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Participative collective bargaining: Can it work in an educational setting?

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Participative collective bargaining: Can it work in an educational setting?

Abstract

Traditionally, collective bargaining in the educational setting has been likened to the industrial union model. School systems were built to reflect the industrial model of administration (Liontos, 1987). When teachers reached frustration levels over their inability to control fundamental aspects of their professional lives, they borrowed, like the school districts, a collective bargaining model from the industrial society (Glaser, 1989; Koppich and Kerchner, 1990) .

PARTICIPATIVE COLLECTIVE BARGAINING
Can It Work in an Educational Setting?

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PARTICIPATIVE COLLECTIVE BARGAINING

Traditionally, collective bargaining in the educational setting has been likened to the industrial union model. School systems were built to reflect the industrial model of administration (Liontos, 1987). When teachers reached frustration levels over their inability to control fundamental aspects of their professional lives, they borrowed, like the school districts, a collective bargaining model from the industrial society (Glaser, 1989; Koppich and Kerchner, 1990).

As the industrial union model has grown in most schools, it has accumulated limitations. The scope of bargaining is relatively narrow; it tends to separate bargaining over conditions of work from school policy making. Teachers have been excluded from participating in decisions about important aspects of their professional lives (Koppich et al., 1990). Instead, they have traditionally been directed toward issues of teacher comfort (Chalker, 1990). Legally binding contracts with teachers representing their own economic issues and strict lines separating union and management have become the norm with the industrial union model of collective bargaining (Koppich et al., 1990).

The industrial union model carries a perception of adversarial relationships. Adversarial collective bargaining causes the trust level between participants to decline, and meaningful change becomes difficult (Chalker, 1990). The participants see themselves as members of one of two opposing teams (Liontos, 1987). It becomes a matter of win/lose negotiating. Each team attempts to prevail over the other by carefully controlling information. The willingness to mislead the other team has become an accepted and necessary part of the adversarial collective bargaining process (Glaser, 1989). Adversarial bargaining requires "dishonesty" of its participants (Herrick, 1990).

Adversarial collective bargaining fosters conflict and a competitive spirit of resolving differences (Liontos, 1987). The conflict may stem from the inability to reconcile different ideas and feelings about how things are done in a organization (Herrick, 1990). Teacher unions often challenge management decisions and insist on written policies that management might wish to remain unwritten and flexible (Shedd, 1988). Teachers insist that nothing is valid unless it is in a contract; and as Koppich and Kerchner (1990) state "management adopts the credo, 'The

shortest contract is the best and the best contract is none at all.'" (p. 5)

This atmosphere of conflict and distrust does not produce the cooperation needed for meaningful school improvement. The nation's schools are under attack by outside interests, and teachers and administrators must assume new roles and responsibilities. Effective schools can best be developed by decision making between teachers and administrators at the local level (Chalker, 1990). With the educational reform movement stressing excellence in education, both sides of the bargaining table must find a way to change adversarial relationships in order to bring about the envisioned organizational change (Koppich et al., 1990).

The current educational reform movement differs from previous school efforts in that it recognizes that teachers must play an active part in the change process (Koppich et al., 1990). Tom Peters and Robert Waterman (1982) in their book, In Search of Excellence, detailed the lessons required for successful corporate structures. The school reformers realized that the current educational structure fell far short of this successful model. Most school districts continue to operate on the top-down, industrial model instead of

the participatory styles of management of successful corporations (Koppich et al., 1990).

In order to achieve the goals of educational reform, teachers and administrators need to jointly develop ways to promote teamwork and employee participation in the workplace (U.S. Department of Labor, 1991). To move from management-centered decision making to a more employee participative decision-making process will allow the goals to be reached. This will involve the creativity and brainpower of all the employees on solving problems (Smits, 1987).

Both teacher unions and administration must commit to worker participation. Significant changes are required by each party of views long held sacred (U.S. Department of Labor, 1991).

One of the greatest factors that determines the success of a participative program is the degree of trust which exists between the teachers' union and the administration (Glaser, 1989). A strong trust between the union and administration has to be built; there can be none of the hidden agendas found in traditional collective bargaining. (Liontos, 1987; National Education Association, 1988).

Communication between the union and the administration is also an important factor. In order for there to be trust, open and honest communication must be present (Fuller, 1986). Administrators indicate that a major change in the level of trust occurs when managers begin to make a conscious effort to understand the problems presented by teachers and to resolve these problems before they become major grievances (Glaser, 1989). A vast network of open and informal communication is unmistakable in excellent corporate structures (Peters and Waterman, 1982). Participative collective bargaining requires a better-than-average knowledge of communication skills (Liontos, 1987). However, it can be a learned process through education and communication seminars (Fuller, 1986). In the end, participative collective bargaining can pay off in dividends of increased trust and greater teacher involvement in issues central to school improvement (Liontos, 1987).

Participative collective bargaining has the potential to redefine the role of traditional collective bargaining. Rather than producing rigid organizational systems and well-defined rules for labor-management relations, collective bargaining can become a tool to initiate change and communication

between labor and management (National Education Association, 1988).

