



▶ Access to labour justice in collective labour disputes: Evidence from the updated IRLex database

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ILO's Legal Database on Industrial Relations (IRLex)

- ▶ The [ILO's Legal Database on Industrial Relations](#) (IRLex) provides country profiles containing legal texts and summaries on industrial relations issues in 70 ILO Member States.
- ▶ It covers thematic areas such as collective bargaining, dispute settlement or workplace cooperation in regions with different legal systems. IRLex is a tool for policymakers and advisers, government officials, representatives of employers' and workers' organizations, and legal and industrial relations specialists around the world. The database was updated and expanded in 2020/2021.
- ▶ The IRLex database is concerned solely with the technical content of national legislation. It does not contain any information on how the law is applied in practice, nor does it include or imply any evaluation of its conformity with international labour standards.

▶ What are collective labour disputes and how should they be resolved?

A collective labour dispute is a disagreement that arises between a group of workers, usually but not necessarily represented by a trade union, and an employer or a group of employers. There are two broad types of collective labour disputes. A collective *rights dispute* arises when there is disagreement over the interpretation or implementation of the terms and conditions of employment contained in existing collective agreements or in current laws and regulations. Examples include disputes over the non-payment of wages, the non-observance of stipulated rates of pay or holidays, or anti-union practices contrary to statutory protections. A collective *interests dispute* is a disagreement between parties over the determination of the rights and conditions of employment to be set out by a new collective agreement or over the modification of those already in existence.

This type of dispute typically arises in the context of collective bargaining. Many countries provide separate procedures for the resolution of disputes over rights and interests. Commonly, disputes over rights are resolved by way of administrative and judicial procedures, while disputes over interests are resolved by way of extrajudicial procedures such as conciliation, mediation and arbitration. However, in some states the procedure is based on how the parties involved choose to deal with the dispute.¹

Collective labour disputes are an inevitable feature of the world of work.² Efficient, fair and accessible systems for the resolution of such disputes are an essential element of a well-functioning industrial relations system.³ The notion of access to labour justice encompasses judicial and non-judicial mechanisms⁴ and institutions dealing with the prevention and resolution of individual and collective labour disputes.

1 Aristeia Koukiadaki, *Individual and Collective Labour Dispute Settlement Systems: A Comparative Overview* (ILO, 2020), 67.

2 National variations in definitions and data collection relating to collective labour disputes renders it difficult to present accurate global statistics. See ILO, *Statistics on Work Stoppages*; and OECD, *Negotiating Our Way Up: Collective Bargaining in a Changing World of Work*, 2019, figure 2.14.

3 ILO, *Social Dialogue: Recurrent Discussion under the ILO Declaration on Social Justice for a Fair Globalization*, ILC.102/VI, 2013, paras 138–139.

4 Non-judicial mechanisms can be of both a statutory or a negotiated nature, depending on whether or not their existence and functioning is the result of provisions to be found in the law or a bipartite agreement among social partners. Such negotiated dispute-resolution mechanisms can be contained in specific clauses of collective agreements or in separate dedicated agreements.

What are the international labour standards around access to labour justice?

There is no single ILO Convention that comprehensively addresses access to labour justice. Nonetheless, labour dispute resolution is addressed in a number of ILO instruments, including the [Collective Bargaining Convention, 1981 \(No. 154\)](#), the [Collective Bargaining Recommendation, 1981 \(No. 163\)](#), the [Voluntary Conciliation and Arbitration Recommendation, 1951 \(No. 92\)](#) and the [Examination of Grievances Recommendation, 1967 \(No. 130\)](#). The interaction between collective bargaining, industrial action and dispute resolution has also been considered by the Committee of Experts on the Application of Conventions and Recommendations (CEACR)⁵ and the Committee on Freedom of Association (CFA)⁶ with respect to the [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#) and the [Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#). There is also no

“one-size-fits-all” model of collective labour dispute resolution, as each country has developed its own practices, based on distinctive policy priorities and historical, socio-economic, political and legal factors.⁷ However, ILO standards, the CEACR and the CFA provide guidance on the elements of effective access to labour justice systems and on the interaction between these systems and fundamental principles such as the freedom of association and the right to collective bargaining.

ILO Conventions and the decisions and comments of the CEACR and the CFA emphasize that procedures for the settlement of collective interests disputes should promote collective bargaining and respect the autonomy of the bargaining partners.⁸ They should encourage and support the parties to exhaust all possibilities of reaching a negotiated solution before having access to state-based mechanisms. Procedures for the resolution of interest-based disputes should also be designed in a manner that respects the fundamental principles⁹ embodied in Conventions No. 87 and 98. These standards are discussed in more detail below.

► What are the different processes for the resolution of collective labour disputes?

The processes for the resolution of collective labour disputes can be grouped according to the involved parties. Bipartite processes of dispute resolution involve two parties – employers and/or employers’ organizations and workers and/or workers’ organizations. These processes may operate at the workplace or company level, or at higher levels such as the sectoral level. Processes of third-party intervention include conciliation, mediation, arbitration and adjudication. The first three of these processes are often referred to as “extrajudicial” or

“alternative dispute resolution” procedures. They involve intervention by a neutral third party in the dispute, with the procedures differentiated from each other by the nature and degree of intervention. Adjudication involves the resolution of the dispute by arbitration and/or by a court.

This IRLex factsheet¹⁰ focuses on legal frameworks for collective labour dispute resolution. However, it is important to recognize that an effective dispute management system aims for prevention in the

5 The CEACR is part of the ILO’s regular supervisory system and was set up in 1926 to examine the growing number of government reports on ratified Conventions. Today it is composed of 20 eminent jurists from different geographic regions, legal systems and cultures. The role of the CEACR is to provide an impartial and technical evaluation of the application of international labour standards in ILO Member States. For further information on the CEACR and the ILO’s supervisory system, see ILO, [“ILO Supervisory System/Mechanism”](#).

6 The CFA is a Governing Body Committee created in 1951 for the purpose of examining complaints concerning violations of freedom of association on the basis of the respective principles recognized in the ILO Constitution (Preamble), the Declaration of Philadelphia and as expressed in the Resolution concerning trade union rights and their relation to civil liberties adopted by the International Labour Conference at its Fifty-fourth Session, in 1970, regardless of whether or not the country concerned has ratified the relevant Convention(s). Complaints may be brought against a Member State by employers’ and workers’ organizations. For further information on the role, composition and juridical significance of CFA decisions, see ILO, [Freedom of Association: Compilation of Decisions of the Committee on Freedom of Association](#), sixth edition (2018), introduction.

