RESEARCH NOTE / NOTE DE RECHERCHE

Reading the Zoom Room: Union Negotiators' Experience of Virtual Bargaining during COVID-19

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Abstract: One adaptation required by the COVID-19 pandemic was a shift to virtual meetings. Collective bargaining has traditionally been conducted in person, but COVID forced union and employer negotiators to adopt virtual forms of bargaining. This article examines union negotiators' experiences with virtual bargaining in this period – first, to document the nature of the adaptations made during a historical public health event, and second, to determine whether either the shift to virtual bargaining or other COVID restrictions undermined union bargaining power. It finds that the technical aspects of virtual bargaining did not significantly impact bargaining power, but broader challenges caused by COVID did negatively impact union bargaining power at and away from the table.

Keywords: collective bargaining; virtual negotiation; COVID-19; bargaining power

Résumé : L'une des adaptations requises par la pandémie de COVID-19 a été le passage aux réunions virtuelles. Les négociations collectives se déroulaient traditionnellement en personne, mais la COVID a forcé les négociateurs syndicaux et patronaux à adopter des formes de négociation virtuelles. Cet article examine l'expérience des négociateurs syndicaux avec les négociations virtuelles au cours de cette période. D'abord, pour documenter la nature des adaptations apportées lors d'un événement historique de santé publique, et ensuite, pour déterminer si le passage à la négociation virtuelle ou d'autres restrictions liées à la COVID ont miné le pouvoir de négociation des syndicats. Il constate que les aspects techniques des négociations virtuelles n'ont pas eu d'impact significatif sur le pouvoir de négociation, mais que les défis plus vastes causés par la COVID ont eu un impact négatif sur le pouvoir de négociation des syndicats à la table et en dehors de celle-ci.

Mots clefs : négociations collectives; négociations virtuelles; COVID-19; pouvoir de négociation

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The bargaining table looms large in the world of collective bargaining. Experienced negotiators tell stories of late-night marathon sessions to land an agreement hours before a strike deadline, of table-pounding dramatics during moments of tense conflict, of long hours in hotel boardrooms drinking coffee while hammering out details of a collective agreement. In-person negotiating has always been a crucial and inherent part of collective bargaining.

The onset of the COVID-19 pandemic in early 2020 forced everybody to adapt in many areas of our lives. One of the most widespread shifts was toward virtual meetings as organizations, families, and individuals took advantage of recent technology to recreate an approximation of group gatherings in a time of lockdowns, social distancing, and stay-at-home orders. The labour relations industry was no different. As organizations sent some workers home and instituted precautionary health measures for those who needed to remain in the workplace, labour relations practitioners also needed to grapple with how to conduct daily business in a distanced manner.

Collective bargaining was not exempt from this upheaval. At the onset of the pandemic, many unions and employers delayed bargaining in the hope the crisis would soon pass. When it became evident the pandemic would stretch for months and possibly years, unions and employers began devising ways to proceed with bargaining using the newly embraced technologies of virtual meetings. Shifting to a virtual environment allowed negotiations to proceed while bargaining team members remained safe in their homes. This shift was made of necessity, and negotiators did not have much time to consider how the new online environment would alter dynamics at the bargaining "table." They embarked on a learn-as-you-go process for virtual bargaining.

One of the questions that arises from this sudden, yet necessary, shift is how it impacted negotiations. Did the disruption of long-standing bargaining structures alter dynamics at the table? More specifically, did the introduction of virtual negotiation impact each party's respective bargaining power? This article offers a preliminary look at the consequences of virtual collective bargaining, and COVID-related adaptations generally. Through the perceptions of a group of experienced union-side negotiators, the article documents the practical adaptations they made and examines how those adaptations impacted bargaining outcomes – in particular, power dynamics between the parties.

Collective Bargaining and Bargaining Power

The process of collective bargaining is a cornerstone of Canadian labour relations. It is both the key vehicle for expressing a collective worker voice and a central mechanism in maintaining labour peace through the redirection of conflict in the workplace.[1] From a union perspective, effective collective

1. Fiona A. E. McQuarrie, *Industrial Relations in Canada*, 4th ed. (Mississauga: J. Wiley and Sons, 2014).

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bargaining not only brings improvements in wages and working conditions but places important restrictions on unfettered management control of the workplace.[2] The bargaining table becomes a potential location for the expression of collective worker power within the employment relationship. However, collective bargaining cannot overcome the structural power imbalances present in the employment relationship. The employer maintains a power advantage both at and away from the bargaining table.

It has long been recognized that collective bargaining outcomes arise from three factors: the parties' respective bargaining power; the parties' interests, values and expectations; and their negotiating skills.[3] The COVID-induced transition to virtual bargaining had the potential to disrupt all three aspects as it changed the way the parties talked to each other and to their respective principals. This is particularly relevant for unions as COVID disrupted not only bargaining but also traditional methods of communication with and mobilization of members.

Particularly noteworthy, and the interest of this study, is the potential impact on bargaining power. Bargaining power is an amorphous concept in labour relations but is central to understanding bargaining dynamics. A commonly accepted definition is that bargaining power is "the ability to secure another's agreement on one's own terms."[4] Restated, it is the capacity to compel the other party to accept terms it would prefer to reject. Bargaining power is not static, although it is anchored in capitalist employment relations. It is expected to vary over time, in part based on "the specific issue being negotiated, and with the particular negotiating tactics used by the parties."[5]

There have been two schools of thought in labour research regarding bargaining power. Some scholars, approaching the topic from a more institutional, structural perspective, emphasize the specific mechanics at the table in addition to broader structural factors beyond the influence of the parties.[6] In this tradition, a useful model developed by Terry Leap and David Grigsby recognizes the differing degrees of control the parties have over different sources

2. Richard Hyman, *Industrial Relations: A Marxist Introduction* (London: MacMillan, 1975).

3. John Godard, *Industrial Relations, the Economy, and Society*, 5th ed. (Concord, ON: Captus Press, 2017).

4. Neil W. Chamberlain and James Wesley Kuhn, *Collective Bargaining*, 3rd ed. (New York: McGraw-Hill, 1986), 176.

5. Richard P. Chaykowski, "Collective Bargaining: Structure, Process, and Innovation," in Morley Gunderson and Daphne Gottlieb Taras, eds., *Canadian Labour and Employment Relations*, 6th ed. (Toronto: Pearson Addison Wesley, 2009), 260.

6. See, for example Thomas A. Kochan, Robert B. McKersie, and Peter Cappelli, "Strategic Choice and Industrial Relations Theory," *Industrial Relations* 23, 1 (1984): 16–39; Lawrence Mishel, "The Structural Determinants of Union Bargaining Power," *Industrial and Labor Relations Review* 40, 1 (1986): 90–104; Richard E. Walton and Robert B. McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System*, 2nd ed. (Ithaca, NY: ILR Press, 1991).

of bargaining power.[7] Uncontrollable factors include economic conditions, industry structure, and the legal and sociopolitical contexts. Some power sources are controllable in the long run, including access to information, technological change, formal bargaining structures, and the parties' attitudinal positioning. Further, some factors are more controllable in the short term; these include bargaining tactics, bargaining team composition, and negotiators' behaviour.

