

DOMESTIC WORKERS AND C189: POWER & SKILLS TO MAKE IT REAL!



**Africa Regional Workshop
Dar-es-salaam, 24-26 May 2019**



Facilitator's File

Aims of the Workshop

To help us to:

- Share how we have implemented learnings from the June 2018 Workshop
- Review the revised Toolkit: C189- Making it real
- Understand more about individual and collective negotiations in our sector
- Share our experiences of individual and collective negotiations
- Understand the steps, processes and power relations involved in individual and collective negotiations
- Build skills to help us effectively negotiate with employers, government and others that affect the lives of domestic workers

Workshop Programme (facilitator version)

Day One: 24 May 2019

Time	Activity/Topic	Method	Facilitator
8.30-10.00	Opening and Welcome	Opening remarks by host union, IDWF, WIEGO, guests	Vicky
10.00-10.30	BREAK		
10.30-12.00	Activity 1: Reconnecting & Revisiting	<ul style="list-style-type: none"> • Background and aims • Reconnecting (questions) • Expectations & concerns (cards) • Programme overview • Toolkit changes 	
12.00- 13.15	Activity 2: What have we done towards "Making it Real"	<ul style="list-style-type: none"> • Questions & responses • Volunteers sharing what they have done, use of Toolkit 	
13.15-14.15	LUNCH		
14.15-15.45	Activity 3: What do we know about negotiations?	<ul style="list-style-type: none"> • Paired work on any personal negotiations • Collective negotiations discussion • Similarities & differences card sorting (<u>Optional</u>) • Reading Handout Meaning of negotiations and discussion on DWs challenges 	
15.45-16.15	BREAK		
16.15-18.00	Activity 4: Types of negotiation our union has been involved in	<ul style="list-style-type: none"> • Groups: draw up a table on negotiations involved • Gallery walk and discussion 	

Day Two: 25 May

Time	Activity/Topic	Method	Facilitator
8.30-9.15	Reflection on Day One	Interesting & surprising from Day 1; questions	
9.15-10:00	Activity 5: Skills for successful negotiations	<ul style="list-style-type: none"> • Pairs: discuss skills & qualities needed for individual/ collective negotiations. • Self-assessment (<u>Optional</u>/own time). 	
10.00-10.30	BREAK		
10:30-13:00	Activity 6: Being confident and assertive	<ul style="list-style-type: none"> • Group reading on assertiveness • Continuum of "assertive behaviours" and practice activity (in pairs) using scenarios • Assertiveness Manifesto review and add to. 	
13:00-14:00	BREAK		
14:00-15:30	Activity 7: Collective Negotiations – Stages and Steps	<ul style="list-style-type: none"> • Group work: sequencing prepared cards on 10 negotiating steps 	

15:30-16:00	BREAK		
16:00-18:30	Activity 8: Preparing & planning for collective negotiations	<ul style="list-style-type: none"> • Interactive presentation on preparing to negotiate • Group work: using scenarios • Stage One: Preparation & report back • Stage Two: Planning details & report back 	

Day three: 26 May

Time	Activity/Topic	Method	Facilitator
8:30-9:00	Reflection on Day Two		
9:00-10:30	Activity 9: Practicing negotiations	Using same scenarios <ul style="list-style-type: none"> • Facilitator demonstration • In small groups: DW, counterpart and observer- practice motivations, arguments -with observer feedback 	
10:30-11:00	BREAK		
11:00-12:00	Activity 9 continues		
12:00-13:30	Activity 10: Concluding negotiations	Group work with scenarios: <ul style="list-style-type: none"> • Ending negotiations-steps to take in recording agreements and if no agreement • Sources of power (<u>Optional</u>)- read and discuss 	
13:30-14:30	LUNCH		
14:30-16:00	Activity 11: Do's and don'ts of collective negotiations	Group work: (<u>Optional</u>) <ul style="list-style-type: none"> • Before, during and after negotiations: What should we always do? Never do? • Complete worksheets- facilitator makes a collective wall chart. 	
16:00-16:30	BREAK		
16:30-18:00	Activity 12: Way Forward and Evaluation	<ul style="list-style-type: none"> • Individual "dreams"- completing sentences (<u>Optional</u>) • Evaluation: flip chart questions around the room 	
	Negotiations Workshop Closure		

Day Four: IDWF preparation for ILC discussion on Violence at Work

Activity 1: Reconnecting & Revisiting

Time: *One hour, 30 minutes*

Aims: To help us to:

- Reconnect with each other
- Revisit aspects of our last workshop on C189, including the toolkit
- Share our aims and expectations for the workshop
- Familiarize ourselves with the programme and materials

Task 1: Reconnecting

Individually briefly answer the following questions:

- Your name
- Where you come from
- Your organization and position in the organization
- Something you will never forget from the last workshop (June 2018)

Task 2: Expectations & Concerns

On the cards provided:

- On card one, write down your most important expectation for this workshop
- On card two (different colour) write down any concerns you may have about the workshop

Together we will look at your expectations and concerns and compare these with the planned aims and programme

Task 3: Revisiting the Toolkit

You have a copy of "Your Toolkit on ILO Convention 189". This has been revised drawing on suggestions made at the June 2018 workshop.

- With a partner look through the Toolkit and remind yourself of its contents. What do you see that is different from the draft we used in 2018?

