



COLLECTIVE BARGAINING



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Definition

Collective Bargaining or negotiations towards collective agreement is a democratic framework under the Labor Code to stabilize the relation between labor and management to create a climate of sound and stable industrial peace. It is a mutual responsibility of the employer and the union and is their legal obligation.



Key concepts

3 Interrelated processes:

- Research and Preparation
- Negotiation
- Contract Administration and Evaluation

POLITICAL	SOCIO-ECONOMIC
<p>Union recognition</p> <p>Scope/Coverage</p> <p>Union security</p> <p>Check-off</p> <p>Rights and Obligations of parties</p> <p>Grievance Machinery</p> <p>Work Improvement Committee</p> <p>Union Office</p> <p>Bulletin Board</p> <p>Meetings</p> <p>Union Leaves</p> <p>Assistance for Workers' Education</p> <p>Job Security</p> <p>Seniority</p> <p>Promotion and Transfer</p> <p>Employment of next of kin</p> <p>Separability Clause</p> <p>Contract duration/Effectivity</p>	<p>Career Development</p> <p>Retirement/Pension Plan</p> <p>Health Care</p> <p>Funeral Assistance</p> <p>Calamity Assistance</p> <p>Leaves</p> <p>Separation Benefits</p> <p>Disability Benefits</p> <p>Premium Pay</p> <p>Stock Purchase Plan</p> <p>Housing Loans</p> <p>Optical Subsidies</p> <p>Education Assistance</p> <p>Scholarship Program</p> <p>Wages</p> <p>Rice Subsidy</p> <p>Bonus and Allowance</p> <p>Profit Sharing</p>



Research and preparation

There are two things to prepare prior to negotiation.

1. Research component
2. Basic Negotiation



Content of Research

- Standard of living
- Cost of living
- Ability to pay
- Comparative-norm principle



Sources of data

- Workers
 - Minimum Budget Requirement (MBR)
- Other sources
 - Company (Accounting Dept.)
 - CBA (same industry)
 - NCSO / Wage Commission
 - CB / FNRC / NEDA /CRC /
 - SEC / DOLE / UP Solair



Data gathering

Data classification

- Primary data
- Secondary data



Primary Data

These are facts gathered by the union directly from its member.

Example: Income Data
 Family Expenditures
 Size of family and
 Other similar information

Interviews and **questionnaires** can be administered to gathered these data



Secondary Data

These are data gathered by agencies and published in periodicals or statistical bulletin



Data analysis

Elements of negotiation

Communication

Relationships

Commitments

Criteria

Options

Alternatives and interest



B A T N A

Best Alternative To Negotiated Agreements



Formulation and submission of proposals

The Union formulates two studies:

1. Collective bargaining proposals for submission to management.
2. Arguments supporting the demands for the negotiators to master or to present to the Department of Labor in case of deadlock.



Negotiation

Negotiation is the process by which two or more parties, with differing interests, interact or negotiate to define joint or collective agreements.

Or

The actual deliberation of proposals by the Union and the Management.



5 Stages of Negotiation

1. Submission of intention to negotiate and the proposals.(60 days prior to the expiration)
2. The Company answers the notice to negotiate within ten (10) days.
3. The initial meeting to discuss the proposal.
4. If both parties agreed, the CBA will be signed, if not a deadlock may be called by both parties.
5. Union may file notice of strike, while management may file a notice of lock-out.



CBA Deadlock

Both parties may opt for conciliation and mediation in which government representatives through which conciliators or mediators help the parties to settle their disagreement. If the deadlock is not resolved within thirty (30) days, the Union can go on strike, while management can lockout. **Provided** they submitted a strike-vote or lockout vote seven (7) days prior to intended strike or lockout. **However**, the parties may also opt to elevate the deadlock to compulsory arbitration (CA). The decision of CA can be appeal able up to the Supreme Court.



Interest-based Negotiation

Our usual assumption of negotiation is that it is a win/lose game. Which compel the parties to choose the strategy of either **capitulation (soft style)** or **confrontational (hard style)** or a combination of both. It becomes a rigodon of hard and soft bargaining between the parties.

Strategies in Negotiation

CAPITULATION (SOFT)	CONFRONTATION (HARD)
<p data-bbox="112 376 813 419">A party that uses this technique:</p> <ul data-bbox="98 439 904 1292" style="list-style-type: none"><li data-bbox="98 439 904 578">■ Gives value to the relationship and may not be able to separate the issue from the persons.<li data-bbox="98 598 904 692">■ Has reaching an agreement as its primary goal.<li data-bbox="98 712 904 851">■ Is soft on people and on the problem, to the extent that it makes concession in favor of the relationship<li data-bbox="98 871 904 965">■ Makes offer and changes positions easily.<li data-bbox="98 985 904 1079">■ Accept one-sided losses just so an agreement can be reached.<li data-bbox="98 1099 904 1193">■ Searches for even a single acceptable position.<li data-bbox="98 1213 904 1292">■ Avoids contest of will and yields easily to pressure.	<p data-bbox="956 376 1657 419">A party that uses this technique:</p> <ul data-bbox="942 439 1748 1206" style="list-style-type: none"><li data-bbox="942 439 1748 534">■ Considers the other party as an adversary.<li data-bbox="942 554 1748 648">■ Requires concessions as a condition of the relationship.<li data-bbox="942 668 1748 711">■ Has victory as its primary goal.<li data-bbox="942 731 1748 773">■ Is hard on people and on the problem.<li data-bbox="942 793 1748 888">■ Makes threats and is critical of the other party's position.<li data-bbox="942 908 1748 1002">■ Considers one-sided gains as the end result of the agreement.<li data-bbox="942 1022 1748 1116">■ Searches for even a single acceptable position.<li data-bbox="942 1136 1748 1206">■ Tries to win a contest of will and will apply pressure.



