

Social Dialogue: Alternative Dispute Settlement Mechanism for Labour Issues

Description

By Dagnachew Tesfaye, Partner at DMLF

The Labour Proclamation No 1156/2019 (**the Proclamation** hereafter) has introduced a new dispute resolution mechanism namely 'Social Dialogue'. This concept of Social Dialogue was not known and was non-existent in the previously repealed Labour Proclamation No 377/2003. Only conciliation and arbitration were the two known alternative dispute settlement mechanisms. Now in addition to conciliation and arbitration, social dialogue is included as one form of alternative dispute settlement mechanism pertaining to labour issues.

Social Dialogue is defined in the Proclamation as a process of information exchange, dialogue or negotiation of bilateral or tripartite nature between employer and employee or involving the government on economic and social issues of mutual interest towards arriving at common understanding.

The Ethiopian Government has given due attention to the concept of social dialogue by incorporating social dialogue in the preamble of the Proclamation. The second paragraph of the Preamble of the Proclamation provides 'it has been found necessary to lay down a working system that guarantees the rights of workers and employers to freely establish their respective associations and to engage, through their duly authorized representatives, in social dialogue and collective bargaining, as well as to draw up procedures for the expeditious settlement of labour disputes, which arise between them.(underline included for emphasis).

Employers and employees or their respective associations namely trade unions or employers associations, federation or confederations may introduce social dialogue into their employment agreements, work rules, collective agreements in order to legally prevent and resolve labour disputes amicably.

Therefore the introduction of social dialogue as one form of ADR for labour issues is a significant endeavor for the Ethiopian legal regime. This new concept of social dialogue needs action for its implementation and realization of the benefits that come with it.

For any labour related questions you may contact us at info@dmethiolawyers.com

Category

1. Latest Posts

Date Created

February 5, 2023

Author

dmethiol_admin