

Social dialogue and conflict prevention/resolution
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Good afternoon. I am going to talk about avoiding, creating and resolving sources of conflict between symphonic musicians and managements.

Virtually every orchestra in North America – and I hope every orchestra represented here – has an elected orchestra committee that serves as the liaison between orchestra and management. My own orchestra's collective bargaining agreement, or CBA, describes the committee's duties as being "to confer with the Centre's Music Department on such matters as touring and scheduling and general compliance with the terms of this agreement." The orchestra committee also serves as liaison between the local branch of the American Federation of Musicians, or the AFM Local, and the musicians. In many orchestras, a member of the committee acts as union steward, or the committee as a whole takes that role. It is not the job of the committee members to force their colleagues to comply with the CBA, but to discuss infractions thereof with management and the Local if necessary. In other words, the committee is an advisory body, and hopefully a visionary one, rather than one whose job is to police the musicians.

Many of the orchestra committees in North America have regular meetings with management. Those that don't will schedule them on an ad hoc basis, as desired by either themselves or by their managers. There may or may not be a representative from the AFM Local present at these meetings, depending on the topic. The meetings are meant to deal with problems before they get out of hand, whether they are about scheduling, per diems on tour, or personnel issues. The orchestra committee may also be the body that serves as the orchestra's representatives when the CBA is negotiated, or there may be a separate elected negotiating team. In nearly all cases, the agreement itself is between the AFM Local and the orchestra, but it would be virtually unheard of these days for the Local to negotiate a CBA without significant input from the musicians. Please note that I have stressed the word "elected." I can't think of a better source of conflict than for management to appoint even a single musician member of a committee.

There are other committees that exist in many North American orchestras, most commonly an artistic advisory committee. This has varying degrees of success, depending upon the place. The artistic advisory committee works best when the orchestra members feel that they have real input into plans for repertoire or guest conductors. Some orchestras have committees that deal with specific matters such as touring or media. The orchestra that has the most committees I've heard of is the St. Louis Symphony. Several of them are composed of three musicians and three members of management, and I'm told that they function quite well. Apart from a media committee, there is a joint insurance group, a pension committee, a scheduling committee, an instrument loan committee and a visionary planning committee. That one is the equivalent of the artistic advisory committee in other orchestras. There are two musicians from the orchestra committee, two additional ones elected by the orchestra, and two picked by management. When I expressed surprise at learning about those last two, I was told that it isn't worth changing because, as in other places, that committee is the least effective. The orchestra committee, called the Council in St. Louis, is the executive committee of the orchestra, and all of the other committees are responsible to it, with reports due once a year.

All of the aforementioned committees are methods used to avoid conflict, or to deal with it before it gets out of hand. I would like to tell you about a situation that seems guaranteed to create conflict. In the St. Paul Chamber Orchestra, the musicians have taken on roles traditionally allotted to managers and that seem designed to undermine and replace the orchestra committee, which has in turn been rendered powerless. During a financial crisis and through a very close ratification vote, the orchestra set up a new structure in 2003. There is no longer a music director in St. Paul; rather, a group of five Artistic Partners join together to lead the orchestra. There is a joint Artistic Vision Committee whose purpose is to set the overall artistic direction and strategies of the organization, working within the financial parameters established by the board of the orchestra society. This is not unlike the artistic advisory committees that we find in other orchestras, with the difference being that this committee goes on to handle matters of scheduling, hiring of guest artists and conductors, touring, and so forth. In short, they do everything that is traditionally done by an orchestra's management. This is different



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from a self-governing orchestra because there still are managers in place, not chosen by the musicians, and they wield a great deal of power.

Where the St Paul orchestra has set a recipe for disaster is with its Artistic Personnel Committee, another joint musician-management committee. When this committee was set up in 2003, it was given the power to initiate disciplinary actions against fellow orchestra members, all the way to dismissal proceedings. St. Paul has a new CBA as of last June and, as it stands now, the Artistic Personnel Committee may no longer initiate dismissals. This is the responsibility of management, but the manager may act on the basis of input from other musicians, guest conductors, or Artistic Partners.

