

ICFTU CEE & NIS Women's Network

Negotiating Better Working  
and Living Conditions  
Gender Mainstreaming  
in Collective Bargaining

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**Strategy**

**Booklet 4**

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**and Techniques of Negotiations**

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ICFTU / International Confederation of Free Trade Unions  
WCL / World Confederation of Labour

This Manual has been prepared within the framework of a project supported by the International Labour Organisation - ILO ACTRAV and the Flemish Government of Belgium

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A Resource Kit for Trade Unionists

Negotiating Better Working  
and Living Conditions.

Gender Mainstreaming  
in Collective Bargaining.

Booklet 4

# *Strategy and Tehniques of Negotiations*

Prepared by Agnieszka Ghinararu  
and Jasna A. Petrovic

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Flemish Government of Belgium*

## NEGOTIATING HAPPENS EVERY DAY EVERYWHERE!

*By Mamounata Cisse  
ICFTU Assistant General Secretary*

If there is a simple definition of the historic mission of trade unionism, it would be the struggle to impose regulation and control on the operation of markets so that they yield socially acceptable outcomes, with protection of the rights, interests and security of working people everywhere. This was strongly re-affirmed by the 18th World Congress of the ICFTU, held in December 2004.

For decades, trade unions have had very powerful tools for improving working and living conditions of workers: collective bargaining and social dialogue. Although employers argue more and more that contractual relationships between workers and employer should be at an individual, one-to-one level, trade unions have successfully proven the effectiveness of negotiating collective rights.

Trade unions today have many more advanced channels, tools and mechanisms for negotiating. Forms of social dialogue require more proactive and sophisticated strategies. The negotiating agenda is changing: work and family reconciliation issues are being given due attention; gender mainstreaming is now a must of contemporary trade union policy and strategy development. The identification of the ways in which policies and decision-making processes reflect and reinforce inequalities between men and women and the development of policies and practices to overcome these have become daily concerns of trade unions.

Women are the most vulnerable group of workers in the world labour market, and trade unions must give special attention to protecting their needs and interests. This is especially important in the countries of Central and Eastern Europe, which are still today undergoing the difficult phase of transition of their economies and societies. Trade unions in the CEE (Central and Eastern Europe) and NIS (New Independent States) countries cannot be left behind; they need to reform their structures, policies and strategies.

The manual developed within the ILO/ICFTU/WCL gender project on collective bargaining has very definite objectives: to raise the unions' awareness about bargaining, as a daily task for every level of activity; to stress the importance of gender mainstreaming in collective bargaining; to impart knowledge on how to undertake effectively collective bargaining and to change the bargaining agenda to include issues of family and work reconciliation; to acquire an understanding of the changes in the world of work and, therefore, of the changes in channels, modes and tools which unions must utilise; and to understand the need to work with new partners and allies in order to resolve problems of workers.

The Manual explains different negotiating levels, agenda, partners and allies, starting from company level up to the global level. It is rich in information and new ideas on a gender sensitive approach to collective bargaining.

What is very special about the project and the Manual is the fact that these have been worked out in close cooperation between the women's structures of the ICFTU and WCL in the CEE and NIS region, together with a large number of partners (ICFTU; WCL; ILO; FGTB; FNV etc.).

This Manual, which consists of four kits, can be used as a regional resource kit for training of trade union trainers, women and men, in collective bargaining at all levels. It is our hope that it will open a new door, a new vision for everyone.

## TIME FOR IMPLEMENTATION

*By Jaap Wiene  
WCL Deputy Secretary General*

When one looks at the history of the “gender equality” issue in the international trade union movement, one can hardly say that there is a lack of policy. Quite the contrary. We have plenty of good intentions and we have produced several documents in order to enforce our policy. Nevertheless we are not fully satisfied with the results of our common efforts.

Women and men are not yet represented on an equal basis in our structures, certainly not in the trade union teams responsible for collective bargaining with employers and the government.

Fortunately, in all trade unions a process of “gender mainstreaming” has been started up that will correct the lower representation level of women in trade union structures.

It is nonetheless a necessity to keep on stimulating the gender dimension in all aspects of our trade union work.

This manual is a very good example of such an initiative.

Not only have the authors of the manual succeeded in showing a concrete picture of present everyday reality, they also provide several possibilities in order to improve this reality. Congratulations for this!

Now it is the responsibility of us all, united in the international trade union movement, to make full use of this beautiful instrument in order to enhance the awareness of the current trade union negotiators as regards gender equality.

But we’ll have to give to as many new and young trade union colleagues as possible the opportunity to further develop their capacities in the field of collective bargaining and gender equality through training programs. In our action plans, these kinds of programs should receive high priority.

We have no time to lose...

## GENDER MAINSTREAMING IN NEGOTIATION STRATEGY

**HOW TO ENSURE GENDER MAINSTREAMING IN NEGOTIATIONS?  
HOW TO MAKE WOMEN'S VOICES HEARD?  
HOW TO DEVELOP A GENDER SENSITIVE NEGOTIATING  
ENVIRONMENT?**

In this manual we will try to guide you how to answer and work on those questions.

The first step would be to prepare the "scene" for the negotiations with active women participation! So while asking the workers **WHAT** they desire, what problems they are facing, remember to pay attention to and make sure that women's voices are heard.

The second step would be to develop a gender sensitive negotiating agenda - so make sure that the issues proposed by women are treated with attention.

Then, while working on negotiating strategy, think about how to support those proposals. Make sure that women are a part of the negotiating team and that they have equal rights.

Once the collective agreement is signed make sure that all the workers are informed about it and about the changes/new issues you have negotiated. Make sure that women are informed about the issues especially relating to them.

## CONTENTS

4	Foreword: Negotiating Happens Every Day Everywhere!
5	Time for Implementation
6	Introduction: Gender Mainstreaming in Negotiation Strategy
9	Acknowledgments and Instructions
<b>14</b>	<b>PART 1</b>
	NEGOTIATIONS
14	Activity 1: Negotiations and You
15	<b>Handout 1: The ILO Principles on the Right to Collective Bargaining</b>
17	<i>Activity 2: ILO Principles on the Right to Collective Bargaining</i> ILO Conventions No. 98 and No. 154
18	<b>Handout 2: Negotiations and Why Negotiate?</b>
20	<i>Activity 3: TU Negotiations and Everyday Negotiating</i>
21	A SHORT QUESTIONNAIRE on NEGOTIATIONS
<b>22</b>	<b>PART 2</b>
	PREPARING FOR NEGOTIATIONS
23	<i>Activity 4: The “Orange Game” - The Importance of Teamwork</i>
24	<b>Handout 3: What is Teamwork about?</b>
26	<b>Handout 4: Building a Negotiating Team</b>
28	LITHUANIA: Women can include their proposals for negotiations CANADA: Preparing for Negotiations - Guidelines
29	<i>Activity 5: Negotiating Team</i>
30	<b>Handout 5: Collecting and Analysing Information</b>
32	LATVIA: Surveying in ELBAS
33	POLAND: Processing membership data on all levels HUNGARY: Women conduct research on collective bargaining
34	<i>Activity 6: The importance of Information in Negotiations</i>
35	<b>Handout 6: Developing Proposals and a Negotiating Strategy</b>
38	LITHUANIA: Strategy and Trade Union Power in Negotiations
39	HUNGARY: Collective Agreements and “Women’s Issues” UNITED KINGDOM: Parents’ and Carers’ Coalition.
40	<i>Activity 7: Developing the negotiating agenda</i>
<b>41</b>	<b>PART 3</b>
	AT THE NEGOTIATING TABLE
41	<b>Handout 7: At the Negotiating Table</b>
44	<i>Activity 8: “Double Circle” - Introduction to Communication</i>

45	<b>Handout 8: Checklist: Some Basic Hints for Negotiators</b>
47	<i>Activity 9: Hints for Negotiators</i>
48	<i>Activity 10: At the Negotiating Table</i>
<b>50</b>	<b>PART 4</b>
	<b>IMPASSE</b>
50	<b>Handout 9: Impasse and How to Overcome it</b>
53	<b>Handout 10: Impasse: Using the Media</b>
55	<i>Activity 11: How to Overcome Impasse?</i>
56	<i>Activity 12: Using the Media</i>
<b>57</b>	<b>PART 5</b>
	<b>FOLLOW-UP</b>
57	<b>Handout 11: Follow-up after the Negotiations</b>
60	<i>Activity 13: Guidelines for the Follow-up After Negotiations</i>
61	<b>Handout 12: SUMMARY CHECKLIST:</b> Gender Mainstreaming in Collective Bargaining
66	<b>Appendix 1: Full Educational Programme based on KIT 4</b> <b>STRATEGY AND TECHNIQUES OF NEGOTIATIONS</b> Negotiating Better Working and Living Conditions. Gender Mainstreaming in Collective Bargaining.
69	<b>Appendix 2: Sample evaluation form</b>



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The partners of the Project are: ILO/International Labour Organisation, ICFTU/ International Confederation of Free Trade Unions, WCL/World Confederation of Labour, three Belgian trade union confederations (ABVV/FGTB; ACV/CSC and ACLVB/CGSLB) and all affiliates of the two international trade union confederations from 23 countries of the CEE and NIS Region. The Project gathers over 40 trade union women’s groups from 23 countries. All the partners contributed to the development of the manual, especially by sending their recommendations and suggestions, and we hereby acknowledge the important contributions from the following organisations: ILO: Geneva, Moscow and Budapest offices; WCL; ABVV/FGTB/Belgium and the FNV/Netherlands; and especially from the representatives of the three Lithuanian trade union confederations (LPSK, LPSS and LDF) and the NSZZ Solidarnosc/Poland for organising pilot/test trainings. Special thanks also goes to the CLC, Canada and the Solidarity Center/AFL-CIO, USA for various materials they shared with us. And we hereby extend our thanks to many others, especially certain women’s national coordinators who contributed with their comments, case studies and support throughout the process of developing the manual.

### ▶ 1. Aims and Structure of the Resource Kit

“Negotiating Better Working and Living Conditions. Gender Mainstreaming in Collective Bargaining” is a manual consisting of four kits. This manual intends to provide background information, practical guidelines and checklists, case studies and examples, with the main aims:

- to become aware that bargaining is an everyday activity at all levels
- to learn about the importance of gender mainstreaming in collective bargaining and learn how to do it
- to change the bargaining agenda by including family and work reconciliation
- to understand that the world of work has changed which leads to changes in channels, modes and tools
- to learn that in order to resolve problems of workers you have to seek new partners and allies.

The present KIT 4, a training package for trainers, is just a part of the larger training material which consists of the following four KITS:

**KIT 1: Company Level**

**KIT 2: Over the Company Walls: Community Level, Sectoral Collective Bargaining, National Social Dialogue**

**KIT 3: Collective Negotiating at European and Global Level**

**KIT 4: Strategy and Techniques of Negotiations.**

### ▶ 2. General Trainer’s Notes: How to Use this Kit?

The manual is rich both with information and new ideas, as it is promoting new and gender approach to collective bargaining on all levels, starting from the company level (Kit 1); moving

to community, sectoral and national levels (Kit 2), and ending with the European and global level (Kit 3). KIT 4 is supplementary as it explains the basis of negotiations, skills and techniques, but also strategies and gender mainstreaming in the negotiating process.

The manual can be treated as a “menu” to choose from - as it requires minimum 10 full training days to go through the four KITs. Thus trainers themselves can and have to decide which parts/topics are the most important for their target group and create their own educational programme based on the manual, according to the needs of their participants.

### ▶ 2.1. Objectives of the Kit 4

- to learn about gender mainstreaming in the process of negotiations
- to understand the importance of preparation in the negotiating process
- to practice strategy preparation
- to improve negotiation skills

### ▶ 2.2. Structure of the Kit 4

This training package (kit), which is part of the training manual consisting of 4 kits, has been developed for trainers and it can be used as a training tool on trade union courses on negotiations. KIT 4 comprises five main parts:

Part 1: Negotiations

Part 2: Preparing for negotiations

Part 3: At the negotiating table

Part 4: Impasse and how to overcome it

Part 5: Follow-up after negotiations

To facilitate your work as a trainer, you will find written materials - **Handouts**, to be used both for your own preparation and also as possible **handouts for the participants**. The KIT also comprises many practical exercises - **Activities**. The texts are illustrated by **case studies**. Apart from that, you will find some guidelines - **Trainer’s notes** with some information on how to run a seminar based on the KIT.

### ▶ 2.3. Presentation and implementation of materials

- ▷ 2.3.1. **Handouts** are explanations of the topics or checklists that will help you introduce a topic to participants in short presentations (15-25 min). The handouts are to be distributed to participants - preferably in a shorter version (to be shortened by a trainer depending on her/his target group). In the handouts there are case studies included for better illustration and understanding of the presented material. Please include them in your presentations, or in activities (if suggested in the trainer’s notes).

***Note!** Handouts should normally be distributed AFTER you have presented and worked on a topic. There are some exceptions where participants must use the handouts while working in groups (this will be indicated in trainer’s notes).*

*Feel free to make any necessary cuts or add anything to the handouts according to your target group’s needs.*

- ▷ 2.3.2. **Activities are practical exercises** composed of the following elements:

**Aim(s)** explain what the participants should learn from the activities. When organising group work, always look at the aims carefully. You must think about how they could be achieved.

**Task(s) (for participants)** are explanations: what the participants should do during each exer-

cise. Most of the activities employ working groups, but also other methods like individual work, discussion, “brainstorming” or simulation.

*Note: explain the aims, working method(s) and task(s) to the participants so that everyone knows what to do and why they are doing it. It would be highly recommended that you should prepare and give participants the Activity sheets (in most cases it will suffice to cut out “Trainer’s notes” which are intended for trainers only).*

There are also **trainer’s notes** that serve as guides for the trainer. They explain how to organise and run a given activity. Read them carefully when preparing for the seminar!

▷ 2.3.3. **Group reports** - Most of the activities end with a group report. This should be brief and the main points from the reports should be written on flipchart paper or on OHP transparencies (overhead projector). This will help underline the key points. If reports cover several different points, you may wish to take up one point from each group at a time. When groups report back, there will not be one answer. Agreement or differences may ensue. This stage can be difficult to organise because your role is to steer the discussion and engage others in providing feedback. Plan ahead, think about the aims!

Always strive to:

1. **Share experiences** - guide participants to learn from one another. Try to build links between people’s experiences and information passed on to them during the course;
2. **Test attitudes** - the aim is always to test attitudes against information given during the course, the experiences of participants, and trade union policy.
3. **Combine everyone’s ideas** - put them all together around the main points from each of the reports.
4. **Solve problems or make plans** - find out if further discussion is needed and check whether the plans will work (use the checklist included in the manual).

*Note: Reporting back may take 20 or 30 minutes, depending on the number of groups and the tasks. Make sure you tell the participants that each group will have only 3-5 minutes for reporting back and ask for concrete reports which will be to the point! Again, depending on the participants and the aim, you may wish to consider shortening the reporting or making it more interesting (in case all the small groups share the same task) by letting the first group present their full report and asking the rest to present only those parts which were not covered in the first report. Then move to the next group’s report in the same way.*

**Remember to make a summary!**

▷ 2.3.4. **How to work on a given topic** - The structure of a working session is simple:

1. **Short introduction** to the topic given by trainer (approximately 15-25 min.) - sometimes you will involve participants in this early stage by asking them, for example, to define something with you. You can use the handouts to guide you in preparing the presentations.

