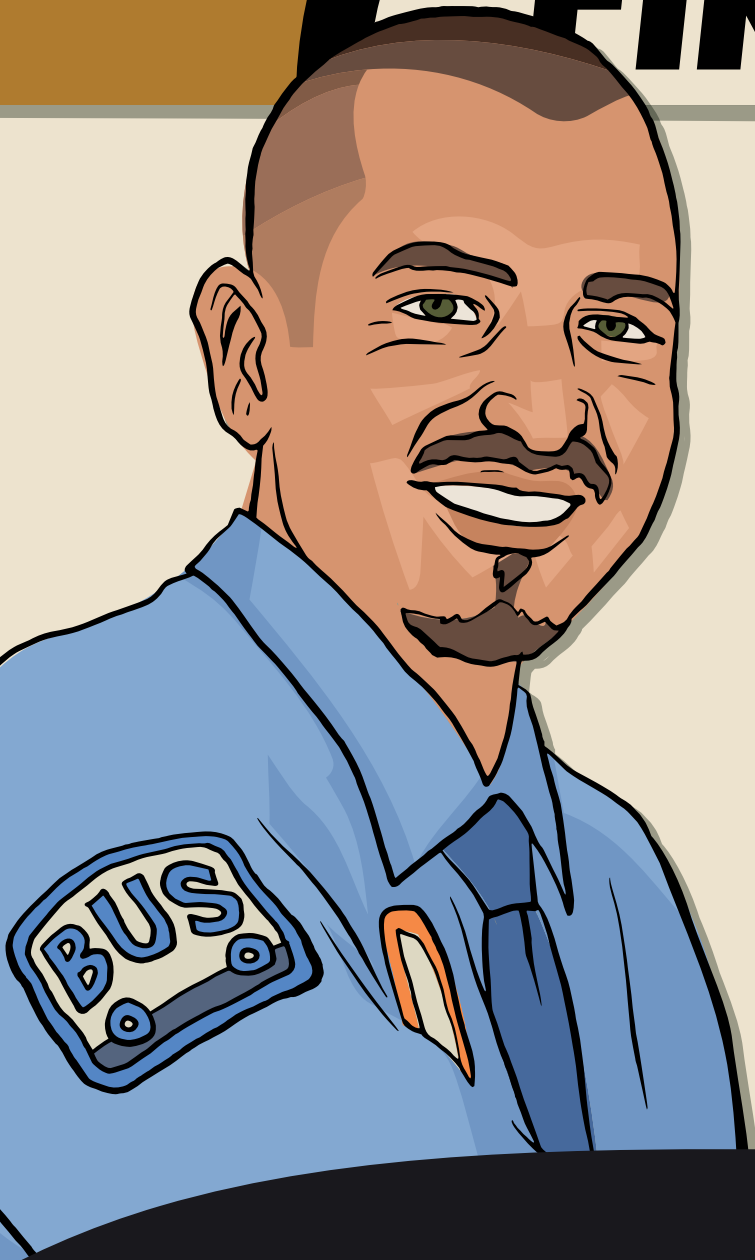


DELEGATES HAND BOOK



WORKERS FIRST



**COLLECTIVE
BARGAINING**

workersfirst.nz

DELEGATES HANDBOOK

Module:

**COLLECTIVE
BARGAINING**



For information on Workers First member benefits from AIL of New Zealand, please email: customerservice@ailnz.co.nz or call (09) 973 5254



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COLLECTIVE BARGAINING**WHAT IS A COLLECTIVE AGREEMENT?**

A collective agreement (CA), sometimes called the employment agreement, is the single most important tool for union members to lift their wages and conditions of employment.

It outlines the terms and conditions under which you are employed and governs the relationship between an employee and an employer.

It will usually have been negotiated and agreed between the employer and a Workers First bargaining team.

Bargaining for a collective agreement occurs for a set period e.g. a

1 TO 3
YEAR YEAR term

When the term expires, it's back to the negotiating table.

Any aspect of the collective agreement can be discussed although your negotiators and the bargaining team will usually have areas they want to prioritise for

discussion and agreement. It is called a collective agreement as it covers a group of employees rather than individuals.

Workers First strives for a collective agreement because it provides the opportunity to constantly build on the many benefits won by the collective power of union members.

Negotiating for a collective agreement is one of the union's main roles.

The Employment Relations Act 2000 sets out the steps to follow.

As well as the legal steps the union must follow, there are other steps the union takes to make sure that members are fully involved in the collective bargaining process.

A strong union site will do better in bargaining than a weak site. It is important to build up membership numbers and involve members in activities before and during the bargaining process.

UNION BARGAINING TEAM:

1. You are there for everyone and not just your own job or site.
2. Take notes (about what is said and when meetings start and end) and listen carefully.
3. Let the advocate know if you want to speak – pass a note or ask during a break.
4. Don't argue in front of the boss.
5. Pass notes to the advocate if you have an idea about anything or want a break to talk through something with the other delegates and advocate.
6. Think of good examples to back up the claims.
7. Be polite – to the boss, the advocate and your fellow delegates.

BARGAINING TIMELINE

Bargaining will include most, and sometimes all, of these steps. Steps like industrial action or report back meetings will only happen if bargaining breaks down and the bargaining team does not recommend the offer from the company.

1. INITIATE BARGAINING

This is a legal requirement and either the employer or the union needs to start the process of negotiation with an initiation notice. Employers are required to display these in areas staff will see them.