In a structural approach to bargaining power, the dynamics at the bargaining table feature prominently in shaping the power balance, as it is one of the factors most in control of the parties (unlike economic conditions, for example).[8] This model recognizes that actions taken by the union and the employer away from the bargaining table, such as building a credible strike/lockout threat, factor into bargaining power, but these actions are seen as secondary to the broader structural factors.[9]

It is with this minimization of worker mobilization that some scholars take exception.[10] In many respects, the most potent tool a union has for shifting bargaining power is mobilizing members and organizing workers more generally. Many argue it is the only way unions can effectively tip the power imbalance toward workers: "The union's power depends primarily on the willingness of members to act in unity and to incur the costs of strike action."[11] This school of thought emphasizes actions taken away from the bargaining table as essential to building bargaining power, and seeing what takes place at the table as a manifestation of the power built elsewhere.

The situation is not either-or. Bargaining power is shaped by the actions of the parties both away from and at the bargaining table. Negotiators use a range of tactics to gain small advantages, and experienced bargainers learn many subtle tricks to evaluate and shift dynamics at the table, which can shape bargaining outcomes.[12] An ineffective bargaining team may prove unable to

7. Terry L. Leap and David W. Grigsby, "A Conceptualization of Collective Bargaining Power," *Industrial and Labor Relations Review* 39, 2 (1986): 202–213.

8. Michael R. Carrell and Christina Heavrin, *Labor Relations and Collective Bargaining: Private and Public Sectors*, 10th ed. (Upper Saddle River, NJ: Pearson, 2013).

9. Leap and Grigsby, "Conceptualization."

10. See, for example, Jane McAlevey, *No Shortcuts: Organizing for Power in the New Gilded Age* (New York: Oxford University Press, 2016); Bryan M. Evans, Carlo Fanelli, Leo Panitch, and Donald Swartz, *From Consent to Coercion: The Continuing Assault on Labour*, 4th ed. (Toronto: University of Toronto Press, 2023); David Camfield, *Canadian Labour in Crisis: Reinventing the Workers' Movement* (Halifax: Fernwood, 2011).

11. Stephanie Ross, Larry Savage, Errol Black, and Jim Silver, *Building a Better World: An Introduction to the Labour Movement in Canada*, 3rd ed. (Winnipeg: Fernwood, 2015), 78.

12. Ray Fells and Noa Sheer, *Effective Negotiation: From Research to Results*, 4th ed. (Cambridge, UK: Cambridge University Press, 2020); Martin Teplitsky, *Making a Deal: The Art of Negotiating*, 2nd ed. (Toronto: Lancaster House, 2015).

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translate the power demonstrated away from the table into a better deal at the table.

For this reason, it is important to look at the mechanisms of bargaining and how disruptions in long-standing dynamics might impact bargaining power, both directly and indirectly. But in doing so, one must keep in mind that much of a union's bargaining power originates in what it does away from the bargaining table and that power actualized at the table is a combination of the two factors.

Forms of Virtual Negotiation

Virtual negotiation is marked by the physical separation of the parties (i.e. they are not present in the same room), thus the meetings must be facilitated by some form of technology.[13] The technological facilitation can take a variety of forms, including telephone, email, and video applications. During covid, inexpensive virtual meeting apps such as Zoom, Google Meets, and Microsoft Teams quickly became the dominant tool used by organizations to conduct business. As a result, they also became the default method for virtual collective bargaining. These new programs possess features not found in older video-conferencing technology that make them more effective as facilitative tools, such as breakout rooms, whiteboard and chat functions, and recording functionality. However, as we will see below, email, telephone, and messaging apps were also employed as virtual negotiation tools as they proved more effective for certain functions, such as file sharing or sidebar conversations.

Virtual negotiation can also be fully virtual or hybrid. In fully virtual negotiations, every individual is in their own separate space (e.g. home) and connects via technology. Hybrid virtual negotiation has some members sharing a common space, such as a boardroom, while others participate via the tool. In a collective bargaining context, hybrid negotiations frequently have each bargaining team sharing a space and connecting with the other team via the video app, although other configurations occur.

The Impact of Virtual Negotiation

A modest body of research has emerged in recent years examining how moving to a virtual environment alters the processes and outcomes of negotiations. Much of this research has been conducted in the areas of international relations and diplomacy and cross-national corporate negotiations, where geographic distance can be overcome with the use of new technologies.[14]

13. Leigh Thompson, "The Virtually Intelligent Negotiator: Building Trust and Maximizing Economic Gain in E-negotiations," *Current Directions in Psychological Science* 32, 5 (2023): 347–354.

14. For example, Corneliu Bjola and Michaela Coplen, "Virtual Venues and International

Overall, this research has found negative impacts of virtual negotiation compared with in-person negotiation. "Use of a Zoom negotiation rather than an in-person meeting seems to negatively impact all three key objectives of any negotiation," with those three objectives being information gathering, behaviour influencing, and situation crystallization.[15]

One of the most consistent and significant findings is that virtual negotiation has a negative impact on trust between the parties.[16] "Virtual negotiators begin with lower levels of pre-negotiation trust and conclude with lower levels of post-negotiation trust, compared to face-to-face negotiations."[17] Researchers have found that the physical distance created by the virtual environment leads to a psychological distance that is detrimental to trust building.[18] Some of the subtle ways humans build trust – such as making physical contact, reading informal cues, and creating familiarity – are impaired in a virtual bargaining context.[19] Lower levels of trust lead to a more competitive negotiating dynamic.[20]

Negotiators are also less likely to see their counterpart as credible and possessing co-operative intent,[21] which undermines trust. In part, reduced

Negotiations: Lessons from the COVID-19 Pandemic," *International Negotiation* 28, 1 (2022): 69–93; Alice F. Stuhlmacher and Maryalice Citera, "Hostile Behavior and Profit in Virtual Negotiation: A Meta-Analysis," *Journal of Business and Psychology* 20, 1 (2005): 69–93.

15. Edoardo Agamennone, "The Rise and Impact of the 'Zoom Negotiation': Cross-Cultural Variations in Virtual Negotiations and Lessons from the COVID-19 Pandemics," in Shaheeza Lalani and Steven G. Shapiro, eds., *The Impact of Covid on International Disputes* (Leiden: Brill Nijhoff, 2022), 10.

