

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.

Planning for Progress Labor-Management Committees



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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."*

Planning for Progress

Labor-Management Committees

Each year many new labor-management committees are formed by companies and unions representing their employees with the assistance of the Federal Mediation and Conciliation Service. Although labor-management committees have been on the American industrial relations scene for many years, there is continued interest in the concept as a means of promoting industrial peace.

Job enrichment and employee involvement at the worksite have drawn much interest in the industrial relations community. Considerable publicity has attended successful workplace programs that improve company profits, promote productivity, increase employee security and provide satisfaction to participants in labor-management committees.

Worksite, area and industry-wide labor-management committees have helped stabilize labor relations within communities and throughout industries.

The goals of such committees can range from a sincere desire to simply improve communications to an extensive program aimed at modifying behavior patterns, job enrichment and productivity improvement. Regardless of their goals, they have one thing in common—the essential need for representatives of labor and management to join together to talk about mutual problems. The labor-management committee is one of the keys to accomplishing this.

Determining the Need for a Labor-Management Committee

All too often, the only formal means of communication between labor and management is the contractual grievance procedure and contract negotiations.

That line of communication is strictly one between adversaries. A “win-lose” atmosphere is not conducive to solving other matters of mutual concern. The result is that top management is often insulated from the operational problems that spill over to become labor relations disputes. The parties find that routine problems that have no avenue for attention ultimately land on the bargaining table at contract time.

Clues that indicate the need for a worksite labor-management committee may become obvious in contract negotiations. And all too often, after the contract is settled, the unresolved problems are pushed to the side. Allowed to fester, they become grievances or critical issues in the next set of contract negotiations. Thus the divisive cycle repeats itself.

Some clues that indicate the need for an improved means of communication between labor and management?

1. An unusually high number of grievances, or repetitive grievances on the same issues.
2. Lack of use or improper use of the grievance procedure.
3. Few settlements of grievances in lower steps or an excessive number of arbitration cases.
4. A larger number of “relationship-type” demands during contract negotiations.
5. Distrust that breeds poor attitudes at the bargaining table.
6. An indication of economic crisis within a company, i.e., partial workplace closure, low productivity, poor quality, inability to compete.
7. A breakdown of communications at all levels.

Why Consider a Labor-Management Committee?

The labor-management committee is not a substitute for the grievance procedure or contract negotiations. But it can contribute to making both more effective forums for constructive resolution of disputes. As such, the labor-management committee can develop into a significant factor in improving the labor relations climate in organizations. From a practical standpoint, both labor and management want to know why they should shift from an adversary position to one of mutual cooperation. In other words, “what’s in it for my organization?”

What's in it for Management?

1. A forum to review business conditions, quality problems, product development, customer requirements and other related matters that demonstrate the relationship of the employees' role in the success or failure of the business.
2. An opportunity for advance discussion of operational problems, planning and scheduling, and other matters that have potential impact on employee work schedules, overtime scheduling, layoffs, recalls, temporary transfers or new job opportunities.
3. An open channel of communication for top management to establish rapport with the union committee without becoming bogged down in day-to-day labor relations problems, including grievances.
4. An opportunity for management to be responsive to constructive suggestions and valid complaints, demonstrating to the union and employees that management is sincerely interested in improving the workplace.
5. A means of communicating with employees through their elected leaders.

What's in it for Labor?

1. A channel of communication to top management.
2. A chance for input on operational problems and management plans that affect employees' work schedules, job assignments and working conditions.
3. An avenue to express employee complaints that lie outside the normal grievance procedure.
4. An opportunity to resolve minor problems before they become significant grievances.
5. Recognition, by management, of the union as a responsible organization with a constructive role beyond that of simply processing grievances.
6. A means of strengthening communications with the membership.

Obtaining Labor and Management Agreement and Commitment

The first step in minimizing labor-management conflict during the term of an agreement is for both parties to **recognize their mutual problems and be willing to make the necessary commitment to resolve them.**

Federal mediators are in a unique position to provide expert assistance in the formation of a labor-management committee. Although the mediator can assist the parties in establishing a mechanism to help solve their problems, labor and management have the final responsibility for the resolution of their problems.

