

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.

Services for Conflict
Prevention, Management
& Resolution

FMCS International
Technical Assistance



FMCS

Federal Mediation & Conciliation Service

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FMCS

Federal Mediation & Conciliation Service

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Why FMCS?

“With a history of more than 70 years of providing mediation and facilitation services, FMCS has more collective experience in dispute resolution than any other agency of government.”

Services for Conflict Prevention, Management & Resolution

FMCS International Technical Assistance

The FMCS

The Federal Mediation and Conciliation Service (FMCS) is a unique U.S. government agency with 73 years of experience resolving labor-management conflicts and promoting cooperative workplace relationships. Established in 1947 to mediate domestic labor disputes and provide arbitration services, the Agency now provides a wide range of conflict management programs in the U.S. and many other parts of the world. FMCS also has extensive experience in resolving workplace, public policy, regulatory, environmental, commercial and ethnic disputes.

In its international projects, FMCS strives to build local capacity for effective industrial relations systems, including collective bargaining, mediation and dispute resolution, labor courts, and labor administration and inspection. In its international technical assistance programs, FMCS always partners with local government institutions and representatives of labor and management.

In a number of countries, FMCS has been asked to establish mediation agencies and centers in sectors beyond industrial relations, including briefing or training judges, mediators, and arbitrators on dispute resolution techniques to manage and resolve a variety of civil matters encompassing regulatory, environmental, and commercial law.

FMCS's international program development, project management, and service delivery are provided by professional staff with significant international experience. In addition, the Agency draws on the expertise of a field staff of approximately 150 full-time mediators to deliver the Agency's international services. For more than 25 years, FMCS has delivered training services in more than 50 nations and addressed a wide variety of instructional and development needs.

FMCS International Technical Assistance Services

FMCS recognizes that, fundamentally, constructive labor-management relationships and collective bargaining provide workers and companies with the most enduring tools for achieving productivity, innovation, and competitiveness—the central ingredients of an equitable, stable, and growing economy. The pressures of the global economy, however, often present challenges for the creation of systems that effectively balance the needs and rights of workers and employers. Developing market economies may not have the legal frameworks or government institutions necessary to address these concerns. For this reason, FMCS services are often provided to trading partners who have committed to enact or enforce labor laws that address that critical need but who lack the experience, skills, or institutional capacity to do so.

Implementing effective industrial relations systems is essential to ensuring worker participation, business productivity, and economic stability. This is the special expertise that FMCS delivers through comprehensive and individually tailored programs designed to help foreign governments build their capacity to manage and resolve labor conflicts.

FMCS services fall into three general categories:

Education and Training

FMCS Commissioners impart skills and share best practices with labor, management, and government officials in industrial relations practices, negotiation skills, grievance handling, mediation techniques, and other conflict resolution processes, including traditional collective bargaining, interest-based problem solving, and the training of enterprise-level labor-management committees. FMCS also offers similar programs in other sectors as well, such as governance, environmental, judicial, etc.

Mediation and Facilitation Services

FMCS's experienced conflict resolution professionals facilitate consensus building and other collaborative exercises that address the interests of all parties, including labor, management, and government, and, thereby, promote economic growth and legal or institutional reform.

Design of Systems to Prevent, Manage and Resolve Conflict

FMCS Commissioners help craft and implement legal or administrative systems and structures for effective conflict management and prevention. In an employment setting this can involve promoting worker participation, fair employment practices, and prompt, transparent conflict resolution, including consulting to build the capacity of governmental or tripartite institutions to provide labor administration and inspection services, taking into account their unique cultural and development needs.

In the commercial environment, this can include building capacities within courts to create commercial mediation systems and programs, training and credentialing of mediators, assistance in creating mediations centers, advice in the drafting of laws and regulations, and in working with commercial enterprises to embrace the use of mediation, facilitation and other conflict management/prevention processes.

Examples of FMCS Training Programs

All FMCS international programs are specially tailored to meet the needs of the particular country or region, and they are developed in close coordination with appropriate United States Government (USG) officials (e.g. Department of State and/or Labor). FMCS typically conducts a comprehensive needs assessment, including meetings and consultations with government, labor/workers, management, and other stakeholders in order to identify a baseline of current labor relations, negotiations, and dispute resolution practices and to discuss goals and benchmarks for successful training.

FMCS also assesses pre-existing training capacities among key stakeholders, which informs the level and extent of “train-the-trainer” modules incorporated into training. A key goal of all FMCS training is to build local capacity for sustaining labor relations and conflict management systems and personnel.

FMCS training programs involve a variety of instructional methodologies, including short lectures, videos, role plays, and other activities. The following are examples of FMCS training programs, any one of which can be adjusted and custom-designed to meet the needs of the particular situation.

