

- ▶ **Access to labour justice:**
A diagnostic tool
for self-assessing the
effectiveness of labour dispute
prevention and resolution

Labour Law and Reform Unit
Governance and Tripartism Department

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► Foreword

Disputes are an inevitable part of the employment relationship, particularly in times of fundamental change in the organization of work, of economic hardship and of job losses. With the aim of maintaining harmonious relationships in the workplace, many governments—cooperating with the social partners—have instituted regulatory and institutional frameworks to enable effective dispute management and resolution, in courts of law and outside them, through dialogue and negotiation. Indeed, access to labour justice is a key dimension of access to social justice itself, and the International Labour Organization (ILO) recognizes that improving access to labour justice for all calls for revising regulatory frameworks, streamlining procedures and reducing costs, and reinforcing the qualifications and capacity of all personnel in courts and institutions of dispute prevention and resolution. This diagnostic tool for self-assessing the effectiveness of labour dispute prevention and resolution institutions has been developed by the ILO as a step in this direction.

An effective dispute prevention and resolution system is a distinct element of good labour market governance and the means to realize inclusive access to labour justice in individual and collective disputes. If well designed and functional, such a system helps every worker and employer—and their organizations—to be heard and to have their labour dispute settled fast, fairly and affordably. This diagnostic tool not only provides clarity on “effectiveness principles,” based on which self-assessment may be conducted by labour dispute prevention and resolution institutions, but also lays out a clear methodology for their application to these institutions. The tool guides members of an institution’s self-assessment team through a reflective process to analyse the effectiveness of their institution, leading to tripartite discussions on the institution’s performance and opportunities for improvement, as well as a potential roadmap for further action.

The development of this tool has been a collaborative process involving labour dispute resolution institutions in several countries; several departments at ILO headquarters and field offices. The tool was piloted during 2022 in the Labour Court and the Directorate of Dispute Prevention and Resolution (Lesotho), the Employment Rights Tribunal (Barbados), Centro Federal de Conciliación y Registro Laboral (México) and the Department of Labour (Bangladesh). We are grateful to the many people at these institutions who have helped to improve the diagnostic tool. We hope that the tool will contribute to continuous improvements in labour prevention and dispute resolution institutions in the ILO’s Member States, benefiting the institutions and their users.

Vera Paquete-Perdigão

Director, Governance and Tripartism Department
International Labour Organization

Geneva, February 2023

► Introduction

To improve access to labour justice in its Member States, the International Labour Organization (ILO) has embarked on the development of a methodology for delivering technical assistance in labour dispute prevention and resolution.

The 2013 Resolution concerning the recurrent discussion on social dialogue called on the ILO to expand its assistance to strengthen and improve the performance of labour dispute prevention and resolution systems and mechanisms, including the effective handling of individual labour complaints through research, expert advice, capacity building and exchange of experiences.¹ These outcomes were endorsed in the Plan of Action adopted at the 319th Session of the Governing Body to implement the conclusions of the recurrent discussion, which required the ILO to generate research on labour dispute resolution to increase its capacity to provide effective technical advisory and capacity-building services.²

During its 107th Session in 2018, the International Labour Conference (ILC) noted that Member States were facing a myriad of challenges to establishing and maintaining fair, effective and sustainable dispute resolution systems, particularly regarding individual labour disputes. The challenges were, among others, due to unclear or inconsistent legal frameworks, multiple mechanisms or forums that created jurisdictional uncertainty and overlap, and the exclusion of those whose employment status was unclear.³

The 2018 Resolution concerning the second recurrent discussion on social dialogue and tripartism⁴ further called upon the ILO to strengthen dispute prevention and resolution systems at various levels that promote effective social dialogue and that build trust.

In response to the request of its tripartite constituents, in 2013 the Office and the International Training Centre of the ILO (ITC/ILO) published *Labour Dispute Systems: Guidelines for improved performance*.⁵ The present work is informed by these guidelines and other quality assessment frameworks.⁶

More recently, the Office's research was reoriented towards the area of access to labour justice, with the objective of "improving access to labour justice by revising legal frameworks to extend and protect rights for all, streamlining procedures and reducing costs, and reinforcing the qualifications and capacity of all personnel in courts and institutions of dispute prevention and resolution".⁷

1 ILO, Resolution concerning the recurrent discussion on social dialogue, International Labour Conference, 102nd Session, 2013. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_223786.pdf

2 ILO, Follow-up to the discussion on social dialogue at the 102nd Session of the International Labour Conference, 2013: Plan of action. Governing Body, 319th Session, Geneva, p. 3. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_222313.pdf

3 ILO, Social dialogue and tripartism, International Labour Conference, 107th Session, 2018, para. 49. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_624015.pdf

4 Adopted at the 107th session of the International Labour Conference (June 2018). https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_633143.pdf

5 https://www.ilo.org/ifpdial/information-resources/publications/WCMS_211468/lang--en/index.htm

6 For one example of other quality assessment framework see ILO, 2020, Report on Review of Malaysia's Labour Dispute Resolution System, https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_740192.pdf

7 ILO, Preview of the Programme and Budget proposals for 2022–23, GB.340/PFA/2, Governing Body 340th Session, Geneva, October–November 2020, p. 12, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_757879.pdf. Related publications including: ILO Working paper 6: Access to Justice: A Literature Review on Labour Courts in Europe and Latin America; Report on Review of Malaysia's Labour Dispute Resolution System (ilo.org); and Documento de Trabajo de la OIT 10: Acceso a la tutela judicial efectiva laboral en países de América del Sur (ilo.org)

One of the main objectives of the current work is to design and make a diagnostic tool available to the tripartite constituents for self-assessing the functioning of judicial or non-judicial institutions for dispute prevention and resolution. It is expected that the self-assessment diagnostic tool will help the government and the social partners to get a common understanding of the current situation, identify potential opportunities and challenges, and jointly devise measures to address them; and the ILO to better tailor and target its technical assistance to the needs identified by the national tripartite constituents.

The tool, while used for recognizing and building on the diversity of labour dispute resolution mechanisms and institutions, is designed to be applicable in all national contexts.

The present document describes the content of the self-assessment diagnostic tool, as well as a proposed methodology for its application. The tool consists of two modules, one for judicial and one for non-judicial institutions. The latter targets both consensus-based and adjudicative non-judicial bodies. The proposed methodology aims to assess the effectiveness of a labour dispute resolution institution from a qualitative perspective and to indicate areas requiring improvement.

Outline

The first section of this document provides general details about the methodology proposed, including general effectiveness principles (assessment criteria), as applicable to judicial or non-judicial institutions; and how to apply the diagnostic tool, score the responses, and interpret the results.

The second and the third sections contain the diagnostic tool for judicial and non-judicial institutions. They include an outline of the assessment criteria for each module, advice (in the form of questions) for each “effectiveness principle” or “assessment criterion”, and a “guidance notes” section to assist in applying the tool.

► Glossary

Term	Meaning
Alternative dispute resolution (ADR) practitioner	An independent and impartial third party (mediator, conciliator or arbitrator) who helps to resolve labour disputes through ADR processes.
Alternative dispute resolution	A process in which an ADR practitioner assists those involved in a labour dispute to resolve their issues, without judicial determination. ADR may include consensus-based settlement (mediation, conciliation) and adjudicative settlement (arbitration).
Decision-maker	A person with the power to make binding determinations regarding disputes. Common types of decision-makers are judges, magistrates, tribunal members and arbitrators. The last group operates within non-judicial (ADR) institutions.
Effectiveness principles	The generally accepted guiding principles that underly (a) an effective judicial labour dispute resolution institution, namely: efficiency, speediness, accountability, accessibility, independence, impartiality, fairness, equality, professionalism and enforcement; and (b) an effective non-judicial labour dispute resolution institution, namely: efficiency, speediness, accountability, accessibility, independence, impartiality, fairness, equality, professionalism, enforcement, voluntarism, confidentiality, and prevention. These are also known as “assessment criteria” for the purpose of this tool.
Head(s) of institution	The person(s) holding ultimate administrative and/or decision-making responsibility for the labour dispute resolution institution such as a General Manager, Director, President or Chief Justice.
ILO facilitator	An ILO expert who provides guidance to the institution during the self-assessment process.
Labour dispute resolution institution (“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).
Social partners	Workers’ and employers’ organizations.
Staff	All people who work at or with a labour dispute resolution institution.
Self-assessment team	Members of the assessed institution appointed to conduct the self-assessment.
Users	Individual employers and workers who, and employers’ and workers’ organizations that, engage with the institution’s services.

▶ Section 1: Methodology

Labour dispute prevention and resolution institutions that can apply the methodology

Both judicial and non-judicial institutions, including those with quasi-judicial functions, can self-diagnose how effectively they operate by using the present methodology. The non-judicial module can also be applied to bipartite negotiated labour dispute resolution mechanisms. The tool is not, however, intended for labour inspection institutions, whose primary role, according to international labour standards,⁸ should not include labour dispute resolution.

Assessing effectiveness

Any such attempt starts with the answer to the following question:

What is an effective labour dispute resolution institution?

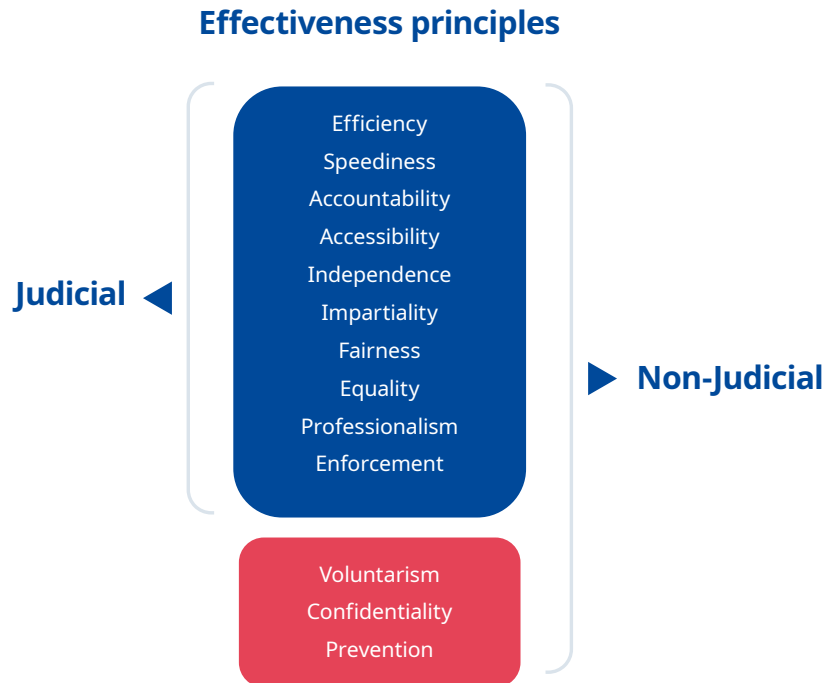
ILO Member States and social partners may have different views on the particulars of such a meaning. An effective institution provides access to labour justice and the resolution of labour disputes in an easy, affordable, fast and non-discriminatory manner. Such an institution also contributes to the rule of law by facilitating equitable redress for disputes with appropriate enforcement mechanisms in place. It performs its functions impartially, independently, professionally and in a transparent and accountable manner.

