# Effectiveness of Conciliation and Arbitration in the Ferro-Chrome Industry in Zimbabwe

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**Abstract.**

The study sought to establish the effectiveness of Conciliation and Arbitration as dispute resolution mechanism with the case of Ferro –Alloy Industry in Zimbabwe. A case study of 2 major players in the industry were examined in a descriptive research design. Backing the research is the concept of legal pluralism which then defined conciliation and arbitration as alternative dispute resolution systems. Management and Trade Union representatives, general employees and Labour Officers participated through interviews. The research uncovered that the current legal framework was not providing a conducive and enabling regulatory environment to ensure an effective dispute resolution mechanism. The gaps in terms of time limits, the absence of explicit guidelines on conciliation, lack of finality to arbitral awards were identified as major drawbacks of the current legal structure. The State department, the Ministry of Labour, is the vehicle for an effective dispute resolution mechanism. The research identified that the department was inadequately resourced to enable speedy and prompt resolution of disputes. Due to the centrality and inevitability of disputes at workplace, the research recommended that government should amend the current legal framework to align it to International Labour Organisations provisions on conciliation and arbitration to ensure an effective resolution to disputes.

**Keywords:** Ferro – Alloy Industry, Zimbabwe

## Introduction

Conflict is an inevitable characteristic and perspective in employment relations. This is motivated and precipitated by the dichotomy of interests and goals between parties in an employment relationship, that is, employers and employees. The dichotomy and clash of interest breed differences which could

be traced back to one classical founder of Social Science, Karl Marx in his Conflict Theory. According to Grint (2005) Karl Max propounded that individual and groups have different amounts of material and non-material resources that precipitate the clash of interest. The clash of interests precipitates organisational identity dissonance which subsequently pushes an aggrieved party to enlist the services of the third party to resolve such conflict or dispute. Conciliation and Arbitration have been employed since time immemorial as conflict resolution mechanisms. This study was carried out to establish the effectiveness of Conciliation and Arbitration as dispute resolution mechanism given the increase in the volume of cases which puts the mechanisms to test.

**Background of the study**

The paper evaluated the effectiveness of conciliation and arbitration as conflict resolution mechanism in the Ferro- Alloy Industry in Zimbabwe. The two organisations understudy which are in the Ferro-Chrome will be named company A and Company B for ethical reasons. Both companies are major players in the Ferro Alloy Industry.

At their peak during the late 1990s, both companies used to employ in excess of 10 000 full time employees. They produced 250 000 metric tonnes of ferro alloy per annum which translated to about 10% of the ferro-alloy product on the international market. However at the turn of the new millennium the Ferro Alloy Industry was faced with serious challenges precipitated by a combination of factors. First it was the plummeting of the price on the international market. The depressed prices were caused by the oversupply situation in China. Before 2000, China was the major consumer of ferro alloy product on the International Market but that changed at the turn of the millennium when China became the major producer and resulted in the decline of prices. Another factor that contributed to the decline of prices was the World Economic recession of 2007 and the Euro-Zone crisis of 2011 and prices never firmed after the down turn. The increase in the cost of production, mainly electricity and other consumables, also pose viability challenges to the ferro alloy industry.

Faced with the above viability threatening challenges, employers in the said Industry devised and implemented some austerity measures which unfortunately resulted in a clash of interests and conflict between the employer and the employees. As early as 2000 both companies engaged in massive retrenchments resulting in nearly half of their 10 000 strong workforce losing their jobs. At dollarisation, both companies engaged in another retrenchment exercise to streamline labour in order to align it to the new production regime. Despite all these labour rationalization exercises which were carried out to reduce costs and ensure viability, the business still faces challenges. The

