The Art of Collective Bargaining: A Practical Guide to Successful Union Negotiations

Using a case study designed to highlight legal issues, participants practice developing proposals, responding to information requests, and bargaining itself. Participants consider and analyze the art of collective bargaining with all of its rituals, nuances and legal requirements. They have an opportunity to examine the dynamics of their own bargaining relationships and consider the various bargaining strategies that might be available as they approach contract expiration. By the course’s end, participants are set to develop an approach to bargaining their organization’s unique goals.

Core Compliance Components:

**Labor Relations Update**
- The changing face of organized labor and the labor relations climate
- Labor relations jargon for the union environment

**The Law of Collective Bargaining**
- The duty to bargain, good-faith bargaining, and its limits
- The duty to provide information
- Mandatory/permissive subjects of bargaining
- Interpreting the CBA—how courts and arbitrators decide
- Understanding management rights

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INTERACTIVE WORKSHOP: Drafting New Contract Language and Preparing an Opening Proposal

- Preparing for Contract Negotiations
  - When to bargain—deciding whether to bargain early
  - Notice of contract termination—doing it right
  - Identifying and assessing relationships and reviewing your existing CBA
  - Researching patterns, industry trends, and standard industry provisions
  - Anticipating information requests and obtaining documentation
  - Specifying goals & objectives, and developing a strategy
  - Doctrine of unachieved demands

INTERACTIVE ROLE PLAY: The Beginning of Bargaining/Responding to Requests for Information

- Bargaining Basics
  - Setting ground rules
  - Selecting a bargaining committee & chief spokesperson and dividing responsibilities
  - Importance of note-taking
  - When to make your move—the order of addressing issues and presenting proposals
  - Words of art in receiving, questioning and rejecting proposals
  - Responding to abusive table talk
  - Costing a labor contract and “backloading”
  - Typical language, benefit, and compensation issues

INTERACTIVE ROLE PLAY: Bargaining in the Heat of Battle

- Developing a Bargaining Strategy
  - Typical union bargaining strategies
  - Employer responsive strategies
  - Consequences of not getting what you propose
  - The right time to make economic moves
  - Employee communications
  - Public relations strategy

- Driving Toward Settlement
  - Tentative agreement/ratification
  - Contract extensions
  - Preparation of the last, best and final contract offer
  - Tentative agreement and ratification
  - Impasse and unilateral changes
  - Strike preparation

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INTERACTIVE WORKSHOP: Drafting a Final Offer

- Union External Tactics
  - “Work to Rule”
  - Corporate, media, and political campaigns
  - Filing lawsuits against employers
  - Picketing/leafleting
  - “Walk and Work”
  - Union delay tactics
  - Misinformation to employees

INTERACTIVE CASE STUDIES: Dealing with Corporate Campaigns and Other Union Tactics

- Unfair Labor Practices
  - Refusal to bargain
  - Unilateral changes
  - Union unfair labor practices
  - Employer unfair labor practices and employer pitfalls
  - Remedies for unfair labor practices

INTERACTIVE CASE STUDIES: Unfair Labor Practice? You Decide

- Handling Midterm Negotiations
  - The duty to bargain midterm
  - Compliance with obligation to bargain midterm