16. Michael Morris, Janice Nadler, Terri Kurtzberg, and Leigh Thompson, "Schmooze or Lose: Social Friction and Lubrication in E-mail Negotiations," *Group Dynamics: Theory, Research, and Practice* 6, 1 (2002): 89–100; Noam Ebner, "Trust Building in E-negotiation," in Linda L. Brennan and Victoria E. Johnson, eds., *Computer-Mediated Relationships and Trust* (New York: IGI Global, 2008), 139–157; Yvonne Van Der Toorn, Per Van Der Wijst, and Debby Damen, "Trust and Understanding in Face-to-Face and Online Negotiations," in Isabelle Linden, Shaofeng Liu, Fátima Dargam, and Jorge E. Hernández, eds., *Decision Support Systems IV – Information and Knowledge Management in Decision Processes*, Lecture Notes in Business Information Processing, vol. 221 (Cham: Springer International, 2015), 37–50.

17. Thompson, "Virtually Intelligent Negotiator," 348.

18. Stuhlmacher and Citera, "Hostile Behavior and Profit."

19. Boris B. Baltes, Marcus W. Dickson, Michael P. Sherman, Cara C. Bauer, and Jacqueline S. LaGanke, "Computer-Mediated Communication and Group Decision Making: A Meta-Analysis," *Organizational Behavior and Human Decision Processes* 87, 1 (2002): 156–179; Seanon S. Wong, "Emotions and the Communication of Intentions in Face-to-Face Diplomacy," *European Journal of International Relations* 22, 1 (2016): 144–167; Bjola and Coplen, "Virtual Venues."

20. Eva-Maria Pesendorfer and Sabine T. Koeszegi, "Hot versus Cool Behavioural Styles in Electronic Negotiations: The Impact of Communication Mode," *Group Decision and Negotiation* 15, 2 (2006): 141–155.

21. Bjola and Coplen, "Virtual Venues."

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perceptions of credibility arise from each negotiator's lower confidence in their own ability to assess their counterpart's intentions.[22] This lowered confidence, in turn, arises from the impaired ability to read nonverbal cues in a virtual platform.[23] While the virtual meeting apps allow for a degree of visual connection, negotiators consistently report that they have a more difficult time "reading the room" using these platforms.[24] They find it more difficult to pick up the subtle signals of body language, which can indicate a person's state of mind and which are often used by seasoned negotiators to gauge the situation.

We should not underestimate the importance of informal cues to negotiation. "Nonverbal cues such as tone and body language are important information-sharing mechanisms within a negotiation; these are not replicable in the impersonal and irregular channels represented by virtual venues."[25] These cues also play a role in social regulation during negotiations. "People communicating virtually lack the social cues that reinforce norms of honesty, ethics and rapport and that in the absence of such cues, people behave in a more hostile, self-interested and deceptive fashion."[26]

Similarly, virtual negotiation removes or reduces social interactions that can facilitate positive processes. Not being in the same room means the participants are less likely to engage in pre-meeting social conversations and other informal interactions that spur connection. "A simple gesture such as a handshake – something that often occurs at the outset of social interactions – influences deal-making by signaling cooperative intent, increasing people's cooperative behaviour and affecting deal-making outcomes."[27] The lack of social niceties appears to contribute to the deteriorated environment between the parties. However, intentionally building some form of social interaction (e.g. pre-meeting "chats" to break the ice) into the virtual process can overcome some of this effect.[28]

Virtual negotiation's impact on outcomes is less clear. Some researchers have found no difference in outcomes compared with in-person negotiations.[29]

22. Marcus Holmes, "The Force of Face-to-Face Diplomacy: Mirror Neurons and the Problem of Intentions," *International Organization* 67, 4 (2013): 829–861.

23. Wong, "Emotions."

24. Janice Nadler and Donna Shestowsky, "Negotiation, Information Technology, and the Problem of the Faceless Other," in Leigh Thompson, ed., *Negotiation Theory and Research* (New York: Psychosocial Press, 2006), 145–172.

25. Bjola and Coplen, "Virtual Venues," 73.

26. Thompson, "Virtually Intelligent Negotiator," 348.

27. Agamennone, "Rise and Impact," 9–10.

28. David Teten and Scott Allen, *The Virtual Handshake: Opening Doors and Closing Deals Online* (New York: AMACOM, 2005).

29. Amira Galin, Miron Gross, and Gavriel Gosalker, "E-negotiation versus Face-to-Face Negotiation What Has Changed – If Anything?," *Computers in Human Behavior* 23, 1 (2007):

Others have found that virtual negotiations are more likely to end in impasse and to produce less profitable outcomes for both parties.[30]

Finally, virtual negotiation can lead negotiators to develop or adopt new strategies during negotiations. The technology provides opportunities to engage in tactics aimed at manipulating the process that are not available to in-person bargaining.[31] Examples include feigning technology glitches and creating distractions using the program's built-in functions. The effectiveness of these new tactics is unclear.

Virtual Collective Bargaining

Research into other forms of virtual negotiation is instructive, particularly regarding how it impacts the behaviours of the negotiators. However, these other forms of negotiation may not be directly applicable to the collective bargaining regime. Collective bargaining possesses unique properties that leave open the question of whether a shift to virtual platforms would result in the same impacts as seen in other forms of negotiation. First, collective bargaining takes place in a highly regulated legal context. In Canada, legislation stipulates timing and structures for negotiations, sets boundaries on what can be negotiated, regulates conduct during the negotiation process (through "bargaining in good faith" rules), and mandates dispute resolution procedures.[32] Second, collective bargaining is a reoccurring event embedded within an ongoing relationship between employer and union. As a result, negotiations are not just about the terms of an agreement, such as wages and working conditions; the parties are also negotiating the terms of their ongoing interdependence with one another.[33] This complicates the bargaining dynamic at the table.

Further, as discussed above, bargaining power between the parties is unequal. The structural advantage held by the employer alters dynamics at the table, "encouraging more competitive behaviour on the part of the negotiators, particularly union negotiators."[34] As a result, collective bargaining tends to

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30. Regina Maruca, "The Electronic Negotiator," *Harvard Business Review* 78, 1 (2000): 16–17; Stuhlmacher and Citera, "Hostile Behavior and Profit."

31. Bjola and Coplen, "Virtual Venues."

32. David J. Doorey, *The Law of Work*, 3rd ed. (Toronto: Emond, 2024); National Labor Relations Board, "Employer/Union Rights and Obligations," n.d., accessed 20 August 2024, https://www.nlrb.gov/about-nlrb/rights-we-protect/your-rights/employer-union-rights-and-obligations.

33. Walton and McKersie, *Behavioral Theory*; Richard E. Walton, Joel Cutcher-Gershenfeld, and Robert B. McKersie, *Strategic Negotiations: A Theory of Change in Labor-Management Relations* (Boston: Harvard Business School Press, 1994).

34. Fells and Sheer, *Effective Negotiation*, 293.

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be more competitive and adversarial than other forms of negotiation.[35] This adversarial dynamic is facilitated by the legislative framework within which it operates. It also intensifies the significance of bargaining power in shaping outcomes.