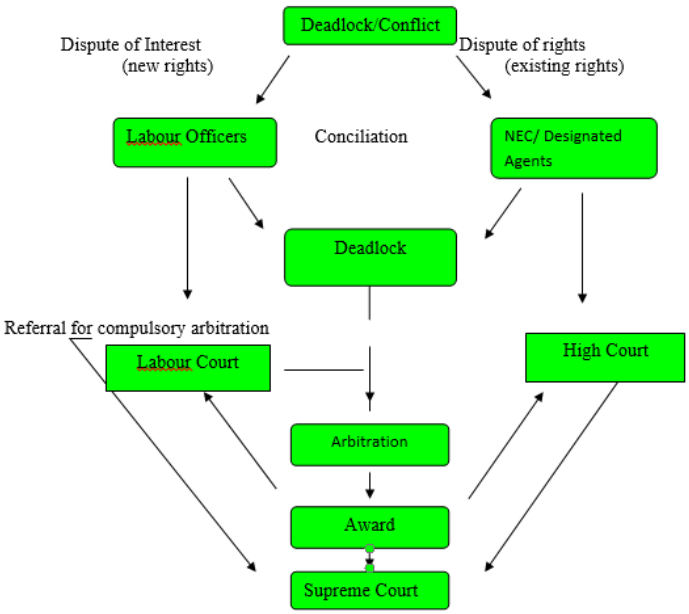
following are some of the measures which were implemented by employers in the ferro alloy industry to ensure company survival and protection of jobs in the long run;

- Introduction of two weeks rotational leave and consequently paying the affected employees at 50% of their basic salaries
- Reduction of salaries with a certain percentage across all grades in order to align labour costs with production levels
- Removal of allowances such as schools fees assistance, study allowance, transport allowance among others
- Target based remuneration
- Grade rationalisation

As a result the Ministry of Labour has witnessed a sharp increase in the number of cases from the above industry for Conciliation and Arbitration. It is against this back drop that the researchers were motivated to carry out this study in order to establish the effectiveness of Conciliation and Arbitration as dispute resolution mechanism given the increase in the volume of cases which puts the mechanisms to test. Conflict and disputes have been prevalent since time immemorial and Arbitration and Conciliation has been employed as dispute resolution mechanisms to bring disputing parties together and solve the dispute. The methods can date back to biblical times where people would approach Kings to seek recourse over disputes. One can quote 1 Kings 3 v 25 in the Holy bible where King Solomon acted as a conciliator in trying to solve a dispute between two mothers over the ownership of a the child. A solution was reached and the child was given to its rightful mother. However there have been some changes in terms of the form and process in contemporary conciliation and arbitration process which this study seeks to establish whether the current dispute resolution mechanism is effective in solving disputes.

The Process of Conciliation and Arbitration in Zimbabwe

**Intra-organisation dispute resolution process**




Source: Duve (2011)

As depicted in Fig 1, it is important at this stage to expand the process of conciliation and arbitration. Once a labour dispute emerges, two parties to the employment relation seek recourse with the Ministry of Labour. The Ministry appoints a Labour Officer to sit over the case as a conciliator. However in an Industry with a registered Designated Agent (D.A), they register the dispute with the D.A who then sits as a Conciliator on the case. The National Legislative structure, the Labour Act (Chapter 28:01) Section 93 covers the conduct of conciliation in detail. The Conciliator is therefore like a mediator. Their role is not to pronounce judgement but to make parties appreciate the legal provisions of a dispute, if it is a dispute of right, and to explain consequences of not settling at that stage. The Conciliator as prescribed by the Labour Court has to facilitate the two parties to reach a mutually beneficial and agreeable solution. In the event of a deadlock, where two parties fail to reach a solution, the Conciliator will issue a certificate of no settlement to the disputants as prescribed by Section 93 (5) of the Labour Act. This is done upon consulting any labour officer senior to him and to whom he is responsible in the area in which he attempted to settle the dispute. The issue is then forwarded for arbitration.