Obviously, the commitment of the parties will have considerable bearing on the effectiveness of any labor-management committee. Top management in the organization must support the concept. Local union officials and stewards must get the support and understanding of the rank-and-file membership.

Planning for Success

Good intentions must be accompanied by proper planning and organization. It's in this key phase that the mediator's experience and guidance can be most valuable.

Once the agreement and commitment to the establishment of a labor-management committee have been obtained, an organizational meeting is necessary. This meeting requires the involvement of the decision makers from management and labor, since the composition of the labor-management committee and the guidelines it will follow will be made and endorsed at this session.

The guidelines should include statements on:

1. The purpose and commitment of the committee, which may be signed by leaders of both parties.
2. The structure and size of the committee.
3. A procedure for the timing, size and exchange of agendas.
4. The time, place, duration and frequency of meetings.
5. The method for taking and maintaining minutes of the meetings.
6. Other matters unique to their particular relationship.
7. Each party should assign top representatives as permanent members. Provision should also be made for the rotation of "at-large" members.

Management should have a top operations official, such as the workplace manager or facility administrator, and the Labor Relations or Human Resources manager as part of its permanent committee. The union's permanent committee members should include its international or business representative, the local union president or chief steward, as well as the shop committee or key members of the executive board. It is also suggested that no alternates or substitutes be permitted as permanent members of the committee.

Rotating members, a supervisor and steward, for example, can be chosen from the same department. This method of rotation gives each group in the workplace an opportunity for coordinated participation. The “at-large” rotating members also lend credibility by providing an open door for potential skeptics.

A determination for chairing the structure permanently should be made. The mediator usually chairs the first few meetings. Once the parties are proceeding successfully, the mediator withdraws.

Chairing then usually alternates between both parties. The mediator remains involved as long as the parties want third-party assistance. The mediator will be available if the parties encounter a special problem that requires third-party help.

It is important to determine the procedure for the exchange, timing and size of each agenda. It is beneficial for both parties to specify subjects for the agenda and to submit them to the other party several days in advance of the meeting. The parties should be encouraged not to be so rigid in their agenda requirements that a hot issue cannot be placed on the agenda at the last minute by mutual consent. Urgent business should be aired first to keep tensions at a minimum. Topics that remain will then be given consideration in a more relaxed atmosphere. Each committee member, in turn, should be given an opportunity to express opinions on each issue.

Meetings should be regularly scheduled to assure continuity. Initially, the frequency should be once a month for two hours. The frequency and duration can be expanded or reduced to suit the needs of each situation.

Other general guidelines may be established, such as:

- Neither party may demand or propose any change in the language of their current agreement.
- Active grievances will not be discussed. This should not prohibit the discussion of serious problems that may, in an incidental manner, be covered by an active grievance.

Hints on Minutes

While proceedings of labor-management committee meetings tend to be conducted in an informal atmosphere, the need for some written record is important. Minutes demand a strong sense of credibility. The minutes must accurately reflect the discussions to be credible.

- Minutes can be recorded by both parties. These minutes might be pooled, edited and approved by both parties prior to final preparation and distribution.
- The minutes should record “old business,” reflecting items satisfactorily disposed of, as well as “open” items still under study. This shows a positive cause-and-effect relationship that demonstrates the value of the labor-management committee to the membership as an avenue for valid complaints or suggestions. This not only lends support to the union committee’s participation, but also places management in a positive light as being responsive to constructive suggestions.
- It should be agreed that these written proceedings will not be introduced into any grievance or arbitration hearing. This is vital, since maintaining an uninhibited, free exchange of dialogue is critical for success.
- A method for distribution of minutes should be agreed upon. Minutes can be posted on workplace bulletin boards, presented at staff or employee meetings, at union membership meetings and, possibly, mailed to employees’ homes. They should be cosigned by representatives of both parties.