We will discuss your observations. The facilitator will then take you through any other changes

Activity 2: What have we done towards "Making it Real"

Time: *One hour, 15 minutes*

Aims: To help us to:

- Share what we have done in our unions to make C189 real
- Learn from each other

Task:

1. The facilitator will ask you a series of questions on if/how you implemented what you learned in June 2018
2. You will be given an opportunity to share in more detail successes you had and challenges you faced when you attempted to make C189 real in your country
3. Discuss how did the Toolkit help, and which sections were most useful.

Facilitator Note

1: This is a quick intro/fun activity. Ask participants to stand up if the answer to the question is YES. Possible questions:

When you went back to your union did you:

- Use the Toolkit?
- Put the Toolkit away and not look at it again?
- Use the gap analysis chart to see how your laws match C189?
- Make or continue a campaign for ratification of C189?
- Campaign or push government to implement an issue contained in C189 (e.g. minimum wages, OHS)
- Help an individual DW to get her employer to sign a contract?
- Get more support for DWs/your union from the trade unions in your country?
- Do nothing new on C189 because you were too busy?

2. Ask for volunteers to tell their stories of successful actions taken as a result of ideas and learning from the workshop. There is unlikely to be time for everyone to speak. Summarize success factors and blockages/challenges. Cross-reference the stories to the Toolkit where possible.

Activity 3: What do we know about negotiations?

Time: *One hour, 30 minutes*

Aims: To help us to:

- Develop a shared understanding of what we mean by individual and collective negotiations

Task 1: Personal negotiations

With a partner:

1. Share an example of a situation in your personal life (with a family member for example) where you had to resolve a conflict of difference between yourself and another person or persons.
 - What did you say and do to advance your position and attempt to win or resolve the issue?
2. Choose one of your experiences to report on.

We will together analyze what happened when you tried to resolve your issues: the how and the why and what this tells us about negotiations.

Task 2: Similarities and Differences

1. In plenary share your ideas on what we mean by collective negotiations. Give examples.
2. Working in groups: (Optional)

The facilitator will provide you with a set of cards containing different statements. Your job is to sort the cards into three piles:

- Statements that describe or apply to collective worker negotiations
 - Statements that describe or apply to individual worker negotiations
 - Statements that apply to both collective and individual worker negotiations
3. Be prepared to share how you divided your cards and why

Task 3: Domestic Workers and Negotiations

1. On your own read *Handout One: The Meaning of Negotiations*
 - What would you like to add or change to the definitions of negotiations?
 - Share your thoughts on the key challenges for domestic workers and collective negotiations

 **Facilitator Note**

1. Issues of different types of engagement may emerge e.g. dialogues, consultations. These could be explained as part of a spectrum of negotiations from engagements that are more discussions to full blown negotiations – noting that all have elements of negotiations in them and many of the processes to be discussed in the workshop apply to all of the different forms – adapted to the circumstances. In most instances a firm outcome would be the first prize regardless of whether the meeting was called a negotiation! This will be addressed more fully in Activity 4.
2. Task 2, number 2 is an exercise to consolidate understanding of the different types of negotiations-limited to collective and individual. It could be left out to give more time to later practice activities.
3. The statements are below. These are made into “cards” on separate sheets.

Statements (for sets of cards)

Individual negotiations

- The negotiating issue applies to a single worker (at that time)
- One worker (alone or with a representative) makes the demand or proposal
- The worker making the demand has weak bargaining power
- It is hard to negotiate without the support of others
- It is difficult to enforce an agreement

Collective negotiations

- There is a common negotiation issue amongst a group of workers
- Several workers have the same demand
- The negotiating counterpart has decision making power affecting all the workers
- The workers making the demands/proposal are organized
- Negotiated agreements apply to a whole group of workers (constituency)

All forms of negotiation

- Two or more parties are involved
- Parties have different interests or positions
- Each party wants to advance and protect its interests
- The aim of the negotiation is to reach an agreement
- Compromise is usually necessary
- Agreements should be in writing
- Parties may not be able to agree
- The balance of power affects the outcome of the negotiations

Handout One: The Meaning of Negotiations

Negotiations

Negotiation is the process when two or more parties meet each other to reach an agreement over an issue affecting them e.g. a right, a resource, resolving a conflict. The objective is to bring about a change. In a negotiation each party seeks to advance its own interest. They do this using PERSUASION and POWER.

Negotiations can be between individuals or on behalf of a group. In unions we talk about collective negotiations or collective bargaining, meaning we negotiate for collective rather than individual interests. To negotiate collectively workers need to be organized, and organized strongly in order to exercise their POWER as well as their skills of PERSUASION.

Collective Negotiations

Collective negotiations or bargaining can be on any issue- not just wages and working conditions. It can take place between organized workers and employers, local or national government, or any other body that has decision-making power affecting the lives of workers. It can take place at local, national, regional or international levels.

Domestic Workers and Negotiations

Domestic workers and their organizers/leaders have particular challenges:

- Many issues have to be resolved between an individual domestic worker and her employer at her workplace, which is the employer's home. The employer is in a powerful position because the domestic worker depends on the employer for her job and she is alone in facing the employer.
- Domestic workers do not have collective bargaining forums in most countries. Employers of domestic workers are not usually themselves organized so there is no clear employer association or group to collectively negotiate with.
- Government is an important target for negotiations for domestic workers. But Government often ignores domestic workers as they are seen as unimportant; women doing women's work and having little power or influence.