The disputants are given an option to choose either the Ministry's Labour Arbitrator or the Independent Arbitrator. The first option is usually longer and takes time to settle the dispute because of the volume of cases against a few responsible officials. However it is the cheaper option given that the parties are not required to pay anything. In order to control the process of Arbitration parties usually opt for the second option though the independent Arbitrator requires some payment. In Zimbabwe as in North America and China, the Arbitration system provides that the costs are borne equally by the disputants. In other regional jurisdictions like South Africa, Lesotho, Swaziland the costs of the arbitrator are borne by the state (Muriwo, 2008). Whereas elsewhere, systems provides for timeframes within which disputes are resolved by Arbitration, the Zimbabwean system is silent in this regard.

It is important to highlight that it is the parties themselves who define their points of difference and the actual dispute to be arbitrated. This provision under section 98 (4) democratised the conciliation system as opposed to the previous system where the Labour Relations Act empowered the Senior Labour Officer to state issues which in his opinion had to be decided by arbitration resulting in the process being unjust on both parties (Duve 2011). This flexibility ensures that the arbitrator is appropriately guided and decides on the exact issues that have to be decided about. As a result there is no ambiguity on the nature of the dispute or the elements for which the disputants seek a resolution. The parties then make their presentations and heads of arguments in writing to the Arbitrator before the oral arbitral hearing. The appointment of Arbitrators consequently becomes the next step and it differs with the type of arbitration in course. In the case of compulsory arbitration, as previously illustrated, it is the Labour Officer who, after consulting a Labour Officer senior to him and to whom he is responsible in the area in which he attempted to settle the dispute refers the matter to an Arbitrator from a list provided by the Minister in consultation with the Senior President of the Labour Court and the fitting advisory council (Labour Act Chapter 28:01 of 2005). The role of the Minister with regards to the provision and supply thereof of Arbitrators to cases has been subjected to criticism. There is no clear rationalisation in appointing Arbitrators to cases as the Arbitrators appear to be randomly selected. Mambara (2012) cited in Nemukuyu (2012) supported this notion with his opinion that the Arbitrator appointment system in arbitration is not systematic. He argued that Arbitrators are from different backgrounds and allocation of cases is done regardless of the area of expertise of that individual, thus arbitrators are given cases which they have no expertise in hence leading to poor decision making.

At Arbitration stage, the Arbitrator has the legal right to give an award that is binding and recognised legally despite there being no agreement between 2 parties. Section 98 (14) of the Labour Act of 2005 provides that

once the Arbitral award is registered and shall have the effect, for purposes of enforcement, of a civil judgement of the appropriate court. The Labour Court, which is equivalent to a High Court, empowers arbitration through the emancipation of arbitral awards in this instance which gives more weight and relevance to the process. Howlett (1967) as cited in Duve (2011) supports this situation where he argues that for arbitration to command respect and facilitate the enforceability for its decision, it must take a sufficient role interpreting the general law of the state and be enforceable through it. Along the same line of argument, Duve (2011) then commented that arbitration has to work within the state's legal framework and distinctively outside the centralist state court system. However there are some critics like Chulu (2011) who are totally against the court's interference in arbitration. Through his analysis of the South African Arbitration system, Chulu (2011) recommended that there is need to have an independent arbitration board in Zimbabwe which enforces its own decisions. Mazanhi (2010) strengthens the argument stressing that once arbitration leaves room for courts then it seizes to be an alternative dispute resolution mechanism and this subjects the process to ineffectiveness thereof**.**

As alluded to in the previous paragraphs, the Arbitrator has a legal standing to award a binding decision recognised before the courts of law. However this does not disqualify the right to appeal against the award by any of the disputing parties. Labour Act Chapter 98 (10) provides that any part can appeal to the Labour Court. Unlike the Arbitration stage where costs are borne by two partiers, the appellant is responsible for all legal fees. There is however doubts whether the Labour Court has review power over an Arbitral award. Madhuku (2011) noted that Labour Court Judges do not have much jurisdiction in issues that are employment related. It has also been established that one party may decide to appeal an Arbitral award as a ploy to delay justice. This is so because our Labour Act does not specify time frames and as a result cases may take over 5 years to be finalised. As observed by this writer, there are many cases across industries which are pending before the Labour Court.

