

# Current Issues In Collective Bargaining

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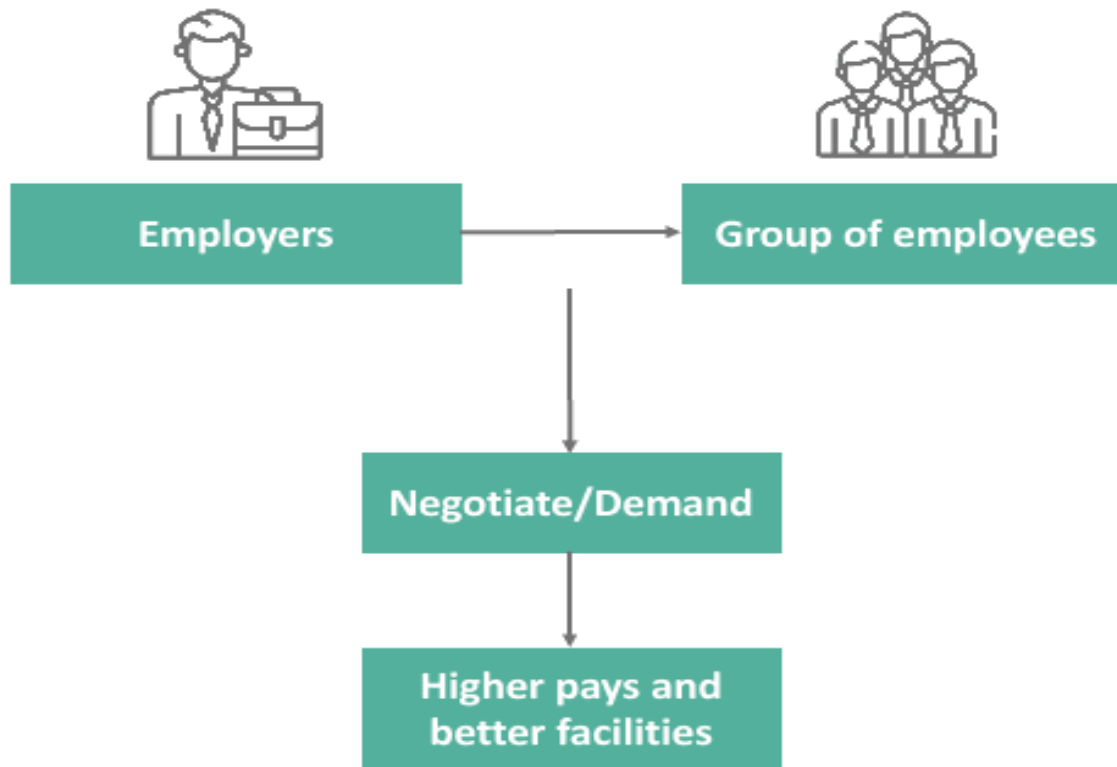
- Collective bargaining is a fundamental right. It is rooted in the [ILO Constitution](#) and reaffirmed as such in the [1998 ILO Declaration on Fundamental Principles and Rights at Work](#).
- Collective bargaining is a key means through which employers and their organizations and trade unions can establish fair wages and working conditions. It also provides the basis for sound labour relations.
- Typical issues on the bargaining agenda include wages, working time, training, occupational health and safety and equal treatment. The objective of these negotiations is to arrive at a collective agreement that regulates terms and conditions of employment.
- Collective agreements may also address the rights and responsibilities of the parties thus ensuring harmonious and productive industries and workplaces. Enhancing the inclusiveness of collective bargaining and collective agreements is a key means for reducing inequality and extending labour protection.

- **ILO Convention No. 154 defines collective bargaining as referring to:**
- “all negotiations which take place between an employer, a group of employers or one or more employers' organisations, on the one hand, and one or more workers' organisations, on the other, 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.” (Article 2)

- **Relevant ILO instruments on collective bargaining and labour relations**
- C87 The Freedom of Association and Protection of the Right to Organise Convention, 1948
- C98 Right to Organise and Collective Bargaining Convention, 1949
- R94 Co-operation at the Level of the Undertaking Recommendation, 1952
- C151 Labour Relations (Public Service) Convention, 1978
- R159 Labour Relations (Public Service) Recommendation, 1978
- C154 The Collective Bargaining Convention, 1981
- R163 Collective Bargaining Recommendation, 1981
- R91 Collective Agreements Recommendation, 1951
- R92 The Voluntary Conciliation and Arbitration Recommendation, 1951
- R198 The Employment Relationship Recommendation, 2006
- Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy of 1977
- 1998 Declaration on the Fundamental Principles and Rights at Work

- **Can collective bargaining create a fairer economy?**
- Collective bargaining allows employers, employers' organizations and trade unions to address work-related issues together and negotiate a collective agreement.
- A collective agreement typically covers issues such as wages, working time and other working conditions, and outlines the rights and responsibilities of the workers and employers involved.