Activity 4: Types of negotiation our union has been involved in

Time: *One hour, 45 minutes*

Aims: To help us to:

- Identify the types of negotiation our union has been involved in
- Compare and share our negotiating experiences

Task:

1. In mixed country groups share experiences of individual or collective negotiations you or your union have been involved in (or you know of):
 - What was the negotiating issue or demand?
 - Who was negotiating? Was it an individual negotiation or a collective negotiation?
 - Who did you negotiate with? (negotiating counterpart(s))
 - Where did the negotiations happen – what level? household (H), local area (L), province/county (P), national (N), Africa region (R), international (I)
 - What happened? What was the outcome of the negotiations?
2. On a flip chart fill in the information in the relevant columns as shown in the example on the next page
3. Choose someone to report on your findings

We will share our charts and discuss common and interesting features, some of the challenges faced and strategies used

Facilitator Note

1. Depending on union/country spread 2-3 countries should work together
2. Prepare charts in advance
3. Go through the examples so everyone understands the processes
4. Hopefully different forms of negotiation will emerge e.g. bi-lateral, tri-partite, and different levels. Also the issue of engagements that would not be “pure” negotiations such as dialogues, tripartite commission such as in our case studies (see facilitator note in Activity 3 suggesting a spectrum of “negotiations”- having similar processes, desired outcomes etc).
5. The issue of not having an employer body to negotiate with and ideas for how this could be developed could be touched on again here (a big challenge!)
6. Raise the role of power in negotiations again which we pick up in later activity
7. This will probably take longer depending on number of examples. May need to extend hours or role over to Day 2 and adjust (maybe the Skills identification activity (5) could be reduced to a very quick brainstorm?)

Preparing a chart of our /union negotiating experiences

Example

Union	Issue/demand	Who? Individual (1I) /Collective (C)	Counterpart & Where (H, L, P, N, R, I)	Outcome
1. DWU, Kenya	Two weeks off work to look after my sick child who is living in a rural village	Worker & organizer I	Employer H	We agreed on one week away and to then bring the child to stay in my room
2. UDWT Tanzania	DWs to be included under minimum wage	Union team C	Government officials – labour ministry N	No agreement

Activity 5: Skills for successful negotiations

Time: 45 minutes

Aims: to help us to:

- Identify important skills that a good negotiator needs

Task:

In buzz groups discuss:

1. What skills and qualities do you think you need to represent your members effectively in a collective negotiation?
2. What skills are needed when you or your member negotiate with an individual employer. Are the skills the same or are they different?

We will compare and discuss your answers

3. The facilitator will hand out a checklist "*Skills for a Good Union Negotiator*". This is for you to reflect on your own skills and identify gaps in your own time.

Facilitator Note

1. This is meant as a brainstorm. Ideas can be written up on a flip chart and then acknowledge that all are important.
2. Ask which they think are most important for collective and individual negotiations. Assertiveness and confidence may or may not come up but raise it as of underlying importance in all negotiations and with special relevance to the situation of DWs who have to face individual employers and who are also often quite scared of government officials...
3. The self-assessment checklist can be completed in session but probably is something that can be done in the evening. Sharing can be voluntary. Can discuss what to do if skills are not there (e.g. translation).
4. After the activities that follow it would be useful to return to the checklist and ask if they think any other skills and qualities should be added.

Handout Two: Skills and Qualities of a Good Union Negotiator Self-Assessment Check List

Skills & Qualities	
Confident- I have confidence in myself	
Listen- I am a good listener	
Think-I think before I speak	
Speak-I speak clearly	
Assertive- I am assertive- I know what I want and can put this across firmly	
Calm- I keep calm even when angry	
Presenting-I am able to present a clear and knowledgeable argument	
Thorough- I am thorough and prepare well	
Brave-I am brave	
Knowledgeable- I make sure I know the negotiating issues and arguments well	
Writing- I am able to take notes of the negotiations	
Conflict & compromise- I am good at resolving conflicts and finding compromises	
Reporting- I report back clearly to members	
Translation- I am able to translate for others during negotiations	
Honest – I am honest in conducting negotiations and honestly reporting back to members especially when the outcome is not in our favour.	
Flexible – I am able to assess the situation and pick up when it is necessary for our team to caucus and be flexible within the scope of our mandate from our members.	

Activity 6: Being assertive and confident

Time: *Two hours, 30 minutes*

Aims: To help us to:

- Understand what we mean by assertive behavior and its importance for negotiations
- Practice being assertive

Task 1: What is assertive behaviour?

In small groups:

1. Read *Handout Three "What is Assertiveness?"* together
2. What does it tell you about the importance of assertiveness as a skill you need when you are negotiating?

We will share our observations. The facilitator will then introduce you to the assertiveness continuum using the Handout Four: "The Assertiveness Continuum"

Task 2: Being Assertive (practice)

After a demonstration by the facilitator:

1. Working in pairs act out the scenario allocated to you. Do it in three different ways:
 - Passively
 - Aggressively
 - Assertively
2. One of you will be the employer. The other will be the domestic worker or organizer who must respond to the same scenario three times (passively, aggressively, assertively). How did you do? Were you able to be assertive?
3. Now swop roles and act out the scenario again with the three different behaviours
4. Facilitator will call for volunteers to demonstrate the three types of behavior for the different scenarios. You will get a chance to comment on their assertiveness skills!

