

## ACT – CIVIL SOCIETY ORGANISATION (CSO)

### ORGANISATIONAL DEVELOPMENT (OD) INFORMATION SHEET

#### COLLECTIVE BARGAINING SKILLS

##### Introduction

Civil Society (CS) Networks provide opportunities for their CSO partners to share experiences and jointly deliberate on strategies for action. However, a CS Network is complex, and can often be difficult to manage as it involves the governing of their membership - each member is an independent CSO, with their own diverse goals and objectives. A CS Network is the CSOs that make up its membership. Amongst the membership, there could be a feeling of marginalisation, mistrust and financial challenge. For this reason, CS Networks can benefit from 'collective bargaining skills' to be used as an instrument to build consensus, to balance interests and to build cooperation across the Network's membership. The purpose of this ACT OD Guide is to share the skills of collective bargaining, negotiation and conflict management, and to demonstrate how this can be of benefit to the CS Network and to their members.

The focus of the OD Information Sheet will be on:

- 1 Concept and overview of collective bargaining
- 2 Networking
- 3 What CS Networks need to note when engaging in collective bargaining
- 4 Understanding conflict resolution
- 5 Negotiating for gender and social inclusion

ACT is sensitive to gender and social inclusion (G&SI) and supports its partners to effectively mainstream G&SI in the design and delivery of their interventions.

##### WHAT is collective bargaining?

###### Concept and overview

Historically collective bargaining is a labour term which refers to the process of negotiation between employees and management, or union groups and government. However, it is valid for all organisations, including CSOs and CS Networks. The objective is usually to come to an agreement on employment conditions and terms of service.

For the purpose of this OD Information Sheet, the CS Networks being focused on are umbrella bodies for CSOs, either based on thematic or non-thematic areas. For a CS Network to develop

a collective pathway with its members it requires the buy-in of every member CSO. Collective bargaining becomes instrumental to collaborative planning and to achieve shared results.

**Parties to collective bargaining** – parties in this case refers to the individual CSOs, the CS Network leadership and, on occasion, other state actors (when the purpose is to advocate for sustainable social change).

**Benefits of collective bargaining:** the overall objective of collective bargaining is to come to a collective agreement, irrespective of the parties and the levels of power involved. For the CS Networks, this should result in:

- Stronger CS Networks, who can advocate for a sustainable change
- Inclusion of every member CSO in the decision making
- Equitable resource management
- Transparency and accountability on the part of CS Network leadership
- Collective agreement
- Building trust among CS Network members

**Approaches to collective bargaining:**

- Distributive bargaining: is a process where one party gains against another, ie: ‘win-lose’
- Integrative bargaining: the idea is for all parties to benefit from the current situation, ie: ‘win-win’.

## WHAT is Networking?

**Firstly, what is a CS Network?** ‘Network’ as a verb means “to relate”, and as a noun means “a group of people or systems who are interconnected.” A CS Network could be thematic/sector focused eg: Civil Society Action Coalition on Education for All (CSACEFA), or non-thematic and possibly geographic, like Rivers Network of NGOs (RINNGOs). It is important for CSOs to belong to a CS Network to speak with one voice and to significantly increase impact as policy negotiators and advocating agencies. Often CSOs belong to a number of different Networks, based on the sector of their work and/or the location of their work. Often CSOs ‘coalesce’ or become a CS Coalition, which is usually formed for a particular advocacy purpose.

CSO Networking is highly recommended to improve performance, to learn from each other, to amplify their collective voice and to enhance impact. Networking with others is commonly seen as a cost-effective means to share information and spread knowledge about citizens’ needs, potential solutions, and to evolve best practice. However, while CSO networking has the potential to improve the effectiveness of CSOs, much of this potential is rarely realised. This can be the result of a number of things, including: lack of understanding of objectives, the exclusion of small and emerging organisations and associations from the CS Network, mistrust among members, unhealthy rivalry between members.

## HOW to set up a CS Network

***The following steps are crucial to setting up a CS Network or Coalition:***

- **Taking the initiative:** Networking might be a little out of one's comfort zone, but a CSO may hire someone with experience in networking or ask a board member to get involved who may have a strong network already. Lack of initiative and inactivity will not help, so a CSO will need to take the initiative to network with others.
- **Participation in events:** There are a lot of events going on all year round related to the non-profit sector and civil society. Participation in relevant events can be a fruitful opportunity for networking, building connections, and even to develop partnerships in the future.
- **Create a database of contacts:** Collect visiting cards and contact details. This contact information will grow if through attending events and conferences, etc. With this information, create a database of contacts. This database can also be used as an e-mail list to keep others informed of the work of your CSO.
- **Exchange information:** Keep your network informed about the work your CSO is doing. This can be done by means of mailing, newsletters, reports, pictures, graphics, videos, testimonies and social media. Having no information to share implies inactivity. So, document your work in some form and broadcast it as widely as appropriate.
- **Show interest and remember the principle of cooperation:** Be informed about what other CSOs are doing. Read about them where you can, explore their websites and social media pages. Show interest in their work and events and remember their interests (as there may be potential for future collaboration).
- **Online and offline networking:** Employ the internet to your advantage. Networking has become easier with social media, like Facebook, Twitter, Instagram and even online webinars.
- **Lastly, remember that it is 'humans' you are dealing with:** Be aware of individual differences and strike a balance when relating with people.

