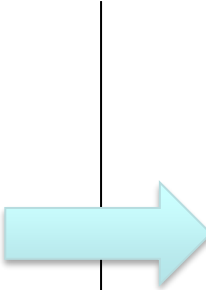


Dispute Resolution system design

Plan of Action for the implementation of ILO Convention 151
St. John's, Antigua and Barbuda, 20 November 2024
Carlos R. Carrión-Crespo, Sectoral Policies Department

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- **High-level bodies can play important roles not only in legitimating the legislative scaffolding but also in making valuable substantive contributions to the content of the laws as well.**

Collective Bargaining and dispute resolution in the public service: Elements and sequences

Foundations

- Social dialogue
- Stakeholder recognition
- Engagement framework

Dispute prevention

- Joint training
- Joint research
- Productive bargaining
- Facilitated negotiations
- Promoting model workplaces
- Joint problem solving
- Effective change management
- Peace obligations
- Maintaining agreements
- Dealing with change

Dispute resolution

- Dispute resolution agencies
- Dispute system design
- Enlisting assistance
- Facilitated discussions
- Fact-finding
- Joint problem solving
- Conciliation & mediation
- Voluntary arbitration
- Med-arb
- Compulsory arbitration
- Industrial action
- Integrated dispute resolution
- Review & renewal

Step 1: The Design Process

- Select a diverse group of key constituents and stakeholders to be on the design team.
- Empower the design team to develop a comprehensive mandate and workplan for the design process.

Step 2: Organizational Assessment

- Prior to designing the actual dispute resolution system, the team should conduct a detailed organizational assessment.
- The assessment process should examine the organization's mission, structure, disputes history, disputants involved, current system flaws and potential barriers to change.

- **Step 3: Guiding Principles and Project Objectives**

- The first major task of the design team is to establish guiding principles for the dispute resolution process.
- These principles should support the fulfilment of both substantive and procedural objectives in line with the organization's policy values (collaborative problem solving, managing to resolution and dispute prevention under an integrated/comprehensive policy umbrella).

- **Step 4: Examine Key Design Issues**

- The design team should evaluate carefully major design issues, including Dispute Resolution Processes, Rights-Based or Interest-Based Approach to Mediation, Selecting the Right Dispute Resolution Processes, Selecting Cases for Dispute Resolution, Confidentiality, Dispute Resolution Provider, The role of the Dispute Resolution Provider, Power Imbalance and Outcomes/Enforcement.

Step 5: Training and Qualifications

- The design team should ensure that the mediators selected are well qualified and trained in alternate dispute resolution (ADR) techniques, including advanced procedural and awareness trainings.

Step 6: Implementation

- The design team has the options of implementing the newly designed dispute resolution process via a pilot test, an implementation team or a staged approach.
- Testing the new system through a gradual rollout plan can help the team work out the difficulties of the new system and

Step 7: Evaluation and Performance Measures

- It is important for the design team to identify evaluation goals, performance measures, evaluation tools, data collection sources and system modification steps for the future in order for the newly designed system to evolve and improve over time.
- Modify it accordingly.

- *Turns substantially on its legitimacy*
- *Collaborative design process make true partners in identifying, understanding, and managing disputes*
- *Partners have a more vested responsibility for operating the conflict management system.*

Dispute resolution system design

- International labour standards should guide the law-making process
- Legitimacy flows from the participation of the interested parties in its creation, perhaps through the political process.

- Can be used to develop legislation.
- Solutions imposed from above are less effective than decisions taken with the support of the social partners
- Makes for clear and well-drafted provisions
- At the end of the workshop, a reference group will be chosen to pursue this process.

Concluding remarks

- | In order to maintain the responsiveness of dispute resolution systems, ongoing review and revitalization is needed.
- | The foundation for solid progress remains a basic accord between the key stakeholders and then the patient and unending cultivation of a cooperative ethos for workplace relations, geared towards the delivery of great public service outcomes.