Finally, collective bargaining tends to have more complex extra-negotiation dynamics. Union negotiators need to deal with intra-union dynamics and democratic structures for ratifying agreements. Negotiations tend to take place under the eye of workers in the workplace, which places pressure on both parties to act in certain ways. Both parties have the ability to communicate directly with workers, which can expand the field of engagement around the negotiations.[36] The contested terrain for asserting bargaining power extends out into the workplace and into the union hall.

No significant research has examined the effect of virtual negotiation in labour relations. In large part, this is due to the fact that collective bargaining has traditionally been performed in person. Labour relations practitioners in most jurisdictions have remained steadfastly committed to conducting bargaining in person, and thus the vast majority of bargaining situations take place in that environment. Rarely, individuals are brought in via video conference when unable to travel, but even when geographic distance is an issue, employers and unions usually opt to pay travel expenses to facilitate in-person negotiations. Until COVID, there simply were not enough data points for researchers to work with.

Since COVID, a small body of research has begun to emerge examining how unions and employers navigated the pandemic restrictions. Most of this research has focused on the parties' amendments to collective agreements to address COVID-related issues or on union strategic responses to the pandemic crisis.[37] No published research examines dynamics at the bargaining table resulting from the need to move to a virtual format.

Interestingly, despite existing in a highly regulated legal context, the form that bargaining takes is left to the parties' discretion. A review of relevant labour legislation in Canada finds the law is silent on the question of what means are used to conduct bargaining. In other words, the lack of virtual bargaining prior to the pandemic was largely a choice of the parties, rather than a legal restriction. Even in areas where legislation could be seen as prohibiting or discouraging virtual options, such as ratification votes, labour boards during

35. Ray Fells, "Competitive Negotiation and the Question of Union Negotiating Rights," *Labour and Industry: A Journal of the Social and Economic Relations of Work* 9, 3 (1999): 99–122.

36. Teplitsky, *Making a Deal*.

37. For example, Annie A. Hemphill and Bradley D. Marianno, "Teachers' Unions, Collective Bargaining, and the Response to COVID-19," *Education Finance and Policy* 16, 1 (2021): 170–182; Larry Savage, "Crisis and Opportunity: Faculty Associations and the Challenge of Pandemic Bargaining," *Workplace: A Journal for Academic Labour* 33 (2022): 22–35.

the pandemic proved to be rather flexible in interpreting these legislative provisions to allow online voting and other alternative forms of compliance.

The paucity of research means we do not know how a move to virtual bargaining impacts dynamics. Further, we do not know how much other COVID restrictions interfered with the bargaining process overall. I speculate that the disruption of long-established bargaining practices, coupled with unions' reduced ability to communicate with and mobilize members during the pandemic, creates the risk that virtual bargaining could undermine union efforts to increase bargaining power at and away from the table. This study seeks to begin to answer that question.

Methods

THE STUDY AIMS TO DO two things. First, it begins to document the adaptations unions made in regard to collective bargaining during the COVID-19 pandemic – in particular, the shift to virtual bargaining. Second, it examines whether those adaptations negatively impacted union bargaining power in those rounds of negotiation.

I conducted semi-structured interviews with twelve experienced labour-side negotiators located in the province of Alberta. Interviews took place between the fall of 2022 and the fall of 2023 using a combination of in-person and Zoom settings. Participants were asked about their bargaining processes, the structure of their bargaining teams, and member communications and mobilization before the COVID-19 pandemic. They were then asked what, if any, changes to these processes and structures were made in response to pandemic restrictions, including what form of virtual bargaining they utilized. They were then asked about their experiences with virtual bargaining. They were asked specifically about different aspects of the bargaining process, including protocols established to facilitate bargaining, dynamics during bargaining sessions with employers, caucusing and team building with bargaining committees, experience navigating technology, information sharing and fact checking, impact on sidebars and informal processes, communication to members and union leadership, and effects on work-life balance. They were also asked how pandemic restrictions impacted engagement and mobilization of members.

Participants were recruited through purposive sampling. I reached out directly to individuals with senior positions in their union who have had experience with collective bargaining over multiple bargaining rounds. Nine participants come from public-sector unions, representing more than 200,000 public-sector workers in the province and covering every segment of the sector, including the core civil service, health care, education, post-secondary education, and municipalities. Three participants work for private-sector unions, covering a range of industries including food processing and retail, hospitality, manufacturing and fabrication, and construction trades. Of the twelve

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participants, two had between 2 and 5 years' experience in negotiations, and ten had between 10 and 30 years' experience in a collective bargaining role.

There are two reasons for the disproportionate number of public-sector union officials among participants. First, a majority of union members in Alberta are public-sector workers.[38] Second, all major public-sector unions were in active bargaining early in the pandemic. In contrast, private-sector unions were more staggered in their contract expiry; as a result, some union officials I approached did not have direct experience with virtual bargaining and were thus excluded from the study.

I also audio recorded and transcribed the interviews. First, transcripts were content analyzed to capture changes to bargaining structures and processes because of COVID. I then conducted a thematic analysis to identify central themes across participants' experience. The themes were identified by drawing on existing literature on virtual negotiation and through grounded analysis. My personal experience of collective bargaining in multiple settings, including virtual bargaining during COVID, served as a supplementary anchor for thematic coding.

While it is acknowledged that the effects of virtual bargaining are felt on both sides of the bargaining table, this study chooses to examine the experiences of union-side negotiators only. It does so because, in addition to the shared experience at the bargaining table, union-side negotiators are required to navigate additional dynamics. Union officials are accountable to the union membership and thus must construct mechanisms for communication, feedback, and ratification[39] – all of which were also affected by COVID restrictions. Union members possess diverse interests and priorities, and therefore, addressing intra-union politics is also an experience unique to union-side bargainers.[40] Further, union bargaining committees are often comprised of rank-and-file members, so union officials must manage dynamics within the "caucus."[41] These additional pressures make the bargaining experiences of union officials unique, in comparison with employer-side negotiators, and thus warrant a study focused exclusively on their experiences.

Participants were promised anonymity as a condition of their participation. Many participants have high profiles, and the labour relations sector in the province is quite small, increasing the risk of identification. Thus, the results are presented in a fashion intended to prevent a specific union or sector/

38. Statistics Canada, "Union Status by Geography," table 14-10-0129-01, 2024, https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410012901.

39. McQuarrie, *Industrial Relations in Canada*.

40. Hugh J. Finlayson, ed., *Collective Bargaining Preparation Essentials: The Handbook*, 2nd ed. (Victoria, BC: FriesenPress, 2021).

41. Teplitsky, *Making a Deal*.

industry being identified in order to prevent accidental identification of individual participants.

Structural and Technical Adaptations

The switch to virtual bargaining necessitated a cascade of decisions regarding platforms, protocols, structures, and processes to adapt bargaining to new online environments. I will briefly outline some of the technical decisions made before embarking on the broader effects of virtual bargaining.