Swinehart and Sherr (1986) created a systems model for integrated cooperative labor-management relations. In their model, after first determining whether cooperation (participation) was a goal of the organization, the first activity for collective bargaining was attitude structuring--letting the other side know what to expect. If both sides know that each other are sincere and willing to move on issues relating to cooperation, there will be pressure to move in the direction of cooperation and participation.

Two school districts in Oregon (West Linn and Oregon City) attempted to change the hostile, adversarial collective bargaining relationships into productive, participative ones. They determined that for success the goal of collective bargaining was for everyone to win, not one party to win and the other to lose. A sense of cooperation and trust was the first level that needed to be built before negotiations could take place. Also, they found that strong leadership played an important role--knowing how the governance of a school is affected when teachers share in the decision making. Some elements that these schools found that worked toward building participative

collective bargaining were: 1. Each side would bargain without an outside negotiator. This fosters greater understanding of the issues. 2. There would be monthly meetings to discuss current problems. This "continuous bargaining" is aimed at maintaining communications and preventing misunderstandings. A number of minor issues can be aired and dealt with prior to formal bargaining. 3. With mutual consent, the parties could negotiate the contract whenever necessary (Liontos, 1987).

Calker (1990), Glaser (1989), and Swinehart and Sherr (1986) recommend that for collective bargaining to be participative, both sides need to come to the table with problem statements, not positions. Glaser (1989) further recommends that everyone talks, not just one person from each side; and that there not be bargaining chips, only true problems.

Swinehart and Sherr (1986) recommend the use of labor-management task forces in determining the solutions to problems brought to the table. The traditional collective bargaining posturing and game playing is missing from the task forces. The Oregon City School District (Liontos, 1987) did not try to settle everything at the table. They designated people who had expertise or an interest in the issues on the

table to research and reach an amicable solution. Each side had agreed before hand to accept the solutions brought to them. Much of the bargaining work can be eliminated when specific issues are worked on ahead of time by task forces (Glaser, 1989).

For participative collective bargaining to succeed, each party must freely share relevant information concerning the organization. The union and employees should be furnished with relevant financial information, proposed business plans, and any other materials needed to evaluate how the organization is performing (U.S. Department of Labor, 1991). Accurate financial data is crucial because "if small holes are found, large ones are presumed," and secrets of this nature have a tendency to ensure widespread distrust (Glaser, 1989). A common database used by management and the union is a key way to develop participative bargaining (Swinehart et al., 1989).

Negotiation is a process in which parties must participate and craft an agreement together. Eliciting the opponent's ideas for solutions will relieve some of the frustrations of traditional bargaining and allow everyone to be comfortable with it (Ury, 1991). The parties are more willing to compromise when a cooperative environment is evident (Swinehart et al.,

1986). Neither side is losing when both sides bring their suggestions together and an agreement is reached by mutual consensus (Ury, 1991).

It is essential that participative bargaining not be used as a device to undermine the internal structure of the other party (U.S. Department of Labor, 1991). Instead, it should be used as a way for both sides to speak freely without the constraints imposed by the hierarchy of the organization (Herrick, 1990).

Participative collective bargaining can succeed provided both sides adopt the desire to resolve problems and reach equitable agreement (Liontos, 1987). Participative bargaining encourages on-going discussion between teachers and administration while traditional collective bargaining occurs only once a year or once every several years (National Education Association, 1988).

More extensive preparation in participative bargaining from both sides should deliver more productive and expeditious deliberations. As the process matures and the participants develop better negotiating techniques and skill, amicable and successful bargaining can occur (Fuller, 1986).

Can participative collective bargaining work in an educational setting? Yes. But as the literature

indicates, it will require major changes in the way the administration and the union think about bargaining. A degree of trust needs to be built that is now limited, or nonexistent, in most school districts.

The scope of collective bargaining may also have to be changed. By limiting bargaining to mandatory items only, the parties have automatically subscribed to adversarial bargaining. The narrow scope of mandatory items does not lend itself to participation of teachers in decision-making policies. If the administration agrees to participative management, in order for it to be effective, there should be a written policy. To be enforceable, the written policy would need to be in a contract, therefore becoming permissible and changing the scope of bargaining.

The idea of on-going bargaining has a lot of merit. Monthly meetings on problems and issues before they become major concerns can increase the level of trust and lead to more effective schools. The problems would not become monumental concerns that would take attention away from the "good" of the educational institution. The traditional once-a-year anxieties would be lessened. In addition, task forces could be assigned to work year round. It makes sense to use a task force to look into problem issues brought to the

table. Not everyone is knowledgeable enough on every subject to bargain intelligently on all issues. Different task forces created for specific issues seems to be the best way to handle problems.

With both sides meeting on a regular and cooperative basis, communication will improve. In my reading, one school had the board and bargaining teams meet routinely in social settings. They had dinners and joint seminars on bargaining and communication. Each side agreed that this opened the lines of communication and showed that basically there was little difference between the bargaining parties (Fuller, 1986).

In this time of financial difficulties, all members of a school district must learn to change the traditional way of doing business. Involving the faculty and staff in the traditional management decision-making role will help bring new blood, thoughts, and creative ideas to a situation full of frustration.

Participative collective bargaining is not a way of bargaining that can be accomplished overnight. Both sides have to have a sincere desire for change to take place. Only then can the slow process of trust and

open, honest communication be started. Once that is in effect, participative bargaining can become a reality.

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