



SOCIAL DIALOGUE

# CONCILIATION/MEDIATION OF LABOUR DISPUTES

22 – 27 JUNE 2020  
TURIN, ITALY

*Information Note*

## BACKGROUND

The recent changes in the global labour market have affected traditional labour dispute resolution methods. The place of adversarial rights-based processes such as labour tribunals or arbitration is not in dispute, but alongside this is a growing recognition of the value of effective consensus-based dispute resolution methods including conciliation and mediation.

Nowadays, conciliation/mediation plays an important role in the way in which employers, employees and their representative organisations, including trade unions, find agreed solutions to common problems in the workplace, enterprise and different levels.

An agreement reached through conciliation/mediation has usually benefits for all parties involved. First of all, it creates an opportunity for disputing parties to find a mutually beneficial solution to a dispute when negotiation has failed. Secondly, the intervention of an independent conciliator/ mediator often helps parties reduce the extent of their differences. The outcome of a successful labour conciliation/ mediation is a new equilibrium that resolves the prevailing dispute and establishes the foundations of a more co-operative relationship. Finally, it is well known that when parties have agreed the terms of the resolution to a dispute instead of having a decision imposed upon them by a third party, they are much more likely to comply with that outcome. Enforceability is therefore much less of a problem.

Furthermore, an effective dispute managing system promoting consensus-based initiatives reduces both the cost and the time associated with traditional methods of dispute resolution whether it be through tribunals, arbitration or the use of strikes and lockouts. An effective conciliation/mediation system therefore enhances social peace while lightening the burden of work for labour tribunals. Tribunal systems are then able to allocate their resources to a smaller number of proceedings, thus raising the quality of their activities without diminishing access to justice for employers and employees.

In some systems conciliation/mediation is mandatory while in others it is voluntary. There are also situations where statutory and private conciliation/mediation services co-exist. Whatever the scenario, it is crucial that conciliators/mediators inspire confidence in both parties to a dispute if they are to help them achieve an effective agreement. Such experts need to be trained in conflict management and negotiation processes, as well as in the process of conciliation/mediation.

With the intention of strengthen the position of conciliators/ mediators within the bargaining process while fostering the application of core ILO principles and standards, the ILO and the ITCILO have designed a course which aims to develop and improve, as well as certify the competencies of conciliators/ mediators.

# COURSE STRUCTURE AND METHODOLOGY

The course is divided into three phases:

**Pre-course Phase:** online, from 1 to 21 June 2020. Participants will be given access to a dedicated e-learning platform and will be need to undertake pre-course readings and answer a series of questions related to these materials. This phase will require approximately 16 hours to be completed.

**Face-to-face Phase:** residential, held at the UN Campus in Turin from 22 to 27 June 2020. In this phase participants will develop their competencies on conciliation/mediation. The course will be highly interactive and will include roleplays, group works and plenary discussions. There will be guidance by highly experienced conciliators/mediators and they will provide continuous coaching and feedback during the course.

Participants will be involved in role plays, in which they will have the opportunity to play the role of the conciliator/ mediator at all stages of the conciliation/mediation process, and will be coached and assessed on the basis of a competency framework. Four exercises are foreseen, two of which will be assessed. Participants will receive oral feedback after each session and written feedback relating to the two assessed sessions.

- The two assessed role-plays will be weighed at 60% of the final score (minimum requirement is 72 marks out of 120).The face-to-face training and assessment will require approximately 48 hours (six days) to complete.

**Post-course Phase:** online, from 28 June to 10 July 2020. Participants will need to complete two post-course assignments once they are back home or at their workplace: The first will be a test comprising mostly multiple choice questionsand will be completed online.

- The written test will be weighed at 25% of the final score (minimum requirement is 30 marks out of 50)

The second assignment, consists in the draft of a Personal Development Plan (PDP). Participants will be asked to reflect on their strengths and weaknesses as conciliators/mediators, and to discuss how they plan to use their newly acquired conciliator/mediator skills in the future. The PDP will be assessed on the basis of the ability to be self-reflective and the link between learning, future plans and competencies.

- The personal development plan will be weighed at 15% of the final score (minimum requirement is 18 marks out of 30).

The post-course assignment will require approximately 16 hours to be completed.

Participants will be informed of the results of the assessment of their pre and post course work and two assessed role-plays approximately one month after the course has ended.

Successful candidates will be awarded a ITCILO Certificate of Achievement in Conciliation/Mediation of Labour Disputes. Unsuccessful candidates will have the opportunity to appeal their results and if necessary to retake their assessments remotely in their own country. Retakes will be conducted by video and online. The outcome of retakes will be final.

