



# The HUDS Negotiation

*Lessons from the Dining Strike*

by Jesse Cohen  
KSNP Contributor

## HUDS Negotiation: A Quick Glance

The labor-management negotiation between Local 26 UNITE-HERE representing Harvard University Dining Services (HUDS) and Restaurant Associates (RA) workers and Harvard University presents an opportunity to see the application of negotiation analysis in action. Perceptions of power influence not only how parties negotiate but when they choose to negotiate as circumstances and situations change over time. In cases of principled intransigence, internal negotiations influence how long a party is willing to hold on and at what cost in order to achieve a desired outcome. And negotiations rarely happen in isolation, as individual agreements and impasses between parties influence not only future negotiations with each other but also with other parties by affirming or altering system-wide power dynamics.

On October 25, after nearly three weeks of striking, UNITE-HERE Local 26, representing 500 Harvard University Dining Services (HUDS) workers and 250 Restaurant Associates (RA) workers, reached a tentative agreement with Harvard University. The new agreement was signed two days later, and meal service and

catering operations slowly returned to normal across Harvard.

## Perceptions of Power: Above and Below the Line Players

As a major teaching and research institution, Harvard University has access to an array of resources useful in labor-management negotiation, including but not limited to its own in-house legal counsel. No Harvard workers have called for a strike in over 30 years; the most recent walkout, in 1983, lasted mere hours. Notwithstanding higher hourly wages than most of their compatriots at other local universities, the average annual salary a HUDS worker earns is less than \$35,000 per year. There was no wage paid during the strike; some workers earned a small \$40/day stipend. Given this imbalance in perceived power, we could normally assume that the collective bargaining negotiation would lead to a different outcome, potentially one less desirable for the HUDS workers. As an individual local union, Local 26 employs organizers and negotiators, but as a member of UNITE-HERE, which represents over 250,000 workers across the United States and Canada, it has access to regional and national networks of negotiation professionals it can turn

to for support.

When playing a weak hand brilliantly, below-the-line players – those with access to relatively weaker sources of power – often find success in building strong coalitions with other below-the-line parties as well as with parties that have stronger sources of power. Below-the-line players also benefit when their above-the-line counterparts operate from a position of judgmental overconfidence, and rely on structural sources of power to insulate them from a rival coalition. In the case of the striking HUDS workers, Local 26 strengthened its position by engaging national resources and staff from UNITE-HERE.

### **Managing and Leveraging Time in Internal and External Negotiations**

Once the strike began, each passing day represented another day with diminished services for students, especially Harvard College undergraduates wholly dependent on a meal plan. Each day of the strike brought another day of workers picketing outside key University buildings and properties. And each day of the strike cost HUDS workers a piece of their paycheck. Both parties sought to position themselves publicly as willing to be patient, hoping that the other side would succumb to time pressure brought about by critical press (the University), to nonexistent strike wages (the Union), or to the negative fallout surrounding inadequate dining service for residential Harvard College students (potentially either party or both parties). For HUDS workers accustomed to clocking an eight-hour day at \$21 an hour, they lost roughly \$128 from a \$168 pre-tax pay for each day of the strike, amounting to \$640 in lost wages each week, not including any overtime work for which they might have been scheduled. Over the duration of the strike, the typical HUDS worker lost nearly \$2,500 in wages. The lost wages would have been even greater if not for a daily strike stipend of \$40 per day from Local 26. For workers earning less than \$35,000 a year, the value of these lost wages was far from trivial.

When engaging in work stoppage, or other forms of intransigence, parties must turn inward to

negotiate how long to hold out before accepting an agreement. This type of tension, how much value to create or claim, and at what cost, cannot be managed as a simple Pareto efficiency optimization exercise. Negotiators must facilitate a conversation with the constituents they represent about values and priorities, and the possibility of gains and losses in the immediate and in the future. This internal negotiation is necessary to determine the length of time before a work stoppage will lead to diminished or even negative returns based on the values and priorities of the constituents a negotiator represents at the bargaining table.

### **Broader Implications: Representing Constituents Not at the Table**

The negotiation between Harvard University and HUDS workers did not take place in a vacuum. Restaurant and dining services workers, unionized or not, are among the lowest compensated workers in the economy. With a \$21 hourly wage, HUDS workers stood out as being the highest compensated in their field, notwithstanding concerns over health insurance premiums and year-round employment. For Local 26, the challenge was taking care of HUDS workers' needs while using this negotiation as leverage beyond Harvard. After the strike concluded, Local 26 president Brian Lang told the *Boston Globe* that they had achieved "every goal, without exception, with no concessions," and that this would allow Local 26 to set the agenda for upcoming labor-management negotiations on behalf of the food service workers they represent at universities and hotels throughout Greater Boston. There were broader implications for the University as well. HUDS workers are not the only collective bargaining unit at Harvard, and any agreement reached with HUDS workers would establish new precedents for other labor-management negotiations.

Negotiations rarely happen in isolation but frequently influence future negotiations. For negotiations with high public visibility, agreements or failures to reach a deal influence future dealings between the relevant parties, as well as with all their other respective counterparts.