Do's and Don'ts

Once the labor-management committee has been set up and organizational items have been agreed upon, the success of the committee depends on the parties. Based on past experience, federal mediators have identified some of the “do’s” and “don’ts” that provide the framework for success.

- Do** Keep the discussion centered on the issue involved.
- Do** Keep personalities from becoming involved.
- Do** Hold all meetings as scheduled. Cancel meetings only in an emergency. Be prompt in attending the meetings.
- Do** Submit the agenda in advance to allow the opposite party sufficient time to investigate problems.
- Do** In submitting the agenda, identify all items to be discussed.
- Do** Maintain an agreed-to procedure on recording and drafting the minutes, as well as methods of distribution.
- Do** Maintain accurate minutes on subjects discussed at the previous meetings that have been “completed” or “resolved” as well as those items still “open.”
- Do** Be sure the committee concept is explained to and understood by employees and supervisors.

- Don't** Start the first meeting with extremely difficult issues. Get accustomed to this problem-solving technique by tackling rather minor problems first.
- Don't** Allow the meetings to become gripe sessions.
- Don't** Deal in generalities. Be specific about the problem and its suggested correction.
- Don't** Anticipate that you know the answer to a question before it has been discussed. Ask questions to get the facts.
- Don't** Treat any issue on the agenda as being unimportant. Each item on the agenda deserves thorough investigation and discussion.
- Don't** Delay in communicating solutions developed for serious problems, or the outcome of issues discussed.
- Don't** Start scheduled meetings late, or drag them on beyond the allotted time. This has often brought failure.
- Don't** Look for immediate results.

And remember, it is important that less serious problems be discussed initially to familiarize everyone with the committee operation and the process of working together to solve problems.

Problems Inherent in Joint Committees

The labor-management committee is no panacea. It requires sincere people who are willing to give it a try. Management has an understandable anxiety about the labor-management committee as a vehicle for encroaching on its right to manage. Management recognizes that the committee may require more time off with pay for union members who participate, and that it will require time and attention of top management personnel.

On the other hand, labor representatives are susceptible to the political implications of how their members might view their participation in labor-management committee meetings. Union leaders don't want to be charged with getting too cozy with management. They have little interest in consulting with management unless they can make a serious contribution. They don't want to be patronized.

The problem-solving approach of the labor-management committee does not imply a shifting or reduction of power. It is simply a better means of communicating and exercising the responsibility of leadership. It is an approach that can make the labor-management relationship mutually beneficial.

In Summary

Today's complex economic problems call for new efforts by labor and management to pull together in a spirit of cooperation to make the most productive use of their skills and resources.

The introduction of technology to regions of the world with lower costs, the increasing need for costly raw materials from abroad, and the pressure from foreign producers on domestic suppliers have had a profound impact on the American economy.

At home, rapid technological change has had a far-reaching effect in the American workplace, creating new opportunities, changing the nature of jobs and transforming the work environment. Social and educational changes are also impacting labor and management. A rising level of education, the influx of youth, minorities and women into the workforce, and employee lifestyle issues are affecting management and unions alike.

Many management and labor representatives recognize that new approaches are needed to deal cooperatively with mutual problems. They recognize that business-as-usual is no longer a viable approach to these problems. There is general agreement that more cooperation is needed to:

1. Involve employees in solving workplace problems.
2. Reduce waste due to absenteeism, turnover, lack of training, accidents, low morale and employee dissatisfaction.
3. Utilize more fully the skills and knowledge of employees.
4. Work more efficiently and competitively to reduce costs.

The best ideas for improving the way a job is done often come from the people doing the job. Every organization benefits from the ideas and skills of the people working in it, just as employees' security depends on the success and growth of the firm.

Federal mediators are committed to helping management and labor meet these goals. They stand ready to provide counsel and assistance to America's labor-management community.

Sample Format of Committee Bylaws

Joint Labor-Management Committee

Purpose

To investigate, study and discuss possible solutions to mutual problems affecting labor-management relations.