Remember to use visual aids to illustrate your presentation (for example, a PowerPoint presentation, OHP slides/transparencies or posters, etc.)

Try to provide a short example/case study from your country for each session in order to illustrate the point (the message) of the session.

2. **Practical exercises** (one or more) - activities - their aim is to help participants practise their new knowledge or skills. Usually they are followed by reports during a plenary session (see above under Reporting).

3. Always remember to **sum up the topic!** You will find more guidance in the trainer’s notes attached to the activities.

4. Remember to **show appreciation for the participants' work** - for example applause after the group report, etc.

5. Remember to use **ice-breaking activities** - they are not a waste of time! They help group integration, release tension, etc.

### ▷ 2.3.5. Practical remarks

**a. Translation** - it is important to keep the lay-out of the manual as it is in the original. Make sure that all the handouts and activities are on separate pages.

**b. Distribution of the material during the seminar** - make sure that you have a copy of the manual for each participant. **DO NOT** distribute the manual **BEFORE** the seminar in form of a book! Keep all the copies with you (loose pages; photocopied on one side only). You will need a table in a plenary room for the manuals. Lay them out separately and use handouts one by one according to the programme of the seminar.

**c. Training Programme** - attached at the end of the detailed KIT programme.

**d. "Ice-breaking" activities:**

We strongly suggest setting off with two such activities during the introductory session (of course, if this KIT no 2 is used for a separate one-day training):

**A. Introduction of the participants:**

Distribute papers and markers to everyone

Ask the participants to draw a situation/person that/who influenced them to become trade unionists

Organise them into pairs

Ask them to present their situation/person to their partner (one to another), also adding their present position in the union, experience related to the seminar topic, etc.

Ask person "A" to present person "B's" situation/person and vice versa

**B. "Golden Rules" of the seminar**

Prepare a flip chart and a white board marker and write "Golden Rules" on the top. Give a small introduction-"We will be working together for some time, we do not know each other, so to make our work easier, Let us think about a set of rules for everyone...." Follow this by asking the participants to make a set of rules using a "brain-storming" session. The trainer will write all the proposals and when the list is complete, read it one-by-one and ask for everyone's agreement (you can use voting by show of hands).

What can be included? - Here are some examples: No smoking in the plenary room; Be punctual; Stick to the subject; Switch off your mobile phones, etc.

**C. Relaxing activities during the seminar**

During the seminar you may face different problems, from people being tired and losing concentration, to tension and frustration within the group. In order to create a relaxed atmosphere, you may wish to ask the group:

- to sing a song (for example: ask all men during a break to prepare a song and sing it before the next session for women, and vice versa)

- to make a "living sculpture" (divide participants into two groups during the break and ask them to prepare a "sculpture" from their bodies which would show/express something connected to trade union movement/trade unionism. Ask them to perform it in front of the other group which has to guess what it is about. The second group follows.)

- to recite a poem (during the break ask again if anyone knows a nice poem he/she could tell in front of the group), etc.

#### e. Suggestions for group division

The examples below are designed for a group of 20 participants to be divided into 4 smaller groups - if you have a different number of participants or if you want to have another number of small groups - RECALCULATE accordingly!

##### *Postcard puzzle*

Cut 4 different postcards into 5 pieces each and mix the pieces in a bread basket/hat, etc. Let the participants pick ONE piece each. Ask them to find their groups by putting the "puzzle" together. Make sure that the postcards are quite different in colours/patterns, etc. - otherwise the puzzle will take too long!

##### *Sweets*

Prepare 20 (wrapped in distinct colours) sweets: 4 different kinds at 5 pieces each. Mix them in a bread basket/hat, etc. and let the participants pick ONE each.

##### *Counting*

Ask your participants to count: 1, 2, 3, 4 and again 1,2,3,4 .... (5 times in total) and all "numbers 1" should form one group, "numbers 2" the second one, etc.

##### *Colour paper*

Prepare yourself 4 sets of small pieces of paper of different (4) colours. Mix them in a bread basket/hat, etc. and let the participants pick ONE each. Each colour forms one group.

##### *Picture cards*

Prepare 20 small "cards" - 4 sets of 5 cards. Each set of five should have the same picture on it; do for example 5 flowers, 5 birds, etc.

**f. Additional preparation:** make a list of the technical equipment and stationery that you will use during the seminar (check the programme for these in the materials and equipment column).

**g.** Check the **division of work between trainer and co-trainer/s**. Decide on your responsibilities BEFORE the seminar (for more details see the attached training programme at the end of the KIT).

# A

## Activity 1 NEGOTIATIONS AND YOU

### Aims:

- To realise that negotiations happen not only at the negotiation table between trade union and employer's representatives
- To recall my own experience of everyday negotiating

### Methods:

- Individual work
- Pair work

### Tasks:

1. Think and note for yourself on a provided piece of paper:

how many times did you negotiate last week?

what did you negotiate?

with whom?

2. Working in pairs, negotiate with your partner the following:
  - "number ones" will negotiate the price of a scarf (or pears, etc.) in the market
  - "numbers two" will negotiate buying a TV set with their wife/husband (or fridge, etc.)

### Time:

Task 1: 5 min.

Task 2: 5 min. for each "round" of negotiations

### Trainer's notes:

1. This is an introductory exercise to the training. We have included it because many people are apprehensive about engaging in negotiations as they think that they do not have the skills, the experience, etc.
2. Distribute a piece of paper in colour, if possible (A-4 format or half a page) and explain TASK 1.
3. If the group is ready, divide participants in pairs - by counting (1, 2; 1, 2; etc.) and explain TASK 2 (as above) - mention that it is a simple "role play" where:  
 In the first case: "number ones" will become buyers at the market and the "number twos" will be sales persons  
 In the second case: "number ones" are wife/husband negotiating with her/his partner.  
 Time for TASK 2: in total app. 10 min. (5 min. for each case)  
 When the pairs have finished, ask participants what they have learned from this activity.  
 Sum up by mentioning that everyone has some experience in this field and that during the training it would be built on etc.

**Total time:** 30 min.

# H

## HANDOUT 1: The ILO Principles on the Right to Collective Bargaining

▶ **The Convention No. 98 (Right to Organise and Collective Bargaining), describes collective bargaining as:**

“Voluntary negotiation between employers or employers’ organizations and workers’ organizations, with a view to the regulation of terms and conditions of employment by collective agreements.”

Collective bargaining could also be defined as negotiations relating to terms of employment and conditions of work between an employer, a group of employers or an employers’ organization on the one hand, and representative workers’ organizations on the other, with a view to reaching agreement.

There are several essential features of collective bargaining, all of which cannot be reflected in a single definition or description of the process:

It is not equivalent to collective agreements because collective bargaining refers to the process or means, and collective agreements to the possible result, of bargaining.

Collective bargaining may not always lead to a collective agreement.

It is a method used by trade unions to improve the terms and conditions of employment of their members. It seeks to restore the unequal bargaining position between employer and employee. Where it leads to an agreement, it modifies, rather than replaces, the individual contract of employment. It does not create the employer-employee relationship; instead it establishes a framework in which the individual contract is settled.

The process is bipartite, but in some countries the State plays a role in the form of a conciliator where disagreements occur, or where collective bargaining impinges on government policy.

▶ **Convention No. 154 (Collective Bargaining), 1981, defines collective bargaining in Article 2 as follows:**

“The term “collective bargaining” extends to all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on one hand, and one or more workers’ organisations, on the other hand, for : (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations”.

▶ **Convention No. 98 (Right to Organise and Collective Bargaining), 1949**

**Aim:** protection of workers who are exercising the right to organise; non-interference between workers’ and employers’ organisations; promotion of voluntary collective bargaining.

**Summary:** Workers should be protected from anti-union discrimination. In particular, they should be protected against refusal to employ them because of union membership and against dismissal or any other prejudice based on union membership or participation in trade union activities.

Workers’ and employers’ organisations shall enjoy protection against acts of interference by each other. This protection is extended, in particular, against acts designed to promote the domination, financing or control of the workers’ organisations by employers or employers’ organisations.

Measures appropriate to national conditions should be taken where necessary to encourage

and promote the development and utilization of voluntary collective bargaining as a means of regulating terms and conditions of employment.

► **Conventions No. 98, No. 151 and No. 154 and Recommendation No. 91** focus the **content** of collective bargaining on terms and conditions of work and employment and on the regulation of the relations between employers and workers and between organisations of employers and workers.

The **voluntary nature of collective bargaining** is explicitly laid down in Article 4 of Convention 98 and, is a fundamental aspect of the principles of freedom of association.

In the preparatory work for Convention No. 154, it was recognized that collective bargaining could only function effectively if it was conducted in good faith by both parties; but as good faith cannot be imposed by law, it could only be achieved as a result of voluntary and persistent efforts of both parties.

**Scope:** Convention No. 98, adopted in 1949, excluded from its scope public servants engaged in the administration of the State, but Convention No. 151, adopted in 1978, took an important step forward requiring States to promote machinery for negotiation or other such methods as to allow representatives of public employees to participate in the determination of their terms and conditions of employment. A few years later, in 1981, the Convention No. 154 was adopted which promotes collective bargaining in both the private sector and the public service (with the exception of the armed forces and the police).

For more information, see Kit No. 1: *“Summary of ILO principles on the right to collective bargaining” (in Part 1)*.



# A<sub>2</sub>

## ● **Activity 2** **ILO PRINCIPLES ON THE RIGHT TO COLLECTIVE BARGAINING ILO CONVENTIONS NO. 98 AND NO. 154**

### ● **Aims:**

- To familiarise ourselves with Conventions No. 98 and No. 154
- To discuss the rights which are covered by them

### ● **Methods:**

- small group work

### ● **Tasks:**

1. Working in your small group:  
Read the ILO Conventions 98 and 154.

2. While reading, underline the main provisions (you can do it by individual reading, or one person may read aloud while everyone is underlining the main provisions)
3. Discuss: are these provisions respected in your country? If not, why not? (What are the obstacles?)
4. Discuss: how can your trade union make sure that the provisions of the ILO Conventions are respected?

Remember to select a person to present the group's report in the plenary (use flip chart and markers for preparing the report).

● **Time: 40 minutes**

### ● **Resources:**

ILO Conventions 98 and 154

### ➔ **Trainer's notes:**

*NOTE: to be implemented in case you are not using KIT 1 together with KIT 4 during the training.*

1. *Distribute copies of Conventions 98 and 154 (you will find them in a separate booklet entitled "Appendices").*
2. *Divide the participants into three small groups (by using pieces of paper in different colour).*
3. *Explain tasks to the working groups and remind them about time and the report (each group will have just 6-8 minutes for reporting)*
4. *Remember to sum up by underlining the importance of using the ILO standards as tools and by stressing the main points from the reports.*

**Total time:** minimum 1 hour 15 min.

# H 2

## Handout 2: Negotiations and Why Negotiate?

**DESIRE TO NEGOTIATE:** There are many ways to resolve disputes. One of the ways is simply to overwhelm your adversary and in doing so, achieve the settlement you desire. Another one is to negotiate.

It is often said that after a strike or a lockout - there are no winners. The employees lose wages, benefits, economic security, and sometimes even their jobs. The employer loses production, services are not performed to the standard the customers or clients may expect, the continuity of the enterprise is disrupted. But there are additional casualties to be counted, and they are often not parties to the initial dispute. Customers who are not served may turn elsewhere and never return.

In short, a strike or a lockout in our society not only creates a high inventory of loss to the disputants but may also cause damage for non-disputants non-disputants.

These types of self-help techniques are called “street-field processes”, as it is where they occur, away from the negotiating table. We will not attempt to argue with those who claim that strike or lockout is sometimes necessary, and no judgements are made about what “good” or “bad” labour relations are. There is a basic point to be emphasized here: the negotiating processes allow the disputants to resolve their dispute with the lowest inventory loss, not for themselves but also for the society, in the vast majority of cases.

One more thing should be stressed: the desire to negotiate, as it is a prerequisite for successful negotiations. Both sides must have this desire in order for negotiations to reach a successful conclusion as the law can only create a duty to bargain, set up the basis - but not the desire to bargain.

**GOALS:** A union usually enters the negotiating process with one basic goal - to get a good agreement. But there are also other goals in the process, since the negotiations have become everyday activity of trade unions. The process:

- Meets needs of both parties.
- Strengthens the relationship between the parties.
- Produces an understandable agreement.
- Provides a way to settle disputes that arise under the agreement.
- Strengthens the union.

Both sides at the table might share the first four goals, but the final one is critical for the union since we want to come out of collective bargaining with a stronger union, better prepared for the future. And nothing prepares us better for that than everyday negotiations which not necessarily need to be very “official”.

**LEVELS:** So far unions have usually negotiated at one of the following three levels:

**Enterprise or workplace level** (for more information see KIT 1)

**National, branch levels** (for more information see KIT 2)

**Social dialogue level** (for more information see KIT 2)

Things change and are changing, introducing more different possibilities to negotiate. And each level of negotiations presents different challenges for the union. Each level requires a different strategy, since the union has different goals at the different levels. The approach we will discuss in this KIT - thorough preparation, power analysis, membership involvement - can be used at all levels. At each level, the union needs to analyse several factors - among them their members, the employer or the party on the other side of the table, the likely issues faced at that level, how to exert pressure at that level, and what kind of information is needed to negotiate well at that level.

**STAGES:** Every country has its own labour laws that control much of the collective bargaining process, but negotiations almost always follow the same basic path regardless of where they take place. It is good to have these stages in mind as we begin to discuss union activities. The four basic stages of negotiations are:

1. Preliminary stage
2. Opening stage
3. Exploratory stage
4. Closing stage

The preliminary stage, where the union gets prepared for negotiations is the crucial one. Most of the negotiations, at the table, take place in the exploratory stage, where parties discuss and argue about the issues. Hopefully, the process will lead to the closing stage, where the agreement takes shape.

**PLURALISM:** A pluralistic outlook involves the acceptance within a political system of pressure groups (e.g. religious groups, unions, business associations, political parties) with specific interests with which a government has dialogue, with a view to effecting compromises by making concessions. Pluralism implies a process of bargaining between these groups, and between one or more of them on the one hand and the government on the other. It therefore recognises these groups as the checks and balances which guarantee democracy. It is natural that in labour relations in a pluralist society, collective bargaining is recognised as a fundamental tool through which stability is maintained, while the freedom of association is the *sine qua non* because, without the right of association, the interest groups in a society would be unable to function effectively.

**REPRESENTATIVITY:** The existence of the freedom of association does not necessarily mean that there would automatically be recognition of unions for bargaining purposes. Especially in systems where there is a multiplicity of trade unions, there should be some predetermined objective criteria operative within the industrial relations system to decide when and how a union should be recognised for collective bargaining purposes. The accepted principle is to recognise the most representative union, but what criteria is used to decide it and by whom may differ from system to system. In some systems the issue would be determined by requiring the union to have not less than a stipulated percentage of the workers in the enterprise or category in its membership. The representativeness may be decided by a referendum in the workplace or by an outside certifying authority (such as a labour department or an independent statutory body). There could be a condition that once certified as the bargaining agent, there cannot be a change of agent for a prescribed period (e.g. one or two years) in order to ensure the stability of the process.

**OBSERVANCE:** Support of Labour Administration Authorities

Support by the labour administration authorities is necessary for successful collective bargaining. This implies that they will:

- provide the necessary climate for it. For instance, they should provide effective conciliation services in the event of a breakdown in the process, and even provide the necessary legal framework for it to operate in where necessary, e.g. provision for the registration of agreements.
- not support a party in breach of agreements concluded consequent to collective bargaining.
- as far as is practicable, secure observance of collective bargaining agreements.
- provide methods for the settlement of disputes arising out of collective bargaining if the parties themselves have not so provided.

