



Program on  
Negotiation  
at Harvard Law School

A University Consortium • Harvard University • MIT • Tufts University

The Program on Negotiation at Harvard Law School,  
The Institute on Work and Employment Relations at MIT, and  
The School of Labor and Employment Relations, University of Illinois announce

# Negotiating Labor Agreements

New Strategies for Achieving Better Collective Bargaining Outcomes

**In difficult times, your skill as a negotiator can be the difference  
between success and failure for you and your organization.**

**An Intensive, Two-Day, Interactive Conference  
for Union and Management Leadership**

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**In Cambridge, Massachusetts:**

April 2-3, 2009

July 16-17, 2009

**In Chicago, Illinois:**

October 1-2, 2009



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into the possibilities of more meaningful and jointly  
rewarding negotiations."*

## It's Hard To Try New Approaches When Tough Issues Are on the Table

**“For me this has been a thought-provoking journey into the possibilities of more meaningful and jointly rewarding negotiations.”**

John Shields,  
Business Manager,  
Sheet Metal Workers’  
Local #100

**“Come prepared to work, come prepared to succeed, come prepared to see a new world of cooperative collective bargaining.”**

Gary Thelander,  
County of Monterey

**“Excellent training in advance of contract negotiations to focus on the preparation stage.”**

Amatullah Alaji-Sabrie,  
Chief Negotiator,  
Coalition of University  
Employees

Collective bargaining used to be simple. Everybody understood the process. You drafted a list of demands. You downplayed the demands of the other side. You asked for more than you really wanted, traded concessions for concessions, depended on informal back-channel conversations, waited for the other side to blink, went right down to the deadline . . . and hoped you could walk away with a deal.

Now, far-reaching changes involving new work systems, mergers and acquisitions, downsizing, decentralization, new technologies, global competition and institutional instability have altered the way labor contracts are negotiated in workplaces across North America. It is hard to try new approaches to negotiation when tough issues are on the table.

As a senior leader with union or management responsibility for the labor contract, how do you address complex issues in today’s bargaining environment without becoming embroiled in escalating adversarial battles?

These are among the questions we will address in **Negotiating Labor Agreements**, an intensive, two-day, interactive conference designed to help both management and union leaders like you to:

1. Develop and improve bargaining processes that will meet your unique needs, whether or not you are in partnership with the other side; and
2. Acquire the skills to make these new approaches work.

Led by a senior faculty of labor experts who pioneered many of the mutual gains principles of interest-based bargaining being used in collective bargaining today, this program features skill-building exercises and practical simulations that will improve your ability to:

- Prepare effectively for negotiations
- Negotiate agreements on ground rules and bargaining schedules
- Develop and deliver pre-bargaining briefings for the union membership and management governing bodies
- Shape opening statements that set a constructive tone for difficult negotiations
- Establish and effectively utilize joint task forces
- Negotiate agreements on highly contentious issues

## We'll Explore Proven Strategies for Building Better Relationships and Getting Better Outcomes

In this intensive, two-day, training program, you'll learn more effective collective bargaining strategies for negotiating when it's not just business as usual. We focus on negotiations where:

- Fundamental changes in wages, hours and working conditions are on the agenda
  - Unions and employees have deep concerns about security and institutional stability
  - Technology change is being proposed that would replace existing technologies or introduce new technologies and new materials
  - You're bargaining in the context of such organizational systems changes as continuous quality improvement teams, knowledge-driven work systems and other systems change initiatives
- You're trying to make a new bargaining process work, but:
    - your constituents are skeptical about anything that deviates from tradition
    - a lack of trust exists between the two sides – yet you need to jointly collect data for the negotiation
    - both sides are unable to disagree constructively – yet neither wants to completely sink the bargaining process
    - you don't know how to build a robust cooperative relationship that can address tough issues
    - you want to develop new strategies for “bargaining over how to bargain” and aligning the collective bargaining process with the demands of the new economy

### Who Should Attend

Management and union leaders who are involved in or responsible for collective bargaining. The program features a new road map of the collective bargaining process and advanced information on new developments in collective bargaining which should be valuable for even the most experienced negotiators. It will be especially beneficial to attend with others on your negotiating team, as well as your counterparts from the union or management team (see page 8 for special joint training pricing).

