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Rwanda Office

THE IMPORTANCE OF SOCIAL DIALOGUE AND COLLECTIVE BARGAINING

Training manual

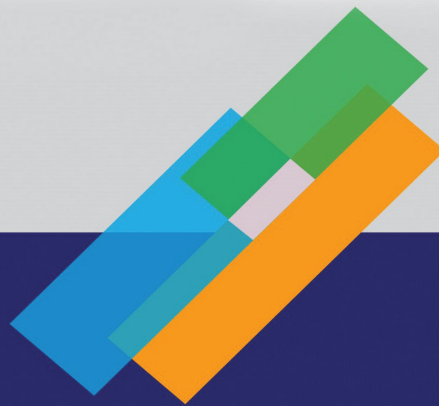


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ABBREVIATIONS AND ACRONYMS

BATNA	Best Alternative to a Negotiated Agreement
COTRAF	Congrès du Travail et de la Fraternité
EU	European Union
FAO	Food and Agriculture Organization
FES	Friedrich-Ebert-Stiftung
ICFTU	International Confederation of Free Trade Unions
ILO	International Labor Organization
SDG	Sustainable Development Goal
UN	United Nations
ZOPA	Zone Of Possible Agreement

INTRODUCTION

This training manual is part of the activities of a EU-funded 3 years project implemented by The Friedrich-Ebert-Stiftung (FES) in partnership with the Congrès du Travail et de la Fraternité (COTRAF). The project aims to foster social protection, social dialogue, minimum wages, and the respect of national and international labour norms in Rwanda. Whilst stressing the importance of social dialogue through changes of attitudes and behaviour, the pursued goal is to contribute to cooperate with various stakeholders on social dialogue and collective bargaining, especially at the enterprise level.

- Targeted audience

The designed training material covers both theoretical and practical aspects of social dialogue and collective bargaining and were devised to fit for multi-audiences: union representatives (i.e. representatives of COTRAF and delegates of the national unions), representatives of public institutions, employers' representatives, district council representatives, representatives of NGOs, civil society and media, and young professionals from trade unions.

- The training manual structure

Developed training materials and methodological guidelines are covered through 4 modules and 14 learning units (see table below).

TRAINING MANUAL ON "THE IMPORTANCE OF SOCIAL DIALOGUE AND COLLECTIVE BARGAINING"	
Module 1: Defining social dialogue, its benefits and preconditions	
Unit 1.1	What is social dialogue?
Unit 1.2	Collective bargaining at a glance
Unit 1.3	Benefits of social dialogue and collective bargaining
Unit 1.4	Preconditions to social dialogue and the role of public authorities
Unit 1.5	Promoting gender justice at the workplace through social dialogue
Module 2: Legal framework for effective social dialogue	
Unit 2.1	Social dialogue and collective bargaining in the Constitution of the Republic of Rwanda
Unit 2.2	Social dialogue and collective bargaining in the law regulating labour in Rwanda
Unit 2.3	Core international labour standards for effective social dialogue
Module 3: Social dialogue and the sustainable development goals	
Unit 3.1	Background and overview on SDGs

Unit 3.2	SDG 8 and decent work
Module 4: Introduction to negotiation techniques	
Unit 4.1	Definition and types of negotiation
Unit 4.2	Reservation point, bottom lines, "ZOPA" and "BATNA"
Unit 4.3	Core skills for successful negotiations
Unit 4.4	Phase of negotiation

This facilitation guideline completes basic information (content) suggested for each module. Afterwards it outlines the process to handle training sessions in order to achieve participants' learning objectives. For each learning unit, guidelines point out the learning outcomes, the time frame, the recommended process, the necessary materials, and handouts as well as resources for in depth preparation and documentation for the participants.

The facilitation guideline also equips trainers with a set of tools that allow them to:

- *Assess the learning needs of the target audience*
- *Prepare and develop adapted workshops on "Importance of Social Dialogue and collective bargaining"*
- *Facilitate and conduct the workshops*
- *Evaluate the learning results achieved by the target audience and to track the impact of the workshops.*

This training manual uses a learner-centred approach through interactive and participatory learning activities. The principal focus is on effective involvement of participants for knowledge development and acquisition.

MODULE 1: DEFINING SOCIAL DIALOGUE, ITS BENEFITS AND PRECONDITIONS

The objective of this first module is to enable participants to gain a better understanding of what social dialogue means and what its benefits are. In addition, participants, will be introduced to factors and conditions that contribute to foster an enabling environment for effective social dialogue. The module is composed of five complementary learning units.

