

Off-the-Record Talks

At times, it may be useful to talk with management “off the record.” This can give both sides a chance to explore possible solutions that they cannot discuss publicly.

If you decide to do this, the ground rules should be clear. Are both sides agreeing that no notes will be taken? That what is said will not be repeated outside the negotiating room and will not be used in unfair labor practice or arbitration cases?

Keep in mind, however, that an agreement to go off the record can easily be broken. Anything you say might be repeated later by management officials if they decide it would be to their advantage.

Your best protection against that happening is if the off-the-record session is called to discuss things that neither side would want revealed. Even so, it will be one side’s word against the other’s if a public dispute arises later over what was said.

Sidebars

A sidebar is an off-the-record meeting that does not involve the complete negotiating teams. For example, management’s chief negotiator may suggest that he or she meet privately with the union’s chief negotiator to work out a deal.

Sidebars can be a useful tool to explore possible solutions that one or both sides cannot discuss openly. However, sidebars also can be used to split union negotiators from their committees or the membership.

Union negotiators should agree to a sidebar only if...

At least two people from the union take part so management cannot inaccurately describe what the union representatives said.

The negotiating team as a whole has authorized participation and has instructed the union representatives on what to say and not to say.

The sidebar meetings do not last very long. If a negotiating team has to wait days or weeks while a few individuals are meeting privately, tensions and suspicions are bound to develop.

Union representatives to the sidebar report immediately to the rest of the team on the outcome.

The union representatives do not claim authority to agree to anything without approval and ratification through the union’s normal procedures.