# A

## 3

### ● **Activity 3** **TU NEGOTIATIONS AND EVERYDAY NEGOTIATING**

#### ● **Aims:**

- To understand the idea of negotiating

#### ● **Methods:**

- questionnaire
- brain storming

#### **Tasks:**

1. The questionnaire.  
Answer the questions by raising your hand while the trainer is reading questions.
2. Working in the plenary session together, develop a list of differences between trade union negotiations and everyday negotiating.  
The trainer will collect your statements and put them on the flipchart.

● **Time: 20 minutes**

#### ➔ **Trainer's notes:**

1. Before opening the "brain-storming session" you can start with an "ice-breaking" activity by asking the participants to work together on the below questionnaire. Distribute a copy of the questionnaire to every participant.
2. Read question after question and ask the participants to raise their hands while ticking off their answers.
3. Count the answers each time and put them on your copy of the questionnaire or on the flip chart. This activity will also help you see how experienced your participants are in negotiations. The above will give you an idea about the participation in the negotiating process, but if you want to have more detailed information, you can ask the following questions which should involve the participants in more personal way:
  - Share your experiences of being a member of a negotiating team
  - Any examples of an agenda of the negotiations? Were gender issues included or not?
4. Now continue with TASK 2: in advance, prepare two sheets of paper; the first for TU negotiations and the second for everyday negotiating. (Or you can have just one list entitled "differences")
5. Then ask the participants to give any ideas/statements which they associate with those issues. Write them on the provided paper, and when the lists are ready, ask the group to point out the differences between the two of them (you can underline or circle the most significant ones with a red marker). Make people aware that as a working person and as a trade union member, you will always be a part of a negotiating process.

**Total time:** 30- 40 minutes

**A SHORT QUESTIONNAIRE ON NEGOTIATIONS**

**Have you been involved in trade union negotiations?**

*(Please, circle the appropriate answer(s)):*

- Completed a pre-negotiation survey
- Participated in a meeting with TU membership to consider proposals or discuss progress in negotiations
- Attended an approval or information meeting
- Member of negotiating team
- Helped build support for the negotiating team
- Attended a policy conference to debate and vote on union priorities
- Lobbied government for employment standards and worker protection laws
- Participated in “warning strikes” (legitimate strike to indicate the strength of the union before/during negotiations)

Other: .....

.....

.....

.....

**G**ood results start with good preparation and there is no substitute for thorough preparation. Women's issues are not to be automatically included in the union's agenda. The unions must identify its constituents and their interests. This requires the involvement of informed, educated and active (male and female) members. **Also, without the significant involvement of women, it is likely that unions should lack much of the necessary information or the motivation to persuade employers to provide fair working conditions for women and for all workers with family responsibilities. Gender issues will not automatically be part of the negotiating process.** Be aware that the negotiation process is a demanding one and needs good preparation. That is the reason why this part of the KIT focuses on several activities that a union needs to develop to prepare for negotiations:

- Building a negotiating team
- Collecting and analysing information
- Developing proposals
- Developing a negotiating strategy

**Each of the above activity should include the gender element/approach and involve the participation of women.**

Before we move on, we have to make sure that terms like "gender" or "gender mainstreaming" are clear to us and that we understand them correctly:

### ► What is GENDER?

Gender refers to the socially determined differences between women and men such as roles, attitudes, behaviours and values.

Gender equality: equal rights, responsibilities and opportunities of women and men, girls and boys. Gender equality is not just a "women's issue"; it concerns men as well. Equality does not mean that women and men will become the same, but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female.

### ► What is GENDER MAINSTREAMING?

A strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres and at all levels, so that women and men benefit equally and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality.

*Source: Promoting Gender Equality.  
A Resource Kit for Trade Unions;  
Booklet 1;  
ILO, Geneva, 2002*

# A

## 4

### Activity 4 THE "ORANGE GAME" - THE IMPORTANCE OF TEAMWORK

#### Aims:

- To realise how important teamwork is
- To practice teamwork skills
- To learn how to work as a group and how to take decisions

#### Method:

Group work

#### Tasks:

##### 1. For players:

You will be given an orange. You have 20

minutes to decide, as a group, what to do with it and then implement your decision.

##### 2. For observers:

You will be sitting at a distance from the group of players and observe the process of the activity. Note your comments - behaviour, roles in the group, etc.

When the "game" is over and you are back in the plenary, the observers share their observations from the "teamwork process". After that, the players share their opinion.

**Time: 20 minutes (for the "game")**

#### Trainer's notes:

1. Divide the group into small groups of 5-7 players and 3-4 observers (depending on the size of the seminar group).
2. Explain who is a player and who is an observer (as in the above tasks). Give each group of players one orange and say: "You have 20 minutes to take a decision on what to do with this orange and to implement your group's decision".
3. As a summary, open a discussion in the plenary session. First ask the observers about their observations and then give floor to the players.

**Total time** app. 1 hour (20 min. for the "game" and about 30-40 min. for comments, observations, summary)

To complete the exercise, present the Handout 3 on teamwork.

# H

## 3

### Handout 3: What is Teamwork about?

#### What is a team?

A group assembled for a specific common purpose?

Prepared to put the goals of the group before their personal ones?

What makes an effective team?

Communication and feedback skills?

Ability in group maintenance?

Support of the leadership?

The balance of relevant competencies?

A climate of trust, openness and sharing?

Full and willing participation?

Commitment to team objectives?

Sharing responsibilities?

Strength and support?

#### What are the disadvantages of teamwork?

Time consuming?

Loss of individual identity?

#### Team Roles

- chairperson - a coordinator; good listener and good judge
- shaper - the task leader, full of drive and initiative
- ideas person - imaginative and knowledgeable but careless of detail (dreamer)
- monitor-evaluator - analytically intelligent, critical
- resource investigator - positive and extrovert, good on contacts
- company worker - the practical organiser with common sense and hard work
- team builder - good at building bridges between people, likeable and uncompetitive
- finisher - the one who worries about schedules and completion and has the determination to meet them

Individual people may fulfil more than one of these roles and different roles will come into prominence in different situations. The team leaders must be aware of the different roles people are assuming within the team and how they relate to each other, in order to help the team function effectively.

#### Team Dimensions

Any team has two key dimensions:

- Task dimension - the focus is on what the group is trying to achieve
- Group dimension - where the focus is on the internal relationship and dynamics: the quality of group life

When a group is functioning effectively, both of these dimensions are operating in parallel.



But we have all been in situations where individual interests are so contradictory and dominate to such extent that no progress can be made on the task. There are some occasions where the group dimension becomes the key focus, the demands of the tasks are lost somewhere and the team becomes a social group. So it is very important to be aware of this balance and to be able to manage it.

Nowadays organisations are trying to work in teams. The synergy created by people working towards a common goal enables much more to be accomplished than would be done by individuals who did not share the same vision. Often however, our teams are geographically disparate and are made of a mixture of paid and unpaid staff, full time and part time, young and old and - dare we say it? - competent and incompetent. This variety brings both benefits and challenges.

Each person brings talents and skills and knowledge and experience into their work. Each person has a unique set of competencies, which can be applied in different ways and in different situations. That's why a role of a team leader is so important as managing people is about making the most of those competencies, for as much of the time as possible and ensuring that they continue to develop.

### **Teamwork and the Participative Society**

Teamwork is not just a modern fabrication, but rather the most successful model of working efficiently, proven throughout history. Teamwork enables communication and exchange, open-minded discussion of opposing views, individual learning, cooperative knowledge, mental health, dynamics in turn that result in group productivity and creation.

Teamwork is what makes the difference between the old, authoritative models of giving orders, octroying and dictating and the modern model of communication, cooperation and group creation. The modern democratic trade union is the one that develops all forms of teamwork at all levels, starting from the indisputable fact that already two know much more than one. Furthermore, a modern trade union leader is not a dictator beyond one's reach who communicates with his common subjects through his secretary, but rather a facilitator in a group, a skilful mediator of the team.

There are some other characteristics of teamwork that are especially important - like forming cooperative goals, creating group interaction by which the feeling of every member's importance is enhanced. Collaborative work systems, teamwork and work in small groups are variations of the new vision of one's importance and accepting the responsibility for one's quality of life. Problem solving and the power of synergy in building a better world are being increased considerably by accepting teamwork not only as the way of working but also as the new philosophy of work.

Today, we can speak of teamwork also as of a symbol of a new - participative society; a society in which everyone participates in creating and decision-making. Numerous psychological research projects have shown that women are more inclined towards teamwork and are therefore invited to enhance its development and implementation in trade unions.

## H4

## Handout 4: Building a Negotiating Team

**D**uring negotiations, the negotiating **team represents not only the entire membership but also Dunorganised workers**, as ALL workers will be affected by the outcomes of the negotiations. To make sure the employer realizes he is dealing with the union and workers, and not just the team, it should be as representative as possible, and made up of “rank-and-file” members along with union leaders, **women and men**. Besides being present at the negotiating table, the team needs to be involved in the preparation that takes place before negotiating, including the development of negotiating proposals and strategies, communications, as well as the process of approval once the negotiating is done.

In many workplaces, **women may never have been involved in the negotiating process**. They may have heard that it is not a place for women. They may be told that they do not have enough experience or might get upset under pressure. Traditional models of negotiating require sessions in the evenings, possibly conflicting with family responsibilities. As a result, women may not see the negotiating table as the place where issues of dignity, respect and appreciation can be addressed. A lot of women have the idea that this is a men’s world. And that it will stay a men’s world. It is time to dispel the myths. Women know the power of working together. **Women can help adapt the negotiating process in many ways:** collecting information about members; submitting proposals to the negotiating team; building support for key issues; and changing the structure of negotiating to make sure that there is a place for women at the negotiating table. Negotiating teams can become more representative and create a better atmosphere in the company and in the union when they include women.

## REMEMBER!

- ◉ Women’s issues are union issues. Negotiating equality not only creates a better work environment for women, it benefits all workers too. For example, measures that help balance work and family responsibilities are a benefit to all workers. Negotiating equality is also about respect. Respect builds dignity and solidarity in a workplace. And, solidarity makes us strong.
- ◉ What is more, when the union assumes a more “gender-equality image”, more women will become members and will support union policy.
- ◉ Unions should represent the interests of all workers, so it is important to have a team that is as close as possible to a cross-section of the workers in the enterprise (compare with KIT 1: Company identity card). Unions should listen to the needs, demands of all groups, even if they are not members!

## Who is on the Team?

In building the team, there are several things to think about:

Are the members of the team -

- elected trade union leaders or appointed workers representatives?
- active, experienced members or new blood?
- respected workers and trade unionists or posers?
- passionately engaged persons or just complying with their formal duty?
- fighters or “easy going”? (or a combination of them?)
- men, women, minorities, people with disabilities, youth?

**Simply:** the negotiating team should be representative of the workers in the organisation or if this is not possible (due to numbers) it is good to have a small negotiating team and a group around them that represent all workers. In order to do so, you have to gather information about the participation of women and possible minorities, etc. in the organization and then you can use that as an argument for the representative team.

## What does the Team do? What is the responsibility of the Team?

- works on all stages of preparation and negotiating
- collects and analyses information prior to negotiations

- surveys members, formally and informally
- develops proposals and overall strategy
- takes detailed notes during the negotiating session
- communicates with members (including consultations)
- makes tentative approvals during negotiations
- assists in ratification process

#### What does the Team need to know?

- negotiating process (and the traditional rules and procedures of negotiating in their company at this level)
- basic negotiating skills (be aware of the differences between fighting and negotiating)
- agenda, goals and strategy of the union (based on the needs of ALL workers). (And how to use the support of the union and the members inside the company when there is an impasse)

There is no “correct” structure for the negotiating team. Every union will have different needs and constraints in forming its negotiating team. The structure will also depend on the issue(s) which are to be negotiated, for example: the team will be different for the ad hoc (everyday) negotiations then for the renegotiating of a collective agreement. Still, by reviewing the above questions, it is more likely the team would be well-structured and well-prepared to do its job.

To be an active, involved team, members usually need to receive some training about negotiations before the bargaining begins. This training does not have to be formal, and can be done by the lead negotiators, as long as the overall process, strategies, and goals of the process are spelled out so the team can function as a team. It is important to involve ALL team members in such trainings. The trade union leaders quite often consider they do not need any training; they have their experience. That is wrong because it weakens the functioning of the team as such!

It would be important to have a role play before the real negotiating process starts, as it can give a lot of information about the possible results and make the members of the team aware of their own roles and the reality of the situation they will be part of.

#### **Action Time!**

Choosing the best negotiating team is critical to ensuring success at the negotiating table. The people on the team should reflect union membership and the needs and interests of the membership. Team members should be good negotiators, with clear ideas of the interests of the workers. Strong and articulate women will always make an invaluable contribution in any negotiating team.

Without the significant involvement of women it is likely that unions will lack much of the information necessary or the motivation to persuade employers to provide fair working conditions for women and for all workers with family responsibilities.

And it will also confirm their image as a men’s world, which means that female members will be less motivated to become involved in union policy).

Many organisations have adopted a specific policy of including women on the negotiating team: by establishing percentage or numerical quotas or by stipulating certain bearers (notably the head of the equality/women’s committee, department or unit or a female executive member) on the negotiation team. Such a policy of ensuring that women are always represented on the team is more effective than the one including women only when there are issues to be raised in collective bargaining that are deemed to be of particular concern to women. To work on mainstreaming gender issues means that these will be part of the whole agenda, not just some issues you can avoid when more “serious” issues such as wages are discussed.

## CANADA: Preparing for negotiations - guidelines

### 1 Do the Collective Agreement **Equity Audit**.

A tool developed by CAW/TCA for use by National Representatives, Employment Equity Representatives, Bargaining Committee Members.

The Collective Agreement Equity Audit is a tool to evaluate agreements before negotiations and to give us direction and suggestions about bargaining priorities. Working through the Audit, you can notice patterns where your collective agreement is strong, and areas where work is still needed. What you actually find when you go through your agreement will be a reflection of some of the following areas:

- the company's past and present willingness or unwillingness to include equity issues in bargaining
- the union's historic assertiveness in bringing equity issues to the table
- the power of union
- the make-up of the workforce
- problems and grievances that have brought these issues to the forefront

### 2 Do a **grievance audit**. Review grievances filed since the last round of negotiations. Are there any grievances with explicit human rights complaints in them? What provisions of the collective agreement do they refer to? Do they point to any particular problems? Can the language in the collective agreement address the issues? Do the members involved in these grievances understand of the problem? If you are not sure, ask them.

Are there any grievances that do not explicitly refer to human rights problems, but show that there are repeated instances of problems, such as treatment of members while on sick leave, problems with return to work after maternity leave, difficulties in getting time off for family illnesses, etc.?

Do an **arbitration audit** of the cases arbitrated under the agreement since the last set of negotiations.

### 3 **Examine workplace equity**. Is your workplace representative of the community at large (in terms of gender, race, age, disability, religion, sexual orientation, etc.)? Are opportunities within the workplace fairly distributed? If there is high turnover, who is leaving and why? Have members identified any barriers in the workplace? Have any groups in the community identified barriers in or to the workplace?

Are there any supportive measures that could be put in place to improve recruitment and participation of all groups, and to effectively prevent and/or handle discrimination and harassment?