## OBJECTIVES

The objective of the course is to assess and certify the competencies of those involved in conciliation/mediation of labour disputes and therefore contribute to an increased recognition of their role and functions. Please note that this course does not grant accreditation and does not imply any right to employment with a dispute resolution body.

## PARTICIPANTS' PROFILE

- Staff from labour disputes agencies.
- Staff from Ministries of Labour involved in dispute prevention and resolution.
- Employers' and Workers' representatives.
- Industrial relations experts and practitioners.
- Labour law lawyers.

Please note that the number of participants is limited to 18.

## CONTENTS

### Day 1

#### **1. Introduction and overview of the course**

#### **2. An introduction to conciliation/mediation - review of pre-course assignment**

- 2.1. Group process guidelines
- 2.2. Definitions of conciliation/mediation
- 2.3. Styles of conciliation/mediation
- 2.4. Defining the primary processes
- 2.5. Reasons why people choose conciliation/mediation
- 2.6. Conciliation and mediation services

#### **3. The conflict dynamic - review of pre-course assignment**

- 3.1. How conflict develops into a dispute
- 3.2. Different approaches to dispute resolution
- 3.3. The order in which different approaches to dispute resolution can be used

#### 3.4. Other dispute resolution processes

#### 3.5. Some considerations when choosing a dispute resolution process

#### **4. Social dialogue, ILO Conventions and Recommendations**

#### **5. Process management skills**

- 5.1. What typical conciliation/mediation looks like
- 5.2. Steps in conciliation/mediation
- 5.3. A suggested conciliation/mediation process
- 5.4. Demonstration of a conciliation/mediation
- 5.5. Role-play conciliation/mediation – with coaching
- 5.6. Identifying typical mistakes made in conciliation/mediation

#### **6. Reflection and close**

## Day 2

### 1. Review reflection and open

### 2. Problem management skills

- 2.1. The relationship between negotiation and conciliation/mediation
- 2.2. Identifying typical mistakes made in negotiation
- 2.3. An experience of negotiation
- 2.4. Outcomes in negotiation
- 2.5. Different approaches to negotiation
- 2.6. The negotiators' dilemma
- 2.7. Costs and benefits of different styles of negotiating
- 2.8. How to maximize joint value and achieve optimum outcomes

2.9. The significance of alternatives to a negotiated agreement

2.10. Reality testing

2.11. How to open up a zone of possible agreement

2.12. Generating options and brainstorming

2.13. Managing reactive devaluation

2.14. The mandating dynamic

### 3. Conciliation / mediation continued

3.1. Demonstration of a conciliation/mediation

3.2. Role-play conciliation/mediation – with coaching

### 4. Reflection and close

## Day 3

### 1. Review reflection

### 2. Effective people skills

- 2.1. Building rapport and empathy
- 2.2. Effective listening
- 2.3. Paraphrasing
- 2.4. Distinguishing positions from needs
- 2.5. Characteristics and typical language of positional and needsbased statements
- 2.6. Working with interests and needs

2.7. Reframing

2.8. Extracting needs

2.9. Finding mutual gains outcomes

2.10. The use of questions

2.11. Demonstration of a conciliation/mediation

2.12. Role-play conciliation/mediation – with coaching

### 3. Reflection and close

## Day 4

### 1. Opening

### 2. Responding to challenges

- 2.1. Responding effectively to the emotions of the parties and managing your own emotions
- 2.2. Helping people save face
- 2.3. Managing difficult behaviours and difficult people

2.4. Role-play conciliation/mediation – with coaching

### 3. The conciliator/mediator in society

3.1. Ethical considerations for conciliators/mediators

### 4. Reflection and close

## Day 5

### 1. Opening

### 2. Conciliation/mediation process

2.1. Three conciliation/mediation role-plays-assessed

## Day 6

### 3. Opening

### 4. Conciliation/mediation process (continued)

- 4.1. Three conciliation/mediation role-plays-assessed

### 5. Closure

5.1. Explanation of post-course assessment instruments

5.2. Course evaluation

## LANGUAGE

The whole training programme will be conducted in English. Therefore participants are expected to have a good command of the English language. A phone interview is conducted prior to the course to assess the fluency of participants.

