

COLLECTIVE BARGAINING STRATEGY & TACTICS

LRS Bargaining Forum
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“Knowledge is too important to leave in the hands of the bosses.”

What is collective bargaining?

- Collective Bargaining is a process that is entered into by two willing and participating parties. If one party is not willing, then the process turns to power play to force the other party to come to the negotiating table. The reason why the process is there: is that of decision making or then a collective agreement.
- In a labor environment, collective bargaining is a process of negotiations between a group of employees and employer (s) to regulate wages and conditions of employment. Issues that can be raised in collective bargaining table vary, but they need to be part of mutual interest. For example, implementation date of the wage agreement, wage increase, minimum wages, hours of work, allowances and leaves.

Bargaining level

- Different unions face different situations with their collective bargaining. Some have succeeded in establishing bargaining councils, which enable them to negotiate with all employers in the sector or industry.

Negotiations can take place at different levels:

- Company level – shop steward is elected and mandate from the different workplace of that company. A negotiating team is then formed.
- Plant level – negotiations happen at a single workplace
- Centralized level – one or two unions will represent workers or members and different employers in that sector or industry will form an association to represents its members
- Sectoral determination

What is a collective agreement?

The Labour Relations Act under section 213 defines a collective agreement as follows:

A collective agreement means a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions on the one hand and on the other hand:

- *One or more employers*
- *One or more registered employers organisations or*
- *One or more employers and one or more registered employers' organisation.*

Collective bargaining processes (bargaining table)

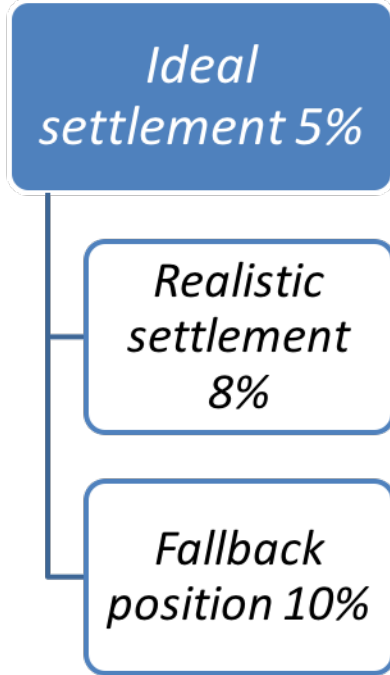
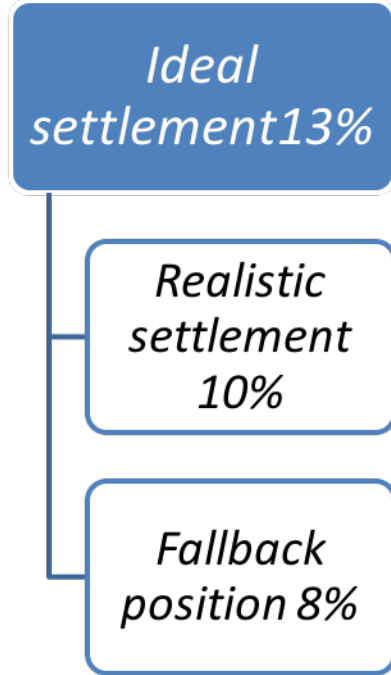
Developing objectives

It's imperative for a negotiator (s) to develop or have a set of objectives when preparing for wage bargaining. Members need to be part of this process of developing objectives and the outcome of the wage negotiations.

A negotiator (s) and members must be able to determine their ideal position. Which is a figure or a number to open the negotiations. The team need to identify or come up with I deal settlement, realistic settlement and what is called a fallback position (see diagram)

A good or skilled negotiator must put himself or herself on the mind of his or her opponent. *(Think like the employer as this will assist you to understand their position and arguments.)*

Trade union
demand



Employers
offer

Collective Bargaining Preparations

- A negotiator (s) and members must thoroughly quantify their demands to be able to make a case that will support their position (*What kind of information to prepare and what tools to motivate your argument*).
- A negotiator (s) must share demands to be negotiated among the team members. This very important as it allows you and team to be in the same position rather diverting from objective or goals. There need be a guiding notes that will keep the team focused during the wage negotiations.

Identifying potential difficulties before the negotiation begins can help boost your confidence, and knowing when to introduce or avoid them can be a useful tactic.

Work out how much information you have about the situation and the other party. Consider your objectives and ask yourself how much you need to use during the negotiations. Lastly plan when and how to release information.

Negotiations/motivating demands

It is a good idea to open negotiations. This means putting your cards on the table first by outlining your opening – ideal – negotiating positions. This can give you an advantage in that your position and demand are the first to be heard. The first move usually sets the scene and so going first can be an influential tactic to use in the negotiation.

Pre-bargaining meetings

Before you begin negotiating you must decide on the area you want to explore with the other party at the negotiation table. *(For example, early settlement or opening offer)*

Caucus in collective bargaining

Calling a caucus is a tactic that allows stopping the negotiations at any point to allow you to think, get more information or to manage your emotions.

Moving towards agreement

It's difficult to anticipate this stage, but it is worth giving some thought to how you might get movement and an agreement.

Reaching agreement in collective bargaining

- Before you begin the negotiations give some thought to how agreement will be reached, what are you going to achieve and what will you do if you deadlock. (Dispute processes). Start mobilizing and preparing your members or constituency before you commence the negotiations. This helps because members or your constituency will be ready by the time you deadlock, it also helps as they feel involved in the whole process and own it. As a negotiator, you enter the negotiations on their behalf, meaning it is their mandate that counts not yours.

Signing, implementing and monitoring the agreement

This is the most important part of the negotiation. Make Sure that you read and understand each and every clause in the agreement before putting your signature.