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Collective Bargaining and Labor Conflicts in Practice: Case Study in the Shopping Center Restaurant Industry

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ABSTRACT

This article outlines the process of collective bargaining and the ways in which labor conflicts are resolved in the Brazilian food service sector. The case study of the Restaurant, a chain of restaurants in Brazil, and the Rio de Janeiro Syndicate, a union of workers in the sector in Rio de Janeiro, is used to examine the interests of the parties involved in the negotiations, to define a Zone of Possible Agreement (ZOPA) and to follow the negotiations that were conducted in order to reach a cooperative solution to the conflict. The article describes how structured dialogue, concessions, and mechanisms of trust were used to resolve conflicts between the parties without resorting to the courts. The article also considers the value of collective bargaining in reconciling organizational efficiency with workers' rights. The case study examines managers' decisions, unions' work, and strategies used to prevent conflict in the food service sector.

KeyWords Collective bargaining; labor conflicts; descriptive case study; negotiation strategy; organizational trust; Brazilian food service sector; union representation.

INTRODUCTION

Negotiations over collective agreements are among the most effective means of balancing an organization's demands with workers' rights. The process of collective bargaining is structured and consists of negotiations between a trade union and an employer (or an employers' organization) to reach an agreement on specific working conditions within a company or enterprise. When conducted effectively, collective bargaining is a means to prevent judicial conflict and is extremely common in Brazil, where the majority of labor relations are structured through collective agreements. In these situations, workers are extremely well represented by their trade unions within the organization. This article presents the experience of the restaurant – a company that operates in shopping centers providing various types of food service – and the Rio de Janeiro Syndicate. The article demonstrates how negotiation is an instrument that corrects problems and also prevents them from arising. As is common in the food service sector, restaurants located in shopping centers are high-activity environments where employees are required to work long hours in a strict, demanding routine. It is precisely in this sort of environment that problems arise over working hours and, particularly, over benefits, which are often not duly addressed due to a lack of appropriate communication channels between the company and its employees. Such conflicts are not resolved through communication between the parties with conflicting interests. This is what the negotiation literature refers to (Bazerman & Moore, 1994; Fisher & Ury, 1981; Raiffa et al., 2002). Employees at the restaurant, for example, claimed to have been victims of moral harassment, that basic work rights were not respected, and that benefits payments were irregular. Intervened by the trade union Rio de Janeiro Syndicate, negotiations between the company and employees took place in the framework of collective bargaining.

The relevance of the case study lies in the ways in which the parties developed strategies to negotiate the conflict and turn recourse to litigation into a cooperative resolution. The main elements the parties considered to reach an agreement were the Zone of Possible Agreement (ZOPA) and the Best Alternative to a Negotiated Agreement (BATNA). The study of negotiations between antagonists is an old subject matter for many authors who have developed it throughout the centuries. In such studies, one of the main points emphasized by the authors is that the distribution of power between the two parties is not the only factor determining the outcomes of their negotiations. Other elements emphasized by the authors to determine the outcomes of negotiations between two antagonists are the trust between the parties and the recognition of the common interests they share. Such elements were present in the case studied by the author, and they have been analyzed in this work. Thus, we followed Dias(2020), where multiple parties negotiate multiple issues, a Type Iv negotiation, as illustrated in Figure 1:



Figure 1 The Four-Type Negotiation Matrix
Source: Dias, 2020. Reprinted with permission

This article has three main objectives. The first is to insert the analyzed negotiation into the body of knowledge that treats collective bargaining and organizational conflict. The second is a descriptive case study of the analyzed negotiation and the strategies of the parties that are involved in the process. The third objective is to analyze the implications of the studied case for the organization's strategy, for the union, and for labor relations in general in similar situations. The theoretical framework to analyze the negotiation between the parties is based on the most classic and contemporary works on the subject. First, there is the work of Fisher and Ury (1981) that proposes principled negotiation, or how to negotiate in a smart way, in which the main goal is to reach an agreement that is satisfactory to both parties. It focuses on the problems at hand and separates them from the emotions and personal aspects of the people involved. In this sense, it focuses on the parties' interests rather than their positions. Then there is the work of Bazerman and Moore (1994), which studies managers' judgments and decisions in negotiation. Also, there is the work of Raiffa et al. (2002) that analyzes the processes of collaborative negotiation, or how individuals with different goals can work together to reach an agreement that is better for all of them. Lastly, there are more recent contributions to the study of negotiation. Some analyze the negotiation from a more structured perspective (Dias, 2020), while others approach it from a more situational perspective (Geiger, 2017). Finally, there is the study of issue-based negotiation tactics in business (Geiger, 2017). Thus, the introduction clarifies the study's position within the field of negotiation research. The negotiation studied in this research can be positioned within the research on labor relations. In the above case study, collective bargaining has been used to balance an organization's requirements with its employees' rights. This research has been conducted as a descriptive case study. In the subsequent chapters of this research, this study will be described in more detail step by step.