*Areas to consider:* hiring; job orientation and job placement; performance review practice and procedure; training and development (job training and anti-discrimination training); promotion and transfer; accommodation issues; working environment and working conditions; discipline and termination; non-discriminatory management policies, practices and procedures.

### 4 **Bargain for equity**. Bargain in the concepts and the tools to create a more equitable workplace, by either improving existing language, or negotiating new language:

- a commitment to equity in the workplace
- a review of policies and practices in the workplaces (through existing committees or new ones)
- a consultation and feedback process from members
- an implementation plan
- a system for reviewing progress on the plan

## LITHUANIA: Women can include their proposals for negotiations

At the last Congress of LTU Solidarumas changes to the Union Constitution were introduced to open a possibility of setting up women's committees in enterprises as part of the trade union structure. The changes allow them to present their proposals for collective negotiations and to submit opinions on legislation which may have an impact on women.

# A<sub>5</sub>

## ● **Activity 5** **NEGOTIATING TEAM**

### ◆ **Aims:**

- To set up criteria for a good negotiator

### ◆ **Methods:**

"brain storming" (in writing)

### ◆ **Tasks:**

1. Working in the plenary, discuss the characteristics & skills of a good negotiator.
2. In order to do so, take a marker and write your idea(s) on prepared flip chart paper with the following headings: 1/. "A good negotiator is..." and 2/. "A bad negotiator is..."

### ◆ **Time: 30 minutes**

### ➔ **Trainer's notes:**

1. Introduce this activity as a summary of your presentation (about 15-20 minutes) on "Building a Negotiating Team".
2. Prepare yourself two flip chart papers and markers. On the first one write: "A good negotiator is ..." and on the second one: "A bad negotiator is ...".  
In the first case ask the participants to write freely any welcome characteristics & skills of a good negotiator, and on the second one, any not welcome characteristics & skills of a negotiator.
3. Place the two papers in a visible, easily accessible place and ask participants to come over and write their ideas (have a few spare markers available) on the flip chart.
4. Sum-up the activity, first by reading the lists to the participants and then by arranging them in a "final version". Make sure that women are included.

# H 5

## Handout 5: Collecting and Analysing Information

It is impossible to overemphasize the importance of good information as the union prepares for negotiations. Most negotiators would agree that **“What you do before you get to the negotiating table is more important to the outcome of negotiations than anything you can do at the table.”**

Let us take a look at the kinds of information we want to have before we begin negotiations. Remember, the concept here is a simple one: we need information in order to negotiate effectively. The more **relevant information** we have, the better. We want information that tells us about the relative strengths of our union versus the strengths of the employer. We need legal information. We especially need to know the financial background of the negotiations. Take a look at the following kinds of information, and ask yourself two basic questions: **What information** do we need? **Where will we get that information?**

### ▶ A. WHAT WE NEED TO KNOW PRIOR TO NEGOTIATIONS

#### ▶ About the union & our members

1. Detailed information about the members
2. General situation and financial condition of the union
3. Up-to-date information on current wages, benefits, seniority, positions (legally required in many countries) of the members
4. Willingness and ability of the members to support the union, to strike
5. What members, **both women and men**, want from these negotiations

Prior to negotiations, it is quite common for a union to design a survey for members to get a sense of what kind of changes people would like to see in their contract. It would be even better to survey/ask ALL workers, as the results of the collective bargaining will benefit everyone. Good communication with all workers may improve the trade union image and might prove fruitful in sense of organising of some of them.

The survey/questionnaire should be prepared very carefully and should take place after the preliminary analysis has been carried out, so the union already has an idea what type of issues/areas to put on the negotiation agenda.

#### ▶ REMEMBER!

Traditional union methods to ask members for their views may not always get results with women members. Unions should be innovative in seeking the views of women and provide specific opportunities for women workers to make their voices heard (for example, the union could call special meetings of women representatives from all departments or units, also adding a few questions to the survey can provide the negotiating team with a lot of information that will help shape proposals to reflect everyone's needs).

It also gives you an opportunity to find out who your members are: number of women and men; average age; length of service; number of dependent children or older relatives; number of people with disabilities; visible minority persons; distribution of people across job classifications; and special needs of members. Demographic information helps you to estimate the value of your proposals and it will give you arguments that cannot be denied.

### ► About the employer

1. complete financial situation (if possible, as in some cases it is not possible or simply not always needed)
2. position in industry, position in community
3. competitors (and the collective agreements they have)
4. future plans
5. management team
6. suppliers, customers
7. current or past collective bargaining agreements

*Consider what information is really necessary for your negotiation process. Perhaps you could find out the facts on your own, using your own survey (and use them as arguments too)?*

### ► Political and socio-economic situation in the country

legislation on negotiating  
 ILO conventions ratified, and other binding international agreements, where applicable  
 economic trends, future projections  
 average wages, benefits, conditions  
 major employers, their wages, benefits, conditions  
 collective bargaining agreements from your branch or sector  
 inflation and trends  
 unemployment levels and trends  
 local and national information on wage  
 minimum legal requirements regarding wages, benefits, working conditions  
 prohibition / regulation of union actions, strikes  
 legal requirements about notices prior to negotiating  
 potential allies for the employer and the union in local community, nationally  
 potential government allies for the employer and the union

### ► Analyse the previous agreements and all the collected information

We have just discussed the importance of information, and how a union goes about getting it. Once you have it, it is important to look at it, and figure out what it all means:

- What do the members want and expect from the agreement?
- **How does the previous agreement cover gender equality?**
- **Does it protect workers with family responsibilities?**
- How much can the employer afford?
- Who are our allies?
- How can we put pressure on the employer if things get rough?

### ► B. WHERE WE CAN COLLECT INFORMATION:

There are many possible sources of information for the union, and although availability of information will be different in different countries, most of the information you need can be found if you know where to look. Here are some common sources of information:

1. Membership Surveys
2. Everyday contact with the members
3. Trade union meetings
4. So called "question boxes" (can be placed in the workplace, for collecting questions/problems/ issues of interest of workers etc.)
5. Annual Reports of the Employer

6. Financial & Statistical Reports of the Employer
7. Trade Journals for the Industry
8. Financial Journals and Newspapers
9. Tax Returns of Employer and Management
10. Legal Cases Involving Employer
11. Internal Documents from the Employer
12. International and national NGOs
13. Data legally available to workers' representatives
14. Family, relatives, friends etc.
15. Internet
16. National statistical office
17. Other sources

Smart negotiators do not wait until the beginning of negotiations to collect information; they keep a regular file on all employers they negotiate with, and whenever they see an article about that employer or that industry, or whenever they get a piece of information, they put it in a file so they will have it when they need it. Develop some sort of a filing system that works for you, and put information into it whenever you can.

### C. REMIND YOURSELF HOW COLLECTIVE BARGAINING IS REGULATED IN YOUR NATIONAL LEGISLATION

#### **POLAND: Processing membership data on all levels**

NSZZ "Solidarnosc" has started the process of a unified and regular collection of data from all its structures on all levels. This work is done based on a decision made by its National Commission (the highest body between two congresses). The forms such as: a detailed personal form for trade union leaders of all levels; a territorial general form and a company level general form were developed and sent out, based on the decision by the trade union leaders.

The company level general form include the following questions:

- a/. name of the company, trade union address (phones, e-mail, etc.)
- b/. total number of workers and their gender
- c/. working members (and their gender)
- d/. unemployed members (and their gender)
- e/. pensioners (and their gender)
- f/. name of branch section
- g/. existence of vulnerable groups within the TU organisation (youth, women, disabled)

Of course the Enterprise Commissions are encouraged to enlarge it for their internal use, but this form is a minimum which subsequently goes to the territorial structure (Region) and then to the headquarters to be processed and analysed. Such data are collected twice every year - in June and December.

#### **Trainer's notes:**

Prepare this part based on your national legislation on collective bargaining. See also, for more guidance, KIT 1 - Handout 3: Checklist



## HUNGARY: Women conduct research on collective bargaining

In 2002 the MSZOSZ Women's Board decided to conduct research to find out how the collective agreements deal with problems of women and young workers. The Women's Board prepared a questionnaire which was sent to all MSZOSZ member organizations. 89 fulfilled questionnaires were collected. The questionnaire included 24 questions. It is very important to note that the respondents came from the largest branch trade unions.

The research has shown that women and young workers in 80% of cases took part in collective bargaining. They were delegated to work in the negotiation teams. However, at the same time, a president of a women's committee was very seldom invited to take part in the negotiation team as a permanent representative of the trade union side.

As far as the coverage of the interests of women and the young workers is concerned, the research revealed that in 65% of cases they were covered in the collective agreements.

But at the same it is a very regrettable that just 42 % of the social partners paid attention to the question of the equal opportunities. In case where equal opportunities were on the agenda, the main topics were:

- employment of disabled persons
- health and safety at work (for both sexes)
- women' health (in the chemical industry)
  - return after maternity/parental leave of the mothers with little child/children to work (textile industry)
  - equal payment for equal work (textile industry)
  - separate funds for training/education of mothers returning to work after maternity leave (state railway company)
  - special agency for young mothers who return to the work (state railway company)

The issues concerning women and young workers covered in the examined collective agreements were as follows:

- prohibition of certain tasks/duties for women and young workers
- working hours benefits, additional leaves (agriculture)
- restriction of the overtime work for women (commercial and financial sector)
- support for further education for young people (in most of the branches)
- maternity leaves, financial support for the childbirth;
- support for young workers who are buying their first flat; providing family-hotels (metal industry)
- on-the-job training at the company headquarters abroad (metal industry)
- wage bonuses for mothers returning from maternity leave during a 30-day period, if they cannot reach the foreseen norm (clothing industry)
- obligatory day of rest on Sundays (at some enterprises in the commercial sector)
- prohibition of dismissal after the maternity leave during minimum one year (state railways)
- a mentor system for young workers (state railway company)
- after childbirth, a 2-day leave for the father (metal industry)
- providing family-hotels, interest free loans for education purposes for young workers
- scholarships for young workers, paid educational leave (metal and mining industries)
- reduction in the pay gap for workers who return to work (mothers)

More questions were examined, however, the above is just an extract of the research findings. The results are not satisfactory, however, this has helped Women's Board become aware of the problems and areas where they appear. Based on that the Board can plan its activities in the field of collective bargaining since as the study showed, there is still a lot to be done.

## LATVIA: Surveying in LBAS

In LBAS, many branch union leaders and union leaders at company level are women, even in the so called „male branches” such as Oil Company „Ventspils Nafta” and STATOIL. Thus women are usually very well represented in negotiating teams according to the annual union statistics. Once in two years Gender Equality Council of LBAS designs a questionnaire for working women to be distributed to all women trade union members to collect information on their needs/interests. Every four years the Gender Equality Council organises a conference to prioritise women issues (the last one was held on 8 March 2004).

# A

## Activity 6 THE IMPORTANCE OF INFORMATION IN NEGOTIATIONS

### Aims:

- To learn more about this important part of the preparatory process leading to negotiations
- To find out what kind of information you will need and where to find it

### Methods:

- Group work

### Tasks:

1. Working in your small group, based on your experience and trainer's explanations, discuss ONE of the following issues:

**Group 1:** What kind of information about your company do you need before you sit at the negotiation table? (make a list) Where can you find it? (make a list)

**Group 2:** Which records on your membership you should keep? And why? (Make a list)

**Group 3:** How will you get to know what your members' desires are? How will you collect proposals/information from them? (pay special attention to the vulnerable workers) - make a list

**Group 4:** What should a "pre-negotiation survey" look like? Make a list of questions/issues to be included there.

2. Remember to select a person to present your report in the plenary session. Prepare your report in writing on flip chart paper.

**Time: 35 minutes**

### Trainer's notes:

After your (20-25 minutes) presentation based on Handout 5:

1. Divide the participants into 4 small groups (for example by using 4 different kinds of sweets - each participant takes one from a basket/hat, etc. and then they form groups).
2. Give each of the group ONE task to work on as the time is limited (35- max. 40 minutes for group work)
3. Go around the groups checking if everyone understands the tasks clearly. Remind them about the reports and explain that each group will have app. 6-8 minutes to present the report!
4. Remember to sum up the activity.
5. When the reports are done, ask the participants to share their experiences when they WERE NOT prepared well for negotiations.

**Total time:** min. 1 hour and 30 min.

## Handout 6: Developing Proposals and a Negotiating Strategy

Negotiations are never entirely predictable, nor should they be - the whole point of negotiations is to create an agreement that does not exist at the start of the process, and it is impossible to know exactly what that agreement will look like at the start of talks.

With adequate information, negotiators should be able to develop a negotiating plan and strategy which will help keep them focused on their goal of obtaining a good agreement. Let us take a look at the key steps in developing the bargaining strategy:

### 1. DEFINE YOUR GOALS

Are you clear on what you want to achieve? Is it clear for your members? What is your bottom line? What is your alternative agenda/channel? Define your optimal goals and the minimal ones.

### 2. DEVELOP AGENDA

Proposals come from a variety of sources, including membership surveys, union meetings, a review of past agreements, problem areas, as well as a look at other collective agreements. Unions have to make serious choices in developing their negotiating agendas. They need to represent interests of **all their members** and develop such an agenda which best represents their negotiating goals and has the best chances of success.

In a traditional way, the issues of the negotiating agenda can be divided into **monetary and non-monetary ones** (for example: Monetary - 5% raise; non-monetary - flexible working time). Another way to categorize the issues, in order to make the agenda clear, is to look at the role it plays in our members' lives at work and away from work. Base on that we can create the following groups:

#### **Protecting our rights**

The first group of issues are those that enhance and protect our rights in the workplace. These issues arise from our day to day experience at work and related to work. When you prepare to negotiate these issues, you look around yourself and see which parts of the contract have not been working well. Where have there been grievances? Where do the members want to see improvements?

#### **Balancing work and family**

A second group of issues concern the relationship between work and our personal lives. Traditional provisions include vacations and leaves. There are provisions that allow us to spend time with our families, or provide for paid time off in times of family crisis.

Overtime, call out and stand-by pay can also be considered similar provisions as they limit employers' ability to take over our time with our families without penalty. Shift premiums for nights or evenings are compensation for the disruptions in our lives from shift work. This is not enough! What about the housing, what about kinder gardens etc.?

#### **Vulnerable workers**

Vulnerable workers such as women, disabled persons, ethnic minorities, unregistered workers, etc. All those workers who are discriminated against and treated differently.

#### **Traditional core issues**

The so-called "traditional core issues" of the collective agreement - wages, working time, shifts, supplementary health and pension schemes, benefits, bonus, employment conditions, dismissal, severance payments, health and safety, etc. Negotiating these issues has a huge impact on our lives. It determines what kind of housing we can afford, what kind of car we drive, whether we can afford to get our kids' teeth fixed, and whether we are going to be poor when we are old.

### Work and life quality issues

Negotiating is about improving of living and working conditions, meaning that we have to negotiate also about the so-called “soft” issues like appreciation at workplace, work satisfaction, dignity and respect. Sometimes improvement of these issues can make a big change in the working environment, by improving working relations in an enterprise. Unions often forget or do not even consider such issues significant, which is wrong, especially now in the changing, global world of work, where human issues are often being neglected. This opens a whole area of negotiating possibilities for the unions which while negotiated and implemented will be highly appreciated by all the workers. What is more, working on human issues will give the union a better image and more (motivated) members! At the same time, you have to be aware that those issues are the most difficult to address in an agreement.

