



FMCS
FEDERAL MEDIATION &
CONCILIATION SERVICE

NEWS RELEASE

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FMCS Promotes Use of Video Arbitration

WASHINGTON, D.C. — To better align with the current needs necessitated by the ongoing National Emergency, the Federal Mediation and Conciliation Service (FMCS) has launched a major effort aimed at promoting the successful use of video to conduct arbitration hearings for parties to labor-management disputes.

FMCS had previously been exploring ways to facilitate the use of video arbitration in appropriate cases, based on observations that interest in this format was increasing and amid mounting evidence of many potential advantages, including significant cost savings.

Recently, FMCS added a feature to its online arbitration request system allowing parties to request a panel consisting only of those who have self-certified as ready and able to conduct video arbitration. As of Monday, April 6, of FMCS' roster of nearly 1,000 arbitrators, more than 150 are listed as video-capable with more being added by the day.

This feature was announced at a webinar FMCS hosted in collaboration with the National Academy of Arbitrators (NAA) on April 2 for more than 430 arbitrators on the use of videoconferencing for arbitration.

FMCS Director of Arbitration Arthur Pearlstein kicked off the webinar on behalf of FMCS Director-nominee Richard Giacalone and announced that the new request feature is now online, "FMCS is launching a campaign to raise awareness among parties of the possibilities and potential advantages of using video in arbitration."

The webinar featured a panel from the NAA and its Videoconferencing Task Force for the benefit of arbitrators seeking to offer video arbitration services. NAA President Barry Winograd stressed the importance of "learning how we can provide service to deal with the massive disruption in labor-management affairs caused by the Covid-19 pandemic and of putting a spotlight on how we can adjust our way of doing things."

A recording of the webinar is available [HERE](#).

FMCS is working with the NAA to help arbitrators form practice groups to share expertise and help each other discover new tips and techniques for video arbitration, while encouraging others to learn and practice so they can become proficient with videoconferencing tools.

While FMCS takes no position on whether video arbitration should be used in any given case, a number of labor arbitrators have previously reported the successful use of video to conduct entire hearings

and/or to take testimony from one or more witnesses, and FMCS has seen a rise in interest among parties.

To assist in these efforts, the FMCS Office of Arbitration is preparing a “Video Arbitration Guide for Labor and Management Advocates,” making it widely available to parties. The guide will explore potential advantages and disadvantages of video arbitration, provide preparation tips, highlights certain technical issues and list some available video platforms and general features. In addition, the guide will provide links to some beneficial resources.

Adding video arbitration to their list of innovative flexibilities to conduct business, FMCS also [announced on March 17](#) its virtual mediation capabilities.

For more information on FMCS’ Office of Arbitration, visit <https://www.fmcs.gov/aboutus/agency-departments/arbitration-services-notice-processing/>

For information about how to request a video arbitration panel, email the Office of Arbitration at arbitration@fmcs.gov or call 202-606-5111. To inquire about or discuss FMCS policy or the world of video arbitration, FMCS Director of Arbitration Arthur Pearlstein can be reached at the above number or by email at apearlstein@fmcs.gov

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The U.S. Federal Mediation & Conciliation Service (FMCS) is the nation’s premier public agency for dispute resolution and conflict management. FMCS was created by Congress as a neutral and independent government agency upon enactment of the Labor-Management Relations Act of 1947 (Taft-Hartley Act) and mandated to resolve industrial conflict and promote labor-management peace and cooperation, minimizing the impact of these disputes on the free flow of commerce. With headquarters in Washington, D.C. and offices across the country, the agency has a proud track record of decades of effective dispute resolution and conflict management services for employers and unions across industries and work activities in the private, public, and federal sectors. FMCS is also recognized for its success facilitating negotiated rulemaking processes and for its robust employment mediation program in the federal sector as well as its global program, partnering with more than 60 countries to provide international consulting and training. For more on FMCS or to request services, visit www.fmcs.gov