# What Is Collective Bargaining?



- Current issues in collective bargaining in 2024 are shaped by several key factors:
- **Sectoral Bargaining:** There's increasing interest in sectoral bargaining, where negotiations are conducted at the industry level rather than just within individual companies. This approach is seen as a way to standardize working conditions across entire sectors, especially in health, gig economy industries like ride-hailing and food delivery.
- However, there's significant debate about whether this model might inadvertently lower labor standards in sectors where workers are already vulnerable([New Labor Forum](#)).

- **Minimum Wage and Salary Thresholds:** Changes in wage laws are a major concern. These changes are causing unions and employers to reconsider how they classify and compensate workers, particularly in roles that now fall under these new regulations.
- Minimum wage and salary thresholds are critical issues in collective bargaining, especially in 2024, where significant legislative changes are reshaping how workers are compensated.
- Wage bargaining involves negotiating basic rates of pay and pay increases for different groups of workers. Although legal minimum wages may be set via collective bargaining, wage bargaining more usually concerns the pay rates that apply above any statutory minimum wage.
- Wage bargaining also covers the wage payment system, wage structure and wage composition. The wage payment system is the way that the payment to which a worker is entitled is calculated.
- Bargaining in this area involves basic issues of principle like whether pay is related to time worked or whether there is some kind of payment by results or piece-rate system; whether pay is related to performance or productivity; and whether it is related to years of service or seniority or to skills and qualifications. A typical subject of discussion and agreement in this area might be the move away from piece-rate to an exclusively time-related payment system.



- **Minimum Wage Increases**
- **State-Level Changes:** Various states have implemented significant increases in the minimum wage. For example, Lagos State has raised its minimum wage, requiring employers to adjust wages across the board.
- These increases impact collective bargaining as unions push to ensure that wages not only meet but exceed these new legal minimums to account for cost-of-living increases and to avoid wage compression (where the difference between lower and higher-wage workers shrinks).
- **Living Wage Demands:** Unions are increasingly advocating for living wages rather than just minimum wages. The idea is to ensure that all workers earn enough to cover basic living expenses, which often means negotiating for wages well above the state or federal minimums.

- **Wage Compression Concerns:** As minimum wage increases, there can be a compression effect, where the pay gap between lower and higher-skilled workers narrows. Unions often negotiate to ensure that higher-skilled or more experienced workers continue to receive pay that reflects their skills and tenure, despite increases in the minimum wage.
- The evolving landscape of minimum wage and salary thresholds is a significant factor in collective bargaining in 2024.
- Unions are focusing on ensuring that workers benefit fully from these legislative changes, while also addressing the broader implications for wage structures and employee classification. These negotiations are critical in setting the standards for fair compensation in various industries.

- **Bargaining about working time**
- Employment contracts specify not only particular kinds of work, but also when and for how long that work is to be carried out.
- Bargaining on working time includes the overall length of the working day or week, as well as topics like rest periods, shift patterns, paid vacation time, overtime rates, and extra pay for working at night and at weekends or on public holidays.
- Agreements must respect the limits on hours, mandatory rest breaks and other regulations about working time that in most countries are established in the law.
- Negotiations about working time can also cover less traditional subjects, for example flexible working arrangements like annualized hours schemes or work sharing.

- **Bargaining on other terms and conditions of employment**
- It is difficult to provide an exhaustive list of terms and conditions of employment beyond wages and working time.
- Common topics of bargaining include – but are certainly not limited to – job definitions and job classification, entitlement to sick and parental leave, entitlement to training, conditions for promotion, transfer and dismissal, provision of personal protective equipment, access to grievance procedures, the provision of company housing and the provision of health care.

- **Bargaining beyond terms and conditions**
- In many cases, bargaining also includes subjects that go beyond the terms and conditions of employment of individual workers as these are conventionally understood.
- It is important to understand that with the exception of any agreement to undertake illegal activities or to regulate issues already falling within the competence of an established regulatory body, there is no inherent limit to the topics collective bargaining can cover.
- What matters is that both employers and workers agree that a particular issue should be subject to joint decision.