Effectiveness principles

For the purpose of this diagnostic tool, the effectiveness principles are grouped into two categories: (a) those applicable to judicial institutions and (b) those relevant for the non-judicial ones and analysed accordingly in the two modules. However, the great majority of these principles are generally accepted as highly relevant to both judicial and non-judicial institutions. The effectiveness principles are shown in Figure 1.

⁸ See Labour Inspection Convention, 1947 (No. 81), Art. 3; and Labour Inspection Recommendation, 1947 (No. 81), para. 8. See also the ILO, 2022, *Guidelines on general principles of labour inspection*, para. 1.2.5, p. 6. https://www.ilo.org/wcmsp5/groups/public/--ed_dialogue/--lab_admin/documents/genericdocument/wcms_844153.pdf

► Figure 1. Effectiveness principles



Converting principles to assessment criteria

The diagnostic tool modules are constructed as questionnaires that incorporate these effectiveness principles as assessment criteria.⁹ For example, “efficiency” is the assessment criterion measured by a series of closed questions with predetermined response options (see below).

The questions are based on subjective indicators relevant to each assessment criterion, designed to be answered on an *informed subjective* basis. Objective indicators were deliberately not used, given the need to remove barriers to participation for labour dispute resolution institutions, and subsequently for tripartite constituents in members states lacking readily accessible data, and given the importance of creating a tool of general application that takes into account national conditions. In using subjective indicators, the diagnostic tool encourages participation by tripartite constituents in a way that maintains the integrity of the assessment method.

A note of caution

The subjective nature of the tool inherently limits the evaluation results, thus a labour dispute resolution institution is not necessarily ineffective if it cannot rate highly on some assessment criteria, and vice versa. The results of the self-assessment aim at identifying regulatory and performance gaps and stimulating debate on potential opportunities for improvement, as well as building consensus on tailor-made solutions. Further, the diagnostic tool is not designed to facilitate comparison between different national institutions and countries.

⁹ The concept of voice is integrated within other assessment criteria such as fairness.

Applying the diagnostic tool

The self-assessment diagnostic tool is designed to enable national tripartite constituents to directly engage in the assessment process as part of continuous institutional improvement. The tool could more easily be applied at regular intervals, as opposed to a one-off assessment. This would allow for the collection of data over time, facilitating a comparison of current and past performance.

Overview of the process

The concerned institution will be requested to set up a self-assessment team, with the support/guidance of the Office.

The composition of the self-assessment team should reflect the mandate and scope of services delivered by the institution. Its members should be decision-makers, administrative staff, managers and/or directors, conciliators/mediators, as well as social partners' representatives. They will be responsible for collecting and sharing relevant information, will consult with their peers and will agree on the most accurate answers, consensually.

Upon request, the Office will make online support available before the process starts.

Selection of module(s)

Prior to engaging in self-assessment, the designated self-assessment team will select the relevant module. Non-judicial institutions with quasi-judicial functions will be requested to reply to some questions from the judicial module in addition to those in the non-judicial one (see Figure 1).

Self-assessment team and the role of the ILO facilitator

Ideally, the diagnostic tool is applied over two days with the support of an ILO facilitator. The first of the two days will be for conducting the assessment and scoring, and the second for the discussion of the proposed improvement measures and adoption of an action plan, with time prioritization. The self-assessment team may agree to split the discussions in different sessions to promote a better assessment and have enough time to complete the task.

The main role of the ILO facilitator is to explain the purpose of the self-assessment, the methodology used and its scoring system, clarifying possible questions and offering support when needed. The ILO facilitator will not assess the institution nor indicate the most suitable answer to questions. The facilitator will record the answers from the self-assessment team in Excel, will facilitate tripartite discussions on the results of the self-assessment findings, and assist in securing a tripartite agreement on the follow-up.

As noted, the diagnostic tool modules are constructed as questionnaires that incorporate the effectiveness principles as assessment criteria. There is a set of closed questions for each effectiveness principle, based on subjective indicators relevant to each assessment criterion. A guidance notes section follows each set of questions (such as Efficiency or Speediness), providing further information relevant to potential responses.

Possible responses are based on a six-point scale from 0 to 5, including an option of not applicable (N/A). A six-point scale was chosen because it:

- ▶ provides for greater nuance in responses; and
- ▶ does not have a “neutral” middle point.

The questions are drafted so that numerical values can be associated with one of the following three scales of predetermined response options, dividing the three scales into six options:

0	Never	None	Not at all
1	Rarely	Few	Slightly
2	Sometimes	Some	Moderately
3	Often	Many	Mostly
4	Almost always	Almost all	Almost completely
5	Always	All	Completely

The self-assessment team carrying out the self-assessment must identify the response that most accurately reflects the team consensus. Where a question is not relevant to local conditions, the response should be marked N/A, which should only be used where that specific feature referred to in the question does not exist in any form, shape or practice.

13.	Does the institution facilitate the timely use of ADR options in appropriate cases?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

The respondent has circled “3”, indicating that the institution facilitates the timely use of ADR in appropriate cases more than “sometimes”, but not “almost always”.

Once all the questions have been answered, the self-assessment team can record the scores manually and the ILO facilitator will record such answers electronically using Microsoft Excel, as per the following instructions.

► Example of the completed manual scoring sheet

The *Area Score (raw)* is the sum of the scores of each area. N/A responses are counted as zero.

The number of *N/A responses* by area

Total Points is the total score possible for each area, reduced by 5 for each N/A response.

Area Score (final) is calculated as follows:
 $[Area\ Score\ (raw)] + [Total\ Points] \times 100 = [Area\ Score\ (final)]$
 Round the score to the nearest whole number.

Assessment Criteria	Area Score (raw)	N/A responses	Total Points	Area Score (final)
Efficiency	26	1	35	74
Speediness	19	1	40 - 5 = 35	54
Accountability	48	0	65	74
Accessibility	59	0	80	74
Independence	15	2	35 - 10 = 25	60
Impartiality	14	0	40	35
Fairness	22	0	30	73
Equality	38	0	60	63
Professionalism	43	0	70	61
Enforcement	15	1	25 - 5 = 20	75
Overall Score	29			

The *Overall Score* is calculated by adding the *Area Score (final)* for all the areas, then dividing this number by the number of areas (10). Round to the nearest whole number.

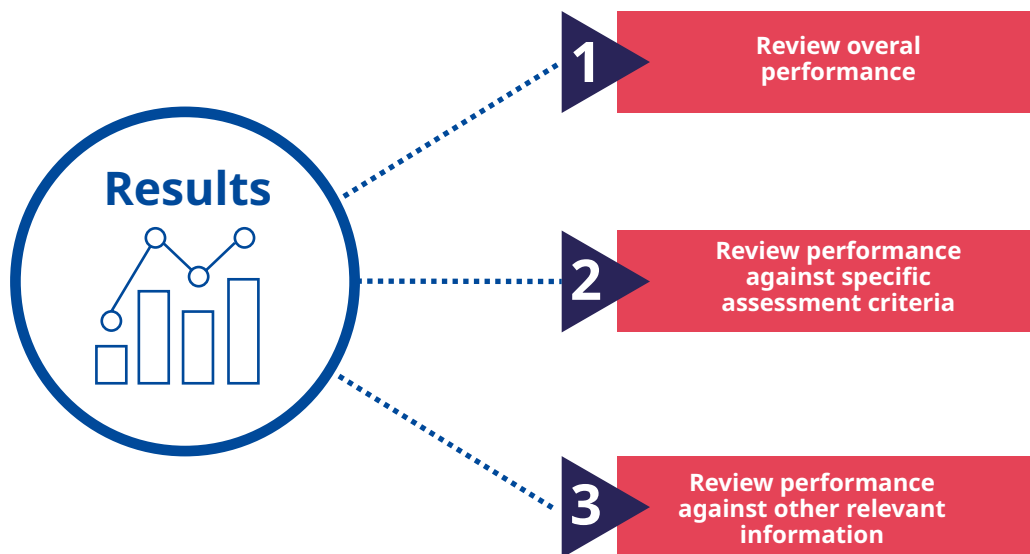
Interpreting the scores

The overall score represents the institution's average performance across the assessment criteria. This serves as a benchmark against which the average score for each individual assessment criterion can be compared. Individual assessment criteria receiving an average score *below* the overall score are more likely to require attention to improve performance than those receiving an average score *above* the overall score.

As the diagnostic tool modules have been constructed as questionnaires based on subjective indicators relevant to each assessment criterion, the individual score for each question provides a source of more detailed feedback that may identify specific opportunities for improvement. Based on the piloting experience, some questions were given more weight to calibrate the final results.

The results should be used by the ILO facilitator as an analytical tool to guide tripartite discussions on the labour dispute resolution institution's performance and opportunities for improvement. The discussions will aim to reach a tripartite consensus on a proposed roadmap of actions.

A review of the results will help to guide discussions with the constituents about an institution's effectiveness, opportunities for improvement and prioritization of potential technical assistance, in three steps.



2

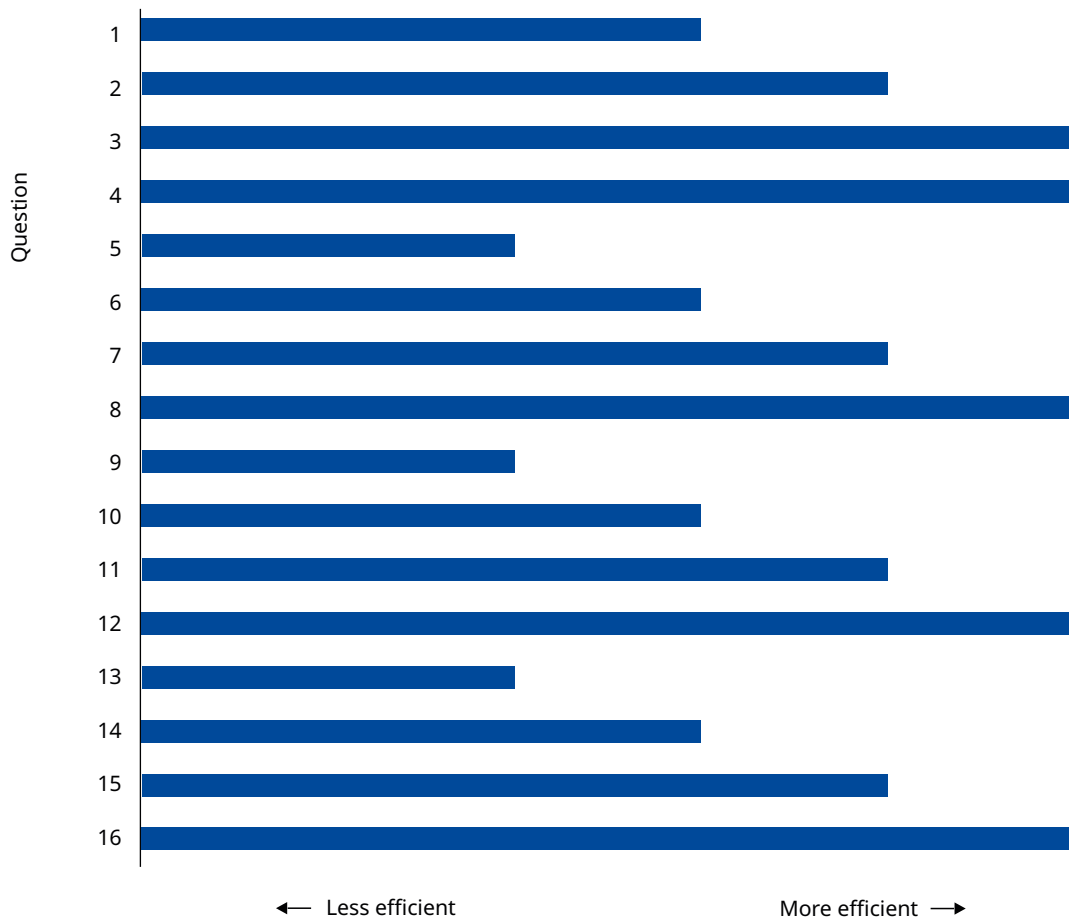
Review performance against specific assessment criteria

Step 2: Compare the scores for each question to obtain a detailed view of the performance of the labour dispute resolution institution in relation to specific assessment criteria.

