

Collective bargaining agreements essay sample



**ASSIGN
BUSTER**

A collective bargaining process generally consists of four types of activities- distributive bargaining, integrative bargaining, attitudinal restructuring and intra-organizational bargaining. Srivastava,(2007) states the following types collective bargaining

Distributive bargainingIt involves haggling over the distribution of surplus. Under it, the economic issues like wages, salaries and bonus are discussed. In distributive bargaining, one party's gain is another party's loss. This is most commonly explained in terms of a pie. Disputants can work together to make the pie bigger, so there is enough for both of them to have as much as they want, or they can focus on cutting the pie up, trying to get as much as they can for themselves. In general, distributive bargaining tends to be more competitive. This type of bargaining is also known as conjunctive bargaining|

Integrative bargaining

This involves negotiation of an issue on which both the parties may gain, or at least neither party loses. For example, representatives of employer and employee sides may bargain over the better training program me or a better job evaluation method. Here, both the parties are trying to make more of something. In general, it tends to be more cooperative than distributive bargaining. This type of bargaining is also known as cooperative bargaining.

Attitudinal restructuring

This involves shaping and reshaping some attitudes like trust or distrust, friendliness or hostility between labor and management. When there is a backlog of bitterness between both the parties, attitudinal restructuring is required to maintain smooth and harmonious industrial relations. It develops

a bargaining environment and creates trust and cooperation among the parties.

Intra-organization bargaining

It generally aims at resolving internal conflicts. This is a type of maneuvering to achieve consensus with the workers and management. Even within the union, there may be differences between groups. For example, skilled workers may feel that they are neglected or women workers may feel that their interests are not looked after properly. Within the management also, there may be differences. Trade unions maneuver to achieve consensus among the conflicting groups.

The collective bargaining process comprises of five core steps:

1. Prepare

This phase involves composition of a negotiation team. The negotiation team should consist of representatives of both the parties with adequate knowledge and skills for negotiation. In this phase both the employer's representatives and the union examine their own situation in order to develop the issues that they believe will be most important. The first thing to be done is to determine whether there is actually any reason to negotiate at all. A correct understanding of the main issues to be covered and intimate knowledge of operations, working conditions, production norms and other relevant conditions is required

2. Discuss

Here, the parties decide the ground rules that will guide the negotiations. A process well begun is half done and this is no less true in case of collective bargaining. An environment of mutual trust and understanding is also created so that the collective bargaining agreement would be reached.

3. Propose

This phase involves the initial opening statements and the possible options that exist to resolve them. In a word, this phase could be described as 'brainstorming'. The exchange of messages takes place and opinion of both the parties is sought.

4. Bargain

Negotiations are easy if a problem solving attitude is adopted. This stage comprises the time when 'what ifs' and 'supposals' are set forth and the drafting of agreements take place.

5. Settlement

Once the parties are through with the bargaining process, a consensual agreement is reached upon wherein both the parties agree to a common decision regarding the problem or the issue. This stage is described as consisting of effective joint implementation of the agreement through shared visions, strategic planning and negotiated change.

The main characteristics of collective bargaining agreement are: Cole (2002) states the following

1. Collective bargaining is a process in the sense that it consists of a number

of steps. It begins with the presentation of the charter of demands and ends with reaching an agreement, which would serve as the basic law governing labor management relations over a period of time in an enterprise.

Moreover, it is flexible process and not fixed or static. Mutual trust and understanding serve as the by products of harmonious relations between the two parties. 2. It a bipartite process. This means there are always two parties involved in the process of collective bargaining. The negotiations generally take place between the employees and the management. It is a form of participation. 3. Collective bargaining is a complementary process i. e. each party needs something that the other party has; labor can increase productivity and management can pay better for their efforts. 4. Collective bargaining tends to improve the relations between workers and the union on the one hand and the employer on the other. 5. Collective Bargaining is continuous process. It enables industrial democracy to be effective. It uses cooperation and consensus for settling disputes rather than conflict and confrontation. 6. Collective bargaining takes into account day to day changes, policies, potentialities, capacities and interests. 7. It is a political activity frequently undertaken by professional negotiators

8. It is a group action as opposed to individual action and is initiated through the representatives of workers. On the management side are its delegates at the bargaining table; on the side of the workers is their trade union, which may represent the local plant, the city membership or nation-wide membership.

9. It is flexible and mobile, and not fixed or static. It has fluidity and scope for compromise, for a mutual give-and-take before the final agreement is reached or the final settlement is arrived at.

Essentially, a successful collective bargaining is an exercise in graceful retreat without seeming to retreat. The parties normally ask for more or offer less than they ultimately accept or give. The proposition is not viewed as being within the rules of the game. One of the most damaging criticisms is that a party is adamant in holding to its original position. Before retreating with as much elegance as circumstances permit, each party seeks to withdraw as little as possible. This involves ascertaining the maximum concession of the opposing negotiator without disclosing one's own ultimate concession. In this sense, all negotiations are exploratory until the agreement is consummated.

10. It is a two way process

It is a mutual give-and-take rather than a take-it-or-leave-it method of arriving at the settlement of a dispute. Both parties are involved in it. Collective bargaining can work only with the acceptance by labor and management of their appropriate responsibilities. It can succeed only when both labor and management want it to succeed. It can flourish only in an atmosphere which is free from animosity and reprisal. There must be attitudes which will result in harmony and progress.

11. It is industrial democracy at work: Industrial democracy is the government of labor with the consent of the workers. The principle of arbitrary unilateralism has given way to that of self-government in industry.

Collective bargaining is not a mere signing of an agreement granting seniority, vacation and wage increases. It is not a mere sitting around a table, discussing grievances. It is a joint formulation of company policy on all matters which directly affect the workers in a plant. It is self-government in action. It is the projection of a management policy which gives the workers the right to be heard. It is the establishment of factory law based on common interest. 12. Collective bargaining is not a competitive process but it is essentially a complementary process, i. e. each party needs something that the other party has, namely, labor can make a greater productive effort and management has the capacity to pay for that effort and to organize and guide it for achieving its objectives. |

REFERENCE

Cole, A. (2002). Personal Management, 4th Edition London Continuum

S C Srivastava, (2007) Industrial Relations and Labour Laws; Fifth Edition;
Vikas Publishing House PVT LTD; New Delh