The above procedure mirrors the voluntary arbitration process. The disputants agree on their own to use an outside party, a conciliator and arbitrator to help settle their differences. Voluntary arbitration implies that the two contending parties, unable to compromise their differences by themselves agree to submit the dispute to an impartial authority, whose decisions they are ready to accept (Marsey, 2007). Under voluntary arbitration as outlined before, the parties to the dispute can and do they refer voluntarily and dispute to arbitration before it is referred for adjudication. Doyle (2012) noted that this type of reference is known as 'voluntary reference'. In some instances in voluntary arbitration, an award may not be necessary and binding because there is no compulsion and this may be specifically needed for disputes arising under agreements. Voluntary arbitration is the most common form of

arbitration employed in Zimbabwe in general and Ferro-Alloy Industry in particular.

There is another form of arbitration which is not common in Zimbabwe, the compulsory arbitration route. This is a legal and binding arbitration between disputants by a neutral third party that has been mandated by the government (Marsey, 2007). Compulsory arbitration is used when collective bargaining and other negotiation methods have failed to settle a disputes without either side resorting to extreme measures such as strikes or terminations. In some countries, arbitration may also be ordered by a court as a means to prevent a situation from going to trial (Bucher, 2007). It is however important to highlight that both voluntary and compulsory arbitration involves enlisting the services of the third party in order to resolve an impasse.

The effectiveness of Conciliation and Arbitration has been a subject of debate and dwelt with in literature ever since the turn of the new millennium. There has been no unified measurement criterion for the effectiveness of Conciliation and Arbitration as dispute resolution mechanism. This has been caused by the absence of a unified unit of measurement. Unlike in statistical measurement where scholars placed emphasis measurement based on statistics of case outcomes, contemporary thinkers like Trudeau (2002) came up with a non statistical framework. He designed a three factor model where he came up with 3 units of measurement used as yardsticks to determine the effectiveness of Conciliation and Arbitration as dispute resolution mechanism. However this paper will make use of Trudeau's (2002) factors to assess the effectiveness of conciliation of arbitration only. These factors are:

**Accessibility**

Trudeau's (2002) three factor framework looks at how accessible the Arbitration and Conciliation is to both parties. He argued that we can only talk of the strength of these mechanisms if the process is accessible and parties have full knowledge of how it works as well as how readily the facilities can be accessed. Accessibility refers to the ease with which the disputants can resort to the process without the complication of technical consideration and complex legal framework (Trudeau, 2002).It is important to highlight that strength of conciliation and arbitration should then be measured looking at how the disputants can easily access the mechanism without any challenges which are prohibitive. conciliation and arbitration is easily accessible where the appellant can just register a dispute with the Ministry of Labour or to the Designated Agent.

**Speed**

The strength of arbitration and conciliation as dispute resolution mechanisms should not be concluded without looking at the speed of the

process in settling and resolving disputes. We should highlight at this stage that justice delayed is justice denied. The speed at which a system operates in dispensing justice is a paramount feature of justice delivery and a key feature of its strength and effectiveness (Duve, 2013).

**Expertise of Conciliators and Arbitrators**

Expertise and competencies of those who preside over the process of conciliation and arbitration is also another important factor. The principal actors presiding over the process should be unquestionably competent, experienced, disinterested and neutral parties (Bishop and Reed, 1998). Decision of Arbitrators should not end at being merely reasonable; they should satisfy the requirement of fairness

**Finality of awards**

A critical area one needs to consider when assessing the effectiveness of conciliation and arbitration as dispute resolution mechanisms is the issue surrounding the finality of awards handed out to settle the dispute. Unlike voluntary Arbitration which prescribes final awards which are impossible to set aside, Compulsory Arbitration awards are susceptible to appeals (Madhuku, 2010).

