

Contract negotiations at OPTrust: Traditional or “interest based” bargaining?

For our upcoming round of contract talks at OPTrust, management has asked OPSEU to consider an alternative approach to bargaining. This approach is called “interest-based” bargaining (or IBB).

We still don't have all the details of the employer's proposal. These would need to be worked out between our OPSEU bargaining team and the employer. What we do know, though, is that there are mixed opinions on whether IBB works for union members.

This bulletin gives you a brief overview of IBB. It describes some of the pros and cons. And it compares IBB to traditional collective bargaining.

The question is whether some form of IBB might help us bargain a better contract for OPSEU members at OPTrust.

It's YOUR collective agreement. So the OPSEU Unit Committee at OPTrust wanted you to know about this proposal – and to have your say. This issue will be discussed at the bargaining team election meetings on Friday, May 9.

Traditional bargaining

At OPTrust, OPSEU and the employer have negotiated four collective agreements since 1995. Each of these agreements was reached using traditional collective bargaining. This approach is also known as “positional” or “adversarial” bargaining.

Under traditional bargaining, both the union and management table proposals for changes to the contract. These are also known as “bargaining demands.” The parties then negotiate towards an agreement using a process of give and take.

The results of this approach usually depend on a number of factors. These can include:

- each side's bargaining priorities
- external factors such as labour market conditions and inflation
- the employer's financial constraints
- each side's “bargaining power.”

Bargaining power

For the union, bargaining power comes from our involvement as members. This includes your participation in setting our bargaining priorities.

Your active support for the team during bargaining is equally important. This can include workplace activities like attending meetings, wearing buttons, organizing events and taking a strike vote, if necessary.

Why is your support so important? Because it shows the employer that it's in their best interest to offer a fair deal.

In past rounds of bargaining at OPTrust, this approach has delivered some important gains for OPSEU members. It has also produced agreements that both parties could support and work with.

Interest-based bargaining

Interest-based bargaining (also known as “mutual gains,” “win-win” or “integrative” bargaining) works differently.

IBB assumes that workers have more interests in common with their employers than differences. Under IBB, the two bargaining teams do not table “positions” or negotiate through trade-offs.

Instead, members of both teams are supposed to work together to identify common problems. Then they brainstorm possible options. Finally, they select the best solution based on mutual interests and/or agreed criteria.

Common vs. differing interests

IBB assumes a level of trust and openness between the parties and their teams. It also assumes that common interests (e.g., a skilled, healthy and productive workplace) outweigh areas where interests differ (e.g. the employer's interest in minimizing costs vs. our interest in better pay, benefits and job security.)

The catch is that IBB usually involves some limits on how the union bargains on behalf of members.

This can include limits on the union team's ability to caucus separately to formulate proposals that best address our members' needs. It can limit the union team's ability to communicate independently with members during bargaining. And it can mean refraining from workplace mobilizing & pressure tactics.

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OPSEU Bargaining Team Elections

When: Friday, May 9
12 noon – 12:45 and
12:45 to 1:30 p.m.

Where: 1 Adelaide St. East
P2 meeting room

*** Free Pizza, Juice and Pop ***

Planning to come? Let us know by Thursday, May 8. Just contact one of your OPSEU stewards or send an e-mail message to opseulocal568@yahoo.com.

Comparing IBB and traditional bargaining

In general, employers are more likely to support interest-based bargaining. Why? Because it reduces the potential for workplace conflict and independent activity by the union's membership.

Unions are usually much more cautious about IBB. That's because IBB can downplay real differences between workers' and employers' economic interests.

It can also weaken the union's ability to organize independently from management and to represent members effectively.

IBB's track record

IBB has been successful in some workplaces and failed in others. According to one view, IBB tends to produce more agreement in areas of mutual interest. These could include non-monetary issues like training and scheduling.

However, IBB also tends to result in more concessions where the parties' interests differ. This can include lower wage & benefit settlements.

IBB can also to break down entirely over economic issues – in which case the parties have to revert to traditional positional bargaining.

Finally, IBB also tends to fail where there is a lack of trust between the two sides.

We don't yet have the details of the IBB approach that OPTrust management is proposing yet. However, they have acknowledged up front that if either side decides IBB isn't working, the parties will switch to traditional bargaining.

Here are a few additional points to think about in comparing IBB with traditional bargaining...

| Interest-based bargaining | Traditional bargaining |
|--|--|
| <ul style="list-style-type: none"> Assumes that workers' and employers' common interests outweigh their differences | <ul style="list-style-type: none"> Assumes that workers' and employers' interests can differ or conflict in key areas. These include wage increases, benefit improvements, job security/layoffs, etc |
| <ul style="list-style-type: none"> Avoids "positions," "demands" and trade-offs. Focuses on the parties' underlying interests to find mutually acceptable solutions A facilitator is usually part of the process from the start Often takes longer and costs more than traditional bargaining | <ul style="list-style-type: none"> Bargaining based on exchanging positions and give and take to reach an agreement Can look for areas of shared interest Resolves disagreements based on strategy, bargaining power, trade-offs, mobilization and the potential cost of a dispute to the employer Parties can ask a "conciliator" or "mediator" to assist if bargaining bogs down |
| <ul style="list-style-type: none"> Members of both teams work together as individuals to brainstorm solutions. Individuals are encouraged to be spontaneous and independent Separate team caucusing is discouraged. This can undercut the union team's unity and accountability to the members, while the employer team remains subject to management discipline | <ul style="list-style-type: none"> Parties can ask questions at the table to understand each others' interests. Teams caucus separately to consider alternatives, develop bargaining strategies and present a common position at the table This helps ensure that the union team remains accountable and focuses on members' priorities Teams can revise positions to reach a deal |
| <ul style="list-style-type: none"> Independent communication by the union is often discouraged. The union and employer may agree to issue joint communications | <ul style="list-style-type: none"> The union team is free to communicate independently with its members about the issues and progress at the table |
| <ul style="list-style-type: none"> Assumes workers can make gains with the employer based on common interests, objective criteria and the merits of their proposals alone | <ul style="list-style-type: none"> Assumes that employer's economic interests and power remain intact during and after bargaining Relies on workers to mobilize and show support to build their own bargaining power |
| <ul style="list-style-type: none"> Can weaken the union's organization in the workplace. Can affect its ability to mobilize members and pressure the employer if IBB fails Can also weaken the union's ability to represent members effectively between contracts, and in future rounds of bargaining | <ul style="list-style-type: none"> Can strengthen the union in the workplace through the team's communication with members about bargaining and by involving members in demonstrating the importance of their issues to management Can help show the employer that it is better to consult with the union than act unilaterally |
| <ul style="list-style-type: none"> Tends to be favoured by employers who want to promote the idea that workplace is "one big family" and reduce independent action by the union in the workplace | <ul style="list-style-type: none"> Tends to be favoured by unions who recognize that there will always be issues on which workers and employers differ and that workers need an independent voice to negotiate and solve problems with the employer |
| <ul style="list-style-type: none"> Requires a high level of trust between the parties Does not work if there is a lack of trust or if there are differences on key issues | <ul style="list-style-type: none"> Works well when the parties trust and respect each other and want to reach a fair deal Also offers a process for bargaining an agreement even when interests conflict on key issues |
| <ul style="list-style-type: none"> Can result in more innovative solutions, especially for non-monetary issues | <ul style="list-style-type: none"> Tends to result in more economic gains for workers |
| <ul style="list-style-type: none"> Parties can switch to traditional bargaining if IBB is not working or for monetary issues | <ul style="list-style-type: none"> Can be used for both monetary and non-monetary issues |