Module 1: Defining social dialogue, its benefits and preconditions	
Learning units	Learning hours
Unit 1.1: What is social dialogue?	1h30 min
Unit 1.2: Collective bargaining at a glance	1h
Unit 1.3: Benefits of social dialogue and collective bargaining	1h
Unit 1.4: Preconditions to social dialogue and the role of public authorities	1h
Unit 1.5: Promoting gender justice at the workplace through social dialogue	1h30 min
Total	6h

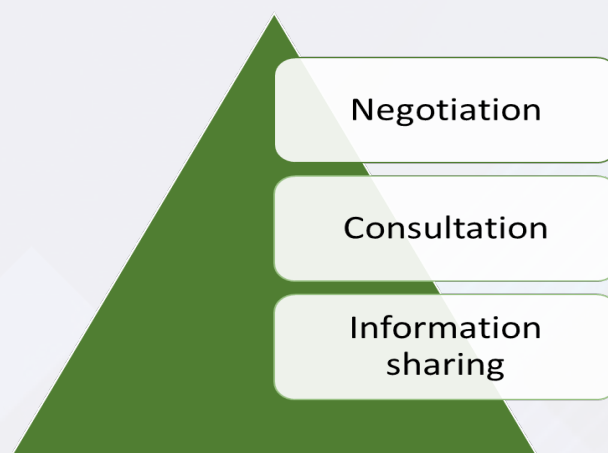
- BASIC INFORMATION

There is no universally agreed definition of social dialogue. Nevertheless, the most commonly used definition is the one by the ILO. It is referring to social dialogue as:

*“all types of **negotiation, consultation or information sharing** among representatives of governments, employers and workers or between those of employers and workers on issues of common interest relating to economic and social policy”¹.*

Hence, social dialogue can take place as a tripartite process engaging the government, workers' organisations, and employers' organisations. In turn, it may consist of bipartite relations only between trade unions and employers' organizations with or without indirect government involvement.

From a bottom-up perspective, there are five levels of SD processes: (i) workplace bipartite social dialogue, (ii) sectoral bipartite social dialogue, (iii) sectoral tripartite social dialogue, (iv) national tripartite social dialogue, (v) international tripartite social dialogue.



1 See: <https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm>

- COLLECTIVE BARGAINING A CORE PROCESS: OF SOCIAL DIALOGUE

Collective bargaining is a negotiation process and a pivotal form of social dialogue. It engages two parties, workers and employers. The article 2 of the “Collective Bargaining Convention, 1981 (N^o 154)² defines collective bargaining as: *“all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more workers’ organisations, on the other, for: (a) determining working conditions and terms of employment; and/or (b) regulating relations between employers and workers; and/or (c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations”*.

The Law N^o 66/2018 of 30/08/2018 regulating labour in Rwanda, in its article 3, defines the collective bargaining as:

“Negotiation between employees’ organizations or employees’ representatives where there are no such employees’ organizations on one hand and one or more employers or employers’ organizations on the other hand with a view to improving working conditions.”

Collective bargaining covers the working conditions, terms of employment, and the regulation of relations between employers or employers’ organizations and one or more trade unions. **Working conditions and terms of employment** could include issues such as: wages, hours of work, annual bonus, annual leave, maternity leave, occupational safety and health, and other matters. **Issues relating to relations** between the parties could include matters such as facilities for trade union representatives; procedures for the resolution of disputes; and consultation, cooperation, and information sharing, among others³. (See elements of collective agreement as provided by the Law N^o 66/2018 of 30/08/2018 regulating labour in Rwanda, in its article 91).

Parties engage in collective bargaining to conclude a collective agreement. (See the definition of a collective bargaining agreement in: *The law N^o 66/2018 of 30/08/2018 regulating labour in Rwanda in its article 3*). The free and voluntary nature of collective bargaining implies that bargaining outcomes contained in collective agreements are generated by the parties themselves – not imposed on them.

2. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312299

3. ILO. (2015). *Collective bargaining: a policy guide / International Labour Office, Governance and Tripartism*, Geneva

- **BENEFITS OF SOCIAL DIALOGUE AND COLLECTIVE BARGAINING**

In the short and long term, the government, employers, workers and the population at large reap substantial profit from an effective and successful process of social dialogue. Several benefits of social dialogue are increasingly recognized and documented. These benefits fall into four main categories: benefits on the national economic and social development, benefits on enterprises performance, benefits on workers well-being and benefits on gender justice.

The benefits of social dialogue on the national economic and social development include that:

- (1) Social dialogue fosters good governance and democracy;
- (2) Social dialogue increases legitimacy and ownership of public policies;
- (3) Social dialogue is a tool for conflict prevention and social peace,
- (4) Social dialogue fosters inclusive and resilient economies,
- (5) Social dialogue reduces inequality and allows for a fairer distribution of national income and facilitates adjustment to economic shocks
- (6) collective bargaining can facilitate just digital and environmental transitions with decent work and help to forge resilience – a key asset for dealing with possible future crises, whether economic, social, or environmental.

Enterprises also reap benefits of social dialogue as the latter is proven to be a key internal factor of productivity, innovation, and enterprises competitiveness. Other benefit for enterprises include: adaptability of enterprises to a temporary fall or rise in demand, increased worker's commitment and enhancement of information sharing (e.g. on work processes), reduction in labour turnover, which increases the incentive to provide enterprise-specific trainings.

Social dialogue processes are determinant for the promotion of decent work agendas that ensure job quality and workers' wellbeing. Indeed, through collective bargaining workers' interests are promoted and sustainably guaranteed in terms of:

- (a) job quality, for example: wage improvements, job security and employment protection, better working conditions, etc.;
- (b) participation through the ability to "voice" and resolve grievances, which in turn enhance workers' well-being. The process itself involves the exercise of rights and democratic principles,
- (c) Training: Access to continuing vocational trainings.