Collective Bargaining/Negotiations

Collective bargaining (collective consultation) is the process by which labor and management negotiate the terms and conditions of employment for a company’s workers. In this training, participants gain a foundation for understanding the separate interests and issues labor and management bring to the bargaining table and the techniques and processes necessary for reaching agreement. Among the subjects covered are:

- Fundamentals of negotiations
- Bargaining dynamics
- Negotiation steps, such as information gathering, joint sessions, caucuses, and drafting settlements

- Traditional negotiations (positional/distributive) versus interest-based bargaining (IBB/collaborative)
- Explanation and demonstration of IBB tools, such as brainstorming, consensus, active listening, and reframing issues
- Bargaining simulations and role plays using both styles
- Making and maintaining workplace relationships through communications, listening skills, and trust

Mediation

Mediation is a process by which a neutral third party assists disputing parties in reaching an agreement. Mediation is used in both individual and collective labor and employment disputes, and it is an essential component of any industrial relations system. Among other things, participants will learn the following:

- Fundamentals of mediation
- Mediation arenas, such as labor relations, ADR, community, and multi-party
- Mediation styles and methodologies
- Mediation as a problem solving process
- Mediation steps from planning to closing
- Interests, issues, and working styles
- Ethical considerations for mediators

Interest-Based Bargaining (IBB)

IBB is known by many names—win-win bargaining, mutual gains, principled or interest-based negotiation, interest-based problem solving, best practice or integrative bargaining—and practiced in many variations and settings. In the collective bargaining context, it is assumed that negotiation, like other aspects of the collective bargaining process, can enhance the labor-management relationship, and that decisions based on objective criteria obviate the need to rely only on power.

IBB captures some of the highest principles originating, but not always practiced, in traditional distributive bargaining, and makes those principles consistent parts of the process. Participants will learn how to:

- Share relevant information critical for finding effective solutions
- Focus on issues, not personalities
- Focus on the present and future, not the past
- Focus on the respective interests of the parties underlying the issues
- Focus on mutual interests to satisfy the other party's interests as well as your own
- Develop options to satisfy those interests and evaluate those options using objective criteria, rather than power or leverage

Interest-Based Problem Solving (IBPS)

Similar to Interest-Based Bargaining (IBB), this technique is often used in non-collective bargaining situations. It focuses on the interests that underlie issues and encourages the use of objective standards in evaluating possible solutions. Disputing parties become problem solvers, working together to develop options and solutions that satisfy the interests of all sides. Among the topics and goals of this course are:

- Basic elements of interest-based problem solving
- Techniques for successful problem solving
- Brainstorming
- Consensus decision-making
- Flip-charting and recording ideas
- Active listening techniques
- Selecting and focusing on issues
- Identifying interests and generating options
- Establishing objective criteria and evaluation options
- Developing solutions

Labor-Management Committee (LMC) Training

LMCs can help parties make significant improvements in their labor-management relationship. LMC training emphasizes a problem solving mentality, which in turn improves the morale of all workers. This course teaches labor and management the benefits of improved communications and having a forum for discussing business conditions, quality, customer service, efficiency of operations, planning, and scheduling-outside of contract negotiations or grievance processing. Training in this topic ranges from a basic introduction to the LMC and developing a mission, to skill-based training on effective group interaction techniques, such as problem solving and consensus. The LMC is not a substitute for the grievance procedure or contract negotiations in unionized workplaces, but it can contribute to making both more effective forums for constructive resolution of disputes.

Communications Skills Building

This course generally is offered as a key component of other FMCS training programs on negotiations, mediation, interest-based bargaining or problem solving, and labor management committees. Participants are taught the knowledge, skills, and attitudes needed to communicate effectively in labor relations and general workplace settings by engaging in role plays and simulations that provide opportunities to practice and develop these skills.

Examples of FMCS International Projects

Over the years, FMCS has designed systems and delivered labor administration and conflict resolution training programs in many countries with different needs and at varying stages of political and economic development. The following are some brief examples of FMCS international projects. A more comprehensive listing of FMCS international training projects over the past 10 years is available on the Agency's website (www.fmcs.gov).

Africa



FMCS mediators trained arbitrators and mediators in Ghana and hosted a delegation from the country's Labor Relations Commission in Washington, DC. The Agency has also trained Nigerian judges in alternative dispute resolution techniques, and provided outreach on collective bargaining and freedom of association in Botswana, Mozambique, Namibia, South Africa, and Swaziland. In Mozambique, FMCS trained and advised government, labor, and management officials in the process of labor mediation and the establishment of institutions for labor dispute resolution. Under the ILO's "Strengthening Labour Relations in East Africa" program, FMCS worked with tripartite representatives from Uganda, Kenya and Tanzania to build the capacity of their respective Labor Ministries and stakeholders to resolve industrial relations disputes.