! There is one more reason why it is important to learn about these issues. Because of the differences between men and women’s working lives, the improvements we negotiate can have a different impact on men and women. In some cases, we need to include proposals that specifically address women’s issues. We need to understand these issues and talk about them in our union and at the negotiating table.

### 3. PRIORITISE PROPOSALS

Not all our proposals are equally important to us. So, how do we rank them? What criteria do we use to rank proposals? What is the most important? Consider the following in ranking your proposals:

**Membership wishes & support**

**Difficulty / ease of getting something**

**Difficulty / ease of mobilizing support for something**

**Impact on members, union**

Union members should be involved in prioritisation of all collected proposals, including gender equality proposals. It would be important, at this stage, to ensure that gender demands are not submitted under more general union demands. They have to be clearly stated as women are often more than half of the workforce and they have equal rights with men to have their issues included into the agenda.

Getting an item on the negotiating agenda may be sometimes more difficult than negotiating with the employer. The negotiating team members quite often have to juggle competing demands by different groups of workers, and sometimes they have to make difficult decisions - that’s why it is important to have all the workers represented in the team.

### Checklist

Checklist for prioritising gender equality and women’s demands on the bargaining agenda

**Remember:**

- company policies that support women often help men too;
- facilities that support women, for example, child care, benefit both mothers and fathers, children, families and communities;
- proposals that benefit women have ripple effects that extend to families and communities;
- many proposals that support the entire union membership can have direct positive benefits for women. Better pay, increased safety measures, better lighting, etc. are measures that benefit both women and men.

#### 4. PUT PROPOSALS IN WRITING

When the list of priorities is ready and they are also classified, put them in a final form and circulate to all members for their approval and support. It is important to educate and inform all members of what the provisions for gender equality or women's concerns are and what these imply. This is a part of the process of gender mainstreaming. Women members might have to lobby for the acceptance of these provisions.

Normally, union proposals are given to management before negotiations begin, or at the first bargaining session, and they are in a written form. Usually, this is a list of proposals, and NOT the exact language that the final agreement will contain. Still, the union should be thinking, right from the start, about the actual written language that they want to have in the agreement and **they should pay attention to whether it is gender sensitive and whether it includes gender issues.**

Since formulation of the ideas/issues is so important to avoid misunderstandings and unpleasant surprises, here are some basic rules:

##### Basic rules concerning agreement language

1. Keep it as simple and clear as possible.
2. Avoid assumptions and "conditional" wording. Phrases like the following are hard to interpret, and cause problems because our counterpart may have a very different interpretation from ours:
  - In general
  - When possible
  - Usually
  - Reasonable
  - Timely
  - Appropriate
  - Adequate
  - Advise and confer

Instead of using them, try to be more specific and detailed. For instance, instead of "In general", spell out exactly the conditions you want to address. Instead of "timely", spell out a fixed period of time.

3. Agree on definitions. Do not assume both sides mean the same thing by words like "employee", "grievance", "adequate".
4. **Consider how language affects all your members (vulnerable workers: women, youth, elderly, disabled, etc.), is it gender sensitive?** Think about the implications of contract language, and discuss it with members and your team
5. Always write your own version of the language. Even if the employer or other party have written the language for a proposal, propose your own version, and use negotiations to get to a version you both can live with.
6. Look at other agreements for ideas about agreement language. Almost every situation you face has been faced before - you might find good language in other agreements, from other unions, etc.
7. Use language that establishes responsibilities clearly. For example, if the agreement says "The Employer may, if possible, give six weeks notice to the union before laying off any employees..." that does not commit the employer to do so. Instead, say "The Employer shall give ...."

## 5. COST-OUT OF PROPOSALS

Do you know how much your proposals cost? Anything with an economic cost, like salary increases, more vacation time, etc., can and should be “costed-out”, so that the union knows what it is asking the employer to spend. Otherwise, the union is at the mercy of the employer in determining how expensive its proposals are. Use the chosen priorities to calculate the minimal and maximal costs of the proposals. Be aware of arguments that several gender issues like time schedules and part time work are not very expensive or even free of cost.

## 6. FORMULATE ALTERNATIVE PROPOSALS TO ALL OF THEM

Be elastic. Be flexible. Always be prepared for changes to be made - so have an alternative. Organise a brainstorming session or a role play in order to search for it. Be aware of the situation/arguments of the persons you negotiate with!

## 7. KNOW YOUR BOTTOM LINE

Here is an important question for the union: What’s the absolute minimum you would accept for any of your proposals? That’s your bottom line, and every negotiating team should have an idea about that line before negotiations begins. Usually, the bottom line is the minimum that the members will accept as satisfactory in the agreement, and we learn it through our communications with our members. But of course, it is also determined by the employer’s ability to pay and the union’s negotiating strength.

To help determine the “bottom” line, the union should determine what the expectations are. And keep in mind, as negotiations proceed and we learn more about the reality of the situation, our expectations may change. But our bottom line, if we are adequately prepared, should not change much, and only for very good reasons.

By doing all of the above work in developing proposals, you are actually **creating a basic bargaining plan or strategy**. But having one strategy is not enough - you should also define different possible strategies (variants) in order to avoid being trapped.

## LITHUANIA: Strategy and Trade Union Power in Negotiations

### Textile Company in Kovno

Women’s Committees of LTU “Solidarumas” at enterprise level can submit their proposals for collective bargaining. There has already been some success in this field, for example, negotiated vacations for women in summer time in some enterprises. The story started when the employers decided that in summer the production had to be higher and workers should work for 9-10 hours per day. They were not allowed to take vacations in this period, so families could not go on summer vacations together with their children. To resolve this problem, LTU Solidarumas organised a collection of signatures of women affected by this issue. They requested the right to take 14 days of their vacation in summer (which is half of the stipulated annual leave in Lithuania). Collecting more than 250 signatures, representing one fourth of the workforce, forced the employer to negotiations. The negotiations took place and as a result, it was agreed that those women who need to take vacations during summer can do so without any problem.

## HUNGARY: Collective Agreements and “Women’s Issues”

In 2000, the MSZOSZ Women’s Board drafted a list of recommendations to be used in negotiating collective agreements:

- employees hired to substitute an employee on maternity leave are only to be employed under a fixed-term contract
- employment of employees upon their return from maternity leave is only to be terminated with a 90-day notice;
- the method and the regularity of maintaining the contract with employee on maternity leave are to be fixed;
- parents with young children are to be entitled to a day of unpaid leave per child each month;
- fathers are to be entitled to parental leave (5 days following the childbirth so they can look after their spouse and the newborn baby);
- the conditions for an annual overall medical screening are to be established at workplace; an option to work part-time is to be granted to workers with children under the age of 10, and to those looking after dependent person(s), along with an entitlement to the proportional benefits (leave, meal vouchers, etc)
- the legal framework for the right to life-long learning, in order to facilitate career changes, is to be included in concrete way in collective agreements: ensuring free time required for studies; obligatory learning leaves; and covering by the employer, at least part of the cost of education;
- introducing video cameras at workplace for the purpose of collecting data - violates the right to privacy;
- in order to address equal opportunity grievances, the Trade Union Committee and Works Council are to set up a conciliation board (with women and men represented therein according to their proportion at the workplace);

**In the course of collective negotiations, women should be represented in the preparatory committees in proportion to their number.**

## United Kingdom: Parents’ and Carers’ Coalition

The Equal Opportunity Commission of the TUC (Trade Union Congress) has formed the “Parents’ and Carers’ Coalition” in order to improve situation of workers with family responsibilities. The Commission invited everyone to join their efforts, and the Coalition’s member organisations represent parents, paid care workers as well as older and disabled people. Their aims are the following:

- mothers, fathers and carers able to choose whether or not to combine with paid work and getting the support they need whatever choice they make,
  - More access to flexible working for all parents and carers in all types of jobs,
- Reducing long hours at work, to ease the pressure on workers and their real productivity,
- better access to good, quality, affordable childcare,
- better support services for carers and for older and disabled people,
  - better pay, training and prospects for childcare and other care workers,
- a better framework of employment rights for parents and carers,
- a pension framework that does not penalise people for the time spent on caring.

The Coalition groups today 33 different organisations, among others there are: Fathers Direct, Disability Alliance, Employers for Carers, Maternity Alliance, Mother@Work, National Family and Parenting Institute, One Parent Families, Trade Union Congress, etc.

# A

## 7

### Activity 7 DEVELOPING THE NEGOTIATING AGENDA

#### Aims:

- To learn more about the importance of having a good bargaining agenda
- To discuss possible areas for negotiations - developing of an agenda

#### Methods:

- A: Brain storming
- B: Group work

#### Tasks:

A/ Working in the plenary, based on your experience and the introduction given by the trainer, develop (in a brain-storming session) a list of elements/steps which should be included in a good negotiating strategy (plan).

B/ Having a good, gender sensitive bargaining agenda and arguments to support

your points is a very important part of the strategy, so working in your small group:

1. Draft your **negotiating agenda** for ONE of the following groups, paying special attention to gender issues:

**Group 1:** Protecting our rights

**Group 2:** Balancing work and family

**Group 3:** Vulnerable workers

**Group 4:** The so-called "work and life quality issues"

For more information see relevant part of Handout 6

2. Prepare arguments to support the "gender related issues" from your agenda. Remember to select a person to present your report in the plenary session. Prepare your report using OHP slides/transparencies

#### Time:

A: 15 min.

B: 40 min.

#### Trainer's notes:

1. Start this activity in the plenary, just after your introduction to the topic on strategy development (based on Handout 6), by asking the participants to put together (in a brain-storming session) a list of elements/steps which should be included in a good negotiating strategy (plan) - which is TASK A. Ask one participant to write the ideas on the flip chart and then sum-up the first task by presenting the full list of elements (make sure that ALL the important points are there and, if necessary, eliminate those which are not relevant).
2. Prepare (in advance!) short lists (app. 3 items each) for Task B in order to avoid any misunderstanding. Give them to the groups as examples before they leave the plenary room.
3. After this, explain that the negotiating agenda is one of the important parts of the strategy, so it would be good to spend some time on it. Proceed to explain TASK B and inform the participants about the time for work in groups (about 40 minutes). Remind them about reporting (distribute blank slides/transparencies and special markers) and explain that each group will have app. 7-8 minutes for their presentation!
4. Finally, divide your group into 4 small groups (for example, by using small "cards" in different colours (as many colours as many groups) - each participant chooses ONE "card" and the same colours form one group).
5. Distribute Handout 6 (they may need it as a point of reference)
6. After the reporting is done - evaluate shortly their agendas (involve the group, if possible) - pay special attention to how gender sensitive the agendas are!  
Sum up the session by revising what has been learned.

**Total time:** app. 2 h

Brain-storming: 20 min.

Group work: max 45 min.

Reporting and summary: 45 min.



# H 7

## Handout 7: At the Negotiating Table

In this section, we want to look at several topics related to the actual negotiation process itself:

- Stages of negotiations
- Communication skills for negotiators
- Some basic rules for negotiators
- Some suggestions for reaching agreement

### 2.1. Stages of negotiations

During the **preliminary** stage, we are basically trying to establish the “climate” of negotiations. We need to discuss the ground rules of the talks, and most importantly, gain equal status and authority for the union’s negotiating team.

During the **opening** stage, we present proposals, listen to the other side’s proposals, and attempt to “understand” what the important issues are. It should be a time of questioning and openness, so that proposals and positions are understood.

The **exploratory** stage is where most of the negotiating takes place, and it is the longest stage. This is the heart of the process, where issues are discussed, where parties change positions, make counter proposals, test out ideas, look for solutions to problems.

Hopefully, if things go well, we enter the **closing** stage, where we agree on issues, at least in principle, write out what we have agreed on, and spend time clarifying any questions about the agreement. At this point, either the process has worked, or we have a tentative agreement, or agreement in principle, or, we acknowledge that the process has not worked, and we are in impasse.

### 2.2. Communication skills at the negotiating table

During negotiations, we want to have a good dialogue with the other side. It may not happen immediately - in fact, establishing a good dialogue is really a process, and occurs over time. And just because you want a good dialogue does not mean the other side does. But the other side is more likely to engage in a good dialogue if you set the tone for a good dialogue.

#### How do you identify a good dialogue?

- It is based on understanding. That does not mean we have to agree with the other side, but we do need to understand them. Similarly, they need to understand our interests, even if they do not agree.
- It is non-critical. We do not have to immediately argue with the other side about their positions. Later, we probably will argue, but not before we listen and understand.
- It is characterized by an attitude of openness, respect, empathy, and curiosity. We try to

put ourselves in the other side's shoes, and we expect the same consideration.

### **Active listening:**

To have a good dialogue, you have to be both a **good speaker**, and a **good listener**. Being a good listener is much harder.

Here are some **basic suggestions to help you learn to be a better listener**:

1. Put yourself in the other person's place to understand what the other person is saying and how he or she feels.
2. Show understanding and acceptance by nonverbal behaviour:
  - tone of voice
  - facial expression
  - gestures
  - eye contact
  - posture
3. Restate the most important thoughts and feelings.
4. Do not interrupt, offer advice, or give suggestions. Do not bring up similar problems from your own experiences.
5. Remain neutral. Do not immediately be critical.
6. Train yourself in open questions starting with: why, what, whom ...

### **Hints and samples of direct and non-direct communication at the negotiating table**

Most experienced negotiators know that much of what is communicated at the negotiating table is not communicated directly. Let us look at some direct and non-direct examples of communication:

- If an issue is very important, we want to make the point strongly. We are very direct, making eye contact, speaking forcefully.  
Conversely, if an issue is not so important to us, we can let the other side know that by not speaking very clearly or forcefully, not making eye contact.
- If we want to reject a proposal from the other side, and it is very important that they drop that proposal, we state very forcefully that there is no way we can accept that idea, we make eye contact, we do not smile.  
Conversely, if we are saying "No", but actually we mean "Maybe", we are less forceful, do not make eye contact, we allow room for debate.
- If we want to drop a proposal to help move the negotiations along, we do not have to say we are dropping it. We can simply stop discussing it, not bring it up again.
- If we want the other side to drop a proposal, we can ignore it every time they bring it up, refuse to respond to any changes they may make, skip over it during discussions.

There is a lot of communication that goes on at the negotiating table that is non-verbal, and a good negotiator looks and watches the other side to see, as well as hear. Spending even a little time BEFORE negotiations in practice, making a proposal, answering an argument, can be very useful for the negotiating team members, especially if they are new to the process. Train yourself: for example let someone of your own team play the other party, and check "in action" how good your arguments are.

**HOW** things are said at the bargaining table is as important as **WHAT** is said!

**Negotiating team communication rules:**

- Everyone on the union negotiating team needs to know and understand the “rules” for speaking at the bargaining table.
- Sometimes, unions will use one spokesperson who does almost all the talking, and others speak only when directly asked to by that spokesperson. In other cases, all members of the team can speak freely.
- Each negotiating team will need to decide its own rules for who speaks and when.
- Negotiating team members should never contradict or argue with one another at the table.
- Disagreements among team members are common, but they should be raised outside from the negotiating table and resolved there (ask for a break).
- When the union shows disagreement on an issue at the table, it weakens the union’s position, and it is usually a sure bet that the other side will stop taking that position seriously.
- Never go alone to any meetings (even the most informal ones).

▶ **REMEMBER!**

Remember to ensure that each negotiator, male and female, has equal status as a qualified representative and that female negotiators are given ample opportunities to present their demands and make their views heard at the bargaining table. Make also sure that any gender equality demand presented is fully supported by ALL members of the negotiating team. Take time to discuss this with each other. If the other side feels that you do not agree about some items, you are already lost.

