

## **Report on Sub-regional Seminar on Enhancing Social Dialogue through Voluntary Mediation Bangkok, 24-25 January 2002**

---

### **INAUGURAL SESSION**

The speech of welcome was given by Franklyn Amerasinghe, Senior Employers Specialist of the East Asia Multi-disciplinary team. He mentioned that the seminar was unique as it had been organized by the Bureau of Employers Activities and the Bureau of Workers Activity as a joint effort and that it was an expression of the ILO's own commitment to enhancing social-dialogue. He also outlined the broad objective of the seminar which was to encourage thought on how a bipartite approach to dispute settlement could be a method of creating a better relationship between the social partners and produce practical benefits through speedy dispute settlement. He explained that the intention was not to interfere with existing statutory mechanisms already available, but to give new choices to the parties and to promote self-reliance in the area of dispute settlement.

The seminar was inaugurated by Ian Chambers, Director of the East Asia Multidisciplinary Team and Bangkok Area Office, of the ILO. Yasuyuki Nodera who was due to inaugurate the seminar was unable to be present due to official duties abroad and sent his apologies. The seminar was funded by the Bangkok regional office.

### **KEYNOTE ADDRESS**

Ian Chambers in his keynote address referred to the formation of the ILO in 1919 and the international picture at the time. He said that the ILO was formed in an era which saw the Bolshevik revolution and an upsurge in militancy of the working class. The ILO's strategy for social justice and industrial peace was a social consensus through social dialogue, hence its pre-occupation with tripartism. He stated that it was clear that people could benefit more by co-operation than by struggle.

Ian Chambers commented that whereas earlier the State was all-powerful, it was now strategically receding into a less controlling, more regulatory role. The need for a sustainable socio-economic policy was still the same for all countries according to him. In a world where the general complaint by workers and employers that governments did not know or could not deal with the realities which existed, he said, it was necessary that more leadership be taken by them and their organizations. He said that there was a common bond between the two sides, who obviously were closer to the real issues, namely, a knowledge of what could really work. The age when it was felt that you needed to control the government to get your demands, and therefore ideological argument and political power were vital to workers and employers organizations, has now given way to a new age which required new thinking on the part of the social partners. For this partnership to bear fruit, Chambers said that an evolutionary process sans the government and its heavy hand was needed. He stated that legislation was not needed to make or to enable employers to sit together with workers. What was needed was a consensus, which created opportunities for dialogue.

Ian Chambers advocated new thinking that would extend the imagination of the parties beyond the realities of the past, and envision common objectives. He said that what was needed was creativity and imagination like

the picture of a hologram which creates new dimensions of perception. He said that the "devil is in the detail", but that we can get there. What we need to make the journey was good faith, which is an imperative. Dealing with the process of collective bargaining and negotiations he said that discussions could not succeed unless the participants were active, acted in good faith, had clear mandates and also enjoyed the confidence of each other.

He stated that the ILO backed this initiative for voluntary mediation and that the ILO's experience extending over eighty years, was that social dialogue is a better way than confrontation.

Ian Chambers also pointed out that the countries represented had a rich tradition of values which would assist them to adopt principles of harmony and adopting methods of resolving conflict without permitting them to disturb harmony. The tendency in the region to have collective approaches to day to day issues would help. The desire to identify or to seek out what is the truth, he said divides people, and leaving room for doubt, keeps a mind more open and receptive to working out solutions which are fair by the parties.



### **VOTE OF THANKS**

Raghwan, the Senior Workers Specialist, East Asian Multi-disciplinary team, ILO, thanked all those present and commented on the fact, that this was hopefully the launching of a continuing programme and not a seminar to convey mere knowledge. He commented on the socio-political situations of the countries represented and identified the need for mediation on a voluntary basis which could also be a means of enhancing the capacity and image of the organizations. The problems encountered by workers due to the high cost of labour litigation, the inordinate time taken, and the difficulties of accessing relief were mentioned by him. He said that the problems encountered in the systems currently in place further distanced the parties and the interest based problem approach which would be used in the seminar would help bring in fresh approaches which could help overcome many of the existing problems.



### **RESOURCE PERSONS**

The resource persons Edward Miller and Rafael Miranda came from different backgrounds and were working together as a team to promote "Interest Based Problem Solving". Ed Miller had worked as a Manager and had academic achievements as well as teaching experience. Rafael Miranda, who had a background in law, was a member of the Teamsters and was a prominent trade unionist. Their common interest was mediation in industrial disputes and they possessed vast experience in this area. Miller commented on how they had become believers in the system of "Interest Based Problem Solving". Miller mentioned that he had been involved in Sri Lanka for a period of about five years and more recently in Guatemala, where the process had taken root. In Sri Lanka, the bipartite partners had set up a national mediation centre apart from which the education process was continuing at enterprise level.



### **PRESENTATIONS AND GROUP WORK**

The representatives of the six countries presented their country situations in relation to dispute settlement. All of them confirmed that there was a need for a process which could empower workers and management to find their solutions by themselves, or by using a third party who was not performing a statutory role. All the countries had their statutory mechanisms and many reported that they had statutory mediation leading to arbitration where there was no settlement.

The resource persons Miller and Miranda provided an overview of the Interest Based Problem Solving Process, which was followed with an exercise, which made participants see the need for interdependence. The programme was based on materials and exercises, which gave the participants an opportunity to test the theory. The materials distributed to the participants, is part of this report.



### **CONCLUDING SESSION**

The final session was devoted to a feedback from participants regarding their views on the process and its relevance to their respective countries. All the participants confirmed that the process was relevant and that they would like to use it in their countries. They also made suggestions regarding the appropriate means of introducing the process. The suggestions included the running of "Training of Trainers" programmes, the dissemination of information on a general basis to create awareness and special training for employers' and workers' organizations to promote services in this regard.

Peggy Kelly, from the In-focus Programme on Social Dialogue, confirmed the interest of her department in following up on the seminar in a meaningful way. Raghwan and Amerasinghe also commented on their commitment to taking forward the work that commenced with the seminar. Joint action plans will be developed at regional level and country level, as appropriate, and depending on the availability of finances.

R.Raghwan  
Senior Specialist Workers Activities

Franklyn Amerasinghe  
Senior Specialist Employers Activities

30<sup>th</sup> January 2002.