



# Alternative Dispute Resolution



Trinidad & Tobago

# What is ADR

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- ADR is Alternative Dispute Resolution
- Dates back as early as the 1400's
- ADR is any means of settling disputes outside the courtroom
- ADR includes arbitration, mediation and negotiation
- Negotiation is the root of all ADR forms

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- Arbitration is a simplified version of a trial involving limited discovery and simplified rules of evidence

# ADR Agreements

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- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards
  - Drafted in 1958 to aid in the enforcement of awards granted in other countries
  - Considered the foundational instrument for international arbitration
  - 142 signatory countries
  - Trinidad & Tobago joined February 1966

# ADR in Trinidad & Tobago

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- Industrial Stabilisation Act, 1965
  - Compulsory Arbitration: First introduced in 1965 in T&T to address widespread industrial conflicts. Parties had to arbitrate before striking
- Industrial Relations Act, 1972
  - Repealed the Industrial Stabilisation Act

# Industrial Relations Act

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- Industrial Relations Act (IRA):
  - Free collective bargaining between employer and workers through their representative associations,
  - the development of a peaceful and expeditious procedure for the settlement of disputes,
  - the establishment of the Industrial Court,
  - the recognition and registration of trade unions,
  - the freedom to be represented by a trade union and the right not to associate, and
  - industrial action which may be taken by both employer and employee.

# Mediation Bill of 2003

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- Act provides for mediation in Trinidad and Tobago
- Promotes the training of skilled mediators
- Creates the Mediation Board of Trinidad and Tobago

# Why ADR

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- An international arbitration award is enforceable in most countries in the world
- Ability to select a neutral forum to resolve disputes
- Arbitration awards are final and not ordinarily subject to appeal
- The ability to choose flexible procedures for the arbitration
- Confidentiality
- Accessibility- easier access to justice