*To summarize the facilitator will introduce you to Handout Five:
"The Assertive Negotiator's Manifesto"*

Being Assertive: Scenarios

Scenario One: I have a right to negotiate changes to my conditions of work

Martha needs to take her grandson to school every morning. This means she needs to start work a little later. You (organizer) go with her to the employer. The employer is not helpful and finally says she will let her know next month.

Scenario Two: I have rights as a live-in domestic worker

You go for an interview for a live-in domestic worker. You want to make sure your accommodation; food and time off are agreed in advance (you had a bad experience before). The employer is reluctant to give a straight answer.

Scenario Three: I have a right to a contract of employment

You want your employer to negotiate a contract of employment with you. You are armed with a draft contract from the Toolkit. She tells you that she is not willing to do so.

Scenario Four: I have a right to respect and non-discrimination

Essi's employer called her a monkey. Essi wants her employer to apologize. She is leaving the job and wants all money due to her. You (organizer) agree to meet the employer with her. The employer is rude and says she has nothing to apologize for.

Facilitator Note

- There will have been some reference to assertiveness in the previous activity. This activity goes into more depth.
- After the discussion on the Assertiveness Continuum you could have some fun by asking them to mime someone being passive, aggressive and then assertive – acts as an energizer as well. See photo showing different behaviours – could be shown on power point
- The scenarios are based on the individual negotiation with employers about rights in C189 from the previous workshop.
- Demonstrate first what is needed using a different situation i.e. not one of the scenarios. You could use the “broken record” technique i.e. sticking to your request and repeating (this technique is not explicitly in the handouts)
- Practicing together before “performing” publicly hopefully will build confidence. Rather than everyone acting out the scenarios call for volunteers. Hopefully there will be a volunteer pair for each scenario. If not then lead a discussion on what they saw/felt/achieved.
- Summarize using the Manifesto and ask what they think should be added to the Manifesto

Handout Three: What is Assertiveness?

Being assertive means....

Being **assertive** means being able to stand up for your own or other people's rights in a calm and positive way, without being either aggressive, or passively accepting 'wrong'. It means stating your position clearly, firmly, positively, constructively, honestly and confidently.

How to be assertive

- Make the decision to positively assert yourself
- Respect yourself and show respect for others
- Aim for open and honest communication
- Listen actively
- Agree to disagree if necessary
- Stay calm
- Take a problem-solving approach to conflict
- Practise assertiveness.

An important skill

This is an important skill to have as a woman, unionist and as a negotiator. You need to be assertive in all forms of negotiations- individual or collective. Being assertive helps you:

- Know, respect and value yourself
- Relate well to different people: your members, team, counterparts
- Be clear about what you or your members want
- Prepare your arguments well
- Be able to respond to the arguments of others in a calm but firm manner
- Have self-control and know how to behave appropriately
- Make clear decisions
- Be confident and show confidence
- Gain the respect of your counterparts (even though they may not like what you stand for!)
- Reflect on your own behavior and accept criticism where deserved

It is also important that you teach/help members to be assertive so that they are able to talk to their employers without fear.

Handout Four: The Assertiveness Continuum

A continuum is a range of positions, where you move from one position to the next along a line or continuum. There is a continuum – a range of “assertive like” positions- each of which is very different from the others.

COMPLIANT - PASSIVE - PASSIVE AGGRESSIVE - ASSERTIVE - AGGRESSIVE

Socially **compliant behavior** is when you agree just because it is easier to, and after all the other person might be right

Passive behavior is usually a way to avoid conflict. You don't stand up for your rights. When you are passive, you allow others to make choices for you. You end up feeling ignored, upset and frustrated

Passive aggressive behavior is when you show your anger by not co-operating and being deliberately unpleasant, rather than dealing with people and things constructively

Assertive behavior is when you state your position positively. You stand up for your rights whilst recognizing and respecting the rights of others. You are honest, direct, appropriate and straightforward. When you are assertive you have everyone involved because you are not hiding feelings or facts, but you are also not being unconstructive.

Aggressive behavior is when you defend your own rights whilst acting without regard for the other person's rights. It is a weapon for battle. Aggression is often used to dominate or humiliate. Even if it works to achieve a short-term goal, when you act aggressively, it leaves the other person angry and wanting to pay you back.

Where would you put yourself on this continuum?

Handout Five: The Assertive Person's Manifesto

Assertiveness Manifesto

Say what you want to say

Let your words match your facial expression

Be brief

Match your body language with what you are saying

Be to the point

Look at the person you are talking to

Be unapologetic

Be honest and direct

Stand up for your own rights

Respect the rights of others

Listen well to the words and the feelings of the other
person(s)

Activity 7: Collective Negotiations: Stages and Steps

Time: One hour, 30 minutes

Aims: to help us to:

- Clarify the stages and steps in collective negotiations

Task:

Working in groups the facilitator will give you a set of cards showing different steps /stages in a collective negotiating process.

