



美国劳动管理制度概述：

美国联邦调解服务局在调节美国劳动关系中的作用

# **Overview of U.S. System of Labor Administration: FMCS Role In Context of Other Labor Agencies and the Courts**

by

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# Theme of FMCS Presentation

## 联邦调解服务局

To Answer this Question:

要回答**这个问题**：

What is the Current Role of the US Government in Addressing and Resolving Collective Labor Disputes?

目前美国政府在**处理和解决集体劳动争议**中的作用是什么？



# Theme of FMCS Presentation

## 联邦调解服务局

1. **Independence/neutrality creates trust**  
**独立/中立创建信任**



## 首先要强调的是 **First Emphasis**

- 美国联邦调解服务局草创于1945到1946年间，并于1947年成为联邦政府的独立机构，专职劳动争议的调解和仲裁。其中，调解案集中于集体劳动争议，仲裁案集中于个人争议。机构闻名于其中立性、专业性、职业性、保密性、以及在各群体和公众中的高接受度。
- FMCS was established because of major industrial strife in 1945-46 and became an independent agency in 1947 of the US Federal Government to provide assistance in mediation and arbitration—mediation for collective labor disputes and arbitration usually for individual disputes and has been known for its neutrality, professionalism, confidentiality, and acceptance by the parties and the public



## 其次需要强调的是 **Second Emphasis**

- 机构的宗旨逐年演变，服务对象群体逐年扩大，开始超越私有部门，涵盖到联邦、州、以及各地本地工会和雇主。
- These goals and objectives have expanded over time to include more sectors beyond our private sector to federal, state and local unions and employers



## 其次需要强调的是 **Second Emphasis**

- 及至更多类型的服务，例如建立关系、教育和外联、申诉调解，替代性争端解决，基于为双方利益的问题解决、形成劳动管理委员会、举行会议，辅助多方进行劳动争议调停等，并将业务拓展至在 40 多个国家。
- and to more types of services such as relationship building, education and outreach, grievance mediation, alternative dispute resolution, interest-based problem-solving, forming labor-management committees, holding conferences, facilitating multi-party labor and other disputes, and working in more than 40 countries



## 第三需要强调的是 **Second Emphasis**

- 如今，对于重大劳动争议，联邦调解服务局会试图尽早介入制定计划 — 通过培训和与劳动管理社区早期的接触和参与和之后坚持到各方修复由紧张关系造成的损坏
- For major labor disputes today, FMCS tries to get involved early—through training and early contacts and involvement in the community and stays with the parties afterwards to repair any damage caused by the strained relationships.



## 第三需要强调的是 **Second Emphasis**

- 调解服务局与各劳工群体保持紧密联络，通过提供内部培训、与大学和其他劳工组织进行外联等形式，加深对纠纷形成原因的深层理解。
- FMCS works to broaden its understanding of the reasons and underlying needs and interests in these disputes by having continuous internal training and outreach with the labor-relations community and the public at universities, organizations, and conferences





# Statutory Mission 法律使命



- **1947年：议会通过了塔夫特哈特利法案**  
**1947: Congress Passed Taft Hartley Act**
- **法案目的：提供充分足够的调和、调解和自动仲裁的政府设施来帮助和鼓励[各方]通过集体谈判来解决分歧。**

**Purpose: “Make available full and adequate government facilities for conciliation, mediation and voluntary arbitration to aid and encourage [the parties] to settle differences through collective bargaining”**



## **Some Major Disputes Resolved**

### **一些重要的争端解决实例**

- 今年，经过联邦调解服务局的调解，纽约大都会歌剧院和音乐家达成了一项协议，避免了资方强行封锁剧院（以达到阻挠艺术家工作的目的）；劳动合同期限被延长，双方共同接受由独立财务分析师进行保密的财务分析。
- This year, the Metropolitan Opera and Musicians reached an agreement, averting a lockout, through assistance of FMCS mediators; the deadline was extended and an independent financial analyst was jointly retained to conduct a confidential financial analysis.



## **Some Major Disputes Resolved** **一些重要的争端解决实例**

- 今年，经过多个马拉松式的调解程序，太平洋西北地区粮食处理公司与国际沿岸仓库工会 (ILWU) 达成了为期四年的协议。
- This year, the Pacific Northwest Grain Handlers and the International Longshore Warehouse Union (ILWU) reached a 4 year agreement ratified by the members through multiple marathon mediation sessions.



