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## COLLECTIVE BARGAINING: A GENERAL PERSPECTIVE

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## ABSTRACT

The term "Collective Bargaining (CB)" merely stands for the intellectual process of negotiation. It provides a prospect to the workers to attain industrial democracy. CB is the process of joint decision-making and essentially represents a democratic technique of life in industrial environment. The Encyclopedia of Social Sciences defines CB as a process of discussion and negotiation between two parties, one or both of whom is a group of persons acting in concert, more specifically it is the procedure by which an employer or employees and a ground employees agree upon the conditions of work. In CB the management or employer doesn't deal straightforwardly with the employees, but it deals with an institution, which is certified to represent the interests of employees for the purpose of negotiation and managing the terms & conditions of employment. Hence, it is an institutional process of representations. In the process of CB, principally the two main actors of the IR System, interacts to protest and enhance the interests and benefits of their respective institutions. This paper resides upon the concept of CB overall, which comprises the discussion of its objectives, scope, theories, types, circumstances, backgrounds, and special levels.

## KEYWORDS

industrial relations, workers' participation in management, trade union, negotiation.

## INTRODUCTION

**B**eatrice Webb (an Economic theorist) first used the term CB in 1891, which refers to the collective negotiations and agreements between the two main parties of an Industrial Relation System. CB is made up from two words collective, which means "Group" and bargaining, which means "Proposals and Counter Proposals". Therefore, it is a process in which the representatives of a trade union & the representatives of employer's association meet and attempt to negotiate a contract or agreement, which specifies the nature of employee union-employer association relationship.

CB has described as an elegant bipartite confrontation in an industrial prospective, between the Workers' representatives and the management representatives with a view to disembark at an agreement. The CB is a method by which problems of wages and conditions of employment are resolved harmoniously, serenely and willingly between worker's trade union and management association for the purpose of establishing jointly satisfying terms and conditions of employment. There are two main purposes of CB are as under:

- It aims to regulate terms & conditions of employment
- It has the purpose of being an opportunity for the resolution of conflicts or disputes

CB is a process of bargaining between the two main actors of Industrial Relation Management. Now the question arises

1. why they bargain?
2. For which purpose they bargain?
3. And How to Bargain?

The two actors bargain for maintaining industrial peace and harmony, which is very important for the economic growth and progress of any nation. This is an exchange process; in which both are exchange something (which is less valuable or desirable) for gaining something (which is more valuable or desirable). In other words, we can say in the process of exchange management decides to satisfy a need or desire by offering some relaxation, services, money in terms of overtime or piecework, goods, etc. and the trade union exchange labor, outturn, production etc. For bargaining purpose, both the actors come across the table, put their different proposals for discussion, and ultimately agreed upon some common or central course of action. The complete process has based on proposals and counter proposals in order to reaching some common minimum agenda for agreement.

The term CB is comprehensive to all negotiations between the two main actors of an industrial relation system in order to determining terms and conditions of employment as well as working conditions, regulating relations between the employees and employers, and regulating relations between employer's association's and a employees union or between workers' unions.

## SOME IMPORTANT DEFINITIONS OF CB

**Michael J. Jucious** has described the CB as a process of by which employers on the one hand and representatives of employees on the other, attempt to arrive at some agreements covering the conduction under which employees will contribute and be compensated for their services.

**Edwin B. Flippo** has define the CB as a process in which the representatives of labour organization and the representatives of business organization meet and attempt to negotiate a contract or agreement which specifies the nature of the employee-employer union relationship.

**Tudwig Teller** has explained the CB as an agreement between a single employer or an association of employers on one hand and a labour union on the other, which regulates the terms and conditions of employment.

The **I.L.O.** defines CB as "the negotiations about working conditions and terms of employment between an employer, or a group of employers, or one or more employers' organizations, on the one hand, and one or more representative workers' organization on the other with a view to reaching agreement.

**K. Alexander** explain CB as a process of bargaining between the employers and their workers by which they settle their disputes among themselves relating to employment or non-employment or terms of employment or conditions of labor of the workmen, on the strength of the sanctions available to each side. Occasionally such bargaining results in amicable settlement arrived at voluntarily and peaceful between the parties. But quite often the workers and the employers have to apply sanctions by resorting to the weapons of strikes and lock-outs to pressurize one another which makes both the sides aware of the strength of one another and that finally forces each to arrive at a settlement in the mutual interests. It is thus the strength of the parties which determines the issues rather than the wordy duals which are largely put on for show as any element of strength in one party is by the same token an element of weakness in another.

## CHARACTERISTICS OF CB

Based on the above discussion it is clear that the CB is a **Group Process** as opposed to an individual action, because in the process of discussion and negotiation the representatives of workers and management association representatives took part for the success. They discuss on the various proposals and counter-proposals in order to reach an agreement, hence **CB approach is flexible** in nature rather than static or rigid.

