



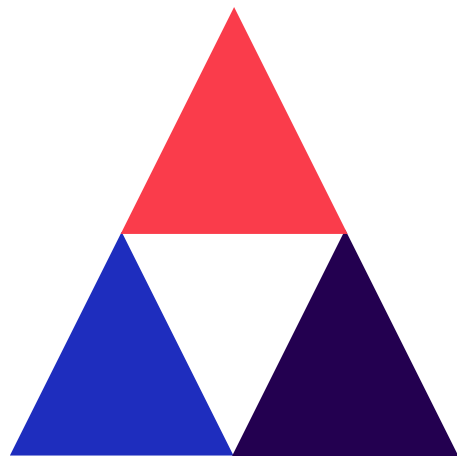
International
Labour
Organization

Glossary

Working definitions

Key terms related to labour dispute prevention and
resolution based on ILO publications

**ANNEX III – Report for the Tripartite Technical Meeting on Access to Labour
Justice for All**
(Geneva, 17–21 February 2025)



SOURCES

- ILO, [*Labour Dispute Systems: Guidelines for Improved Performance*](#), 2013
- ILO, [*Diagnostic Tool for Self-Assessing the Effectiveness of Labour Dispute Prevention and Resolution*](#), 2023
- ILO, [*Access to Labour Justice: Comparative Law and Practice on Labour Disputes Prevention and Resolution*](#), 2023

WORKING DEFINITIONS

1. **Adjudication:** A process of settling a dispute in court before a judge or magistrate, in accordance with the formalities and procedures required by law.
2. **Arbitration:** The determination of a dispute by one or more independent third parties rather than by a court. During arbitration, an arbitrator hears the arguments of both parties to a dispute and settles the case by making an award. The proceedings are less formal than a court but there are some similarities including the presence of witnesses, the right to cross-examination, and the right to legal representation. In most cases the award is final and binding. Appeals are usually confined to cases in which the award is contrary to the law, or the parties' right to be heard was not respected.
3. **Arbitrator:** A person conducting an arbitration hearing and making an award. In some cases, an arbitration hearing is conducted by a panel or board comprised of several members rather than an individual.
4. **Bipartism:** Bipartite relations between employers and workers and/or their respective organizations on issues of common interest concerning the world of work. Bipartite social dialogue may take the form of collective bargaining or other forms of consultation and cooperation between both sides of the employment and labour relations.
5. **Collective dispute:** A disagreement between a group of workers usually, but not necessarily, represented by a trade union, and an employer or group of employers over existing rights or future interests.
6. **Compulsory arbitration:** A situation in which arbitration is imposed by law or by the government authorities. It also covers situations where arbitration can be set in motion by either of the disputing parties without the agreement of the other, or invoked by the Government on its own initiative.

7. **Compulsory conciliation:** A situation in which the disputing parties are required by law to use the conciliation service provided by Government. This is used in some countries where negotiation and bargaining processes are not well developed, leading to the possibility of deadlocks and recourse to industrial action. 'Compulsory' in this context means it is obligatory to attend a conciliation meeting, but because of the nature of the conciliation process itself there can be no compulsion to reach or even try to reach a resolution to the dispute.
8. **Conciliation:** A process in which an independent and impartial third party assists the disputing parties to reach a mutually acceptable agreement to resolve their dispute. Conciliation extends the bargaining process by encouraging the disputing parties to reach a consensus but without imposing a solution to their dispute. It is sometimes referred to as assisted bargaining.
9. **Conciliator:** An independent and impartial person who assists the parties in a dispute to find a mutually acceptable outcome. The term conciliator is sometimes distinguished from the term mediator. For example, a distinction might be made between a State-appointed conciliator and a private mediator, but their functions are the same.
10. **Dispute prevention:** Arrangements and processes that enable conflicts or disagreements concerning matters of mutual interest to be resolved by the actions of the concerned parties. Arrangements that enable problems to be resolved fairly and quickly, thereby eliminating the possibility of escalation into major confrontation between the disputing parties and thus avoiding the formal declaration or notification of a dispute.
11. **Individual dispute:** A disagreement between a single worker and his or her employer, usually over existing rights. It can also include situations in which a number of workers disagree with their employer over the same issue, but where each worker acts as an individual.
12. **Industrial relations:** The individual and collective relations between workers and employers at work and arising from the work situation, as well as the relations between representatives of workers and employers at the industry and national levels, and their interaction with the State.
13. **Interest dispute:** A disagreement between workers and their employer concerning future rights and obligations under the employment contract. Such disputes are not based on existing entitlements but rather the desire of one party to create new rights in the future, such as a higher level of wages and additional benefits. Interest disputes are directed to the creation of new rights and emerge as a result of a breakdown in collective bargaining.

14. **Labour dispute resolution institution:** An organization that assists in the resolution of labour-related disputes. This term covers judicial and non-judicial institutions, including consensus-based and adjudicative bodies. It also covers, depending on the national context, a range of different arrangements including ministries and departments of labour (bodies within public-service national or state labour administrations), independent statutory bodies (bodies funded by the state but which operate with a degree of independence and autonomy), courts, and shared arrangements (where labour dispute resolution is partly the responsibility of the labour administration and partly that of an independent institution)
15. **Mediation:** In most jurisdictions the term is synonymous with conciliation. There are, however, some more academic aspects of mediation which focus on different approaches to the process, but without changing its basic process orientation and non-determinative role.
16. **Rights dispute:** A disagreement between a worker or workers and their employer concerning the violation of an existing entitlement embodied in the law, a collective bargaining agreement, or under a contract of employment. A confrontation sometimes referred to as a legal dispute. Such disputes can be either individual or collective.
17. **Voluntary arbitration:** A situation in which arbitration is set in motion only with the agreement of the disputing parties.
18. **Voluntary conciliation:** A situation where the disputing parties are free to decide whether or not to use the available conciliation service. It can also cover situations in which the disputing parties agree to engage a private third party as conciliator, instead of using the conciliation machinery established by the Government.
19. **Workplace cooperation:** Arrangements and processes that take place within an enterprise whereby workers or their representatives interact with management representatives to resolve issues of mutual concern. It is a bipartite process, although neutral third parties may play a promotional and facilitative role. Apart from information sharing, the most common forms of cooperation are through consultation leading to advice to management, and bargaining leading to a binding agreement.

Geneva, January 2025