

Establishing the Bargaining Relationship

The first dealings between the two bargaining teams establish a relationship that will carry over into the rest of the bargaining sessions, as well as contract administration at the workplace. The union team should be trained on the following points:

Establish written ground rules covering such points as paid release time for rank-and-file negotiators and procedures for setting meeting times, establishing meeting agendas, and signing tentative agreements for ratification. *(For an example of the type of format that may be used for a ground rules agreement, see the sample on the last page of this SkillBrief)*

Insist that meeting times and places be convenient for your team.

If you let management dictate inconvenient meeting times or places, management will conclude that it should push hard on the big issues in the negotiations as well.

Make clear that meeting agendas and goals for each session will be set by mutual agreement. The order in which you discuss bargaining issues can affect the outcome of negotiations. Your side must have equal say in determining that order.

Don't let management's chief negotiator act as official or unofficial chairperson of the negotiations. Employees may be used to having management officials conduct meetings. But the chief negotiators for each side should act as co-chairs who, when necessary, agree on who will speak or when to move to new topics.

Expect to be treated as equals. For example: If management officials keep leaving the room to take phone calls, causing everyone else to have to wait or to repeat the discussion when they return, the union team should object and ask that both sides agree to have their calls held while negotiations are in session. Raising this issue can be a good way to emphasize that your time is as valuable as management's and that the negotiations are as important as any other responsibilities either side has.

If management officials interrupt while a union negotiator is talking, calmly suggest that both sides consider it a ground rule that people will not interrupt each other. Otherwise, management negotiators may use interrupting as a device to undermine the confidence of union team members.

If there is a coffee pot nearby, let members of the management team get their own coffee. If members of the union team serve it to them, they may take it as a reinforcement of their "superior" position, and

that attitude will carry over into negotiations.

If members of the management team call you by your first names, use their first names as well, rather than Mr., Mrs., or Ms.

Don't agree to a ban on talking publicly about the negotiations. Such a ban takes away an option you may need, and can be violated without penalty by management when it becomes convenient, leaving you unprepared to fight back. Instead, you could answer along this line...

"Obviously, we agree that mutual trust will be important in these negotiations, and that all of us should feel free to be direct and honest with each other. As long as you are bargaining in good faith with us, it will be in our interest to reach an agreement as smoothly as possible, and we will have no reason to blast you in the news media or in the community. We want to negotiate an agreement, not to score public relations points."

"However, until we have a fair settlement, we will have to use whatever means we can to win one. And we all know that, even though you are proposing a ban now, we couldn't enforce that if you chose to change your mind later. So while we cannot accept your suggestions, we do agree with the spirit behind it, and commit ourselves to conduct as harmonious negotiations as possible."

If you do publicly repeat statements by management negotiators they may claim that you have damaged the bargaining atmosphere. But they will say that about any pressure the union applies, and they will settle not because they became friends with the union committee but because they felt that pressure.

A possible response to criticism for going public is...

"All we did was tell people what you said. As soon as it becomes clear that we're going to reach a fair settlement, then we no longer will need to publicize your statements."

You will find a 'Sample Format for Ground Rules Agreement' on the next page.

Sample Format for Ground Rules Agreement

Local _____ of Service Employees International Union, AFL-CIO, and [employer] agree on the following ground rules for meeting and negotiating until settlement is reached to modify the current collective bargaining agreement or until an impasse in negotiations is declared by the [NLRB or PERB].

1. Meetings shall occur at mutually acceptable dates, times, and locations. Any changes will be discussed at least 24 hours in advance.
2. The employer shall provide release time without loss of pay for _____ union members for the purpose of attending negotiation meetings. The release time shall begin one hour before the scheduled meeting time and end one hour after each session is completed.
3. The agenda for each session shall be agreed on at the conclusion of the previous session, although it may be altered by mutual agreement.
4. Management and the union will each designate a chairperson for each session. The two chairpersons will jointly determine the order in which people speak and the amount of time to be devoted to each topic on the agenda.
5. As agreements are reached they shall be put in written form, dated and timed, and labeled as Tentative Agreements, and two copies of each shall be signed by the spokesperson for each party.
6. Agreements on specific items of negotiation shall not be binding on either party until the entire package of Tentative Agreements is ratified/approved by both parties.
7. When the complete package of Tentative Agreements is accepted, the negotiating teams of both parties shall promote the ratification/approval of the package by their respective sides.

For the union:

Date: _____

For the employer:

Date: _____