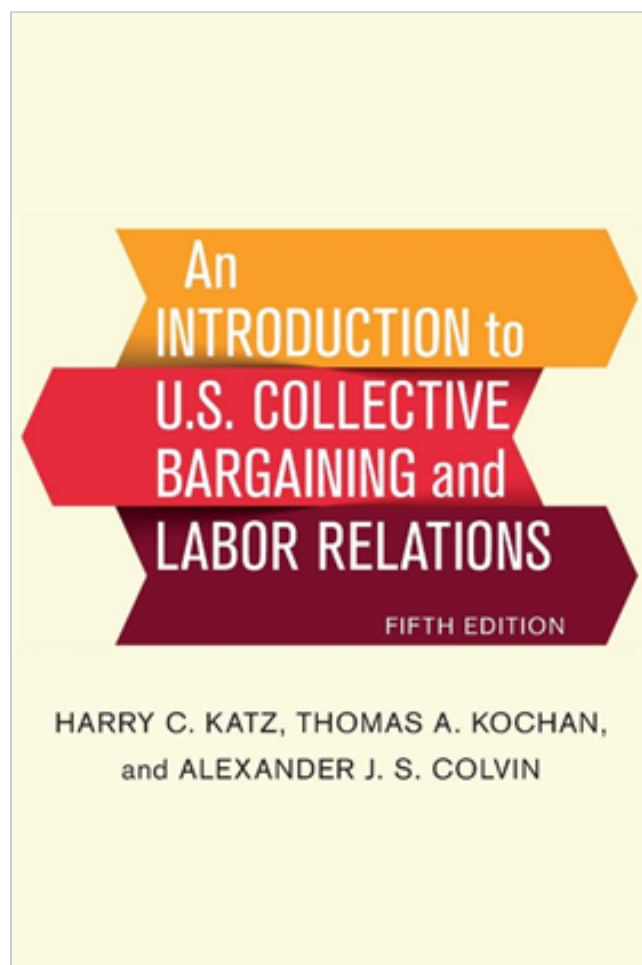


Compromise at work: processes, policies, and outcomes that shape U.S. labor relations

An Introduction to U.S. Collective Bargaining and Labor Relations, 5th ed. By Harry C. Katz, Thomas A. Kochan, and Alexander J. S. Colvin. Ithaca, NY: Cornell University Press, 2017, 478 pp., \$89.95 paperback.

Collective bargaining and union rights, and their impact on workplace governance, are issues of public concern that have faced increased scrutiny in recent years. In 2013, the fight to unionize Walmart employees, which ended with workers remaining nonunionized, brought greater attention to the relative importance of unions. In 2014, the United Auto Workers tried and failed to get workers at a Volkswagen plant in Chattanooga, TN, to join its union. Just this year, the U.S. Supreme Court struck a blow against public sector unions with its decision in *Janus v. AFSCME*, likely affecting union membership and revenue collection for years to come. Despite public awareness of such events, many people have no more than a superficial understanding of collective bargaining and labor relations. A recent textbook has come along that will undoubtedly educate readers on these issues.

In *An Introduction to U.S. Collective Bargaining and Labor Relations* (5th edition), authors Harry C. Katz, Thomas A. Kochan, and Alexander J. S. Colvin offer a three-tiered approach to the study of labor relations, first considering the external forces that shape collective bargaining and then examining how the bargaining system works and the outcomes that flow from the system. The book is primarily focused on the following three tiers: the *strategic level* (the strategies and structures for unions and management), the *functional level* (the bargaining structure, the negotiations process, and outcomes), and the *workplace level* (the day-



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to-day relations of the actors operating under the labor contract). Through this prism, the authors provide a sound and informative guide to U.S. labor relations.

Part 1 lays out the authors' three-tiered framework and discusses the historical evolution of both U.S. labor relations and U.S. labor law. The historical discussion recounts organizing efforts from as far back as the early 1800s and includes reviews of some of the most contentious labor disputes in American history—including the Haymarket affair, the Homestead strike, the Pullman strike, and the wave of strikes that dominated the post-World War II era. The discussion also traces the legal evolution of U.S. labor law and policy dating back to the Philadelphia Cordwainers' case of 1806 (generally recognized as the first American labor case), through the National Labor Relations Act of 1935 and the Fair Labor Standards Act of 1938, to the Civil Rights Acts of 1964 and 1991, and, finally, to the state laws passed in the wake of the modern-day Fight for 15 campaign.

