
Overview

This unit is appropriate for you if your role involves:

1. negotiating agreements with employers

The activities you are likely to be involved in:

1. creating a negotiating team and developing an appropriate strategy
2. developing negotiating tactics and techniques
3. monitoring the progress during negotiations and adapting strategy
4. evaluating offers and making recommendations to members
5. consulting with members on offers and their implications

The elements are:

1. contributing to workplace negotiations
2. advising on the acceptance of workplace offers and agreements
3. advising on, and referring cases to, conciliation and arbitration services

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Performance criteria

You must be able to:

Contribute to workplace negotiations

- P1 agree a negotiating strategy which is based on a realistic assessment of the power and influence base of the membership
- P2 adopt established negotiating conventions and only break them where alternative action is likely to further the claim and is agreed in advance with the team
- P3 provide complete and accurate submissions which present a clear rationale to the employer, within agreed timescales
- P4 present claims which are matched to favourable comparative data and based on agreed demands and expectations
- P5 make sure that written responses and proposals from employers are compared with anticipated best results and accepted if expectations are met
- P6 make sure that written responses to proposals from employers are drafted in a language and style which clearly indicates refusals but is designed to maintain respect and trust
- P7 clarify negative employer responses and counter with relevant additional information and arguments
- P8 make sure that appropriate questions are asked to test the consistency and resilience of the employer's position and to probe for possible movement
- P9 where the team judge that no additional offers are available, and the agreement is not within the acceptable parameters, recommend additional action to representatives which is within the terms of the procedure agreement and union policy
- P10 summarise accurately the results of the negotiation and pass on promptly to all relevant parties

You must be able to:

Advise on the acceptance of workplace offers and agreements

- P11 select criteria which enable realistic evaluations to be made of offers which optimise the value of the total package against the implications of continued negotiations and the consequences of failure to agree
- P12 check the offers against relevant legislation, local procedure agreements and relevant aspects of union policy, and identify and summarise any variances
- P13 prioritise elements of the offer in line with members' expressed preferences and union policy
- P14 recommend for acceptance those offers which are judged to be the best available
- P15 where offers are not sufficient to meet expectations, explore realistic alternative strategies and actions, and identify clearly the advantages

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- and disadvantages of each
- P16 consult members on the acceptability of offers, draft agreements and alternative strategies and actions
- P17 recommend for acceptance those proposals from employers which have the support of members and conform to union policy
- P18 recommend alternative strategies and actions when offers and proposals are unacceptable

You must be able to:

Advise on, and refer cases to, conciliation and arbitration services

- P19 explore the opportunities to resolve disputes through mediation when negotiations with employers have broken down
- P20 provide mediators with complete and accurate information to the dispute
- P21 prepare clear and concise formal case statements and present them to mediators
- P22 take opportunities to obtain relevant information from employers during the mediation process
- P23 make a realistic assessment of conciliated offers against the likely outcome of continuing the dispute and any potential rulings from adjudicating bodies

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Knowledge and understanding

You need to know and understand how to:

The nature and role of workplace negotiations

- K1 develop a suitable strategy for your workplace
- K2 identify and apply the union policies and practices in relation to workplace negotiations
- K3 select appropriate methods of monitoring the views of members

Principles and concepts

- K4 identify realistic and acceptable best results, opening offers, team roles and responsibilities, and appropriate practices and tactics for negotiation
- K5 take into account agreements already made, the team's assessment of the likely outcome of the process, and the likely response of the employer and members
- K6 frame appropriate questions which test the consistency and resilience of the employer's position and to probe for possible movement
- K7 identify when to suggest temporary adjournments at appropriate points in the negotiation
- K8 identify information which might be useful for national negotiations and how to present this
- K9 identify and access appropriate comparative information relevant to the negotiations
- K10 identify the circumstances under which normal procedures and conventions might be broken
- K11 select appropriate criteria to evaluate offers
- K12 identify the kinds of proposals which might set precedents
- K13 apply union procedures for ratification of agreements
- K14 recognise the circumstances in which to recommend arbitration and conciliation and when to break negotiating conventions
- K15 identify and work within ACAS procedures and systems

External factors influencing workplace negotiations

- K16 identify and work within the codes of practice, agreements, procedures and legal requirements which affect workplace negotiations and disputes
- K17 identify and follow the legal requirements and procedures for conducting ballots

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