

U.P. Labor-Management
Council, Inc.
2017 Annual Conference
“Back to Basics”

BARGAINING BASICS: A Primer on How Collective
Bargaining Works in Practice

March 2, 2017, 1pm Breakout Session

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COLLECTIVE BARGAINING BASICS:

Techniques and Tools for Successful Contract Negotiations

- Collective Bargaining Overview:
 - History, Current State and Stages of Collective Bargaining
- Basics of Negotiation Preparation:
 - Understanding the Issues and Negotiation Environment.
- Starting Negotiations:
 - Getting the Parties to the Table.
- Techniques for Moving Negotiations forward:
 - Maximizing Time at the Table, Caucus and Sidebars.
- Closing the Deal:
 - Reaching a mutually beneficial agreement .



COLLECTIVE BARGAINING OVERVIEW:

History of Collective Bargaining

- Collective bargaining refers to negotiations between an employer and a representative group of employees to determine conditions of employment, such as wages, benefits, and other working conditions.
- Collective bargaining is allowed for both private and public employees.
- Congress initially established collective bargaining rights through the Railway Labor Act in 1926.
- In 1935 those rights were expanded by the National Labor Relations Act (NLRA), which made it illegal for private employers to deny unions representing employees the right to engage in collective bargaining.
- Individual states also regulate collective bargaining and enforce agreements under state laws that typically extend rights to public employees.
- Michigan Enacted the Public Employment Relations Act (PERA) in 1947 as the State's counter part of the NLRA for public employees.

COLLECTIVE BARGAINING OVERVIEW:

Current State of Collective Bargaining

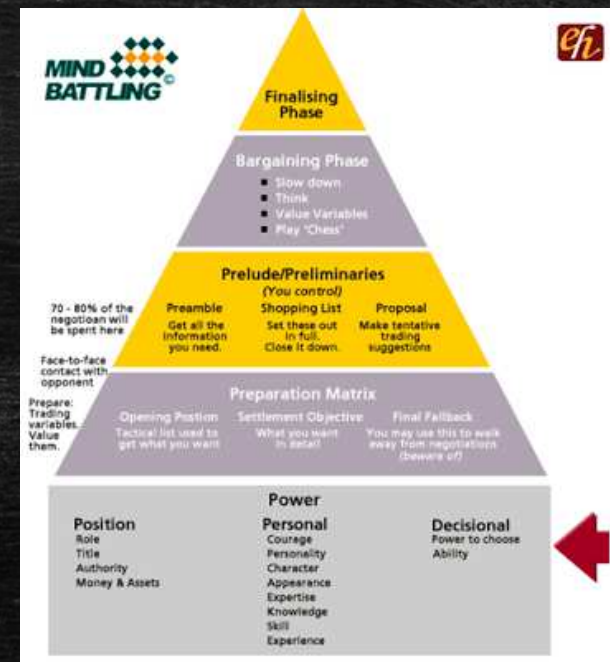
- Employers and unions are required to negotiate in good faith to reach a collective bargaining agreement.
- The parties are not required to reach a new agreement if they have bargained in good faith and reached impasse.
- An impasse is determined when the employer and union reach a point during the collective bargaining process when both parties reasonably assume further negotiations would be futile.
- Once impasse is reached, the employer is permitted to implement changes to the terms and conditions of employment that are consistent with the previous proposals to the unions.
- However, an employer cannot offer greater benefits or ones that differ than those presented during negotiations.
- An employer may institute a lockout and/or the union may call a strike at this point.

COLLECTIVE BARGAINING OVERVIEW:

Stages of Collective Bargaining

Eight Stages of Collective Bargaining

- Preparing
- Discussion/Arguing
- Signaling
- Proposing
- Packaging
- Bargaining
- Closing
- Agreement



BASICS OF NEGOTIATIONS PREPARATION:

Understanding the Issues and negotiation Environment

- Know and understand the collective bargaining agreement.
- Understand negotiations is a give and take process.
- Know your audience before starting.
- Research Market, Financial and other relevant information/data.
- Define your Communications Strategy.
- Build your negotiations team.

Starting Negotiations:

Getting the Parties to the Table



- Commencement of Negotiations.
- Establishment of Ground Rules.
- Understanding of Subjects of Bargaining:
 - Mandatory
 - Permissive
 - Prohibited
- Identification of the Goals and Issues to be negotiated.
- Maintenance of records, notes and proposals from each session.
- Learn to Adapt your Style of negotiations to the Environment and Issues Identified.

TECHNIQUES FOR MOVING NEGOTIATIONS FORWARD: Maximizing Time at the Table, Caucus and Sidebars

- Discussions at the Table: Use of proposals to Frame the Issues and Gain Perspective on the interests of each party.
- Caucus: Each party uses caucus time differently, but the goal is to allow the parties to address proposals
- Sidebars: Sidebars are helpful to address complex or charged issues away from the negotiations table.
- Mediation/Mediator: When one or both parties are stuck, it is common to call in a mediator to help facilitate negotiations.



CLOSING THE DEAL:

Reaching a Mutually Beneficial Agreement

- Closing is the final step in the negotiation process to reach an agreement.
- Identify and address barriers to closing the deal.
- Use the clock to your advantage by establishing deadlines at the outset of negotiation and avoid getting bogged down in never-ending negotiations.
- Do not commit to quickly or expect the other side to do the same.
- Don't sympathize with the other side, Empathize and help them empathize with you.
- Manage employer and union expectations and behaviors.
- Confirm that all the key provisions have been covered so there will be no surprises.

CLOSING THE DEAL:

Reaching a Mutually Beneficial Agreement

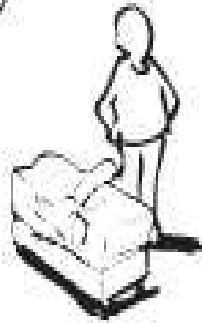
- Reduce all proposals/TA's to writing and take special care to get the language right so that interpretation issues are minimized and that you're in a good position to renegotiate down the road.
- Once the parties have presented all issues for negotiations, agreed on the new terms and conditions for the collective bargaining agreement and reduced the terms to writing, a "tentative Agreement" of "TA" is reached.
- The TA will be voted on by the union members, which is known as the "Ratification" process.
- The Union "Ratifies" the agreement if it votes "yes" to accept the new terms and conditions of the collective bargaining agreement.
- If the Union fails to ratify the TA, then the parties may attempt to negotiate until they reach an agreement that is ratified by the union members or impasse may be declared and the employer may unilaterally implement.

QUESTIONS COMMENTS AND DISCUSSION



Resources:

Key Resources



- www.nlrb.gov
- Younker, Rodney (2014) "Contract Language – The Good, The Bad, The Ugly"
- Schroeder, Bruce (2012) "The Basics of Collective Bargaining in Washington, The Collective Bargaining process."
- Schroeder, Bruce (2011) "The Basics and Beyond - Collective Bargaining in a Nutshell."
- International Labor Organization: "The Collective Bargaining process" February (2011) www.ilocarib.org