## Other Happenings

### 其他事件

- 近日，在密苏里州，在经济复苏缓慢、竞争对手数目加剧、新的法律影响养老金和医疗护理等负面因素齐聚的不利环境下，针对各大连锁超市和 UFCW 联合食品和商业工人工会的谈判，调解员帮助各方在艰苦卓绝的谈判后达成了协议。
- Recently, in Missouri, regarding major supermarket chain stores and the UFCW, a mediator helped the parties reach agreement in difficult negotiations through the “perfect storm” of a slow economic recovery, an accelerating number of competitors, and new laws impacting pension and health care all coming to an apex at the same time.



## Other Efforts

### 其他项目

- 联邦调解服务局为 OSHA 职业安全和健康机构的举报人保护程序提供调解技能培训  
FMCS provides mediation skills training for OSHA Whistleblower Protection Program in 2014
- 发展劳资委员会，以解决在工场间和企业级的问题  
Development of labor-management committees to resolve problems at the shop floor and enterprise level



# **New Developments in the U.S.**

## **美国的新进展**

- **教育性峰会：2011年，局长乔治·科恩与美国教育部长合作，召集所有有关的工会、学校董事会和其他相关人员，讨论如何改善教育和工作条件。**
- **An Educational Summit—The FMCS Director George Cohen worked with Secretary of Education to have a meeting of all concerned unions, school boards, and others to discuss how to improve education, working conditions in the US in 2011**



## **New Developments in the U.S.** **美国的新进展**

- 在2014年度的“争端解决周”举办为期四天（10月14至17日）的网络研讨会，进行调解和“以利益为基础的谈判”的模拟演示。
- Development of “webinars” for the public during “Conflict Resolution Week of 2014 for 4 days, October 14-17<sup>th</sup>, with such topics as mock mediation demonstrations, and interest-based bargaining



## 联邦调解服务局的其他的工作

### **Other FMCS Work**

- 在联邦部门中，联邦调解服务局协助培训政府雇员和主管，主题如“如何避免工作场所的无效沟通”等主题
- In the Federal sector, FMCS assists in training employees and supervisors on such topics as “Toxic Communications in the Workplace: A Toolbox of Strategies”





## 联邦调解服务局的其他的工作

### **Other FMCS Work**

- 联邦调解服务局举行许多会议和研讨班，召集来自劳资双方的代表，共同探讨新趋势、已有成就和经验教训。
- FMCS holds many conferences and workshops with the labor-management communities to focus on new trends, accomplishments, and lessons learned.



## 国际项目

# Our International Program

- 调解局的调解员在多个国家与负责劳工和管理的政府官员分享交流，并进行冲突解决技巧的培训。
- FMCS mediators work with labor, management and government officials in numerous countries to share ideas and train in conflict resolution skills



# Summary + Conclusion

## 总结

- ❑ **Independence/neutrality creates trust**  
信任源生与独立/中立的立场
- ❑ **Trust/confidence underpin voluntary process**  
信任巩固自愿进程
- ❑ **Gain trust through education and outreach**  
通过教育和外联取得信任
- ❑ **Improve LM relationships**  
改善劳资关系



# Summary + Conclusion

## 总结

- ❑ Proactive early intervention  
积极主动及早的干预
- ❑ Joint problem-solving model  
综合型解决问题的模型
- ❑ Prevent conflicts or resolve more quickly  
要么防止冲突，要么速战速决
- ❑ Business + labor share benefits  
劳资双方分享利益



# Thank you!

→ For More Information  
有关更多信息，请登陆以下网站

<http://www.fmcs.gov>

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# 谢谢



# Special thanks

- To this conference's sponsors and all the Chinese officials, colleagues and academics who have been so helpful throughout the years!
- To FMCS Commissioners Peter Cheng for his translation and insights and Ramona Buck for her editing
- To FMCS ADR Director Lu-Ann Glaser for all her comments
- FMCS Acting Director Allison Beck for her original materials and support
- To all the FMCS mediators who have participated in our international programs!