

## Collective Bargaining Strategies and Pitfalls

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In light of the recent Big Three and UAW negotiations for new collective bargaining agreements, it is a good reminder that you can never start preparing too early for your own negotiations. Following are some basic tips to place your company in the best position possible when bargaining new or successor collective bargaining agreements.

### **Strategies**

#### **Be Prepared!**

The most important thing that you can do when faced with upcoming concession bargaining is to be prepared. Each member of the bargaining team should have a thorough understanding of the current collective bargaining agreement, and if possible, the changes that have been made in the recent past. The team should review grievances that have been filed since the last agreement and have information on health care costs, as well as data to support whatever changes the employer may be requesting from the union. It is very likely that health care will be an important part of bargaining, and its complex nature requires a thorough understanding and preparation for bargaining.

#### **Know the Bargaining Unit**

It is helpful to have a good sense of what is important to the bargaining unit. Is the union comprised mainly of older workers nearing retirement? Is the union comprised of younger members whose focus is more on salary issues? This basic information will help the team prepare its proposals and can help target proposals that are more likely to be accepted by the union.

#### **Have the Data to Support Your Positions**

All of the preparation does no good without the proper data to support your positions. Have copies of past bargaining agreements, copies of financial documents, and any other source of information needed to support your positions.

### **Pitfalls**

#### **Not Being Prepared**

Nothing can delay negotiations and frustrate the parties more than not being prepared. The union will not take your proposals seriously, and the meetings will be meaningless if you are not prepared. In reality, the company should be in constant preparation for negotiations.

#### **Not Providing Information to the Union**

The duty to provide information is a part of the employer's duty to bargain in good faith. The NLRB has consistently broadly applied this duty to employers (and unions).

#### **Not Providing Accurate Information to the Union**

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This should go without saying, but it is crucial that the information and data provided to the union is complete and accurate. If the union catches the employer using information that is incomplete or inaccurate, it will immediately taint the bargaining relationship

### **Allowing the Union to Stall**

Finally, it is important to keep bargaining moving and avoid unnecessary delays. Most of this will be prevented by following the tips above, being prepared, and providing information in a timely manner to the union.