**“ . . . taught me to see negotiating in an entirely different light.”**

Claretha Kennedy,  
Director, Employee/  
Labor Relations,  
Blue Cross Blue  
Shield of Michigan

**“A wonderful, eye-opening voyage to the other side of the negotiating table.”**

Shon Foreman,  
President,  
AFGE/C33,  
Local 0922

**“Without a doubt, this program could be the catalyst that changes labor negotiation for the benefit of all parties.”**

Brad H. Lovik,  
Senior Manager, Quality,  
The Boeing Company

## The Program

**“Interest Based Bargaining is the most effective way to agreements for all concerned.”**

Terry Hara,  
Deputy Chief,  
Los Angeles Police  
Command Officers  
Association

**“A great way for both sides to walk away feeling victorious from negotiations!”**

Linda Hansen,  
Chief Negotiator,  
Napa Valley Education  
Association

**“An excellent foundation for people/teams interested in changing the work relationship and, hopefully, the workplace culture.”**

Lynn Adler,  
Training Director,  
Illinois Education  
Association

In the past, preparing for collective bargaining followed a set routine. Today, preparing for bargaining is anything but routine. The issues are complex and the cost of failure is too high.

At the Program on Negotiation at Harvard Law School, we have developed leadership training designed to help you construct the best collective bargaining process for your organization.

This program focuses on five major phases in the bargaining process – and on building the core skills required in each phase. Based on the mutual gains approach developed at the Program on Negotiation, this process has been used in numerous industries including construction, automotive, steel, trucking, education, healthcare, aerospace, utilities,

communications and the arts, as well as in local, state and federal governments.

Both management and union leaders are encouraged to participate and to bring their counterparts.

This is a unique opportunity for joint training in a neutral, non-threatening environment. It is based on real-world examples and realistic simulations that raise the same issues you are likely to face in your own contract negotiations, including:

- How to structure the bargaining process to accommodate joint problem solving, brainstorming, and joint fact finding
- Analytical concepts essential to achieving a good outcome

### About The Program on Negotiation at Harvard Law School

For 25 years, the Program on Negotiation at Harvard Law School has been one of the world's outstanding negotiation training institutions, and through the innovative research of its faculty has helped to evolve the field itself. It was founded as a collaborative effort among faculty at Harvard, MIT, Tufts and other Boston-area universities to design, implement and evaluate improved dispute resolution practices. A dynamic, interdisciplinary research center, PON serves a unique role in the world negotiation community by developing new thinking on negotiation theory, creating new material for negotiation education, and nurturing a new generation of negotiation teachers and scholars. Each year, business and government leaders, corporate trainers and corporate counsel are among the 2,500 people who participate in PON's negotiation training courses.

### **I. Labor-Management Relationships in a Global Economy: Interest-Based Bargaining (IBB) and Strategic Negotiations**

The essential principles and concepts any bargainer needs to know about strategic negotiations and interest-based bargaining. Plus, challenges you'll experience applying the principles to collective bargaining. Important data on national trends in collective bargaining.

### **II. Five Core Phases – A New Road-Map for Collective Bargaining**

#### *Phase I: Preparation and Framing*

A new way to prepare for collective bargaining that involves distinguishing interests from positions. Learn how to assess your interests as well as the interests of the other side.

Avoid the traps of positional bargaining. Convert positional demands from constituents into interest-based mandates. Educate constituents on economic and workforce realities.

#### *Phase II: Bargaining Over How to Bargain*

Reach pre-agreement on the bargaining process, relevant ground rules, joint tasks forces or sub-committees and other key logistics. Bargaining over how to bargain increases your ability to achieve mutual gains outcomes.

#### *Phase III: Opening and Exploring*

Develop effective opening statements. Generate many options on key issues. Integrate brainstorming and problem-solving into the bargaining process. Address contentious issues without escalating battles.

#### *Phase IV: Focusing and Agreeing*

Find linkages, establish ranges, apply standards, explore “what ifs” and “supposals” – all to focus multiple options toward robust agreements. Draft contract language that will stand the test of time.