✓ **PRECONDITIONS TO SOCIAL DIALOGUE**

Whatever may be the benefits of Social Dialogue, for it to be effective, a set of preconditions and requirements must be met. The ILO mentions the most important ones include⁴:

- (1) Democratic foundations and freedom of association,
- (2) Strong, legitimate, independent, and representative workers' and employers' organizations,
- (3) Political will, a sense of responsibility and commitment of all parties to engage in social dialogue;
- (4) Building trust;
- (5) Appropriate institutional support.

The state has a role in providing essential support for the process through the establishment of the legal, institutional, and other frameworks which enable the parties to engage effectively. Public authorities have a decisive role to play for promoting effective social dialogue and collective bargaining. This role is performed through the following functions:

- ❖ (1) Promoting the full development and utilization of procedures and machinery for collective bargaining;
- ❖ (2) Encouraging constructive, meaningful and informed negotiations;
- ❖ (3) Preventing and resolving labour disputes,
- ❖ (4) Giving effect to collective agreements,
- ❖ (5) Strengthening the capacity of employers and trade unions to negotiate effectively.

✓ **PROMOTING GENDER JUSTICE THROUGH SOCIAL DIALOGUE**

As a platform for advancement of gender justice, social dialogue addresses various issues related to the discrimination of women and other marginalised groups at workplaces such as: the gender pay gap, equal promotion, women's access to vocational training, conciliation of work and family life in general and maternity in specific, sexual harassment, unfair treatment, and trafficking. Three complementary strategies can help promoting gender justice through social dialogue:

- ❖ (1) Adopting gender analysis frameworks,
- ❖ (2) Reinforcing leadership, participation, and the echo of voices of women and other marginalised groups in social dialogue processes
- ❖ (3) Setting a gender sensitive negotiation agenda during collective bargaining⁵.

4. ILO. (2013). *National tripartite social dialogue: an ILO guide for improved governance* Geneva.

5. *International Training Centre of the International Labour Organization. (2012), Social Dialogue: A Manual for Trade Union Education, Turin, p.63*

UNIT 1.1 WHAT IS SOCIAL DIALOGUE?

Learning outcomes



At the end of this learning unit the participant will be able to:

- Define what is social dialogue.
- Discuss different actors involved in social dialogue processes.
- Discuss different levels of social dialogue.
- Use examples for describing different types of activities of social dialogue.

Timing: 90 min



Processus recommandé:

- ✓ Start by asking participants what dialogue means as applied to the Labour sector
- ✓ Collect ideas from participants by categorizing those that are similar
- ✓ Then present the ILO's definition of social dialogue (with a Power point, or Flipchart prepared in advance)
- ✓ From the stated definition, ask and facilitate discussions on the following questions:
 - Who are the key actors involved in social dialogue?
 - What are the three main activities of social dialogue?
- ✓ Present the 5 levels of social dialogue
- ✓ Group work: **"Social dialogue topics"**
 - Create groups of maximum 6 people
 - Topic for discussion: **Question 1:** According to your professional situation, what could be the topics of interest for social dialogue in Rwanda's current context?
 - On the one hand, between the government, workers' organisations, and employers' organisations
 - on the other hand, between employers and workers
 - Question 2:** What experiences of social dialogue do you have at your workplace?
- ✓ Notice:
 - ✓ Each group appoints a leader and a rapporteur
 - ✓ Time for working group: 30 minutes
 - Each group presents its discussions in plenary sessions. For the presentation maximum 5 minutes and 3 minutes for feedback from the plenary
 - Conclude the session by asking if there were any questions of clarification remaining among the participants.

Materials: Flip charts, markers, paper, notebook, and pen for each participant, large post-it notes or coloured paper, video projector.

Resources:



- ✓ ILO. (2012). Social Dialogue. Finding a common voice, <https://www.ilo.org/public/libdoc/ilo/2002/481891.pdf>
- ✓ ILO. (2020). Social dialogue and the future of work. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/meetingdocument/wcms_645833.pdf

UNIT 1.2 COLLECTIVE BARGAINING AT A GLANCE

Learning outcomes



At the end of this learning unit the participant will be able to:

- Discuss the definitions of collective bargaining and collective agreement.
- Identify parties to collective bargaining processes.
- List areas and elements covered by collective bargaining.
- Identify elements for potential collective bargaining processes at his/or her workplace.

Timing: 60 min



Processus recommandé:

- ✓ Present the two definitions of collective bargaining according to the “Collective Bargaining Convention, 1981 (No. 154), and the Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda
- ✓ Facilitate discussions about parties involved in collective bargaining processes.
- ✓ Present the overview of the areas and elements that can be covered by collective bargaining.
- ✓ After each topic it is advisable that the trainer asks the participants questions. Each presentation is followed by a question-and-answer session.
- ✓ Group work: Topics: “What labour issues could be elements of collective bargaining within my organisation?”
- ✓ Notice:
 - Handouts: Area and elements covered by collective bargaining.
 - Each group appoints a leader and a rapporteur
 - Time for working group: 20 minutes
- ✓ Each group presents its discussions in a plenary session for maximum 5 minutes presentation and 5 minutes for feedback from the plenary.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector, Handouts: Definitions of collective bargaining, areas and elements covered by collective bargaining.