Representation

Union

Five members: president, business agent, secretary-treasurer and two stewards.

Company

Five members: top management representatives, department head, two labor relations representatives and one other operating member from the departments working under the union contract.

The company's general manager and the international representative of the union are ex-officio members.

Substitutes may be chosen by mutual consent, but it is recognized that a continuity of membership is required. The operating members from management and the two representatives from the union, other than the president, business agent and secretary-treasurer, will be rotated every 12 months.

Chairing

Responsibility for chairing meetings shall alternate each meeting between the union and management. Each party will determine whether their chair assignment will be permanent or rotate among their members.

Reporting

Topics will be recorded as they are discussed. Any procedures or recommendations developing from these meetings will be communicated to the proper group; i.e., Operating Department, Joint Standing Committee, Negotiating Committee, etc.

Drafts of the minutes of meetings will be refined by one designated representative from each party.

Date and Time of Meetings

Meetings shall be held once a month, and they shall be limited to two hours. An agenda shall be submitted 48 hours prior to the meetings to both parties. At the first meeting, a specific day and time shall be selected for future meetings. Every attempt shall be made to keep such a schedule, realizing that some flexibility is necessary.

Topics not on the agenda shall not be discussed but rather shall be placed on the following month's agenda. The agenda shall include a brief description of each item to be discussed. Emergency items may be added to the agenda by mutual consent.

Discussion of agenda topics will be alternated, with the party occupying the chair exercising the right to designate the first topic.

General Guides

It is recognized that recommendations growing out of these meetings are not binding.

1. No grievances shall be discussed and no bargaining shall take place.
2. Topics that could lead to grievances may be discussed.
3. Each person wishing to speak shall be recognized by the Chair before speaking.
4. The Chair shall recognize a motion from either party to table a topic for further study.
5. Either party may initiate a request to the Federal Mediation and Conciliation Service for assistance.
6. Each topic shall be discussed fully and action reached before proceeding to another topic. Topics requiring further study may be tabled. Where mutually satisfactory decisions are not reached, the topic shall be cancelled, reverting to its proper place in the labor-management relationship—for instance, grievance procedure, negotiations, etc.

Sample Format of Contract Language

Sec. 2 Joint Study Committee

- 2.51** The Company and the Union, desiring to foster better day-to-day communications, and to achieve and maintain a mutually beneficial relationship through the use of a continuing communications program to effectively maintain stable labor-management relations and avoid controversies, do hereby establish these bylaws for a Joint Study Committee.
- 2.52** The purpose of the Committee is to discuss, explore and study problems referred to it by the parties to this Agreement. The Committee, by mutual agreement, shall be authorized to make recommendations on those problems that have been discussed, explored and studied.
- 2.53** In order to have a frank and open discussion, the Committee shall have no authority to change, delete or modify any of the terms of the existing Company-Union Agreement, nor to settle grievances arising under the Company-Union Agreement. Committee discussions shall not be publicized except for those recommendations that have been mutually agreed upon.

2.54 The Committee shall be composed of 10 members, five representing the Union and five representing the Company. The Union Committee shall include the President of the Local Union, the International Representative or Business Agent and the three Chief Stewards. The Company Committee shall include the General Manager, Labor Relations Manager, Facility Manager and two other Management representatives appointed by the Company. A representative of the Federal Mediation and Conciliation Service may be invited to attend and participate in Committee meetings.

2.55 Chairing the Committee shall alternate between a representative appointed by Management and a representative appointed by the Union. The representative appointed as Chair shall serve a term commencing with the close of the meeting at which the appointment is announced and continue until the end of the next meeting.

Meetings shall be held on a day designated by the Chair during the first full calendar week of the month. However, interim meetings may be held if mutually agreed to by the Committee.

Meetings shall be conducted in the workplace facility unless otherwise agreed to.

Meetings shall begin at a time agreed upon by the parties.

The Chair shall cause an agenda to be prepared for the meeting and distributed to all members at least two working days prior to the meeting.

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 to locate the field office nearest you.

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Notes