Guidance

- ▶ Lower-scoring questions indicate potential development opportunities to improve effectiveness in relation to specific assessment criteria.
- ▶ Higher-scoring questions are suggestive of areas in which the institution is performing more effectively and which may not require technical assistance.

Results - Accessibility



This graph provides an example in relation to the assessment criterion of Accessibility. It shows that Questions 5, 9 and 13 are areas of opportunity, and that Questions 3, 4, 8, 12 and 16 are not a priority for improvement.

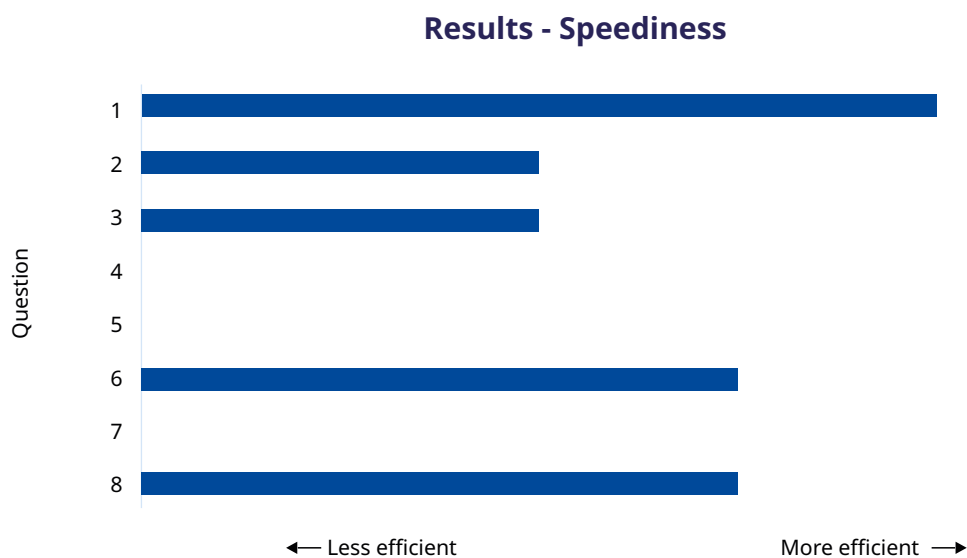
3

Review performance against other relevant information

Step 3: Consider other relevant information obtained during the application of the diagnostic tool, including the number of N/A responses and potential implications.

Guidance

- ▶ The number of N/A responses may provide insight into national conditions that should inform recommendations for improved performance. The results will be less reliable the greater the number of N/A responses.
- ▶ The ILO facilitator will review any technical issues arising in the scoring that may skew the overall results.



These results show a large number of N/A responses for Speediness. Consequently, the results for Speediness may be less reliable than for principles where there are fewer N/A responses.

Section 2: Diagnostic Tool—Judicial Module

► Efficiency

An effective labour dispute resolution institution resolves disputes in a way that minimizes resource usage (value for money) while maximizing net benefit to users. The concept of resource minimization is moderated by other legitimate considerations such as the complexity and significance of the dispute, and the need to facilitate procedural and substantive justice.

1.	Does the institution use a manual case management system?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution use a digital case management system?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Does the institution accurately record relevant information?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Are case files accessible by the institution's staff when required?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Are case management practices standardized?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
6.	Does the institution rely on technology to improve processes and procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution strategically manage resources to reduce case backlogs?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Does the institution review its processes and procedures to ensure that they are efficient?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 refers to the use of a manual case management system such as bookkeeping and an Excel spreadsheet, whereas Question 2 refers to a fully-fledged digital system. An institution may use both but will not score well on both, meaning that an efficient institution will score low on Question 1 but score well on Question 2.

Questions 1 and 2 consider whether there is an operational, accurate and accessible case management system. Such a system can contribute to greater efficiency by:

- ▶ providing real-time information about cases;

- ▶ displaying events and dates for each case, from lodgement to resolution;

- ▶ tracking a case's progress through its required processes within established time frames; and

- ▶ serving as a repository for easy-to-sort and -search statistical information.

An efficient institution accurately records relevant information for cases as part of standard administrative processes (Question 3). More specifically, this question refers to relevant information of each case and the recording of such information accurately.

Question 4 considers the accessibility of the case files in the institution when needed by staff and whether they can be accessed by the staff easily. An electronic system is not required to be rated well on this question, but the system should provide for efficient record keeping and file handling, thereby fostering ease of use for staff.

Question 5 concerns the use of precedents, templates and standard directions to support an institution's administration. For example, template letters requesting common documents within specific time frames may reduce the time spent preparing follow-up correspondence. This increases the capacity of staff to undertake higher-value work.

The effective use of technology is another indicator of efficiency (Question 6), with renewed importance given the rapid shift to online service delivery in response to COVID-19 restrictions. Examples of leveraging technology to improve efficiency include:

- ▶ remote proceedings using telephone or audio-visual facilities;

- ▶ an online portal for filing applications, responses and other relevant material;

- ▶ mobile phone messaging reminders about upcoming attendance requirements; and

- ▶ a website with easy-to-find information about the institution, its processes and other available resources.

Question 7 is directed at the current state of the institution's caseload. Backlogs lead to delays in resolving matters, resulting in inefficiency. An institution that monitors caseloads and develops strategic plans to use its resources to reduce backlogs will receive a higher score.

Question 8 assesses how proactive an institution is in reviewing its practices to promote ongoing efficiency. An institution may score well if it reviews its processes and procedures in response to internal and external feedback. In turn, this should lead to better performance on providing services of value, making strategic use of resources.

► Speediness

An effective institution provides labour dispute resolution without undue delay, through swift, streamlined and unbureaucratic procedures and processes.								
1.	Does the institution face issues in observing legal deadlines?	N/A	0	1	2	3	4	5
			Always	Almost Always	Often	Some times	Rarely	Never
2.	Does the institution provide training to staff on the rules regarding the duration of processes and procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Are appropriate internal guidelines set for the timely processing of cases?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
4.	Does the institution handle cases according to prioritization criteria (fast-track or specific procedures applied)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution apply internal monitoring mechanisms to control and ensure compliance with deadlines?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
6.	Does the institution allow parties to present complaints related to delays in procedures and processes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution internally address complaints and issues related to the speediness of processes and procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 seeks to understand whether, in practice, the institution faces challenges in meeting the legal deadlines.

Question 2 explores whether training and guidance are provided to staff on how to overcome practical challenges in observing legal deadlines.

Question 3 investigates if there are appropriate internal guidelines and performance benchmarks to promote speediness. What is appropriate will depend on local conditions and the need to strike a balance between the quality and quantity of outcomes. Appropriate guidelines should be conducive to meeting the deadlines established in law by setting the necessary steps within the institution to meet them. An institution that determines clear and measurable performance benchmarks on the time for processing disputes, and that has clear guidelines to meet such benchmarks, will be better able to assess their performance.

Question 4 seeks to understand how the institution deals with speediness based on prioritization criteria, according to possible urgency concerning sensitive matters or parties involved (such as workers in a vulnerable situation, workers with disabilities, pregnant workers, and so on).

Question 5 considers whether the institution has a mechanism to collect, compare, monitor and process information, and to take action to ensure observance of resolution deadlines in the procedures and processes. An institution with a policy or system of performance benchmarking in place will score well on this question.

Questions 6 and 7 intend to explore whether parties are allowed to present complaints about possible delays in the provision of services and, if so, how these issues are addressed internally to improve services provided to the parties and to the public.

► Accountability

An effective labour dispute resolution institution promotes transparency and has accountable mechanisms to make the institution, and individual decision-makers and staff, responsible to society for its performance.

1.	As a general rule, are the institution's hearings open to the public?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Are decisions subject to an accessible appeal mechanism?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Does the appellate body publish information about the outcomes of the reviews or appeals?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Does the institution accurately report on its performance to the public?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

5.	Are the institution's accounts audited?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Does the institution make public the outcomes of the audits conducted?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution follow up on users' complaints effectively?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Does the institution monitor the observance of the code of conduct (or similar document) by its staff?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	Does the institution conduct user satisfaction surveys?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 concerns the transparency of hearings. Whereas publicity is the common rule in judicial hearings, there may be legitimate reasons to restrict public access. Reasons may include protecting the privacy of participants or commercial information in sensitive matters or protecting the identities of those involved in a collective dispute, if necessary for safety reasons.

An accessible appeals mechanism is one that is openly publicized and inexpensive, and that provides clear steps to initiate a timely review (Question 2).

Question 3 refers to the appellate body and whether the outcomes of the reviews and appeals are published for public information. An effective appeals process is one that, for example, is conducted with a clear degree of separation from the original decision-making process and provides for timely and fair outcomes. Published information about the outcomes of appeals processes—potentially through an annual report—fosters a perception of legitimacy surrounding the institution more generally.

Question 4 focuses on the extent to which an institution promotes public scrutiny of its operations and performance. Accurate reporting of the institution's performance against established benchmarks demonstrates accountability. The more frequent the reporting, the higher the potential score. An institution that does not, however, report accurately would score zero, irrespective of the reporting frequency.

An institution that is audited regularly by an external auditor and that publishes the results in an annual report will score more highly on Questions 5 and 6 than an institution that is internally audited with no public access to the results.

Question 7 deals with effective complaints handling and reporting processes as a way to promote accountability by facilitating greater scrutiny. An effective complaints process is one that, for example, is conducted with a clear degree of separation from the original decision-making process, that provides

for timely and fair outcomes, and that gives feedback to those who made the complaints, which allows the institution to be held accountable for its acts—or failure to act.

Question 8 focuses on the extent to which an institution demonstrates accountability through the use of a code of conduct or similar standard-setting document. The value of such a document is limited by the extent to which staff, management and decision-makers comply with the established standards. Accordingly, having consequences for non-compliance, such as through a performance management process or through triggering additional training requirements, enhances accountability.

