

PART V – CODE ON DISPUTE RESOLUTION

(Section 15 (1)(a)(v))

Preamble

1. It is the Government policy that disputes be resolved as soon as possible and amicably through mediation, arbitration, and conciliation so as to avoid protected labour conflicts at the work place.

Definitions

2. In this Code -

“**Act**” means the Public Service Act of 2005;

“**dispute of interest**” means a dispute over employment matters to which a public officer or employer does not have an established right;

“**dispute of right**” means a dispute arising from a breach or contravention of a law, contract of employment or collective bargaining agreement.

Procedure for conciliation or arbitration

3. (1) Disputes of interest shall be referred to the Conciliation Board established under section 17 of the Act in the following manner –

- (a) any part to a dispute may, in writing, refer the matter to the Conciliation Board;
- (b) the party who refers the dispute shall satisfy the Conciliation Board that copy of the referral has been served on all the other parties to the dispute;
- (c) on receipt of the referral the Conciliation Board shall notify the parties of the date, time and place of the meeting and attempt to resolve the dispute through conciliation within 30 days of receipt of the referral;

- (d) the Conciliation Board shall after hearing the dispute, issue a certificate as to whether the issue has been resolved or remains unsolved;
- (e) if the dispute remains unresolved the matter shall be referred for arbitration or the Tribunal, established under section 20 of the Act for a final determination.

(2) The decision of the arbitration or Tribunal shall be final subject to review by the courts of law.

(3) Disputes of rights and those involving essential services shall, subject to section 18 of the Act, be referred for arbitration in the following manner -

- (a) the parties shall, in writing, agree on the arbitrator;
- (b) the party who refers the dispute shall satisfy the arbitrator that the copy of the referral has been served on the other parties to the dispute;
- (c) the arbitrator shall notify the parties of the date, time, place, of the meeting and resolve the dispute by arbitration within 30 days of receipt of the referral.

(4) The decision of the arbitration shall be final subject to review by the courts of law.

(5) Where a dispute is referred to the Tribunal or for arbitration, a party to the dispute may be represented by a legal practitioner.