**“Terrific opportunity to gain new perspectives on collective bargaining across many industries.”**

Alan Andrus,  
Manager, Labor Relations,  
Parsons Corporation

**“A great learning experience.”**

John Edwards,  
Vice President,  
Merck Independent  
Union

**“The focus is on finding solutions to shared issues/concerns by putting aside presupposed positions.”**

Meredith Sandles,  
Labour Relations Officer,  
University of Toronto

## Day Two

**“This program forces you to put your guard down and realize it’s safe to do so.”**

Matthew Maldonado,  
SEIU-ULTCW

**“ . . . delivers eye-opening strategies and tools to apply in your organizations.”**

Ranjit Johal,  
Human Resources  
Manager,  
Campbell Soup Company

**“Worthwhile – strongly encourage BOTH labor and management negotiating teams to participate.”**

Steven Allred,  
Executive Director,  
National Electrical  
Contractors Association

### *Phase V: Implementation and Administration*

Ensure effective joint implementation through shared visions, strategic planning and negotiated change. Align systems for dispute resolution and joint action.

### **III. In-Depth Simulation**

Apply the five phases road-map in a challenging simulation where you first negotiate internally – bargaining teams with constituents – and then across the table between union and management. Address challenging issues such as health care, joint partnership, training and other matters. Focus on roles at the table, in caucuses, during brainstorming, and other dynamics.

### **IV. Living Under the Agreement – Strategic Partnerships**

Bringing agreements to life and making them work over time. Examine the challenges of negotiating and sustaining one of the field’s benchmark partnership agreements. Appreciate what is and is not possible in labor relations today.

### **V. Next Steps: Designing and Implementing New Approaches to Collective Bargaining**

Consider strategic choices in all phases of the bargaining process. Explore implications across a wide range of different sectors, including the most current available data on the extent of IBB practice in the U.S.



#### **Take the Program on Negotiation home with you after the course is over.**

*Negotiation* is an award-winning monthly newsletter published by the Program on Negotiation at Harvard Law School. This newsletter provides expert advice and practical tips that help you continue to develop your negotiation skills – from showing you how to avoid common pitfalls to helping you get results that meet your interests. We think you will find that it makes an invaluable supplement to the program you choose to attend through the innovative ideas, strategies and case examples it offers. For more information about *Negotiation* newsletter, go to [www.pon.harvard.edu](http://www.pon.harvard.edu).

## Program Faculty

The faculty for each program are drawn from a group of internationally recognized experts on negotiation and collective bargaining. They include:

**Joel Cutcher-Gershenfeld**, Program Co-Chair, Dean of the Institute of Labor and Industrial Relations at the University of Illinois and Co-Director of PON's Program on Negotiation in the Workplace. Editor of the new annotated edition of Douglas McGregor's classic text, *The Human Side of Enterprise*, McGraw-Hill (2006), and co-author (with Walton and McKersie), *Strategic Negotiations: A Theory of Change in Labor-Management Relations* (Boston: Harvard Business School Press, 1994); and *Pathways to Change: Case Studies in Strategic Negotiations*, W.E. Upjohn Press (1995).

**Robert B. McKersie**, Program Co-Chair. Professor Emeritus of Management Behavioral Policy Science, MIT Sloan School of Management and former Dean of Cornell University's School of Industrial and Labor Relations. Recent books include (with Walton and Cutcher-Gershenfeld) *Strategic Negotiations* (Boston: Harvard Business School Press, 1994) and (with Walton) the reissued *A Behavioral Theory of Labor Negotiations* (Ithaca: ILR Press, 1991). Past president, Industrial Relations Research Association.

**Thomas A. Kochan**, George M. Bunker Professor of Management, MIT Sloan School of Management, past president, Industrial Relations Research Association, and International Industrial Relations Association; former member, the Presidential Commission on the Future of Worker/Management Relations. Co-author (with Locke and Piore), *Employment Relations in a Changing World Economy* (Cambridge, MA: MIT Press, 1995).

**Nancy E. Peace**, Labor mediator and arbitrator. Past-president of the Association for Conflict Resolution and member, National Academy of Arbitrators and the Industrial Relations Research Association. Former Mediator/Arbitrator, Massachusetts Board of Conciliation and Arbitration.

**Lawrence E. Susskind**, Ford Professor of Urban and Environmental Studies, MIT and Co-Director, MIT-Harvard Public Disputes Program. Author (with Field), *Dealing With An Angry Public: The Mutual Gains Approach* (New York: The Free Press, 1996) and (with Erdman) *Reinventing Congress for the 21st Century* (New York: Frontier Press, 1995).

**Phyllis N. Segal**, mediator and arbitrator, ADR Associates. Former Chair, Federal Labor Relations Authority and Director, Employment Dispute Resolution Services, Endispute.

