

Industrial

MOTIONS ON NOTICE NTEU NATIONAL COUNCIL MEETING 2022

***NOTE: This is an updated version of the motion previously titled “Big Bargaining”
The changes have been made by the mover of the original motion. This is the third
revision of the motion, the changes of which are substantial.***

Open Bargaining

“How unions negotiate is a strategic choice. Negotiations between employers and unionized workers are mostly shrouded in secrecy. Seldom do union members experience the actual process of collective negotiations over issues that are crucial, urgent, and relevant to their own lives.” Jane McAlevey

Background:

Two types of bargaining styles have been gaining traction in recent years in the US made popular by labour union strategist Jane McAlevey. Open bargaining and big bargaining focus on using transparent processes at the bargaining table to connect negotiations to on-the-ground-organising. Unions representing teachers and nurses and now unions representing higher education workers in the US have implemented these types of transparent bargaining processes to:

- empower workers by engaging them at the bargaining table
- bring a show of power against university management to the bargaining table
- build participatory democratic and transparent practices within bargaining

Open Bargaining is characterised by negotiation sessions that are open for all workers covered by the contract to attend. Open bargaining may additionally include union members from other bargaining units or members of the community.

Big Bargaining -as the name implies is a form of collective bargaining which emphasises having large numbers of workers present at negotiations sessions, in particular through the use of large bargaining committees.

Open bargaining is not necessarily “big bargaining” because members may not automatically attend bargaining in large numbers. As this concept of bargaining is radically new to the NTEU it is the suggestion on this motion to move first to open bargaining.

Motion:

National Council commits to supporting branches to:

Implementing ‘open bargaining’ where Branches choose to pursue this approach in Round 8 or in future rounds of bargaining. As we move from a service union to an organising union open bargaining practices are in line with our NTEU Growth Strategy and can lead to building towards a big bargaining format in future rounds.

National Council will:

- Form a working group to establish best practices and resources for open bargaining in an NTEU context
- Update the bargaining kit for future bargaining rounds to reflect open bargaining practices as potential approaches to bargaining

- Work with the University of Melbourne Branch, and other Branches which have used Open Bargaining approaches, to compile reports on Open Bargaining case studies to consider:
 - Growth
 - Outcomes
 - Resources
 - What worked well
 - What did not work well
 - What we might do better next time
- Suggest branches consider the possibility of adopting any of the four open bargaining practices in bargaining at their branch:¹

1. Open Bargaining (Testimony)²

In addition to the bargaining team, bargaining with a large group of members (e.g. 10-20 or more members) present to provide testimony at a bargaining meeting with management. This type of negotiations - testimony with a large group was used by the UniMelb Casuals Network in 2019 when up to 30 people were brought into discussions with management relating to building a case that yes wage theft was widespread.

2. Open Bargaining (Silent observers bearing witness)

In addition to the bargaining team, bargaining with a large group of members (e.g. 10-20 or more members) present to bear witness to a bargaining meeting with management as silent observers. A technique used in some of the wage theft joint working group sessions and redundancy meetings with management at the University of Melbourne. Not everyone had a speaking role at the meeting but many members built up courage to take up leadership roles or to speak out to management at future meetings.

3. Open Caucusing (open to workplace union reps and branch committee members)

An established practice for NTEU bargaining teams is to caucus before and after a bargaining meeting with management. This practice of open caucusing would open up caucuses to workplace union representatives and branch committee members to attend and observe the caucus or assist the bargaining team.

4. Open Caucusing (opened to all members)

NTEU bargaining teams often meet to caucus before a bargaining meeting with management. This practice of open caucusing would open these meetings to workplace union representatives and branch committee members and members to attend and observe the caucus or assist the bargaining team.

<https://laborcenter.berkeley.edu/unions-worker-organizations/turning-the-tables-participation-and-power-in-negotiations/>

<https://www.youtube.com/watch?v=mzbieRIsTrg&t=4891s>

MOVED: (Annette Herrera – UMelb Branch)

SECONDED: (Ben Nunquam – Fed Uni Branch)

¹ Please note these are not exhaustive examples and there are other examples of open bargaining such as establishing member led clause committees or working groups related to developing or reviewing particular clauses.

² Open bargaining using a small group (less than 5) of experts with lived experience or discipline knowledge) is a format used often by the NTEU for specific issues although the practice is ad hoc.