



Treat It As Continuous Bargaining:

Dealing with the Changing Workplace - New Technologies, New Forms of Work Organization and Employee Involvement/Quality Programs

Bargaining once every few years over the terms and conditions of union members' employment doesn't provide sufficient protection in a workplace that is rapidly changing. Changes in the workplace (including new technology, new forms of work organization and a wide variety of involvement/quality programs) can seriously undermine or even bypass contract protections written for an earlier time. For example:

- * New technologies can eliminate the need for whole job classifications overnight;
- * New work processes can threaten established job ladders and seniority provisions;
- * Management make demand for flexibility and continuous improvement (continuous change);
- * Computerized work processes can be easier to move or contract out;
- * New technologies can be used to eliminate jobs and change skill requirements;
- * Change in the work process can create new health and safety hazards.

While it might be nice to just say "no" to all of the changes that are having a negative impact on our members and our unions, we usually don't have the leverage to make that stick. Instead, the pace of change is accelerating and the impact of the changes is growing. In particular, changes can affect the bargaining power of the union as they undercut skills, make work more easily moveable and create divisions within the workforce. New strategies for representing the members' interests in the midst of rapid change - for bargaining over changes and their impacts - are needed.

Management, meanwhile, continues to create programs such as Kaizen Events, Corrective Action Teams, Employee Involvement, Steering Committees, Six Sigma, etc. The common thread is that management is sitting down with members of the bargaining unit to discuss changes in work processes - to discuss the future. But these approaches generally leave the union in a weak position (at best as the **junior** partner) - preventing or undermining collective action. In some cases they exclude the union altogether, dealing directly with the members and ignoring the union's sole collective bargaining rights.

A stronger union model would treat every discussion between labor and management as bargaining, no matter whether it is called a team meeting, problem-solving session, steering committee meeting, or kaizen event. It would insist that the union be notified about change in advance and be involved in any discussions of specific changes in technology and work organization. It would be Continuous Bargaining.

There is much that can be done to create a continuous bargaining culture inside our unions. **When unions prepare to bargain at contract time, they know that preparation and collective action are critical.** Among other things, they:

- 1) Select the Union's bargaining representatives and train them (in union-only sessions) for their roles;
- 2) Understand the members' issues and concerns using surveys, planning meetings, one-on-one information gathering, etc.;
- 3) Organize and activate the members to defend their interests and the union's strength in the bargaining process;
- 4) Analyze the union's (and management's) strengths and weaknesses given the current bargaining environment;
- 5) Submit information requests to the company and research the company's financial status, corporate structure, business plan, plans for new technology or work restructuring, etc.;
- 6) Prepare proposals and positions as a committee and approach management as a united and organized voice;
- 7) Develop a bargaining strategy;
- 8) Caucus regularly to maintain unity, to develop a common strategy and to formulate responses to management proposals;
- 9) Demand that any agreements reached are written, clear and enforceable.

Preparation for any joint, participative or other process that could (and should) be seen as ongoing or continuous bargaining must be just as thoughtful, just as well organized, and just as inclusive of members' concerns as preparation for contract bargaining. A key challenge for unions is to create mechanisms for carrying out these preparations on an ongoing basis.

Watching Out for Consultants

A key difference between regular contract bargaining and many joint/involvement programs is the role that is played by outside (or sometimes "internal") consultants. In dealing with consultants, it is important to:

Remember that consultants are not neutral parties,

Question the role of the consultant

(What is their interest in the process? What is their real area of expertise? Why are they needed in your bargaining process? What is their view of unions?)

Reject the idea that the consultant is the expert on everything.

Consultants often try to impose their view of what the "process" should look like. They will try to move you away from thinking of the process as bargaining.

In the course of continuous bargaining, in whatever forum it takes place, it is crucial to:

- **Always seek to maintain and build unity within the union;**
- **Always think about how to build the independent identity of the union in the process;**
- **Never ignore your gut feelings - if something makes you nervous, figure out why; and**
- **Remember to caucus early and caucus often.**