7 See Koukiadaki; and Christian Ibsen, “Conciliation, Mediation and Arbitration in Collective Bargaining in Western Europe: In Search of Control”, *European Journal of Industrial Relations*, 27, No. 1 (2019): 23–39.

8 ILO, [Collective Bargaining Convention, 1981 \(No. 154\)](#).

9 The ILO Conventions, Recommendations and Protocols that make up the international labour standards are divided into three categories: fundamental or core Conventions; governance (priority) Conventions; and technical Conventions. The ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, declares that ILO Member States, “even if they have not ratified the Conventions in question, have an obligation ... to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions”.

10 This IRLex factsheet was prepared by Dr Ingrid Landau, Consultant. Parts of the analysis are based on previous work prepared by Vongai Masocha. Comments were gratefully received from Marleen Rueda Catry, Pablo Arellano (LABOURLAW), Ambra Migliore (ILO’s Collective Bargaining & Labour Relations group within the Inclusive Labour Markets, Labour Relations and Working Conditions Branch), Philippe Marcadent (Inclusive Labour Markets, Labour Relations and Working Conditions Branch) and Felix Hadwiger (ILO’s Collective Bargaining & Labour Relations group within the Inclusive Labour Markets, Labour Relations and Working Conditions Branch), who also coordinated the preparation of this IRLex knowledge product with LABOURLAW.

first instance.¹¹ Preventive measures include the facilitation of communication between workers or workers' representatives and their employers; worker participation in decisions that affect them; effective and regular practices of social dialogue; and adequate systems for state-based compliance and enforcement. Recognizing the importance of prevention, public dispute resolution agencies in a number of states focus increasingly on the provision of advice in order to preempt conflict by improving employment practices and facilitating cooperative approaches in the workplace.¹²

Bipartite processes of dispute resolution

Bipartite procedures may facilitate the early and negotiated settlement of labour disputes, thus limiting the need for recourse to third parties and/or more formal mechanisms. They also promote the joint ownership of, and trust in, the process and its outcomes. The ILO standards on collective bargaining recommend that states take measures to ensure that procedures for the settlement of labour disputes encourage and support the parties to find a solution to the dispute themselves.¹³ IRLex captures bipartite processes in Member States where these derive from a statutory mandate. These processes range from collective bargaining through to provisions for other forms of workplace dialogue and cooperation.

Collective bargaining can provide an effective means for social partners to address issues of concern and negotiate over matters that could otherwise escalate into a labour dispute. This is particularly the case in those countries in which labour laws explicitly or implicitly provide that parties to a collective agreement may not, for the duration of its validity, resort to industrial action on issues regulated in the agreement.¹⁴ The CFA has held that the disputing parties should have recourse to impartial and rapid mechanisms through which the application of collective agreements can be examined.¹⁵ Collective agreements may also establish procedures for the resolution of individual and/or collective labour

disputes arising from the application or interpretation of the agreement. Indeed, labour laws in some countries require or explicitly permit the inclusion of dispute resolution clauses in collective agreements.¹⁶

In addition to collective bargaining, other forms of institutionalized social dialogue at the workplace may also contribute to, and perform functions related to, dispute resolution. Many countries provide for the establishment of bipartite bodies at the enterprise level, such as works councils, workplace coordinating committees, workplace forums, joint committees or participation committees,¹⁷ and/or for the election of workers' representatives.¹⁸ These mechanisms are generally established to promote sound workplace relations through cooperation and consultation on matters of mutual interest. Some of these workplace mechanisms may perform a direct dispute settlement function, such as in Denmark, where workplace cooperation committees have a mandate to resolve any dispute within their scope "by means of local negotiations";¹⁹ and in the Republic of Korea, where labour-management councils have an explicit mandate to address grievances.²⁰ In some countries, bipartite collective bargaining bodies above the enterprise level perform important dispute resolution functions.²¹

Processes of third-party intervention: What are conciliation and mediation processes?

Conciliation and mediation are processes in which an independent third party assists the disputing parties to reach a mutually acceptable agreement to resolve their dispute.²² There is no clear or commonly accepted distinction between conciliation and mediation, and the terms are often used slightly differently in different countries and/or are left undefined.²³ While the use of different terms by different ILO Member States is unlikely to be problematic, the use of consistent terminology within each Member State's national labour law system is important in order to avoid legal uncertainty and

11 See ILO, *Labour Dispute Systems: Guidelines for Improved Performance*, 2013.

12 William Brown, "Third-Party Processes in Employment Disputes", in *The Oxford Handbook of Conflict Management in Organizations*, ed. William.K Roche, Paul Teague and Alexander J.S. Colvin (Oxford University Press, 2014), 135–149; examples include Australia, Canada, Spain and the United Kingdom.

13 ILO, *Collective Bargaining Recommendation, 1981 (No. 163)*, para. 8.

14 Countries included in IRLex in which such requirements (often referred to as "peace obligations") are imposed include [Albania](#), [Australia](#), [Bangladesh](#), [Brazil](#), [Bulgaria](#), [Cambodia](#), [Denmark](#), [India](#), [Ireland](#), [Jordan](#), [Kenya](#), [Norway](#), [Poland](#), [Romania](#), [Slovakia](#), [Spain](#), [Sweden](#), and the [United Republic of Tanzania](#).

15 ILO, *Freedom of Association*, para 768.

16 For example, the country profiles of [Australia](#), [Italy](#), [Paraguay](#), [Philippines](#), and [Spain](#) in IRLex.

17 See, for example, IRLex, country profiles of [Bangladesh](#), [Belgium](#), [Bosnia and Herzegovina](#), [Brazil](#), [Chile](#), [Costa Rica](#), [Denmark](#), [Eswatini](#), [France](#), [Hungary](#), [India](#), [Indonesia](#), the [Republic of Korea](#), the [Republic of Moldova](#), [Morocco](#), [Myanmar](#), [Norway](#), [Panama](#), [Poland](#), [Senegal](#), [South Africa](#), [Spain](#), [Sri Lanka](#) and [Viet Nam](#).

18 See, for example, IRLex, country profiles of [Albania](#), [Argentina](#), [Algeria](#), [Brazil](#), [Burkina Faso](#), [Cambodia](#), [Côte d'Ivoire](#), [Ireland](#), [Latvia](#), [Romania](#) and [Rwanda](#).