Structures and protocols

The formal structure of collective bargaining in Canada is largely the same across tables, in large part due to legislative parameters. The parties begin by exchanging proposals and then proceed to discuss articles and present counterproposals until they reach a point of agreement. Within that broad process, there can be a great deal of variety based on the personalities of the lead negotiators, past practice, and the nature of the issues being discussed. The tone of discussions can also vary greatly across tables and over the course of a round of bargaining.

Union bargaining team structures also vary. Among the participants in this study, bargaining teams ranged from two or three paid staff representatives to as many as 30 elected or appointed rank-and-file members representing different work/occupational groupings. One union engages in the practice of open bargaining, where every member has the right to observe negotiations, and reports having a couple of hundred members observing (but not participating) in bargaining meetings. Unions that utilize larger committees report a higher degree of attention to managing the internal dynamics of the committee, which will be discussed further below.

None of the negotiators interviewed reported any change in structure of either their committees or the bargaining process. Instead, both unions and employers attempted to maintain traditional structures and processes through a virtual environment. This result is not surprising as these structures are well established and, in the case of bargaining committees, often embedded in union bylaws. The respondents reported that they perceived covid to be a short-lived challenge and aimed to minimally disrupt long-standing practices.

The move to virtual formats did, however, require the creation of new protocols to manage the process and ensure effective use of the technology. The parties usually negotiate various protocols to guide bargaining, and the switch in platform required them to examine new issues. Many of the protocols established rules of etiquette for camera use, muting, chat discussions, recording of sessions, and so on, as well as procedures for sharing documents. “We would have ground rules … that everybody [had to be] on camera. … No fake backgrounds. We didn’t like two people sharing one screen” (negotiator 8). On the surface, many of these protocols, such as “no fake backgrounds,” seemed

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unrelated to the content of negotiations, but participants stated they were trying, on the fly, to create an atmosphere that facilitated respectful discussion and was most like in-person settings. Most participants reported that one requirement was that all participants had to be on camera, except for unusual circumstances, and that no one else could be in the room with them (with the exception of kids bursting in, etc.).

Interestingly, the issue of recording the meetings – something the technology facilitates – was controversial among participants. Most of them established rules against recording, consistent with long-standing practice: "We told people that they could not record as … one of the rules we made" (negotiator 2). However, a couple of participants embraced the new technological tool. "Well, we agreed that the sessions be recorded. [It] made it easy. We'd say, can you send the recording of this meeting to my scribe?" (negotiator 8). This participant noted they also established a rule that the recordings were not to be shared outside the bargaining committees and were not to be used for litigation afterward.

Protocols were also established regarding security and privacy. All participants (except the union using open bargaining) distributed secure meeting links to committee members only, and documents and other confidential materials were distributed directly to email addresses or within the meeting chat/share functions. Protocols contained language that bound participants to confidentiality, although most participants indicated that, much like in-person bargaining, enforcement of these provisions was difficult.

Beyond necessary adaptations for the virtual environment, participants reported that bargaining sessions maintained previous structures (e.g. one side presents proposals followed by questions and a back-and-forth). Decisions regarding spokespeople, committee participation in debate, and other matters varied across unions, but all maintained pre-COVID practices in the new environment.

Use of technology

Technology has always been a part of bargaining. Multiple modes of communication (e.g. phones, email) are common. Many respondents reported using laptops and other devices in bargaining sessions and adopting texting apps to communicate among committee members before COVID. However, moving to a virtual platform required a new way of looking at technology and opened up possibilities for new technologies.

Participants embraced new technology to differing degrees. Some used technology to the minimum level needed, while others actively adopted new tools and incorporated them into their bargaining tactics. All participants, by necessity, adopted a virtual meeting application as their bargaining platform. The choice of software was fairly pragmatic, with tables opting for what one of the parties already had access to and/or they were familiar with. In most cases, the employer tended to "host" the meetings, which most participants did not

see as a point of contention, and incorporated other technologies to meet their tactical needs. However, one participant quickly saw the advantages of having the union be the meeting host. "We always hosted the meetings so I had ultimate control. If somebody spoke out of turn, or somebody was doing something, I could mute them, I could kick them out, I could do any of those things, in terms of controlling the environment" (negotiator 2).

Participants differed in their approaches to caucus rooms. Some used the chosen platform's capacity to create breakout rooms and caucused without leaving the primary meeting space. Others, in the interest of added security, set up parallel meetings on a different platform that they would jump to when caucusing as a committee.

Email was the primary tool for sharing proposals and other official documents, while other documents and links were frequently shared via the chat functions within the meeting app. Participants found electronic transfer of documents made record keeping easier. Telephones played a secondary role, reserved mostly for informal one-on-one conversations between the bargaining leads and/or mediator.

Some participants reported glitches with the electronic transfer of files (compared with distributing physical pieces of paper). "We struggled a little bit to try to get the information to the employer. Sometimes – 'oh, where's that file? I can't find the file.' [Or] they're looking for your counter-offer and it's like we had it written up on a Word document. Who's gonna write the offer up? Who's gonna send an email?" (negotiator 10). Others found reliance on electronic versions less efficient: "You'd have to go back and review things more, especially if it's all electronic, right? 'Did he say that?' It's a little slow and painful" (negotiator 12).

Most negotiators incorporated some form of alternate technology to facilitate strategic needs. Most common was the use of messaging apps (e.g. Slack, WhatsApp, Messenger, Hustle) for communication between committee members during bargaining sessions. "We really refined our use of Slack [to communicate with one another]" (negotiator 1). Most participants valued the ability to receive real-time feedback from committee members, expressing that it was better than meeting in person. One participant talked about how it made their rebuttals to employer arguments more effective: "Instantaneous reactions. I would get a message saying 'that's not true' and could just fire back on the spot" (negotiator 3).

Other tools included cloud file storage, such as Dropbox. "We used cloud computing for our records management. … I've got a laptop with Dropbox and I've got bargaining notes going back five rounds" (negotiator 3). Some participants set up shared drives to access and co-edit documents, but most were reluctant to use shared files, stating they preferred traditional methods to ensure better version control of proposals and other important documents: "I prefer my binders" (negotiator 7).

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Changed Bargaining Dynamics

While the various technical adaptations they made seemed fairly minor in their impact, participants reported a more significant shift in dynamics at and away from the table. Specifically, they described struggling with some of the complications that arose from a combination of virtual platforms and other COVID restrictions.

