

# Labor Disputes

by Sophia Tutorial



## WHAT'S COVERED

In this lesson, we'll discuss labor disputes as a particular category of workplace conflict and how this type of conflict can be resolved. The particular areas of focus include:

1. Labor Disputes Under Federal Law
2. Resolution Processes Used for Labor Disputes
  - a. Arbitration
  - b. Labor Mediation
  - c. Conciliation
  - d. Mediation

## 1. Labor Disputes Under Federal Law

A **labor dispute** is a conflict between management and labor, usually organized labor or unions. When there is a dispute of this nature, the federal government actually encourages conflict resolution, and allows it by law. In fact, there are two federal agencies that have been set up specifically to deal with labor disputes:

- The National Mediation Board
- The Federal Mediation and Conciliation Service

The **National Mediation Board** is a federal agency that deals with disputes in the transportation industry, such as conflicts involving railroads or airlines.

On the other hand, the **Federal Mediation and Conciliation Service** is designed to deal with large-scale labor disputes, such as teachers' unions when they go on strike.



## TERMS TO KNOW

### Labor Dispute

Conflict between (usually organized) labor and management in a given company.

### National Mediation Board

A U.S. federal agency available as a conflict resolution intervener for certain labor disputes.

### Federal Mediation and Conciliation Service

A U.S. federal agency available as a conflict resolution intervener for a variety of large scale conflicts within the United States.

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## 2. Resolution Processes Used for Labor Disputes

When one of these agencies is called into a conflict resolution process, there are several different ways this can be handled.

### 2a. Arbitration

Quite often, a labor contract will call for arbitration in an instance like a termination. When management wants to fire somebody, that person's contract may first require that the parties go into arbitration before a termination can occur.

In that case, an arbiter will look at the conditions surrounding the termination, and check to make sure that no part of the contract has been violated.

The arbiter will then make a decision based on this information as to whether or not this is a fair termination.

### 2b. Labor Mediation

A second form of conflict resolution designed for labor disputes, labor mediation is used for contractual negotiations.

When there's a dispute between management and labor over the terms of a contract, a mediator is called in from a federal agency to help negotiate the contract so the parties can come to a mutual agreement.

### 2c. Conciliation

Conciliation can be used when the parties may not be able to meet together because of geographical or time constraints, or perhaps simply not wanting to meet face to face.

In these types of situations, the mediator would move back and forth between the parties, explaining the views of each side.

### 2d. Mediation

Aside from labor mediation, mediation itself can be used in a labor dispute if there are some interpersonal conflicts that need to be dealt with.

In other words, a mediation might happen within a dispute to work out a situation that's become personal between two people.



## SUMMARY

In this lesson, you learned about labor disputes as a particular kind of work conflict. **Under federal law, labor disputes** have the support of the government through two resolution agencies: the National Mediation Board and the Federal Mediation and Conciliation Service.

You now understand that these agencies typically use one of several different **conflict resolution processes to resolve a labor dispute**, depending on the situation. **Arbitration** is often written into a labor contract to be used in instances such as termination; **labor mediation** is specifically designed for labor disputes, and it usually occurs when there's a conflict over the terms of a contract; **conciliation** may be used when the parties are unwilling or unable to meet in person; regular **mediation** can be used when there are interpersonal conflicts present within a labor dispute. Good luck!

Source: Adapted from Sophia tutorial by Marlene Johnson.



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