This article describes the process of collective bargaining and conflict resolution adopted by the food service sector in Brazil through the case study of the restaurant and its sectoral employers' organization. The research was carried out in strict compliance with the most stringent ethical standards and with all relevant legislation. Thus, the research maintains the real names of the parties studied and subsequently they were anonymized. Keeping the names of the parties studied in order to fulfill the highest standards of research ethics and the legal requirements of the research while at the same time keeping under control sensitive information in order to avoid any potential damage that this information could cause to the parties involved in the research by using pseudonyms in order to keep up high academic standards of the research while maintaining compliance with the research's objectives, the research analyzes and presents the process of the structured dialog, concessions and trust building mechanisms in search of a reconciliation between efficient organization and workers' rights.

LITERATURE REVIEW

Research on collective bargaining and labor conflict resolution has benefited from studies of negotiation and from the vast literature on labor relations. In this section, we first present the main approaches and frameworks to analyze negotiations between parties with different interests. We then present the main empirical studies and the respective debates on collective bargaining. We finally present an analysis of the case study within the framework of the literature on the subject.

Negotiation

Following Fisher and Ury (1981), years later, Raiffa et al. (2002) created the Negotiation Analysis, a science and art of decision-making with collaborative characteristics. Also, very useful for the study of collective bargaining, since, as mentioned earlier, negotiation in this context is affected by many emotional and relational aspects. Bazerman and Moore (1994) have analyzed how managers' judgments affect negotiations, often driven by several cognitive biases.

This study analyzes the decision-making processes individuals use and how these processes can explain the conflict that occurred at the restaurant, stemming from some of the restaurant's managerial practices that were not in line with the collective agreement or the union's views. The interventions of the latter in the conflict will also be analyzed from a negotiation perspective. In the labor relations context, the parties are locked in a dual process of cooperation (to achieve the collective goals) and competition (to achieve their individual or organizational interests). Studies on negotiation for the analysis of cases develop models for its study, such as the Four-Type Negotiation Matrix (Dias, 2020c) for the descriptive study of the different types of negotiation that occur in organizations as well as for the structured approaches and the situational approaches (Dias, 2020, 2020c). On the other hand, studies have attempted to model the different issue-based tactics employed in business-to-business negotiations (Geiger, 2017).

Collective Bargaining and Labor Relations

Collective bargaining is analyzed in the context of the institutional structures that regulate the conduct of employers and employees. The great majority of studies on consumer protection are focused on the rights of individual consumers. A few studies analyze the rights of individuals and consumer groups under specific laws, such as South African law (Jacobs, Stoop & van Niekerk, 2011), or the protection of consumers and workers in Brazil (Cavaliere Filho, 2011; Nishiyama, 2000). For years, Dias and his colleagues have been studying negotiation cases in Brazil. Those studies aim to analyze how collective bargaining really takes place. As a result, many approaches and models are described to analyze situations in which parties interact to reach an agreement. Some examples of these studies include Dias (2021), which analyzes the ways and reasons for empathetic negotiations to address the challenges of the COVID-19 pandemic. Dias and Navarro (2020), in which the authors apply several models of negotiation to government cases. Finally, Dias and Panzarini (2025) describe the role of trust in civil construction negotiations. The study of the role of unions in collective bargaining is among the most widely studied subjects in the scientific community. The main objective of the union is to negotiate with the management of the company where its affiliated members work to ensure compliance with the terms and conditions of the collective agreement and to negotiate improvements to wages and working conditions. Salacuse (2003, 2006) analyzed negotiation in a global context, focusing on the management of powerful stakeholders, such as labor unions. Zartman (1988) analyzed several negotiation processes and identified common characteristics, such as timing, communication, and concessions.

