

Breaking a Deadlock at the Table

When little progress is being made and you want to get negotiations moving toward a settlement, some of the following techniques may be helpful:

Employ more pressure tactics as described in Part 4. Your problem may not be a failure to communicate at the table but rather a failure to force management to want to settle.

Trade one or more items for one or more others. “We are willing to consider moving on X if you are willing to agree to our proposal on Y.” (Be aware that in saying this you are signaling that X is not a make-or-break issue for you.)

Group several issues into a package or present an entire proposed contract that contains some compromises by both sides. “We’ve developed what we think is a fair package, and we’re willing to accept the compromises in it if you accept the entire package.”

Make minor changes to save face for one side or the other. If one team finding it hard to admit that it has to change its position on an issue, a relatively unimportant change in wording may allow them to say, “Well, with that change I think we can accept it.”

Suggest resolving an issue through a side letter rather than in the contract itself. A side letter is an agreement that is added on to the main contract. It is binding and can be grieved unless you have agreed that it can’t. Whether side letters must be specifically renewed when they expire depends on the understanding of the two sides during bargaining.

If management officials are reluctant to break new ground on a controversial issue or to agree to special provisions for a particular group of workers, they may feel more comfortable using a side letter format to emphasize that the agreement is unusual or experimental.

Be sure to include any side letters when the contract is printed.

Bring in a new face, such as a higher-level union official. If management officials are ready to settle but their relations with local union negotiators have become too strained, they may find it easier to settle with someone new.

In addition, the presence of someone from higher up may remind management that all of SEIU stands behind this local.

If a settlement is reached with the higher official’s help, it is important the negotiating team be closely involved in considering and approving the tentative agreement. Like any settlement, it probably will involve both compromises and victories. The political heat for those compromises and

the credit for those victories should be shared by a united union leadership. In the long run, members' confidence in their union will be damaged if they see political division and jockeying among different levels of the union or if they view the settlement as something higher-level officials negotiated over the heads of their own negotiators.

Step up the pace of bargaining. This might mean meeting every day instead of once a week. Or it might mean using marathon bargaining sessions, in which negotiators agree to stay in session all day and all night if necessary to reach an agreement.

This approach is supposed to help negotiators get into a rhythm of reaching agreement that will help them find solutions when they get to the toughest issues. It is also supposed to wear negotiators down, so that getting bargaining over becomes more important than the details of the settlement.

For these reasons, high-pressure bargaining obviously will help you if management's negotiators are the first to feel the effects, and will hurt you if your own team is the first to wear down or get in the mood of compromise.

If you are going to engage in marathon bargaining, all members of the team who are going to be present should go into it well rested and without family conflicts that will make them too eager to reach a settlement.