Part 2 is dedicated to the first of the authors' three tiers, the strategic level. It discusses organizing strategies and structures for the two most prominent actors at the collective bargaining table—employer management and unions. With respect to management, the authors identify three patterns describing the strategies used by employers when negotiating with unions: conflict, New Deal, and participatory. The conflict pattern is the most combative of the three and is the one most likely to produce work stoppages. The participatory pattern is the most flexible and is characterized by systems designed to facilitate smooth dispute resolution. The New Deal pattern seeks to balance the conflict and participatory approaches—while adversarial in nature, it includes formal structures designed to increase the prospect for bargaining success. The authors identify size, decisionmaking centralization, and labor relations specialization as the most important structural attributes of the management team.

With regard to unions, the authors focus on how external structural factors (e.g., economic, social, and legal) have played a role in the decline of union membership in the United States, and the strategies unions employ in response to this change. Union membership as a percentage of the U.S. population is charted from 11.6 percent in 1930, to a peak of 35.5 percent in 1945, to a trough of 10.7 percent in 2016. The bulk of the decline is attributed to the private sector manufacturing industry, which once had union membership rates of above 42 percent but today has a rate of less than 9 percent. The authors also point to changes in the business cycle, the general decline of the manufacturing industry, and the rise of *right-to-work* laws as explanations for the decline in unionism. They suggest that labor unions have become increasingly political. Initially, the authors note, labor unions tended “to avoid identifying with any overarching political ideology and instead focus[ed] on improving members' conditions of employment through collective bargaining.” But later, unions were strong supporters of social welfare programs (e.g., Social Security, Medicare, Aid to Families with Dependent Children) and federal legislation addressing employment conditions (e.g., the Occupational Safety and Health Act, the Civil Rights Act, the Family and Medical Leave Act). Today, labor unions work in concert with grassroots organizations, such as the Fight for 15 campaign, to push for wage increases, but the authors suggest that there is debate within the modern labor movement over whether to continue in this role.

Part 3 focuses on the second of the three tiers, the functional level. This includes organizing (the process by which a union is formed), bargaining structures (the arrangements employers and employees use to determine the terms and conditions of the collective bargaining agreement), the negotiations process, and dispute resolution procedures. The authors outline the process for organizing a union and holding elections—getting at least 30 percent of workers to sign union authorization cards, soliciting certification from the National Labor Relations Board (NLRB), having the NLRB conduct elections, and getting the union certified (if it wins the election). The motives

that potentially drive workers to form a union are discussed, and so are the tactics employed by management to persuade workers not to unionize.

The bulk of part 3 is devoted to the negotiations process, likely because negotiations and the work stoppages that may occur when negotiations break down are the most visible parts of the collective bargaining system. The authors identify three stages of traditional negotiations: (1) the early stages, where both sides make their opening offers, (2) the middle stages, where priorities are identified and compromises are made, and (3) the final stages, where bottom lines are presented and a strike is either initiated or averted. The discussion also notes that building relationships of trust throughout the negotiating process is critical in generating positive outcomes.

Part 4 describes the last of the three tiers—the workplace level. This part is limited to labor relations and dispute resolution in the workplace. Effective workplace labor relations are described as integral to organizational performance and the realization of individual employee goals. However, determining the proper balance between involvement in organizational decisionmaking and worker representation can be difficult, especially in companies that develop participatory processes integrating unions in the workplace.

The majority of part 4 is devoted to dispute resolution, in particular the grievance and arbitration processes. The authors identify four steps in a typical grievance procedure and tout the importance of grievance and arbitration procedures in serving the interests of individual employees (due process and fairness), employers (labor peace), and society in general (industrial peace and workplace democracy). These procedures are contrasted with nonunion grievance procedures, such as “open-door” policies and peer-review panels that offer less in the way of due process and are often eschewed by workers, possibly because of fear of reprisal.

Part 5 discusses special topics that do not fit neatly into the authors’ three tiers. These topics include public sector bargaining, the impact of global actors (multinational companies, international unions, and nongovernmental organizations), labor relations in other countries, and the future of labor relations in the United States.

What struck me most about this work is that it steers clear of the case-method approach common in many legal textbooks. Instead, the authors offer a more explanatory review of the topics discussed, using case studies throughout to illustrate concepts of particular interest. The result is a work that is highly substantive, yet accessible to a wide audience. This book works equally well as a reference tool for those familiar with labor relations and an introduction for the uninitiated.