of unions as a key component in establishing a stable and effective workforce. Previously most issues facing the public service were created by internal forces and addressed by government imposed solutions. What we now face is a long-term problem created by external market and global forces overlying an internal demographic that threatens the capability of maintaining services to the public. A government imposed solution will no longer work, government has to change. The key question is, can it change fast enough.

Restrictive Legislative Framework

Scope of Bargaining

Our last round of negotiations, that concluded with the signing of our current agreement on 6 December 1999, was the first real round of negotiations since the preceding contract was signed in 1990. We had no collective bargaining expertise remaining within our membership and no symbiotic working relationship with management. Having been away from the table for so long there was an exhaustive list of accumulated issues that needed to be dealt with. Additionally, the wage gap with industry had widened to the extent that the Transport Canada commissioned Price Waterhouse study assessed the disparity in the order of 40%. TC management had also instituted a Recruitment and Retention committee and many rumours were being floated about significant wage increases and possible upward reclassification. Generally, management was giving indications that they recognized the issues and wanted to take substantial steps to address them. Labour relations were not wonderful but there was hope that things would improve.

Our association began preparations several months in advance, we hired an experienced professional negotiator, conducted training with our negotiating team in interest-based bargaining, and prepared an extensive package of proposals and supporting documentation. We made pre-negotiation presentations to management and received positive encouragement.

Within the first few minutes of our initial round of negotiations in October 1998 it became apparent that the concepts of interest-based bargaining were of no use whatsoever. The dictatorial and adversarial approach by the Treasury Board/Management team was a striking dose of reality to our negotiating team members. Our package of substantiating documentation was completely ignored, the Price Waterhouse study was dismissed as flawed and without credibility, and any attempts to discuss the underlying rationales for our proposals were consistently frustrated. The whole exercise deteriorated into a long drawn-out battle punctuated by management and TB refusals to discuss an issue and entrenched positions on both sides. After the failure of a conciliation board to achieve a settlement, targeted strike action was initiated, which resulted in another round of talks that ultimately achieved a settlement.

The damage was done. Although we ultimately achieved a pretty good settlement given the restrictive and arbitrary mandate by the employer, labour relations were in the toilet. Employees felt betrayed and abused by many of the positions and tactics employed by management during the negotiations. Things deteriorated so much that I personally felt that at the end of negotiations the Treasury Board was the "voice of reason" and our management was definitely out to get us. The signing meeting had the aura of a funeral ceremony. Some managers were so embittered that they would not even shake hands with our team at the conclusion of the proceedings. Somehow, someone forgot that at the end of the day we all have to go back to work together.

To address some of the pitfalls of our last round of negotiations we have attempted to initiate some dialogue with Treasury Board, to discuss some of the potential issues, get a feel for the potential climate for

our upcoming round this fall, and attempt to identify areas of common interest. I believe that if the Treasury Board could provide management and unions with some advance indication of what areas in which there may be flexibility it would facilitate a focus on areas where solutions are possible and help avoid unproductive and acrimonious battles over issues which Treasury Board is absolutely unwilling to allow negotiation.

It is recommended that Treasury Board provide management and unions with some advance indication of what general areas in which there may be flexibility.

The refusal by Treasury Board to conduct negotiations at any location other than within their offices is unreasonable. It is recommended that negotiations be carried out at a mutually agreed neutral location.

Policy Grievances

Unions need the opportunity to bring an policy or general issue forward for discussion without requiring a grievance from an individual. There have been a number of issues that we have become aware of that have application to the group in general and have largely arisen out policy implementations from management. We are not able to bring the issue to the table in a more conciliatory environment to achieve tangible results for both management and our members. Management has a negative attitude toward grievances and those who initiate them; however, it is the only tool available within our current context to bring an issue forward. Employee reluctance to grieve usually stems from either a desire not to spoil a local working relationship, or they feel they are already in an oppressive environment and filing a grievance will only further deteriorate their situation. We either have to wait until an employee is sufficiently disadvantaged that they became angry and file a grievance, or we have to accept the eventual acquiescence of employees if they did not bring forward a grievance. This reinforces and rewards management for a negative and non-conciliatory approach to labour relations.

We strongly endorse the concept that unions require access to a process that provides the opportunity to bring an policy or general issue forward for discussion without requiring a grievance from an individual.