**Enforcement of awards**

Closely related to the issue of finality of arbitral awards is the issue of enforcement of arbitral awards is also a critical aspect in assessing the effectiveness. In order to enhance counter the current challenges of arbitration as a dispute resolution mechanism, the awards should not only be final, but they should also be enforceable.

**Methodology**

The research was purely qualitative and used 2 organizations in the Ferro- Chrome industry as case studies. The researcher in the first instance used purposive sampling which is also known as information-oriented sampling as opposed to probability sampling. Information-oriented sampling was deemed the best for the study because the researcher needed to target a certain segment of the population, for example Trade Union Representatives. Unlike Workers' Committee Representatives, Trade Unions Representatives have the *loci standi* to represent workers during conciliation and arbitration process. As a result Workers tend to channel their grievances for conciliation and arbitration through Trade Union Representatives. Also the research also targeted Labour Officers who have specifically dwelt with Ferro- Alloy Industry disputes. Such information was drawn from the D.A for the Industry.

The sample was drawn from 2 major players in the Ferro-Alloy Industry. 5 Management, 5 Trade Union representatives and 5 general employees who are not Trade Union Representatives were drawn from the frame as sample from Company A and B . 2 Labour Officers were also part of the respondents. The region employs 9 Labour Officers in total. The Ferro – Alloy Designated Agent (D.A) was also part of the participants. The assumption behind the aforementioned participants is that it truly represents all parties involved in conciliation and arbitration in the Ferro-Alloy Industry. Key informantinterviews were used in soliciting data as well as the use of secondary data.

**Findings and discussion**

From both companies it was pointed out that the process of conciliation and arbitration was very much affordable. This was because of the absence of conciliatory fees at the preliminary stage of the dispute resolution, which is the conciliation stage. However as pointed out by the Labour Officers, 90% of cases registered for conciliation usually find their way to arbitration where costs are involved in terms of arbitral costs and legal fees. As a result the absence of conciliatory fees does not make the process of conciliation affordable because the majority of cases are not settled at that stage. To this end the issue of affordability does not hold water given that most cases end up at a stage where costs are involved.

The issue of expediency and promptness of the processes was also highlighted as one of the strength of conciliation and arbitration. The conciliation outcome is usually settled in one sitting as a result both parties acknowledged that the process would expedite the resolution of disputes. However as noted above, conciliation is one process which has been viewed as a step towards arbitration. There are no binding resolutions from conciliation hence most cases are forwarded for arbitration where there is a legally binding resolution. Trade Union Representatives from both organisations highlighted that cases takes more than 36 months to settle if you take the involuntary arbitration route and a minimum of 12 months for a voluntary route. As compared to the court litigation route, yes the process is quicker and swift but in the interest of speedy resolution of disputes, 12 months is a long time. As a result the processes are not effective.Despite the fact that compared to the court litigation system, conciliation and arbitration as a mechanism for dispute resolution is relatively faster, it should however be noted that the major drawback of our Labour Act (Chapter 28:01) is that it is silent interms of time lines within which the process of conciliation and arbitration could be concluded. The Zimbabwean Law does not impose a maximum time limit for a Conciliator or Arbitrator to make an award. This gap in law accounts for some of the delays in resolving labour disputes

(Gwisai, 2008). This could be attributed to the absence of set time lines in our legal framework in order to force arbitrators to resolve disputes with speed. In other countries, like South Africa, their legal structure provides that the award should be awarded within 21-30 days from the day of the hearing (South African Labour Relation Act of 1995). In Lesotho, an Arbitrator is required to issue an award with brief reasons, within 30 days of the conclusion of the arbitration proceedings and that period can only be extended by the Director of the Directorate on good cause shown (Lesotho Labour Relations Act of 1990). In Botswana, Section 9 (9) of the Trades Disputes Act of 2003 provides that upon conclusion of an arbitration hearing, the arbitrator shall make an award and shall, within 30 days of the hearing, give reasons for the award. Gwisai (2008) noted that cases can take more than 12 months before an Arbitrator can give an award thereby delaying justice. Mariwo (2008) bemoaned the delays encountered in resolving disputes through arbitration in the private security sector. This is one example of several cases pending before the Labour Arbitrators. Government Arbitrators usually takes longer than Independent Arbitrators because of the volume of cases coming against the number of Government Labour Officers.