Resources:



- ILO. (2015). Collective bargaining: a policy guide / International Labour Office, Governance and Tripartism, Geneva. https://labordoc.ilo.org/discovery/delivery/41ILO_INST:41ILO_V2/1248819570002676 .
- The “Collective Bargaining Convention, 1981 (No. 154), available at <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>).
- The law N° 66/2018 of 30/08/2018 regulating labour in Rwanda. <https://www.mifotra.gov.rw/index.php?eID=dumpFile&t=f&f=9117&token=5c2fddc3524e332d3695076d376d3841a00320c1>).

UNIT 1.3 BENEFITS OF SOCIAL DIALOGUE AND COLLECTIVE BARGAINING

Learning outcomes



At the end of this learning unit the participant will be able to:

- List and explain benefits of social dialogue and collective bargaining at three different levels:
 - National
 - Enterprise
 - Workers

Timing: 1 hour



Processus recommandé:

- ✓ Brainstorming: **“From your experience and points of view, what are the benefits of social dialogue and collective bargaining?”**
- ✓ Hand out three large post-its of different colours to each participant.
- ✓ Each participant writes down on a post-it what, according to their experience and points of view, would be the benefits of social dialogue. Each participant writes three benefits: one at national level, one at company level, one at workers’ level.
- ✓ Each participant presents his or her post-it.
- ✓ Proceed to cluster the post-its into three categories of level of benefits: national, company, employee
- ✓ Another option would be to open a role-playing debate between those who support Social Dialogue and those who are against it. Each side brings arguments to persuade the other.
- ✓ Complete this brainstorming session or debate with a presentation summarising insights from various researches on: “Benefits of social dialogue and collective bargaining.

Materials: Flip charts, markers, notebook and pen for each participant, large post-it notes or coloured paper, video projector, Hand out from the Training manual: “Benefits of social dialogue and collective bargaining”

- Resources:**
- International Training Centre of the International Labour Organization. (2012). Social Dialogue: A Manual for Trade Union Education, p.13. https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/instructionalmaterial/wcms_205063.pdf
 - ILO. (2007). The promotion of sustainable enterprises, Geneva. https://www.ilo.org/wcmsp5/groups/public/@ed_emp/@emp_ent/documents/publication/wcms_093969.pdf
 - ILO. (2013). National tripartite social dialogue: an ILO guide for improved governance Geneva, p. 56-57. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_231193.pdf
 - ILO. (2015). Collective bargaining: a policy guide / International Labour Office, Governance and Tripartism, Geneva, p.4-6. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/instructionalmaterial/wcms_425004.pdf
 - The Global deal. (2021). A business case for social dialogue: How workplace representation and collective bargaining deliver better business performance, Geneva. https://www.theglobaldeal.com/resources/The%20Business%20Case%20for%20Social%20Dialogue_FINAL.pdf
 - ILO. (2022). Social Dialogue Report: Collective bargaining for an inclusive, sustainable, and resilient recovery, Geneva. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_842807.pdf



UNIT 1.4 PRECONDITIONS TO SOCIAL DIALOGUE AND THE ROLE OF PUBLIC AUTHORITIES

Learning outcomes



At the end of this learning unit the participant will be able to:

- Describe enabling factors of social dialogue as well as the role of public authorities in promoting social dialogue.
- Identify major constraints to social dialogue at different levels: national, sectoral, enterprise. Propose actions aiming at promoting social dialogue at enterprise level.

Timing: 1 hour



Processus recommandé:

- √ Present and explain the 6 factors providing enabling conditions for effective social dialogue according to the ILO.
- √ In working groups: "Gauging the social dialogue factors"
 - On a scale of 10, give points to each factor after discussion and presentation of the points of view of each participant.
 - The group identifies the challenges for each factor and proposes actions for improvement.
- √ Notice:
 - Handouts for each participant: **"Preconditions to social dialogue"**
 - Each group appoints a leader and a rapporteur
 - Time for working group: 30 minutes
- √ Each group presents its discussions in a plenary session for maximum 5 minutes (presentation) and 5 minutes for feedback from the plenary.
- √ Facilitate discussions on the working group presentation.
- √ Present the role of public authorities in promoting collective bargaining.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector, Hand out: "Preconditions to social dialogue"

Resources:



- ILO. (2013). National tripartite social dialogue: an ILO guide for improved governance Geneva. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_231193.pdf
- ILO. (2015). Collective bargaining: a policy guide / International Labour Office, Governance and Tripartism, Geneva, p. 20. https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/instructionalmaterial/wcms_425004.pdf
- ILO, The Enabling Conditions of Social Dialogue, <https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm> %20%20a .

UNIT 1.5 PROMOTING GENDER JUSTICE AT THE WORKPLACE THROUGH SOCIAL DIALOGUE

Learning outcomes



At the end of this learning unit the participant will be able to:

- Explain the necessity and the benefits of gender justice in collective bargaining and social dialogue processes.
- Discuss strategies to ensure gender justice in collective bargaining processes.
- Discuss existing barriers to the inclusion of women and other marginalised groups in social dialogue processes.