Key Concept

**Re -Thinking Collective Bargaining
FFW states; “ employment
security takes precedence over job
security”**

Workers organizations have always put primacy to job security and it takes some courage for FFW to declare concrete deviation from traditional trade union focus. This implies expanding union coverage before adding new economic benefits, and proposing alternative employment options and skill training for enhancing employability to compliment rather than replace separation pays.





Implementation

Monitoring and Evaluation



End Show

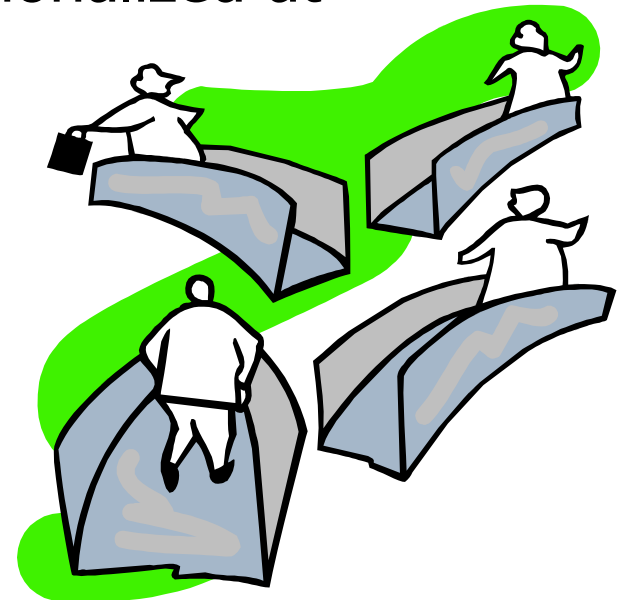
Salamat po!!!



Basis of our position

While Collective Bargaining remains to be the most effective mechanism at the plant level, workers' participation and joint responsibility in decision-making processes have to be institutionalized at various levels.

1. Global Policies
2. National Policies
3. Plant Level (CBA)



Global Policies

UN Declaration

Universal Declaration of Human Rights

- Art. 23:**
1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
 2. Everyone, without discrimination, has the right to equal pay for equal work.
 3. Everyone who works has the right to just and favorable remuneration that ensures for himself and his family as existence worthy of human dignity, and supplemented, if necessary, by other means of social protection



Global Policies



ILO Convention No. 151

Concerning protection of the right to organize and procedures for Determining Conditions of Employment in the Public Service

ILO Recommendation No. 91

**Concerning Collective Agreement
Definition of Collective Agreement**

- 8. An employer, group of employers or one or more employers organization on the other hand,**
- 9. And one or more representative workers' organization or authorized workers representatives on the other**



New global social order

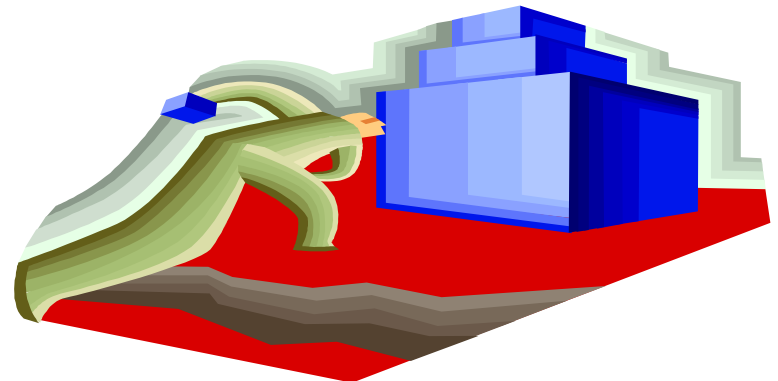
Trade union advocacy is focused on the following issue:

- Respect of human and trade union rights
- Decent work
- A more consensual labor relations based on wider workers' participation in decision making at the plant level and at higher levels
- An overhauled system of workers' representation
- Mandatory negotiation of social plans prior to corporate restructuring
- Mandatory election of workers' representatives in companies
- Adoption of the social clause
- Promotion of core international labor standards
- Multinational codes of conduct



Bases of the advocacy

- Global standards set by Agenda 21 on Sustainable Development in Rio de Janeiro
- Copenhagen Declaration on Social Development
- Beijing Declaration on Action for Equality, Development and Peace.





National Policies
