

Modules:

Improved bi-partite disputes resolution systems

Consortium participants:

- Bipartite

Partner participants:

- Bipartite

Basis for concept:

- Projects in Uganda, Zanzibar and Myanmar

Maturity of Social Dialogue in partner country:

- Unstructured

Preconditions

- Dialogue established between national social partners
- Desire and/or defacto need for ADR - for instance to keep labour court process times at a minimum

Target group

- National federation of employers and national confederation for trade unions.
- Union officers at national and regional level
- Employers and employers representatives at national and regional level

Objectives

- Strengthen institutional capacity of organisations to engage in disputes handling
- Establish a fundamental understanding of the functioning of Rights conflict systems
- Help the national partners establish a common understanding and develop strategies for establishing a functional ADR structure
- Train participants in mediation and arbitration techniques

Format:

- 2-3 2-day non-residential workshops with partner organisation discussion between the workshops assisted by regional representatives from consortium organisations
- 1. workshop
 - General introduction to ADR
 - Examples from other countries in the region
 - Basic exercises to bring participants together and illustrate the challenges
 - Setting up a framework draft agreement
- 2. Workshop
 - Follow up on discussions and clarifying issues of disagreement
 - Establish a MoU
 - Further training of participants in ADG techniques
- 3. Workshop
 - More thorough training of participants in ADR techniques
 - Setting practical procedures for dealing with disputes

Focus of workshops:

- Negotiation skills and techniques for resolving interest of disputes, including how to prepare and present views.
- Mediation skills and techniques for resolving interest disputes
- The importance of sharing knowledge and perspectives on productivity and working conditions as part of reaching solutions in dispute settlement
- Structuring the conciliation process in the bi-partite committee - focusing on importance of a standardised, transparent and mutually agreed way of working in the bi-partite committee.

Output and outcome

- Development and agreement on a Memorandum of Understanding on establishment of a Bilateral Committee which will undertake Alternative Disputes Resolution to alleviate the workload of the labour court, and ensure a substantially shorter process time
- Actual establishment and commencement of operations of A Bilateral Committee to undertake ADR.
- Even if a bilateral committee is not established, the outcome will be improved understanding among key office holders of the importance and usefulness of Social Dialogue
- Increased skill in disputes handling in both organisations

Participants

- 12-16 Participants per workshop
- More or less equal numbers from each side
- Participants should be experienced officers, who have or will be getting an actual responsibility for these issues

Trainers and consultancy

- Trainers must have practical experience with Social Dialogue
- Useful with a trainer, who has experience with similar systems in other countries - generally or in the region
- In between the workshops a consultant with local knowledge and credibility is needed to keep the process on the tracks. One visit between each of the three workshops is needed.

Material:

- PowerPoint presentations
 - Alternative disputes resolution
 - ADR experiences from other countries
 - Dialogue Negotiation and Mediation
- Cases
 - Cases for rights dispute
 - Rights dispute - Green Hill Brewery
 - Rights dispute - PTTEP International
 - Cases for interest dispute
 - Interest dispute - Kampala Coffee Processing Plant
 - Interest dispute - Garment factory Three Star
 - Note: Cases are in some respects specific to the country they come from. This should be adapted when they are used elsewhere. Local realities should be reflected in cases.
- Activity Sheets
 - Form and function of the Bipartite Committee
 - Preparation for a successful mediation - Interest dispute (role play)