

## Mission

*Promoting the development of sound and stable labor-management relations,*

*Preventing or minimizing work stoppages by assisting labor and management in settling their disputes through mediation,*

*Advocating collective bargaining, mediation and voluntary arbitration as the preferred processes for settling issues between employers and representatives of employees,*

*Developing the art, science and practice of conflict resolution, and*

*Fostering the establishment and maintenance of constructive joint processes to improve labor-management relationships, employment security and organizational effectiveness.*

# A Winning Combination Building Labor-Management Relationships



## FMCS

**Federal Mediation & Conciliation Service**

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## FMCS

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## The Federal Mediation and Conciliation Service

Created by Congress as an independent agency of the U.S. government in 1947, the Federal Mediation and Conciliation Service (FMCS)'s primary responsibility is to promote sound and stable labor-management relations through a variety of mediation and conflict resolution services. These services include the mediation of collective bargaining negotiations and grievances, training for labor and management in skills and processes aimed at improving the workplace relationship, and the referral of private arbitrators for the settlement of controversies over the application or provisions in a collective bargaining agreement.

### Why FMCS?

*“With a history of more than 60 years of providing mediation and facilitation services, FMCS has more collective experience in dispute resolution than any other agency of government.”*

## A Winning Combination

# Building Labor-Management Relationships

## The Federal Mediation and Conciliation Service

The Federal Mediation and Conciliation Service (FMCS), established as an independent agency by the Labor-Management Relations Act of 1947, was created to resolve collective bargaining disputes which threaten the free flow of commerce and to promote the development of sound and stable labor-management relations. By practice and legislation, this mission has evolved to include “fostering the establishment and maintenance of constructive joint processes to improve labor-management relationships, employment security and organizational effectiveness.” FMCS assists business organizations and unions to achieve the related goals of profits and jobs, and thereby contributes to the strength of the U.S. economy.

In the changing workplace and economic environment, the role of mediators continues to expand beyond the critical “firefighter” function, arriving at the last moment to assist the parties in resolving a contract dispute. Frequently, we become involved very early in negotiations or during the course of a contract to provide facilitation, consultation and training for both sides in an effort to assist with more effective problem solving, bargaining, communications and improving the relationship.

The American workplace is the basic foundation of the U.S. economy, and the ability of American business to compete worldwide relates directly to workplace performance. The workplace labor-management relationship, therefore, has major economic implications, because it affects product and service quality, productivity and profits of firms, and the jobs and employment security of workers. To assist management and labor in improving their relationship so they can learn to work together on issues of mutual interest, as a team instead of adversaries, FMCS offers a range of Relationship Development and Training services, which are broadly defined as collaborative union-management processes.

These services address three mutual goals:

### **1. Improving the Labor-Management Relationship**

Mediators help the parties expand and improve the working relationship, the ability to resolve grievances and to deal effectively with pre- and post-negotiation problems.

### **2. Improving Organizational Effectiveness and Employment Security**

Mediators work with the parties to enhance joint problem-solving and decision-making capabilities, overcome barriers to quality and productivity, manage change collaboratively, jointly address work design and enhance employee job satisfaction and employment security.

### **3. Improving Community-Wide Labor-Management Relations**

This includes the effective operation of area and industry-wide labor-management committees and can address the development of a community and/or industry through labor-management cooperation.

## Relationship Development and Training

To assist a company and union in achieving their mutual goals, FMCS mediators guide the parties through an assessment of the quality and development of their relationship and identify areas which may benefit from improvement. Problems often encountered include lowered employee morale, decreased productivity, excessive numbers of grievances or unfair labor practice complaints or poor communication between union leadership and management. After discussions with the parties and assessing the relationship, the mediator is able to develop appropriate training in skills and processes that will assist in addressing particular concerns. Customized training may be developed in areas such as:

- **Traditional and Alternative Bargaining Processes**
- **Conflict Management**
- **Consensus Decision Making**
- **Contract Administration**
- **Facilitation Skills**
- **Interpersonal Communications**
- **Labor-Management Partnership Building**
- **Team Building**
- **Union/Management Roles and Responsibilities**

Or, the mediator may recommend one of the more formal, comprehensive approaches, composed of particular combinations of these areas.

### **Orientation to Joint Labor-Management Initiatives (OJLMI)**

A program that provides participants with a broad overview of cooperative labor-management working relationships, OJLMI provides labor and management leaders an examination of the philosophy and values

that form the foundation for labor-management cooperation, and the chance for company and union participants to engage in a mediator-facilitated dialogue about the potential impact of cooperative labor-management programs within their organization.

### **Contract Administration and the Steward and Supervisor Relationship**

Supervisors and union stewards are the front line for translating a labor agreement into practice. For stewards and supervisors to work effectively together it is important for them to understand the process of arriving at the labor agreement, as well as their roles and responsibilities in its administration.

