

A review

James W. Kuhn, *Bargaining in Grievance Settlement: The Power of Industrial Work Groups*

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The modern era of industrial conflict began in the late 1930's and early 1940's with the signing of collective agreements by the major industrial giants in basic manufacturing industries such as steel, auto, and rubber. National unions growing in strength and the already powerful industrial managements signed agreements, usually on a year-to-year basis. But much open conflict ensued, nevertheless, during the life of these agreements as each major problem which arose in the plant became a trial of strength between the group of workers affected, or the union, and the management involved.

With December 7, 1941, the advent of World War II, the need for putting a cap on industrial strife was obvious. Organized labor proffered a "no strike pledge"; management was encouraged by the War Labor Board to set up grievance procedures ending in final and binding arbitration in many of the collective agreements. The precedent-setting breakthrough for this had come earlier when General Motors Corporation agreed to such an arrangement during contract negotiations with the UAW in 1940.

Some students of industrial relations heralded this as a new era of industrial peace (at least during the period of the collective agreement since this measure was

not designed to deal with the situations where new contract terms are periodically negotiated between unions and management).

Professor Kuhn's book is an attempt to understand and evaluate the effectiveness of grievance procedures in maintaining industrial peace. In his introduction (p. 3) he states:

To promise peaceful settlement through grievance procedures is one thing; to demand peaceful settlements through grievance procedures is quite another. It may be that the promises of a system of industrial jurisprudence has appeared so attractive—not least to students of labor—that we have assumed the realization of the promise too early.

His thesis is that the functioning of grievance procedure in American industry is endangered by fractional bargaining (bargaining outside the agreed upon grievance processes in labor agreements) by work groups which often use extra-legal, disruptive tactics to enforce their demands. This poses a challenge, if not a threat, to management and unions.

As the basis for his book, Professor Kuhn studied grievance handling and grievance incidents in twenty different plants of nine industries. Four electrical equipment, four

tire, and two specially chosen plants form the core of his study while his research in the plants of other industries was limited mainly to interviews with industrial relations officials and union shop representatives.

In the early part of the book, Kuhn analyzes the evolution of grievance procedure and some of its by-products in industry following the experiences of the War Labor Board period. He points up the common features of grievance procedures: a step-by-step process (usually four steps starting with the foreman and steward at the shop floor level) of review and formal discussions of grievances initiated by worker(s) or the union, ending in final and binding arbitration by an impartial third party. He also takes note of the many variations which have evolved to fit the specific situations in each plant or industry. He discusses clogged grievance systems and the problems of foremen, industrial relations officers, stewards and union officials in administering this intricate system of industrial jurisprudence. He draws an analogy between this system and our civil judicial system and indicates how grievance handling has imposed a judicial function on union and management representatives. He notes the large number of grievances and problems which are settled informally and the practical modes of cooperation and accommodation that all parties find useful and necessary in shop life. The discussion and airing of problems is often sufficient to solve many of the conflicts and irritations which develop in day-to-day industrial life. These early chapters form a good background analysis of grievance procedure in United States industry in the last twenty years.

Professor Kuhn then goes on to state his thesis: that extra-legal disruptive tactics such as short "quickie" strikes, slowdowns, sitdowns, etc. are more used by work groups than is generally conceded. In all of the

plants which he studied, both union and management representatives used non-peaceful, disruptive tactics to force grievance demands on each other, he says. Grievances are more often than not settled on the basis of relative bargaining position in the shop, rather than on the basis of the letter, or spirit, of the collective bargaining agreement. "Grievance bargaining and its disruptive tactics are not an occasional anomalous event in the shop; they are normal practices within the grievance system, making up a significant, if not the largest, portion of all grievance work" (p. 57).

After a review of the literature describing the use of disruptive tactics in a number of industries, Kuhn rejects the notion that these tactics are the result of untrained or ignorant leadership. He analyzes how fractional bargaining arises, its tactics; the union as a political organism, often responding to the most politically powerful work groups in the plant; the relationship of the technology of the industry to the ability of the work groups to bargain fractionally; and finally, the challenge to unions and managements to make industrial democracy and industrial peace more of a reality by dealing with these problems.

Professor Kuhn's point that the incidence of disruptive tactics is inimical to management and unions is valid but somewhat overstated. He cites the Bureau of Labor Statistics data on the incidence of short work stoppages from 1941 to 1959 as a rough indicator of disruptive tactics in United States industry, but states that the number of stoppages "shows cyclical fluctuation but no clear trend up or down" (p. 54). However, the last three years in his own table (1957 to 1959) show a decided drop in the number of work stoppages of short duration. Although this is too brief a period to indicate a trend, it should be noted, nevertheless, that these were years in which the most rapid and

drastic technological changes in American industry were taking place.

According to Kuhn, the method by which changes are introduced into industry is a factor in how workers react to their job situations, whether they react within a peaceful framework or use far more disruptive tactics. By Kuhn's own analysis technological changes in recent years should have been the cause for an *increase* in open strife in labor-management relations. It seems to this reviewer that the implications of how changes are introduced into industry are more important than the weight given to it in this study. How changes are introduced into a work situation can easily make the difference between an explosive, or non-cooperative situation, and one which resolves conflict in more peaceful ways.