An effective judicial institution openly engages with, and reports to, the public. An institution will score well on Question 9 if it conducts regular user satisfaction surveys with a broad range of groups: parties to disputes, representatives and other groups that engage with it.

► Accessibility

An effective labour dispute resolution institution takes measures to reduce or remove barriers for resolving disputes. Such measures extend to proactively addressing factors that may otherwise obstruct or disincentivize use.

		0	1	2	3	4	5	
1.	Does the institution provide information about its services and procedures to users?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
		0	1	2	3	4	5	
2.	Is the access to this information user-friendly?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
		0	1	2	3	4	5	
3.	Are the institution's forms and documents written in plain language?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
		0	1	2	3	4	5	
4.	Are the institution's forms and documents available in the most spoken languages?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
		0	1	2	3	4	5	
5.	Does the institution provide interpreters at no cost where required by a user?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
		0	1	2	3	4	5	
6.	Are there multiple ways to file a case (e.g. post, fax, email, online, in-person, phone)?	N/A	None	Few	Some	Many	Almost all	All
		0	1	2	3	4	5	
7.	Is it free of charge to file a case with the institution?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
		0	1	2	3	4	5	

8.	If administrative fees are charged, does the institution waive such fees where a user is experiencing financial hardship?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	How often does the institution provide free access to out-of-court ADR services (such as mediation and conciliation)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
10.	Does the institution facilitate access to state-provided legal aid advice for those who need it most?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
11.	Can the institution's procedures accommodate people with additional needs (including disabilities)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
12.	Do the institution's facilities accommodate people with additional needs (including disabilities)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
13.	Does the institution use technology to facilitate attendance by users?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
14.	Does the institution provide in-person labour dispute resolution services outside the main cities to ensure geographical access?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
15.	Does the institution provide training to its staff regarding inclusive practices?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Questions 1 and 2 are about access to information. An effective labour dispute resolution institution provides general information on its services and clear instructions for lodging and responding to claims. Institutions will score well on Questions 1 and 2 if they provide information that is up to date, accurate and easy to understand and find (for instance, through a system of “frequently asked questions”). The information also needs to be easily accessible for those unable to obtain the necessary information in the conventional way. Information provided in multiple formats (such as online, in printed form or through

a telephone helpline) will likely be more readily accessible than information in one format only. Local conditions, such as general literacy rates, should also inform the nature of the formats available.

Question 3 is about the use of plain language in the institution's forms, documents and communications. Plain language is designed to ensure that the reader or listener understands a document or communication as quickly, easily and completely as possible. Plain language uses the active voice and avoids technical legal terms and dense jargon.

Questions 4 and 5 address linguistic barriers that may prevent access to information. An effective institution provides forms and documents in the most spoken languages as well as the official language(s) in the jurisdiction (Question 4). An effective institution also provides interpreters at no cost as standard practice (Question 5).

Question 6 is about the different ways one may file a case/complaint. An institution will score well if it provides a range of options catering to the country context.

Questions 7 to 10 are directed at financial accessibility. An accessible institution provides a cost-effective labour dispute resolution process and bears most or all of the administrative costs. A less accessible institution is one that provides a user-pays service with no discretion to waive fees (Question 8). A more accessible institution will provide filing free of charge to the user (Question 7). Further, in alignment with other principles such as speediness and efficiency, a more accessible institution provides free access to out-of-court ADR services (Question 9).

Financial barriers may undermine a party's ability to access legal advice, and by extension labour dispute resolution services, especially for parties that cannot navigate such processes alone. An effective institution facilitates free-of-charge legal advice for parties in need, based on a publicly available set of eligibility criteria. These criteria may include the person's capacity to pay, power imbalance between the parties and the availability of other representation (for example, from a trade union or an employers' organization). Question 10 deliberately refers to the "facilitation" of access to legal aid advice, because the direct provision of legal advice could compromise the institution's independence or impartiality.

Question 11 is about the capacity of an institution to adapt procedures to cater to people with additional needs, including those with disabilities. An effective institution enables decision-makers (and support staff, when appropriate) to modify how a proceeding runs so as to accommodate additional needs. Examples may include providing more frequent breaks, using trauma-informed practices and avoiding certain formalities, such as the requirement that a person stands when speaking in a hearing.

Question 12 is about physical access and attendance. An institution scoring well on this question has physical premises that accommodate those with additional needs including, for example, ramps for mobility access, braille signage for the vision impaired and facilities for parents with young children.

In-person attendance at the institution may, however, be impossible for some parties owing to distance, illness or other vulnerabilities. Question 13 is therefore about whether, in such circumstances, an institution can facilitate remote access to its services through telephone, video or online technology.

Question 14 is about service delivery in regional areas. An institution will score well on this question if it has mobile courts outside the main cities.

Finally, Question 15 is about whether the institution's staff are trained in inclusive practices, according to the country context and diversity of population. Culturally inclusive practices foster accessibility by addressing cultural barriers to access, and by improving the quality of customer service.

► Independence

An effective labour dispute resolution institution performs its functions by reference to the law and to merit-based considerations without inappropriate external influence.								
1.	Is the institution's independence formalized by law?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
2.	Does the institution operate independently from political interference?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution operate with financial independence?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
4.	Does the institution promote internal anti-corruption measures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution address complaints or allegations concerning internal corruption?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Are positions within the institution advertised publicly?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Is a merit-based process used to appoint and reappoint staff?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Is a merit-based process used to appoint and reappoint head(s) of the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 measures the formal independence of the institution. Entrenched constitutional independence is more robust than legislated independence, which in turn is more robust than safeguards contained in subordinate legal instruments or executive action only.

Question 2 measures the formal independence of methods and operational processes of the institution. An institution operating as an independent statutory authority, such as a court operating within a legal system governed by the doctrine of separation of powers, will rate highly on this question.

Question 3 relates to operating without external funds influencing the decisions made. Financial independence seeks to ensure that the institution can operate on its own.

Questions 4 and 5 deal with internal anti-corruption measures. Such measures include the provision of a complaints mechanism to raise issues related to corruption, and of targeted training on the subject, with clear guidance about what activities are considered acceptable or unacceptable (Question 4). An institution that has clear and secure processes for reporting suspected corruption, consequences for corrupt behaviour, and corruption deterrence/prevention measures will score well on Question 5.

Questions 6 to 8 relate to the appointment of staff. Institutions will rate well on these questions when they have a transparent, fair and merit-based approach to recruitment. This may include, for senior roles, the use of an independent advisory or selection panel.

► Impartiality

An effective labour dispute resolution institution guards against actual or perceived bias in its processes and dispute resolution outcomes, including through the creation of a culture of declaring and managing conflicts of interest.

1.	Are restrictions imposed on the institution regarding the acceptance of donations and sponsorship arrangements?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
2.	Are restrictions imposed on staff regarding the receipt of gifts?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution set a clear policy for identifying and managing conflicts of interest?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
4.	Does the institution use methods for managing conflicts of interest and potential conflicts of interest?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
5.	Are users able to make a complaint about bias or conflicts of interest in the course of their dispute?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Does the institution review how its processes affect its actual and perceived impartiality?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution provide training to its staff about carrying out duties impartially?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 measures how well an institution manages financial support in the form of donations and gifts to maintain its impartiality. A donation may be defined as money, goods or services given to an individual or institution. Sponsorship is similar, except that the money, goods or services are usually associated with a particular project or programme. Restrictions may include policies, rules or guidelines that require contributions to be formally declared; limits to the value of contributions that can be accepted; requirements that sponsorship opportunities be funded jointly and equally by interested parties; or restrictions on the use of donations to specific purposes. Ideally, such restrictions apply irrespective of the source to avoid different treatment and the potential for actual or perceived bias. The more extensive the restrictions, the higher an institution will rate.

Question 2 measures an institution's control over the acceptance of gifts by staff. Such control may manifest itself in requirements to declare gifts, caps on the value of gifts that can be received, or limits on the type of gifts that can be accepted. The more onerous the requirements, the higher an institution will score. An institution will score 5 if its staff are prohibited from accepting gifts related to their professional capacity.

Questions 3 and 4 are about conflicts of interest. Question 3 measures how well an institution creates a culture of impartiality. Expectations might be set through policies that:

- ▶ explain what conflict of interest means;
- ▶ provide key criteria for assessing if a conflict exists;
- ▶ highlight how to handle common scenarios that may give rise to a conflict of interest;
- ▶ set out responsibilities for identifying and reporting potential conflicts of interest; and
- ▶ set out an application process for staff to obtain approval before engaging in external work.

Institutions that set clear expectations around identifying and managing conflicts of interest, and require staff to comply with those expectations, will score well on Question 3.

Question 4 measures how well an institution manages conflicts of interest, or potential conflicts of interest, for applications in progress. Bodies that eliminate any bias concerns by requiring decision-makers to recuse themselves, or in the case of staff, by establishing barriers between the staff member and the case, will score highly. In some circumstances, recusal may present difficulties, such as when it causes a delay that threatens delivery of justice. In such instances, the possibility of bias must be weighed against the overall goal of delivering justice. The institution must consider the type of bias, its gravity in the matter, and if any strategies can mitigate the bias. An institution that permits a decision-maker to continue to adjudicate in such matters may still score well if its processes demonstrate high levels of transparency and consent from the parties affected.

Question 5 measures the extent to which users can raise concerns about bias or conflicts of interest regarding their dispute. A person affected by bias may not be conscious of potential issues concerning their conduct until raised by a third party. As such, the strength of an institution's mechanisms for guarding impartiality is enhanced if users can make complaints about potential bias. An institution will score more highly if the complaints mechanism is easily accessible, enabling users to raise concerns in relation to staff, processes adopted in the consideration of their case, and outcomes reached.

Question 6 directs attention to the impartiality of the institution's decision-makers as experienced by users. Further, it measures an institution's awareness of how bias may compromise its impartiality and how well it equips its staff to manage such risk. If a high proportion of bias claims are submitted on appeal, an institution will receive a low score on this question. An institution will score highly if it regularly reviews how its processes affect its actual and perceived impartiality.

Question 7 considers whether an institution will score highly if it conducts targeted training on the topic. An institution that provides no training will score 0. An institution that provides extensive training, addressing topics such as actual and perceived bias, conflicts of interest, cognitive bias and social bias, will rate highly.

► **Fairness**

An effective labour dispute resolution institution ensures that the outcomes are not only fair but are reached—and seen to be reached—in a fair way.

1.	Do parties in dispute have the right to a private hearing in certain cases?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution have procedures allowing the parties to call witnesses and to cross-examine other parties' witnesses?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
3.	Does the institution ensure that both parties understand the process and are provided with clear and adequate information about the rules and practices on the handling of the dispute?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Can the institution exercise discretion to dismiss applications that are vexatious or an abuse of process?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
5.	Does the institution have measures to prevent and address actual and perceived bias in service delivery?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
6.	Does the institution promote an inclusive approach to managing disputes involving people from different cultural and linguistic backgrounds?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Questions 1 and 2 assess whether outcomes are reached, and seen to be reached, in a fair way. Question 1 asks if the institution has private hearings for cases that need to be heard in a closed forum owing to the private nature of the dispute. For example, a bullying or workplace harassment claim may require sensitivity to protect one party. Institutions will score well on this question if the institution offers the possibility of private hearings in these sensitive cases. Question 2 focuses on the importance of voice, and whether parties provide input to the processes applied in their matter. An institution will score well if it provides for witnesses to testify or tell what they know about a case. It will also score well if it allows for cross-examination of the credibility or reliability of a witness's evidence.

