

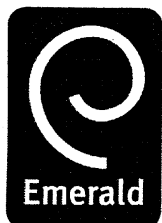
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A call for research on collaboration versus traditional bargaining in labor-management relationships

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A SPECIAL COMMENT FROM A CONFLICT MANAGEMENT PRACTITIONER

A call for research on collaboration versus traditional bargaining in labor-management relationships

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Abstract

Purpose – The purpose of the paper is to call for research on collaboration versus traditional bargaining in labor-management relationships.

Design/methodology/approach – The author draws on his own experience as a union leader involved in conflict resolution.

Findings – Research into the area of collaboration versus traditional bargaining in labor-management relationships would be beneficial.

Originality/value – Research in the area outlined by the author could be helpful to key decision-makers.

Keywords Collective bargaining, Trade unions, Industrial relations

Paper type Viewpoint

As a labor-management mediator for the last eight years, and now as head of a state mediation service, I have a research wish list. One of the questions I am most interested in is the following: is there a trend toward collaborative[1] labor-management relationships, and away from adversarial relationships? If so, why? What are the factors that cause employers and unions, particularly in the public sector, to choose one path of conflict resolution rather than another?

My questions for the conflict management academic community derive from my life experiences. Soon after college, I entered the workforce as a letter carrier for the US Postal Service. Having studied labor history, and as a product of the social movements of the 1960s and 1970s, I wanted to see how a unionized workplace looked from the ground up. I carried mail for five years in a multi-ethnic urban setting. I was elected shop steward, then chief shop steward.

As shop steward, I handled dozens of grievances. I became intimately familiar with a traditional conflict resolution system, from the vantage point of an advocate. The Postal Service was a highly structured employer that managed through hierarchy. Discipline – letters of warning, suspensions, terminations – was handed out liberally. The union filed many grievances. Many were resolved through negotiation and compromise. But many were never resolved, or not resolved to both parties' satisfaction, resulting in an undercurrent of hostility.



After five years, I was elected president of the branch, a full-time union job. From that position, I began to see the big picture. I realized that the local station where I had served as shop steward had been a microcosm of a larger dysfunctional system. Supervisors, under pressure to increase productivity, leaned on the rank and file with sometimes unjust discipline. The rank and file, feeling frustrated and harassed, worked to rule and not a step faster. Supervisors frequently bypassed provisions of the collective bargaining agreement in order to move more mail with fewer man hours, resulting in violations of the collective bargaining agreement. Grievances were filed, grievances were won, and back pay was awarded. The union used the threat and reality of binding arbitration, the final step in the grievance procedure, to gain the upper hand. With a membership of about 3,000, the union filed about 1,500 grievances a year. The cost to both sides was enormous.

Using a traditional conflict resolution system that was adversarial and based on hierarchical relationships, no one was really happy. Most letter carriers did not look forward to coming to work each day. Managers were tied up with time-consuming and costly grievances. Fortunately, union and management leaders in Washington DC began to promote a new way of doing business. It was called "employee involvement" (EI). EI was a systematic effort to change the organizational culture, from the top down. Union and management would sit as equals on steering committees at all levels of the postal service. National-level leaders selected and trained pairs of labor and management facilitators at the local level. Letter carriers elected some from among their ranks to meet weekly with local managers in the stations to resolve problems in a collaborative way.

The underlying philosophy of EI was akin to that expressed in Roger Fisher and William Ury's *Getting to Yes* (Fisher and Ury, 1983). Known as "interest-based bargaining", this new approach emphasized satisfying the underlying interests of the parties rather than the traditional approach in which the parties argue for a specific outcome. Even in the contentious area of postal service discipline, the parties made efforts to change the paradigm. For example, rather than suspend letter carriers without pay for egregious rule violations, no-time-off suspensions were invented. The employee would not lose pay, management would not have to hire a replacement on overtime pay, and the message – clearly identifying unacceptable behavior – would still be delivered.

EI changed me as a union leader. I saw the value of collaboration in delivering better working conditions to my members. It allowed me to see management's point of view more clearly. As a result, I became a more effective negotiator. I realized that, if I could help the employer achieve its objectives at the bargaining table, then the employer would be more open to helping me achieve the union's goals. For example, if I could address the employer's concerns about the administration of a complex overtime distribution system, then the employer would be more responsive to the union's seniority concerns.

