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15.676 Work, Employment, and Industrial Relations Theory
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Five Negotiation Puzzles/Dilemmas/Scenarios

Each team (location) will be assigned one of the following cameos to analyze – addressing several questions:

- *How are the four sub-processes in the Behavioral Theory (integrative bargaining, distributive bargaining, intraorganizational bargaining, and attitudinal structuring) at play in your assigned scenario?*
- *Are there dimensions of the scenario that cannot be fully explained with these four sub-processes?*
- *What recommendations might you make to the parties, using theory to inform practice?*

I. The sticker saga

Midway through the 2005 negotiations between Kaiser Permanente and the coalition of unions, the chief negotiator for the coalition mentioned (in passing) that the unions would be passing out stickers to be worn by all members expressing solidarity and making a pitch for a good contract. Management did not like the idea, in effect, saying: “We are in a partnership and using a cooperative approach to negotiations – so what you are doing is not in the spirit of our new relationship”. This “bump in the road” took considerable time to resolve. What’s at stake here?

II. Collecting data on comparables

In a recent negotiation between a school committee and the teachers union, the parties using interest based bargaining concepts and tools, agreed on a set of schools from which data on salaries for teachers would be collected by a joint team. When the data was assembled it showed that this school system was behind its peers – in some cases by as much as 7-10%. When the superintendent indicated that this gap could not be closed in the foreseeable future, the union president resigned and turned his role over to the vice president. How to explain this disconnect?

III. Communicating with members during negotiations

In a recent negotiation between Harvard U and its clerical and technical workers union, the two co chairs of a sub committee that had been working on benefits were discussing with the lead negotiators their disagreement about the game plan for keeping the membership informed about the deliberations of the sub committee. One co chair only wanted the most general type of report to go forth, mentioning the subjects under consideration but nothing more. The other co chair felt that in the spirit of transparency the membership had a need (perhaps a right) to know all of the options that were on the table. How should we think about this important question?

IV. The final phase of negotiations

During the final days of the recent negotiations between KP and the Coalition the parties experienced a very tense encounter. The parties had worked together very cooperatively on a range of new programs that had been recommended by sub committees e.g. a program to deal with excessive absenteeism. So when the union put on the table its economic proposal that represented a 40 % increase in costs, management to say the least was shocked. In fact, some members of the management team were ready to walk out. How to reconcile the dynamics of the final phase of bargaining with the base line of the partnership between the parties?

V. Off the record talks between the chief negotiators

At a recent presentation by two chief negotiators to a group of union and management negotiators they mentioned that they have found it helpful to meet off the record to talk about what is coming up the next day. They do not fashion any “deals”. On hearing this a union leader in the audience stood up and said: “I never meet privately with management. If they have anything to say, they can say it to my whole committee”. Is there a solution to this standoff of perspectives?