

## **CONCILIATION FOR SETTLEMENT OF INDUSTRIAL DISPUTES: A COMPARATIVE ANALYSIS OF SRI LANKAN AND SOUTH AFRICAN MECHANISMS IN LABOUR LAW**

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This research paper aims to review the use of conciliation for resolution of industrial disputes. Special reference was given to the Industrial Disputes Act No 43 of 1950 of Sri Lanka and Labour Relations Act No 66 of 1995 of South Africa. The paper describes the importance of using conciliation for industrial dispute resolution, review the existing legal framework in Sri Lanka related to conciliation under the Industrial Disputes Act, identify the weaknesses of existing law through comparative analysis and finally make suggestions to enhance the effective use of conciliation as an alternative dispute resolution mechanism for solving industrial disputes in Sri Lanka. The normative research method has been used as the methodology. The comparative analysis technique was used to enhance the validity of findings. The International Labour Organization has endeavored to introduce processes for harmonious settlements of industrial disputes in order to uplift industrial peace in the sector. The International Labour Organization recommendation addressing the importance of conciliation in industrial disputes is the Voluntary Conciliation and Arbitration Recommendation No 92. Article 1 of the International Labour Organization Recommendation 92. This recommendation sets out that the disputes management system should be appropriate to national conditions. In fact, suitability to national conditions is essential in a dispute resolution mechanism to ensure that the system is effective and engenders the confidence and trust of society. Drawbacks of national systems, such as less awareness and use of conciliation in industrial disputes, lack of professionalism, misconceptions over conciliation officers and labour departments by employers, non-adoption of innovative industrial dispute settlement approaches, lack of legal binding power over a conciliation settlement, unnecessary legal representation in the process have been identified through research. Corrective measures have been suggested through comparative analysis. Steps to be adopted to ensure that Sri Lanka achieves the optimum utility of conciliation as an alternative dispute resolution mechanism in solving industrial dispute matters under the Industrial Disputes Act has been identified and proposed in this research.

Keywords: Alternative dispute Resolution, Conciliation, Industrial dispute

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