Timing: 2 h



Processus recommandé:

- ✓ Present and explain the definition of gender justice.
- ✓ Facilitate brainstorming on the benefits and necessity of gender justice during social dialogue and collective bargaining processes.
- ✓ Group work: **“Gender justice in collective bargaining”**
- ✓ Help participants identify specific problems and issues for women and other marginalised groups at the workplace.
- ✓ Assist participants with a gender sensitive negotiation proposal.
- ✓ Ensure women’s representation and participation in negotiation round tables and social dialogue meetings.
- ✓ Help participants draft a gender sensitive negotiation agreement.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



- AMFORI, Step-by-Step guidance: implementing social dialogue on gender equality and women’s empowerment. <https://www.amfori.org/sites/default/files/amfori-2020-08-26-Social-Dialogue-Handbook-on-Gender.pdf>.
- ILO. (2011). Promoting gender equality through social dialogue: Global trends and persistent obstacles. Geneva. https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---dialogue/documents/publication/wcms_172636.pdf
- ILO. (2016). Negotiating for Gender Equality, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_528947.pdf.

MODULE 2: LEGAL FRAMEWORK FOR EFFECTIVE SOCIAL DIALOGUE

The objective of this module is to enable learners to understand the foundations and legal framework of social dialogue and collective bargaining. The module reviews the essential provisions of the Constitution of the Republic of Rwanda, of the Law regulating Labour in Rwanda, and of the ILO conventions that are relevant to social dialogue and specifically to collective bargaining.

Module 2: Legal framework for effective social dialogue	
Learning unit:	Learning hours
Unit 2.1: Social dialogue and collective bargaining in the constitution of the Republic of Rwanda.	45 min
Unit 2.2: Social dialogue and collective bargaining in the Law regulating Labour in Rwanda	90 min
Unit 2.3: Core international labour standards for effective social dialogue	45 min
TOTAL	3h

✓ BASIC INFORMATION

Social dialogue is regulated by a set of national and international standards. Freedom of association and the right to collective bargaining are at the backbone of this regulatory framework.

The Constitution of the Republic of Rwanda of 2003 revised in 2015, officially proclaims in its preamble that the Rwandan people are committed to building a State based on consensual and pluralistic democracy founded on power sharing, national unity and reconciliation, good governance, development, social justice, tolerance, and the **resolution of problems through dialogue**. Further, the *“constant quest for solutions through dialogue and consensus”* is promoted as one of the six fundamental principles of the Republic of Rwanda (Article 10 paragraph 6). The right to organize as well as the right to collective bargaining are provided by the Constitution of the Republic of Rwanda in its Articles 31 and Article 32. The Law regulating labour in Rwanda N° 66/2018 of 30/08/2018 provides in detail the modalities of exercising and respecting the freedom of association as well as the implementation of social dialogue processes and particularly collective bargaining (see articles: 83, 84, 91, 92, 93, 94, 95, 97, 99).

International labour standards are legal instruments drawn up by the ILO tripartite constituents, setting out basic principles and rights at work. They take the form of Conventions and Recommendations. Conventions are legally binding international treaties whereas **recommendations** serve as non-binding guidelines. The following ILO Conventions are

essential to social dialogue and collective bargaining and have been ratified by the Republic of Rwanda:

- *Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87): Ratified in 1988*
- *Right to Organise and Collective Bargaining Convention, 1949 (No. 98): Ratified in 1988*
- *Collective Bargaining Convention, 1981 (No. 154): Ratified in 2018*
- *Workers' Representatives Convention, 1971 (No. 135): Ratified in 1988*
- *Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144): Ratified in 2018*

UNIT 2.1: SOCIAL DIALOGUE AND COLLECTIVE BARGAINING IN THE CONSTITUTION OF THE REPUBLIC OF RWANDA.

Learning outcomes



At the end of this learning unit the participant will be able to:

- Explain how the Constitution of the Republic of Rwanda promotes dialogue as the preferred means of conflict resolution.
- Mention the articles of the Constitution of the Republic of Rwanda that protect the fundamental rights on which social dialogue is based, namely: The freedom of association and the right to collective bargaining.

Timing: 45 min



Processus recommandé:

- ✓ Hand out the following texts to participants: The articles and provisions of the Constitution of the Republic of Rwanda of 2003 revised in 2015 that promote dialogue as a main strategy for conflict resolution: preamble / Article 10 Paragraph 6.
- ✓ In peer groups: discuss **(1) What kind of dialogues are held at workplaces in case of conflict and (2) identify factors that hinder fruitful dialogue to occur, (3) what can be done to foster a culture of dialogue at the workplace?**
- ✓ At least five peer groups share their discussions in the plenary on dialogue practice and obstacles and suggested strategies to foster dialogue at the workplace?
- ✓ Ask participants to supplement with additional relevant inputs.
- ✓ Present the articles and provisions of the Constitution of the Republic of Rwanda that promote freedom of association and the right to collective bargaining. (Article 31, Article 32)
- ✓ Brainstorming: **To what extent Freedom of association and collective bargaining are respected and promoted at your workplace?** (Ranking high, moderate, low, inexistant) and explain your opinion.
- ✓ Facilitate discussions.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



The Constitution of the Republic of Rwanda of 2003 revised in 2015.