**“Utilizes real-world experience to educate attendees about the strategies and pitfalls of labor negotiations.”**

Selina Hoflund,  
Manager, Human  
Resources &  
Community Relations,  
Frontier Oil Corporation

**“Exhilarating session.”**

Rowena Edwards,  
Manager, Employee  
Relations & Development,  
Belize Telemedia Limited

**“Presenters were extremely knowledgeable and made this a very smooth and enjoyable experience.”**

Marc Armbrrecht,  
Skilled Trades Bargaining,  
Ford/ACH-LLC

## Registration

The registration fee for **Negotiating Labor Agreements** includes continental breakfasts, luncheons, coffee, reception, and complete program materials. It does not include hotel accommodations.

**To Register: Log on** to our website at [www.pon.harvard.edu](http://www.pon.harvard.edu); **or return this form** to Ms. Monica Dane, Center for Management Research, 134 Rumford Avenue, Newton, MA 02466; **or Call** Ms. Dane at (781) 239-1111; **or FAX this form** to (781) 239-1546. Confirmation will be made via mail and email. *You may also contact us with questions at [pon@execseminars.com](mailto:pon@execseminars.com).*

**Accommodations:** We have reserved a block of rooms at a hotel convenient to the program site. Information on how you may arrange for accommodations will be sent to you approximately eight weeks prior to the program.

**Certificates:** Certificates of Participation will be awarded for completing the program.

**Attendance Limitations & Liability:** Attendance at all programs will be reserved on a first-come, first-served basis. If a session is canceled, liability is limited to the registration fee.

I wish to attend the following session of **Negotiating Labor Agreements**:  
in Cambridge, MA on:     April 2-3, 2009         July 16-17, 2009  
in Chicago, IL on:         October 1-2, 2009

Mr/Ms/Dr \_\_\_\_\_  
(Please type or print clearly)

First name: on badge \_\_\_\_\_ on certificate \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State/Country \_\_\_\_\_ Zip/Postal Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

**Team Registration:** Others attending with me include:

Mr/Ms/Dr \_\_\_\_\_ Title \_\_\_\_\_

E-mail \_\_\_\_\_

Mr/Ms/Dr \_\_\_\_\_ Title \_\_\_\_\_

E-mail \_\_\_\_\_

To submit additional registrations, please copy this page. (Please note if address differs.)

**Registration Fee:** \$1950 – 1st participant from any organization; \$1550 – 2nd participant from same organization or union/management counterpart; \$1250 – any additional participants from union or management. When you register, please notify us of your team.

- Check enclosed. Payable in U.S. dollars to CMR/Labor.
- Please bill me. Payment is expected prior to session.
- I cannot attend on the dates listed but would like to be notified of future sessions (and the additional programs I've indicated to the right).

If your company requires a PO, please fax it within 24 hours of your registration.

PON LR r51: INTERNET

**I would also like information about other executive seminars offered by the Program on Negotiation at Harvard Law School:**

**The Program on Negotiation for Senior Executives**

Designed to improve your ability to negotiate deals, persuade investors, avoid needless conflict, improve financial terms and influence the decisions of others. 1½ days.

**Dealing with Difficult People and Difficult Situations**

Achieve better outcomes in the face of uncooperative behavior and maintain working relationships with difficult people. 3 days, with The Program on Negotiation for Senior Executives.

**Negotiating Complex Business Deals**

Reach remarkable agreement at the table through a new three-dimensional approach to negotiating difficult business deals. 2 days.

**Negotiating Difficult Business Conversations**

Provides executives with a repertoire of skills for managing difficult messages, tough topics and interpersonal conflict. 2 days.

**Dealing With an Angry Public**

Helps executives and public officials respond to dissatisfied consumers, potential litigants, and angry constituents. 2 days.

**Teaching Negotiation in the Organization**

New strategies for teaching others to bargain more effectively and make deals that last. For training executives and key staff. Team attendance encouraged. 2½ days.

**How to Say No – and Still Get to Yes**

An innovative approach to defending your interests in important business and personal relationships without losing the deal or the relationship. 2 days.

**The Program on Technology Negotiation**

A groundbreaking approach to managing the complexity and uncertainty of technology-centered negotiations. 2 days.

**Dealing With Emotions in Business Negotiations**

Transform negative emotions into positive outcomes and get the deal you want. 2 days.