19 Brown; examples include Australia, Canada, Spain and the United Kingdom.

20 IRLex, [Republic of Korea](#), Promotion of Worker Participation and Cooperation Act (Act No.5312), art. 20.

21 For example, IRLex, country profiles of [Belgium](#), [Spain](#) and [South Africa](#).

22 ILO, *Labour Dispute Systems*, footnote 9.

23 In some countries, the terms are used interchangeably, while in other countries a distinction is made based on the degree of initiative taken by the third party; see Martin C. Euwema et al., "From Intervention to Prevention in Collective Labour Conflicts", in *Mediation in Collective Labour Conflicts*, ed. M. Euwema et al (Springer, 2019), 330–331.

facilitate end-users' awareness and knowledge of labour dispute mechanisms, and thereby to ensure the accessibility of the system. Conciliation/mediation is considered voluntary where it is set in motion only with the agreement of the disputing parties, while it is considered mandatory where the disputing parties are required by law to participate in the process. As table 1 demonstrates, the conciliation/mediation of collective labour disputes is widely provided for in legislation by ILO Member States covered in IRLex.

With respect to collective *rights disputes*, conciliation/mediation may help promote their voluntary settlement by providing parties with an opportunity to test their assessment of an alleged breach of a law or entitlement against known sources of information, including case law and precedent. In this process, the conciliator does not provide an interpretation of the law or the collective agreement, but rather acts as an individual who is familiar with labour legislation and case law and capable of guiding the parties through the available information and relevant sources. However, it is important in this type of dispute that the disputing parties can access independent judicial or quasi-judicial bodies for an authoritative resolution of the dispute.²⁴ In a number of countries, participation in conciliation/mediation is a compulsory step prior to accessing court procedures, with some exception for specific types of disputes.

With respect to collective *interests disputes*, ILO standards emphasize that bodies and procedures for the settlement of labour disputes should be designed to contribute to the promotion of collective bargaining.²⁵ Voluntary conciliation/mediation should be made available to the disputing parties and should be free of charge and expeditious. Provision should be made for the parties to enter into conciliation voluntarily or upon the initiative of the conciliation authority.²⁶ Where a dispute has been submitted to conciliation procedures with the consent of all parties concerned, the parties should be encouraged to refrain from strikes and lockouts while conciliation is in progress.²⁷

How are conciliation and mediation processes initiated?

To encourage bipartite dispute resolution, labour laws in some countries require parties to attempt to engage in, or to engage in, direct negotiations prior to accessing conciliation or mediation. In most countries, the conciliation/mediation of a collective labour dispute can be initiated by either party to the dispute, with the other party then being required to join the process. However, in some countries a dispute can be conciliated/mediated only where both parties agree or where this is provided for in the relevant collective agreement. Conciliation processes may also be automatically initiated where the social partners have agreed to such proceedings through a collective agreement (for further details and country examples from IRLex, see table 1).

Many ILO Member States require parties to participate in conciliation or mediation procedures for the resolution of collective labour disputes in certain circumstances (see table 1). Mandatory conciliation is a common feature of the Latin American labour dispute resolution systems, with judicial officers required to conciliate collective disputes prior to adjudication. Mandatory conciliation proceedings may help reduce the escalation of cases to formal adjudicative processes and help develop the parties understanding of the value of assisted negotiations.²⁸

Mandatory conciliation procedures are compatible with ILO principles in certain circumstances, including where prior agreement has been reached to submit to conciliation/mediation any disputes that arise during the bargaining process or where negotiations have come to a stalemate.²⁹ The CFA has stated in relation to specific cases that legislation providing for the conciliation of an interest-based dispute before a strike may be called does not constitute an infringement of the freedom of association, provided that these procedures have the sole purpose of facilitating bargaining and do not in practice render the taking of lawful strike action impossible or ineffective.³⁰ Nor does it constitute a violation of the principles of freedom of association if the authorities decide to suspend a strike for a reasonable period so as to allow the parties to seek a negotiated solution through mediation or conciliation efforts,³¹ provided that the suspension is not so slow or complex as to limit the right to strike.³² Where the law does provide for mandatory conciliation, this function should be undertaken by an

24 Kevin Foley and Maedhbh Cronin, *Professional Conciliation in Collective Labour Disputes: A Practical Guide* (ILO Budapest, 2015), 12–13.

25 *Collective Bargaining Convention, 1981 (No. 154)*, Art. 5(2)(e); see also *Collective Bargaining Recommendation, 1981 (No. 163)*, Para 8.

26 ILO, *Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)*; see also ILO, *Freedom of Association*, para 72, footnote 13.

27 ILO, *Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)*.

28 Foley and Cronin, footnote 13; and Roberto Martinez-Pecino et al, "Effectiveness of Mediation Strategies in Collective Bargaining", *Industrial Relations: A Journal of Economy & Society*, 47(3): 480–495.

29 ILO, *Freedom of Association*, para 1322, footnote 12; and ILO, *Labour Dispute Systems*, footnote 9.

30 ILO, *Freedom of Association*, paras 793 and 795.

31 ILO, *Freedom of Association*, para 794.

32 ILO, *Freedom of Association*, para 794.

independent body.³³ Where conciliation is mandated prior to the taking of lawful strike action, the decision to initiate the conciliation procedure should be entrusted to a body independent of the parties in the dispute.³⁴

Table 1 contains the information in IRLex on the regulation of conciliation and mediation of collective interest disputes (the hyperlinked country names enable the reader to directly access and compare the text of the relevant national legal provisions of those countries in the IRLex online database).

