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BARGAINING FOR THE COMMON GOOD: THE BEGINNING OF A NEW ERA

The last century brought collective bargaining as an instrument of social peace and dignification of work. The 21st century can establish it as a mechanism of social responsibility for companies.

Since the middle of the last century, Western countries assumed that collective bargaining promotes the improvement of working conditions and is a factor of economic competitiveness.

The United States of America (US) played a pioneering role in this area, from the moment when they realized that without collective bargaining the labor riots would paralyze the economy. It was in this context that in 1935 the *National Labor Relations Act* (NLRA) was approved, which enshrined the right to collective bargaining (Sec. 7. [§ 157.]). The countries of continental Europe followed. In Portugal, the State expressly assumes its intention to promote collective bargaining and the Labor *Code* (LC) states that it collective contracts should apply to as many workers and employers as possible (art. 485).

In both cases, collective bargaining, more than a right to bargain, came to be seen as a duty to do it. In the US, the NLRA establishes the obligation to bargain collectively; in Portugal, the LC determines that the recipient of a collective agreement proposal has a duty to respond with a view to initiating negotiations. In both countries, the law does not impose as a final result the conclusion of a collective agreement, but requires the parties to negotiate it and to do so in good faith.

In the light of these rules, collective bargaining has enhanced over the years the self-regulation of interests in various matters – organization of working time, retributive policies, job positions and career promotions, right to rest, or the exercise of trade union activities within the corporations.

The second decade of 21st century seems to bring a new dynamic and a new challenge to collective bargaining: to contribute to the promotion of the common good.

Once again, it is a movement that started in the US.

In the context of corporate social responsibility, civil society and trade unions have joined forces and created a new movement concept that has been imposing: the *BCG - Bargaining for the Common Good*.

It is about assuming that more than benefiting workers with salaries and promotions, the collective labor agreement can bring benefits for other *stakeholders*, such as the local community, the most disadvantaged, and the environment. BCG bring a set of demands that benefit not just the bargaining unit, but also the wider community as a whole, expanding the scope of bargaining beyond wages and benefits. There are several examples of practices adopted by companies that have joined this movement: new *equal pay* policies; scholarships for students; requalification of school centers; financing of municipal works; environmentally friendly practices; volunteering actions; real estate assets for rentals at social prices; support for ethnic minorities, among others.



The future of collective bargaining is here – to combine efforts between companies, unions and civil society, to seek benefits for the whole community and not just for unions and workers.

Under BCG, corporate social responsibility and collective bargaining finally intersected, to no longer separate.

Just like in the past, sooner or later Portugal will follow this new trend.

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