

A Power Theory of Third Party Intervention in Labour Management Relations

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Article abstract

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A Power Theory of Third Party Intervention in Labour Management Relations

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and
Joya Sen**

The authors present theoretical constructs of power and theoretical concepts as they apply to motivation, conflict and negotiation.

There is a power nexus in labour-management relations. Each of the actors in the industrial relations system draws power from personality drive, interpersonal and interorganizational status and environment context. Power also affects motivation, conflict and negotiation in an IR system. A conciliator, mediator or arbitrator exercises her/his endowed power as well as delegated power to modify and balance power among the actors. Her/his role is of paramount importance in keeping industrial peace, enhancing productivity and promoting morale.

In industrial relations literature, there is no power theory of third party intervention. In this paper, attempts have been made to present theoretical constructs of power and certain theoretical concepts as they apply to motivation, conflict and negotiation. In the concluding part, references have been made to the interventionist's role during direct voluntary bargaining in the form of a conciliator or a conciliation board, mediator and arbitrator.

THEORETICAL CONSTRUCTS

Power as a personality construct

In an industrial relations system, there are three actors, namely labour, management and government (Dunlop, 1958). They have been concep-

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tualized as having goals, power and values (Craig, 1983). The nature and extent of their respective powers has not been fully explored. We postulate that: (1) there are four actors instead of three and, (2) they all have individual or personality-power drives. With respect to the first postulate, one has to recognize that government as one of the three actors does not always represent itself as a conciliator or arbitrator in labour relations. Quite frequently, they acquire their power status through voluntarily agreed upon contracts. Therefore, they are an entity separate from the government. As far as the second postulate is concerned, industrial relations literature has not attributed desire for power, inherent in the personalities of the four actors, as significant in itself. We agree with the scholars who believe that there is a personal power drive within each individual (Hillenbrand, 1949; Guardini, 1961; Volan, 1966). In fact, the *sine qua non* of their presence in the IR system is their individual economic, political and social power drives. We may go a step further and argue that the four actors in the IR system are there because they want to equate personal power with self-actualization. This is in line with the positive approach to power that Ogletree (1971) has taken. However, it is different from Maslow's, 'happy family' model, because conflict is paramount in the IR system due to power motive of each of the actors. It is necessary to point out here that we are looking at individual power drive of the actors which is separate from their organizational power status. This leads us to our second construct.

Power as an interpersonal and interorganizational construct

Power is not only a personal attribute but also an attribute of social relationships. Here the personal power drive comes in contact with other actors. If we examine power within an IR system, it is the management ability to influence labour (*i.e.* the target) to obtain desired results. There are two ways of looking at this power relationship: (1) How much change management could induce in labour despite labour's resistance. This comes under the auspices of a field-theoretic conceptualization of power (Cavanaugh, 1984). We may treat this power relationship as it exists in a non-unionized situation where resistance is minimal or non-existent. (2) Power interaction takes place in a unionized situation where there is reciprocal nature of power. In this context, management may not be able to bring about desired changes in labour as union acquires a countervailing power.

Organizationally speaking, power in labour and management exists as it were in the form of pyramids. Management is an economic organization with downward hierarchy of power relationships. Unions, on the other hand, are an inverted pyramid where political power resides in rank and

file. Union leaders and negotiators acquire an organizational power through a political legitimacy process. Strike vote and ratification of contract are the processes through which rank and file exercise their collective power.

Interpersonal power construct in IR systems is coterminous with inter-organizational power construct as we often observe that a power interaction between a shop steward and a plant supervisor is backed by the power of their respective organizations.

Although in IR literature, goals, values and powers are viewed independently of each other, we define power in terms of influence which in turn brings about a psychological change in the target. (French and Raven, 1959). Cavanaugh (1984) further elaborated this phenomenon by suggesting that psychological change included not only overt behavioral changes in the target, but also changes in attitudes, opinions, goals, values and needs. Management, in our opinion, has the bases of power over labour (both individual worker and the union) through reward, coercion, legitimacy and expertise. This is not to imply that the worker or the union do not counter management power through such tactics as strike, slow-down, work to rule, absenteeism, turnover or gold bricking. Grievance arbitration and government regulations tend to bring about changes which modify power orbit of the union or management.