I left the letter carriers' union in 1991 to take a position working for another union. Unfortunately, EI fell apart in the Postal Service soon after. Changes at the top of the Service brought in leadership with a traditional hierarchical approach to management. Pressures arose within the union, as well, to recapture the more militant spirit that permeated during the era of the nationwide wildcat strike of 1970. Today, my friends in

the Postal Service describe a relationship that is strikingly similar to the atmosphere I dealt with as a shop steward in the early 1980s.

Since that time, I have been involved in other labor-management collaboration efforts. As a field representative for a healthcare workers union, I participated in the beginning stages of the partnership between Kaiser-Permanente and the AFL-CIO. This expansive labor-management project has achieved success at regional and local levels and appears to have some staying power.

As a mediator, I have facilitated discussions between labor and management parties who wanted to change their relationship from one of combat to one of principled engagement. I have witnessed remarkable success, particularly in the public sector in California. Recently, I was called in to assist a community college and its faculty union rebuild after a stormy and demoralizing bargaining round. All the constituents, from the elected governing board to the rank and file faculty member, wanted to try some other way. We started with a facilitated debriefing with all of the participants, unpacking what had gone wrong and why. This led to a decision by the parties to use an interest-based approach in their successor negotiations. As of this writing, the parties are succeeding not only in achieving a successful bargaining process, but rebuilding their relationship.

However, I have also seen collaboration fail. I have seen changes at the top of management and changes in union leadership that resulted in a return to adversarial relations. I have had to help pick up the pieces of failed interest-based bargaining and help the parties reach agreement using a more traditional approach. In these cases, layered on top of the usual disagreements over issues is the additional bone of contention – who let the interest-based approach fail?

Labor-management relationships provide a unique opportunity to study a long-term complex organizational interdependency. In the public sector, especially in states like California with strong public sector labor laws, unions are thriving. The employer cannot pack up and move to Mexico or Singapore. And the political reality of elected bodies (city councils, school boards, etc.) precludes union-breaking as a realistic strategy. Relationships between employers and unions tend to be quite stable. Most public sector collective bargaining agreements in California have been in place for 30 years or more. The agreements expire every year or two or three, but the laws require a good-faith effort to negotiate a successor agreement.

These long-term interdependent relationships are challenged by economic social and political pressures. The unions and employers have overlapping but also separate interests. No matter how contentious the relationship gets, divorce is not a viable option. Collective bargaining is firmly established through state statutes.

The question that invites research is, then, the following: how do public employers and unions manage conflict in the context of this long-term relationship? How many public employers rely on traditional adversarial and positional bargaining methods to negotiate? How many have adopted a principled problem-solving Fisher and Ury type of bargaining based on satisfying both parties' underlying interests? What are the trend lines? What factors lead organizations to go one way or the other? Within a particular organization, are there long cycles of collaboration followed by contentiousness? Is there a pendulum effect, whereby parties swing in one direction and then back in the other?

Do unions representing blue-collar workers tend to favor collaboration more than white collar or professional? Or *vice versa*? How does one measure the success of one approach versus the other? In days lost to work stoppages? In time and money spent on litigation and negotiation? In number of grievances filed? In employee job satisfaction?

Research in this area could be helpful to key decision-makers. Elected officials, union officers, and state and federal mediation agencies all could benefit from this analysis. I would be happy to provide contacts for anyone willing to engage these topics.

Note

1. I use “collaborative” and “collaboration” throughout rather than “cooperative” and “cooperation”. These terms connote an interdependent relationship based on equality and mutual gain. Parties, especially unions, balk at the concept of “cooperation” because it implies one party cooperating in the agenda of the other.

Reference

Fisher, R. and Ury, W. (1983), *Getting to Yes: Negotiating Agreement Without Giving In*, Penguin Books, New York, NY.

About the author

Paul D. Roose has served as the supervisor and program chief of the California State Mediation and Conciliation Service (CSMCS) since December 2005. Prior to that, he was a mediator with CSMCS, mediating public sector labor-management disputes since 1998. Paul has helped public employers and unions reach contract agreements in hundreds of school districts, cities, counties, transit districts, community colleges, and in public higher education. He is the author of “Process, strategy, & tactics in labor-management mediation”, published in the American Arbitration Association’s *Dispute Resolution Journal* (November 2003-January 2004), and reprinted in *Labor-Management Relations Annual Editions 05/06* (McGraw-Hill/Dushkin). Paul Roose can be contacted at: proose@dir.ca.gov