► **Table 1: Conciliation/mediation of collective interest disputes**

General form of the law	Specific form of the law	Country examples ³⁵	Legal texts from IRLex
Voluntary conciliation/mediation	Either party, or both parties, may initiate conciliation/mediation following unsuccessful bipartite negotiations	Australia , Bangladesh , Brazil , Bulgaria , Myanmar , United Kingdom and Viet Nam	<p>“Application for FWC³⁶ to deal with a bargaining dispute</p> <p>(1) A bargaining representative for a proposed enterprise agreement may apply to FWC for FWC to deal with a dispute about the agreement if the bargaining representatives for the agreement are unable to resolve the dispute.</p> <p>(2) If the proposed enterprise agreement is (a) a single-enterprise agreement; or (b) a multi-enterprise agreement in relation to which a low-paid authorization is in operation; the application can be made by one bargaining representative; whether or not the other bargaining representatives for the agreement have agreed to the making of the application.” (unofficial copy), Australia, Fair Work Act 2009 (Cth), section 240³⁷</p> <p>“(1) If, at any time an employer or a collective bargaining agent finds that an industrial dispute is likely to arise between the employer and workers or any of the workers, the employer, or, as the case may be, the collective bargaining agent shall communicate his or its views in writing to the other party.</p> <p>(2) Within fifteen days of the receipt of a communication under sub-section (1), the party receiving it shall, in consultation with the representatives of the other party, arrange a meeting for collective bargaining on the issue raised in the communication with a view to reaching an agreement thereon, and such meeting may be held with the representatives of the parties authorized in this behalf.</p> <p>...</p> <p>(4) If (a) the party receiving a communication under sub-section (1) fails to arrange a meeting with the other party within the time specified in sub-section (2), such other party, or</p> <p>(b) no settlement is reached through dialogue within a period of 1 (one) month from the date of the first meeting for negotiation, or such further period as may be agreed upon in writing by the parties, any of the parties, may, within 15 (fifteen) days from the expiry of the period mentioned in sub-section (2) or, clause (b) of this sub-section, as the case may be, report the matter to a competent Conciliator mentioned in sub-section (5) and may request him in writing to settle the dispute through conciliation.” (unofficial English translation), <i>Bangladesh, Labour Act 2006, section 210</i></p>
	Conciliation/mediation can only be initiated upon the request of both parties or where prior agreement exists by way of collective agreement	Japan	<p>“The Labor Relations Commissions shall carry out mediation in any of the following cases:</p> <p>(i) when an application for mediation has been made to the Labor Relations Commission by both parties concerned;</p> <p>(ii) when an application for mediation has been made to the Labor Relations Commission by either one or both of the parties concerned based on the provisions of a collective agreement;” (unofficial English translation), <i>Japan, Labour Relations Adjustment Law (Law No. 25 of September 27, 1946), arts 12, 18, 28</i></p>

Continued on next page

³³ ILO, *Freedom of Association*, para 796.

³⁴ ILO, *Freedom of Association*, paras 796–797.

³⁵ The lists of referenced IRLex country profiles and national legal provisions are exemplary and non-exhaustive. The country examples cited in this table were chosen purely to illustrate and do not include or imply any evaluation of the conformity of that legislation with the relevant international labour standards.

³⁶ Refers to the [Fair Work Commission of Australia](#), which is the national workplace relations tribunal.

³⁷ The FWC may “deal” with a bargaining dispute as it considers appropriate, including by mediating or conciliating the dispute or making a recommendation or expressing an opinion. It can only arbitrate the dispute if all the bargaining representatives have agreed for it to do so; see Australia, Fair Work Act 2009 (Cth), sections 595(2) and 240(4).

<p>Mandatory conciliation/mediation</p>	<p>Conciliation/mediation is a pre-condition to accessing other dispute resolution processes (e.g., arbitration, judicial resolution)</p>	<p>Brazil, Chile, Philippines, United Republic of Tanzania and Viet Nam</p>	<p>In a case of unsuccessful mediation or where the labour mediator fails to commence the mediation within the time limits specified in clause 2 of Art. 188 of this Code or either party does not enforce the agreement stated in the successful mediation record, the disputing parties shall have the right to choose to have their disputes resolved via any of the following measures:</p> <p>(a) Request for dispute resolution via a Labour Arbitration Council in accordance with Art. 197 of this Code;</p> <p>(b) The worker’s representative organization shall have the right to initiate the procedures prescribed at Art. 200, 201 and 202 of this Code for strikes (unofficial summary and English translation), <i>Viet Nam, Labour Code 2019, art. 196 (3)</i></p>
	<p>Conciliation/mediation is a pre-condition to taking lawful industrial action</p>	<p>Argentina, Bangladesh, Chile, Guatemala, Hungary, Mexico, Morocco, Philippines, Poland, South Africa, Thailand, Viet Nam and Zambia</p>	<p>Right to strike and recourse to lock out</p> <p>(1) Every employee has the right to strike and every employer can have recourse to lock out if –</p> <p>(a) the issue in dispute has been referred to a council or to the Commission as required by this Act, and ...</p> <p>(i) a certificate stating that the dispute remains unresolved has been issued; or</p> <p>(ii) a period of 30 days, or any extension of that period agreed to between the parties to the dispute, has elapsed since the referral was received by the council or the Commission... (unofficial copy), <i>South Africa, Labor Relations Act No. 66 of 1995, section 64</i></p>

What are the time frames for conciliation and mediation?

To promote the expeditious resolution of disputes, laws providing for conciliation/mediation typically establish time frames within which conciliation and mediation proceedings must commence following the submission of a request by the disputing party/parties; for example, the time frame is 5 days in Denmark³⁸ and 10 days in Bangladesh.³⁹ In some countries, labour laws also impose a maximum number of days within which a conciliation or mediation process must be concluded. These vary significantly, from 5 days in Viet Nam⁴⁰ to 30 days (or any longer period to which the parties have agreed) in Brazil⁴¹ and the United Republic of Tanzania.⁴²

Processes of third-party intervention: What is the role of arbitration for collective labour disputes?

Arbitration is a procedure in which an impartial third-party (an individual arbitrator, a board of arbitrators or

an arbitration court) is empowered to issue a decision, also known as arbitration award, in resolution of the dispute. Arbitration provides users with legally enforceable outcomes that are attained through procedures that are quicker and more cost-effective than court procedures.⁴³ Arbitration is considered *voluntary* when the disputing parties agree to submit their dispute to arbitration and to being bound by the decision of the arbitrator. Arbitration is *mandatory* where it is imposed upon the disputing parties by law or by government authorities. Arbitration is also considered to be mandatory where it 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.⁴⁴

Under ILO standards, *rights* disputes (that is, disputes over the application or interpretation of a law or collective agreement) may be referred to an independent authority for resolution, whether by mandatory arbitration or judicial determination. However, mandatory arbitration of *interest* disputes may infringe the fundamental principles embodied in Conventions Nos. 87 and 98. ILO standards on mandatory arbitration are discussed in more detail below.

38 See IRLex, [Denmark](#), Collective Agreement: The Cooperation Agreement between the Danish Trade Union Confederation (LO) and the Confederation of Danish Employers (DA) of 2006, section 6.

39 See IRLex, [Bangladesh](#), Labor Act, section 210(6).

40 See IRLex, [Viet Nam](#), Labour Code 2019, art 188.

41 See IRLex, [Brazil](#), Decree No. 1572 of 28 July 1995, which regulates mediation in the labour collective bargaining (DMLCB) (unofficial translation, art 2.