Negotiation studies have stressed the importance of trust in negotiating deals and in developing cooperative relations between parties. Santos and Dias (2024), in a study on virtual negotiations, have identified seven forces that influence trust. In addition to these forces, several models describe and analyze the development of trust in business negotiations, including Dias and Lopes's (2021) model of transformative trust. Therefore, trust is both a condition for negotiating deals and an outcome of negotiation processes that allow the development of cooperative solutions in the best interests of the parties involved. The Organizational Strategy also plays a role in the negotiation process. To achieve an organization's objectives, it must negotiate with its stakeholders. Thus, to negotiate with an organization's stakeholders, the organization must define a strategy to achieve its goals. In negotiations, this strategy must consider ways to achieve the organization's goals while accounting for the organization's costs, image, and operational objectives. As in other fields of activity, the strategic analysis of the negotiation must consider the organization's external and internal factors. Thus, the negotiation analysis must take into account the organization's perspective and those of the other parties involved. Thus, the organization must define its objectives and the strategies to achieve them, while taking into account the possible responses of the other parties involved in the negotiation process. This is the case of a construction company analyzed by Dias (2025) in research.

Empirical Studies in Brazilian Contexts

Moreover, other sectors of the Brazilian market have also been studied by research related to Collective Bargaining Negotiations, as for example the use of serious games for training of corporate employees to better prepare them to negotiate, by means of tools that measure the participants' engagement, for example of descriptive studies of real cases that can support the application of the negotiation frameworks studied by researcher (Dias et al. 2022, 2023). Other recent studies have analyzed negotiation cases across sectors, including the military and health services (Dias et al. 2021, 2022). Still, other recent studies have assessed the use of serious games in the corporate environment for employee training to develop negotiation skills (Carvalho and Dias 2025). In summary, the herein-studied case confirms the findings of Dias et al. (2021, 2022) on the influence of management and union practices on negotiation processes and their respective outcomes. What this study underscores, however, is the importance of proper documentation, compliance with the Collective Agreement's clauses, and the conduct of cooperative negotiations to prevent judicial conflicts and promote effective Collective Bargaining in the food service sector.

Gaps in the Literature

Negotiations in the food service sector, specifically in shopping centers, are a highly under-researched area. While most studies focus on negotiations in industrial or construction-related fields, several key factors have been identified as influencing negotiation processes. Among these are trust and strategy, with an in-depth analysis of their interplay still lacking. The case is the first detailed account of a negotiation process, which took place in the highly dynamic service environment of a restaurant located in a shopping center. Through trust, proper documentation, and cooperative negotiation, the parties settled their disputes without recourse to the courts.

METHODOLOGY

This study is a single descriptive case study, namely the collective bargaining process between a single employer (Restaurant) and a union (Syndicate). For the research underway, the case studies are contemporary (labor relations in the food service sector in Brazil at the moment) and are studied within their real-life setting (the collective bargaining process between the restaurant and the Union. The delimitations between the studied phenomenon and the context are not clearly evident for this research. For this reason, it is possible to study in depth the process of negotiation in the collective bargaining underway and the elements that constitute the context for negotiations in restaurants in shopping centers. The study will be purely descriptive. The objective is to describe a negotiation process. That is different from analyzing the negotiation process, describing its results, testing hypotheses, or investigating cause-and-effect relations. A descriptive case study is the most common type of case study research. A descriptive case study of events, actors, and decisions in a given context is presented thoroughly and completely (Yin, 2004).

Research Strategy

The qualitative research strategy proposed by Saunders, Lewis, and Thornhill (2009) will be adopted in this study to analyze the data from the case study. Thus, qualitative analysis will be conducted of documents produced during the negotiation process, reports written by the union, and accounts provided by the restaurant's management regarding the parties involved in the conflict. The above-mentioned analysis will be complemented by the theoretical framework of the negotiation provided by the most relevant literature on the subject. The main purpose of this study is to analyze the perspectives of the parties involved in the conflict, how they assessed their interests during the negotiation process, and the strategies they applied to reach an agreement.

Data Sources and Collection

This study is based on a case study description, whose data are drawn from the union's documentation of its complaints to the company and from the manager of the restaurant representative's responses. In addition, negotiation records and the signed agreement between the parties have been analyzed. In this type of study, the documentation presented by the union, the analyzed company, and the parties' narratives allow triangulation of the evidence. According to Yin (2004, p. 45), using multiple sources of evidence in case studies enhances the construct validity of the results.