Asia/Southeast Asia



Both bilaterally and under the auspices of APEC (Asia-Pacific Economic Cooperation), FMCS has delivered training throughout Asia, including in Australia, the Philippines, Vietnam

Cambodia, Thailand, Korea, Indonesia, and Taiwan. Agency mediators have delivered training and capacity-building programs in negotiations, conflict resolution, mediation, labor administration and inspection, and labor relations systems design. In Indonesia, FMCS worked under the auspices of the ILO's "Promoting and Realizing Freedom of Association and Collective Bargaining" project to train senior Indonesian mediators and high-level labor relations professionals in mediation best practices and labor-management cooperation through the formation of work site committees.

China



The FMCS has engaged in cooperative training and technical assistance programs with the People's Republic of China (PRC) for more than 20 years, including visits and ministry level

meetings of FMCS Directors and PRC officials, both in Beijing and in Washington, DC. FMCS mediators have trained labor-management committees at the enterprise level to resolve workplace issues, with specific emphasis on how to set up committees, schedule and conduct meetings, communicate effectively, engage in interest-based problem solving, present "grievances," and resolve disputes. They also provided education and outreach about the U.S. labor relations system, including the benefits of collective bargaining and alternative dispute resolution (ADR) techniques, such as mediation and arbitration. Key audiences included Chinese government officials, business and labor organizations, corporate human resource directors, enterprise-level worker committees, arbitrators, academics, and lawyers. In 2014, The Agency entered into the third in a series of Letters of Understanding (LOUs) with successive Chinese labor ministries to facilitate these programs.

Europe/Eastern Europe



In collaboration with the American Bar Association and various U.S. Government agencies, FMCS provided institutional design and training assistance to newly

established mediation agencies in Bulgaria, Hungary, and Poland. Agency mediators also assisted in the training of new mediators in Romania as part of a U.S. Department of State public diplomacy program, and trained labor, management, and government officials in collective bargaining techniques and dispute resolution in Serbia, Montenegro, and Croatia. In addition, FMCS mediators helped facilitate meetings involving the European Union and the countries joining the organization by discussing the different pathways to dispute resolution. In 2020, FMCS mediators presented various models of mediation and integrative conflict management systems to the National Association of Mediators of Ukraine. In Western Europe, in Portugal, an FMCS Commissioner delivered a bilateral training program in Portuguese on innovative collective bargaining methods for mediators from the Labor Ministry. For many years, FMCS conducted a bilateral mediator exchange program with the mediation service of the Republic of Ireland.

Middle East/North Africa



Labor inspectors in Morocco are tasked with investigating and enforcing labor relations complaints as well as resolving individual and collective complaints. FMCS labor

inspector training focused on helping inspectors with new communication and problem-solving techniques relevant to their investigatory and enforcement functions, as well as their dispute resolution duties. This three-module program consisted of foundational skills in the realm of communications and active

listening, followed by interest-based problem-solving and mediation skills. Training videos and materials were translated into Arabic, and FMCS mediators trained more than 100 labor inspectors (about 25 percent of the workforce) in multi-day programs in four cities. FMCS's deeper involvement in Morocco followed its participation in the State Department's Middle East Partnership Initiative (MEPI), which was a U.S. diplomatic initiative to strengthen cultural, political and economic ties with the countries of the Middle East following the September 11, 2001 attacks.

The Americas



FMCS has delivered workplace conflict resolution, interest-based bargaining, communications skills, and mediation training in a number of countries, in the Western

Hemisphere including Argentina, Colombia, El Salvador, Guatemala, Haiti, Honduras, Peru, Panama, Mexico, and Brazil. These projects strengthened the capacity of local government officials, workers, and employers to peacefully and expeditiously resolve workplace disputes. With funding from USAID, FMCS designed the Industrial Relation dispute resolution mechanism for the Panama Canal Authority. FMCS also delivered dispute resolution capacity building programs in Colombia under the ILO's "Project for the Improvement of Labor Relations and the Promotion of Economic Equality for Women in Colombia" to increase tripartite leaders' awareness of the economic and social value of labor dispute resolution and prevention

What Do these Services Cost?

Since FMCS's federal funding is limited to domestic services, the Agency delivers international education, training, and systems-design projects with funding provided by other USG agencies, international organizations, or other institutions. FMCS services are extremely reasonable and cost-effective since they are provided on a simple cost-reimbursable basis, limited to labor (\$1040/day per mediator), travel, lodging, per diem at the appropriate USG rate, and other necessary expenses, such as translations and interpretation.

Conclusion

In sum, FMCS has extensive experience and a record of success in delivering labor-relations and conflict-resolution training and capacity building around the world. During periods of economic instability and transitions from planned to market economies, FMCS professional mediators help workers, employers, and government officials learn how to engage in collective bargaining and interest-based problem solving, how to set up and run cooperative committees, and how to use mediation and arbitration to resolve conflict.

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