It was also recorded that the alternate dispute resolution mechanism was less prescribed and less directed hence it have an edge over the complex and winding court litigation route. The above factors enhance accessibility of conciliation and arbitration and the flexibility may contribute to the effectiveness of conciliation and arbitration however it was noted that one party can manipulate and abuse the less prescriptive nature of the alternate dispute resolution mechanism to dodge and fail to implement mutually agreed resolutions especially from conciliation hearings. As a result it becomes a challenge to the dispute resolution mechanism. Also the discreet nature of conciliation and arbitration can play to the advantage of one part despite at face value it may appear as strength of the dispute resolution mechanism.

Management Representatives from both companies bemoaned the incompetence highlighted by those who preside over disputes as a major challenge associated with the conciliation and arbitration. As a result this has seen cases taking too long to settle and parties contesting awards because they lack confidence in the presiding officers. The issue of costs was also recorded as a major challenge associated with conciliation and arbitration thereby impacting negatively on effectiveness of conciliation and arbitration. Madhuku (2010) conducted a study on behalf of the International LabourOrganisation where he highlighted that Labour legislation, regulating conciliation and arbitration in Zimbabwe prescribed no minimum qualifications for principal actors. Some Scholars have attributed the failure of the dispute resolution mechanism to the incompetence of those who preside over the cases. Mazanhi (2010) even noted that some designated agents drawn

from some employment councils do not have proper qualifications and expertise to effectively and efficiently resolve cases brought before them. Statutory Instrument (SI) 173 of 2012 was promulgated in order to address this anomaly. It stipulated that an Arbitrator or a Designated Agent should have a minimum of a University Degree with at least 2 years experience in Human Resources or Industrial Relations field, a diploma in People Management. This provision was welcomed by all stakeholders as they saw that it would go a long way in enhancing the effectiveness of Conciliation and Arbitration as dispute

Unlike conciliation outcomes, arbitral awards are legally binding and enforceable. However they are not final. There is a provision to contest the award to the Labour Court. The alternate dispute resolution mechanism has the provision for the court system, the same system it was designed to counter. 80% of arbitral awards are contested and as a result the disputes take to resolve and settle. The court litigation route takes more than 5 years in some instances. Given the centrality of disputes and their negative impacts on productive, the alternate dispute resolution mechanism is failing to resolve and settle disputes expeditiously and effectively.

The role of the State is basically to provide the legal framework within which the alternate dispute resolution mechanism operates. However there exist some gaps within the legal framework which impact negatively on the effectiveness of conciliation and arbitration. The absence of guideline of conciliation and arbitration, the absence of time limits of arbitration cases, the limited powers of conciliators were noted as some of the challenges with the current legal structure on dispute resolution. It was also highlighted that the State is not adequately resourced to ensure a speedy and effective resolution of disputes. To this end the process of conciliation and arbitration is marred with a lot of challenges which make it difficult for the process to achieve its mandate of speedy resolution and finalisation of disputes.

In line with Musa and Matsikidze (2009) findings, this research also established that there are no clear provisions which guide the process of conciliation alone. Management representatives pointed out that the legal framework is not explicit in terms of procedures to be followed on conciliation. This has created a gap interms of administration of the process. The Trade Union representatives also highlighted that the State needs to come up with the sound legal instrument which guides on the appointment of arbitrators to preside over arbitration cases. The current practice is not supported by any legal structures. Even the Labour Officers noted that they usually encounter challenges with Legal Practitioners during conciliation or arbitration process because of the absence of clearly explicit provision.