One of the main contributions of this book is the analysis of the relation between technology, work groups, and fractional bargaining which the author develops in his chapter "The Influence of Technology." A comparison made between the number and characteristics of work stoppages in the rubber tire and tube industry and in the electrical equipment industry indicates that the frequency of work stoppages is considerably greater in tires than in electrical equipment. Kuhn shows how the technology of the rubber industry creates specific work groups which are in a strategic position to immediately affect production and are therefore in an advantageous position to bargain fractionally with the rubber industry management. The technology of the electrical equipment industry does not lend itself to this. It is interesting to note, in passing, that one of his tables giving the number of work stoppages in one tire company from 1950-1956 showed a very decided decrease from a peak number of 62 in 1952 to 3 in 1956. Perhaps a study of how this came about in

this company would shed some more light on how to deal with this problem.

Another contribution of this book is Kuhn's thesis that the lack of any meaningful control over their job situations by groups of workers is directly related to the use of disruptive tactics and fractional bargaining. He points out that there is very little fractional bargaining among work groups of skilled workers which, in doing maintenance crafts in industrial plants, have a very large measure of control over the pace and conditions of their work. Other work groups are less fortunate, however. One of the recommendations Kuhn makes in his final chapter, "The Challenge of Fractional Bargaining," is for management and labor to recognize the need of industrial work groups to share in the decision-making which concerns their jobs. He points up the difficulty:

Many management officers interviewed during this study refused to consider the possibility that work groups could—let alone *should*—be allowed to help determine their work conditions [p. 182].

Kuhn indicates that some managements which submitted to pressure to recognize fractional bargaining have found that recognition itself *"has helped to solve chronic shop disruption. That is when work groups have gained a regular, recognized role in determining a number of substantial conditions of work they are not as prone to use major tactics. Though conflicting matters remain, they are more easily resolved"* (p. 183, italics added).

Professor Kenneth Boulding has postulated the need for finding a way to "reduce the intensity of conflict" (Boulding, 1957) as one way of limiting the consequences of conflict. In effect, giving work groups a "recognized role in determining a substantial number of conditions of work" helps accomplish just that.

Another major suggestion made by Professor Kuhn is for both union and management to legitimize some of the fractional bargaining that goes on. This could be done by recognizing "mutual agreements bargained between the work group steward and the foreman" when both parties decide that special conditions require new or more flexible arrangements than those allowed by the collective agreement. This would allow a modicum of amendment of the collective agreement during the life of the agreement, a practice heretofore ruled out by the very definition of a labor agreement negotiated for a set length of time. In effect this would move the conflict situation from the area of "fights" closer to the area of "debates" (using the distinctions between these terms drawn by Professor Anatol Rapoport [1960]) which characterizes much of grievance procedure and legitimate collective bargaining.¹

Giving legitimacy to some of the fractional bargaining now going on is a recognition of the fact that certain groups in industry are more strategically placed than others and have needs which are not satisfied by bargaining processes at contract negotiation time and the procedures of grievance handling. In addition, this would help avoid the frequent situation where each side "builds up a head of steam" which becomes more and more difficult to control. As Professor Kuhn puts it: "this may lower the flash-point of destructive action" (p. 183). Kuhn further recommends that unions revise their structure to allow representation of work groups within the union administrative and collective bargaining structure.

Professor Kuhn presents an interesting discussion of the results of one rubber company's taking the decision to deal with fractional bargaining in a forceful manner. He also gives a very interesting and insightful account of the often conflicting interests in the management hierarchy on the one hand, and, on the other hand, the political factors in local unions as they affect grievance decision-making within and outside the union structure. He recognizes that fractional bargaining "is a natural development nurtured by forces inherent in collective bargaining" (p. 167). He has an interesting sociological analysis of the make-up and functioning of work groups which indulge in fractional bargaining. It is probable he is underestimating the institutional factors in fractional bargaining—long-term history of strife in an industry which has resulted in a militant union and work groups and the almost tacit understanding that management and union will use "muscle" on each other where they can.

Some students of labor-management relations were assuming too much in thinking that a judicial approach to settling day-to-day problems within industry could and would lead to complete industrial peace after negotiations for the contract or collective agreement have been settled. The widespread introduction of grievance procedures was a big step forward in the process towards industrial peace, but there are very few examples in society where conflict has been completely eliminated by judicial processes or by any other process in a short time. In a country which, on the one hand, stresses that each individual has freedom and complete control over his destiny, and, on the other hand, is proud of its high degree of industrialization with its completely changing machine technology that has profound consequences for those who work the machines, there are bound to be widespread discontents, deep frustrations,

¹ See in *The Journal of Conflict Resolution* Ann Douglas' excellent analysis of how seemingly bombastic, almost vitriolic verbal conflict in the early stages of contract negotiation is really designed to limit and possibly resolve conflict in later stages of bargaining (Douglas, 1957).

and constant pressures by workers to control more phases of their work lives. In the face of this, the record of conflict in American industry is not one for which we should be ashamed.

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