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Kuhn: Bargaining in Grievance Settlement

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BOOK REVIEWS

Bargaining in Grievance Settlement. By James W. Kuhn. New York: Columbia University Press, 1961, pp. xii, 199. \$4.50.

Professor Kuhn's study explores the impact of bargaining by work groups within the framework of the grievance procedure of a collective bargaining contract. His research reaffirms the awareness of some students of labor relations that the grievance procedure has become more than a judicial process. It has developed into a complex system which extends the bargaining process to the lowest levels of the shop.

The author characterizes this type of bargaining activity as "fractional bargaining" to distinguish it from the traditional concept of collective bargaining which occurs between the representatives of management and the labor union.

Almost all collective bargaining agreements contain a grievance procedure specifically designed to dispose, either by negotiation or adjudication, the day to day problems which arise during the contract term with respect to the construction, interpretation and application of the contract provisions. Great care is taken by negotiators and draftsmen to assure that the process will be an orderly and expeditious one. To meet special situations, special supplemental procedures sometimes are devised. Recognizing that delay in disposing of worker or group complaints tends to magnify the original problem and may lead to interruptions of production, successive appellate steps related to the magnitude of the plant and the organizational structure of management are set forth, each with a time limitation on presentation and decision. The refinements of the negotiated procedure are many, but all have a common objective—prompt disposition of grievances as they may be defined by the agreement.

When, despite these refinements, definitions and precautions, grievance procedures break down, mutual recriminations become rampant. Union representatives will cry out against the lack of authority of lower level supervision to effectively dispose of worker complaints. They will charge that the consequent delay and indecision are manifestations of the bad faith of management. Representatives of management in turn will lay the burden on the union, insisting that the production delays and interruptions are proof of the lack of leadership and irresponsibility of the union and its representatives.

Professor Kuhn suggests that in many cases neither of these accusations may be the answer. Based on his field studies of the operation of grievance procedures in several industries, he concludes that quite often the cause may be found in the tactics and pressures exerted by semiautonomous work groups created by shop conditions. After analyzing the theory and practice of grievance settlements, the author points up the fallacy of relying on traditional concepts to explain away their inadequacies in selected situations. From case studies in several industries, he demonstrates that the tech-

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nology of production often is a decisive factor in the formation of active work groups. Technology tends to foster and promote distinctive, united and self conscious work groups whose members' primary loyalty is to the group and not to the union. The more vulnerable and interrelated the total production is to delays and interruptions, the greater the power of the group to control the conditions of work, regardless of the provisions of the collective agreement or the understandings of top union and management officials. The slowdown, the wildcat, controlled production, flooding the established grievance procedure with trivial and meritless complaints and rigid adherence to contract terms are frequently the weapons to which the work group resorts to obtain concessions beyond those reached at the bargaining table.

In reaching his conclusions, the author relies rather heavily on the experience of the rubber industry. The rubber industry with its totally integrated production process is a fertile field for fractional bargaining and perhaps has problems and experiences which tend to exaggerate the problem to the casual reader. If other industries were cited more often, a better balanced study may have developed. The incidence of fractional bargaining is present in most industries. It is a challenge to both labor and management. Fractional bargaining can lead to a type of anarchy within a union and disregard the needs of the union membership as a whole by stressing self interests. Fractional bargaining has two main disadvantages for management. It is frequently accompanied by production delays and interruptions. It can also lead to confusion and conflict in over-all company policy if various work groups are able, by pressure tactics, to compel lower line supervisors to settle in a different way grievances involving the same issue.

Despite its disadvantages, the author points out that fractional bargaining is a reality in the grievance process and is a challenge to both management and union representatives. For labor and management to continue to bargain out grievance procedures which do not envisage the potential of the formation of work groups and their fractional bargaining is to ignore realities. Fractional bargaining can be either vigorously condemned and drastic steps taken to suppress it, or utilized for good by recognizing that local determination of some issues is desirable. Under the latter approach, it can be kept within its proper sphere and strengthen the entire collective bargaining process.

Professor Kuhn has analyzed the problem and pointed up the plant environment which gives rise to fractional bargaining. He has shed new light and given new direction to further studies of the grievance process, an essential element in the maintenance of stable and healthy labor relations. The subject matter of his book commends itself not only to the serious student of labor relations but to the practitioner as well.

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