42 See IRLex, [United Republic of Tanzania](#), Employment and Labour Relations Act, 2004 (No. 6 of 2004) section 86.

43 Foley and Cronin, footnote 13; Martinez-Pecino et al.

44 ILO, [Giving Globalization A Human Face: General Survey on the Fundamental Conventions Concerning Rights at Work in Light of the ILO Declaration on Social Justice for a Fair Globalization](#), 2008, ILC.101/III/1B, 2012, para. 246.

What is voluntary arbitration?

Voluntary arbitration is compatible with ILO standards.⁴⁵ Many ILO Member States provide mechanisms through which parties may resolve collective disputes through voluntary arbitration. In most cases the disputing parties may agree to jointly submit a dispute to an arbitration authority upon the failure of prior conciliation or mediation proceedings, but in some cases there is no legal requirement to undergo prior settlement mechanisms.⁴⁶

When considering specific cases, the CFA has considered that legislation providing for the voluntary arbitration of an interest-based dispute before a strike may be called does not constitute an infringement of freedom of association provided that recourse to arbitration is not compulsory and does not in practice prevent the calling of a strike.⁴⁷ In order to gain and retain the parties' confidence, any arbitration system should be truly independent and the outcomes of arbitration should not be predetermined by legislative criteria.⁴⁸

What is mandatory arbitration?

The CEACR has stated that the arbitration of interest disputes should generally occur only with the agreement of both parties.⁴⁹ Legal provisions that provide for the compulsory arbitration of disputes at the discretion of the public authorities or at the request of one party, particularly in services that are not essential in the strict sense of the term, have been considered to raise problems of compatibility with Convention No. 98.⁵⁰

They are also viewed by the CFA⁵¹ as tantamount in practice to a general prohibition on strikes, which is incompatible with the principle of freedom of association.⁵²

According to both the CEACR and the CFA, compulsory arbitration to resolve a collective labour dispute is only compatible with ILO standards in specific circumstances, namely, where arbitration is imposed: (i) in essential services in the strict sense of the term, that is, services whose interruption would endanger the life, personal safety or health of the whole or part of the population; (ii) in the case of disputes in the public service involving

public servants engaged in the administration of the state; (iii) after protracted and fruitless negotiations and where it becomes obvious that the deadlock will not be broken without some initiative by the authorities; or (iv) in the event of an acute crisis.⁵³

In dealing with specific cases, the CFA has always emphasized that before arbitration is imposed, parties should be given every opportunity to bargain collectively, during a sufficient period of time, with the help of independent mediation.⁵⁴ Some countries, such as Australia and Canada, have legal provisions that enable the compulsory arbitration of disputes concerning the reaching of a first collective agreement in certain circumstances.⁵⁵

Table 2 shows how arbitration is used to resolve collective labour disputes in a selected sample of countries covered in IRLex (the hyperlinked country names enable the reader to directly access and compare the text of the relevant national legal provisions of those countries in the online database IRLex).

45 ILO, *Giving Globalization A Human Face*, para. 246.

46 See for example, the country profiles of [Algeria](#), [Brazil](#) and [Chile](#) in IRLex.

47 ILO, *Giving Globalization A Human Face*, para 144; ILO, *Freedom of Association*, para. 793, footnote 12.

48 ILO, *Freedom of Association*, para. 823, footnote 12.

49 ILO, *Freedom of Association*, para. 816; and ILO, *Giving Globalization A Human Face*, para. 247, footnote 42.

50 ILO, *Giving Globalization A Human Face*, para 248, footnote 41.

51 However, no consensus exists on the right to strike, including compulsory arbitration, in the context of Convention No. 87, when it comes to another body of the ILO's regular supervisory system, namely the Conference Committee on the Application of Standards (CAS); for more information on its role and composition, see ILO, "[Conference Committee on the Application of Standards](#)".

52 ILO, *Giving Globalization A Human Face*, para. 153.

53 ILO, *Giving Globalization A Human Face*, para. 247; and ILO, *Freedom of Association*, paras 816–818, footnote 16.

54 ILO, *Giving Globalization A Human Face*, para 247, footnote 44; and ILO, *Freedom of Association*, para 854, footnote 12.

55 See Anthony Forsyth, "[Could Canadian-Style Interest Arbitration Work in Australia](#)" *Australian Business Law Review* 43 (2015): 121–137.

► Table 2: Arbitration of collective disputes

General form of the law	Specific form of the law	Country examples ⁵⁶	Legal texts from IRLex
Voluntary arbitration	Upon failure of prior conciliation/mediation proceedings and with the agreement of both parties	China , Colombia , France , Indonesia , Ireland , Morocco , Philippines , Sri Lanka , Thailand and United Kingdom	<p>“If any labour dispute settlement process took place, and a total agreement on the labour dispute was not reached, the workers will have two options:</p> <p>(a) Declare a strike; or</p> <p>(b) Submit the dispute to the decision of Arbitration Court.</p> <p>Workers will have a term of 10 days to choose one mechanism, by secret, personal and non-delegable vote.</p> <p>In addition, during the course of the strike, the majority of the company’s workers, or the general assembly of the trade union or unions, by more than half of the workers, may decide to submit the dispute to an arbitration tribunal.” (unofficial summary and English translation), <i>Colombia, Substantive Labour Code, Decree Law No. 3.743 of 7 June 1951, arts 444–445</i></p>
	Where prior agreement to do so has been reached by way of a collective agreement	Australia , Denmark , Kenya , Republic of Korea , Philippines and Spain	<p>“Collective agreements can establish procedures, such as mediation and arbitration, for the settlement of collective disputes arising from the application and interpretation of collective agreements. The agreement reached through mediation and the arbitration award shall have the same legal effectiveness and processing as the collective agreements regulated in the Workers’ Statute” (unofficial summary and English translation), <i>Spain, Workers’ Statute 1980, section 91</i></p>
Mandatory arbitration	For certain collective rights disputes	China and Denmark	<p>“The following cases can be submitted to industrial arbitration:</p> <p>1. cases dealing with the interpretation and understanding of collective agreements, apart from basic agreements and industry-wide/sectoral agreements...” (unofficial English translation), <i>Denmark, Consolidated Act on Labour Court and Industrial Arbitration, No. 106 of 26 February 2008, section 21(1)</i></p>
	For disputes affecting essential services, in which strikes are prohibited and/or terminated	Algeria , Chile , Côte d’Ivoire , Eswatini , Republic of Korea and South Africa	<p>“Whenever the strike is prohibited, collective disputes within collective bargaining will be solved by an arbitrator. The same rule applies when a labour court orders the resumption of the work in those strikes that, due to their characteristics, opportunity or duration, may cause serious damage to the health, the environment, the supply of goods or services of the population, the economy of the country or national security” (unofficial English translation), <i>Chile, CDT, art. 386</i></p>

What is the legal effect and enforceability of arbitrated outcomes?