- Available at https://www.rwandabar.org.rw/attached_pdf/Constitution%20of%20the%20Republic%20of%20Rwanda-1608275353.pdf

UNIT 2.2: SOCIAL DIALOGUE AND COLLECTIVE BARGAINING IN THE LAW REGULATING SOCIAL DIALOGUE IN RWANDA

Learning outcomes



At the end of this learning unit the participant will be able to:

- Explain how the Law regulating labour in Rwanda N° 66/2018 of 30/08/2018 protects the fundamental rights on which social dialogue is based, explicitly: The freedom of association and the Right to collective bargaining.
- Describe the process of collective bargaining as provided by the Law regulating labour in Rwanda N° 66/2018 of 30/08/2018.
- Discuss constraints to collective bargaining at company level.

Timing: 90 min



Processus recommandé:

- ✓ Present articles of the Law regulating labour in Rwanda N° 66/2018 of 30/08/2018 that protect the fundamental freedom of association and the right to collective bargaining: Article 81, 91, 92, 93, 94, 95, 96, 97, 99
- ✓ Ask the participants questions and feedback.
- ✓ Work group: **Topic 1: What are constraints to collective bargaining within companies? Topic 2: What action could be done to establish and/or improve collective bargaining processes within companies?**

Notice:

- Each group appoints a leader and a rapporteur
- Time for working group: 30 minutes
- ✓ Each group presents its discussions in the plenary session for maximum 5 minutes (presentation) and 5 minutes for feedback from the plenary
- ✓ Facilitate discussions of the working group presentation.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



- The Law regulating labour in Rwanda N° 66/2018 of 30/08/2018. Available at <https://www.mifotra.gov.rw/index.php?eID=dumpFile&t=f&f=9117&token=5c2fddc3524e332d3695076d376d3841a00320c1>

UNIT 2.3: CORE INTERNATIONAL LABOUR STANDARDS FOR EFFECTIVE SOCIAL DIALOGUE

Learning outcomes



At the end of this learning unit the participant will be able to:

- Discuss the characteristics of an ILO Convention.
- Describe the essential provisions of ILO Conventions N°87, N°98 and N°154 ratified by Rwanda.

Timing: 45 min



Recommended process: Can you create this session a bit more interactive?

- ✓ Start by introducing the ILO, its tripartite structure, and its functions.
- ✓ Define the conventions as international legal instruments.
- ✓ Explain that conventions are legally binding once ratified by a country.
- ✓ Present the key provisions of the 3 following ILO conventions:
 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
 - Collective Bargaining Convention, 1981 (No. 154)
- ✓ Ask the participants questions and feedback, facilitate?

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), available at <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98) available at <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>
- Collective Bargaining Convention, 1981 (No. 154) available at <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>
- Workers' Representatives Convention, 1971 (No. 135), available at <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), available at <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12000:0::NO::>

MODULE 3: SOCIAL DIALOGUE AND THE SUSTAINABLE DEVELOPMENT GOALS

The objective of this module is twofold: to enable the participants to understand the Sustainable Development Goals, the context of their elaboration and their purpose, and then to provide the participants with the analytical tools to link the SDGs, in particular SDG8 with social dialogue.

Module 3: Social dialogue and the sustainable development goals	
Learning units	Learning hours
Unit 3.1: Background and overview on SDGs	1 h
Unit 3.2: SDG 8 and decent work	1 h
Total	2 h

BASIC INFORMATION

On 25th September 2015, the world’s leaders adopted the UN Resolution 70/1: **“Transforming our world, the 2030 Agenda for Sustainable development”**. The Agenda 2030 is made up of 17 goals and 169 targets which are **integrated, indivisible, global and universally applicable**, for addressing challenges linked towards five major domains: **People, Planet, Prosperity, Peace, Partnership**⁶. It serves as a framework to guide and inform global policymaking up until 2030⁷.



Source: https://en.wikipedia.org/wiki/Sustainable_Development_Goals#/media/

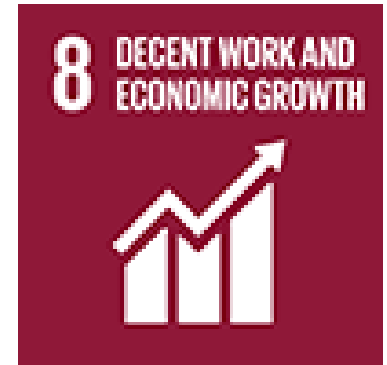
File: Sustainable_Development_Goals.svg

6 The Global deal, Social dialogue in the 2030 Agenda, <https://www.theglobaldeal.com/news/newsrelease/Social-Dialogue-2030-Agenda-Global-Deal-Thematic-Brief-June-2020.pdf>.

7 Shirin M. Rai, Benjamin D. Brown, Kanchana N. Ruwanpura, SDG 8: Decent work and economic growth – A gendered analysis, <https://www.sciencedirect.com/science/article/pii/S0305750X18303309>

SDG 8 promotes **“sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”**⁸. It reaffirms how far sustainability of the development process is an intermingling of economic growth and decent work.

