

Mediation in a rights dispute

Case - Green Hill Brewery

Facts of the case

22 workers employed in Green Hill Brewery were dismissed.

The work of the workers was to manually apply brand name stickers to the product. Factory management is introducing machines rather than man-power in sticking the brand. Secondly the brewery based on the last 8 fiscal quarters could conclude that there is a high and a low season for production.

The company gave one month notice in advance that the labour force will be reduced.

The workers were given severance pay and half pay in the notice period. But they prefer to be reinstated and not receive the severance pay. The workers consider the company to be a good one and the employer to be a credible person of good faith.

The employer said that because of the technological changes in the factory, they reduce the labour force. They underlined that they did not dismiss the members of the labour organization only.

The workers argued initially that the majority of the dismissed were union member which could not be a coincidence. Secondly the workers questioned the employers reason for dismissal due to reduction of labor force, because the employer at the same time hired 25 new workers.

Faced with this argument, the employer said that the hirings were for the seasonal need of their business. The employer argued that seasonal hirings is not prohibited by the collective agreement in the brewery sector.

The workers argued that the seasonal work issue could be resolved by the present employees working overtime for the relevant period for an overtime premium of 175% of the basic salary. In return the workers would accept not working the normal 45 hours per week for some periods the rest of the year.

Question:

Within the relevant labor laws, including the collective agreements for the beverage sector, which possible solutions are there for the parties to resolve this issue: the existence of a high and low production season and the security of the employees?

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Stakeholders

Define the Stakeholders, how can they influence the case.

Stakeholders on your side	How can they influence the result

From who do you need a mandate?

Stakeholders on their side	How can they influence the result

External Stakeholders	How can they influence the result

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Facts of the case

What are the facts of this case

What happened?

What was the reason for the situation ?

What occurred before the situation?

Is there a way to avoid the situation - Some other action which can be taken

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Labour law - case law

Your legal argument

Which labour law and case law you can use to support your case and your arguments?

Which is the best paragraphs and which prior cases can you use to support your case and your arguments?

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Best alternatives

Prepare for negotiation - spend some time on this.

What can you live with if you do not get your primary result?

Is there another result, which will satisfy your stakeholders?

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Put yourself in your opposing party's position

What is your opposing party's position

Why is this your opposing party's position?

- Interest of their stakeholders?
- How do they see what happened?

What is your opposing party's basic interest - what do they want to achieve?

What is your opposing party's Best Alternative? -

- What can they live with?
- What will they do if they do not achieve their goal?
- Is there a completely different result which will satisfy them?

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For Conciliator

Finding solutions

Looking at the primary target and best alternatives of the two parties, find 5 different solutions that meets the interest of at least one of the parties without contradicting the other parties' interests

Employers	Solution	Trade Unions
1.		
2.		
3.		
4.		
5.		