

MANAGING CROSSCUTTING LABOR RELATIONS ISSUES: WHAT, WHO, AND WHY?

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Introduction

Providing the tools needed for effective decision-making in rapidly changing environments is a continuing challenge for labor relations practitioners and requires navigating through managerial decision-making, collective bargaining, and labor-management partnerships. Here we attempt to address the role that labor relations practitioners can and should play in bringing about change and to identify approaches that have proven successful in their dealings with multiple constituencies and multiple union-management relationships.

Type of Relationship – No “One Size Fits All”

Approaches to collective bargaining vary greatly among agencies and, in the case of larger agencies, within those agencies. Certainly, the mission of the agency influences the nature of the bargaining relationships. Agencies with relatively homogeneous missions often have large consolidated bargaining units with recognition at the agency headquarters level. In contrast, organizations with more heterogeneous mission requirements are often faced with bargaining units organized along functional lines with recognition at various organizational levels. A particular field location may have multiple bargaining units representing various specialized segments of the activity. For example, the Department of Defense (DoD) has approximately 1700 bargaining units with recognitions at many different organizational levels. Negotiating personnel policies or programs for DoD with such a large number of bargaining units requires an approach different from what might be appropriate for a single bargaining unit with representation at the agency level. Similarly, in the Department of Transportation, where there are multiple bargaining units with national recognition and a broader than usual scope of bargaining (e.g., the parties negotiate pay in some instances), an approach that is responsive to that unique collective bargaining relationship may be required.

The influences of organizational structure, mission, culture, and union-management relationships are complicated by contracting out, privatization, reorganizations, downsizing, etc. These complicating factors are typically imposed by external forces, accompanied by short time-lines, and seldom consider either relationship issues or the time and effort required to engage unions in pre-decisional discussions. Typically, much stress is placed on management and/or the union, with managers addressing operational realities and unions addressing employee security.

Labor Relations Competencies

While there is a clear need for in-depth knowledge of, and skill in applying, the technical requirements of the Federal Service Labor-Management Relations Statute, an agency labor relations program must be managed by practitioners who also possess a wide range of non-traditional labor relations skills. Depending on the organizational structure, the level or levels of exclusive recognition, and the culture of the organization, the placement and concentration of these skills or competencies may vary. For example, in very small organizations it may be necessary for the labor relations practitioner to have a wide array of competencies while in larger organizations it may be possible and, indeed, more practical to specialize, that is, to spread the competency requirements among several practitioners. In this regard, some complex organizations are beginning to look closely at labor relations “tracks” where labor relations practitioners specialize in such fields as collective bargaining, contract administration, dispute resolution, and so forth.

One illustration of multiple competency requirements is where labor relations practitioners must serve as facilitators, capable of bringing together a management team to reach consensus on how best to deal with union issues and then bringing management and union representatives together in a meaningful and productive manner. Should facilitation fail to resolve outstanding issues and bargaining stall, another labor relations specialist may be called upon to develop and argue the agency’s case before a third-party; e.g., internal ADR, arbitration, the Federal Service Impasses Panel, or the Federal Labor Relations Authority.

An organization’s labor relations competency requirements fall along a broad spectrum, depending on the extent of traditional or non-traditional collective bargaining practices that are in place. It is imperative that organizations have access to the full range of labor relations competencies they need to achieve their objectives. For example, organizations undergoing change must have the labor relations competencies needed to bring about that change while ensuring that collaborative union-management relationships do not become adversarial. Further, skills that were effective in a collaborative environment may not be appropriate in a more adversarial or litigious relationship.

Timing

The correct competency must be utilized at the correct time. If a union-management relationship has taken an adversarial turn on a particular issue, facilitation and interest-based competencies may no longer be appropriate.

Furthermore, if facilitation, consensus building, interest-based bargaining, and the like are to be applied, timing is critical. If the utilization of these competencies is delayed, the relationship may deteriorate and result in lost opportunities. In fact, the optimal situation is for line-managers to join with labor relations practitioner very early in the process and identify the particular issue at hand. The labor relations practitioner can, when involved from the outset, work with management in a way that will be most effective in dealing with employees and their unions. This may even result in the labor relations practitioner influencing the process to the point that resolution to the problem is arrived at in partnership with the union. However, there may also be situations where it may be more advantageous to utilize traditional methods where management unilaterally identifies the problem and then submits a proposed solution to the union. But the main point to remember is that labor relations practitioners cannot effectively and timely influence problem-solving processes unless they're involved at the very earliest stages. Labor relations specialists must be an integral part of the management team if they are to be proactive and innovative rather than reactive and defensive.

Access

Direct access to key managers and executives is critical for effective labor relations. The scope of labor relations issues is much broader than those within the jurisdiction of traditional human resources functions. For example, changing the work environment by moving employees to new office spaces or installing new furniture or introducing new technology are conditions of employment of significant interest to most unions. In a heavily layered structure, the labor relations practitioner may not have ready access to the facility planners due to organizational barriers and protocols. Thus, there is little opportunity to leverage the advantage that comes from a close, strategic alliances between line-managers and labor relations practitioners. Some organizations, especially in the private sector, have established labor relations as a function parallel with – but not subordinate to – the human resources function, thereby reducing the organizational layering that may limit access to top management.

Strategic Plans

Long-term or strategic planning is a given in most organizations, yet such planning rarely addresses labor relations issues or concerns. Labor relations practitioners should be asked to develop a strategic labor relations plan that is integrated into the organization's overall strategic plan and which is consistent with and supportive of articulated organizations policies and goals.

Communication

The working relationship between line-managers and labor relations practitioners, strategic planning, union-management dealings, organizational change and the like require effective and efficient communications throughout the organization, vertically and horizontally. Only with open and honest communications will all stakeholders, including those associated with the labor relations function, get involved with those organizational issues that affect them.

Program Efficacy

Model labor-management relations programs are noted not for the numbers of grievances or unfair labor practice complaints that are processed but, rather, by the kind of union-management relationship that result in substantive improvement to agency operations. In this regard, we should remember that the Congress has deemed collective bargaining to be in the public interest *because* it contributes to the efficient accomplishment of government operations. The benchmark that should be used in assessing the efficacy of an organization's labor relations program, therefore, is whether the program truly contributes to the accomplishment of the organization's mission and public policy objectives.

Conclusion

An effective labor relations program is contingent upon a number of factors. Among these are the types of union-management relationships that may exist in the organization, the competencies that labor relations practitioners have to carry out a very wide range of responsibilities, and the access that labor relations practitioners have to the top decision-makers in the organization. Executive management should approach labor-management relations with the goal of thoroughly integrating it into the day-to-day business activities of the organization and meshing both the labor relations and the agency's overall strategic plans. These and other considerations will go a long way towards ensuring that labor relations contributes to mission accomplishment.

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