## APPLICATIONS

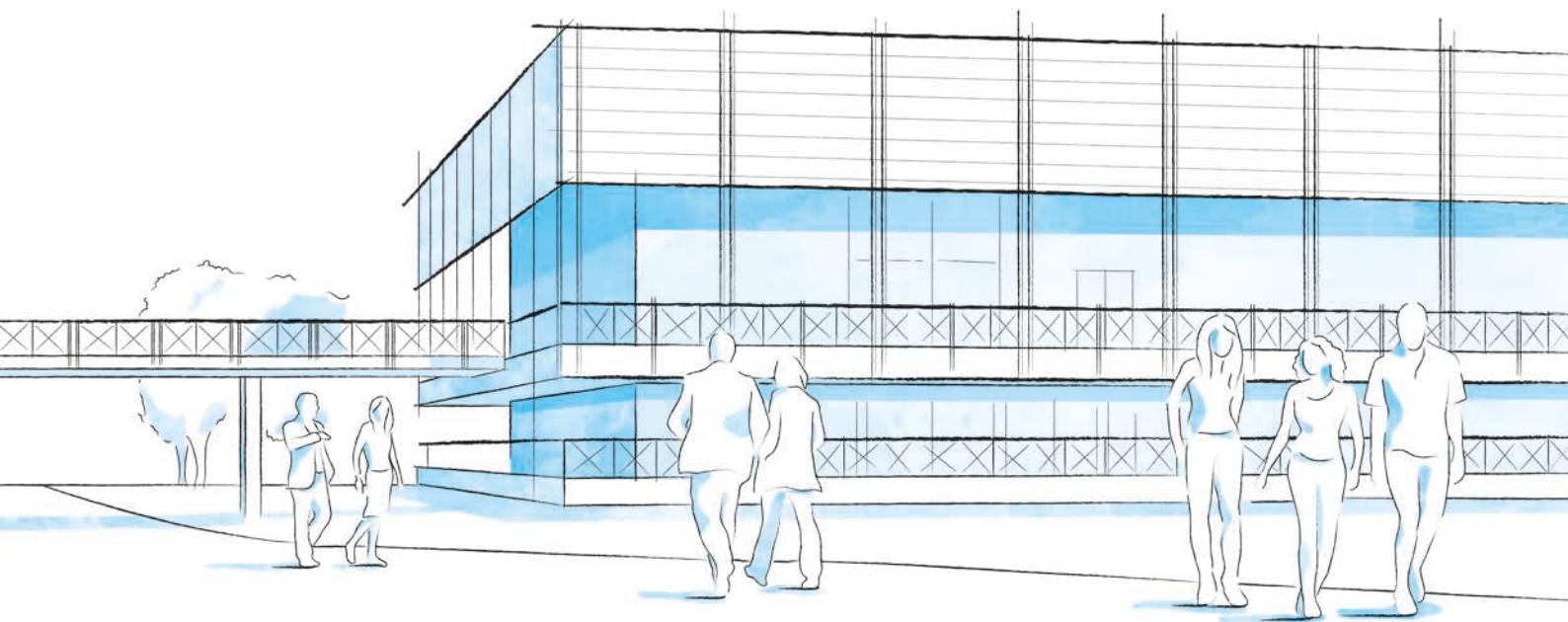
The ILO promotes equality of opportunities and strongly encourages women's applications.

The cost of participation (**2,905 Euros**) should be paid in advance by the participant or his/her sponsoring organisation. It includes: tuition, training-related documentation and use of campus facilities; single-room accommodation, full board, medical insurance;

Please note that air fares are not included.

For information regarding payment, cancellation and refunds, please consult: <https://www.itcilo.org/application>

To apply for the course, please fill in the online application form, not later than **17 April 2020** at the following link: <https://oarf2.itcilo.org/STF/A9712780/en>



## CAMPUS LIFE

### A THRIVING UNITED NATIONS CAMPUS AND COMMUNITY OF PROFESSIONAL PEOPLE FROM AROUND THE WORLD

- **Three organizations** from the United Nations system on campus
- **More than 300 training courses** and activities in a stimulating international environment
- **Thousands of participants** from all over the world

### ENVIRONMENT AND SURROUNDINGS

#### **Grab a campus bicycle and explore the Turin Centre.**

Located in a leafy park on the banks of the Po River, it's a great place for study and collaboration. Experience innovative learning and training methods in modern classrooms equipped with simultaneous translation services.

### HOUSING, DINING, AND MORE

Comprising more than 280 private dormitories, the **Turin Campus provides a broad range of services for course participants and partners** including a free-flow restaurant, bank, travel agency, laundromat, post office, gym, medical services and a reception desk open 24/7.

### COMMUNITY ENGAGEMENT AND DIVERSITY

**Participants can enjoy social events organized by the Turin Centre** as well as by their course facilitators.

Whether on or off campus, people from different cultural backgrounds have the opportunity to listen to live music together, cook and share traditional foods, or team up to play games and network.

## INFO

### FOR FURTHER INFORMATION PLEASE CONTACT

#### **International Training Centre of the ILO**

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