**INTRODUCTION:**

Collective bargaining is a process in which the employer’s representatives meet the employee’s representative for making an attempt to negotiate the conditions and contract governing employer-employee union relationship. It is called **‘collective’** as both parties act as a group rather than as individuals. It is known as **‘bargaining’** as it is the process of reaching an agreement through negotiation.

**DEFINITION:**

1. Collective bargaining refers to a process by which employers on one hand and representative of the employees on the other hand, attempt to arrive on agreements covering the conditions under which employees will contribute and be compensated for their services.

–**Jucious**

1. A method by which management and labour may explore each other’s problems and viewpoints, and develop a framework of employment relations within which both may carry on their daily associations in a spirit of cooperative goodwill and for their mutual benefit.

**–The National Association of Manufactures (USA)**

1. It is a process of discussion and negotiation between two parties, one of both of whom is a group of persons acting in concert. The resulting bargain is an understanding as to the terms and conditions under which a procedure by which employers and a group of employees agree upon the conditions of work.

**­–Encyclopedia of Social sciences**

1. Collective bargaining has been defined as the technique that has been adopted by unions and management for compromising their conflicting interests.
2. Collective bargaining is a procedure by which the terms and conditions of worker are regulated by agreements between their bargaining agents and employers.
3. Collective bargaining has been defined as negotiations about working conditions and terms of employment between an employer, a group of employers or one or more employers organizations on one hand and one or more representative organizations of workmen on the other hand with a view to reach agreement.
4. Collective bargaining is a mode of fixing the terms of employment by means of bargaining between an organized body of employees or an employer or an association of employees, usually acting through duly authorized agents.

**TYPES OF ACTIVITIES IN COLLECTIVE BARGAINING:**

According to Fosson JA, there are 4 types of collective bargaining. These are:

1. **Distributive bargaining:**

In this type of collective bargaining, one party is at gain whereas other party is at loss. The common economic issues discussed under this are wages, salary and other economical issues.

1. **Integrative bargaining:**

In this type, the bargaining is so that both parties are at gain, in planning and implementing a better training program or better evaluation techniques in job.

1. **Productivity bargaining:**

When there are too many conflicts between both the parties, the restructuring of attitude is required to maintain smooth organizational relations. Here the attitudes of the persons working in the organization are worked upon like trust and distrust, hostility.

1. **Composite bargaining:**

In this type the workers and the management try to build up consensual relationship among their own groups. There may be conflicts among the employee union or within the management, so market manager works with the employees and finance manager may oppose increase in wages or may urge the union to stop strike which helps to protect the interest of the consumers.

**OBJECTIVES:**

1. To maintain cordial relationship between the employer and the employees.
2. To protect the rights and interests of workers through collective action and keeping in mind that all the workers are treated on equality basis and it should be emphasized that unilateral decision on the part of the employee doesn’t occurs.
3. To ensure participation of trade unions in industry.
4. To promote industrial democracy and harmony.
5. Collective bargaining is a voluntary process so to avoid the need of governmental intervention in industrial matters.
6. To maintain employee-employer relation bilaterally.
7. To bargain from a position of strength without exploiting the weakness.
8. To have a peaceful co-existence for the mutual benefits and progress.
9. To arrive at an agreement on wages and other conditions of employment.
10. To protect the interests of employees through collective action.

**PRINCIPLES:**

1. The management must develop and consistently follow a realistic labour policy which should be accepted and carried out by its own representatives.
2. The management must grant recognition to the association without any reservations and accept it as a constructive force in the organization.
3. The management should not ensure the employee, goodwill will always exist. It should periodically examine the rules and regulations to determine the attitudes and degree of comfort of its employees and gain their goodwill and cooperation.
4. The management should extend fair treatment to the trade union in order to make it a responsible and conservative body.
5. The management should not wait for the trade union to bring employee grievances to its notice but should rather create the conditions in which employees can approach the management themselves without involving the trade union.
6. The management should deal only with core trade union or association in the organization.
7. While weighing economic consequences of collective bargaining the management should place greater emphasis on social considerations.
8. There should be freedom of associations and independence of unions.
9. There must be mutual trust and respect and also willingness on the part of the parties concerned to settle all matters by collective bargaining or negotiations.

**PRE-REQUISITES OF COLLECTIVE BARGAINING:**

Collective bargaining must have certain pre-requisites:

1. There should be existence of progressive management.
2. There should be absence of external pressures either on the employer or on the employee.
3. There should be proper delegation of authority to the persons heading the negotiation.
4. There should be a fact finding approach by the management as well as the union.
5. There should be existence of true representation of the negotiators.
6. There should be a firm and strong trade union.

