

COLLECTIVE BARGAINING



WHAT IS COLLECTIVE BARGAINING?

Collective Bargaining is a process by which employers and employees sit down to discuss the terms and conditions of employment. These discussions lead to a collective bargaining agreement (employment contract) that outlines wages, hours, and working conditions.

A collective bargaining agreement, sometimes referred to as a “union contract,” is a written legal contract between the employer and the and a union representing the employees. The agreement is the result of a collaborative process between the employer and employee regarding topics such as wages, hours, and terms and conditions of employment.

The process creates a structured environment for employers and employees to discuss workplace issues and terms and conditions of employment through collaboration and mutual respect.

COLLECTIVE BARGAINING TALKING POINTS

- **Collective bargaining provides a collaborative approach to workplace problem solving.**

Collective bargaining provides a framework for employee/employer collaboration and cooperation. Through collaboration and mutual respect, employers and employees can develop a collective bargaining agreement that is reflective of the shared value of the community and delivering high-quality services to the citizens.

- **Collective bargaining leads to increased safety for residents and service enhancements.**

Fire fighters are public safety advocates and experts. We are committed to delivering the highest quality fire and emergency medical services to the residents and taxpayers. Collective bargaining gives the public safety experts, your fire fighters, a voice in how these services are delivered to our community. Community safety is our number one priority, and we will continually advocate for the highest quality services for the citizens.

- **Collective bargaining increases workplace efficiencies.** The collective bargaining process promotes workplace efficiency. Through collective bargaining, employees have a structured and organized process to bring innovative and cost-saving ideas to management. By its very nature, collective bargaining promotes transparency. Local government transparency will often lead to increased efficiency and is always good public policy.

- **Collective bargaining recruits, retains, and engages employees.** The healthiest workplaces are those in which employees are valued, respected, and feel that shared values exist across the organization. Through collective bargaining, employees know their voice is heard and they are partners in a collaborative decision-making process. Studies have shown that workplaces with collective bargaining agreements have a lower turnover rate and higher employee engagement. Collective bargaining will help to recruit and retain a diverse and talented workforce because the employees know their voice is valued.

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- **Collective bargaining is a straightforward process of collaboration and negotiation over wages and working conditions.** The U.S. Department of Labor defines collective bargaining as “the mechanism or process for an organized group of workers (‘labor’) and their employer (‘management’) to pursue mutual agreement over workplace issues. The results of these labor-management negotiations are contained in a collective bargaining agreement.”¹ Collective bargaining provides a structure for employers and employees to communicate with each other about their concerns and challenges. Fostering this communication helps labor and management work together in the best interest of the city, department, staff, and the community. Collective bargaining provides a process and voice, not an outcome.
- **There is a long history of providing collective bargaining rights to workers in the United States.** The freedom to assemble is in the first Amendment of the Constitution and part of our Democratic tradition. These rights were further codified over 80 years ago for private sector workers through passage of the National Labor Relations Act (“NLRA”). The NLRA states that it “is declared to be the policy of the United States to... protect[] the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.” 29 U.S.C. § 151.
- **Fire fighter collective bargaining maintains local control.** There is no federal role in fire fighter collective bargaining. The U.S. Department of Labor, National Labor Relations Board or the Federal Labor Relations Authority have no role in the collective bargaining process. From beginning to end, collective bargaining is controlled by local and state officials and the jurisdiction and the body responsible for budgeting always has the final say.
- **When fire fighters have a say in their employment through collective bargaining, employee morale is higher, there is less turnover, and there are fewer worker/management disputes.** A Cornell University study of public sector collective bargaining found that “cooperation results in improvements in both the delivery of public services and the quality of work life.”² A recent study by the Economic Policy Institute noted that expanding collective bargaining rights is “particularly important at a moment when state and local governments face staffing shortages and serious challenges to recruiting and retaining qualified employees.”³
- **The ability of fire fighters to talk about their job with employers protects public safety.** Fire fighters and emergency medical personnel risk their lives every day to protect the public. They deserve the right to discuss workplace issues within the framework that collective bargaining provides. Collective bargaining gives fire fighters the voice to share how their experiences on the ground can help improve public safety through changes in department policies.

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- **Collective bargaining rights improve fire fighter safety and save lives.** Collective bargaining has produced measurable staffing, training, equipment and health and safety improvements throughout the nation's fire departments – resulting in safer fire fighters and improved local emergency response capabilities. A 2021 academic study found that states with expanded collective bargaining rights for firefighters had fewer firefighter fatalities.⁴ A recent report from the US Department of Labor identified unionized workplaces as having “less traumatic injuries and fatalities”, “better health and safety practices”, and “lower COVID-19 infection rates.”⁵ Another study in the American Journal of Public Health identified that “collective bargaining contracts promote public health.”⁶

IAFF HISTORY IN COLLECTIVE BARGAINING

Affording all workers, the right to organize and bargain collectively is fundamentally essential to any union. The passage of the Wagner Act as part of FDR's New Deal allowed private sector workers to enjoy collective bargaining, but public sector workers, including fire fighters, were excluded for political and constitutional reasons.

Starting in the 1950s, efforts spearheaded by the IAFF and its affiliates focused on winning collective bargaining statutes at the state and local levels. In some states, the IAFF's efforts have proved to be successful, beginning with New York's Taylor Law in 1958, which allows bargaining for state's public employees. Fire fighters started winning legislative battles, referendums, and state constitutional assurances for bargaining rights. Some states provide basic rights to organize and collectively bargain through non-binding dispute mechanisms, while other apply full binding arbitration methods.

Through the years, many states and localities still don't provide these rights to fire fighters, and some vehemently oppose it (primarily in the south and some western states). There are 18 states that do not have guarantee bargaining rights to all fire fighters. Although, some of those 18 states do permit bargaining at the local level.

From the time that the IAFF delegates at the 1994 IAFF Convention in Detroit, Michigan passed a resolution making national collective bargaining the IAFF's top legislative priority and it was reaffirmed at the 2016 IAFF Convention. It is a mandate that remains in force to this day. The legislative efforts to obtain national collective bargaining have endured a long-tortured history since 1994, but a national collective bargaining bill remains the top priority of the IAFF.

¹US DEPT OF LABOR, UNIONS 101, (2022), <https://www.dol.gov/general/workcenter/unions-101>.

² Brock, Jonathan; Lipsky, David B, Public Sector Collective Bargaining and the Imperative for Service Delivery: An Overview, (2003), Available at: <https://ecommons.cornell.edu/handle/1813/75991>.

³ <https://www.epi.org/publication/public-sector-pay-gap-co-va/>.

⁴ Wells, Dominic, Do collective bargaining rights save lives? A rare event analysis of firefighter fatalities in the United States, RHCPP, Vol.13, No. 2, at 100-117 (2022). ("Using state-level data from 2009 through 2018, this analysis shows that states with duty-to-bargain rights for firefighters have fewer firefighter fatalities than those without duty-to-bargain rights."). Available at: <https://doi.org/10.1002/rhc3.12224>.

⁵ US DEPT OF LABOR, How Unions and Unionized Workplaces Advance the Mission of the Department of Labor, (2022), <https://www.dol.gov/sites/dolgov/files/general/labortaskforce/docs/WORK-fs-DOL-Unions-v6.pdf>

⁶ Hagedorn, J, The Role of Labor Unions in Creating Working Conditions That Promote Public Health, Am J Public Health, 2016 June; 106(6): 989-995. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4880255/>.