

Mediation provides road to labor-management peace

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Collective bargaining is like an airplane – the majority of flights are safe and easy, but every now and then a plane goes down. Although the media likes to focus on the crashes (in this case, labor disputes within the construction industry), in reality only a small percentage of labor and management negotiations end up in trouble.

In these instances, labor and management often call in a mediator to help them negotiate a contract. Federal mediators with years of experience in collective bargaining assist labor and management in maintaining labor peace.

Many people are often confused as to what a labor mediator does and why they might need to contact one to help them at the bargaining table. In short, mediation is just another step in the collective-bargaining process. It happens after labor or management decides that contract negotiations are not progressing as they'd like. Either side can request a mediator.

Mediation is a voluntary process, bringing a neutral third-party into a negotiation as a facilitator. It may or may not lead to an agreement between the parties. Mediation is different from arbitration. The goal of arbitration is to impose a binding agreement on both parties. In mediation, the only goal is to preserve the peace. The mediator may broker the settlement, but the final decision is made by labor and management.

Mediators first meet with both sides to understand their issues and what they want to gain from the mediation. The mediator meets with the parties jointly and again separately in confidential caucuses. After a variety of these meetings, the sides usually come to an agreement. The entire process typically takes about a month but in rare occasions can be stretched out over much longer periods of time.

How they help

Mediators – “professional neutrals” – help labor and management reach agreements. Situations in which a mediator can help include:

- Initial contract negotiations that take place between a company and a newly recognized union.
- At the end of the contract when the parties are trying to reach a revised labor agreement and grievance mediation.
- Preventive mediation, which trains labor and management in problem-solving and relationship-building skills.

The construction industry poses some unique advantages – and challenges – to the mediation process. Because only a total dollar amount is negotiated, rather than individual line items like health insurance and pension, construction mediation is often easier because there's less to negotiate. However, this also eliminates some opportunities for compromise.

After negotiations, especially a difficult set of talks, the parties have a potential to carry some hostility into the contract term. This can result in a poor labor-management relationship filled with grievances, complaints and other disputes. The success of the relationship, and more important, their security and future, depend on the ability of the parties to work as partners in contract administration and problem solving.

In today's highly competitive global economy, workplace relations are changing. There is a growing need for strong, positive labor-management relationships so that U.S. companies and their employees can both succeed and prosper. The best contract in the industry is worthless if the employer and union are out of business.

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