**CHARACTERISTICS:**

1. **Collective:**

Collective bargaining is a two way group process where the employers representative and employees representatives sit together to negotiate terms of employment.

1. **Strength:**

Both the parties in collective bargaining is strong and equal.

1. **Voluntary:**

Both parties come to the negotiation table voluntarily in order to go in particular negotiation. It is based on discussions, mutual trust and understanding.

1. **Formal:**

It is a formal process in which certain employment-related issues are to be regulated at national, organizational and workplace levels.

1. **Flexible:**

It is flexible and continuous process and not fixed or static.

1. **Improvement:**

It is method to improve the employer-employees relation in the organization and resolve management and employees conflicts.

1. **Representation:**

Collective bargaining is between the representatives of employees and management. The management does not directly deal with employees. It carries negotiations with the representatives/executives of unions/associations.

1. **Dynamic:**

Collective bargaining is dynamic, that go on changing over a period and grows and expand the way of discussion.

1. **Continuous:**

Collective bargaining is continuous and begins with agreement, the implementation of agreement and further negotiations.

1. **Bipartite process:**

Because the employee and employers representatives negotiate directly face to face across the table.

**PROCESS:**

The process of collective bargain involves negotiation and discussion between the management and union. It is a complex process involving a number of procedures, techniques and tools. This process comprise of 7 main steps:

1. Preparatory phase
2. Discussion phase
3. Proposal phase
4. Bargaining phase
5. Settlement phase
6. Formalizing agreement
7. Enforcing agreement

**Preparatory phase:**

In this phase following activities are carried out:

1. Selection of negotiation team: It consists of representatives of both the parties. They should have adequate knowledge and skills for negotiation. They must know when to listen, when to speak, when to stand their ground, when to concede and when to make counterproposal. Timing is important.
2. Identification of problem.
3. Examination of situation and issues for negotiation.
4. Collection of data: Enough supporting data is kept ready. Initially time is spent to gather relevant data related to issues.

**Discussion phase:**

The following activities are carried out during discussion phase:

1. Decide an appropriate time and set a proper climate for negotiation.
2. Decision on ground rules.
3. Maintenance of mutual trust and understanding.
4. Involve in active listening, asking questions, observation and summarizing decisions.

**Proposal phase:**

During this phase, there is:

1. Initial opening of statements.
2. Possible alternatives/options to resolve the issues by both parties.
3. Brainstorming

**Bargaining phase:**

During bargaining phase, both parties involves in the following activities:

1. Problem-solving
2. Proposals are set forth

**Settlement phase:**

After the bargaining phase, settlement phase starts with:

1. Consensus agreement on common decision
2. Negotiated change

**Formalizing agreement:**

1. Drafting of agreements: After good faith bargaining, a formal document must prepare. It should be simple, clear and concise.
2. Signing the agreement: Both parties sign the agreement and abide by its terms and conditions.

**Enforcing agreement:**

To have the agreement effective and meaning, it should be enforced or implemented immediately.

**LEVELS OF COLLECTIVE BARGAINING:**

Collective bargaining operates at 3 levels. These are:

1. **National level:**

It provides a ground level bargaining on the terms of employment often taken into consideration major economic goals of the country. These negotiations are between the union federations, central employer associations and government agencies.

1. **Sectoral bargaining:**

It takes into account the standardization of terms of employment in one organization. It finds similarity within each sector across countries and similarity within each country across sectors.

1. **Company level:**

It includes negotiations at the organizational level. It emphasizes on the point that bargaining levels need not to be mutually exclusive.

**ADVANTAGES:**

1. It results in congenial relationships between employer and employees as they understand each other’s point of view in terms of expectations of employees and economic and technical problem in organization.
2. It is a democratic approach to resolve the organizational issues without the need of governmental interventions.
3. It helps in providing flexible adjustment of wages and conditions of employment.
4. It helps in better implementation of decision due to the direct involvement of both the parties.
5. It allows smooth functioning of organization.
6. It helps in retention of employees in the industry.
7. It helps in managing conflicts.
8. It discourages strike like problems in the company.
9. It redresses the imbalance of power by removing grievances in an organized way of negotiations.
10. It facilitates better planning.

**DISADVANTAGES:**

1. There are chances for development of adversary relationships between administration and staff associates.
2. Sometimes not possible if the negotiations do not occur properly since unions can interfere with the management of the organization.
3. If there is no dispute settled, then it is difficult to promote professionalism.
4. Needs good knowledge and training in the collective bargaining.
5. The decision is often influenced by power and politics.
6. The collective bargaining process may not be fair at all times.
7. The possible strikes may affect those grievance benefits being reached to the workers may not be prevented.