# A<sup>8</sup>

## ● **Activity 8** "DOUBLE CIRCLE" - INTRODUCTION TO COMMUNICATION

### ● **Aims:**

- To practice:
- Fast definition of topics
  - Preparing the speech under time pressure
  - Delivering a speech

### ● **Methods:**

Pair work

### ● **Tasks:**

1. Prepare a speech (in 5 minutes) with arguments for:
  - No 1: including childcare facilities in your collective agreement
  - No 2: including equal pay clause in you collective agreement
2. Give your 2-minute speech to your partner in pair work.

### ● **Time: 30 min.**

### ➔ **Trainer's notes:**

1. Divide participants into two groups (by counting: 1, 2, 1, 2, 1, 2 ...) and ask them to stay in the plenary room
2. Participants (working individually) have 5 minutes to prepare a 2-minute speech with arguments for including:
  - No 1: Childcare facilities into a collective agreement
  - No 2: Equal pay clause in you collective agreement
3. Ask participants to move their chairs in a way as to form two circles: Participants No 1 should form the "inside" circle and should face participants No 2, who should form the "outside circle". (participants should face each other sitting on chairs)
4. Group No 1 deliver their 2-minute speeches (to No 2) - everyone at the same time, following the signal given by the trainer.
5. After this - they swap - Group No 2 deliver their speeches to Group No 1
6. Now, group No 1, without preparation, gives a speech on the topic originally done by Group No 2.
7. And Group No 2 gives a speech, without preparation, on the original topic of group No 1.  
Ask the group: What have you learned from this activity?

**Total time:** about 30-40 minutes

# H

## 8

### Handout 8

#### Checklist: Some Basic Hints for Negotiators

Every negotiator has his/her own list of lessons that he/she has learned over the years, which are helpful to remember. The following list is not complete - there may be lessons that you have learned which you may wish to add.

1. **Never interrupt or contradict your fellow team member** (if there is a problem you want inform your team members or a speaker - write it on a piece of paper and pass to her/him or ask for a break).
2. **Never go to a meeting alone.** There should never be less than two representatives present.
3. **Prepare for the worst, hope for the best.** Your entire negotiating strategy, from start to finish, should be well thought out. Be flexible, but know what the final outcome is likely to be.
4. Your **goal is to get an agreement and build the union.** Perfect agreements are never reached. The art of compromise is not pretty, but it is better to have a solid foundation on which to build the union than nothing.
5. **Communicate with your membership** to be sure your positions reflect the needs and desires of all groups of your members.
6. **Understand the laws and rules of procedure** in your area. Are strike notices required? Are there deadlines? The law is not always your friend, and if you do not know it well, it can easily be your enemy.
7. **Choose your words carefully.** Say what you mean and mean what you say. Avoid using terms like "our absolutely last offer", or "this is a strike issue", unless you mean that, and are willing to stake your reputation as a negotiator on the outcome.
8. **Negotiate in good faith.** But remember that good faith negotiating does not require you to agree to any proposal that is not in your best interests. You never give up your right to say no.
9. Consider that the other side has to **save face** in order to maintain the support of its constituency. Make it clear to them you have a face to save as well.
10. **Clarify the terms** of the agreement to avoid misunderstandings later.
11. Keep in mind that the **contract is of no value if it cannot be implemented.** Anticipate problems on every issue and decide whether your position can be sustained.
12. If a strike is possible, prepare early. Be so well prepared that an employer will not want to test your resolve. Remember that the **strike that is well-prepared is the strike that probably will not be needed.**

13. **Focus on interests, not on positions.** Behind opposed positions lie some conflicting interests, as well as many shared and compatible ones. Be open and look for mutually-advantageous solutions.
14. **Be hard on the problem, not on the people.** Advocate strongly for the interests of your members, and do not be afraid of showing some honest emotion. Impress upon management the strength of feeling of your members.
15. Allow the other side to let off steam. An effective way to deal with people's anger and frustration is to **let them release those feelings**. Sometimes the best strategy while the other side lets off steam is to listen quietly without responding to their attacks.
16. Always negotiate in good faith, but **be prepared for dirty tricks**. You should neither put up with dirty tricks, nor should you respond in kind. The best response is to recognise the tactic and raise it explicitly. This will often be enough to prevent a recurrence. Do not be intimidated by threats.
17. Do not smile at them, **be serious**, as the issues discussed are serious.
18. **Do not be too authoritarian.**
19. **Keep records** from all the contacts with the other side.
20. **Avoid any contacts** (e.g. phone calls, e-mail exchange, accidental meetings, etc.) on the issues of negotiations **if you are alone**, if not possible inform immediately your team members.

 **Trainer's notes:**

Prepare a small "handout" on procedures which are foreseen in your country's legislation regarding the launch of collective bargaining.  
Present this information while presenting "Stages of Negotiations" - the preliminary stage.



● **Activity 9**  
**HINTS FOR NEGOTIATORS**

● **Aims:**  
 To help you:  
 Think about practical hints and advice for negotiators

● **Methods:**  
 - Individual work

● **Tasks:**

1. Read the given checklist.  
 Mark 5 points which are the most important for negotiators to remember.
2. Come to the flip chart and place your 5 choices there.
3. Think and add to the checklist any hints/advice you think would be important for negotiators and share them with the group.

● **Time: 30 min.**

➔ **Trainer's notes:**

1. Distribute the above checklist (Some basic hints for negotiators)
2. Explain tasks.
3. Allow the participants 6 min. to read the text and select 5 most important hints for negotiators according to their opinion.
4. Prepare a flip chart with numbers of the points marked one under the other - make sure you leave enough space next to them as the participants will be placing their answers (choices) there.
5. Once they are ready, ask the participants to come to the flip chart with their choices and put 5 stickers you gave them next to the numbers of their choice (instead of using stickers, you can simply ask them to make a dot with a marker).
6. Count the answers and present the outcome to the group, starting with the most "popular" hints.
7. Finally ask the participants if they have any additional hints/advice for negotiators which have not been covered within the Checklist. (Ask one of the participants to write the additional hints on the flip chart).

**Total time:** app. 30 min.

# A<sub>10</sub>

## ● **Activity 10** **AT THE NEGOTIATING TABLE**

### ● **Aims:**

- To practise communication and other skills needed at the negotiating table

### ● **Methods:**

- Group work
- Role play

### ● **Tasks:**

1. Read and work on a short description of an imaginary situation.
2. Act your "role play" in the plenary.

### ● **Time: 1 hour**

### ➔ **Trainer's notes:**

1. Explain the activity to the participants.
2. Divide the participants into 2 groups by letting them choose one of the descriptions (in order to do so, prepare 2 sets of the below descriptions, place them in the basket/hat and let the participants choose one each).  
*NOTE: if you have more than 20 participants you may wish to consider having 3 groups. In this case, prepare one more "case study" based on your experience.*
3. Explain time: app. 1 hour for preparations in the groups and app. 10 min. (max 15!) for each role play.
4. After each role play, ask the group for comments, ask what they have learned. Also give your evaluation.

**Total time:** app. 2 hours.





## SHORT DESCRIPTIONS OF SITUATIONS FOR ACTIVITY 10

### Group 1

#### Sexual Harassment at Work

*Some data regarding the company:*

- textile industry
- 350 workers (80% women)
- level of unionisation: 60% (two trade unions)
- the company is in good economic condition, but there is a pressure for lowering costs because of competition

In your company a new collective agreement is being negotiated. The trade union and the employer have already negotiated and reached agreement on regarding some parts of the new collective agreement. Now they are going to negotiate the issue of SEXUAL HARASSMENT at work, as it is the next point on the negotiating agenda.

#### Tasks:

- a. Read the case and divide roles in your group: the trade union side, the employer's side and also roles within each of the teams.
- b. Prepare a draft agenda referring to the issue of sexual harassment (think about what should be included in the collective agreement - definition, grievance procedures, etc.)
- c. Prepare arguments, supporting your point of view.
- d. Prepare for the "role play" to be acted out in front of the other group.

### Group 2

#### Childcare Facilities

*Some data regarding the company:*

- food industry
- 550 workers (45% women)
- the workers have in total: 206 children of the pre-school age; 175 children between 6 and 12 years of age.
- level of unionisation: 48% (one trade union)
- the company used to have a kindergarten/nursery, but it has been closed
- economically, the company is doing well.

In your company the collective agreement is still valid but trade unions would like to add issues related to work and family reconciliation. You have already opened the negotiations. Now the second meeting will take place where you will move directly to the issue of childcare facilities in the company.

#### Tasks:

- a. Read the case and divide roles in your group: trade union side, employer side and also roles within each of the teams.
- b. Prepare a draft agenda referring to the issue of the childcare facilities (Think: do you want to re-establish a company kindergarten?)
- c. Prepare arguments supporting your point of view.
- d. Prepare for "role play" to be acted out in front of the other group.

## H

### Handout 9: Impasse and How to Overcome it

An impasse occurs at that point in the negotiating process when either or both parties make the determination that **no further progress toward reaching an agreement is possible**. It must be noted that often one party believes that negotiations have reached impasse while the other party may not.

Historically, the usual way an impasse was broken was by one party overwhelming the other. The strike by the union was the traditional weapon of industrial conflict. As society has increasingly come to view these weapons of conflict as damaging, greater emphasis is being placed upon peaceful dispute resolution.

Entering negotiations, our goal is to reach agreement. But it is not always the case. When impasse occurs, what options does a union have?

- a. to find new allies
- b. engage experts
- c. pressure (use the media)
- d. conciliation and mediation
- e. strike
- f. change the agenda

#### Find new partners

It is possible that not everything can be negotiated with the employer. So look around and think which items from your negotiating agenda can be discussed with “external” partners, like for example local authorities (local transport; kindergartens; elderly care, etc). Perhaps you can find another employers’ association, or some non-governmental organisations might share a common interest?

#### Engage experts

Engage experts if needed, form joint experts’ groups in order to collect more arguments for the issues you are negotiating for. Make sure that your union have a list of available experts for conflict resolution at the negotiating table.

#### Pressure

The third possible option could be **putting extra pressure on the other side** to change its position to one that the union can accept. We are assuming here that the union has done its homework, and knows best how to apply pressure - in the community, at the workplace, with political parties, the media, consumers, etc.

And of course, the **union needs to be in a position to put pressure on the employer** or other side. Often, this is not an option. If it is not an option, because the union does not have the resources, or because the union has determined it would be counterproductive, do not threat-

en to do anything. A threat not carried out will weaken the union's future bargaining position. Much of the preparation work that was done before negotiations began was done specifically so that, if needed, the union would be able to strategically (wisely, effectively) exert pressure on the employer to make him change his position. The kind of pressure the union uses depends on:

- what the union **learned about the employer** and his business
- strength of **membership support**
- strength of **community/public support**

And of course, the **union does not have to wait until impasse is reached** to start applying its pressure. Whenever the union senses a problem, it is a good idea to remind the employer or the other bargaining partner that not reaching agreement will have a cost - picket lines, boycotts, bad publicity, whatever the most appropriate pressure is. One basic rule about pressure is to start easy, and only turn up the pressure - increase the cost to the employer - if the easy pressure does not work. But again, know the union's limits and capabilities by doing the necessary research beforehand.

### 3.4 Conciliation and Mediation

**Conciliation** and mediation are somewhat similar and are considered "soft" approaches, because they involve low levels of outside pressure on the parties to resolve their dispute.

Conciliation consist of a neutral non-party to the dispute lending his/her "good offices" to the parties by almost literally providing neutral physical space for them to meet and resolve their differences. The conciliator takes a relatively active role in encouraging settlement but usually does not get deeply involved in the substantive issues between parties.

In **mediation**, a neutral third party is more active in bringing the disputing parties from impasse toward agreement. Typically, a mediator, like a conciliator, **lacks authority to impose a settlement upon the parties**. He/she may only suggest compromise solutions and/or alternative approaches to resolving the issues at impasse. If the parties do not like the suggestions, they may reject them.

In mediation, there is a tight grouping of the disputing parties and each team has a formal leadership structure. The mediator may meet with the parties jointly or individually. Often the mediator meets informally with one side during its caucus. Viewed analytically, mediation involves the introduction of a third party into the bilateral bargaining process.

In some countries, formal mediation and conciliation systems exist and are frequently used to resolve impasses during bargaining. Many times, use of such mediation is required by law before a union can strike.

It is important for the union to understand what mediation is, and is not. Since mediation is an extension of the negotiation process, a union cannot usually win through mediation something it cannot win through pressure or at the table. The **mediator is neutral**, and does not have an interest in how the impasse is settled. It is not the mediator's job to get the union the best deal possible, but simply to get a deal - any deal.

Bringing in a mediator does not mean that the union can or should stop any of its pressure tactics. Many times, the pressure tactics are what is making the employer or other side sit down at the table with a mediator and the union. Mediation can be a very helpful tool in reaching agreement, but only if both sides understand the process, know its limits, and agree to enter into it in good faith.

### 3.5 Strike

Usually, this **is the last resort**, and when the union goes on strike, it means the process has total-

ly broken down, and the union is relying on sheer power to get an agreement. But in other cases, a union might be able to call a one-day, or two-hour warning strike, just to put some pressure on an employer.

The details of the strike depend on many factors, including the labour laws of the country, but most importantly on the union's ability to win the strike. There are many elements that go into a successful and winning strike, but advance planning is the most important. The union must **prepare for a possible strike from the very beginning** of any negotiations, know whether a strike is a realistic option, and must be able to communicate that preparation and willingness to the employer.

This guide is not meant to serve as a strike preparation guide, and we do not have the space to go into all the questions a union needs to answer before it goes on strike. Like in planning any pressure tactic, all the information the union has gathered before and during negotiations goes into answering the question of whether or not a strike is a good option. But there is one important truth about strikes to remember: the **strike that is best prepared for is usually the strike that does not occur**. Most unions have their own procedures for going on strike. Be aware of possible risks such as: strikers do not get paid if the strike is not legal. Bad publicity can also be a risk.

### 3.6 Change agenda/request

Instead of the financially heavy request, check your alternative requests, and try to come up with something financially not so demanding, but which might improve the working conditions even more. Think about the already mentioned "work and life quality issues" (generally speaking, psychological working environment such as dignity and respect at work, etc.). Of course changes on the agenda are only possible if the negotiations are well prepared, including an alternative agenda and an alternative strategy.

# H

## 10

### Handout 10: Impasse - Using the media

Both media and different public events can in some cases be used to push the negotiations. In order to do so you have to prepare e.g. press releases and send them to different newspapers, trade union press, TV, radio, etc. Below you will find some practical advice/hints on how to write a press release and prepare a press conference.