Analytical Framework

The qualitative study of the process of negotiation was analyzed by means of a series of theories and researches on negotiation, such as BATNA (Fisher & Ury, 1981; Raiffa et al., 2002; Dias, 2020), and other strategies of negotiation and trust-building, in order to identify the interests of the parties and the different strategies that they have employed in the process of negotiation (Saunders et al., 2009).

Limitations

As with any other qualitative research, there is the potential for researcher bias. The researcher is human and brings all of their knowledge, past experiences, and viewpoints to the research. This study attempted to keep these to a minimum while remaining true to the data and the theoretical models used to analyze it. As Saunders et al. (2009) stated, the researcher must acknowledge the potential for bias in their research and take steps to limit its impact. The researcher must also acknowledge that they cannot remove themselves completely from the research process. This study is a single-case study of a labor negotiation in the food service industry in Brazil. It is not generalizable to other cases. Other similar cases may report similar results.

Justification of Methodology

In order to make clear to the reader that this study is appropriate for the purposes of describing the process of a negotiation as well as the interests and strategies of both parties involved in the process, it will be able to make contributions to the literature on collective bargaining as well as to the study of issues related to negotiation. Indeed, as Yin (2004, p. 15) and Saunders et al. (2009, p. 211-213) have noted, the case study is the most appropriate method for analyzing complex social phenomena within their own context.

CASE DESCRIPTION

The following legal negotiation presents a case of collective bargaining between the Union and the Company. The Restaurant Company is from the food sector located in the shopping center (food court) and the Union is from the commercial sector of the city of Rio de Janeiro. In summary, the Union received a complaint from some workers of a unit of the chain (Barra Shopping unit) alleging: moral harassment by the Manager of this unit; prohibition of the use of chairs in the store; non-payment of meal vouchers and transportation vouchers on Sundays and holidays; prohibition of the use of cell phones at work; lack of drinking water supply; prohibition of the use of bathrooms, as well as non-compliance with the bank of hours. On November 6, the Company received the summons to appear at the Trade Union of Rio de Janeiro on November 10 to provide clarification regarding the complaints listed in the summary. First, the Company's Legal Department listed the complaints: (a) moral harassment of the Manager of this unit; (b) prohibition of the use of chairs in the store; (c) Failure to pay meal vouchers and transportation vouchers on Sundays and holidays; (d) prohibition of the use of cell phones at work; (e) lack of drinking water supply; (f) prohibition of the use of bathrooms; (g) non-compliance with the bank of hours.

The Legal Department scheduled a meeting with the Company's Human Resources Manager to discuss the case. In the preliminary discussion, the HR Manager clarified that there is a supply of chairs for all units, which will raise the spreadsheets of meal vouchers and transportation vouchers for the last 6 months, as the payment is made in cash and paid on a specific day (Sunday and holiday) according to the norm of the local Collective Agreement, and that employees record the receipt of the amounts in their own spreadsheet. Regarding drinking water, the units purchase gallons of water directly from local suppliers. Managers are instructed not to work overtime, as the Collective Agreement provides that for the realization of a bank of hours it is necessary to enter into a direct agreement with the Union Body. Regarding the other topics: moral harassment; prohibition of the use of bathrooms and prohibition of the use of cell phones during working hours, it would be necessary to check directly with the manager of the

unit. A new meeting was scheduled directly with the Unit Manager, who in turn reported: there are some employees dissatisfied with the work who joined to harm the Manager. He has never harassed any type of employee, but he is aware of who could have made the complaint, as he knows 2 to 3 employees of the unit who have wanted to be dismissed for some time and who are no longer satisfied with the Company. Regarding the chairs, employees are not prohibited from using them, but there are really few chairs in the cashiers' place and in the rest of the restaurant, which due to his fault did not make the necessary adjustment. Regarding the payments of meal vouchers, it will help HR to collect all documentation, as it has always been paid correctly and regarding the prohibition of the use of bathrooms this has never occurred, what happened was a conversation with all employees to be more diligent and efficient in their activities, avoiding leaving the restaurant during working hours for reasons that are not extremely necessary, in view of the high flow at peak times (lunch and dinner). And regarding the use of cell phones in the store, the Manager reported that he actually collected all the devices and placed them in a closed box during peak hours (lunch and dinner), in view of the dispersion of employees and the excessive use of the device for personal purposes, harming the workflow of the operation. Regarding the supply of drinking water, the Manager says that this allegation is absurd, as there is always drinking water in the unit, what happened was that for a few months in the pandemic (2021) there was a delay by suppliers in delivering the goods (gallon of water), but the store employees were allowed to use the mall's drinkers and even fill their private water bottles. Finally, with regard to the bank of hours, the Manager claimed that he correctly performs and records in a separate spreadsheet all the compensation of employees' hours, but that there is really no agreement entered into with the local Union providing for the possibility of compensating for overtime. Therefore, in the first analysis, it is necessary to verify the interest of each party (Company and Union);