Power as an environmental construct

In Dunlop's analysis of the IR system, there are market, budgetary, technological and power constraints. The environmentalist view was further presented in a more sophisticated form by Craig who talked about economic, social, political and ecological environment. Power in Craig's framework is not part of the environment but what he calls a 'withinput' along with values and goals. However, we believe that there is an ongoing interaction between an individual and his/her environment. Every individual has the ability to bring about environmental changes in order to obtain desired changes (Mintzberg 1967). This is further supported by various writers such as Heider (1958), Kahn (1963), deCharms (1968) and Haley (1969) who believed that environmental change brought about by an individual is proportionate to the degree of power that individual possesses.

Individuals interact with a variety of environments: in their individual capacity or as members of groups, organizations and systems. The interaction process is a two way channel in the sense that as individual power has the ability to modify or change the environment; environment in turn limits

or expands individual power. Actors in the IR system, operate simultaneously in a number of power orbits, namely:

- a) within informal groups
- b) within unions
- c) within management organizations.

A powerful individual within this context is viewed as the one who has the 'ability to get things done' (Kanter, 1977). Thus an individual with influence, control, leadership and charisma can change the internal environment of an IR system. But the question that arises next is: What about influencing the environment outside the IR system?

It is interesting to observe that there is an interdependent and interlocking power process in which the same individuals participate in the economic, political, social, legal and IR systems. Veroff (1957) and Kipnis (1974) view these as power motivations stemming from a 'need state' or a 'disposition' to control other individuals. In our opinion, it is not the direct control of other individuals which is of pragmatic consequence as it is the control of their resources. How do the actors in IR system control or influence actors in other systems or vice versa? There are several illustrations of interdependent and interlocking power orbits within the total societal framework: political parties have overlapping power control with big corporations and big unions; church, educational institutions and a wide range of social and civil rights groups exercise their influence on public opinion which ultimately constitutes the largest collective power orbit. Harison and Pitt (1984) view power as a 'property of social relationship' and we know that IR system or any other system has a nexus of power relationship which needs extensive analysis.

Power as an interventionist construct

In our context «third party» is one who is non-participant in the conflict and helps in the resolution (Walton, 1965). The sources and effectiveness of the power of our interventionist have received virtually no attention in IR literature. To construct a theory of third party intervention, we have so far developed three power constructs (1) personality; (2) interpersonal and organizational; (3) environmental. All of these infringe upon the interventionist power construct.

A third party not only draws its power from all the above categories but also from two additional sources, namely (1) statutory and (2) delegatory power from the voluntary agreement of the parties who hold power and are in conflict. In OB literature, the interventionist is a consul-

tant whereas in IR literature, it includes a government appointed conciliator, mediator, arbitrator, a quasi-judicial conciliation board, a board of inquiry or any other voluntarily agreed upon third party.

A THEORETICAL FRAMEWORK

In order to build a framework of a power theory of third party intervention, certain basic concepts relevant to labour-management relations need to be examined.

Power and Motivation

Blackler and Brown (1978), Greiner (1980) and French & Bell (1973) have firmly embedded the Maslovian concept of self-actualization in the OB literature. According to them, individuals have a drive for personal growth and development. Their understanding of human behavior is based on the assumption that there is a harmony between individual and organizational goals. Motivation for an individual comes from a desire to make higher and higher contributions to the organization, in order to attain self-actualization. However, Maslow's insistence on the compatibility of individual and organizational goals has in recent years come under heavy criticism as it has been called 'a fallacy of misplaced optimism' (Harison and Pitt, 1984). While self-actualization presents an optimistic dimension to human behavior, we believe that it must be modified in favour of power as a motivating factor, both in organizations and societies in general. The reason for partly departing from a 'happy family' model of organizations is that power confrontation is as endemic as cooperation in an organization. The presence of unions, strikes and grievance arbitration in organizations is a strong indication of the fact that there is hostility and suspicion between labour and management over the distribution of corporate profits.

What motivates individuals in organization is not as simple as the desire for self-actualization. We have to take a more pluralistic approach to human behavior and recognize that the drive for power acquisition is at times more important than self-actualization. We emphasize that the role of an interventionist interacting with power orbits in an organization becomes more meaningful and realistic when viewed within a political and power environment of an organization.

Power and Conflict

There are practical and conceptual difficulties with the self-actualization model *per se* (Nichols, 1975). If we look at an organization carefully, we will immediately identify separate and distinct labour and management power orbits.