#### 1. WRITING A PRESS RELEASE

##### Why:

1. An announcement of/invitation to an event or occasion (meeting etc.)
2. A report on something that has happened
3. An announcement of an event/the initiative of a trade union
4. Basic information regarding a problem
5. A declaration/statement regarding an event/issue

##### What:

1. What is happening?
2. Who is doing it?
3. Where is it happening?
4. When is it happening?
5. Why is it happening?
6. Viewpoint

#### BASIC RULES FOR WRITING press releases:

1. Always use paper with the letterhead of the organisation (the recognisable identity of the trade union confederation membership has to be visible).
2. Full name of the contact and the telephone number at the top of the page.
3. Indicate in the right-hand corner that it is a "public announcement" or "press release".
4. The text has to be well laid out and the letters have to be large enough.
5. Do not make it longer than 2 pages, one page is ideal.
6. Do not use mile-long sentences, but rather short paragraphs.
7. Always indicate the date and the place of the press release.
8. Determine a clear and an attractive title.
9. Place the main facts and arguments in the first paragraph (be sure not to forget the basics: who, what, where, when, why).
10. Include a quote - statement/view of the president/secretary/women's co-ordinator.
11. Signature of the spokeswoman, secretary or without the signature.
12. Make sure it is grammatically correct and has been edited.
13. Send the press release by fax, addressed to the journalist (in case you do not know his/her name, send it to the column, however never be vague).
14. When sending it addressed to the journalist send a copy to the editor as well.
15. Watch out for deadlines (printing time, publication etc.), except when you are dealing with newspaper agencies.
16. Keep in mind that experts believe Monday, Wednesday and Thursday to be the best days for reporting news (Friday, for example, is not a good day for organising meetings and reporting news).
17. For every activity, campaign, event - prepare a memo with the necessary activities for contacts with the public.

## 2. PRESS/PUBLIC CONFERENCES - A LIST OF ADVICE

1. Attract the interest of journalists for your meeting (telephone calls made prior to the event, prior notification, consultations).
2. Send out a clear and attractive invitation (include all information regarding the time and place of the press conference, occasion, topic, speakers, contacts, telephone numbers, etc.).
3. Send the invitation at least 3-4 days in advance.
4. Two days prior begin confirming the arrival of reporters, add information, raise the level of interest.
5. Hold the conference at an easy access location, close to a press centre, not far for journalists.
6. Realistically estimate the number of journalists.
7. Reserve a hall that is relatively small, so that it appears full/crowded/tense (a number of journalists should stand).
8. The best time for holding a press conference is 11, never before 10 or in the afternoon (everything after 13 loses its momentum).
9. Journalists should be greeted by a person in charge and offered materials.
10. Prepare an informative kit of materials for the press conference (general materials, materials related to the event, photographs).
11. Have refreshments for journalists and afterwards you can prepare a buffet or lunch.
12. Always invite more members from your organisation to be present at the press conference.
13. The number of actual participants at the press conference has to be small - no more than three speakers and, if necessary, one person can be male and, if possible, one young person.
14. Try to include an attractive person among the speakers (e.g. a trade unionist that has been arrested, a person as famous as possible).
15. Brief the speakers prior to the press conference (simulate the press conference, anticipate questions etc.), and make sure that they arrive at the hall at least five minutes earlier.
16. Make sure the speakers have good lighting and that the backdrop is interesting and used accordingly (leaflets, flags, the slogan, the logo of the organisation. etc.).
17. The main speaker should speak a maximum of 10 minutes and the other two speakers no more than 5 minutes each (a maximum total of 30 minutes).
18. A press conference usually consists of two parts: presenting the case/event (no more than 30 minutes) and questions asked by reporters (approximately 20 minutes).
19. It is useful to hand out some sort of leaflet, photograph or show some sort of video tape between the first and second part.
20. The PR person must always be available prior, during and following the press conference.
21. Reporters must be given access to all necessary equipment and links (telephone, e-mail, fax, note pads, pens, paper etc.).
22. Never start a press conference more than 5 minutes late, even if some reporters have not arrived.
23. After the press conference, be prepared to make statements, agree to interviews, be photographed, etc.
24. After the press conference prepare a public announcement, include quotes from the speakers and immediately fax it to journalists and media editors who were not present - entitled "A PRESS CONFERENCE REPORT".
25. Phone to the radio journalists and offer to make statements over the telephone.
26. The day after the press conference contact the reporters and thank them for the material they printed (regardless of your opinion of them).
27. Refute/correct errors in the articles published in the newspapers and magazines by reacting immediately.
28. Prepare a press clipping (in other words "a scrapbook" of newspaper clippings and send it to all the participants of the press conference and those interested).
29. Follow up on what certain media is writing and prepare exclusive statements accordingly.
30. Also organise a briefing for a small circle of reporters.

# A

## 11

### ● **Activity 11** **HOW TO OVERCOME IMPASSE?**

#### ● **Aims:**

- To learn more about and discuss possible solutions for overcoming impasse

#### ● **Method:**

- Group work

#### ● **Tasks:**

1. Working in your small group:

Think about strong and weak points of each of the solutions of the impasse and share your opinion with others.

Can you give any other ideas/proposals for the resolution of impasse?

2. Remember to choose a person to present your group's report in the plenary. Use slides and markers to write the key points of your report.

#### ● **Time: 30 minutes**

#### ➔ **Trainer's notes:**

1. After your short introduction to the topic (based on Handout 9), distribute the Handout 9 to the participants
2. Explain the tasks and ask the participants to think about the strong and the weak points of each of the impasse solutions. Ask them about any other solutions for solving impasse that they can think of, or have experienced themselves, etc.
3. Divide them into 3 small groups and remind them about time (30 min.) and reporting (slides/markers); remind the participants that each group will have 5-6 min. for their report. Sum up by stressing/revising the most important points raised during discussion.

**Total time:** app. 1 hour

# A<sub>12</sub>

## ● **Activity 12** **USING THE MEDIA**

### ● **Aims:**

- To learn about the ways of communication with the society
- To learn how to use the media

### ● **Methods:**

Group work

### ● **Tasks:**

1. Working in small groups, based on the

advice given in Handout 10:

Group 1: write a short press release on problems/issues from your collective bargaining, which you would like to make public (or gain public support for).

Group 2: prepare and run a press conference on the problems/issues regarding your collective bargaining, which you would like to make public (or gain public support for)

2. Draft a report to be presented in the plenary session.

● **Time: 35 min.**

### ➔ **Trainer's notes:**

1. After introducing the topic of press release writing and preparing a press conference, introduce the activity, explain the tasks.
2. When everyone is clear about it, divide the participants into 2 small working groups, by counting 1, 2; 1, 2, etc. (remind about time: 35 minutes)
3. Once you return to the plenary, ask the groups to present the reports. Evaluate the reports - point out (according to H 10 checklists) the good and the weak sides (involve the participants in the evaluation process).

**Time:** 1 hour 30 minutes (including reporting and evaluation)



H  
11**Handout 11: Follow-up After the Negotiations**

**F**ollowing up the negotiations process is essential; otherwise the gains for workers might exist on paper only. **Unions and employers must ensure that workers' rights and privileges under the new agreement are widely publicized. Especially those parts related to gender and workers with family responsibilities since including gender issues in collective bargaining produces little change if workers are not aware of it.**

It is also very important to ensure that there are mechanisms for achieving and monitoring the implementation of the agreement and for collecting and disseminating information on the impact and outcomes of the agreement in practice. The observations and statistics collected during the monitoring process could be used to analyse what workplace provisions need to be reviewed and revised to increase their effectiveness, as well as to identify the issues that may be of priority in the next round of negotiations.

**1. ACCEPTANCE OF AGREEMENT**

Acceptance of agreement as a legal concept does not often appear in the transition countries, in most of the cases there is no requirement of such formal acceptance of agreements, which is a precondition of implementation. Sometimes the acceptance of negotiating team members is the only approval needed; sometimes it is the union's leadership. It is obviously important to know the requirements in your country.

But, regardless of the legal issues involved, it is also important that the collective bargaining agreement be understood and accepted as legitimate by the majority of the union membership. There are some basic steps any union should follow to make sure a collective bargaining agreement is understood and accepted by the membership and other workers.

**2. ACHIEVEMENTS OF THE AGREEMENT****Explaining the agreement**

This should be done both verbally, at a union meeting or meetings, and in writing, by providing a written summary of the new agreement, highlighting the most important changes. At the meeting(s), there should be plenty of time for questions and discussion. The people who worked on the negotiating team are the best spokespeople about how the agreement was reached, why they believe it is a good one, etc.

**Educating workers about the agreement**

Negotiations are a key activity of the union, taking a lot of time, energy, and resources, especially as it is an everyday activity. To get the full benefit of all that effort, it is important that the union follow up negotiations with a plan to publicize the agreement and educate leaders,

members and all workers about the agreement. That's the key part of using the process to build support for the union, and lay the groundwork for the next negotiations.

Unions tend not to make enough publicity about the improvements they were able to obtain for the workers, and it is a very important part of the trade union job. So make it public and make sure that all the groups of workers are informed well, so you might consider organising special meetings for women or elderly workers. For example, if you negotiated something for women, meet them and tell them about it, explain how it will affect them, what they are gaining out of it, etc. Such activities might prove helpful in increasing of the union membership in the long term.

**Two basic questions to consider:**

- How will the union publicize and distribute the agreement?
- How will the union train its leaders and activists on the changes and terms of the new agreement?

### 3. AGREEMENT IMPLEMENTATION

A collective bargaining agreement can be good for our union members and it will serve to build the union **only if we can implement it**. Much of the day-to-day work of unions everywhere revolves around making sure that their agreements are being properly implemented. There are two basic ways a union implements a collective bargaining agreement: through the law, and through its own power.

**Implementation strategies:**

*1. Legal implementation of agreements:*

In most places, a signed collective bargaining agreement is considered a legally-binding contract between the parties who have signed it, and is enforceable in court. Of course, different countries have different laws and methods of implementing contract law, and especially so in the area of labour agreements. And even more importantly, countries differ greatly in how strongly they implement those laws. Any union must be aware of and able to use the laws in its country for the implementation of labour contracts. (check your national legislation for more information).

*2. Dispute resolution procedure*

**IMPORTANT!**

A critical aspect is the setting up of a dispute resolution procedure which has the adequate resources and capacity to justly and efficiently address and breach of the collective agreement. **The dispute resolution procedure (which may include conciliation, arbitration, reference to a labour tribunal, etc.) must be able to deal with sensitive issues such as sexual harassment, discrimination, denials of family leave, unfair dismissals, etc. As such, formal statements ensuring the highest degree of confidentiality possible for the complainant is necessary. Without such assurances, many employees, especially women, making claims on gender provisions might not bring their claims forward for fear of workplace isolation, reprisal, etc.** When informing employees of their rights under the collective agreement, we should simultaneously inform them of the proper methods of handling grievances and assure them that confidentiality will be a top priority.

Written into the agreement, the grievance process provides a series of steps aimed at resolving problems. Usually, the process begins with meetings between the union and employer, within a specified period of time, to try and resolve the problem. If that fails, the contract stipulates that the problem be presented to an arbitrator, and his decision is final and binding on both parties. (Check your national legislation for more information in this respect).

### 3. Pressure on the Employer.

In the same way that the union exerts pressure on an employer to get an agreement, a union may have to continue exerting pressure to have that employer live up to the agreement. **Work stoppages, community or political pressure, mass rallies, picket lines and other tactics** have been used to implement agreements. Each tactic obviously needs to be strategically applied, based on the information the union has about the employer, and the goal needs to be clear: it is best if there is a specific demand for any union pressure or action. Once the employer agrees with that demand, and abides by the contract, the pressure ends.

#### Follow up

What you can do with your collective agreement:

- a. archive it
- b. register it
- c. publish it
- d. place it on your web site
- e. analyse it and publish your analysis
- f. evaluate it and publish your evaluation
- g. monitor its implementation
- h. renegotiate these parts which are not working well
- i. keep working on it!

### The Netherlands: Monitoring gender issues

It is always hard to check if appointments to work on gender issues are really implemented in reality. To agree is not the same as to negotiate about it. The largest Dutch union FNV-Bondgenoten has developed a system for checking how "gender" items are included in the general union policy. 486 collective agreements are included in this system. It covers almost 3 million workers in industry, services, retail trade, transport and agricultural occupations.

Issues like part-time work, childcare, harassment and the reconciliation of work and family responsibilities are included in the general survey.

Every year union officials report the results of their negotiations. In this way it is possible to discuss developments in different sectors.

The facts are accessible on the internet-site of the union. Members and non-members can use these figures.

# A

## 13

### Activity 13 GUIDELINES FOR THE FOLLOW-UP AFTER NEGOTIATIONS

#### Aims:

- To understand the need for follow-up activities after negotiations, especially the need to educate members about the new agreement
- To explore different possibilities of follow-up

#### Methods:

- Pair work
- Discussion

#### Tasks:

1. Working in your pair, take one task each

and present your ideas to your partner:

*Person A:* How you would make sure that all your members are educated/informed about the new agreement (How will you reach all of them? How will you inform/educate them? etc.)

*Person B:* What are your **suggestions for follow-up?** (What do you have to do after signing a collective agreement?).

2.

Person "A" writes and presents the proposals of person "B" and vice versa.

When both persons are ready, go to the flip chart in the plenary room, and person A should write ONE proposal by person "B" on the flip chart, while person B should

#### Trainer's notes:

1. After your short presentation (about 15-20 minutes, based on Handout 11 and your experience) ask the participants to discuss in pairs (in the plenary) TASK no 1. Explain the work organisation!
2. Allow 15 minutes in total for this.
3. Prepare two flip chart papers (or two whiteboards) and write "Educating members" on one and "Follow up" on the other.
4. Ask all persons "B" to come to the first flip chart and write ONE of the ideas/proposals they heard from persons "A". Ask persons "A" to come to the flip chart entitled "Follow up" and write ONE proposal by persons "B".

Once they are ready, read out the two lists of proposals.

Open a short discussion; ask if there are any more proposals/ideas which someone would like to share with the group?

Sum up by stressing the most interesting ideas/proposals.

**Total time:** 50 min.

5 min. instructions

15 min. for pair work

10 min. for writing on the flip charts (results of pair work)

20 min. for discussion and summary

# H

## 12

### Handout 12: SUMMARY CHECKLIST: Gender Mainstreaming in Collective Bargaining

#### 1. SELECT THE NEGOTIATING TEAM

##### GUIDELINES:

- ▶ **Adopt a policy of including women on the negotiation team**, so that they can play a key role in formulating demands and examining proposed clauses of the collective agreement for discrimination:

##### REMEMBER!

Women are used to negotiating and balancing the tight demands of family and work; Many people with disabilities, minorities are used to working as activists, fighting for their rights and could make good negotiators, used to not taking 'no' for an answer;

- ▶ **Do not only include women on the negotiation team when there are issues deemed to concern women;**
- ▶ *Educate and train women members effectively to participate in negotiations and to raise gender issues:*
- ▶ Ensure that **male members** of the negotiating team **are also sensitive to gender** equality concerns:

##### REMEMBER!

It could be highly effective to have a male negotiator present the case for a gender equality or women's issue.

#### 2. DEVELOP THE GENDER EQUALITY BARGAINING AGENDA

In prioritizing gender equality and women's demands on the bargaining agenda

##### REMEMBER!

- Company policies that support women often help men too;
- Facilities that appear to most help women, for example, child care, benefit both mothers and fathers, children, families and communities;
- Proposals that benefit women have ripple effects that extend to families and communities;
- Many proposals that support the entire union membership can have direct positive benefits for women.
- Better pay, increased safety measures, better lighting, etc. are measures that benefit both women and men.
- The **draft collective agreement should be circulated to all members for their approval** and support. It is important to educate and inform all members of what the provisions for gender equality or women's concerns are and what these imply. Women members might have to lobby for the acceptance of these provisions among their colleagues.