The current consensus is that both objectives are to be promoted in tandem; there is a mutually supportive relationship between economic and social policies, full employment and decent work⁹.



During collective bargaining and other social dialogue sessions, developed targets and indicators of SDG 8 should be used for different purpose: situational analysis (diagnostic), negotiating, planning, monitoring and evaluation of progress made at different levels: enterprise level, sectoral level as well as national level. Social dialogue calls upon strong institutions and partnerships (SDG 16, 17). Thus, it is ever more recognized as an effective instrument for progress towards the delivery of the SDGs under diverse themes such as poverty and inequality, education and skills, health and quality of working conditions/environments, productivity growth and employment, economic resilience, environment, etc.

8. See: <https://sdgs.un.org/goals/goal8>.

9. Review of SDG implementation and interrelations among goals. Discussion on SDG 8 – Decent work and economic growth, <https://sustainabledevelopment.un.org/index.php?page=view&type=20000&nr=5693&menu=2993>.

UNITS 3.1& 3.2: BACKGROUND AND OVERVIEW ON SDGs

Learning outcomes



At the end of this learning unit the participant will be able to:

- Explain the context and background of the 17 SDGs.
- Discuss the role of SDGs in national policy planning, implementation, and evaluation processes.
- Explain the characteristics of the 17 SDGs.
- To discuss SDG 8 associated with Economic growth and decent work.
- Discuss the importance of Social Dialogue in achieving the SDGs.

Timing: 2 hours



Recommended process:

- ✓ Ask what participants understand about sustainable development
- ✓ Request if participants knew anything about the SDGs and what that entailed
- ✓ Present the SDG charts, and the table outlining the SDGs
- ✓ Highlight the historical link existing between the SDGs and the MDGs
- ✓ Explain the key features of the SDGs and the 5 Ps what is this?
- ✓ Introduce SDG 8 and its target as well as indicator in relation to decent work and gender equality
- ✓ Collect questions and feedback from participants each time
 - Group work: "How Social Dialogue contributes to the achievement of the SDGs?"
- ✓ Compliment on the presentations of the group work.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



- UN Resolution 70/1: Transforming our world: the 2030 Agenda for Sustainable Development. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/89/PDF/N1529189.pdf?OpenElement>
- See: Make the SDGs a reality. <https://sdgs.un.org>
- Shirin M. Rai ,Benjamin D. Brown, Kanchana N. Ruwanpura, SDG 8: Decent work and economic growth – A gendered analysis, <https://www.sciencedirect.com/science/article/pii/S0305750X18303309>
- The Global deal, Social dialogue in the 2030 Agenda, <https://www.theglobaldeal.com/news/newsrelease/Social-Dialogue-2030-Agenda-Global-Deal-Thematic-Brief-June-2020.pdf>.

MODULE 4: INTRODUCTION TO NEGOTIATION TECHNIQUES

This module is central to the manual. It aims to enable the participants to understand and apply the key knowledge and skills for successful negotiations. Four learning units contribute to this objective.

Module 4: Introduction to negotiation techniques	
Learning units	Learning hours
Unit 4.1: Definition and types of negotiations	2h
Unit 4.2: Reservation point, bottom lines, "ZOPA" and "BATNA"	2h
Unit 4.3: Core skills for successful negotiation	1h
Unit 4.4: Phases of negotiations	3h
Total	8h

BASIC INFORMATION

Negotiation is part of our everyday life. More or less sophisticated, negotiations occur in many forms: at home, at the workplace, etc.

Negotiation is the process through which two or more parties who are in conflict over outcomes attempt to reach an agreement. It is the constructive, positive alternative to haggling or arguing; it is aimed at building an agreement rather than winning a battle¹⁰.

During negotiations, counterparts can use different major approaches or strategies. There are two major types of negotiation¹¹.

Distributive negotiation (win-lose): Their aim is for one side to get the biggest possible slice of the cake and for the other to get only crumbs. The tactics used in distributive bargaining are therefore aimed at seizing a gain while defending against the opponent's identical actions. Because competitive strategies produce win-lose outcomes, many people see them as destructive. In the search for solutions, distributive strategies, also known as "zero-sum", competitive or "win-lose" strategies, see negotiations as a competition. **Positional bargaining** which is also the win-lose paradigm is an aspect of distributive negotiations. In positional bargaining each party opens with their position on an issue, then bargains from the party's separate opening positions to eventually agree on one position. Tactics used in distributive bargaining include: (a) **Coercion**: using force, or the threat of force to wrestle concessions from an opponent, (b) **Opening strong**: starting out with a position that is higher than what

10. Pillutla, M. and Nicholson, N. (eds). (2004). *Negotiation: how to make deals and reach agreement*, <http://salesandnegotiationtraining.blogspot.com/p/negotiation-training.html>

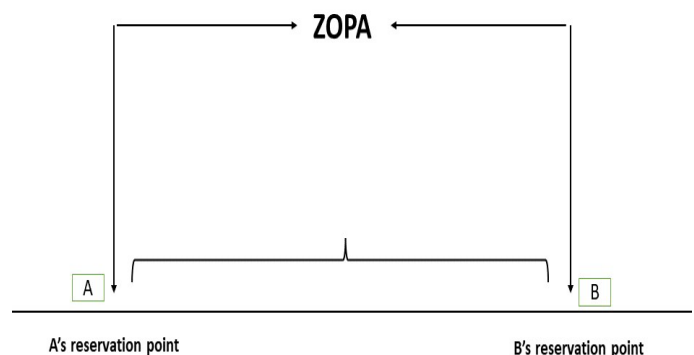
11. FAO. (2008). *Negotiation Theory and Practice. A Review of the Literature*, <https://www.fao.org/3/bq863e/bq863e.pdf>, p.7.

you realistically estimate you can achieve. (c) **Salami tactics**: which consist of prolonging a negotiation or only giving a very small concession to the other side.