Question 3 assesses to what extent the institution facilitates fairness in the dispute settlement process by providing clear, accurate and consistent information. An effective institution provides standardized application and response forms, and clear information sheets about its rules and practices to assist parties to navigate the labour dispute resolution process. An institution may score well on this question if it provides clear information about:

- ▶ hearing times and locations;
- ▶ what will happen at the hearing and any preparatory steps required (such as bringing photo identification);
- ▶ what the institution can and cannot do; and
- ▶ referrals to other services that may be able to assist.

Question 4 considers whether an institution has the discretion to dismiss an application in cases where power is abused. An institution may score well on Question 4 if, in appropriate circumstances, it can dismiss applications that are vexatious or an abuse of process; that impose cost orders on parties or representatives for engaging in behaviour that undermines fairness between the parties; and that vary standard processes to accommodate additional needs.

Question 5 examines the measures that the institution has in place, inside and outside court, to prevent actual or perceived bias. These measures may include:

- ▶ informed-consent processes;
- ▶ transparency and declarations of conflicts of interest;
- ▶ recusals from conflicts of interest;
- ▶ proactive disqualification;
- ▶ adequate training; and
- ▶ codes of conduct.

The more effective measures an institution has in place to prevent bias, the higher the institution will score on this question.

Question 6 is about the fair treatment of users and about how well the institution supports diversity. It considers the promotion of inclusivity regarding the approach used to manage disputes of individuals from different cultural and linguistic backgrounds. Institutions may score well on this question if they provide training in cultural competency and if they understand the challenges faced by those with additional needs. They may also score well if they provide access to free translation and interpreting services for linguistically diverse communities.

► Equality

An effective labour dispute resolution institution provides for equality by facilitating fair and equitable redress for disputes.

1.	Does the institution impose obligations on its staff to promote equal treatment of all its users?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Are labour dispute resolution services available to all employers and workers?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
3.	How often does the institution receive complaints about discrimination in its service delivery?	N/A	0	1	2	3	4	5
			Always	Almost always	Often	Some times	Rarely	Never
4.	How often does the institution address complaints about discrimination in its service delivery?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution implement changes to remedy substantiated complaints about discrimination?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Is the composition of the institution's staff gender balanced?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
7.	Is the composition of the institution's decision-makers gender balanced?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
8.	Are the social partners represented in the decision-making panels of the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 measures the extent to which the institution has developed a culture that promotes equal treatment of all users. Rules may be laid down in, for example, a code of conduct, or by a requirement for staff to comply with policies and processes that afford all users equal enjoyment of their rights. The more obligatory the equality requirements imposed, the higher an institution will score.

Question 2 assesses the extent to which an institution provides employers and workers with equal access to its services. An institution that imposes discriminatory or arbitrary restrictions limiting access for some groups will receive a lower score. The broader the cohort of employers and workers entitled to access an institution's services, the higher the potential score. Such employers and workers may include migrant workers, home workers, seasonal workers, contract workers, workers engaged in the informal economy or other workers in vulnerable situations.

Question 3 directs attention to user feedback as a way of measuring users' experiences of discrimination during their engagement with the institution. Question 4 focuses on whether the institution actually processes the complaints received from its users. An institution will score well on Question 4 if it demonstrates that it is receptive to such feedback and uses the findings to strengthen its service delivery in a non-discriminatory manner. Question 5 seeks to measure the capacity of the institution to take concrete measures to address shortcomings signalled by its users.

Questions 6 and 7 are about the composition of staff and decision-makers of the institution. Question 6 is about gender balance in the composition of staff. Question 7 addresses the same issue for the decision-makers. A diverse range of perspectives increases an institution's awareness of, and ability to respond to, differing needs within the community it serves. An institution informed by a broad range of experience is more likely to carry out its functions in a non-discriminatory or arbitrary manner. Thus, an institution will score well if both its staff and its decision-makers reflect diversity in gender, age, ethnicity, sexual orientation, religion and language.

Question 8 considers whether lay judges representing workers' and employers' organizations sit along with professional judge(s) on decision-making panels of the institution—meaning that they are equally represented, and that their opinions carry equal weight in the decision-making process. The question does not aim to score the role of lay judges vis-à-vis professional judges in decision-making (whether lay judges have a vote or only an advisory role).

► Professionalism

An effective labour dispute resolution institution has specialized expertise, and is staffed by professionals. Such an institution recruits, on the basis of fair and merit-based processes, staff and decision-makers with the necessary technical and communicative ability and accreditation, who have the opportunity for professional development, and who are subject to internal performance standards and publicized codes of conduct.

1.	Does the institution specialize in labour matters?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
2.	Do decision-makers/ staff have specialized knowledge on labour matters?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution apply a consistent set of requirements or a specific job description for recruitment?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Is a merit-based and independent selection process used to recruit and promote staff?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Is a merit-based and independent selection process used to appoint and promote decision-makers?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Are staff provided with clear information about their role and duties?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Are new staff provided with induction training?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Does the institution promote internal learning opportunities?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	Does the institution promote professional development opportunities?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

10.	Are managers provided with specialized managerial training?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
11.	Are decision-makers provided with refresher training?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
12.	Does the institution offer a mentoring programme for new decision-makers?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
13.	Are staff subject to regular performance evaluation?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
14.	Are decision-makers subject to regular performance evaluation?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

An institution exclusively focused on labour dispute resolution will score highly on Questions 1 and 2. However, a more generalist dispute resolution institution may still receive a higher score if it has a dedicated division with expertise and processes tailored to the unique needs of labour dispute resolution.

Questions 3 to 5 relate to the institution's recruitment and onboarding practices. A merit-based recruitment process is publicly advertised. To attract high-quality applicants, the process should entail a job description setting out the skills, knowledge and qualifications required to perform the job. An independent selection panel should assess each application against the job description based on evidence, rate each application comparatively and select the most suitable applicant. An institution may score well on Questions 4 and 5 if all its recruitment and promotion decisions reflect the merit principle. An institution that bases recruitment and promotion decisions on other factors, such as family ties or other links, will receive a low score.

An institution may score well on Question 6 if it, for example, provides staff with a position description clearly outlining their role and the duties involved. Such documents can enhance an institution's competence/professionalism by serving as a marker of expectations and standard setting.

An institution will score well on Question 7 if it provides induction training to staff at the beginning of their role. Such training may help set expectations, promote consistency of work and improve the quality of work produced by the institution. For decision-makers who may not come from legal backgrounds, this may involve training in essential legal concepts to promote fairness.

Questions 8 to 12 measure the extent to which an institution builds professionalism through the provision of professional development opportunities. An institution will score well on Question 8 if staff are provided with opportunities to engage in knowledge sharing, cross-skilling in other roles, internal secondments and mentoring arrangements.

Opportunities to engage in training, learning and study to improve knowledge and skills across a range of topics promote improved quality of experience for staff and users. Examples may include training in specialist areas in labour law and dispute resolution, customer service and technological capability. An institution will score well on Question 9 if it identifies training needs and selects suitable programmes, funds such opportunities and permits participation during work hours. An institution will score well on Question 10 if its management group receives specialist/managerial training directed at improving the institution's operations as regards efficiency, provision of high-quality services and responsiveness to change.

An institution will score well on Question 11 if it provides refresher training to ensure that staff are armed with the essential knowledge and skillsets required to perform their roles, including any updates to the law or best-practice standards. Examples of activities include training in specialist and technical areas such as labour law developments (including caselaw of significance) and dispute resolution methods.

On Question 12, an institution will score well if it offers a mentoring programme matching new decision-makers with experienced decision-makers who can assist them to understand their role and the workings of the institution.

Question 13 measures the extent to which the institution builds staff competence by setting internal performance standards. Evaluations may consider whether staff are meeting the competency standards or achieving the outcomes expected for their role according to the job description. They may consider feedback from a broad range of perspectives, for example, from the staff member directly, and their supervisors, peers and users. Evaluations can also include a plan to develop skills or strategies to manage certain tasks or career progression goals.

Question 14 measures the extent to which the institution builds competence by setting internal performance standards for decision-makers. While formal performance appraisals for decision-makers may enhance an institution's professionalism, it is important that the system does not compromise decision-makers' independence. Thus, an institution will score well on Question 14 if it has a system that manages this risk while also providing decision-makers with an opportunity to reflect on their performance and identify areas for development. This may involve, for example, a decision-maker undertaking a self-assessment, combined with an appraisal by another decision-maker from the institution, against identified competency standards.

► Enforcement

An effective labour dispute resolution institution has mechanisms to ensure effective compliance with the final resolution.								
1.	Does the institution apply an enforcement procedure for its decisions?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution apply a mechanism to collect data on compliance?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Does the institution engage with other public institutions for effective enforcement (e.g. police, tax service, etc.)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Does the institution promote speedy enforcement techniques, including through electronic/online means?	N/A	0	1	2	3	4	5
			Never	Very rarely	Rarely	Occasionally	Frequently	Very frequently

Guidance notes

Question 1 measures the institution's capacity to promote enforcement under a standardized procedure that may include parties' participation. The right to effective enforcement represents the fundamental right to a fair and effective procedure. An institution will score high on Question 1 if it promotes enforcement of its decisions and awards based on clear procedures that allow enforcement of ultimate solutions to be fast and effective, while respecting due process.

Question 2 measures the institution's capacity to monitor the compliance of its decisions and awards, as well to collect and treat data related to that, in order to build knowledge and an internal database on the effectiveness of the solution provided by the institution.

Questions 3 and 4 are related to the capacity of the institution to use different mechanisms and good practices to ensure that enforcement of solutions is achieved completely. This may include special arrangements with government institutions, for instance to facilitate assisting arrests by the police and tax services, and with bank institutions, in order to get the necessary information regarding the debtor's assets and location. In addition, an institution that uses electronic and online procedures to guarantee the effectiveness of enforcement will do it faster.

Section 3: Diagnostic Tool—Non-judicial Module

The responding institution is requested to specify if it provides: (a) only consensus-based dispute resolution services; (b) only adjudicative dispute resolution; or (c) both.

► Efficiency

An effective labour dispute resolution institution resolves disputes in a way that minimizes resource usage (value for money) while maximizing net benefit to the community. The concept of resource minimization is moderated by other legitimate considerations such as the complexity and significance of the dispute, and the need to facilitate procedural and substantive justice.