The enforceability of arbitrated outcomes is important for ensuring the settlement of disputes and access to remedies. Labour laws in most countries that provide for labour arbitration have provisions stipulating that arbitration outcomes (or “awards”) are legally binding on the parties to the dispute.⁵⁷ However, some countries,

such as South Africa, also make provision for advisory awards.⁵⁸

In many countries in which arbitration is provided for, arbitration awards take effect immediately. However, some countries provide that an arbitral award will only become final when no opposition has been lodged within a certain time frame.⁵⁹ Arbitration awards are generally made valid for an indefinite time frame, or at least subject to the terms of the award itself or an agreement made by the social partners. Many countries provide that an award may be enforced by either party in the courts.⁶⁰

56 The lists of referenced IRLex country profiles and national legal provisions are exemplary and non-exhaustive. The country examples cited in this table were chosen purely to illustrate and do not include or imply any evaluation of the conformity of that legislation with the relevant international labour standards.

57 See for example IRLex, country profiles of [Australia](#), [Bulgaria](#), [Côte d’Ivoire](#), [Hungary](#), [India](#), [Indonesia](#), [Nigeria](#), the [Philippines](#), [Serbia](#), [Sweden](#), [Tunisia](#) and the [United States](#). Arbitrated decisions are conferred equal status with collective agreements in some countries (see IRLex, country profiles of [Argentina](#), [Chile](#), [France](#), the [Republic of Korea](#), [Latvia](#), [Panama](#), [Romania](#) and [Spain](#)) and with judicial orders in others (see IRLex, country profiles of [Colombia](#), [Costa Rica](#), [South Africa](#) and the [United Republic of Tanzania](#)).

58 Labour Relations Act, 1995 [No. 66 of 1995], s. 150A-D ([South Africa](#) in IRLex).

59 See for example IRLex, country profiles of [Burkina Faso](#) and [Cambodia](#).

60 See for example IRLex, country profiles of [Australia](#), [Colombia](#), [Indonesia](#) and [South Africa](#).

Is there a right of appeal and review of arbitration awards?

Some countries provide a general right for either party to appeal an arbitral award to a court with competent jurisdiction.⁶¹ Others provide that arbitration outcomes are final and cannot be subject to appeal or review.⁶² However, it is more common for countries to seek to balance the finality of decision-making and access to remedies with procedural justice by limiting the grounds upon which arbitration awards can be appealed or reviewed.

The distinction between appeal and review proceedings in the ILO Member States covered in IRLex is not necessarily always clear, as the terms are used differently across the different legal frameworks. In many countries, parties can submit arbitration awards for judicial review before competent courts.⁶³ Grounds for review are often limited to questions of law (such as whether an arbitration body carried out its functions *ultra vires*⁶⁴ and/or issued an arbitration award that is incompatible with the law) and/or to procedural irregularities.

What is the role of judicial resolution for collective labour disputes?

Judicial resolution involves the final settlement of a dispute by a court. The CFA emphasized, in relation

to specific cases, the need for judicial safeguards of certain collective rights, such as cases in which trade unionists are charged with political or criminal offences,⁶⁵ appeals against a refusal to grant authorization for the establishment of a trade union,⁶⁶ disputes over trade union and employers' organizations' elections⁶⁷ and cases of anti-union discrimination.⁶⁸

In a number of countries covered in IRLex, labour courts have exclusive or first-instance jurisdiction to hear collective rights disputes. In Denmark, for example, disputes over the interpretation of collective agreements (apart from industry-wide and basic agreements made between central organizations) are resolved by the Labour Court.⁶⁹ In Brazil, the labour courts are responsible for hearing and adjudicating disputes involving the exercise of the right to strike, as well as disputes concerning trade union representation, disputes between trade unions and other disputes arising from labour relations.⁷⁰

Some countries confer jurisdiction over collective disputes to courts once alternative forms of dispute resolution have failed. In Jordan, for example, when mediation is unsuccessful the Minister of Labour is required to refer the dispute to a labour court comprising three regular judges appointed by the Judicial Council.⁷¹

► What institutions and bodies are tasked with collective labour dispute resolution?

Collective labour dispute resolution may be undertaken by a range of institutions: state-based administrative bodies, independent statutory bodies, judicial or quasi-judicial institutions, ad hoc tribunals or panels, and private institutions. ILO standards are not prescriptive with respect to the nature or structure of dispute resolution institutions. Functional independence is considered to be a critical feature of dispute-resolution

institutions, with the CFA emphasizing that the principles of independence and impartiality should apply to all forms of dispute-prevention and dispute-resolution mechanisms, regardless of their administrative placement or status.⁷²

IRLex captures labour-dispute institutions and their composition and functions, where these are provided for in legislation.⁷³ Table 3 shows that Member States adopt a

61 See for example IRLex, country profiles of [Cambodia](#) and [China](#).

62 See for example IRLex, country profiles of [Bangladesh](#), [North Macedonia](#) and [Tunisia](#).

63 See for example IRLex, country profiles of [Argentina](#), [Australia](#), [Cambodia](#), [Colombia](#), [Côte d'Ivoire](#), [Denmark](#), [France](#), [Indonesia](#), [Italy](#), the [Republic of Korea](#), [South Africa](#), [Singapore](#), [Sweden](#) and the [United Republic of Tanzania](#).

64 This Latin expression, literally meaning "beyond the powers", indicates an act done beyond one's legal power or authority.

65 ILO, *Freedom of Association*, paras 176, 184, footnote 12.

66 ILO, *Freedom of Association*, para. 422.

67 ILO, *Freedom of Association*, para. 648.

68 ILO, *Freedom of Association*, para. 1161.

69 See IRLex, [Denmark](#), Labour Court and Industrial Arbitration Act No. 106 of 26 February 2008, section 11.

70 See IRLex, [Brazil](#), Constitution of the Federal Republic of Brazil, promulgated on 5 October 1988 (unofficial English translation), art 114.

71 See IRLex, [Jordan](#), Labour Code No. 8 of 1996, arts 120–124.

72 See ILO, *Freedom of Association*, paras 858, 863, 908 and 1138, footnote 12.

73 In some countries, dispute-resolution institutions may be created by agreement between the social partners; these types of institutions are not captured in

range of approaches to the structure and composition of dispute-resolution bodies. Dispute-resolution functions may be assigned to public institutions or officials within

the labour administration; quasi-judicial institutions; specialized labour courts or specialized divisions of general courts; and/or courts of general competence.