1. Order the cards so that they show the sequence of steps to be taken by a union when it negotiates with government officials. You may add steps or change the steps provided.
2. Pin up your "steps" and compare them with the other groups

We will discuss the steps and processes in plenary

Facilitator Note

- Give each group a set of cards with the main steps written on the cards but out of sequence (different colours for different groups). Provide some smaller cards for each group to add steps or provide additional information. This should be encouraged as for instance there is no specific step that includes obtaining a mandate/ ensuring members are participating in the process (refer to [Handout Six](#))
- The handout is more detailed so it can be used to consolidate the steps after the groups have reached agreement on them (at the beginning of the next activity?) In all activities that follow the steps are referred to – useful to keep this handout as a reference throughout (separate). Could also be on a power point for ease of reference.
- Note that although we may not be negotiating in a traditional way i.e. with an employer body the same basic process applies – adjusted to the circumstances.
- Here are the steps for the cards. The additional steps that need to come out are inserted in italics:

1. Identify and prioritize negotiating issues
- Get a mandate from workers - Carry out research
2. Turn issues into demands
3. Identify negotiating level
4. Identify negotiating counterpart
- Carry out more research
5. Approach negotiating counterpart
- Mobilize members - Build alliances and support
6. Plan detailed strategy and tactics
- Choose negotiating team - Hold pre-negotiations meeting(s) - Practice
7. Conduct negotiations
- Implement around the table plans/tactics
8. Reach agreement
- Get mandate from workers - confirm in writing
9. No agreement
- Decide on struggle strategy
10. Implement agreement

-Members enforce

Handout Six: 4 Stages and 10 Steps to a successful Negotiation

STAGE A: PREPARING THE WAY FOR COLLECTIVE NEGOTIATIONS

Step 1: Identify and prioritize negotiating issues.

Your members have many problems and will have many issues they want to negotiate on. What do you want to change or achieve? For example, your members might want government to extend minimum wage laws to domestic workers. At this stage you will need to do some research such as being sure of the current minimum wage; what the law says and who could assist you!

Step 2: Turn the issues into demands.

Don't go to a negotiation to just complain. Develop clear demands based on the mandate of your members backed up by your research and information gathered.

Step 3: Decide who to negotiate with and how.

Do you know who has the decision making power or has influence on the issue? If government, which government department does it fall under? Is it important to include more than one department? Who are the key officials?

Step 4: Identify the negotiating level and forum.

Is there an established negotiating forum that could be used, for example a wages commission that sets minimum wages that you could get access to? Is the issue for negotiation for local, provincial, national or even international level?

Step 5: Approach the negotiating counterpart.

Once you have established who to approach put your request for meeting/attending the forum, the issue and proposals (demands) in writing. It is important to mobilize the members by keeping them informed and ready for action. Identify allies and build support – the public, unions, NGOs.

STAGE B: PREPARING NEGOTIATING STRATEGY AND TACTICS

Step 6: Planning the details

You will need to choose a negotiating team of strong leaders who can represent you well. The team will need to be well prepared. They need to develop an overall plan (the strategy). This will mean being clear about the objectives; knowing the strengths and weaknesses of the union and the counterpart and what to expect from the other side. They need to develop arguments; plan the tactics (the method) for around the table; if and where to compromise; how to involve the members. It is always a good idea to have a practice session and ensure the team members know their roles in the meeting.

STAGE C: CONDUCTING NEGOTIATIONS AND REACHING AGREEMENT

Step 7: Around the table

Planning well is 80% of the battle won so you should be ready and confident. You will know the roles everyone in the team will play: who will lead and who is responsible for speaking on what; who will take notes or translate; your motivation and arguments; what to do if you are stuck or contradicting each other; when to compromise and so on.

Step 8: Reaching agreement.

Make sure that what is agreed is absolutely clear, and that everyone around the table has the same understanding. Then insist on a written agreement (or a clear note on the results of the meeting if there are many parties involved) which is very clear: what, how and who as well as time frames.

But before final signature, make sure that your members are in agreement as well! Report back!

Step 9: Deciding what to do if there is no agreement

If there is no agreement then you have to plan with members what to do: try to persuade through further meetings? use publicity and public pressure? take legal action? use power by taking action?

STAGE D: AFTER THE NEGOTIATIONS

Step 10: Implementing the agreement

Agreements are no good unless they are implemented. Members must know the agreement well. They are in the best position to make sure the agreement is implemented and that it is not broken.

Three golden rules for collective negotiators

1. Never negotiate with your counterpart alone
2. Never make a deal without the agreement of your members
3. Maintain unity throughout the negotiations

Activity 8: Preparing and planning for collective negotiations

Time: Two hours, 30 minutes

Aims: to help us to:

- Deepen our understanding of how to plan for collective negotiations

The facilitator will lead you through more details on the steps and processes you need to follow when you are preparing to collectively negotiate or for other forms of engagement (15 minutes)

Task 1: Preparing the Way: Steps 1-5

In three (or four) groups:

1. Each group will be allocated one scenario to work with. These are taken from our workshop in June 2018.
2. Your first task is to work through Steps 1-4 and make sure you are clear about who, where and how you will be negotiating. You have most of the information in the scenario so this should be quick.
3. Now you will go back to the steps and answer some additional questions:
 - Step One:
 - Did you get a mandate from your members and how?
 - What information do you need and how will you get it?
 - Step Two:
 - What is your demand? Write it down using not more than 2 sentences
 - What do you hope to achieve (objective)
 - Steps Three and Four:
 - What research might you need to do on your counterpart(s) and forums?
 - Is there anyone else involved that you need to know more about?
 - Step Five:
 - How will you approach or respond to the counterpart?
 - Will you need support? If so from who?
4. Write up your plan for Stage One: Preparing the Way on flip chart and be prepared to present to the rest of the group.