The emphasis of this program is on relationship-building between stewards and supervisors and on their leadership roles within their organization. The program is aimed at developing the interpersonal and communication skills needed to build a cooperative relationship. Information on labor history, the collective bargaining process, contract administration, grievance process and arbitration procedure is presented to help participants analyze workplace problems and develop the analytical skills to resolve and reduce the frequency of such problems. This information is particularly useful in organizations and unions with high turnover in labor relations and collective bargaining practitioners, and those facing initial contract negotiations.

### **Interest-Based Bargaining (IBB)**

Interest-Based Bargaining is an alternative to traditional, positional negotiating. Instead of negotiating from hard and fast positions on issues, IBB focuses on the interests that underlie issues, and encourages the use of objective standards in evaluating a possible settlement. The negotiators become problem solvers, working together to develop options and solutions that satisfy the interests of both sides. Participants learn how to begin replacing labor-management antagonism and suspicion with a working relationship based more on shared goals, increased information sharing and communication.

## **Labor-Management Committee (LMC)**

Mediators help to design, establish and maintain joint committees, which bring representatives of employers and employees into regular communication and contact over subjects of mutual interest. A fundamental building block for an organization committed to cooperative efforts, the joint LMC provides an ongoing forum to deal with common problems, ranging from attitudes to productivity improvements. FMCS can assist the parties in designing the framework for an effective committee and can provide training in proven consensus-building and problem-solving processes to promote the successful operation of the LMC.

## **Committee Effectiveness Training (CET)**

Committee Effectiveness Training is a compendium of exercises designed to provide labor-management committee members with the knowledge and skills needed to become effective contributors. The key to CET's flexibility is a Needs Assessment Questionnaire which enables the mediator to tailor the workshop to the specific needs and time constraints of the group. CET includes training modules which address: Effective Planning, Effective Meetings, Group Problem Solving, Consensus Decision Making, and Effective Communication with Constituents. Three additional modules relate to maintaining effective group interaction: Understanding Self and Others, Interpersonal Skills, and Group Dynamics and Shared Leadership.

## **Partners In Change (PIC)**

This "tailored" one- to two-day workshop is for organizations already committed to building or expanding a cooperative labor-management relationship. Participants have the opportunity to explore their full partnership potential by analyzing their organization's current state, identifying separate and jointly-held perceptions of the organization, creating a joint vision for the future, and based on that vision, initiating a joint change process and developing the necessary skills to bring about the desired change.

## **Facilitation Skills**

This highly-interactive training provides an introduction to facilitation skills and techniques. The focus of this program is on the skills that facilitators need to manage a Labor-Management Committee meeting or similar labor-management group within an organization. Designed for those who want to build and/or fine-tune their facilitation skills, the course draws on exercises and simulations to give the participants opportunities to practice facilitating and to learn from one another.

A Facilitation Skills program complements other Relationship Development and Training. It is designed, for example, to supplement Labor-Management Committee/Partnership training. It may also be used in conjunction with Expanding Labor-Management Committees, Interest-Based Bargaining, and Partners-in-Change programs.

## **Relationship By Objectives (RBO)**

Sometimes an organization's labor-management relationship has deteriorated to the point that jobs or the economic health of the operation are threatened. This situation can occur following a bitter or protracted strike or lockout, or after a contentious representation election.

An RBO program requires a strong commitment from both parties to improve the relationship. The process is usually conducted off-site over a two- to three-day period, and requires a team of mediators to assist the participants in analyzing the relationship and exploring the difficulties. Through structured interaction, both parties identify specific problem areas and develop mutually-agreeable objectives to address these issues. A restructured relationship is created with mutually-chosen objectives. Agreed-upon action steps and timetables are planned, and timetables for their resolution.

## Contemporary Workplaces

The demographics of the American workplace are changing rapidly as more workers with different ethnic, racial, social and religious backgrounds join the labor force. The most rapidly increasing groups coming into the labor movement today are immigrants, women and minorities. Issues raised by an increasingly diverse workforce go far beyond the traditional collective bargaining matters of wages, hours and working conditions. Adapting to and accommodating new workforce demographics are increasingly a challenge to American business and organized labor.

To prepare managers and employee leaders to deal with the prevention and resolution of conflict in the changing workplace, FMCS training includes exploration of the impact of changing demographics and culture in the workplace, stereotyping, prejudices and discrimination. It offers strategies for diffusing workplace conflict, team building and cooperative workplace initiatives.

## Labor-Management Grants Program

As an adjunct to the agency's Relationship Development and Training (RDT) Processes, the Labor-Management Cooperation Act of 1978 established the FMCS Grants Program, through which funding may be provided to encourage innovative approaches to collaborative labor-management relations and problem solving. Funding of this program is dependent on appropriations from Congress and is granted on a competitive basis for the creation or continuation of labor-management committees.

Eligible applicants for FMCS grants include state and local units of government, certain private, nonprofit corporations, labor-management committees and labor organizations or private businesses applying jointly with each other. The grants may be used to support committees at the workplace level, on a community or industry-wide basis, or in an economic sector.

## FMCS Organization

FMCS mediators work out of more than 60 field offices around the United States, administered through 10 geographic regions. For more information, contact the FMCS National Office or visit [www.fmcs.gov](http://www.fmcs.gov) to locate the field office nearest you.

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