INTERESTS OF THE PARTIES:

Company: (a) Avoid labor liabilities and lawsuits: having a good relationship with the Union Body avoids new inspections and fines for non-compliance with the Collective Agreement, in addition to avoiding lawsuits by the Union or individual labor lawsuits. (b) Preserve the Company's image and reputation: Prevent negative repercussions and avoid brand erosion, as well as keep the relationship with consumers and the mall intact. (c) Maintain productivity and operational control: maintain the discipline, efficiency and productivity of the team, avoiding operational failures with consumers in the food court; (d) Avoid cost increases: do not increase labor expenses and keep the operation lean; (e) Defend the legitimacy of management: preservation of leadership and maintenance of hierarchical power and validation of the form of management adopted summary, the Company seeks to have operational continuity and control of its team, seeking to reduce possible legal risks and preserving the Company's image and reputation and avoiding extraordinary operating costs.

Union: (a) Guarantee labor rights: compliance with the Collective Agreement and regularization of the bank of hours; (b) Protect the health, dignity and well-being of workers: ensure good working conditions for workers and avoid abusive practices by the Company; (c) Strengthen its representativeness

before the category: show the effective performance of the Union and maintain its credibility before the category; (d) Prevent new irregularities: demand permanent adjustments by the Company, expanding the Union's inspection and avoiding the Company's recurrence of irregularities; (e) Balance the power relationship between company and employees: avoid abuse and excessive control by the Company. In summary, the Union seeks the protection of workers through compliance with the Collective Agreement by the Company and the improvement of working conditions. Thus, the Union prevents new irregularities on the part of the Company and balances the power relationship between the company and employees. All this guarantees the strengthening of union representation. In a second analysis, it is necessary to verify the reasons for the conflict having occurred, so that the ZOPA (Zone of Possible Agreement) of each party can also be defined.

ZOPA (Zone of Possible Agreement): If there is no agreement, it is estimated that a possible collective action involving overtime in the last six months, possible conventional fines and collective moral damage could reach amounts between R\$ 60,000.00 to R\$ 150,000.00, depending on the judicial recognition of the alleged irregularities.

1. Company: The conflict occurred primarily due to the excessive autonomy of the unit manager, who, in order to maintain the operational control of the team, ended up exceeding limits in certain management practices, as well as failing to comply with some formalities contained in the Collective Agreement (such as the bank of hours). Options that the Company agrees to negotiate: (a) increase the number of chairs in the store; (b) ensure that employees will be released to use bathrooms without restrictions; (c) ensure a continuous supply of drinking water in the store; (d) Review cell phone use policy; (d) present proof of payment of benefits; (e) regularize the bank of hours with the Union; (f) promote the Manager's leadership training; (g) avoid the payment of overtime for the absence of compensation of hours, but if it becomes impossible, avoid fines from the collective agreement for non-compliance with the items; (h) payment of overtime according to the employees' time cards of the last 6 months - survey carried out by the Company's HR and taken to the Union for validation.

2. Union: The conflict occurred because the workers felt excessive rigidity in management, in addition to feeling that their basic rights were being violated. The union received several complaints from employees and verified non-compliance with the Collective Agreement; therefore, it began to act in the conflict to demonstrate its class representativeness. Options that the Union agrees to negotiate: (a) gradual adjustment of working conditions; (b) Implementation of a reasonable policy for the use of cell phones - proportional and non-abusive; (c) solution between the parties that does not require judicialization; (d) Internal training of the Manager instead of immediate punishment; (e) future regularization of the bank of hours; (f) payment of overtime for the last 6 months;

It is observed the existence of a Zone of Possible Agreement (ZOPA), as both parties have an interest in resolving the conflict and want the continuity of the employment relationship. The Company is open to regularize internal practices that are not in accordance with the Collective Bargaining Agreement

and the Union demonstrates its intention to resolve the conflict without the use of judicialization. If the parties are unable to reconcile their interests and formalize an amicable settlement, before the negotiation they must define the BATNA (Best Alternative to a Negotiated Agreement), which are the alternatives that they must already have in mind in case the agreement is not successful. It is important so that at the time of negotiations the parties are strengthened in their interests and do not give in too much in a situation that is totally unfavorable to their interests.