**Building trust among Membership:** CS Network leaders require their members' trust and commitment to be effective and to achieve their goal. To build trust, leadership should ensure:

- Clear and open two way communication with all members
- Information sharing through the right channels
- Strengthening accountability and transparency
- Leave no member behind
- Get members' inputs and feedback

### WHAT do CS Networks need to note when engaging in collective bargaining?

- **Equal bargaining power** – Constructive consultation between all members of a CS Network is possible only when the bargaining power of each member is equal, and is exercised with responsibility and non-discrimination.
- **Representative union** – The willing acceptance by the management of the CS Network to recognise representatives of each member of the CS Network as a united body.
- **Mutual confidence** – All members of the CS Network must have mutual confidence, good faith, and a desire to make the collective bargaining machinery a success with the ability to trade-off and negotiate fairly.

- **Proactive approach** – Members of the CS Network should not wait for another member to raise problems, but should make every reasonable effort to prevent the problems from arising, and to deal with them promptly when they arise. Thus, the management team within the CS Network should have a proactive approach to dealing with issue(s) and the skills to identify potential issues.
- **Quick disposal** – Dispose of the issues as quickly as possible, and if it is possible do so in the same meeting; also minimise pending items that are in the pipeline.
- **Mutual respect** – Members should respect the rights and responsibilities of each other, as members of the same CS Network they are all equals.
- **No unfair practices** – The process of bargaining, trade-off should be free from unfair practices.
- **Cooperation** – Members of CS Network must understand the economic implications of collective bargaining and realise that the CS Network demands must be met from the income and resources of the membership.
- **Desire to settle** – Desire of the CS Network management team to settle issues to the satisfaction of all its members. This does not mean that management must relinquish its right to direct a member, or that it must accede to all demands.

### WHAT are the types, causes and resolution approaches to conflict?

**What is conflict?** Conflict is a reality of social life and exists at all levels of society. Conflicts are as old as the world itself. We learn from history about people conflicting with each other for various reasons. Individuals, villages, tribes, political parties, nations - all types of groupings engage in conflict. Practically each of us has in one way or the other been involved in conflict, either at family level, in the workplace, in the community, or elsewhere.

Generally, a conflict exists when there is an interaction between two or more individuals, groups or organisations, where one side believes their thinking, ideas, perceptions, feelings are the 'right way'. When these contradict others and there is no willingness to agree the 'middle ground' then a situation of conflict arises. This situation provides an opportunity for adjustment and for constructive exchange. A relationship without conflict stagnates, a society without conflict does not make progress. In everyday life, however, we tend to experience conflict as something painful which we would rather avoid, neglect, or forget about.

#### Types of Conflicts:

- ***Intra-personal conflict***: Conflicts within a person, psychological conflict, decision making conflict in one person. Though this conflict may play a part in social conflict, intra-personal conflict is not the subject matter of conflict transformation work, but more of a concern for individual therapy or counselling.
- ***Inter-personal conflict***: Conflicts between two or a small number of people without groups building up around one side.
- ***Intra-group conflicts***: Conflict within smaller (team, organisation, family) or larger groups (religious community, within elites in a country). Here it is about inner-group dynamics (large or small).

- **Inter-group conflicts:** Conflict between groups, like organisations, ethnic groups, political parties.
- **Inter-national, inter-state conflicts:** Conflict between two or more countries, states.

**Causes of Conflict** - There can be many causes of conflict. These may include:

- **Value conflict:** This conflict arises from ideological differences or differing standards to assess ideas or behaviour. The actual or perceived differences in values do not create conflict. It is when values are imposed on others, and they are prevented from upholding their value system that conflict arises.
- **Structural conflict:** This is caused by unequal or unfair distribution of power or resources, which is perpetrated or justified by established institutions or structures, e.g: the informal and formal structures in an organisation.
- **Data/Information conflict** : A data conflict occurs when a user changes a record that has been developed elsewhere, without consultation – the data is modified by two separate users and this can cause conflict. (Where data is the individual figures, numbers, or graphs, information is the perception of that data.)
- **Emotional conflict:** This results from strong emotions, stereotypes, miscommunication and repetitive negative behaviour. It is this type of conflict which often provides fuel for disputes and can promote destructive conflict even when the conditions to resolve other sources of the conflict can be met. The intensity of an emotion often signifies the importance of an issue and reveals underlying values of those in dispute. The more personally relevant a situation seems, and the more negative feelings both parties experience, the greater the potential for destructive conflict.
- **Interest conflict:** This involves perceived or actual competition over interests, such as resources, perceptions of trust and fairness.