2. BARGAINING PROCESS AGREEMENT (BPA)

This is a document setting out the 'rules of engagement' of bargaining including things like where it will be held, how requests for information will be handled and how to resolve any disputes. This should be agreed upon before negotiations start. However, negotiations can commence without a signed BPA.

3. CLAIMS MEETINGS

This is where members can sit down and discuss what their priorities are for the negotiations.

The final list of claims will outline all the aspects of the CA that members wish to change e.g. increasing pay rates and changing wording around hours of work.

4. EXCHANGE CLAIMS

Before bargaining sessions start the employer and union must give each other their claims. Employers may not always have claims but they can include 'clawbacks', which are claims to take away provisions they previously agreed to.

5. BARGAINING SESSIONS

There could be many different bargaining sessions, depending on the complexity of the CA and how easily agreement is reached (or the opposite!). These sessions should allow for both parties to state their case and negotiate the best offer for members.

6. REPORT BACK MEETINGS

This is an opportunity for the bargaining team to get feedback from members during bargaining. This could be as simple as getting a clearer consensus on an issue or could include a vote on whether to reject the offer and take a ballot on industrial action.

7. INDUSTRIAL ACTION/STRIKE

This will happen if bargaining has broken down and the majority of members vote for action. This can range from wearing a sticker on your uniform, or refusing to take part in certain duties (partial strike), to a full withdrawal of labour (strike). Industrial action is an important legal right for workers.

**8. TERMS OF SETTLEMENT**

The terms of settlement is a document containing all the changes needed to update the CA. This can also include matters agreed between the parties but not put in the CA.

9. RATIFICATION MEETINGS

This is where members get a chance to hear about what has been offered and make a vote on whether they accept or reject the company's offer. Votes are counted across all votes within coverage and the threshold is 50% +1, meaning the majority dictates whether the CA is ratified.

10. NEW COLLECTIVE AGREEMENT

The CA gets updated with the new changes and is valid once ratified. All members are entitled to a copy from their employer.

DEVELOPING A BARGAINING STRATEGY

A bargaining strategy is a planned approach to collective bargaining that aims to get the best possible pay and conditions for members. It includes:

INDUSTRIAL GOALS

All bargaining should be about achieving, maintaining, or improving industry standards. The more worksites and/or companies that are part of the bargaining campaign, the stronger the union's position will be.

There are different ways of doing this, including:

TARGETED BARGAINING

This is where by bargaining hard in a company that is influential in the industry, it will also assist bargaining in other companies in the industry.

PATTERN BARGAINING

We try to get the same outcomes at a number of different companies or sites on a regional or national basis.

(For example the "Worth It" campaign aimed at achieving living wages for all retail workers).



MECA

Multi Employer Collective Agreement

An agreement that covers a number of different companies in an industry.

This is very difficult to achieve in the current environment and requires employers agreeing to be part of it.

ORGANISING GOALS

KEY AREAS WHERE DELEGATES CAN HAVE MOST IMPACT:

- *Grow our strength through the recruitment of non-members.*
- *Increase the number of delegates.*
- *Set up a union site committee.*
- *Increase the involvement of members in collective activities.*
- *Establish a delegates network across the company or the industry.*

COMMUNICATION PLAN

With your organiser develop a communication plan for your site. By the use of...



Your plan should address how you are going to communicate with:

- Members
- Non-members (potential members)
- Union organiser/union office
- Other sites

Remember that during bargaining you may need to communicate with your members or the union office at very short notice so your communication plan should take this into account.

ACTION PLAN

- With your organiser develop a plan of action in case the bargaining breaks down or the employer needs a reminder that members want a good deal.
- Remember that when developing your action plan it is important to take you members with you. Having a majority of members taking low level action together is usually more powerful than having a few members taking radical action.

NEGOTIATION PLAN

Know why the claims are at the bargaining table and be clear as to which claims are of the highest priority.

NOTE:

Often it is not the wage increase that is the highest priority

THE ROLE OF THE ADVOCATE

USUALLY A UNION OFFICIAL IS TO:

- Lead the negotiation team.
- Present the claims and the reasons for the claims to the employer.
- Formally respond to the company advocate.
- Call for "time out"

THE ROLE OF THE DELEGATE

THE ROLE OF THE DELEGATE IS TO:

- Represent the interests of all members.
- Present a united front to the employer
▶ "loose lips sink ships".
- Ask the advocate for time out to discuss tactics.

A SUCCESSFUL BARGAINING STRATEGY:

- Needs to be realistic, achievable and easily understood.
- Requires active involvement.
- Results in good outcomes.
- Leaves the union stronger.

"At the end of bargaining your union organisation should be stronger than when you went in to it".

Bill Andersen
President National Distribution Union
1986-2005

BEFORE BARGAINING

HOW MANY MEMBERS DO WE HAVE?

Divide this by the total number of staff and multiply by 100 to get a percentage.

(e.g. 30 members divided by 40 total staff = 0.75 or 75%)

$$30 \div 40 = 0.75 \text{ or } 75\%$$

WHAT DOES YOUR DENSITY MEAN FOR BARGAINING?

HOW MANY LEADERS DO WE HAVE?

Include delegates and active members.

Who would be good to encourage to get more actively involved?

How can we encourage members to be involved?

Prepared to act

What is our membership prepared to do?

What does this mean for bargaining?