Task 2: Planning Strategy and Tactics –Step 6

1. Back in your groups: assume you are the negotiating team that will meet with your counterpart(s) and ready for Step Six- Planning the details
2. Use the checklist below to plan your strategy and detailed tactics for the negotiation:

a. The overall objective of the negotiations is understood by the Team	
b. Our demand or proposal for this meeting is very clear	
c. We know who will play what role in the meeting (main speaker, who will speak on what issue, who takes notes etc)	
d. We have information to support our demands (e.g. C189) and all the documents we need to refer to	
e. We have worked out our opening motivation and our arguments	
f. We have assessed our own strengths (and power) and weaknesses	
g. We have tried to analyze our counterparts: power, attitudes etc.	
h. We have prepared our members and allies to support us	
i. We have some tactics ready if the meeting is not going so well or collapses e.g. compromise position, caucus, report back to members	

3. Record the details of your plans and tactics on flip chart following the numbers on the checklist. You can only tick off the checklist item when you have turned the statement into a question and then answered the question e.g. 1. What is your objective for the negotiations? *Answer: we hope to get a commitment from the Minister to include domestic workers in OHS legislation*

We will share our plans and tactics and give each other advice in plenary

Facilitator Note

- I have used the same stories as in the June workshop (1,3,4,5) but condensed them.
- Decide which scenarios to use – three or all
- With Task 2 the idea is to guide their discussion using the checklist and referring to the handout- but need to avoid them just ticking off on the checklist. They need to report on the how from a – i.

Scenarios: Activities 8 & 9

Negotiations Scenario One: Negotiating with the Department of Labour for Ratification of C189

Your union the Domestic Workers' Freedom Union (DWFU) has 910 members. 25 % are migrant workers from a neighbouring country. Last year you joined the IDWF and heard about C189. Members were very excited to know about their rights. You started a campaign for government to ratify C189. You gained many new members and now have support from unions and other allies. For months you have been trying to arrange a meeting with the Labour Ministry, which is responsible for starting the government process that can lead to ratification. Today you received a letter from the Director General of Labour agreeing to a meeting.

Negotiations Scenario Two: A Dialogue with the Parliamentary Labour Committee on Labour Law Changes

Your union the Domestic Workers' Unite Union (DWUU) has 300 women members. Government and other unions ignored all your proposals to ratify C189. You decided the best strategy would be to campaign for the labour law to include domestic workers – right now domestic workers are excluded. The campaign had some success and government officials said they would “look into the issue as soon as possible”. Soon after, you received a letter from the chairperson of the Parliamentary Labour Committee (Ms Ngidi) inviting you to send representatives to discuss with women parliamentarians what changes needed to be made to the labour laws. This would be an informal meeting as no decisions could be made but many of the women would like to support domestic workers.

Negotiations Scenario Three: Making representations to the Wages Commission

A burning issue for the 700 members of the Solidarity Union of Domestic Workers (SUDW) is their very low wages. Employers do not have to pay even the national minimum wage as domestic workers are excluded from the legislation. You decided to campaign for a national minimum wage for domestic workers – one of the rights in C189. Because of your campaign you managed to get an invitation to participate in the National Wages Commission hearings which take place annually. The Commission is tri-partite (plus experts) and unions, government and employers all participate in the hearings (negotiations). You will demand that the law changes to include domestic workers. And, to avoid delay, employers must implement the new minimum wage immediately.

Negotiations Scenario Four: Negotiating with governments on rights and protections for migrant workers

The Migrant Domestic Workers Association (MDWA) has 500 members. Your government has ratified C189 but is ignoring the rights of migrant domestic workers especially those who are migrating to Saudi Arabia to earn more money. They suffer many abuses from employers and agencies. Their numbers are increasing so getting an agreement with both countries is now urgent. After a

struggle the Department of Labour has agreed to organize a meeting between MDWA, DOL, Department of Foreign Affairs and the Saudi Arabia Ambassador.

Activity 9: Practising negotiations

Time: Two hours, 30 minutes

Aims: To help us to:

- Improve our skills in negotiating for improvements in the situation of domestic workers
- Demonstrate how we can use our knowledge of C189 in our negotiations

Task 1: Around the table: Step 7

Your facilitators will take you through Handout Seven: Around the Negotiating Table. They will do a sketch of part of a negotiating meeting (presenting proposal, motivating and arguments, answering questions, counter arguments). Give them feedback at the end on what you think was positive or what could have been improved. (30minutes)

Task 2: Putting it into practice

In small groups, you are now going to practice presenting your proposal, motivating and arguing your case.

