

Collective Bargaining Issue Brief

Collective Bargaining - Achieving the Best for Our Members

Session 1

SUMMARY

This is the first of a three-part issue brief developed to explain the collective bargaining process, clarify key language, solicit member questions and suggestions, and build the member support critical for successful negotiations.

This first issue brief introduces members to the bargaining process, introduces two of the key clauses, and asks for members' questions and concerns.

BACKGROUND

Collective bargaining is one of the most powerful tools available to a union and its members. Through collective bargaining many of the union's objectives can be achieved, including:

- *good wages, hours and working conditions;*
- *programs to meet the cost of health care, retirement, unemployment and similar needs;*
- *safe working conditions; and*
- *programs to increase employment opportunities and promote the industry.*

In addition, the collective bargaining process can be used to advance the union's broader goals of increased membership, expanded training opportunities, more union work, and greater strength at the bargaining table.

How Can A Local/ADC Achieve These Objectives?

Successfully negotiating an agreement that will help a Local/ADC achieve these objectives hinges on the local's bargaining strength, member understanding of the collective bargaining process and, most importantly, member support for their negotiating committee. Specifically:

- **Bargaining strength** relates to the number of members covered by a Local/ADC, and the size of the geographic area covered. Larger Locals/ADCs, that represent all of the members in a broad geographic area, tend to be in a better bargaining position with employers than smaller Locals/ADCs.
- **Member understanding of the bargaining process** also impacts negotiations. When members understand what collective bargaining is, and why it is important, they are more likely to offer their negotiating committee important information and

insight into the needs of the membership as a whole. They are also more likely to support their negotiating committee.

- **Member support for their negotiating committee** is critical for successful negotiations. If members are divided, then the employer(s) will have the upper-hand in negotiations. But, if members support their negotiating committee, then it will be well positioned to negotiate a good agreement for the members.

A Local's/ADC's negotiating position is also influenced by:

- ***Who controls the labor*** -- if the Local/ADC has area the workforce organized into the Local/ADC it increases the union's bargaining strength and market share. On the other hand, if there is a large pool of non-union trowel trades workers, or if the union workforce is dominated by one or two large contractors, the union's hand is weakened.
- ***Employment conditions in the area*** -- low unemployment and a strong demand for masonry workers can increase the pressure on employers to agree to wage increases.
- ***Other building trades negotiating results*** -- often, agreements reached by other trades will set the pattern for bargaining in a given market.
- ***The rate of inflation (the increase in the Consumer Price Index) in the area*** -- negotiators should be aware of how member wages have grown relative to the cost of living in their area. If wages have not kept pace with inflation, negotiators can make a solid argument for a wage increase.
- ***The outlook for masonry construction in the area*** -- if there are a number of projects planned that either already have been awarded to the contractor or the contractor is planning to bid on, then the union's position at the table will be stronger. The opposite occurs if masonry work is declining.
- ***The financial position of the contractors that the Local/ADC is negotiating with*** -- in some cases, this information may be publicly available. When it isn't, the negotiating committee should try to judge the financial condition of the employer or group of employers involved.¹ For example, high interest rates or sharp increases in the cost of materials could significantly increase the cost of doing business in an area and negatively impact the financial position of the contractors in the area. Greater awareness of the contractor(s) financial condition can help the Local/ADC determine what is, or is not, a reasonable proposal.

From the IU to the Member -- Everyone Plays a Role

The International, the Locals/ADCs, and the members all play an important role in negotiations.

¹ It is not uncommon for a group of employers to belong to an Association that negotiates on their behalf with BAC.

- While the **International Union (IU)** negotiates national agreements such as the National Refractory Agreement and National Maintenance Agreement, and the International Council of Employers (ICE) Agreement, the primary role of the IU is to provide support to local negotiating committees in the form of collective bargaining language, data (consumer price and wage information), direct bargaining support, and contract administration.
- **Locals/ADCs** negotiate the vast majority of the Union's collective bargaining agreements directly with employers. Under the IU's Constitution, Locals/ADCs must establish negotiating committees to bargain over wages and working conditions, and resolve questions in dispute between employers and the Local/ADC. The IU's Constitution states that a Local's/ADC's negotiating committee should consist of at least three members, one of whom is the principal officer in the Local/ADC. And, the Local's/ADC's Constitution and By-Laws outline who is eligible to serve on the negotiating committee and whether these individuals are elected or appointed. The IU Constitution also requires that the Local/ADC provide contractors with a copy of Article VIII. There are additional requirements set by IU Convention action such as the need to include IMI in the initial proposal submitted to the contractors.
- The **Members** elect the negotiating committee, and participate in planning meetings and surveys conducted in preparation for collective bargaining. By participating in these meetings and completing the surveys, members help the negotiating committee decide what issues will be raised in negotiations, how much of a wage increase will be pursued, and, if necessary, whether or not to go on strike.

It is critical for members to play an active role in this stage, because under the IU's Constitution and By-Laws an agreement negotiated by the Local's/ADC's negotiating committee is not subject to ratification, in other words, members do not vote on the final agreement(s). When members elect their negotiating committee, these individuals have the full authority to negotiate and sign an agreement. Although resolutions calling for member ratification of local agreements have been brought before the delegates to IU Conventions over the years, they have never received enough votes to be passed. That is why it is critical for members to understand the bargaining process, give their negotiating committee feedback early on in the process, and be unified behind the Committee once negotiations start.

Key Agreement Clauses -- What's Included in a Strong Agreement?

A stronger bargaining position will increase the negotiating committee's ability to obtain an agreement that meets the objectives listed earlier. An agreement, however, is only strong if it contains language that will fully protect the rights of the members covered by the agreement. Most members are familiar with agreement language covering hourly wage rates and benefit contributions. They understand that these are the wages and benefits that contractors must pay. But most members are not familiar with the clauses in the agreement that cover work rules and why they are important. The agreement language that establishes work rules cover issues such as the number of hours a member can work in a day, overtime requirements, working conditions, and when the Union can intervene

on behalf of its members. These clauses play a critical role in protecting a member's current and future work opportunities.

Starting in this issue-in-brief we will begin to review key clauses -- what they mean and why they are important.

What gives BAC the right to enforce the collective bargaining agreement and go on a job to make sure that the contractor is following the requirements outlined in the agreement?

- **Answer: The Union Recognition & Access Clause.** This clause is a critical part of all agreements because without it, a Union cannot fully represent its members. This clause states that the contractor(s) recognize BAC as the only organization that can act on behalf of its masonry employees. It also gives BAC's officers and representatives the right to go on the job and make sure that the contractor is following the work rules outlined in the agreement.

What prevents a BAC contractor from by-passing the agreement and subcontracting the work to another lower cost contractor or individual?

- **Answer: The Subcontracting Clause.** This clause protects BAC's work by preventing contractors signed to a BAC agreement from turning over a portion of BAC's work to individuals or subcontractors that pay lower wages and do not follow our work rules. It requires BAC contractors to use BAC members or, if they subcontract a portion of the work, to guarantee that the work subcontracted is performed in accordance with BAC's agreements. In other words subcontractors are required to:
 - * Pay BAC wage rates,
 - * Contribute to BAC benefit programs, and
 - * Follow BAC work rules.

As such, this clause creates a disincentive for contractors to give our work to anyone else. Without this clause, a BAC contractor could subcontract a portion of BAC's work to a low-wage subcontractor to cut costs, and BAC members would lose hours, the Local/ADC would lose control over the work, and eventually the Union's market share would be eroded.