Management Exclusions

Our experience has been that management exclusions are employed effectively to play both sides of the fence. When the level of exclusions within a given classification is high the classification is increasingly viewed as a managerial classification and serves to further minimize and encroach on the union. In our group we have only a few CAI-5s remaining as dues paying members; however, we negotiate their salary and working conditions, and yet there are repeatedly used as anti-union tools by upper management. The provision of additional pay and allowances to management exclusions, with nothing for lower classifications, has reinforced the perception that management takes care of their own and has further ensconced management-employee disharmony.

Dispute Resolution Mechanisms

Our experience has been both in negotiations and grievances that management does not want to resolve the issue with the employees, they just want to win. There is a obvious objection to the questioning of their authority and a frustration at the unwillingness of employees to be compliant. The current framework is not working and change is required.

We would welcome the opportunity to chose interest arbitration or any other effective dispute mechanism and feel that one is urgently required.

Essential Services & Designation

Designation has been a constant problem for our association. Leading up to contract expiry dates we have seen management designate unjustifiably high numbers of employees. Our information leads us to believe

that management views designation as a tool to be used to effectively undermine union's ability to effect job action. Provision of essential services has little or nothing to do with it.

We would endorse any initiative to improve the process and increase the accountability for designations.

Lack of an Independent Pay Research Bureau

The concept of an Independent Pay Research Bureau is a major issue for our group. Management paid no heed to the pay research that we provided at the last round of negotiations. Interestingly neither did they consider the recommendations of the Price-Waterhouse study which they had commissioned and paid for. Given that it is expected that the findings of a pay research bureau would be included at the negotiating table we feel it is essential to the viability of the public service.

Our group has had a serious recruitment and retention problem for several years. The provisions of our last contract has done little to address this situation. Industry indicators continue to point to an extended period unparalleled expansion and opportunity. Some foreign airlines see a global shortage of qualified personnel within the next 3 to 4 years and are currently making previously unheard of compensation offers to attract sufficient experienced personnel to carry them through this period. United States airlines are actively working to remove cross-border employment restrictions to allow them to actively recruit qualified Canadian pilots. There are also indications that the European airlines are now starting to actively compete for these personnel as well. The government salary structure and benefits package is no longer competitive in the market place. The current domestic market is absorbing our people up to age 50 and feedback from members doing the financial analysis indicates that only three years of private sector employment will put them in a superior financial position to the public service. Additionally, our demographics are such that over 40% of our membership are eligible for retirement within the next 4 years.

We are losing our best people and are unable to attract minimally qualified replacements. There is constant pressure from management to bring in unqualified people in through the back door creating an additional burden for those qualified individuals who remain. We need market comparability in our salary structure and we need it now!

Lack of Trust

Currently the feeling of our members is that there is virtually a complete mistrust of management. We see this demonstrated both in employee relations policy and actions as well as operational policy towards industry. Our members perceive a lack of accountability by management in their determination of policy and their approach to employees. If management wishes to engender trust with their employees from a labour relations perspective they must also reflect this by eliminating hypocrisy from their operational decision making.

Several of our members are internationally respected and represent Canada in many international committee and forums, however within their own organization their expertise is usually ignored and undermined by management. AOGA members are the key interface with the aviation industry and are constantly being asked to implement and explain policy that they have cautioned management against implementing. When we have the next major aviation safety public inquiry (a la Dubbin or Moshansky) the single most common theme in the discussion of the demise of Canadian aviation safety will be the autocratic implementation of misguided policies by management.

Examples: Flight 2005/SATOPS vs PPC extension exemption.
R&R committee - Hours of work concessions/ EDA Payment

Recent Initiatives

We have observed and been subjected to a number of recent missives describing innovative marketing strategies for the public service and the continued refrain of becoming an "employer of choice". Having

examined some of the strategies they appear to be largely focused on glitzy and slick marketing to young people about to embark on a career. This focus will be completely ineffective with our group and will not provide the speed and quantity of change that is required in our situation.

The individual required to fill positions within our group must be trained, qualified, and experienced prior to becoming a CAI. Management does not have any way of providing training and experience to develop an unqualified individual. The government relies exclusively on being able to recruit qualified personnel from industry. Our members typically have 7 to 10 years of operational and supervisory experience outside the public service prior to being employed as an pilot inspector. Our people come from the training and supervisory ranks in industry, and current practice and policy is making government an "employer of last resort" within the aviation industry.

We agree with the committee's conclusion to their first report.

"It is our view that unless these problems are addressed, the federal public service labour-management-relations system as currently constituted will likely not be sustainable in the twenty-first century."

However, from our perspective we fear the required changes will not be put in place rapidly enough to prevent a complete breakdown in the government's capability to satisfy it's aviation safety mandate.