1.	Does the institution use a manual case management system?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution use a digital case management system?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Does the institution accurately record relevant information?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Are case files accessible by the institution's staff when required?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Are case management practices standardized?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
6.	Does the institution rely on technology to improve processes and procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution review its process and procedures to ensure that they are efficient?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

8.	Does the institution provide for the possibility of parties to immediately continue with another procedure in case of failure of the first one?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	In case of failure, does the institution certify the non-settlement, allowing the parties to seek resolution elsewhere?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
10.	Does the institution have the capacity to assign ADR practitioners in response to changes in caseload?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 refers to the use of a manual case management system such as bookkeeping and an Excel spreadsheet, while Question 2 refers to a fully fledged digital system. An institution may use both but will not score well on both, meaning that an efficient institution will score low on Question 1 but score well on Question 2.

Questions 1 and 2 consider whether there is an operational, accurate and accessible case management system. Case management systems can contribute to greater efficiency by:

- ▶ providing real-time information about cases;
- ▶ displaying events and dates for each case, from lodgement to resolution;
- ▶ tracking a case's progress through its required processes within established time frames; and
- ▶ serving as a repository for easy-to-sort and -search statistical information.

An efficient institution accurately records relevant information for cases as part of standard administrative processes (Question 3). More specifically, this question refers to the relevant information of each case and the accurate recording of the information.

Question 4 considers the accessibility of the case files in the institution when needed by staff and whether they can be accessed by the staff easily. An electronic system is not required to rate well on this question, but the system should provide for efficient record keeping and file handling, thereby fostering ease of use for staff.

Question 5 concerns the use of precedents, templates and standard directions to support an institution's administration. For example, template letters requesting common documents within specific time frames may reduce the time spent preparing follow-up correspondence. This increases the capacity of staff to undertake higher-value work.

The effective use of technology is another indicator of efficiency (Question 6), with renewed importance given the rapid shift to online service delivery in response to COVID-19 restrictions. Examples of leveraging technology to improve efficiency include:

- ▶ holding proceedings remotely using telephone or audio-visual facilities;
- ▶ an online portal for filing applications, responses and other relevant material;
- ▶ mobile phone messaging reminders about upcoming attendance requirements; and
- ▶ a website with easy-to-find information about the institution, its processes and other available resources.

Question 7 assesses how proactive an institution is in reviewing its practices to promote ongoing efficiency. An institution may score well if it reviews its processes and procedures in response to internal and external feedback. In turn, this should lead to better performance in providing services of value, making strategic use of resources.

Question 8 focuses on timely availability of the various ADR methods, to which the parties may wish to resort in case of failure of one procedure (for instance, immediate recourse to voluntary arbitration, should mediation fail). The availability of ADR options is an important measure of efficiency as it can often lead to early resolution of disputes before significant costs are incurred, including the ability to respond flexibly to a changing environment.

Question 9 aims to find out whether the parties are provided with proof that they have undergone an ADR procedure and failed to reach a settlement. This kind of evidence might be required in some jurisdictions to file a lawsuit, and is likely to help the parties pursue other resolution avenues.

Question 10 measures efficiency in the use of staff and resources, including the ability to respond flexibly to a changing environment. An institution that moves conciliators, mediators and/or arbitrators around areas to respond to peaks and troughs in workload will score highly on Question 10.

▶ Speediness

An effective institution provides labour dispute resolution without undue delay, through swift, streamlined and unbureaucratic procedures and processes.								
1.	Does the institution face issues in observing legal deadlines?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution provide training to staff on the rules regarding the duration of processes and procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Are appropriate internal guidelines set for the timely processing of cases?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
4.	Does the institution handle cases according to prioritization criteria (fast-track or specific procedures applied)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

5.	Does the institution apply internal monitoring mechanisms to control and ensure compliance with deadlines?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
6.	Does the institution allow parties to present complaints related to delays in procedures and processes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution internally address complaints and issues related to the speediness of processes and procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 seeks to understand whether the institution faces challenges meeting the legal deadlines in practice.

Question 2 explores whether training and guidance is provided to staff on how to overcome practical challenges in observing legal deadlines.

Question 3 investigates if there are appropriate internal guidelines and performance benchmarks to promote speediness. What is appropriate will depend on local conditions and the need to strike a balance between the quality and quantity of outcomes. Appropriate guidelines should be conducive to meeting the deadlines established in law by setting the necessary steps within the institution to meet them. An institution that determines clear and measurable performance benchmarks on the time for processing disputes, and has clear guidelines to meet such benchmarks, will be better able to assess their performance.

Question 4 seeks to understand how the institution deals with speediness based on prioritization criteria, according to possible urgency concerning sensitive matters or parties involved (such as workers in a vulnerable situation, workers with disabilities, pregnant workers, and so on).

Question 5 considers whether the institution has a mechanism to collect, compare, monitor and process information, and take action to ensure observance of resolution deadlines in the procedures and processes. An institution with a policy or system of performance benchmarking in place will score well on these questions.

Questions 6 and 7 intend to explore whether parties are allowed to present complaints about possible delays in the provision of services and, in this case, how these issues are addressed internally to improve services provided to the parties and to the public.

► Accountability

An effective labour dispute resolution institution promotes transparency and has accountability mechanisms to make the institution and individual ADR practitioners and staff responsible to society for its performance.

1.	Are arbitral awards subject to an accessible appeal mechanism on restricted grounds?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution keep a record of the number of arbitral awards appealed?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Does the institution report on its performance to the public?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Are the institution's accounts audited?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution make public the outcomes of the audits conducted?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Does the institution monitor the observance of the code of conduct (or similar document) by its staff?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution conduct user satisfaction surveys?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Does the institution follow up on users' complaints effectively?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

An accessible appeals mechanism is one that is openly publicized and inexpensive, and that provides clear steps to initiate a timely review on restricted grounds (for example, on a point of law, incapacity, duress or procedure) (Question 1).

Institutions that monitor the number and outcomes of appeals to inform the publication of information about success rates will score well on Question 2.

Question 3 focuses on the extent to which an institution promotes public scrutiny of its operations and performance. Reporting of the institution's performance against established benchmarks demonstrates accountability. The more frequent the reporting, the higher the potential score.

An institution that is audited regularly by an external auditor and that publishes the results in an annual report will score more highly on Question 4.

An institution that makes public the result of its auditing will score more highly on Question 5 than an institution that is internally audited with no public access to the results.

Question 6 focuses on the extent to which an institution demonstrates accountability through the use of a code of conduct or similar standard-setting document. The value of such a document is limited by the extent to which staff, management and decision-makers comply with the established standards.

An effective labour dispute resolution institution openly engages with, and reports to, the public. An institution will score well on Question 7 if it conducts regular user satisfaction surveys with a broad range of groups: parties to disputes, representatives and other groups that engage with the institution.

Question 8 concerns the effective complaints handling and reporting back as a way to promote accountability. An effective complaints process is one that, for example, is conducted with a clear degree of separation from the original decision-making process and provides for timely feedback and for fair outcomes.

► Accessibility

An effective labour dispute resolution institution takes measures to reduce or remove barriers for resolving disputes. Such measures extend to proactively addressing factors that may otherwise obstruct or disincentivize use.

			0	1	2	3	4	5
1.	Does the institution provide information about its services and procedures to users?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Is the access to this information user-friendly?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Are the institution's forms and documents written in plain language?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Are the institutions forms and documents available in the most spoken languages?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution provide interpreters at no cost where required by a user?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

6.	Are there multiple ways to file a case / make an application to the institution (e.g. post, fax, email, online, in-person, phone)?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
7.	Is it free of charge to file a case with the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Can the institution's procedures accommodate people with additional needs (including disabilities)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	Do the institution's facilities accommodate people with additional needs (including disabilities)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
10.	Does the institution use technology to facilitate attendance by users?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
11.	Does the institution provide in-person labour dispute resolution services outside the main cities to ensure geographical access?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
12.	Does the institution provide training to its staff regarding inclusive practices?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Questions 1 and 2 are about access to information. An effective labour dispute resolution institution provides general information on its services and clear instructions for lodging and responding to claims. Institutions will score well on Questions 1 and 2 if they provide information that is up to date, accurate and easy to understand and find (for instance, through a system of “frequently asked questions”). The information also needs to be easily accessible for those unable to obtain the necessary information in the conventional way. Information provided in multiple formats (such as online, in printed form or through a telephone helpline) will likely be more readily accessible than information in one format only. Local conditions, such as general literacy levels, should also inform the nature of the formats available.

Question 3 is about the use of plain language in the institution's forms, documents, and communications. Plain language is designed to ensure that the reader or listener understands a document or

communication as quickly, easily and completely as possible. Plain language uses the active voice and avoids technical legal terms and dense jargon.

Questions 4 and 5 address linguistic barriers that may prevent access to information. An effective institution provides forms and documents in the most spoken languages as well as the official language(s) in the jurisdiction (Question 4). An effective institution also provides interpreters at no cost as standard practice (Question 5).

Question 6 is about the different ways one may file a case/complaint. An institution will score well if it provides a range of options catering to the country context.

Question 7 is directed at financial accessibility. An accessible institution provides a cost-effective labour dispute resolution process and bears most or all of the administrative costs. A more accessible institution will provide both filing and all proceedings free of charge to the user.

Question 8 is about the capacity of an institution to adapt procedures to cater to people with additional needs, including those with disabilities. An effective institution enables ADR practitioners (and supporting staff, when appropriate) to modify how a proceeding runs to accommodate additional needs. Examples may include providing more frequent breaks or using trauma-informed practices.

Question 9 is about physical access and attendance. An institution scoring well on this question has physical premises that accommodate those with additional needs including, for example, ramps for mobility access, braille signage for the vision impaired and facilities for parents with young children.

Question 10 is about whether the institution can facilitate remote access to its services through telephone, video or online technology.

Question 11 is about service delivery in regional areas. An institution will score well on this question if it has satellite branches outside the main cities.

Question 12 is about whether the institution's staff are trained in inclusive practices, according to the country context and diversity of population. Culturally inclusive practices foster accessibility by addressing cultural barriers to access, and by improving the quality of customer service.

► Independence

An effective labour dispute resolution institution performs its functions by reference to the law and to merit-based considerations without inappropriate external influence.

			0	1	2	3	4	5
1.	Is the institution's independence formalized by law?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
2.	Does the institution operate independently from political interference?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution operate with financial independence?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely

4.	Does the institution promote internal anti-corruption measures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution address complaints or allegations concerning internal corruption?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Are positions within the institution advertised publicly?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Is a merit-based process used to appoint and reappoint staff?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Is a merit-based process used to appoint and reappoint the head(s) of the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	Do the social partners participate in the governance of the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 measures the formal independence of the institution. Entrenched constitutional independence is more robust than legislated independence, which in turn is more robust than safeguards contained in subordinate legal instruments or executive action only.

Question 2 is about the working methods and operational processes of the institution. An institution that has operational autonomy and is free from external influence will rate highly on this question.

Question 3 seeks to explore whether the institution has a separate budget, even if it is funded by the state or whether its funding is predictable and regular, allowing the institution to operate on its own.

Questions 4 and 5 deal with internal anti-corruption measures. Such measures include the provision of a complaints mechanism to raise issues related to corruption, and of targeted training on the subject, with clear guidance about what activities are considered acceptable or unacceptable (Question 4). An institution that has clear and secure processes for reporting suspected corruption, consequences for corrupt behaviour and corruption deterrence/prevention measures will score well on Question 5.