There is a conflict resolution process which has not yet been used. The idea is to defuse conflict between musicians. The Artistic Personnel Committee is supposed to act as mediators. Also new is a review committee for people under threat of demotion or dismissal. Throughout all of this, the role of the orchestra committee has been greatly diminished because the Artistic Vision Committee is the one making all the decisions.

There have been some recent cases where conflict in orchestras has risen to such a level that outside help has been called in to solve the problem. My own orchestra, the National Arts Centre Orchestra in Ottawa, has a music director with a very strong personality who has polarized the group. Some of his methods have been called into question, old friendships in the orchestra have broken up, the AFM Local has been accused by each side of supporting the other unfairly, and things came to a head last year. So two facilitators were hired, with the cost shared initially by the Local and the Arts Centre and then borne completely by the Centre. The facilitators attempted to defuse the situation by getting people to talk openly, and without fear of reprisals, in various combinations of small groups. Both management and players took part. Some people felt that the exercise was a useful one, but the people who felt the most marginalized by the conductor chose not to take part, so there was not as much progress made as there might have been. We are sailing on a more-or-less even keel right now, but a strong wind could tip us over.

The Toronto Symphony had a similar experience. There was supposed to be a so-called Town Hall meeting with the symphony board, management and musicians once a year, but it has not happened on a regular basis; nor did it help to avert a strike or put things back together afterwards. At the moment, they are enjoying a new style of management which appears to be more receptive to consultation with the musicians. After two strikes, the Montreal Symphony was ordered by their provincial government to undergo a facilitation process similar to ours. In a recently-concluded process, management and musicians were interviewed in an attempt to forestall any further strikes. I am told that the average musician probably won't see much of a difference in people's attitudes, but that management does seem to be committed to keeping the lines of communication open.

Let's look again at the St. Louis Symphony. Their latest joint endeavor is the JLMP --the Joint Labor Management Partnership between the Board/Staff and the Musicians of the St. Louis Symphony, called the Jalump. There was a serious disconnect between the Local and the musicians of the orchestra a couple of years ago during a strike by the musicians. I am told that the rift has been healed and that there is union presence on the Jalump.

The purpose of the Jalump is stated in a side letter to the CBA of the St. Louis Symphony. It is lengthy, but it holds enough hope that it bears repeating here in its entirety: "The parties recognize that they have mutual interest in satisfying the needs of patrons and the St. Louis community, and improving the welfare and satisfaction of employees. The parties recognize that the interests of high artistic standards, increased employment security, fair and equitable total compensation, personal capacity development, and job opportunities go hand-in-hand with the interests of increasing patron satisfaction, serving the St. Louis community, and SLSO financial success. The parties further recognize that these interests will best be served by continuous improvement in working relationships, productivity, technology, health, education, and human resources. The parties agree that to achieve these ends they must use new and creative approaches to labor-management relations, evolve the work culture, and improve work practices throughout the SLSO. In this spirit the parties hereby establish and commit to sustain a Joint Labor-Management Partnership (JLMP)."

The Jalump is about to have its first meeting. The idea is to discuss the goals of the orchestra, with

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no topic forbidden. They hope to meet once a month with a facilitator funded by an outside foundation. There are similar committees in the Fort Worth, Alabama and Vancouver Symphony Orchestras, to name but a few.

In preparation for this conference, I had a talk with our orchestra manager about how last year's unpleasant situation in my own orchestra might possibly have been avoided. We have a joint player and management council which is supposed to meet as needed "with a spirit of cooperation and understanding in an effort to solve problems, refine procedures and integrate new concepts." This was established after a seven-week strike in 1989. It has been a long time since the council met, evidently because the people who agreed to the idea eighteen years ago didn't really believe in it and because all of our energies in recent years have been put into damage control. None of the methods I have described – committees, discussions, facilitations – will ultimately be successful unless all parties are involved and convinced that the process is worthwhile.