Tactics and interactions at the table

Participants reported a number of changes in how bargaining took place as a result of the online environment. When asked how dynamics with the employer at the table were affected, every participant led with a reduced ability to "read the room." Universally, they talked about the challenges of picking up nonverbal cues and subtle reactions that typically help them understand the atmosphere in the room. There was a recognition that they retained some capacity to read facial reactions, but that doing so through a screen was more challenging. Here are a couple of exemplars:

> You don't get that human interaction. I can't see what you're thinking by seeing your face. I can't see it on the end of a webcam. Sometimes people get pissed [off]. You can see [in their faces] they're getting mad at us. Right? We're pushing them. Through a screen or a webcam. You don't see that. (negotiator 12)

> And that's a big one when you're bargaining. How someone reacts. How they sit back in their chair. Do they drop their pen? Are they always taking notes? Are they nodding their head? Are they shaking their head or are they sighing? Some things you can pick up online, but when you [have] got all these screens, I mean, who are you really focusing on? Sure, on the speaker, but someone over here [on the side] could be rolling their eyes and it's tough to make that connection. (negotiator 8)

The participants expressed that reading nonverbal signals is an important part of their work, noting that they adjust their tactics in real time, and gauge the atmosphere, based on an instinctive understanding of subtle reactions. Many reported that they could do that, to an extent, with the lead spokesperson, whose screen is often pinned and larger than those of other participants, but that it was more difficult with other committee members, whose screens may be smaller or not even visible. Inconsistency in screen framing and lighting quality also impaired their ability to read subtle cues.

Participants also reported that the online environment diminished the impact of dramatic flourishes. Some talked about how during in-person bargaining they use tactics such as slamming binders shut, storming out of the room, or banging on the table to accentuate a point or communicate displeasure. This practice is not universal – a majority of participants denied resorting to such approaches – but most recognized the differences in the effectiveness of such acts between an in-person and a virtual setting. "The blustering doesn't seem to be as effective because it's so strange trying yell [into] a camera, right? Yeah, like [they are] going to shut you off. … So it does change the dynamic"

(negotiator 6). Conversely, some participants found the virtual format made it easier to prevent the employer representatives from reading their nonverbal cues. "You can turn off your camera if you hate something someone said" (negotiator 5).

The responses of participants were mixed with respect to whether the diminished ability to read the room was a positive or a negative impact. Those who tended to avoid using dramatic tactics considered their reduced use an advantage. "It seems like you're getting more done … because of the theatrics [that] kick in when you're in person. … I think it's a little more efficient" (participant 5). Others found it difficult to replace important cues that are used in person:

> If I'm telling the employer we're done and I close my binder, my committee would know that's very important. They're also closing their binder and we all leave together. There is no dramatic flair if I'm the only one leaving the room and my committee is stuck there. So on video what do I do? I'm upset with you. Yeah, I'm turning my camera off. [It removes] any dramatics. (negotiator 8)

Another area where opinion was mixed was that of what practitioners call "sidebars" – informal side conversations between lead negotiators. Most experienced bargainers acknowledge that sidebars can be a useful tool for getting stalled negotiations back on track or finding a solution to an impasse. However, some perceive the practice as sidestepping the authority of the bargaining committee. Half of the respondents felt the shift to virtual bargaining did not impact sidebars, stating that they just switched to using the telephone with the same effect. However, some lamented that sidebars were more difficult in an online format. "You can't step into the hallway and have a sidebar if things are going sideways. Mediators can't take the two negotiators outside and say 'you guys are freaking out of line and out of touch.' To be pulled into a little sidebar on a computer screen. It's not the same" (negotiator 12). Finally, one respondent celebrated the fact that sidebars were harder to conduct: "It's a lot harder for the employer to pull the chief bargainer aside for a side conversation. If it is an online meeting there is no 'hey, let's walk to the washroom together.' So [there is] no opportunity for side conversations and some people would say this is bad. I'm not one of them. … [Sidebars are] a betrayal" (negotiator 1).

One positive effect of virtual bargaining for most participants was having ready access to the internet as a consequence of being on computers during bargaining. While some had used computers previously, for many, virtual bargaining expanded their ability to use them actively in bargaining. "I've got my computer and I got Mr. Google right beside me and [the employer is] throwing something out, it's like tap, tap, tap. Okay. I've got to call bullshit on that. I don't know where you're getting your information from but here are the actual facts. … You have instantaneous facts that at your hands" (negotiator 3). Another participant told a story of sharing a link to a website with information

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pertinent to the topic being discussed – "Instead of having to print out a piece of paper you can just send them a link" (negotiator 2) – calling it "faster."

Unexpectedly, participants did not raise the issue of trust. None felt that the online experience undermined or eroded trust in or perceptions of credibility of the other side of the table. This quote exemplifies a commonly expressed sentiment:

> Whether you're at your computer screen or in person … you know the other professional negotiators. You both have done this before. That may be where the trust has come from, you've done this before with them [and] you both know what your job is. … It's like, 'you know your job. I know my job. You've got to represent the interests of the employer. I've got to represent the interest of my members and between us we'll figure something out that we can both sign on to.' That's what negotiators do. (negotiator 10)

Most participants reported that employer representatives (particularly lead negotiators) were individuals with whom they had previous experience. Sometimes they had bargained with one another for years. Often the employer's negotiator is also the person with whom union representatives work to resolve grievances and other issues related to administration of the collective agreement. "[Name] has done the last few rounds [with us], so it fits" (negotiator 4). Trust between the parties was built through the long-standing and ongoing nature of bargaining relationships, and the participants felt it was resistant to a shift in bargaining platform.

Bargaining committee dynamics

Participants reported that dynamics among their bargaining committees were also affected by the shift to virtual bargaining. The primary concern raised was how virtual bargaining stripped away opportunities for team building and time for bonding: "One of the things about sitting around in a room where you're waiting for the employer to respond is that it helps you build a little bit of camaraderie. You are kind of hanging out in the same space. You talk about your kids and you build a little bit of a sense of being a team. That was impacted" (negotiator 10).

A couple of the participants believed the lack of downtime available for team building interfered with the functioning of the committee, although this was a minority opinion:

> I mean there's time that you're face to face with the employer but then there's time when you're strategizing and then there's time when you [are] just venting and that's when you're walking over to their office or going out for supper or lunch and that sort of thing. … Once we started doing it over Zoom there wasn't that chit-chat time. …That's usually when people vent and get all their frustrations out. … If we break for lunch, everyone would turn their computer off. So there was no everybody going for lunch together. So in my mind, I think what happened was … because we didn't have any venting time what should have been the strategizing time turned into the venting time when we should have been strategizing and looking at the big picture. (negotiator 4)

Others found ways to incorporate new strategies for team building through the online platforms. "We would just build in team-building stuff ahead of time. We would do activities to allow everybody to get to know everybody. 'Everybody, send a picture,' we're going to do a little team-building activity where everybody would put up a picture and explain why you chose this picture" (negotiator 2). Many expressed that the downside of losing team-building time was matched by the upside of being at home instead of having to spend hours sitting in a hotel meeting room. This sense of trade-off regarding work-life balance is discussed more fully below.

Mobilizing and communicating with members

As noted above, accountability to the union members is an important aspect of a union-side negotiator's job and in building bargaining power. COVID restrictions changed much of how that function was performed as well. Most participants reported shifting member meetings to online formats and adopting electronic voting technology. One participant (negotiator 4) talked about hiring a "polling company" to run a series of random sample surveys of the membership to make up for the lack of regional meetings.