CB is purely an **Art**, the art of serving the ideas, philosophy, views, opinions, suggestions ect., such that the opponent not only listen carefully but also agree to act as per your desire. It is an art of speaking to the point and listening carefully. Hence, leadership certainly plays a great role in the success of CB. In addition to this the other factors which have a positive impact on the process are recognition and membership base of trade union among the workers, attitude and commitment of management association towards the success of negotiation, implementation and monitoring of the proposals of common agenda, level of communication between the two parties, etc. CB is fundamentally a complementary process rather than a competitive one.



CB is a dynamic continuous on going process. It is democratic in nature. CB is a mutual formulation of an organization’s policies on all the concerned matters that directly or indirectly affects the employee’s interests. CB is recognized as an advanced form of human relationship. CB is a process in the sense that it consists of a number of steps. It begins with the presentation of the charter of demands and ends with reaching an agreement, which would serve as the basic law governing industrial relations in an organization. Mutual trust and understanding serve as the by products of harmonious relations between the two parties.

**OBJECTIVES OF PROCESS OF CB**

The prime objectives of the process of CB are discussed as under:

1. To set up and maintain cordial industrial relations between the management and the workers.
2. To prevent or minimize the industrial disputes and take necessary action to settle down the disputes or conflicts on initial stage at the minimum possible level in a mutually agreeable manner.
3. To develop a conducive atmosphere to foster good industrial relations.
4. To enhance the quality as well as productivity of the organization by preventing strikes, lockouts etc.
5. To provide a prospect to the employees to voice their problems on the issues pertains to employment.
6. To facilitate concluding a solution that is good enough to both the parties involves.
7. CB resolves differences over knotty issues, and protects the workers interests through collective action.
8. CB performs rule-making function. **Collective Employment Agreement (CAE)** direct industrial relationships in the bargaining unit and thus create usually applied standards.
9. CB is a technique whereby a poorer social group or class apply a never- slackening force for a bigger share in social sovereignty, as well as for more welfare and greater security and liberty.
10. CB is a **Rational Process**, which appeals to facts and to logic, resolve conflicting interests in the light of universal interests of both the parties. It is a **Bipartite** and **Dynamic Process**.
11. To defend the benefits of workers through collective action and promote **Industrial Democracy** in industrial jurisprudence.
12. CB is a voluntary process under which the representatives of both employers and labor enter into an agreement.

**THE PROCESS OF CB**

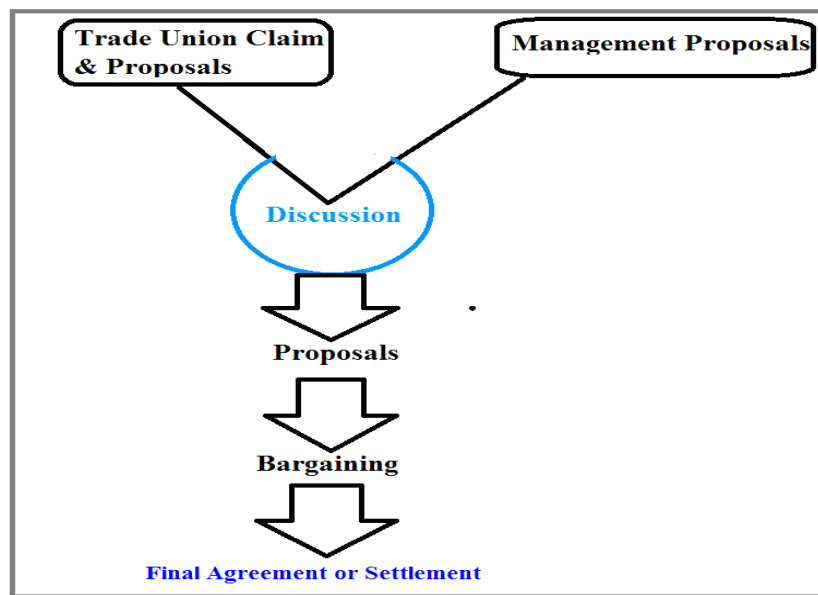
CB is the process of united decision-making and represents a democratic way of life in industry. The initial point of the process of bipartite CB is the presentation of the charter of demands and the final stage is the reaching of an agreement / contract, which would provide as the essential law governing industrial relations over a period in an Organization. The complete process of CB engrosses five center steps:

Preparation → Discussion → Proposal → Bargaining → Settlement

**Step I: Preparation** – Choosing a negotiation team and representatives of both the trade union and employer association. Both the actors should be skilled in negotiation and they must know the norms of existing labor laws, and both scan the available data or information to establish whether they have a strong position for negotiation.

**Step II: Discussion** – Both parties meet several times to set ground rules for the negotiation process.

**Step III: Proposal** – Both parties make opening statements, outlining options and possible explanations on the issue under discussion.



