

Unions

Contracts and Bargaining

Since many people have little experience with contracts, it might be helpful to outline what goes into them. Legally, we must note that every contract is the product of negotiation, so that it is possible that a contract could look completely different than the one outlined below.

That said, a few generalizations: most contracts are about 25-30 pages long, and, while boring to read, are not so difficult to understand. They usually last between 3 and 5 years.

The following list is typical but only a partial list of common articles in labor contracts:

- **"Just Cause"** - A "due process" provision that requires the employer to actually have proof that a worker has done something wrong before disciplinary action like suspension, or termination. Without this protection, the law allows employers to fire works anytime they want, without a reason or a hearing or any chance to defend themselves.
- **"Non-Discrimination"** - A rule that your employer cannot discriminate against you for all the typical civil rights reasons as well as for your activity in the union, or political activity or for whistle blowing. With these protections in your contract, you can file a grievance and get the union's help to stop discrimination right away without having to hire an attorney and wait for the courts
- **Seniority** - the seniority system is spelled out, and is used to determine in what order employees would be laid off in the event of a business down-turn, or in what order employees are entitled to promotions, work opportunities or may be called upon to work holidays or overtime, etc. This takes away the employer's power to play favorites.

- **Wages** - This is a mandatory subject of bargaining under the law. Now, you and your co-workers can have a voice in setting fair wages which will then be locked in and cannot be arbitrarily reduced or changed by management for the duration of the contract. Such articles will usually define the base rate of pay and spell out any differentials for experience, special skills, merit, etc.
- **Medical/Health Insurance** - union health plans are among the best in the nation. Most unions will work to insure that the employee has to pay only a small and reasonable share of the monthly premium.
- **Pension fund** - the contract states that the employer will contribute so much per month to a pension fund. This amount usually increased as the employee gains more seniority.
- **Grievance procedure** - one of the cornerstones of unionism. This system provides a way for all conflicts between management and employees to be peacefully resolved. If an employee feels he or she has been wronged and cannot resolve it with management, a union representative will meet with a management rep. and try to resolve the issue. If that fails, another attempt is made with the management representative's superior. If that fails, an outside arbitrator is called in, whose word is binding.
- **Hours & Overtime defined** - usually 40 hours at 8 hours a day. If more than 8 hours in one day or 40 hours in one week are worked, overtime must be paid.
- **Work breaks defined** - usually two 15 minute breaks per 8 hours worked.
- **Union Stewards** - union stewards are simply employees who are elected to represent the union on the job site. They make sure the contract is not violated; help employees that have problems with management, etc.
- **Union Security** - A provision that states that all employees must either belong to the union or pay their fair share for union representation. Exceptions to this are granted for religious reasons and in "right to work" states. (States, mostly in the South, where union shops are illegal.)
- **No strike/no lockout** - during the duration of the contract, the union may not strike and management may not lock employees out of the workplace.

- **Management rights** - a provision that states that anything not covered explicitly in the contract remains the sole domain of management.

These types of articles or clauses are standard in union contracts. What follows, however, varied from contract to contract. This is the section where employees would have to prioritize what they would like to go after in a contract as it is unlikely that, in a first contract, all of this stuff would make it in.

- **PAC contributions** - this is NOT compulsory, but employees who wish can give money to a union political action committee. By the way, this is where unions get their money for political activities, as union dues may not be used for such activities.
- **Raises** - Contracts will lay out the raise system for the life of the contract.
- **Shift differential** - unpopular/inconvenient shifts can be awarded a slightly higher wage - either a flat rate (so much per hour) or a percentage of the employee's normal wage per hour. (Often 10%)
- **Sunday premium pay** - compensates employees at a greater rate for working Sunday. Usually a flat rate.
- **Birthday as a holiday** - Happy Birthday! Take the day off!
- **Quality of Work Life Committee** - representatives for management and the employees meet in a committee monthly to work together to determine the best path for the store or plant to take.

There are many other things that can and do go into contracts: they are tailored for each industry, shop, factory, etc., but this should give you some idea of what contracts cover.

Once more, remember that a union cannot guarantee anything will be in a contract until after it's been negotiated. But, if you read a few contracts, you do begin to see the many things that unions usually do secure for employees.

Who negotiates the contract?

The company and the union put teams together. The company's team is usually comprised of lawyers, local management and upper management officials. The union team usually consists of bargaining unit (see below) employees, lawyers, and union negotiators.

What kind of say do I get in the contract?

Before contract talks, the union will usually survey the members to get a list of those things you'd like to see in a contract. The union uses this to base the negotiation on. Furthermore, you could be on the negotiating team, but at the very least you get to vote on the contract. If a majority doesn't approve of the contract, the negotiating team has to go back to the bargaining table.

How long do contracts last?

Like everything else, that's negotiable too; typically from 3 to 5 years.

What's this "bargaining unit" thing I've heard about?

The bargaining unit defines which employees are eligible to vote for and be in the union. Excluded by federal law are managers and security guards.