It is important to highlight that Trade Unions, Management and Labour Officers echoed the same sentiments on the idea that the current framework

on conciliation should revert and mirror the provisions of the Labour Relations Act of 1985. The 1985 legal instrument gave the conciliators powers to give binding awards. Management representatives highlighted that the current legal structures have relegated them to mere facilitators with no legal standing to give a binding award thereby making the process a non-event. Given that 90% of the cases go beyond conciliation, it points to the fact that the process is not achieving what it was set to achieve. The conciliation process is seen as a step towards arbitration not a dispute resolution mechanism on its own.

On the issue of the State's capacity, the Labour Officers conceded that as a Ministry they are constrained in terms of resources. They pointed out that it is the prerogative of the Ministry to notify respondent in writing, but because of lack of resources they only notify through telephone. Some respondents have capitalised on the resource constraints and they profess ignorance of the case before the Labour Officer. The Labour Officers highlighted that the appellant usually is burdened with the duty to service notification papers to the respondent and the respondent should sign to confirm receipt. Trade Union Representatives confirmed this position where they highlighted that sometimes they have to use their own resources in order to make sure they communicate with the other party. Both Management and Trade Union Representatitives echoed the same sentiments on the idea that the Labour Officers were overwhelmed by the increase in the volume of labour cases before them They reiterated that Government should employ other Officers in order to alleviate the problems of back logs and ensure speedy resolution of disputes. Trade Union Representatives added that individuals were failing to meet Arbitral costs charged by independent Arbitrators hence they resort to Government Labour Officers and as a result cases take more than 24 months to settle.

The role of the state has been identified as mainly that of creating a regulatory environment within which conciliation and arbitration operates. The environment either inhibits or enhances a process. However the findings pointed to the gap interms of the legal framework. These gaps impact negatively on the effectiveness of conciliation and arbitration. The gaps include lack of clear cut guidelines on conciliation, the act is silent on time lines among other irregularities. As a result the process of arbitration is left at the mercy of Labour Officers. The State controls the institution that deals with conciliation and arbitration. The Ministry of Labour is a State department and Ministry responsible for conciliation and arbitration as a result the State has a major bearing on the effectiveness of the system. The Labour Officers are State employed personnel and the instruments and other apparatus used for conciliation and conciliation are State controlled as a result the input of the State cannot be downplayed. However the research uncovered that the Government Labour Officers were overwhelmed by the number of cases

coming for conciliation and arbitration resulting in a backlog and cases taking long to be heard and disputes settled. It is of paramount important to highlight that conciliation and arbitration as alternate dispute resolution mechanisms were adopted in order to counter the longer and winding court litigation system. However with few Labour Officers against a growing volume of Labour cases in the Ferro –Alloy Industry and the nation at large means that cases will take longer to settle than intended. To this end the conciliation and arbitration system is failing to ensure the effectiveness to dispute resolution which it was created to grant.

## Conclusion

Conciliation and arbitration were adopted as alternative dispute resolution mechanism in place of the technically complex, rigid, winding and longer court litigation system. This was precipitated by the realisation that dispute or conflict at industrial or organisational level can negatively impact on productivity. To this end conciliation and arbitration were adopted in inorder to ensure prompt settlement, conclusion and finalisation of disputes to enable a productivity environment at the work place. However it is note worth to highlight that the system has not achieved the effectiveness and efficiency it was designed and adopted to achieve. This research has uncovered that conciliation and arbitration are dogged with numerous challenges and inefficiencies that have impacted negatively on the effectiveness of the alternative dispute resolution procedure.The regulatory environment was reported to be the greatest undoing and was not enabling an adequate playing field. Gaps interms of guidelines, time lines to mention on but a few was highlighted as the major challenges faced by conciliation and arbitration and impacting negatively on the dispute resolution mechanism. Disputes find their way back in to the formal court litigation system, which points to the fact that conciliation and arbitration are nt effective enough to settle disputes at an early stage. The State as the main agent for conciliation and arbitration was reported to be in adequately resourced to facilitate the prompt settlement and conclusion to disputes at work place.

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