Alternatives- BATNA

1.Company: (a) Present a legal defense in case of filing a lawsuit by the Union Body;

2.Union: (a) File a collective labor lawsuit.

Finally, the parties must elaborate, before the day scheduled for negotiation, agreement options so that they can make a plan and be equipped with tools and alternatives so that they can convince the other party to reconcile.

OPTIONS

1.Company

Option 1: (a) increase in the number of chairs; (b) Guarantee of access to bathrooms and drinking water for all employees; (c) review of the cell phone use policy; (d) regularization of the future bank of hours without the payment of retroactive overtime. **Option 2:** (a) gradual adjustment of working conditions; (B) training of the Unit Manager; (c) future formalization of the bank of hours; (d) Payment in installments of overtime for the last 6 months. **Option 3:** (a) Implementation of internal preventive measures; (b) presentation of proof of benefits paid; (c) suspension of the irregular bank of hours; (d) full payment of overtime for the last 6 months.

2.Union

Option 1: (a) administrative solution without judicialization; (b) immediate adaptation of working conditions; (c) proportional policy for the use of cell phones; (d) regularization of the bank of hours; (e) Receipt of overtime for the last 6 months. **Option 2:** (a) granting of a deadline for regularization by the Company; (b) suspension of judicial measures during negotiation; (c) maintenance of reasonable operating rules; (d) formalization of the bank of hours; (e) full payment of overtime for the last 6 months; (d) payment of conventional fines for non-compliance with the CCT. **Option 3:** (a) collective agreement with union inspection; (b) gradual adaptation of internal practices; (c) Manager training; (d) future

regularization of the bank of hours; (e) payment in installments of overtime for the last 6 months; (f) payment of conventional fines for non-compliance with the CCT.

FOLLOWING THROUGH

On November 10, the Company appeared at the Trade Union of Rio de Janeiro to provide clarifications in a preliminary meeting. The Company presented its defense and its notes in the face of the complaints presented by the employees. In addition, from the first moment he did not refuse to present the documentation requested by the Union: payment sheets for meal vouchers and transportation vouchers (Sundays and holidays) containing the days and the corresponding signatures of the employees. It remained open to a collective bargaining regarding the bank of hours, as raised by the Union during the negotiation, but questioned whether the negotiation could be future, disregarding the past. After the presentation of both sides, with arguments and notes defended according to the interests of each party, the Company and the Union presented their negotiation options (according to points previously raised). The parties entered into an agreement as described below:

Agreement between the parties: (a) The Company will increase the number of seats available in the unit; (b) Employees will be guaranteed free access to bathrooms and the continuous supply of drinking water to workers within the unit; (c) The cell phone use policy will be revised, allowing restrictions only at peak times and on a proportional basis. Employees who do not follow the rules may be warned or suspended from their activities (in more serious cases or recurrence); (d) The Unit Manager will participate in internal leadership and team management training; (e) On this date, the Company presented the proof of payment of transportation vouchers and meal vouchers for the last 6 months, pending analysis and validation by the Union; (f) The Company will carry out the survey of overtime in the last 6 months, according to the employees' time card and internal documents, making the respective payment to employees in the next two payrolls (in 2 installments). The documents must be forwarded to the Union after payment for analysis and validation; (g) The Union will monitor compliance with the agreed measures during the adaptation period; (h) Both parties agree to resolve the conflict administratively, without the need for judicialization.