When carrying out collective bargaining, engaged in conflict resolution or a negotiation process, an analysis of the different types of conflict the parties are engaged in/dealing with helps the process along by considering the most effective strategies for handling a dispute.

**Manifestation of Conflict** - It is important to know that conflict is always a pointer to something deeper and often hidden. Conflict can point to a fundamental disagreement concerning the means or objectives a CSO, or a group, intends to pursue. Conflicts of this kind are said to be **substantive**.

**OR**

Conflict can point to interpersonal difficulties that arise over feelings of anger, mistrust, dislike, fear, resentment, etc. Conflicts of this nature are said to be **emotional**; they are to do with a clash of personalities.

Note: Whenever there is conflict, it is important to find out whether the conflict is substantive or emotional. However, substantive conflicts can eventually give rise to emotional conflicts. For example, in situations of glaring economic disparities, some people might be hated not

because of their personal wrong-doing, but because of belonging to a class or political party that is seen to be exploiting others.

**Sources of Conflict:** there are several sources that can give rise to conflicts. The common factors as follows:

- Political sources: power tussles, differences in ideologies, etc
- Religious sources: differences in faith, beliefs, doctrines, etc
- Cultural conflict: when two different traditions compete for dominance
- Economic privileges: when a group of people feel disadvantaged or marginalised
- Natural resources: eg: a struggle for land

These sources can be interlinked in many cases, eg: political power easily makes people have control over resources and economy.

**Conflict – v – Violence:** Conflict and Violence are not identical. Violence is very often an expression of conflict, a way of carrying out conflicts. Violence in conflicts exists:

- Where an instrument of repression is used by a more powerful party wishing to force their interest on others.
- Where there is no opportunity to articulate grievances by a weaker party, especially if they do not know any other medium to register their complaints.
- When parties to a conflict fail to find other means of carrying on the conflict.
- As a reproach to other parties to legitimise one's position.

### WHY is conflict so difficult?

- Situations of conflict can bring the worst out of people and turn regularly nice individuals into monsters.
- The word conflict brings up imagery of a battle or war between two people.
- Conflict often starts small and then can get out of control to the point it feels like warfare.

**Levels of Conflict escalation** – this refers to stages or extent a conflict can get to. There are 9 levels of conflict escalation, as presented by Friedrich Glasl (1982).

- **Hardening** - The first stage of conflict escalation develops when a difference over an issue or frustration in a relationship proves resilient to resolution efforts. The problem, therefore, remains and leads to irritation. Interests and opinions crystallise into standpoints, ie: fixed positions on how a certain issue ought to be handled.
- **Debate and polemics** – the conversation becomes heated as parties seems unwilling to reach shared conclusions. Parties fight for dominance in arguments.
- **Actions not words** – parties no longer see value in talking, and this leads to a loss of empathy. This can then lead to veiled attacks on each parties social reputation, position and relationships with others.
- **Images and building support** – conflict is about victory or defeat, wooing supporters and defending one's social image.

- **Loss of face:** face stands for status in society. Due to public and direct attacks, the moral integrity is lost and parties strive for to re-establish their reputation.
- **Strategies of threat:** if there is no headway, parties' resort to threats and counter-threats.
- **Limited destructive blows** - parties can see themselves as inanimate objects, as human qualities are no longer valid. Damage to a counterparty seems a benefit to the other party.
- **Fragmentation of the enemy** – at this stage, the objective is to bring down the adversary.
- **Together into the abyss** - no way back, total confrontation and destruction of the enemy, even at the price of self-destruction.

## HOW do CS Networks engage in collective bargaining?

**Civic Openness in Negotiations (COIN):** COIN is a set of collective bargaining rules involving the parties to collective bargaining; it is intended to ensure transparency and accountability during the process of negotiation. The process allows for independent fiscal analysis of other members of the CS Network, it addresses the goals of the CS Network, the strength and capacity of each CSO forming the CS Network, their finances and budget, the trade-offs involved by each member of the CS Network.

