

Alternative Disputes Resolution

Experience from other countries



UK - mediation and minimum conditions

- ACAS - Advisory, Conciliation and Arbitration Service
 - Government financed
 - Voluntary institution
 - Individual conciliation
 - Collective conciliation
 - Mediation
- Wages Councils
 - Setting minimum wages for sectors with many unorganized employers or low unionization
 - System abolished by Margaret Thatcher - debate about reintroduction.
 - Legal minimum wage system introduced by Tony Blair
 - Still in force in many countries - including Kenya and Tanzania

Estonia - Disputes conciliation

- System created early 90'ties - revised 2016
- Voluntary for individuals, employers and unions
- Local labour disputes committees can deal with claims below 10,000€
- Three persons: One union, one employer and one from regional labour inspectorate
- Issues: The entire employment relationship
 - Employment
 - OHS
 - Discrimination
 - Collective agreement disputes

Sweden - Industry Agreement - Mediation

- Public mediation system - in case of negotiations breakdown
- Social partners in manufacturing industry established their own system in 1994
- Extra phase in negotiations:
- Before: Parties negotiate -breakdown - public mediator - conflict
- Now: Parties negotiate - impartial chairpersons - breakdown - public mediator - conflict

Zanzibar - Alternative disputes settlement

- A major problem for the social partners is the current system for dispute resolution - only the Industrial Court is mandated to settle disputes in the labour market.
- The Industrial Court have a “Dispute Handling Unit” that takes care of all disputes cases.
- The DHU deals with cases slowly, it lacks resources and there is currently a huge backlog of cases.
- ZATUC and ZANEMA have chosen to work together in establishing a new mechanism for alternative dispute resolution.

Zanzibar - Dispute Settlement Committee (DSC)

- A mechanism to solve dispute at enterprise level and will only refer cases to DHU when all explored options have failed to lead to a positive solution.
 - consists of two employer, two trade union representative at the workplace, one secretary for the committee and one chairperson appointed by both parties.
- Functions and power of the Committee
 - Resolving disputes at the workplace.
 - Put a dispute control system in place at the company level.
 - Documenting disputes

Zanzibar - Procedure and the role of the social partners

- Procedure
 - The employee or employer shall contact the Chairperson of the DSC.
 - Submit a written request describing the issue and state the desired outcome.
- Role of ZATUC and ZANEMA
 - Advocate and encourage for the establishment of the DSCs at workplaces.
 - Monitor and supervise the work of the committee
 - Provide the Committee with the necessary skills and knowledge to be able to apreta.
 - If the Committee cannot solve the dispute, ZATUC ad ZANEMA shall support in finding a common solution.



Tanzania - Disputes settlement system

- Needs to be added!