Questions 6 to 8 relate to the appointment of staff. Institutions will rate well on these questions when they have a transparent, fair, and merit-based approach to recruitment. This may include, for senior roles, the use of an independent advisory or selection panel.

Question 9 considers the role of the social partners in the governance of the institution (for instance, whether the institution is governed by a tripartite board).

► Impartiality

An effective labour dispute resolution institution guards against actual or perceived bias in its processes and dispute resolution outcomes, including through the creation of a culture of declaring and managing conflicts of interest.

1.	Are restrictions imposed on the institution regarding the acceptance of donations and sponsorship arrangements?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
2.	Are restrictions imposed on staff regarding the receipt of gifts?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution set a clear policy for identifying and managing conflicts of interest?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
4.	Does the institution use methods for managing conflicts of interest and potential conflicts of interest?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
5.	Are users able to make a complaint about bias or conflicts of interest in the course of their dispute?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Does the institution review how its processes affect its actual and perceived impartiality?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution provide training to its staff about carrying out duties impartially?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Does the institution impose an obligation on its staff to carry out their duties impartially?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 measures how well an institution manages financial support in the form of donations and gifts to maintain its impartiality. A donation may be defined as money, goods or services given to an individual or institution. Sponsorship is similar, except that the money, goods or services are usually associated with a particular project or programme. Restrictions may include policies, rules or guidelines that require contributions to be formally declared; limits to the value of contributions that can be accepted; requirements that sponsorship opportunities be funded jointly and equally by interested parties; or restrictions on the use of donations to specific purposes. Ideally, such restrictions apply irrespective of the source to avoid different treatment and the potential for actual or perceived bias. The more extensive the restrictions, the higher an institution will rate.

Question 2 measures the institution's control over the acceptance of gifts by staff. Such control may manifest itself in requirements to declare gifts, caps on the value of gifts that can be received, or limits on the type of gifts that can be accepted. The more onerous the requirements, the higher an institution will score. An institution will score 5 if its staff are prohibited from accepting gifts related to their professional capacity.

Questions 3 and 4 are about conflicts of interest. Question 3 measures how well an institution creates a culture of impartiality. Expectations might be set through policies that:

- ▶ explain what conflict of interest means;
- ▶ provide key criteria for assessing if a conflict exists;
- ▶ highlight how to handle common scenarios that may give rise to a conflict of interest;
- ▶ set out responsibilities for identifying and reporting potential conflicts of interest; and
- ▶ set out an application process for staff to obtain approval before engaging in external work.

Institutions that set clear expectations around identifying and managing conflicts of interest, and require staff to comply with those expectations, will score well on Question 3.

Question 4 measures how well an institution manages conflicts of interest, or potential conflicts of interest, for applications in progress. Bodies that eliminate any bias concerns by requiring ADR practitioners to recuse themselves, or in the case of staff, establishing barriers between the staff member and the case, will score highly. The institution must consider the type of bias, its gravity to the matter and if any strategies can mitigate the bias. An institution that permits an ADR practitioner to continue the process may still score well if its processes demonstrate high levels of transparency and consent from the parties affected.

Question 5 measures the extent to which users can raise concerns about bias or conflicts of interest regarding their dispute. A person affected by bias may not be conscious of potential issues concerning their conduct until raised by a third party. As such, the strength of an institution's mechanisms for guarding impartiality are enhanced if users can make complaints about potential bias. An institution will score more highly if the complaints mechanism is easily accessible, enabling users to raise concerns in relation to staff, processes adopted in the consideration of their case and outcomes reached.

Question 6 directs attention to the impartiality of the institution's ADR practitioners as experienced by users. Further, it measures an institution's awareness of how bias may compromise its impartiality and how well it equips its staff to manage such risk.

Question 7 considers whether an institution will score highly if it regularly conducts targeted training on the topic. An institution that provides no training will score 0. An institution that provides extensive training, addressing topics such as actual and perceived bias, conflicts of interest, cognitive bias and social bias, will rate highly.

Question 8 considers whether the institution imposes an obligation on staff to be impartial and act in that manner when performing their duties.

► Fairness

An effective labour dispute resolution institution ensures outcomes are not only fair but are reached—and seen to be reached—in a fair way.

		0	1	2	3	4	5	
1.	Does the institution ensure that both parties understand the process and are provided with clear and adequate information about the rules and practices on the handling of the dispute?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
2.	Can the institution exercise discretion to dismiss applications that are vexatious or an abuse of process?	N/A	Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution have measures to prevent and address actual and perceived bias in service delivery?	N/A	None	Few	Some	Many	Almost all	All
4.	Do arbitrators give reasons for decisions?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution promote an inclusive approach to managing disputes involving people from different cultural and linguistic backgrounds?	N/A	Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 assesses to what extent the institution facilitates fairness in the dispute settlement process by providing clear, accurate and consistent information. An effective institution provides standardized application and response forms, and clear information sheets about its rules and practices to assist parties to navigate the labour dispute resolution process. An institution may score well on this question if it provides clear information about:

- meeting times and locations;
- what will happen at the meeting and any preparatory steps (such as bringing photo identification);
- what the institution can and cannot do; and
- referrals to other services that may be able to assist.

An institution may score well on Question 2 if, in appropriate circumstances, it can dismiss applications that are vexatious or an abuse of process; impose costs on parties or representatives for engaging in behaviour that undermines fairness between the parties; and vary standard processes to accommodate additional needs.

Question 3 examines the measures the institution has in place to prevent actual or perceived bias, which may include:

- ▶ informed-consent processes;
- ▶ transparency and declarations of conflicts of interest;
- ▶ recusals from conflicts of interest;
- ▶ adequate training; and
- ▶ codes of conduct.

The more effective measures an institution has in place to prevent bias, the higher the institution will score on this question.

Question 4 measures fairness in facilitating labour dispute resolution. In non-judicial processes, the perception of fairness is likely to be fostered when parties can reach a settlement that they consider appropriate, in a way that suits them best, with the impartial involvement of the institution. An institution may score well on Question 4 if it is generally perceived as being neutral and even-handed in facilitating labour dispute resolution. This includes ensuring that the arbitrator does not take sides or favour the position of one of the parties, and does not have any personal or professional relationship (past or present) with one of the parties.

Question 5 is about the fair treatment of users and about how well the institution supports diversity. It considers the promotion of inclusivity regarding the approach used to manage disputes of individuals from different cultural and linguistic backgrounds. Institutions may score well on this question if they provide training in cultural competency and understanding the challenges faced by those with additional needs. They may also score well if they provide access to free translation and interpreting services for linguistically diverse communities.

▶ Equality

An effective labour dispute resolution institution provides for equality by facilitating fair and equitable redress for disputes.								
1.	Does the institution impose obligations on its staff to promote equal treatment of all its users?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Are labour dispute resolution services available to all employers and workers?	N/A	0	1	2	3	4	5
			None	Few	Some	Many	Almost all	All
3.	How often does the institution receive complaints about discrimination in its service delivery?	N/A	0	1	2	3	4	5
			Always	Almost Always	Often	Sometimes	Rarely	Never

4.	How often does the institution address complaints about discrimination in its service delivery?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution implement changes to remedy substantiated complaints about discrimination?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Is the composition of the institution's staff gender balanced?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
7.	Is the composition of the institution's ADR practitioners gender balanced?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
8.	Are the social partners consulted regarding the design/reform of the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	Are the social partners consulted regarding the functioning of the institution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 measures the extent to which the institution has developed a culture that promotes equal treatment of all users. Rules may be laid down in, for example, a code of conduct, or imposed by requiring staff to comply with policies and processes that afford all users equal enjoyment of their rights. The more obligatory the equality requirements imposed, the higher an institution will score on this question.

Question 2 assesses the extent to which an institution provides employers and workers with equal access to its services. An institution that imposes discriminatory or arbitrary restrictions limiting access for some groups will receive a lower score. The broader the cohort of employers and workers entitled to access an institution's services, the higher the potential score. Such workers may include migrant workers, home workers, seasonal workers, contract workers, workers engaged in the informal economy or other workers in vulnerable situations.

Question 3 directs attention to user feedback as a way of measuring users' experiences of discrimination during their engagement with the institution.

Question 4 focuses on whether the institution actually processes the complaints received from its users. An institution will score well on this question if it demonstrates that it is receptive to such feedback and uses the findings to strengthen its service delivery in a non-discriminatory manner.

Question 5 seeks to assess the capacity of the institutions to take measures to address shortcomings signalled by users.

Questions 6 and 7 are about the composition of staff and ADR practitioners of the institution. Question 6 is about gender balance in the composition of staff. Question 7 addresses the same issue for the institution's ADR practitioners. An institution informed by a broad range of experience is more likely to carry out its functions in a non-discriminatory or arbitrary manner. Thus, an institution will score well if both its staff and its ADR practitioners reflect diversity in gender, age, ethnicity, sexual orientation, religion and language.

Questions 8 and 9 consider the role of the social partners in designing and reforming the institution, as well as in its functioning.

► Professionalism

An effective labour dispute resolution institution has specialized expertise and is staffed by professionals. The effective labour dispute resolution institution recruits, on the basis of fair and merit-based processes, staff and decision-makers with the necessary technical and communicative ability and accreditation, who have the opportunity for professional development, and who are subject to internal performance standards and publicized codes of conduct.

1.	Does the institution specialize in labour matters?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
2.	Do ADR practitioners have specialized knowledge on labour matters?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Are ADR practitioners required to be accredited under a professional standards scheme?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Are ADR practitioners required to be certified under a specialized training. (i.e., have a diploma/certificate irrespective of the issuing institution)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	Does the institution apply a consistent set of requirements or a specific job description for recruitment?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Is a merit-based and independent selection process used to recruit and promote staff?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

7.	Is a merit-based and independent selection process used to appoint and promote ADR practitioners?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Are staff provided with clear information about their role and duties?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
9.	Are new staff provided with induction training?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
10.	Does the institution promote internal learning opportunities?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
11.	Does the institution promote professional development opportunities?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
12.	Are managers provided with specialized managerial training?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
13.	Are ADR practitioners provided with refresher training?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
14.	Does the institution offer a mentoring programme for new ADR practitioners?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
15.	Are staff subject to regular performance evaluation?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
16.	Are ADR practitioners subject to regular performance evaluation?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

An institution exclusively focused on labour dispute resolution will score highly on Questions 1 and 2.

Questions 3 and 4 consider the necessary qualifications of ADR practitioners under a professional standards scheme or undergoing specialist training, and whether they are accredited as professionals or certified as having the required competence. An institution that requires professional accreditation of its ADR practitioners will score well.

Questions 5 to 7 relate to the institution's recruitment and onboarding practices. A merit-based recruitment process is one that is publicly advertised. To attract high-quality applicants, the process should ideally involve a job description setting out the skills, knowledge and qualifications required to perform the job. An independent selection panel should assess each application against the job description based on evidence, rate each application comparatively and select the most suitable applicant. An institution may score well on Questions 6 and 7 if all its recruitment and promotion decisions reflect the merit principle. An institution that bases recruitment and promotion decisions on other factors, such as family ties or other links, will receive a low score.