**COIN processes vary, but usually have five distinct components:**

- **Individual Negotiator** – the representatives of each member of the CS Network will be regarded as individual negotiators for their respective NGOs
- **The trade-off** - the gains and impacts that would affect the outcome of the negotiation or bargaining process, must be laid for discussion and agreed upon. This is to avoid conflict where the outcome of the negotiation process could be jettisoned by a member of the CS Network due to a disagreement or unfair trade-off.
- **All the outcomes** - are the responsibility of the CS Network once the agreement is signed.
- In a collective bargaining process, all the parties are legally bound to bargain in **good faith**.
- There should be **mutual obligation** to participate actively in the deliberations and an indication of a desire to find a basis for agreement.

## Benefits of conflict to a CS Network

If handled constructively, conflicts can be beneficial to the group in the following ways:

- In the early stages of a CS Network's life, conflict can assist them to assert their identity and differentiate it from those of other CSOs and CS Networks.
- Intensity of conflict can demonstrate the closeness and importance of relationships. If dealt with early and constructively, it can be a tool to measure the depth of a relationship.

- Sometimes conflicts create new relationships. During the process of conflict and resolutions, conflicting parties may find out their common interests, and they may agree to start an on-going partnership.
- Conflicts can create coalitions. Similar to building relationships, sometimes 'enemies' come together to build coalitions to pursue common interests. During the conflict, previous antagonism is suppressed to work towards a greater goal.
- Conflicts act as a safety valve which helps to sustain relationships. Groups which suppress or do not give room for opposing views become rigid with time and eventually become weak.
- Conflict helps group members to assess each other's powers and to redistribute it fairly in cases where there is a power imbalance.
- Conflict establishes and maintains group identities.

## HOW to analyse and resolve conflict

**Conflict Analysis – Resolving Conflict:** The whole dynamic of conflict analysis enables a move from an attitude of *"I don't know what the real cause of the conflict is!"* to *"Now I know why we have this conflict!"*

After analysing the conflict, the main issue or theme should become clear. When it comes to its resolution and management, the issue/theme becomes the target.

Key areas to determine when analysing the conflict positions are:

- **Values** - basic qualities which are held to be important and may be used to justify positions. They can be cultural norms, laws, ethics or principles.
- **Issues** - are what the parties claim the conflict is about. They are specific and concrete. Very often factual problems are less important than relationship problems, though conflicts are usually framed in factual terms.
- **Interests** - conflicting parties are motivated by their own interests. They may be expressed but often they are concealed. Frequently, an actor may have several interests in a conflict. As interests are not essential human needs, they are negotiable, and their relative importance may change with time.
- **Needs** - are fundamental, essential requirements for human survival. They relate to security, identity, community and life. They are not negotiable, but they may be satisfied in different ways. They are usually unstated or disguised.

When **analysing the actors**, it is important to consider all the above factors, by:

- Look at the ISSUE and place it at the centre with all the actors around it.
- Then identify each actor's position, interests, needs and fears on the issue.
- Focusing on the interests, needs and fears - suggestions can be developed for inclusive solutions that could be options for settlement of the conflict.
- *Inclusive solutions* are those that have the potential to address the needs and interests of all parties in the conflict.

This analysis helps to develop empathy among conflicting parties and a common understanding around the motivations underlying the conflict.



**Guidelines for Intervention** – Johan Galtung (1990) suggested a catalogue of principles or guidelines:

1. Reversibility
2. Reciprocity/cooperation
3. Universality, but with care
4. Empathy with others
5. Empathy with self
6. Analytical consistency
7. Encouragement of intervention
8. Seek participation
9. Seek acceptability
10. Seek sustainability

## **HOW to ensure the resolution mainstreams Gender and Social Inclusion (G&SI)**

**Negotiating for G&SI** – G&SI mainstreaming is a globally accepted strategy for promoting equality for all. Inclusion involves ensuring that perspectives of Gender, PWDs, Youth, and other traditionally marginalised people based on context, are central to all activities - planning, implementation and monitoring of programmes and projects.

**Why should CS Networks Mainstream/Integrate G&SI** – a major cause of conflict in CS Networks is differences in value systems. It is important that everyone in the CS Network feels welcomed and accepted. This relates to women, people with disabilities, youth, older people, ethnic minorities, etc. It is important to mainstream G&SI because:

- For a CS Network to have a collective agreement, it is important that its systems, processes and procedures are participatory and inclusive of all.
- Appreciation of individual differences will provide guidance in the design, planning and implementation of projects, programmes, policies and procedures.
- It helps to reduce conflict and to promote CS Network synergy.

### **Guidelines for a CS Network to mainstream G&SI?**

- The CS Network should create an environment where all members feel supported and are welcomed.
- Deliberate and conscious efforts by the CS Network leadership to ensure that G&SI is mainstreamed in policy-making, and across all project and programme planning, implementation and monitoring.
- Ensuring that the CS Network supports projects and partners who have a focus on equality, diversity and social inclusion to bring about sustainable change.
- The CS Network should carry out G&SI analysis and share learning with its members.

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