Participants' reactions to the switch were mixed. For one negotiator, the online meetings compounded the isolation caused by COVID: "Our members felt disconnected from their union. … Members were scared. They were frustrated. We became an easy target for that fear, right, because we're safe – they can fire at us and we can't push back, we can only just try and help them out. … And it meant we didn't have the momentum that we did before" (negotiator 5).

Others reported that virtual meetings increased member participation. "The virtual element has broadened [participation]. … It has upped our participation. I've got absolutely good data on that" (participant 8). Still others had a nuanced interpretation, noticing that while meeting virtually increased participation, it also changed the nature of that participation: "[When] we went totally online with [meetings,] I believe we reached more members that way. On the flip side, they are also far more aggressive, [shooting] back at you in the comments [section] because it's easier to rant and rave at somebody when you're online. We call them the Email Warriors" (negotiator 3).

For the negotiator whose union used open bargaining, online negotiations were a boon for truly opening the negotiation sessions to the members. "[I would] send an email every day. 'Here's the bargaining link.' We had nearly 400 people on the line when we finished the [employer name] deal. There was greater access, people through COVID got used to these technologies" (negotiator 2).

While participants gave mixed reviews to virtual membership meetings, they were unanimous in raving about electronic voting. Most found increased turnout rates and appreciated the simplicity of sending out links. "[Something] that we will never go back to the old way is online voting. … Gone are the days where we book off our bargaining committee and we'll run around the city

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with ballot boxes. Oh, [we] never will do that again. It was amazing" (negotiator 3).

Finally, all the participants lamented the difficulties in creating mobilizing opportunities during bargaining. Information pickets, tailgate meetings, use of steward networks to share information and gather feedback, and other traditional tools for drumming up support during bargaining were severely restricted in one way or another. The participants reported that COVID limitations made it harder to generate shows of strength that might impact dynamics at the bargaining table. While many of these restrictions were a consequence of COVID more generally, rather than virtual bargaining itself, the participants pointed to reduced mobilization as a significant negative impact on those rounds of bargaining.

Effect on Outcomes and Bargaining Power

THERE IS NO QUESTION the negotiators experienced significant disruption with virtual bargaining and other COVID adaptations. The question becomes, did these disruptions impact outcomes and the union's level of bargaining power?

Outcomes

For the most part, participants felt that the virtual format did not materially impact the outcomes of the negotiations. They stated that the parties still found a way to reach the best available deal: "I'm not sure you don't get to the same result. … [Being online] changes the dynamic, but I think at the end it gets to the same place" (negotiator 6). The sentiment from participants was that most other aspects of the process that could shape outcomes in a meaningful way were unaffected.

One participant opined that the dampening of dramatic tactics has the potential to impact the behaviour of the parties at the eleventh hour, although they quickly acknowledged this had not happened to them, and they were speculating:

> I'm going back to a time when it was the eleventh hour. They come back into [the room] to tell us they aren't moving. And I said, 'well then, I'm giving strike notice on Monday morning,' and [we] closed our binders, got up, pushed our chairs back and were about to leave the room and the employer says, 'hold on, just give us another opportunity.' Would those dynamics have been able to be portrayed online? My opinion: no. Because online you're just you're really data streaming. Right? … I don't think that would have been felt online. (negotiator 8)

While participants did not believe the online environment shaped outcomes, some felt that the circumstances of COVID did affect outcomes, although in differing directions. A couple of them thought it led to a worse outcome: "I think that without COVID we might not have had the acceptance [of the deal]" (negotiator 9). Others felt COVID dynamics helped fend off concessions: "When

we started we were all extremely worried that concessions were coming. … Then COVID hits. They're still spending money to keep things running and keep people working. … And so I think it helped by delaying it" (negotiator 12).

Outcomes and work-life balance

One aspect of virtual bargaining that may have had an unexpected impact on outcomes was a by-product of negotiating while at home. Specifically, participants reported that the increased work-life balance that virtual bargaining afforded may have helped them achieve better outcomes.

Overall, participants responded that virtual bargaining did not decrease the number of hours needed to find a deal, nor did it prevent the use of long days and late nights to get there. What was different, and central to their experience, was the ability to be at home during those long hours. Most reported an increased ability to reach some work-life balance. This response reflects the overall experience:

> Normally [there are] the hours you're sitting in a hotel room and drinking the stale coffee and what have you, never knowing when you are going to interact again. That occurs when you're at home online too, but you just turn your camera off, you turn your microphone off and might do some household chores, you might put on Netflix and you tell your employer, 'text me when you're ready to come back,' and you put the phone down and you lay on the couch. It's far more comfortable. So it really improved quality of life balance in that regard. (negotiator 8)

Most participants did not report lower levels of stress or fatigue, owing to the continuation of long hours, pressure, and deadlines. However, some participants actively linked being at home to improved mental health and a more balanced demeanour in bargaining sessions:

> I've got beautiful parks and scenery just outside my home. … If we are going to caucus, and we are just waiting for the other side, I'll tell the guys I'm going to go for a quick walk and come back. So I go for a walk to the park, which is like literally two minutes from my house, walk around, look at the lake, breathe in some fresh air. Come back…. Instead of sitting there twiddling your thumbs and festering and getting frustrated and angry I could go outside go for a walk [and] come back. (negotiator 10)

Participants suggested this improved mental health may have increased their resolve to resist last-minute concessions or compromises. One respondent argued that online bargaining lowered the likelihood of being pressured into making a deal: "I also think that whole waiting in a hotel [for hours] is specifically designed to exhaust you and make you agree to something at three o'clock in the morning" (negotiator 1). This participant felt that being at home put union negotiators in a better position to hold out for a slightly better outcome.

Bargaining power

When asked about the impact on bargaining power overall, most participants stated that they felt the balance of power, at least at the table, was unaffected.

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Some pointed to the fact that both parties were having to deal with the disruptions and new dynamics that accompanied virtual bargaining, which had an equalizing effect. Others dismissed the role of technology in shaping bargaining power. Some participants argued that while some aspects of the process changed, the technology did not significantly alter the relative bargaining power each party held. "Whether [negotiations are] in person or over Zoom, I don't think it makes a difference because it's not about presenting ideas and it is not about winning with rhetoric. This is about a demonstration of power" (negotiator 1).

However, when the topic switched to the impacts on their mobilization of members, participants were more likely to see the negative consequences of disrupted member engagement.

> Our members weren't really focused on bargaining because of COVID. … People who were just so exhausted and they just stay [at home], I don't think their mind was on bargaining. … Even in [bargaining unit] people were saying at first they were prepared to take strike action around these rollbacks, but then COVID came in and everyone was just too focused on [surviving]. (negotiator 4)

Others talked about how the elimination of traditional organizing tools hampered them.