An institution may score well on Question 8 if it, for example, provides staff with a position description clearly outlining their role and the duties involved. Such documents can enhance an institution's competence/professionalism by serving as a marker of expectations and standard setting.

An institution will score well on Question 9 if it provides induction training to staff at the beginning of their role. Such training may help set expectations, promote consistency of work and improve the quality of work produced by the institution. For ADR practitioners who may not come from legal backgrounds, this may involve training in essential legal concepts to promote fairness.

Questions 10 to 14 measure the extent to which an institution builds professionalism through the provision of professional development opportunities. An institution will score well on Question 10 if staff are provided with opportunities to engage in knowledge sharing, cross-skilling in other roles, internal secondments and mentoring arrangements.

Opportunities to engage in training, learning and study to improve knowledge and skills across a range of topics promote improved quality of experience for staff and users. Examples may include training in specialist areas in labour law and dispute resolution, customer service and technological capability. An institution will score well on Question 11 if it identifies training needs and selects suitable programmes, funds such opportunities and permits participation during work hours.

An institution will score well on Question 12 if its management group receives specialist/managerial training directed at improving the institution's operations as regards efficiency, provision of quality services and responsiveness to change.

An institution will score well on Question 13 if it provides refresher training to ensure that staff are armed with the essential knowledge and skillsets required to perform their roles, including any updates to the law or best-practice standards. Examples of activities include training in specialist and technical areas such as labour law developments (including caselaw of significance) and dispute resolution methods.

An institution will score well on Question 14 if it offers a mentoring programme matching new ADR practitioners with experienced ones who can assist them to understand their role and the workings of the institution.

Question 15 measures the extent to which the institution builds staff competence by setting internal performance standards. Evaluations may consider whether staff are meeting the competency standards or achieving the outcomes expected for their role according to the job description. They may consider feedback from a broad range of perspectives, for example, from the staff member directly, supervisors,

peers and users. Evaluations can include a plan to develop skills or strategies to manage certain tasks or career progression goals.

Question 16 measures the extent to which the institution builds competence by setting internal performance standards for ADR practitioners. While formal performance appraisals for ADR practitioners may enhance an institution's professionalism, it is important that the system does not compromise ADR practitioners' independence. Thus, an institution will score well on Question 16 if it has a system that manages this risk while also providing ADR practitioners with an opportunity to reflect on their performance and identify areas for development. This may involve, for example, an ADR practitioner undertaking a self-assessment, combined with an appraisal by another ADR practitioner from the institution, against identified competency standards.

► Enforcement

An effective labour dispute resolution institution has mechanisms to ensure effective compliance with the final resolution.								
1.	Is the settlement agreement automatically vested with an executive title/writ of execution?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does a settlement agreement need to be ratified by a judge/ notary or other official authority in order to be legally enforceable?	N/A	0	1	2	3	4	5
			Always	Almost Always	Often	Sometimes	Rarely	Never
3.	Does the institution engage with other public institutions for effective enforcement (e.g. labour administration, tax service, etc)?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Questions 1 and 2 consider whether the settlement agreement is legally enforceable or needs ratification from another authority, such as a judge or notary, to be enforceable.

Question 3 is related to the capacity of the institution to make use of different mechanisms and good practices to ensure that enforcement of the settlement agreement is achieved completely. This may include special arrangements with government institutions, for instance, the labour inspectorate, tax services and labour courts.

► Voluntarism

Voluntarism implies that disputing parties have a free choice to select the method of settlement of their dispute and maintain full control over the process and its outcome.¹⁰ A consensus-based settlement agreement is voluntarily implemented and less likely to be challenged, thereby contributing to sustainable effectiveness. Voluntarism is not an absolute principle, as there may be disputes where the law, regulations and/or a collective agreement require a specific method for labour dispute resolution.

1.	Does the institution process voluntary mediation/ conciliation applications for individual disputes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution process voluntary mediation/ conciliation applications for collective disputes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Are there cases in practice where the institution processes mandatory mediation/ conciliation applications for individual disputes?	N/A	0	1	2	3	4	5
			All	Almost all	Many	Some	Few	None
4.	Are there cases in practice where the institution processes mandatory mediation/ conciliation applications for collective disputes?	N/A	0	1	2	3	4	5
			All	Almost All	Many	Some	Few	None
5.	Does the institution process voluntary arbitration applications for collective disputes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Are there cases where the institution processes mandatory arbitration applications for individual disputes?	N/A	0	1	2	3	4	5
			All	Almost all	Many	Some	Few	None

¹⁰ The Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92) provides that “Voluntary conciliation machinery, appropriate to national conditions, should be made available to assist in the prevention and settlement of industrial disputes between employers and workers” (para. 1).

7.	Are there cases where the institution processes mandatory arbitration applications for collective disputes?	N/A	0	1	2	3	4	5
			All	Almost All	Many	Some	Few	None
8.	Does the institution process unilateral (from one disputing party only) applications?	N/A	0	1	2	3	4	5
			Always	Almost always	Often	Sometimes	Rarely	Never
9.	Does the institution make efforts to encourage/convince the party which has not joined /made the application to do so?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
10.	Does the institution make use of collective bargaining practices that support the parties to settle their disputes by themselves?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
11.	Does the institution allow the parties to select the mediator/ conciliator?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
12.	Does the institution allow the parties to select the arbitrator?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Questions 1 to 7 aim to capture the type of ADR processes (exclusively voluntary, both voluntary and mandatory or exclusively mandatory) that the institution handles, and a qualitative indication of the number of cases where mandatory ADR occurs. Examples here could be voluntary mediation/conciliation/arbitration almost always, but also compulsory recourse to mediation/conciliation/arbitration in certain cases, when required by law, regulation or collective agreement prior to litigation in court or a strike call or an aim to end a dispute in an essential service. A score higher than 3 indicates a good application of the principle of voluntarism. Scoring 0–2 on Questions 6 and 7 warns about excessive use of compulsory arbitration and requires further investigation of cases and their reasons.

Question 8 aims to examine whether the institution starts the procedure even when one party has not applied or joined the application, and Question 9 targets the institution's policy—whether active or passive—in handling such cases. Therefore, while the score of Question 8 is simply informative, an institution that makes efforts to encourage all concerned parties to engage in consensus-based processes will score well on Question 9.

Question 10 relates to procedures, techniques and practices used by the institution's staff while managing ADR processes to ensure that the parties are fully engaged in seeking their own solution. For

instance, an institution will score well if there are in place procedures allowing the mediator/conciliator to assist the collective bargaining processes at the request of the parties.

Questions 11 and 12 target the institution's level of intervention in deciding who will manage the case. An institution that allows the parties freedom of choice in the ADR practitioner will score well here.

► Confidentiality

An effective labour dispute resolution institution ensures confidentiality during its proceedings. Maintaining confidentiality encourages trust in the process. Confidentiality provides that no content¹¹ produced in the dispute resolution process can be disclosed to non-participants, subject to specified exceptions.¹²

1.	Does the institution ensure that confidentiality is observed in the process?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution provide information to the parties to ensure that confidentiality will be maintained during the process?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
3.	Does the institution provide training to staff with respect to the confidentiality of ADR processes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Does the institution apply a mechanism allowing the parties to raise concerns regarding confidentiality?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
5.	In the case of arbitration, does the institution preserve the record while maintaining confidentiality in the process?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

11 In general, involving discussions, communications, contents of documents and information provided by parties.

12 [National Alternative Dispute Resolution Advisory Council, Maintaining and Enhancing the Integrity of ADR Processes: from principles to practice through people, 2011, p. 41.](#)

Guidance notes

Question 1 seeks to assess whether the ADR processes are handled privately and kept confidential in all circumstances. Keeping procedures private and the content of negotiations confidential encourages meaningful participation and protects privacy. An institution that ensures the privacy and confidentiality of all processes will score more highly.

Questions 2 to 4 consider whether the institution provides mechanisms and guidelines to ensure that confidentiality is respected by parties and by staff. An institution will score well on Questions 2 and 3 when it provides sufficient information to parties and training to staff with respect to the confidentiality of materials disclosed and discussions maintained during ADR proceedings, which can include proposals and options to reach a settlement; discussion of circumstances that may have caused the dispute; calculations of entitlements; and case management issues.

A high score on Question 4 means that the institution guarantees to parties a complaint mechanism for possible flaws in maintaining the confidentiality of procedures and in addressing their concerns.

Question 5 considers whether, in case of arbitration, the records of the cases are preserved and, if so, whether the records remain confidential.

► Prevention

An effective labour dispute resolution institution assists in preventing disputes. ¹³								
1.	Does the staff receive training on methods for dispute prevention?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
2.	Does the institution have the capacity to provide preventive measures?	N/A	0	1	2	3	4	5
			Not at all	Slightly	Moderately	Mostly	Almost completely	Completely
3.	Does the institution offer training to workers and trade unions and employers on collective bargaining techniques?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
4.	Does the institution provide assistance during negotiations and collective bargaining processes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

¹³ See footnote 10.

5.	Does the institution promote awareness-raising campaigns to foster collaborative approaches at the workplace between workers and employers to prevent disputes?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
6.	Does the institution provide advice to human resources departments on dispute prevention?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
7.	Does the institution provide advice to workers and employers on how to solve disputes at the workplace through workplace cooperation and grievance procedures?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always
8.	Does the institution gather information on types or frequency of disputes to target their preventive advisory services?	N/A	0	1	2	3	4	5
			Never	Rarely	Sometimes	Often	Almost always	Always

Guidance notes

Question 1 relates to whether the institution provides training on methods such as techniques for facilitating communication between workers (and workers' representatives) and employers; workplace consultation (especially when mandated by law); and collective bargaining, including techniques or other tools or processes to foster dialogue at the workplace. For all the questions in this principle, the use of mechanisms at the workplace does not replace collective bargaining, and means that such mechanisms (when including workers' representatives, for example) will by no means undermine trade union activity.

Question 2 considers whether the institution has the technical and financial capacity to provide preventive measures.

Questions 3 to 7 seek to find out whether the institution has promotional activities and/or provides services on specific methods to prevent disputes as considered in Question 1 (including workplace consultation/cooperation, collective bargaining processes and techniques, and other means for dialogue at the workplace).

Question 3 investigates if the institution organizes training courses (which can be joint or not) for workers and employers to develop their negotiating skills further.

Question 4 seeks to find out if the institution provides pre-conciliation services, which aim to build positive relationships (or help rebuild those that have been fractured in the past); and/or if the institution acts as a facilitator assisting the parties in negotiating their first agreement, for example.

Question 5 seeks to investigate whether the institution puts in place awareness-raising campaigns to promote information on the different means for dispute prevention (see Question 1).

While Question 6 seeks to find out whether the institution provides advisory services on dispute prevention to human resource departments, Question 7 concerns workplace-focused means to prevent disputes so that a specific employer, workplace trade unions and workers may better understand mechanisms for workplace consultation and cooperation, such as workplace labour-management committees and grievance-handling procedures.

Question 8 is related to data collection to improve efficiency. Such collection is useful, so that dispute prevention services provided by the institution are targeted to prevent the most frequent types of disputes in a particular context and to better use limited resources.

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