

## **The Analysis of Legal Policies for Collective Bargaining Systems in the USA**

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### **Abstract**

In light of comparative industrial relations, the rights and duties in relationships of collective bargaining between employers and unions in the USA can be characterized as legalism, democracy, conflict and state intervention. However, what are the substantial features of the legal policies regulating collective bargaining in the USA? What are the empirical experiences and theoretical implications behind such legal policies? Based on a critical approach, the author explores the rise and decline of collective bargaining by addressing rights and duties in collective bargaining from the establishment to the termination of relationships between employers and unions. The article concludes by outlining four factors operative in the development of collective bargaining in the USA: highly legalistic relationships, regulation of exclusively representative rights by rigidly democratic processes, an adversarial model that leads to confrontation and conflicts of interest between employers and employees, and highly public interventions in collective bargaining procedures.

**Key Words:** collective bargaining, union recognition, exclusively bargaining representatives, the duty to represent fairly, the duty to bargain in good faith