

# The Mysteries of Collective Bargaining Revealed

Laura L. Leavitt  
Labor & Business Librarian  
Michigan State University  
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“One way of defining a free society may indeed be: a society the members of which are free to assert their individual interests collectively.”

Walter Oberer and Kurt Hanslowe, 1972

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## Collective Bargaining in the U.S.

- “A mechanism for organized groups of workers and their employers to resolve conflicting interests and to pursue agreement over common interests.” (Kochan & Katz, 2008)
- Addresses tension between employee and employer interests
- One of many possible ways to conduct industrial relations



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### Collective Bargaining in the U.S.

- Legal Framework
  - Railway Labor Act (1926)
  - National Labor Relations Act (1935) (Wagner Act)
    - Amended in 1947 by Taft-Hartley Act
    - ...and in 1959 by Landrum-Griffin Act
- Made unions and union activity (including strikes) legal in the private sector
- Promoted collective bargaining as means for establishing terms and conditions of employment

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### Collective Bargaining in the U.S.

Major attributes / characteristics

- Employee choice
- Majoritarianism
- Decentralization
- Exclusive representation
- Bargaining power
- Written, legally enforceable agreements
- Administration by a specialized agency



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### Collective Bargaining in the U.S.

Typical provisions of CBAs

- Establishment and administration of the agreement
- Wage determination and administration
- Job or income security
- Functions, rights and responsibilities
- Plant operations
- Paid/unpaid leave
- Employee benefit plans
- Special groups

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### U.S. – Canadian Differences

- Regulation of industrial relations in Canada is primarily a provincial matter
- More willingness to accept other forms of evidence for majority representation in Canada (v. representation election)
- Courts have minimal role to play in reviewing agency decisions in Canada
- Right to replace striking workers is more restricted in Canada
- Mandatory v. permissive subjects of bargaining – U.S. only
- No requirement in U.S. to undertake dispute resolution procedures
- In Canada, dispute resolution by govt is an integral part of the IR system....3<sup>rd</sup> party involvement is a precondition to a legal strike or lockout
- Strike vote required in Canada
- First agreement arbitration in Canada
- The hiring of permanent replacements more restricted in Canada

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### References

- Richard N. Block, “Industrial Relations in the United States and Canada” in M. Morley, P. Gunnigle and D. Collings, eds., *Global Industrial Relations* (New York: Routledge, 2006).
- Harry C. Katz, Thomas A. Kochan and Alexander Colvin, *An Introduction to Collective Bargaining & Industrial Relations*, 4<sup>th</sup> ed., (New York: McGraw-Hill Irwin, 2008).
- Walter Oberer and Kurt Hanslowe, *Labor Law: Collective Bargaining in a Free Society* (St. Paul, MN: West Publishing, 1972).

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### Resources

- Collective Bargaining Research Guide (Catherwood Library – ILR School, Cornell University) <http://www.ilr.cornell.edu/library/research/subjectGuides/collectiveBargaining.html>
- International Labour Organization <http://www.ilo.org>
- National Labor Relations Board <http://www.nlrb.gov>
- UnionStats .com <http://unionstats.gsu.edu/>
- U.S. Bureau of Labor Statistics <http://www.bls.gov>
- U.S. Department of Labor <http://www.dol.gov>

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## Contact Information

Laura L. Leavitt  
Labor Relations & Business Librarian  
Michigan State University  
50 Law College Building  
East Lansing, MI 48824  
517-355-4647  
[leavittg@msu.edu](mailto:leavittg@msu.edu)



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