Human behaviour is dynamic. Given changing circumstances, it vacillates between being cooperative and conflicting. Thus, we potentially always have a contract zone and a conflict zone. In cooperative models of labour-management relations, there is a deliberate attempt to ignore the existence of a conflict-zone because there is an implicit assumption that organizations have economic goals towards which management and employees work together. In essence, we believe that organizations are political (see Pitt & Webb, 1978), with fair amount of personal and organizational power conflict. Intervention of a third party in this power conflict tends to increase the contract zone.

It should be remembered that the larger the interventionist's power, the greater is likely to be the contract zone; or inversely, the conflict zone will shrink.

Power and Negotiation

Negotiation is not central to self-actualization model (Harison & Pitt, 1984). It logically follows from this stand point that if labour and management agree on the commonality of organizational goal, who do they negotiate with? It is with the acceptance of a political and power model of an organization that one realizes the need for negotiation and transaction.

In negotiations, there is psychology, politics and economics of power. We distinguish two separate forms of negotiational relationships; (1) Associative power relationship where management has all the power to make decisions. This is closer to the «Human Relations» model where there is supposedly no conflict. Even if there is conflict, it is rigidly controlled by regulations. An example of this relationship will be that of collective bargaining with binding arbitration and no strike. Most 'essential' services fall in this category and the interest arbitrator wields the power that is taken away from labour and management. (2) Dissociative power relationship where both labour and management operate within their orbits of power and come to the bargaining table with the possibility of a strike. This is known as 'free collective bargaining' as there is no compulsory arbitration. All the private sector bargaining and bargaining in most non-essential public services fall in this category.

A THEORETICAL NOTE

Line of causality are essential in a theoretical framework as they increase our perspective on the predictive value of the conceptual framework. We have two dependent variables:

1. Conflict resolution in labour-management relations.
2. Varying degrees of interventionist power under different forms of intervention.

Resolution in labour disputes is a function of labour power, management power, conflict zone and the power of the interventionist. It may be expressed as follows:

$$R = f(Lp, Mp, Cz, Ip)$$

where

- R is Conflict resolution
- Mp is Management power
- Lp is Labour power
- Cz is Contract zone
- Ip is Interventionists' power.

Interventionist power is most crucial in reducing conflict zone or increasing contract zone. The next question is: what determines the interventionist power? In the earlier pages, we had identified four theoretical constructs. Each of them is an independent variable in defining the extent, contours and the effectiveness of the interventionist in resolution process. It may be expressed in the following equation:

$$Ip = f(P, O, E, S)$$

where

- Ip is interventionist power
- P is her/his personality traits
- O Inter-organizational construct
- E Environmental construct
- S Statutory power given to the Interventionist.

Interventionist power will depend on the respective strength of each of the independent variables. A great deal is conditioned by the interventionist's political manipulation and his/her understanding of all the power orbits in which s/he is a catalyst.

In the next section, different forms of intervention are discussed but some predictive postulates are presented below to elucidate what this theoretical note is attempting to do.

1. The greater the statutory power given an interventionist, the greater the possibility of extending the contract zone of possibility of resolution.
2. The lesser the inter-organizational conflict, the greater the chances that an interventionist will succeed.
3. The greater the environmental power, the narrower will be the discretionary power zone of the interventionist.
4. The greater the integrity, trust, mutual acceptance and record of impartiality an interventionist has (*i.e.* personality power), the greater will be the chances of bringing about a resolution.

FORMS OF INTERVENTION

Although intervention assumes varying degrees of complexities, in labour-management relations, it falls in two basic categories: (1) intervention, initiated, regulated and binding through statutory measures; (2) intervention voluntarily agreed upon and invoked at the request of one or both parties. Statutory intervention includes conciliation board, mediation during negotiation, mediation during strike, binding arbitration at the impasse of a negotiation, binding arbitration during the life of the contract. The last intervention technique is largely negotiated in the U.S. voluntarily agreed upon intervention techniques still include conciliation procedure, mediation, final offer selection procedure (either/or), mediation at the request of one of the parties, negotiated voluntary arbitration at the conclusion of a negotiation.

Conciliation Procedure

In 1907, a bill was introduced in the Canadian House of Commons proposing application of compulsory arbitration measures in all labour disputes. During the course of the debate, compulsory arbitration was substituted by compulsory conciliation and the result was *Industrial Disputes Investigation Act* of 1907. It consisted of two tiers: in the first stage, a conciliation officer was appointed at the request of one or both parties or by the Minister on his own initiative. It had the dubious distinction of being successful in a number of provinces. If the Conciliation Officer failed to bring about a settlement, he had 14 days to submit his report recommending that either a Conciliation Board be appointed or the parties be allowed to short circuit this procedure. The usefulness of this procedure has been debated *ad infinitum*. Now that many provinces have done away with it,

there are others who retain it as an option. Canadian text books have emphasized that the Conciliation Board acted more as a mediator as it suggested changes in the demands of the parties. Conciliation Officer, on the other hand, simply got the parties back to the bargaining table.