### 3. BE WELL PREPARED FOR NEGOTIATIONS

#### What unions should do: CHECKLIST:

- ▶ Do their “homework”, in particular **gather all the facts and statistics on the relative position of women and men in the workplace**. For example, if unions are to negotiate for equal pay, then they must have all the figures on the number of workers in different job categories and the pay differential between women and men. They should also collect information from other unions, workplaces, etc. for comparisons to substantiate their claims;
- ▶ Ensure that the overall **bargaining strategy includes alliance building** with equality seeking groups;
- ▶ Make use of national and international information networks to **gather and exchange information** to prepare negotiating positions. Make use of information communications technology;
- ▶ **Determine how collective bargaining can be used to ensure that existing rights are extended or secured**. With reference to a number of areas of gender equality, a country’s legislation may already provide particular rights, but these may not be applied or enforced. Unions should therefore consider how they could repeat the terms of the legislation in the collective agreements so as to help ensure more effective and accessible enforcement;
- ▶ **Have arguments to show employers and union members** that promoting gender equality is not only the right thing but also the smart thing to do. The benefits of gender equality provisions in the collective agreement should be clearly explained, not merely in monetary terms, but also with regard to such organizational factors as:
  - a progressive and positive image for the company;
  - more efficient use of human resources;
  - increased productivity;
  - higher staff morale and loyalty to the company;
  - lower staff turnover;
  - less absenteeism, etc.
- ▶ **Identify and prioritise the demands to be submitted for negotiation**. This may require an assessment of the relative costs and benefits of particular demands or collective agreement clauses. Unions may find this a useful exercise since it is more likely that an employer can be convinced to accept a proposal if it can be shown that a certain benefit is relatively cheap compared to the large tangible organizational benefits that it may bring, such as increased productivity.

#### REMEMBER!

In difficult economic times, unions may decide to give higher priority to non-wage, low-cost equality benefits. They may decide to push for a general equal opportunities clause, non-discrimination against workers with family responsibilities in particular in respect of promotion or advancement or for paternity leave - which would have no or little cost implications or affect a small percentage of workers, while substantially enhancing the image of the company.

#### Employers can benefit from gender equality bargaining

Arguments to convince employers at the bargaining table that promoting gender equality at the workplace is both the right thing and the smart thing to do:

- in terms of recruitment, equal opportunity policies would attract more qualified women to apply to work in the company; retain qualified women who would otherwise leave the company;

- equitable hiring, promotion and training policies would enable a company to make the most of available human resources and increase productivity;
- flexible working time, family leave arrangements and other family friendly policies can reduce absenteeism and even staff turnover;
- provisions for safe work environments benefit both male and female workers, ensure a healthy and productive workforce and may reduce the costs of health insurance premiums as well as legal liability for accidents;
- gender equality benefits can increase an employee's commitment and loyalty;
- in difficult economic times, gender equality bargaining may be easier to negotiate and less costly than other wage or monetary benefits;
- gender equality and non-discrimination provisions would enhance the positive and progressive image of the company - more and more companies today are proud to be able to label themselves equal opportunity employers;
- in today's global economy where consumers are more aware and sensitive to the labour conditions in which their products are produced, a company's public image would be enhanced by demonstrating a commitment to gender equality and workplace ethics.

#### 4. AT THE NEGOTIATION TABLE

##### GUIDELINES:

To effectively include gender issues in collective bargaining, unions should:

- ▶ 1. **Promote the active participation of women** on the negotiation teams;
- ▶ 2. **Establish the legitimacy of the female negotiators** and strengthen their voice at the bargaining table by ensuring that:
  - they have been properly trained not only on negotiation techniques and procedures but also on gender equality issues;
  - they have been able through surveys, meetings, dialogue sessions, etc. to gather evidence of the concerns of the members and their support for gender issues;
  - they have access to solidarity networks for exchanging information and data and gathering support;
  - the support of the male leadership is evident to the female negotiators, the management and the rank and file membership;
- ▶ 3. Ensure that **each negotiator, male and female, has equal status** as a qualified representative at the bargaining table;
- ▶ 4. Ensure that **female negotiators are given ample opportunities to present their demands** and make their views heard at the bargaining table;
- ▶ 5. Ensure that **any gender equality demand presented is fully supported by all** members, male and female, of the negotiating team.

##### REMEMBER!

Divide and conquer is one of the oldest battle tactics. Do not fall for it;

- ▶ 6. Examine collective agreements to **ensure that there is no discrimination in the proposed clauses**;
- ▶ 7. Use **gender-aware language** in the collective agreement;
- ▶ 8. Ensure that the negotiating **team is equipped with the facts and arguments** to convince the management of the benefits of gender equality in the collective agreement;
- ▶ 9. **Specify** in the collective agreement **the resources and mechanisms for effective implementation and monitoring of the gender equality provisions**;

*Do not succumb to the temptation to present gender equality concerns as subordinate to other employment issues. Gender equality bargaining can benefit both women and men alike at the workplace.*

## 5. FOLLOW-UP AFTER THE NEGOTIATIONS

### GUIDELINES:

- ▶ 1. **Make sure the negotiated policies, rights and benefits are communicated to all workers on a regular basis** (including those with non-permanent or atypical status). Such information dissemination should be carried out through various methods: posted at the workplace, made available in lay language through newsletters, seminars, lunchtime meetings, role play, etc.;
- ▶ 2. **Establish methods for regular monitoring of the proper implementation** and the overall effects of the collectively bargained policies, rights and benefits. Ad-hoc monitoring/research committees, which include female union members could effectively work toward this end;
- ▶ 3. **Establish grievance procedures** to deal with any abrogation of the workplace contract, discrimination or sexual harassment;
- ▶ 4. **Inform all workers of the proper methods of handling grievances** and assure them that their complaints will be treated confidentially and fairly;
- ▶ 5. **Increase the presence of women** in the collective bargaining process through **promoting their participation on monitoring committees and grievance boards**. In addition, the presence of women may make it easier to bring claims related to discrimination or sexual harassment to the attention of the union and the company;
- ▶ 6. **Regularly gather statistics**. Keep a close eye on the number of women and men who are hired, promoted and dismissed, as well as the numbers in all job categories, salary levels and human resource development programmes. Keep a special eye on equal pay provisions by collecting wage data;
- ▶ 7. **Always think ahead**. Evaluate what workplace provisions need to be improved or reviewed to improve their effectiveness. Such issues could be introduced during the next round of collective bargaining;
- ▶ 8. **Publicize the work done by the union on behalf of women** - as an organizing strategy. It is important for unions to publicize their new bargaining objectives and the strategies they have used or intend to use to achieve them.



## 6. MONITORING THE IMPLEMENTATION OF GENDER EQUALITY AGREEMENTS

*In most cases, monitoring covers the implementation of the entire collective bargaining agreement. However, in some cases, there is specific monitoring of the gender equality clauses, with reporting to an external or higher body. For example:*

**Belgium:** there is an obligation to submit an annual report on equality measures to the Enterprise Council;

**France:** reporting to a Superior Council of Professional Equality;

**Finland:** the Central Organisation of Finnish Trade Unions (SAK), together with the other social partners, makes a joint report on the impact of the equality policy;

**Italy:** the Office of Equal Opportunities of CGIL monitors progress in equality by following a mainstreaming policy of collecting information, informing and coordinating with other departments, unions, women's associations, etc.

## 7. FACTORS LIKELY TO INFLUENCE THE SUCCESS OR FAILURE OF GENDER EQUALITY BARGAINING

*Research has identified a number of factors that are likely to encourage or discourage gender equality bargaining:*

### ***Factors relating to trade unions include:***

- the extent to which women's voice is heard within the union, including women's proportion of the membership and their participation in the union;
- the extent to which women have power within the union and the extent to which those in power (men or women) have a commitment to equality;
- the importance attached to equality bargaining in the union;
- the existence and nature of the policies and structures to give this effect.

### ***Factors relating to employers (at the company level) include:***

- labour market and competitive position;
- workforce composition (including proportion of women );
- actual or desired employer image;
- management style and culture;
- identity and role of key individuals within the organization, including matters of ownership and control.

### ***Factors relating to the nature and structure of collective bargaining within an organization:***

- the extent of recognition afforded to the union by the employer;
- the quality of the bargaining relationship;
- the nature, power and discretion of the negotiators;
- the way in which bargaining agendas are constructed;
- links between equality structures in employer or union organizations on the one hand and negotiation structures on the other, and the relationship between the different bargaining agents/units.

# APPENDIX 1

FULL EDUCATIONAL PROGRAMME BASED ON KIT 4:

## STRATEGY AND TECHNIQUES OF NEGOTIATIONS NEGOTIATING BETTER WORKING AND LIVING CONDITIONS. GENDER MAINSTREAMING IN COLLECTIVE BARGAINING

### DAY 1

Time	Contents of the teaching sessions	Duration	Method	Materials	Equipment, stationary, etc.	Trainer (in charge)
9.00-9.30	Introduction to the Seminar: welcome; presentation of aims; programme; technical details, etc.	30 min.	Presentation		OHP + slides with programme and aims	
9.30-10.00	Introduction of the participants	30 min.	e.g.: Pair work followed by presentations			
10.00-10.30	"Golden rules of Trade union training"	30 min.	Brainstorming		Flip chart + markers	
10.30-11.00	Coffee break	30 min.				
11.00-11.30	Activity 1: Negotiations and You	30 min.	Individual work; Pair work	AS 1		
11.30-11.50	<b>The ILO Principles on the Right to Collective Bargaining</b>	20 min.	Presentation	H 1; slides based on H 1; ILO Convention 98 and 154	OHP	
11.50-13.05	Activity 2: ILO Principles to the Right to Collective Bargaining	1 h 15 min.	Group work	AS 2; ILO Convention 98 and 154	Flip chart; markers	
13.05-14.30	Lunch break	1 h 25 min.				
14.30-14.50	<b>Negotiations and Why Negotiate?</b>	20 min.	Introductory presentation	H 2; slides based on H 2	OHP	
14.50-15.20	Activity 3: Trade union Negotiations and Everyday Negotiations	30 min.	Questionnaire Brainstorming	AS 3; questionnaire	Flip chart; markers	
15.20-16.20	<b>PREPARING FOR NEGOTIATIONS</b> Activity 4: The "Orange game" – The Importance of Teamwork	1 hour	Group work	AS 4	3-4 oranges	
16.20-16.50	Coffee break	30 min.				
16.50-17.10	<b>What is Teamwork about?</b>	20 min.	Presentation	H 3; slides based on H 3	OHP	
17.10-17.30	<b>Building a Negotiating Team</b>	20 min.	Presentation	H 4; slides based on H 4	OHP	
17.30-18.00	Activity 5: Negotiating Team	30 min.	Brainstorming	AS 5;	Flip chart; markers	

## DAY 2

Time	Contents of the teaching sessions	Duration	Method	Materials	Equipment, stationary, etc.	Trainer (in charge)
9.00-9.25	<b>Collecting and Analysing Information</b>	20 min.	Presentation	H 5; slides based on H 5	OHP	
9.25-11.00	Activity 6: The Importance of Information in Negotiations	1 h 30 min.	Group work	AS 6;	flip chart; markers; 4 different types of candies; hat/basket	
11.00-11.30	Coffee break	30 min.				
11.30-12.00	<b>Developing Proposals and Bargaining Strategy</b>	30 min.	Presentation	H 6; slides based on H 6	OHP	
12.00-13.00	Activity 7: Developing the Negotiating Agenda	1 hour (in total 2 hours)	Brainstorming; Discussion Group work	AS 7;	Small cards (3-4 sets); clean slides; markers; OHP	
13.00-14.30	Lunch break	1 h 30 min.				
14.30-15.30	Activity 7 continued	1 hour				
15.30-15.50	<b>AT THE NEGOTIATING TABLE</b> <b>Stages of negotiations</b> <b>Communication skills</b>	20 min.	Presentation	H 7; slides based on H 7	OHP	
15.50-16.30	Activity 8: "Double Circle" - Introduction to Communication	40 min.	Pair work	AS 8		
16.30-17.00	Coffee break	30 min.				
17.00-17.15	<b>Some Basic Hints for Negotiators</b>	15 min.	Presentation	H 8; slides based on H 8	OHP	
17.15-17.55	Activity 9: Hints for Negotiators	40 min.	Individual work	AS 9; H 8	flip chart; markers; sticky dots	

## DAY 3

Time	Content of the teaching sessions	Duration	Method	Materials	Equipment, stationary, etc.	Trainer (in charge)
9.00-11.00	Activity 10: At the Negotiating Table	2 h	Role play	AS 10; case studies;	Hat/basket; space for "acting"	
11.00-11.30	Coffee break	30 min.				
11.30-11.50	<b>IMPASSE</b> <b>Impasse and How to Overcome it?</b>	20 min.	Presentation	H 9; slides based on H 9	OHP	
11.50-13.20	Activity 11: How to Overcome Impasse?	1 h 30 min.	Group work	AS 11	slides; markers; OHP	
13.20-14.30	Lunch break	1 h 10 min.				
14.30-14.50	<b>Impasse: Using the Media</b>	20 min.	Presentation	H 10; slides based on H 10	OHP	
14.50-16.20	Activity 12: Using the Media	1 h 30 min.	Discussion; Group work	AS 12;	flip chart; markers	
16.20-16.40	Coffee break	20 min.				
16.40-17.00	<b>FOLLOW-UP</b> <b>Follow-up after the Negotiations</b>	20min.	Presentation	H 11; slides based on H 11	OHP	
17.00-17.50	Activity 13: Guidelines for Follow-up after Negotiations	50 min.	Pair work discussion	AS 13	Flip chart; markers	
17.50-18.10	<b>Summary checklist: Gender Mainstreaming in Collective Bargaining</b>	20 min.	Presentation	H 12; slides based on H 12	OHP	
18.10-18.30	<b>Closing and Evaluation of the Training.</b>	20 min.	Discussion	Evaluation sheets;		

## EXPLANATION:

**Duration** - total time of the element of the training

**Method** - teaching method to be applied for this part of the training

**Materials:** written materials (handouts, activity sheets, case studies, resource materials, etc.)

**Equipment & Stationary** - list of the technical equipment; stationary, etc. to be used during this part of the training

**Trainer** - write here the name of the trainer who delivers presentation/explanations, etc. (in charge for given topic, activity, etc.)

H 1 - Handout number 1

AS 1 - Activity sheet number 1

OHP - Overhead Projector

**NOTE:** instead of using slides and OHP to illustrate your presentations you may wish to prepare a PowerPoint presentation (remember that you need to ensure special equipment for that!)

# APPENDIX 2

## SAMPLE EVALUATION FORM

Please circle **ONE** answer (1 = lowest mark; 5 = highest mark)

1. Have the **aims** of the seminar been achieved?  
1.....2.....3.....4.....5
2. How would you rate **the contents** of the seminar?  
1.....2.....3.....4.....5
3. How would you rate the general **level of the seminar**?  
1.....2.....3.....4.....5
4. How supportive and useful were the **written materials**?
  - a/ Activity sheets  
1.....2.....3.....4.....5
  - b/ Handouts  
1.....2.....3.....4.....5
1. How would you evaluate teaching **METHODS** used during the seminar?  
1.....2.....3.....4.....5
2. How useful were the **presentations** given by the trainer(s)  
1.....2.....3.....4.....5
3. Please indicate the level of **TEACHING**:  
1.....2.....3.....4.....5
4. Please indicate the **relevance** of this seminar to your trade union work:  
1.....2.....3.....4.....5
5. **Weak points** of the seminar:  
.....  
.....  
.....
6. **Strong points** of the seminar:  
.....  
.....  
.....
7. **Organisation** of the seminar (accommodation, meals, room, etc.):  
1.....2.....3.....4.....5
8. Please feel free to write any **other comments** concerning the seminar:  
.....  
.....  
.....

THANK YOU!





