



International
Labour
Organization



International Training Centre

Conciliation/Mediation of Labour Disputes

Dates: **28-30 April 2010**
Duration: **3 days**
Venue: **Clark, Philippines**

BACKGROUND

The world of work has been changing rapidly in this era of globalization, putting under stress also the systems of industrial relations in many countries. The rising number of industrial disputes has put much pressure on the under-resourced, under-staffed dispute resolution machinery in many countries. Increasingly, governments are realizing that improving the labour relations environment and enhancing the prospects of industrial peace are essential for meeting the economic and social development challenges facing the countries.

In a number of different countries, a variety of initiatives have been put in place to promote effective management of conflict and the resolution of industrial disputes. The success of these initiatives has varied. Processes like conciliation and mediation have increasingly been used to deal with a variety of disputes in countries around the world, because they help relieve pressure on the court system. The court systems in many countries have become overloaded with cases, leading to delays and rising costs for both workers and employers. Many legal systems are therefore encouraging and facilitating the use of conciliation and mediation processes.

While the conciliation and mediation have gained widespread acceptance, in many countries these processes do not work effectively and often add to the delays in the resolution of disputes. In some instances this has led to parties losing confidence in these processes and choosing to deal with their disputes through the overburdened industrial courts.

It is in this context that ILO's standards and recommendations relating to social dialogue can play an effective role in dispute resolution both at industrial and national level. In particular, the ILO's core standards; namely the Freedom of Association (FoA) and the right to collective bargaining (CB), lay the basis for democratic and stable labour relations. These standards promote the effective management of conflict by creating a framework in which workers and employers can negotiate mutually beneficial agreements concerning workplace issues. Collective bargaining can be advantageous for both workers and employers. It provides workers with an opportunity to engage collectively with the employer regarding the improvement of their wages and working conditions. For employers, collective bargaining can play a significant role in promoting and maintaining industrial peace and provide an opportunity for parties to engage on issues modernization and restructuring.

In the event that disputes arise where parties to collective bargaining processes are unable to conclude agreements, parties can choose to have their disputes resolved through conciliation or mediation. Like collective bargaining, the process of conciliation and mediation enables parties to achieve mutually beneficial outcomes which meet their underlying needs and concerns, rather than having their dispute adjudicated by a third party.

For social partners to be able to achieve the best possible outcomes in both collective bargaining and conciliation/mediation, it is important that they have the necessary knowledge, understanding of the concept of mutual gains negotiation. It is also essential that social partners develop the skills required to achieve optimal outcomes.

In response to an evident and growing need for conciliation and mediation skills, together with improved union and employer negotiation skills in many countries, the International Training Centre of the ILO has developed, in cooperation with a group of international experts, training packages and training activities which aim at strengthening knowledge and skills in these fields.

This training course which aims at strengthening the skills of PEZA officials in the Philippines is part of the broader effort of the ILO to promote social dialogue in the Philippines.

OBJECTIVES

The course aims to develop participants' knowledge and understanding of consensus-building approaches to conflict management and dispute resolution. The course further aims to enhance participants' skills and practical competence in consensus-based dispute resolution processes.

PARTICIPANTS' PROFILE

- ✓ PEZA officials

CONTENTS

The course will include the following topics:

- ✓ Definitions of Conciliation/Mediation
- ✓ What conciliation/Mediation looks like
- ✓ The relationship between negotiation and mediation
- ✓ An experience of negotiation
- ✓ Outcomes in negotiation
- ✓ Different styles of negotiating;
- ✓ Distinguishing positions from needs
- ✓ The negotiators' dilemma
- ✓ The significance of alternatives to a negotiated agreement
- ✓ Costs and benefits of different styles of negotiating
- ✓ Exploring how to maximize joint value and achieve optimum settlements
- ✓ A conciliation/mediation model
- ✓ Steps in the conciliation/mediation process
- ✓ Reality testing
- ✓ Brainstorming
- ✓ Negotiation interfaces
- ✓ The skills mediators /conciliators use
- ✓ Influencing others
- ✓ Effective listening
- ✓ Paraphrasing
- ✓ Dealing with anger
- ✓ Helping people to save face
- ✓ Ethical considerations for conciliators/mediators

METHODOLOGY

The course has been designed in accordance with the principles of adult learning. The trainer will act as a facilitator encouraging the learners to develop responsibility for learning. The prior experience and knowledge of learners will be incorporated into the learning process and learning will have immediate application. Self-evaluation of learning will be encouraged. The learning climate will be adult-friendly; the course will include role-plays, group work, case studies and quizzes.

LANGUAGE

Participants are expected to communicate fluently in English.