> I mean we had to start from square one and figure out different ways to organize them. Before, we were having information pickets every week and we were building across the province. [But later] I think the members felt extremely disconnected from their union and we're still seeing residual impact from that. … We are now at a point where we are shoring up our foundation and building slowly from that again. (negotiator 5)

The assessment of these participants was that the lack of member mobilization led to reduced bargaining power at the table, making it harder for them to get the deal they were aiming for. It needs to be noted that difficulties in mobilizing members were more a function of COVID restrictions generally than of virtual bargaining specifically, and so it may be more accurate to attribute the perceived loss of bargaining power to the broader context within which this round of bargaining took place.

Overall Assessment

When asked their opinions of online bargaining overall, and whether they would do it again, most participants saw it as a short-term necessity they learned to cope with but retained a strong preference for in-person bargaining. Many of their responses reflected conflicted feelings about the process – that is, they liked some aspects of it, but overall they preferred meeting in person. The following are some exemplars:

> Did it work? Sure. Was it necessary? Sure. Would I continue to do it out of choice? No, because you don't get that human interaction. (negotiator 12)

It was terrible. Anyway, we did it and [at least] I thought arguing over Zoom is great. (negotiator 4)

My preference is no. I would push hard not to [go online]. However, I could if we actually needed to. … If there's another pandemic you would do it. But I'm, like, this was an experiment that you knew was necessary, but would I adopt it? Absolutely not. (negotiator 3)

Only one participant expressed an active interest in doing it again. Not unexpectedly, this opinion was voiced by the negotiator whose union has adopted open bargaining, and so they saw the benefits of online bargaining for bringing large numbers of members into the meetings: "I'm perfectly comfortable and would prefer to do [employer name] virtually again, with 400 members on the line when we got the deal. Yeah" (negotiator 3).

Discussion

It is not surprising that COVID-induced virtual bargaining resulted in both disruption of long-standing processes and dynamics as well as quick adaptation by negotiators to accommodate the new reality. In general, based on the participants in this study, it can be said that they adapted to the less-than-ideal circumstances fairly well. They quickly learned how to use technology to facilitate virtual bargaining and, in some cases, figured out how to use that technology to their strategic advantage. They were aware of the downsides to virtual bargaining – difficulty reading the body language of others and increased challenges to building connection among bargaining teams, in particular – but also mindful of advantages, including increased work-life balance, quick access to the internet, and new tactics for bargaining team communications. Opinion was mixed around questions of sidebars and the use of dramatic tactics.

It is valuable to document the adaptations made during a historic public health event, even if practitioners, for the most part, report not wanting to replicate virtual bargaining. Recording what negotiators did to cope teaches us about the practice of collective bargaining and the skills required of negotiators to make the best of a situation. Should there be another situation where virtual bargaining becomes a necessity, scholars and practitioners will know more about what to do, what works, and what does not.

But it is also important to understand what happened during this period because it provides insights into the robustness of collective bargaining structures in Canada. Adaptations were mostly in the name of maintaining stability in the process, of replicating as much as possible familiar structures and processes. Except in one case, new technologies were not used to increase member involvement in bargaining sessions or create more transparency in the process. Negotiators learned to use new technology to maintain tactic dynamics at the table. New technology was introduced to facilitate continuation of key bargaining processes, such as caucusing and intra-committee communication,

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rather than to re-envision or remake those processes. In some cases, the adaptations were successful; in others, less so.

It is noteworthy that some of the deleterious effects of virtual bargaining in other realms of negotiation, such as erosion of trust and perceptions of credibility, did not appear in this study. Three unique features of collective bargaining may explain this finding. First, in labour relations, the parties have an ongoing relationship and regularly engage in processes of conflict resolution, and often the parties' negotiators have worked with each other for many years. Second, collective bargaining is structurally more competitive and conflict-based than other realms of negotiation, meaning the shift to virtual was less likely to degrade that dimension of negotiation. Third, collective bargaining's resilience may, in part, be due to the codified legal framework in which it operates. These externally imposed conditions may serve as a stabilizing influence.

The second goal of this study was to examine virtual bargaining's impact on union bargaining power. There are two dimensions to this question. First, negotiator tactics and dynamics at the bargaining table matter with respect to bargaining power. The well-established patterns of behaviour were significantly disrupted by virtual bargaining, with the potential to alter power dynamics. However, when we synthesize the experiences of the negotiators, we can conclude that virtual bargaining's impact on this aspect of bargaining power was fairly minimal. Either negotiators crafted effective workarounds to achieve the same end, or both parties experienced the unavoidable negative effects – such as the weakened ability to "read the room" – equally.

Second, and in contrast, restrictions on gatherings and in-person meetings did disrupt traditional union methods of engaging and mobilizing members. A number of participants expressed frustration that information pickets, member meetings, and other tools typically used in preparing for a labour dispute were curtailed, with no easy replacements. Further, the general stresses related to COVID dampened many members' militancy and willingness to take action in support of the bargaining committee. These developments are much more significant in their impact on bargaining power. While, for the most part, the negotiators claimed the outcomes were unchanged, one cannot help but wonder whether the lack of the usual outward-facing signs of worker agitation shaped what happened at the table. Employer representatives saw that mobilization was missing or reduced, and that low morale made enthusiastic strike votes less likely. If the threat of strikes by unions was diminished owing to the inability to mobilize, then this would likely have a palpable impact on union bargaining power during those rounds of negotiations.

Of course, the disruption of traditional mobilizing tactics was a consequence of COVID, not of virtual bargaining. It is possible, if not likely, that virtual bargaining taking place outside the context of a pandemic would have less impact, overall, on bargaining power. This finding is something that practitioners and

scholars should take note of. If a union effectively mobilizes its members, the shoring up of bargaining power that those actions achieve would outweigh any potential technical disadvantages emerging from a shift to virtual bargaining.

However, that is not to say that union negotiators should blindly agree to virtual bargaining. Instead, if a decision to move to a virtual format is made, negotiators should carefully consider what structures, practices, and tools are needed to ensure the union does not accidentally give away some strategic advantage at the table. Moreover, this serves as a useful reminder that bargaining table tactics never replace the organization of union members.

Conclusion

This is one of the first studies to examine negotiators' experiences with virtual bargaining in a labour relations context. It has found that despite some similarities to other forms of negotiation, the specific context of collective bargaining creates unique dynamics when the parties are required to switch to virtual environments. These unique dynamics result from the greater rigidity of collective bargaining processes that results from legislation, and the greater resiliency of those processes given the nature of the union-management relationship. This article also offers a preliminary exploration of whether virtual bargaining impairs union bargaining power; the initial conclusion is that it does not, as long as union mobilizing strategies continue to be employed.

Further research could profitably explore the experiences of employer-side negotiators in similar circumstances. While many aspects of their experience would be similar to that of their union counterparts, there may be interesting differences. Also, this study could not objectively determine whether bargaining outcomes differed materially in a virtual environment, in part because of the effects of COVID and in part because of the experiential basis of the method. Future research may find ways to evaluate whether bargaining environment impacts the negotiated settlement.

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