A wide variety of elements can be included as bargaining material. Here are some examples of these elements:

- **Examples of Bargaining Topics**
- Pay rate and structure
- Health benefits
- Incentive programs
- Job classification
- Performance assessment procedure
- Vacation time and sick leave
- Health plans
- Layoff procedures
- Weight of seniority in personnel decisions
- Training process
- Severance pay
- Tools provided to employees
- occupational safety and health. E.g. PLWHAS

- **Health and Safety Concerns:** The aftermath of the pandemic continues to influence bargaining priorities, particularly around health and safety standards. Unions are increasingly focused on ensuring that workplaces are safe, especially as new health threats emerge or old ones resurface.
- Health and safety concerns at the workplace are crucial for maintaining a safe and productive environment. Common issues include:
  - **Physical Hazards:** These include slip and fall risks, ergonomic problems, exposure to harmful substances, and machinery accidents.
  - **Chemical Hazards:** Exposure to toxic chemicals or fumes can lead to serious health issues. Proper handling, storage, and personal protective equipment (PPE) are essential.

- **Biological Hazards:** This includes exposure to viruses, bacteria, or other pathogens. Ensuring good hygiene practices and proper vaccination can help mitigate these risks.
- **Psychosocial Hazards:** Stress, harassment, and poor work-life balance can impact mental health. Implementing support systems and fostering a positive work culture are important.
- **Emergency Preparedness:** Having clear procedures and training for emergencies like fires, earthquakes, or chemical spills is critical for safety.
- **Compliance:** Adhering to occupational health and safety regulations and standards is essential to prevent accidents and health issues.



- **Technological Change and Automation:** As automation and artificial intelligence become more prevalent in various industries, unions are negotiating to protect jobs and ensure that workers are not unfairly displaced. There's also a push for retraining programs to help workers adapt to new technologies.
- Technological change and automation can significantly impact workplace health and safety. Here are some considerations:
- **Job Safety:** Automation and new technologies can change job roles and tasks, potentially introducing new risks. Ensuring that employees are trained to use new technologies safely is crucial.
- **Ergonomics:** Advances in technology can improve ergonomics by reducing the physical strain on workers, but new equipment may also introduce new ergonomic risks. Evaluating and adapting the work environment is important.

- **Cybersecurity:** As technology advances, so do cyber threats. Ensuring the security of digital systems and data is essential to protect both the organization and its employees.
- **Mental Health:** Rapid technological changes can lead to stress and job insecurity. Providing support and resources for mental health can help mitigate these effects.

- In cooperation with the ILO, the National Organization of Trade Unions in Uganda has drafted a standard form of collective bargaining agreement that has a special focus on the prevention of HIV transmission and the needs of workers living with HIV and AIDS.

As well as examples of 'best practice' clauses in all the traditional areas of collective bargaining, the agreement suggests language for

- • the development of a joint employer-union HIV/AIDS workplace committee
- • the outlawing of discrimination on the grounds of HIV status, including an employer commitment never to require workers to undergo testing
- • the provision of HIV awareness sessions for workers and the encouragement of HIV testing and counselling
- • the development of joint union-employer support services for workers living with or affected by HIV/AIDS
- • the inclusion of HIV/AIDS health services in employer-provided healthcare

- In December 2023, the Federal Government of Nigeria has launched the National Workplace Policy on HIV/AIDS, designed to instil a culture of inclusivity, compassion, and collective responsibility within the nation's workplaces.
- The minister stated that the HIV/AIDS challenge required a comprehensive and collaborative response and called on all employers, employees, trade unions, and all other stakeholders to embrace and diligently implement the policy.
- **Sexual harassment**
- Section 264: (1) Any person who sexually harasses another commits a felony and is liable on conviction to imprisonment for three (3) years.
- **Disability act**  
(1) A person with disability shall not be discriminated against on the ground of his disability by any person or institution in any manner or circumstance. (a) a body corporate, a fine of N1,000,000; and (b) an individual, a fine of N100,000 or six months imprisonment or both.

## **Organizing Unions and Collective Bargaining**

- When employees of an organization receive their accreditation from the Labour Relations Board and are officially recognized as a union, the process for collective bargaining begins.
- Once this time is up, a new contract is negotiated. In this section, we will discuss the components of the collective bargaining agreement. However, prior to collective bargaining, the employees need to organize a union drive to create interest in forming a union.

- Employees have legal protection to organize. The employer, through Human Resources, ought to be educated in the legalities of union organizing.
- This way the employer is aware of what they legally can do through the organizing campaign.
- They cannot threaten employees or their jobs and benefits; threaten to shut down the business; prevent the employees from campaigning outside of work hours; or speak to the employees about their voting position.
- The figure below summarizes what should not be said to employees if they are considering unionization.