1. Gather again in your group. Allocate roles as follows:
 - Two people will be domestic workers, organizers or leaders
 - Two people will be a representatives from the counterpart group
 - One person will be a coach and observer (5 minutes)

(Note: depending on numbers in the group you may divide up the roles differently or divide into two groups)
2. Working with the same scenario: spend 30 minutes preparing to meet:
 - Domestic worker representatives: you will plan how to motivate and argue the proposal. You will refer back to the plans made in Step 6. You will be prepared to answer questions from the counterpart and repeat and clarify arguments. Decide who will present the proposal and motivation and who will follow up/ respond to questions and arguments.
 - Counterpart representatives: will look back at the proposal (you will know the plan!) and decide on what position to adopt (uncertain, opposed but not aggressive, helpful, hostile, aggressive, pretending to be sympathetic but remaining firmly against etc). You will think of what questions to pose to the domestic worker representative.
 - Coach and observers. Once roles have been allocated you will all meet and plan together what and how to observe and how to give feedback.
3. In your groups now do a short role-play (15 minutes)
 - Domestic worker representatives. Put forward and motivate your demand, provide good arguments, answer questions. Do this assertively.
 - Counterpart representatives. Make sure you ask questions and provide counter arguments. Remember you can adopt different positions: refuse, pretend to be sympathetic, be aggressive or very assertive, compromise

- Coach/Observer. Observe the negotiation and check:
 - did the domestic worker reps present a clear motivation and arguments?
 - did they use C189 (and the Toolkit) effectively in their arguments?
 - did they answer questions in a way that showed they were knowledgeable and confident?
 - were they able to respond without getting angry and aggressive or were they passive?
- 4. After finishing the role-play the observer will give constructive feedback to the domestic worker representatives *(15 minutes)*
- 5. Repeat the role-play taking into account the feedback from the coach/observer in the first round. Coach/observer to give feedback again *(20 minutes)*

We will discuss together what we did well and where we could improve our negotiating skills (20 minutes)

Facilitator Note

- See suggested brief for your demonstration below. Because the exercise seems a bit complicated at first this should help participants to be clear of what is expected. Participants should provide constructive criticism as “observers”
- Ideally the practice groups would be 5 (2 DW reps; 2 counterpart reps; 1observer) but facilitator will need to work out the best arrangement depending on the size of the original 3-4 groups. Groups could split into 2 groups of 5 or you could adjust. Or you could have only 1 of each role (however this makes the prep a little more difficult for the participants as they have no support)
- You could refer to *Handout Eight: Giving and Receiving Constructive Feedback* before or after the role plays

Brief for the demonstration by facilitators:

The negotiation is between the union and representatives from the Labour Department. The union proposal is for domestic workers to be covered by OHS legislation that currently specifically excludes DWs. (Government has said that it is not in a position to ratify C189 so the Union has decided to push for improvements in the law instead of pursuing ratification at this stage). Union representative should present the proposal for coverage showing knowledge of the laws on OHS covering other workers and gaps in current laws, motivate quoting some research on numbers and types of accidents as well as the provisions of C189/R201 and do it well and assertively. Government should query the research and ask questions about how C189 could be implemented in a private home. DW rep should respond well to questions. However, at the end government reps say thank you for the discussion, indicating sympathy but not making any agreement or saying how they will follow up. The Union just accepts this passively and says thank-you.

Handout Seven: Around the Negotiating Table

A guide for negotiators

- Present a good image: appear confident, well organized, and be on time.
- Take control: try to make sure that your counterpart does not dictate the agenda.
- Be clear: Motivate and present arguments simply, clearly and briefly.
- Listen: Actively listen to what the other side says. Hear what they reveal.
- Ask questions: Clarify and understand all points made.
- Translate: Make sure everyone can understand and can speak.
- Think: Before you speak, think!
- Keep to the point: Don't allow yourself to be distracted from the issue.
- Control anger: Be careful not to make empty threats or lose your temper.
- Be assertive: Be firm and strong in what you say. Don't be aggressive or too passive
- Stay united: Don't argue in front of the other side. Ask for a caucus if this starts to happen.
- Get something in return: Don't give away too much too soon.
- Be flexible: Look for options and alternatives; know when to change tactic.
- Take careful notes: Don't rely on someone else taking minutes.
- Confirm agreements: Make sure everyone has a common understanding of agreements and next steps.
- Caucus. Know when to call for a caucus.
- Mandate. Know your mandate limits and when you need to go back to your members.

Handout Eight: Guidelines for Giving Constructive Feedback

Giving Feedback

DO's:

- Be specific; give information by referring to actions, words, gestures, body language, responses etc
- Use "I" words (I saw...I heard- for example)
- Speak for yourself, and not on behalf of others
- Distinguish between the information and your own interpretations (for example: "I saw....and I interpret it as a sign of...)
- Reinforce and repeat positive feedback
- Restrict feedback to things you know for sure
- Phrase your feedback as a statement, not as a question
- Help people hear and accept your compliments

DON'Ts:

- Don't exaggerate
- Don't be judgmental
- Don't use labels
- Don't use words like "better", "worst" and "should"

Which are constructive feedback examples?

- Why are you always late?
- I feel annoyed when you are late for meetings
- When are you going to stop being late for meetings?
- A lot of people don't like it when you come late for meetings
- It is annoying when you are late for meetings
- I notice this is the third time this month that you are late for our meetings....

Constructive feedback: means the other person can learn from it, that s/he can use it to become more self aware and effective.

Destructive feedback: comes from someone who intends (consciously or unconsciously), to hurt, undermine or put down the other person.