In our conceptual framework, both these stages of conciliation work specifically a power framework consisting of: (a) personality, (b) inter-organizational, (c) environmental and, (d) statutory influences. While these parameters are the same for all forms of intervention, there is an essential difference in their relative interplay. For example, in the conciliatory procedure, statutory power is more pronounced than other constructs. Perhaps, as other power parameters become gradually more pronounced, conciliation as an interventionist technique became almost obsolete.

Mediation Procedure

As compared to the U.S., use of mediation procedure is now slowly gaining acceptance. Mediation as a resolution technique has certain advantages over conciliation. While conciliation is essentially a pre-strike procedure, mediation can take place at any time. In fact, the same mediator who helps in the negotiations before strike can continue after the strike. Familiarity with the dispute issues helps in her/his ability to be more effective in the post strike negotiations.

Mediation appointment can be voluntary or statutory. In either case, her/his source of power as a third party interventionist is greater than that of a conciliator. Our theoretical note indicates that most of the independent variables will have a multi-co unarity. However, if we collect data on the sources of power for the mediator and run a step-down regression analysis, we will find that personal trait will explain the largest percentage of what contributes to her/his power. That is why in some of the largest pre or post negotiation mediation, the choice of a mediator is crucial. Certain personalities acquire a nation wide reputation for their tact and integrity because of which last minute settlements take place.

Arbitration Procedure

Both in voluntary and statutory appointments, arbitrator commands the highest degree of personal power among all the other forms of intervention. Her/his decision is final and binding unless court intervenes to order a *certiorari* or *mandamus*.

Arbitration consists of two prominent dimensions; one is interest arbitration and the other is rights arbitration. When an arbitrator is appointed at the time of negotiations, it is called interest arbitration; when s/he is appointed during the life of a contract to settle grievances, it is called rights or grievance arbitration. In interest arbitration, the same personal traits mix with politics are important in bringing about settlement. Rights arbitration is more based on technicalities and the contract language of the collective agreement.

Two important variations have emerged in recent years; one is called Med-Arb, the other is known as FOS (final offer selection or either/or technique).

There are certain arbitrators who have the personal endowment for having integrity, tact and political acumen. They usually use some form of mediation without asserting their power as an arbitrator. This is Med-Arb technique which is highly successful in certain cases.

FOS attempts to bring parties closer in their demands. This increases the contract zone, especially if it is a package deal. In item-by-item FOS, the contract zone may not necessarily alter. In either case, the discretion of the arbitrator is substantially reduced.

CONCLUSION

Using Likert's technique, power scales can be constructed for the variables used in this theory. Operationalizations of the concept will help labour, management, government and the interventionist to get a better grasp of the ingredients in a dispute. If accurately designed and constructed, power scales can be helpful and predictive.

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La théorie du pouvoir de la tierce partie dans les relations du travail

Il existe des rapports de force dans le domaine des relations professionnelles. Chacun des acteurs tire son pouvoir de l'expression de sa personnalité dans les relations interpersonnelles à l'intérieur de la structure organisationnelle ainsi que du contexte environnemental. Le pouvoir influe aussi sur le degré de motivation sur le conflit et sur la négociation dans le fonctionnement d'un système de relations du travail. Un conciliateur, un médiateur ou un arbitre exerce le prestige personnel dont il dispose et le pouvoir délégué dont il jouit de manière à modifier et à équilibrer le pouvoir parmi les acteurs. Son rôle est d'une importance primordiale pour assurer la paix industrielle, augmenter la productivité et raffermir la confiance dans le milieu.

Dans la littérature en matière de relations du travail, on ne trouve aucune théorie du pouvoir se rapportant à la tierce partie. Dans le présent article, les auteurs s'efforcent de présenter les sources théoriques du pouvoir ainsi que certains concepts théoriques dans la mesure où ils peuvent s'appliquer à la motivation, au conflit lui-même et à la négociation. En conclusion, il est fait référence au rôle de l'intervenant au cours des négociations directes volontaires, qu'il s'agisse d'un conciliateur, d'un arbitre ou d'un médiateur.

