

Coping with Unreasonable Demands

It is often the case where there are two parties in a negotiation that a break down in the talks occurs. This gives rise to accusations being made by one side, that the other is unreasonable in its demands.

In most cases this conclusion is reached when it becomes evident that one side is attempting to force the other to accept an offer which isn't beneficial to them. On the flip side, the accusation can be levied as a consequence of the blunt refusal by one of the parties to make any concessions to any offer which has been made.

In situations like these, the normal outcome is that there is a breakdown in the negotiations. This means that no settlement was reached. On the other hand, the result could be that one of the parties was literally forced, based on existing circumstances, to accept what it considers to be an unfavourable offer.

In bringing clarity to the accusation of unreasonable demands made by a party in the negotiation exercise, it is best to understand what is meant by being unreasonable in this context. To be unreasonable simply means to be unfair or not sensible. It speaks to an unwillingness to negotiate and/or to compromise.

Based on this, the premise of an accusation can be founded on what was said, left unsaid, done or not done. The breakdown is often as a result of what has been said, in which case it can be stated that the damage has already been done. On the other hand, it can be the action that is taken. The adage that 'actions' speak louder than words' can sometimes set the stage for the divide that can follow.

The issue of unreasonable behavior can be a subjective determination, as some rigid positions may be taken based on narrow mindedness, lack of information to help to inform the decision making process, and/or the lack of vision which is often reflected by a party that is seemingly struck in a traditional mode; which is conditioned on past experiences and the existing culture.

One glaring example of the nature of such subjectivity is to be found in the 1981, Air Traffic Controllers strike in the United States of America. On August 5, President Ronald Reagan fired more than 11,000 air traffic controllers who ignored his order to return to work. The consequence of this action was the sweeping mass firing of federal employees slowed commercial air travel, although it did not cripple the system as the strikers had forecast.

It can be no conjecture that the breakdown in the negotiation talks with the Federal Aviation Administration two days earlier, lead to nearly 13,000 controllers walking off the job. The fact that the action occurred at the peak of summer travel, leading to the

cancellation of some 7,000 flights across the country, meant that the workers used the strategic strike weapon appropriately.

There is every good reason to believe that subjectivity will feature in determining how reasonable the action of President Regan or that of the air traffic controllers was in the circumstances. This can only be determined based on a study of the facts of the negotiations.

As reported, Robert Poli, President of the Professional Air Traffic Controllers Organization, sought an across-the-board annual wage increase of \$10,000 for the controllers, whose pay ranged from \$20,462 to \$49,229 per year. He also sought a reduction of their five-day, 40-hour workweek to a four-day, 32-hour workweek. The FAA made a \$40 million counteroffer, which was far short of the \$770 million package that the union sought. Reagan branded the strike illegal. He threatened to fire any controller who failed to return to work within 48 hours. Federal judges levied fines of \$1 million per day against the union.

To the chagrin of the strikers, the FAA's contingency plans worked. Some 3,000 supervisors joined 2,000 non-striking controllers and 900 military controllers in manning airport towers. Before long, about 80 percent of flights were operating normally. Air freight remained virtually unaffected. In carrying out his threat, Reagan also imposed a lifetime ban on rehiring the strikers. In 1955, Congress made such strikes punishable by fines or a one-year jail term, based on a law upheld by the Supreme Court in 1971.

It is left to reasonable thinking people to determine if the action taken against the air traffic controller in their request to negotiate for improved salaries was either prudent, fair, just, sensible and/or desirable.

DENNIS DE PEIZA

Labour Management Consultant

Regional Management Services Inc.

Visit our Website: www.regionalmanagement.com

Send your comments to: rmsinc@caribsurf.com