Activity 10: Concluding negotiations

Time: One hour 30 minutes

Aims: To help us to:

- Understand the importance of agreements
- Develop strategies at the end of negotiations
- Reflect on different forms of power we can use during and after negotiations

Task 1: Ending the negotiations (s) (Steps 8,9,10)

In groups:

1. Read the scenario allocated to you and the background scenario
2. What actions will you take to make sure that there is a clear conclusion and follow up to the negotiation meeting. Think about:
 - How will you confirm the outcome of the negotiations/meeting?
 - How will you involve your members?
 - What strategies will you use to support your demands?
3. Be prepared to report on how you would deal with your situation

The facilitator will summarize the different ways in which negotiations can end, be recorded, different ways forward and implementation strategies

Scenarios: Concluding Negotiations

Scenario 1: Negotiating with the Department of Labour for Ratification of C189

At the end of the meeting with the Director General of Labour and staff, the DG agrees to inform the Minister about the union's proposal. He says he will recommend that the process towards ratification should start. The next step will be to convene a tri-partite meeting if the Minister agrees. You ask the DG to put this in writing but he avoids committing to doing this.

Scenario 2: A Dialogue with the Parliamentary Labour Committee on Labour Law Changes

Your meeting with the women parliamentarians ended on a positive note. The parliamentarians promised to do all they can to support your request for changes to the labour law to improve the conditions of domestic workers. However they emphasized that this was an informal meeting and not a negotiation where decisions could be made.

Scenario 3: Making representations to the Wages Commission

You made very strong arguments for domestic workers to be covered by the national minimum wage at the Wages Commission meeting and for immediate implementation. However, the employer and government representatives refused to support your proposal. Only the union representatives supported you. This meant that your proposal was rejected as you did not get majority support.

Scenario 4: Negotiating with governments on rights and protections for migrant workers

At the end of the meeting the representatives of the Department of Labour and of the Foreign Affairs Department said they will take the matter back to their Ministers. The Saudi Ambassador committed himself to discuss with his relevant Minister as well. Your Association (MDWA) agreed it would educate its members to ensure they had proper documents and papers before leaving the country and to obey the laws of Saudi Arabia when working there.

Task 2: A look at different sources of power (Optional)

Domestic workers have limited power to enforce their demands in traditional union ways. But domestic workers have shown that they have power to make change. What has given them the power to do this?

In pairs:

1. Read the Handout: Sources of Power
2. Which sources of power do you have as domestic workers?
3. Can you think of examples where you have used one of the sources of power to win or support your demands?
4. Do you have any other sources of power as domestic workers?

Let's share our ideas!

Facilitator Note

- Task 1: To draw out the importance of recording agreements: in our cases there would not be a formal CB agreement but nevertheless there should be a clear written record of the meeting outcomes – so they could suggest a minute, a letter etc
- Other important things to bring out is how to include members: as again not traditional negotiations for wages etc mandates may not be so direct....creative ways of reporting /getting feedback and mandates to explore
- Task 2: This is an optional activity. It is useful to get participants to think creatively about power and to change from “we don't have power” to “we have lots of power” sources. It could come earlier in the workshop...

Handout Nine: Sources of Power

POWER IS:

*"The capacity or ability to direct or influence the behavior of others
or the course of events"*

DIFFERENT POWERS:

- Associational Power (Coercive): use of numbers, strong structures, collective action and ability to pose a threat e.g. strike
- Knowledge power: power through knowledge, skills and confidence: using our own networks, ability to access sources of knowledge (e.g. supportive researchers, internet), developing our skills
- Relationship power: relationships with powerful or influential organizations e.g. a union federation or other important players
- Legitimacy power: recognition of your organization as representative of its constituency; legitimately elected and accountable leaders who are honest, trusted and with skills; rights conferred by law, policies and agreements
- Achievements power: where successes are demonstrated
- Moral power: where people feel forced to "do the right thing"
- Symbolic power: gained from high profile publicity, demonstrations. Power can appear stronger than in reality

Activity 11: Do's and don'ts of collective negotiations (Optional)

Time: *One hour, 30 minutes*

Aims: To help us to:

- Consolidate what we have learned about collective negotiations for domestic workers

Task: Do's and don'ts

In small groups:

1. On the worksheet on the next page and write down 3 things you must do:
 - Before the negotiating meeting(s)
 - During the negotiation meeting(s)
 - After the negotiating meeting(s)
2. Now write down 2 things you must never do:
 - Before the negotiating meeting(s)
 - During the negotiation meeting(s)
 - After the negotiating meeting(s)
3. Be ready to share your answers and discuss your reasons.

The facilitator will consolidate your answers into a collective chart.

Facilitator Note

- This could be made much shorter by running as a plenary brainstorm to consolidate learnings

Do's and Don'ts Worksheet

When?	Always Do	Never Do
Before negotiation meeting		
During negotiating meeting		
After negotiations		

Activity 12: Way Forward and Evaluation

Time: *One hour, 30 minutes*

Aims: To help us to

- Reflect on our dream for negotiations in our union
- Evaluate the workshop

Task 1: Our dreams (Optional)

Individually complete the following sentences- think BIG:

- In two years time through collective negotiations our domestic workers members will:

.....

- When I get back to my union I will immediately be able to:

.....

Task 2: Evaluation

1. Your facilitator will place flip chart papers on the wall containing the following questions:

- What was the most useful thing you learned in this workshop?
- What skills did you acquire?
- What would you like to know more about?
- What should there be less of in future workshops?
- Recommendations?

2. Move around the room and write your answers to each question on the flip charts

3. We will review your answers: what is the same and what is different

4. Finally, lets see how far the workshop met your expectations

Facilitator Note

- A more lively way to do evaluation but takes longer