**FACTORS FOR THE SUCCESS OF COLLECTIVE BARGAINING:**

Lester and Sister outline factors which determine the success of collective bargaining. They have been grouped into:

1. Economic environment factors
2. Psychological factors and structure of power relation
3. Nature and characters of the product market
4. Nature of the labor market
5. Capital requirement and cost conditions
6. State of business conditions
7. Types of industrial relationship:

* Employers’ attitude
* Workers’ attitude
* Government policy

**IMPORTANCE OF COLLECTIVE BARGAINING IN NURSING:**

Collective bargaining agreements are designed to address the unique circumstances of each facility that falls within the scope of nursing. It should provide the following:

1. Safe nursing staffing.
2. Safe patient handling.
3. Adverse event prevention.
4. Maintenance of a safe environment for patient care.
5. A process that is time and cost-effective for all patients while protecting patients and nurses.

**ROLE OF TNAI IN BARGAINING AND POLICIES FOR STRIKE:**

According to Trained Nurses Association of India, the association cannot be legally appointed as a negotiating body at a local, state or national level. It is also well documented that the nurses formed the service association in various states and in many places they also joined paramedical workers and even forth class employees unions, where they lose their professional standing. Keeping in mind the dignity and standard of the nursing profession the association framed following regulations:

1. To approach Union/State Governments and other employing agencies to form Grievances Committees solve all local problems, personal or professional, wherever possible.
2. To have a State level committee with a TNAI representative to act as arbitrator in cases referred to by the local Grievances Committee.
3. To encourage and assist State Government Nurses Service Associations in recognizing negotiating bodies by the employers.
4. The association would extend cooperation and create opportunities for joint activities and action under terms and conditions, where the State Government Nurses organizations already exist.
5. TNAI and its members will not support any strike controlled or voted by any union, or organization which includes employees other than nurses.
6. The TNAI members may support a strike action where the welfare of the members of the profession as a whole, or the improvement of nursing services to the community and the State Government Nurses Association and State Branch, TNAI agrees under the following conditions:
7. The grievances if exist, be thoroughly investigated by the Government Nurses Association and send a report to the local or State TNAI Executive.
8. The State Branch Executive, TNAI, should be satisfied with the report.
9. The association will legally approach the authority for correcting situation.
10. If no action is taken by the authorities despite all efforts, the members of the Government Nurses Association will be asked to vote for strike.
11. A strike notice should be given at least 2 months before the date of strike. During this period, the efforts should be made to pursue the authorities and the public should be informed through the media about the grievances of the nurses; the efforts already made; assuring the public to provide nursing care for all seriously ill patients and emergency cases during the strike; and asking for support from the press and public.
12. Action plans to be used including rendering emergency nursing care during the strike should be made jointly by the Government Nurses Associations and TNAI.
13. Inform all members about the action plan and to act as professional during the strike.

**RESEARCH STUDY:**

**A study on collective bargaining and its dependence on trade union recognition. The study was conducted by G. Gopalkrishnan and G. Brindha in 2017 in Tamil Nadu, Chennai.**

**ABSTRACT:**

Trade union plays significant role in shaping the worker’s life in India. But in developed countries like India, unions are losing its membership in recent decades. This downward trend is prevalent in certain group of workers like female workers, young workers and those who are working in private sector particularly in a smaller organisation. Worker being weaker segment they can get their rights only through collective representation i.e. collective bargaining. Collective bargaining is the backbone for harmonious industrial relations. Right to collective bargaining is available only to recognized trade union. Recognition of trade union means accepting or conferring right to negotiate on behalf of workers. In Bharat petroleum corporation cases, the court of India held that there is no provision regarding recognition, the right cannot be enforced by writ petition, to be conferred by the management. In views of the above to bestow workers fundamental right and ensure industrial peace, there should be a legislation of recognition of trade union.

**CONCLUSION:**

Bargaining may be competitive but collective bargaining generally has more positive outcomes. A major goal of effective bargaining is to make the other party feel satisfied with the outcome. The focus in bargaining should be to create a win-win situation.

An effective manager always seeks to do what is just when making decisions that deal with unions. He or she maintains required staffing and ensures a safe working environment. The right of the organization and employee are protected as the manager uses personal policies in a non-conditions leading to conflict has more time and energy to focus on meeting productive organizational and human resource needs.

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