**Figure No-01 : The Collective Bargaining Process**

**Step IV: Bargaining** – Following proposals, the parties discuss potential compromises, bargaining to produce an agreement that is good enough to both the parties. This becomes a “Draft” Agreement, which is not legally binding, but a stepping-stone to coming to a final **CB Agreement or Collective Employment Agreement (CAE)**. This type of agreements generally set out wages, working conditions, training and development programs, normal working hours, overtime, piecework, bonus and other benefits, health and safety, and grievance handling mechanisms.

**Step V: Final Agreement or Settlement**– Once an agreement has made with mutual consent; it must be put in writing, signed by the representatives of both the parties, and put into practice.

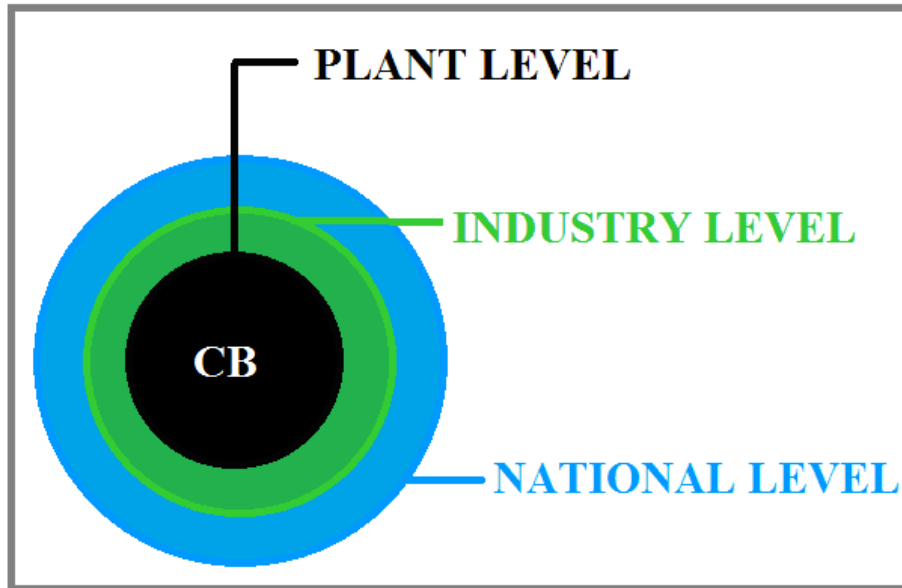
Negotiations form an important aspect of the process of CB. It means there is significant scope for discussion, concession (reciprocated give & take) in the CB deliberations rather than confrontation.

**LEVELS OF CB**

Generally, CB is prearranged and carries out at the following three levels:

- Plant Level
- Industry Level
- National Level

At plant level, negotiations have conducted between the plant management and the workers union belongs to plant. At the Industry level, several sections of the same industry band together and form an association, which negotiates with a union having parallel status. At national level, the representatives of trade union and the employer's association negotiate across the table and arrive at a resolution.



**Figure No-02: The Levels of CB**

**ESSENTIAL PREREQUISITES OF THE SUCCESSFUL CB**

The essential prerequisites for CB to be successful are as under:

1. The existence of a well-recognized trade union and an enlightened management team are being seated across the bargaining table.
2. Both parties must come across the table with an open frame of mind for exercising on the problems as well as their tentatively possible solutions with a fact-finding approach and compliance to adopt some creative and innovative approach for the selection of the best possible solution.
3. With the purpose of make the negotiations result into success, the workers representatives and the management association must rely on facts & figures and available data to validate their claims.
4. Whenever the two parties come across the bargaining table, all the important and interconnected issues are to be taken for consideration for discussion.
5. When there is strength of mind of give and take between the management association and trade union representatives, CB can be an effective technique of settling industrial disputes within the industrial premises without the intervention of third party.

**CONCLUSION**

In an industrial organization to solve, the problems arising at the plant or industry level the need of the CB has readily felt. In the early decades of the twentieth century, the advocates of CB thought it essential for betterment of Industrial Relations due to following three reasons.

- Primarily, a system of peaceful and schedule bargaining would eradicate industrial strife and violence.
- Second, CB stood for "**Industrial Democracy**"
- Finally, CB promised to make capitalism work.

CB is one of the methods wherein the employer and the employees can settle their disputes, conflicts, and opinion of differences by coming across the bargaining table in a healthy atmosphere. Hitherto the determination of terms and conditions of employment are concerned, one important outcome of CB has been that it has enabled trade unions to participate in the decision-making process regarding wages, safety & health, hours of work, working conditions etc, and it certainly strengthen the concept of WPM. Earlier the employer used to decide the above issues unilaterally, but now they have become subjects of bilateral consultation with the arrival of CB. Thus, CB in the field of industrial relations management has introduced an element of industrial democracy. Hence, the concept of CB is extremely useful from the standpoint of workers, trade unions and management.

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