

# Avoiding Impasse

Impasse means the point at which no further progress toward an agreement appears likely because neither side is making further movement on major unresolved issues.

Normally the union does not want to bargain to what could legally be defined as an 'impasse' because then management may be free to stop following the old contract, stop collecting dues, and unilaterally change wages, hours, and working conditions.

In private sector cases, the union would have to file charges with the National Labor Relations Board if the employer declared impasse and imposed unilateral changes. In public sector cases, the state or local agency that oversees labor law enforcement would decide whether impasse had been reached.

The NLRB or other appropriate agency will ask such questions as ...

How many times have the two sides met?

How firm do they seem to be about their positions?

Has each side made its 'last, best, and final offer?'

You can try to avoid impasse by...

**Not giving management a firm rejection on proposals you mainly disagree with.**

Instead, stress that your position on individual items depends on the total package management is willing to agree to.

**Continuing to make new proposals on controversial subjects,** even if there is not a huge difference between your new positions and your old ones.

**Insisting that management take the time necessary to prepare detailed information** the union needs in order to bargain intelligently on proposals each side has made.

**Not saying to management, your members, or the news media that you've reached the point where it is clear that management has no intention of settling.** You can say that so far they have not been willing to negotiate a fair settlement.