► **Table 3: Public institutions performing collective labour dispute resolution, selected countries in IRLex⁷⁴**

Country	Public institution or official within labour administration	Quasi-judicial institution	Specialized labour court/specialist division of general court	General court
Australia		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bulgaria	<input type="checkbox"/>			<input type="checkbox"/>
Cambodia		<input type="checkbox"/>		<input type="checkbox"/>
China	<input type="checkbox"/>			<input type="checkbox"/>
Denmark			<input type="checkbox"/>	
Ireland		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Japan		<input type="checkbox"/>		<input type="checkbox"/>
South Africa		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Spain	<input type="checkbox"/>		<input type="checkbox"/>	
United Kingdom		<input type="checkbox"/>		<input type="checkbox"/>

Which public institutions or officials within the labour administration are tasked with the resolution of collective labour disputes?

There are a range of ways in which ILO Member States integrate dispute-resolution mechanisms into the state administrative machinery. In some countries, permanent tripartite bodies for collective labour dispute resolution are formed within the labour ministry.⁷⁵ Labour ministries may also have permanent departments or divisions for dispute resolution, as is the case in Argentina, Belgium, Chile, Peru and the Philippines. This approach is also taken in Ireland, where the Workplace Relations Commission (an office of the Department of Enterprise, Trade and Employment) is responsible for providing a range of conciliation, mediation, facilitation and advisory services functions.⁷⁶ In other countries, the Minister of Labour convenes ad hoc bodies or experts to resolve collective disputes, which in most cases are selected from a verified list of suitably qualified, independent officials maintained by the authorities. In Albania and Poland, for example, when disputing parties jointly request

arbitration by an arbitration tribunal, the Ministry of Labour and Social Affairs will provide them with a list of arbiters.⁷⁷

In the United Kingdom,⁷⁸ collective labour dispute resolution is undertaken by the Advisory, Conciliation and Arbitration Service (ACAS). As a state-funded public sector agency, the entity's impartiality and independence from the Government is secured by a governance arrangement that involves a tripartite council, as well as independent experts. In addition to offering conciliation, mediation and voluntary arbitration services, ACAS seeks to prevent conflict and promote best practice through publications, a website offering guidance and toolkits, statutory codes of practice and training.⁷⁹

In some countries, dispute-prevention and dispute-resolution functions are assigned to labour inspectors.⁸⁰ Labour inspectors in Spain, for example, may mediate a trade dispute once the administrative authority has been notified of a strike, at their own initiative or if requested by the parties.⁸¹ The role of the labour inspectorate with respect to dispute resolution is discussed further below.

IRLex.

74 The lists of referenced IRLex country profiles and national legal provisions are exemplary and non-exhaustive. The country examples cited in this table were chosen for illustrative purposes only and do not include or imply any evaluation of their conformity with relevant international labour standards.

75 See for example Bulgaria, "[National Institute for Conciliation and Arbitration](#)".

76 See Ireland, "[Workplace Relations Commission](#)".

77 Patricia Elgoibar et al, "Mediation and Conciliation in Collective Labor Conflicts in Europe: A Cross Cultural Analysis", in *Mediation in Collective Labor Conflicts*, ed. Martin C. Euwema et al. (Springer, 2019), 227–244.

78 See IRLex, [United Kingdom](#), Trade Union and Labour Relations (Consolidation) Act 1992, Chapter 52, section 210.

79 See Richard Saundry and Gill Dix, "Conflict Resolution in the United Kingdom", in Roche, Teague and Colvin.

80 See for example IRLex, country profiles of [Algeria](#), [Burkina Faso](#), [Cambodia](#), [Chile](#), [Rwanda](#), [Spain](#), [Togo](#), and [Tunisia](#).

81 See IRLex, [Spain](#), Royal Decree-Law 17/1977, art. 9.

What are examples of quasi-judicial institutions?

Many countries assign collective labour dispute-resolution functions to quasi-judicial bodies combining

certain adjudicative or legal features (such as the right to hold hearings and/or reach legally binding decisions), with procedures that are more flexible, efficient and specialized than those usually found in the courts.

► **Table 4: Examples of quasi-judicial institutions for resolution of collective labour disputes**

Country	Body	Composition and manner of appointment	Collective dispute-resolution functions
Australia	Fair Work Commission	Tribunal consists of a President, Vice-Presidents, Deputy Presidents, Commissioners and expert panel members, appointed by the Governor-General on the recommendation of the Government.	Tribunal members perform a range of dispute-resolution functions as assigned to them under the Fair Work Act 2009 (Cth), including conciliation and arbitration of collective disputes, as well as making orders to suspend or terminate industrial action.
Republic of Korea	National Labour Relations Commission	Comprised of workers' members, employers' members and public interest members, who are appointed by the President upon the recommendation of the Minister of Employment and Labour.	Established by the Labor Relations Commission Act 2015, this body aims to contribute to the stabilization and development of labour relations by performing a range of dispute-resolution functions including conciliation, mediation and adjudication.
South Africa	Commission for Conciliation, Mediation and Arbitration	Governing Body consisting of an independent Chairperson, three persons representing organized labour, three persons representing organized business and three persons representing the state, as nominated by the National Economic Development and Labour Council and appointed by the Employment and Labour Minister. Commissioners are appointed by the Governing Body.	Performs a range of functions assigned to it under the Labour Relations Act 1995, including the conciliation and arbitration of collective labour disputes.

What is the role of judicial institutions?

Courts play important roles in resolving collective labour disputes in many national systems. These roles range from exercising exclusive jurisdiction over certain types of disputes to conducting appeals and judicial reviews and/or certifying settlement outcomes. While collective labour disputes are resolved through the general court system in some countries, there has been a trend in recent decades towards the creation of specialized labour courts or industrial tribunals.⁸² Some countries have taken an alternative approach, creating specialist divisions or chambers within general courts for labour issues.⁸³

In many countries, judicial officers carry out mediation, conciliation and/or arbitration functions, in addition to adjudication. In many Latin American countries, mandatory conciliation is undertaken by labour court judges with the objective of reducing the number of cases that proceed to adjudication.⁸⁴ In Poland, collective

disputes affecting one enterprise are submitted for arbitration to the Social Arbitration Committee of a Regional High Court; or where the dispute concerns more than one enterprise to the Social Arbitration Committee of the Supreme Court.⁸⁵

What is the role of labour inspectorates/enforcement agencies in dispute resolution?