**Threaten with  
discharge or  
punishment**

**Threaten to  
terminate because  
of unionization**

**Threaten layoff, loss  
of job, benefits or  
salary because of  
unionization**

**Threaten to shut  
down business  
because of  
unionization**

**Prevention of  
member solicitation  
during nonworking  
hours**

**Question about union  
matters, such as  
how employee  
will vote in election**

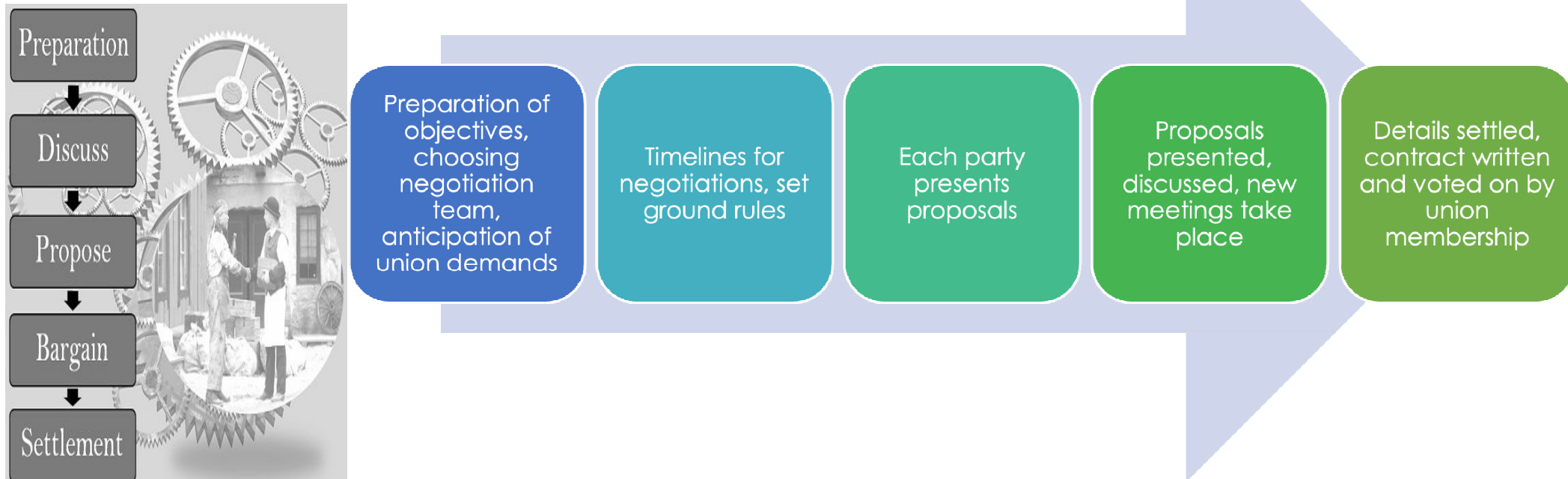
**Despite all of the above, some organizations will go to great lengths to prevent the unionization of their workforce**

- **The Process of Collective Bargaining**

- Negotiations start when each side states its position and presents its demands. As in most negotiations, these opening demands simply stake out starting positions.
- Both parties usually expect some give-and-take and realize that the final agreement will fall somewhere between the two positions. If everything goes smoothly, a tentative agreement can be reached and then voted on by union members.
- If they accept the agreement, the process is complete and a contract is put into place to govern labour-management relations for a stated period.
- If workers reject the agreement, negotiators from both sides must go back to the bargaining table.
- In a collective bargaining process, both parties are legally bound to bargain in good faith. This means they have a mutual obligation to participate actively in the deliberations and indicate a desire to find a basis for agreement.



The collective bargaining process has five main steps as seen in the figure below.



- **Bargaining Impasse and Pressure Tactics**
- When the two parties are unable to reach consensus on the collective bargaining agreement, this is called a **bargaining impasse**. This situation is quite common as the interests and objectives of labour and management are often very different.
- These 'pressure tactics', as they are often referred to, are allowed by the law but they must respect certain parameters. They also need to be used judiciously because they can backfire.
- Labour negotiations are like a chess match, and the repercussion of every move has to be considered. In this section, we describe the various tactical moves available to labour and management.

