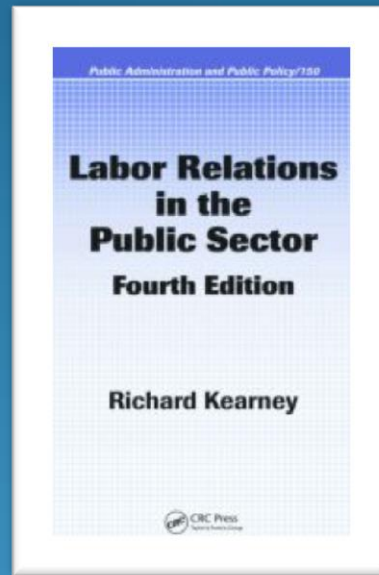


The Process and Politics of Public Sector Collective Bargaining



Chapter #5

Labor Relations in the Public Sector

Ben Tieniber

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Collective Bargaining

Economics (private)

+ Politics (government)

Public Sector Collective Bargaining



Internal Process & Politics

- Both a Relationship & a Process
- Formal & Informal Relationships
- Labor & Management
- Purpose-Jointly Determining wages and other terms & conditions of employment

Process

- Embraces Activities
- Identifies Proposals
- Preparing for Bargaining
- Negotiating an agreement that specifies terms & conditions



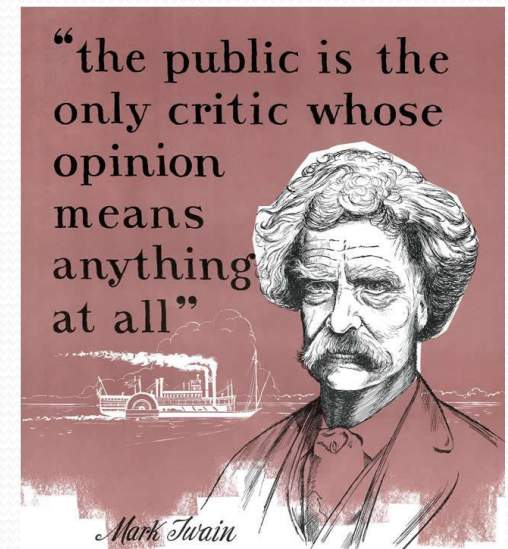
Internal Process & Politics

- Identify Proposals
- Prepare for Bargaining
- Duty to Bargain
- Script
- Concession Bargaining



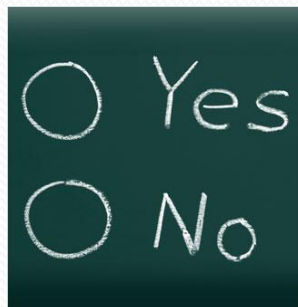
External Politics

- Lobbying
- Electoral Activities
- Public Opinion
- Restriction on Public Employee Political



From Traditional to Interest-Based Bargaining

The union and management representatives come to the table, bringing issues important to them with respect to the current contract and the agreement that is about to be negotiated. They intend on improving or eliminating old vocabulary and creating new language for the future. When the initial exchange is completed, the parties are ready for serious negotiations.



Traditional Negotiations

The hard approach to bargaining and characterized as distributive (zero-sum) bargaining. It features:

1. Looking at participants as adversaries and wanting to win at all costs
2. Low trust of the other side
3. Trying to force the other party to make concessions through sheer use of power
4. Using threats
5. Seeing issues in dualistic terms (e.g., “right or wrong,” “sensible or irrational”)

Traditional or distributive bargaining is adversarial and conflict oriented by nature. As in a game of poker, neither side reveals its hand to the other. It involves deception and bluffing and a number of other games that negotiators play.

The parties have to work together once the contract is settled. A party can win the bargaining battle but lose the war.

Interest-Based Bargaining (IBB)

- Interest-Based Bargaining is also known as win-win bargaining, integrative bargaining, and principled negotiations. This method is intended to change the operating assumptions of persons who have learned to negotiate in traditional way using traditional tactics.
- “Winning” means being able to get an agreement that both parties can live with. Such an agreement satisfies the interests of both parties and encourages smooth administration once the deal is completed.



The principles of Interest-Based Bargaining (IBB)

1. Negotiate on the merits of a proposal
2. Separate the people from the problem
3. Be hard on the problem and professional with the people
4. Determine the interests of the other side
5. Avoid fighting issue by issue
6. Invent options for mutual gain
7. Have someone chart the ideas that are brainstormed by the group
8. Establish criteria - a proposal may be judged on the merits
9. Develop a BATNA (Best Alternative To a Negotiated Agreement) that you could live with

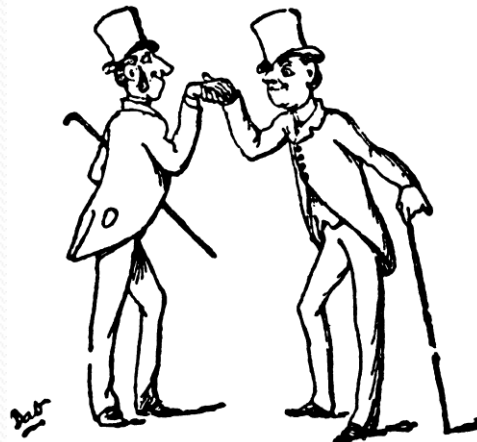


Comparison of Traditional and IBB Principles

<i>Traditional</i>	<i>Interest-Based</i>
Issues	Issues
Positions	Interests
Arguments	Options
Power and forced compromise	Standards and problem solving
Short-term gain	Long-term relationship
Win-lose outcome	Win-win outcome

Contrasting Bargaining Approaches

<i>Soft Bargaining</i>	<i>Hard Bargaining</i>	<i>Principled Negotiations</i>
Participants are friends	Participants are adversaries	Participants are problem solvers
The goal is agreement	The goal is victory	The goal is a wise outcome
Trust others	Distrust others	Trust, but verify
Change your position	Dig into your position	Focus on interests, not positions
Make offers	Make threats	Explore interests
Insist on agreement	Insist on your position	Insist on using objective criteria



Summary

- The bargaining process commences with each party communicating its proposals.
- Both parties are bound by law and practice to bargain in good faith.
- Traditional and zero-sum bargaining remains the norm, but a great deal of attention is being given to Interest-Based, win-win