DISCUSSION AND IMPLICATIONS

The case of the Restaurant reflects on the collective bargaining processes of Brazilian companies. As mentioned above, it combines legal aspects with organizational practices and union representation. Hence, a deeper analysis of this process is required. As management is autonomously responsible for the organization, it is aligned with the collective agreement in order to avoid perceptions of abuse by the union. Thus, what already has been stated in the literature on the subject is reinforced: besides the distributive dimension of negotiation (the way resources are distributed), there are also relational and strategic dimensions (Fisher & Ury, 1981; Lax & Sebenius, 1986; Dias, 2020). However, it was necessary for the company to present the records to the union so that it could build trust and reach a cooperative

negotiation with it regarding the payment of benefits to employees. This is how trust is used as a tool or as a mechanism in negotiations between the parties. The literature refers to trust as a prior condition to negotiate effectively between the parties (Santos & Dias, 2024; Dias & Lopes, 2021). However, there are also those who consider that trust is the product or outcome of the process of negotiation that is taking place between the parties (Santos & Dias, 2024). Another aspect worthy of note is the Zone of Possible Agreement (ZOPA) established by both parties during the negotiation process. In view of the risk of litigation which would certainly be very costly for both parts and possibly even have a negative impact on their reputation, both parties searched for an agreement that would be satisfactory for both. Thus, instead of sticking to their initial demands, both parties entered into interest-based negotiation to search for a solution that would satisfy both of their interests. Thus, the union was able to search for and negotiate improvements to the working conditions of employees at the Restaurant, while the company negotiated to maintain operations at the Restaurant without any measures perceived to be harsh. In sum, the Union was interested in reinforcing its legitimacy in the management of the Restaurant, and the company, on the other hand, was able to adapt its practices, update its management and make concessions to bring an end to the conflict. These are the dual objectives that have been studied in the negotiation and labor relations literature (Salacuse, 2003; Dias, 2025). This kind of bargaining dynamics can also be observed in the other cases analyzed by Dias et al. (2022, 2023), which relate to construction, healthcare and other services. In all the cases, the parties were able to prevent the legal proceedings from being held and had an integrative negotiation. Thus, the case of is also an interesting example of how bargaining takes place in the food service sector, a field of application of labor relations that is not very explored in the literature. In summary, an extremely effective way of conflict resolution is provided by collective bargaining. Its unique feature is that in negotiations within this framework the parties can also gain if they reach a mutually advantageous agreement. In the case of the restaurant, it was able to avoid litigation, and the Sindicato of the Commercial workers managed to obtain concessions from the management for the benefit of its members all within a few hours of negotiations.

CONCLUSION

The present case demonstrated the importance of collective bargaining as an instrument for resolving labor conflicts and balancing the interests of the Company and the Union. The complaints presented by the workers showed management failures, lack of formalization of certain internal practices and possible non-compliance with the Collective Bargaining Agreement. On the other hand, it was also demonstrated that the Company had an interest in preserving the continuity of the operation, avoiding the judicialization of the conflict and reducing financial and reputational impacts, thus preserving the Company's image. The Union, on the other hand, sought to ensure the protection of workers' rights, better working conditions and compliance with collective norms. During the negotiation, both parties identified a Zone of Possible Agreement (ZOPA), allowing for mutual concessions and the construction of balanced solutions. As the Company demonstrated an empathetic and open attitude, it was possible to carry out a cooperative negotiation, since both parties demonstrated their interests, but there was a concession on both sides. The signing of the agreement made it possible to regularize the Company's internal practices, pay overtime for the last 6 months and adopt preventive measures to avoid new

conflicts. Thus, it is concluded that collective bargaining was fundamental to solve the conflict in a consensual manner, preserving labor relations, strengthening the dialogue between the parties and avoiding the need for judicialization of the conflict.

FUTURE RESEARCH DIRECTIONS

Comparative studies between this and other service-related industries (retail, restaurants, hotels, etc.) would be very useful. Such studies would investigate whether similar means are used to attain the objectives of the parties involved in the negotiations in those industries (i.e., trust-building and the documentation required to prove the payment of benefits to employees). Follow-up studies would also be pertinent to test whether agreements that have been negotiated in this manner will have a lasting effect and result in a strengthening of labor relations or if they will simply give rise to new conflicts in the future. In light of the changes in the operations of many organizations caused by the COVID-19 pandemic, it would be worth studying negotiations carried out by means of digital environments and the ways in which they can be conducted so as to build trust and increase transparency. The way in which the Restaurant negotiation was settled between the company and its workers and their union is an example of collective bargaining as a conflict resolution tool. The interests of the company and of the workers were maintained and by means of a set of tools such as documentation, concessions and trust-building measures, it was possible to come up to agreements that reinforce employment relations and prevent judicial actions. Therefore, future research on the topic must focus on other service companies, such as retail and hospitality, in order to analyze in detail in how far in such kind of company's trust-building and documentation play a determinant role in order to come up to effective agreements in collective bargaining processes.

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