- **Union Tactics**

- Unions have several options at their disposal to pressure company management into accepting the terms and conditions union members are demanding. The tactics available to the union include **striking, picketing, and boycotting**. During a **strike**, workers walk away from their jobs and refuse to return until the issue at hand has been resolved. Note that due to the impact of a strike, an employer may wish to hire replacement workers and continue partial business operations.
- Though a strike sends a strong message to management, it also has consequences for workers who do not get paid when they are on strike. Unions often ease the financial pressure on strikers by providing cash payments, which are funded from the dues members pay to the unions.

- When you see workers parading with signs outside a factory or an office building (or even a school), they are probably using the tactic known as **picketing**. The purpose of picketing is informative—to tell people that a workforce is on strike or to publicize some management practice that is unacceptable to the union. There is a fair amount of solidarity across workers from different unions, and, by principle, many workers, regardless of their affiliation, will typically not cross picket lines.
- The final tactic available to unions is **boycotting**, in which union workers refuse to buy a company's products and try to get other people to follow suit. The tactic is often used by the Canadian Labour Congress, who often endorses national boycotts.

- **Management Tactics**

- During difficult labour negotiations, management does not typically sit by passively, especially if the company has a position to defend or a message to get out. One tactic available to management is the **lockout** which essentially means closing the workplace to workers.
- Another management tactic is replacing striking workers with **replacement workers** — non-union workers who are willing to cross picket lines to replace strikers. As is the case for a strike, replacement workers are allowed in some jurisdictions but not in others.

- **Worker Power and Strike Activity:** There has been a resurgence in strike activity and worker organizing, reflecting growing dissatisfaction with wage stagnation and working conditions. This has put additional pressure on collective bargaining processes to address these issues comprehensively([Power at Work](#)).
- These factors are contributing to a dynamic and challenging environment for collective bargaining in 2024. Both unions and employers are navigating these changes, with an emphasis on balancing immediate worker needs with long-term industry trends.

- Worker power and strike activity play significant roles in shaping workplace conditions and labor relations. Here are some key aspects to consider:
- **Collective Bargaining:** Strikes often occur when workers and management can't reach an agreement through collective bargaining. Strong union representation can enhance workers' negotiating power.
- **Impact on Safety:** Strikes can affect workplace safety if they disrupt essential services or operations. Ensuring safety protocols are maintained during strike action is important for both striking and non-striking workers.
- **Legal and Ethical Considerations:** Laws regarding strikes vary by country and industry. Understanding legal rights and obligations is crucial for both employers and employees. Ethical considerations also come into play, particularly regarding the impact on vulnerable workers and the public.

- **Public Perception:** Strikes can influence public opinion and impact the reputation of both the workers' cause and the employer. Effective communication and clear messaging can help manage public perception.
- **Negotiation Outcomes:** Strikes can lead to significant changes in workplace policies, wages, and working conditions. Both sides should be prepared to negotiate in good faith to reach a resolution that addresses the underlying issues.
- **Economic Impact:** Strikes can have financial implications for both employees and employers. Evaluating the economic impact and planning for potential disruptions can help mitigate adverse effects.
- Understanding the dynamics of worker power and strike activity helps in managing labor relations effectively and ensuring a fair and safe working environment.



## Solidarity Forever Song by Utah Phillips

- When the union's inspiration through the workers' blood shall run  
There can be no power greater anywhere  
beneath the sun  
Yet what force on earth is weaker than the feeble strength of one  
But the union makes us strong
  - Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong
  - Is there aught we hold in common with the greedy parasite?  
Who would lash us into serfdom and would crush us with his might?  
Is there anything left to us but to organize and fight?  
For the union makes us strong
  - Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong
  - It is we who plowed the prairies, built the cities where they trade  
Dug the mines and built the workshops, endless miles of railroad laid  
We stand outcast and starving, midst the wonders we have made  
But the union makes us strong
  - Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong
- All the world that's owned by idle drones is ours and ours alone  
We have laid the wide foundations, built it skyward stone by stone  
It is ours, not to slave in, but to master and to own  
While the union makes us strong  
Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong  
They have taken untold millions that they never toiled to earn  
But without our brain and muscle, not a single wheel can turn  
We can break their haughty power, gain our freedom when we learn  
That the union makes us strong  
Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong  
In our hands is placed a power greater than their hoarded gold  
Greater than the might of armies, magnified a thousand-fold  
We can bring to birth a new world, from the ashes of the old  
For the union makes us strong  
Solidarity forever  
Solidarity forever  
Solidarity forever  
For the union makes us strong



- Other relevant materials are available on <https://www.positivepsychology.org.ng/>