Dans un système de relations professionnelles, on retrouve trois acteurs: les travailleurs ou leurs associations, les employeurs ou leurs associations et le gouvernement. Nous soulevons l'hypothèse (1) qu'ils ne sont pas au nombre de trois, mais de quatre, (2) qu'ils disposent tous d'un prestige et d'une influence individuels. Tout en rappelant la première affirmation, force est de reconnaître que le gouvernement ne joue pas toujours le rôle d'un conciliateur ou d'un arbitre dans le champ des relations du travail. Très souvent, conciliateurs et arbitres puisent leur statut de pouvoir du fait qu'on le reconnaît de plein gré dans les conventions. Cependant, il s'agit de personnes distinctes du gouvernement. En ce qui concerne la deuxième hypothèse, la littérature en matière de relations du travail n'a pas considéré le désir du pouvoir, inhérent dans la personnalité des acteurs, comme significatif en lui-même. Nous sommes d'accord avec les spécialistes qui croient qu'il existe chez chaque individu une tendance personnelle au prestige ou au pouvoir (Hillenbrand, 1949; Guardini, 1961; Volan, 1966). Nous pouvons faire un pas de plus et soutenir que les quatre acteurs de l'intérieur du système des relations professionnelles s'y trouvent parce qu'ils veulent mettre en équation le pouvoir et leur propre valorisation. Ceci est conforme à l'approche positive du pouvoir chez Ogletree (1971).

Le pouvoir n'est pas seulement un attribut de la personne, mais un attribut inhérent au phénomène des relations sociales. Ici, le pouvoir personnel vient nécessairement en contact avec un autre pouvoir.

Bien que, dans le champ des relations du travail, les objectifs, les valeurs et les pouvoirs soient considérés comme indépendants les uns des autres, le pouvoir revêt la forme d'une influence qui, par un effet de retour, détermine un changement psychologique dans l'objectif que l'on vise (French et Raven, 1959). Les employeurs,

par exemple, exercent le pouvoir sur les travailleurs (qu'il s'agisse d'un individu ou d'un syndicat) parce qu'ils tiennent en main les récompenses, la coercition, le droit et le savoir-faire.

Les acteurs, dans un système de relations professionnelles, agissent simultanément dans de nombreuses sphères: a) dans des groupes informels, b) dans les syndicats, c) dans les associations d'employeurs.

Un individu prestigieux à l'intérieur de ce contexte, c'est celui qui a la capacité de faire que les choses soient accomplies (Kanter, 1977). Ainsi, une personne disposant d'influence, de maîtrise de soi, de leadership et de charisme peut changer le climat d'un système des relations du travail.

Dans notre contexte, la «tierce partie» est celle qui n'est pas mêlée au conflit, mais en facilite le règlement (Walton, 1965). L'origine et l'efficacité du pouvoir de l'intervenant n'ont guère suscité d'intérêt dans la littérature sur les relations professionnelles. Pour établir une théorie de l'intervention de la tierce partie, nous avons mis au point trois bases ou fondements du pouvoir; 1) la personnalité de l'individu; 2) la situation des organisations en présence; 3) l'amplitude du milieu où l'action se passe. Tous trois infléchissent l'action de l'intervenant. Une tierce partie tire son pouvoir, non seulement de toutes les catégories précédentes, mais aussi du pouvoir que lui donne la loi et de celui que lui accordent les parties elles-mêmes qui se trouvent dans la situation conflictuelle.

Les pouvoirs de l'intervenant, ainsi que l'étude le démontre, dépendront du poids de chacune des variables indépendantes. Mais ils seraient aussi grandement conditionnés par son habileté politique, son intelligence des différentes sphères d'influences à l'intérieur desquelles il est obligé de jouer le rôle de catalyseur.

Les quatre postulats suivants sont de nature à éclairer l'armature théorique précédente.

- 1) Plus le pouvoir accordé à l'intervenant est grand, plus est grande la possibilité que les parties s'entendent d'elles-mêmes et que le conflit se règle.
- 2) Plus le conflit entre les organisations est circonscrit, plus les possibilités de succès de l'intervenant sont grandes.
- 3) Plus la force de résistance du milieu est marquée, moindre sera la liberté de manoeuvre de l'intervenant.
- 4) Plus l'intégrité, la crédibilité, le respect et l'impartialité dont jouit l'intervenant (c'est-à-dire son prestige personnel) sont remarquables, plus ses chances de parvenir à une entente sont grandes.