Dispute resolution may be regarded as a natural aspect of the function of labour inspectors because of their presence in the workplace and their expertise, independence and impartiality.⁸⁶ However, Article 3(1) of the [Labour Inspection Convention, 1947 \(No. 81\)](#) makes clear that the main functions of the system of labour inspection do not include dispute resolution. The CEACR has expressed the view that it is possible in principle for states to allocate conciliation and mediation duties to labour inspectors, as long as they do not “interfere

82 ILO, *Social Dialogue: Recurrent Discussion under the ILO Declaration on Social Justice for a Fair Globalization*, para 139, footnote 2.

83 See for example Australia, Federal Court of Australia, “[Employment & Industrial Relations](#)”.

84 See for example IRLex, country profiles of [Brazil](#), [Chile](#), [Costa Rica](#) and [Guatemala](#).

85 Social Arbitration Committees are composed of a presiding judge, appointed from among the judges by the presiding judge of the court, and six members, of whom three shall be appointed by each party; see IRLex, [Poland](#), Act of May 23, 1991 on Resolving Collective Disputes – Arbitration, art 16.

86 Koukiadaki, footnotes 4, 16.

with the effective discharge of their primary duties”.⁸⁷ Accordingly, where labour inspectors are assigned with dispute-resolution functions, governments should ensure that these functions do not overburden labour inspectors or negatively affect their ability to carry out their core functions.

Are there specialized bodies of dispute resolution for public servants and essential services workers?

Many countries have specialized dispute-resolution processes for public servants, particularly where these mechanisms serve as compensatory guarantees for limitations placed on the right to collectively bargain and/or engage in industrial action. These processes may be carried out by special institutions for the public sector or under special procedures within general labour dispute-prevention and dispute-resolution institutions.

In some countries, collective dispute resolution within the public service is undertaken by national institutions with regulatory authority over labour relations in the public service.⁸⁸ Some countries have specialized bodies or divisions for public services that provide dispute-resolution functions for essential services. In South Africa, for example, the Essential Service Committee of the Commission for Conciliation, Mediation and Arbitration is responsible for resolving disputes over whether the whole or a part of a service is an essential one. It also provides conciliation, mediation and arbitration services for essential service workers who have restricted access to the right to strike.⁸⁹ In Italy, the law establishes the Commission of Guarantee aimed at the effective balancing of the exercise of the right to strike in essential services with constitutional rights such as the rights to life, health, freedom and safety, freedom of movement, social protection, education and communication. The Commission also supports the determination of adequate minimum services and the classification of certain services as essential.⁹⁰

Many examples may be found in IRLex of labour disputes in the public sector being received by administrative

or judicial institutions that are generally responsible for dispute management, although disputes in sectors considered to be essential may be subject to expedited or specialized processes. For example, disputes relating to essential services are to be submitted to the Industrial Court in Kenya⁹¹ and to the labour courts in Costa Rica.⁹² In the Ukraine, in sectors in which strikes are prohibited the National Mediation and Conciliation Service may attempt to resolve disputes by way of conciliation and mediation. Where this is unsuccessful, the dispute may be referred to the Supreme Court.⁹³

In supervising compliance with the [Labour Relations \(Public Service\) Convention, 1978 \(No. 151\)](#), the CEACR has expressed concerns where ratifying countries have not yet established adequate collective dispute-resolution institutions for the public sector, where the mechanisms provided have been solely judicial in nature⁹⁴ and where labour-dispute mechanisms established for public employees appear to lack independence and impartiality.⁹⁵

87 See ILO, [Observation \(CEACR\) – adopted 2010, published 100th ILC session \(2011\) Labour Inspection Convention, 1947 \(No. 81\) – Burundi \(Ratification: 1971\); ILO, Direct Request \(CEACR\) – adopted 2017, published 107th ILC session \(2018\) Labour Inspection Convention, 1947 \(No. 81\) – Togo \(Ratification: 2012\); and ILO, Direct Request \(CEACR\) – adopted 2012, published 102nd ILC session \(2013\) Labour Inspection Convention, 1947 \(No. 81\) – Cameroon \(Ratification: 1962\).](#)

88 See for example Japan, “[National Personnel Authority](#)”.

89 See IRLex, [South Africa](#), Labour Relations Act 1995, sections 70–75.

90 See IRLex, [Italy](#), Law No. 83/2000 implementing changes and additions to the Law of 12 June 1990, No. 146, concerning the exercise of the right to strike in essential public services and the protection of constitutionally protected individual rights, art. 2.

91 See IRLex, [Kenya](#), Labour Relations Act 2007, art. 81(4).

92 See IRLex, [Costa Rica](#), Labour Code, Law No. 2 of 1943, arts 375 and 707.

93 See IRLex, [Ukraine](#), Act No. 137/98-VR of 3 March 1998 on the procedure of settlement of collective labour disputes, art. 25.

94 See for example ILO, [Direct Request \(CEACR\) – adopted 2015, published 105th ILC session \(2016\) Labour Relations \(Public Service\) Convention, 1978 \(No. 151\) – Spain \(Ratification: 1984\).](#)

95 See, for example, ILO, [Direct Request \(CEACR\) adopted 2020, published 109th ILC session \(2021\), Labour Relations \(Public Service\) Convention, 1978 \(No. 151\) – Philippines \(Ratification: 2017\); and ILO, Direct Request \(2019\), adopted 2019, published 109th ILC session \(2021\), Labour Relations \(Public Service\) Convention, 1978 \(No. 151\) – Belgium \(Ratification: 1991\).](#)

Where to get additional information on the resolution of collective labour disputes?

- ▶ Tables 1–4 organize processes and institutions for the resolution of collective labour disputes in selected ILO Member States. The online database IRLex (www.ilo.org/irlex) can be used to get access to summaries and full texts of relevant national legal sources and to explore regulatory examples in more depth.
- ▶ The IRLex database is concerned solely with the technical content of national legislation. It does not hold any information on how the law is applied in practice. Neither does it include or imply any evaluation of the conformity of that legislation with the relevant ratified international labour standards.

The comments by the [ILO's supervisory bodies](#) should be consulted to assess the application of standards by ILO Member States in law and practice.

- ▶ Disclaimer: Summaries and full texts of legal sources in IRLex are provided for information purposes only and are not intended to replace the authentic legal texts. Each country profile has been verified by a country specialist. However, this is no guarantee that the laws identified and contained in IRLex are always complete, accurate and the most recent version. The database will be updated at regular time intervals. Please contact us if you have updated information or comments at inwork@ilo.org

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