Integrative negotiation (win-win): In contrast to distributive approaches, integrative approaches frame negotiations as interactions with win-win potential. While the zero-sum view sees them as claiming a share of a 'fixed-size pie', integrative strategies look for ways to create value or 'enlarge the pie' so that the negotiation leaves more to be shared between the parties. Because of the emphasis on problem solving, cooperation, joint decision making and mutual gains, integrative strategies require participants to work together to find win-win solutions. They involve identifying interests, generating options, and seeking common ground between parties. Negotiators may seek methods of value creation and develop common principles for deciding how the results will be shared.

The principled Negotiation as devised by Roger Fisher and William Ury of the Harvard University set out four principles of effective negotiation¹²:

- ✓ (a) Separate the people from the problem
- ✓ (b) Focus on interests not positions
- ✓ (c) Invent options for mutual gain
- ✓ (d) Insist on using objective criteria.



In any negotiation, each side has a **reservation point**, sometimes referred to as a '**bottom line**'. It is a point beyond which a person will not go and instead breaks off negotiations. It is useful to think about a bottom line, or the minimum you will accept as all negotiations have a bottom line which constrains flexibility.

The "**Zone of possible agreement**" ZOPA constitutes the overlap range between reservation points¹³.

When a ZOPA exists, there is a possibility that the parties may come to a mutually acceptable arrangement.

A Best Alternative to a Negotiated Agreement gives an alternative when an agreement cannot be reached. BATNA is the standard against which any proposed agreement should be measured. Vigorous exploration of what you will do if you do not reach an agreement can greatly strengthen your hand. Generating possible BATNAs requires three distinct operations¹⁴: (1) inventing a list of actions you might conceivably take if no agreement is reached; (2) improving some of

12. Roger Fisher and William Ury. *Getting to YES Negotiating an agreement without giving in*. With Bruce Patton, Editor Second edition by Fisher, Ury and Patton, RANDOM HOUSE BUSINESS BOOKS, pg.12-44.

13. FAO. (2008). *idem*, p.8.

14. Roger Fisher and William Ury, *idem*, pg.53.

the more promising ideas and converting them into practical alternatives; and (3) selecting, tentatively, the one option that seems best.

A good negotiator is a very **skilful communicator**. A person who has developed their interpersonal skills to the point where reflective listening, assertion, interest-based questioning, and facilitation are second nature. For Harry Warren skills for successful negotiating include¹⁵ effective speaking, effective listening, a sense of humour, a positive attitude, self-confidence, emotional intelligence (dealing skilfully with difficult emotions), persistence, patience and creativity. To improve communication skills, Fisher and Ury recommend **active listening** with three dominant components:

- ✓ (1) listening “not to phrase a response, but to understand the other party as they see themselves,
- ✓ (2) asking questions
- ✓ (3) paraphrasing without necessarily agreeing, and
- ✓ (4) constantly acknowledging what is or is not said¹⁶.

The ILO outlines useful skills and strategies for trade union officers and committees about to get involved into negotiations. These strategies are as following¹⁷: 1) talk facts; 2) exercise self-control; 3) tell the truth; 4) ask for more than you expect to get; 5) make final offers final; 6) stick to particulars; 7) question the evidence; 8) time all your moves carefully; 9) take advantage of intermissions; and 10) make use of a “package” of counterproposals.

Three phases make up the collective bargaining process: the preparation phase, the negotiation phase, and the implementation phase¹⁸.

(A) PREPARATION PHASE: Collective bargaining is demanding negotiation processes, which require good preparation of the Trade Unions (Tus). They need to prepare for negotiations by: building a negotiations team, collecting and analysing information, developing proposals, developing a negotiating strategy.¹⁹

(B) THE NEGOTIATION PHASE/AT THE NEGOTIATING TABLE: This central phase of negotiations builds upon the preceding. It comprises four main steps including²⁰:

- **The preliminary stage:** consists of establishing the “climate” of negotiations. The ground rules of the talks are established at this stage and most importantly, equal status and authority for the union’s negotiating team is to be obtained.

15. Harry Warren. *Bag that essential deal with impressive negotiation skills*, p.10.

16. FAO. (2008). *idem*, p.24.

17. ILO. (2003). *Collective Bargaining and Negotiation Skills; A Training Guide for Trade Union*, Jakarta, Kantor Perburuhan Internasional, p.97-100.

18. ILO. (2003). *Collective Bargaining and Negotiation Skills; A Training Guide for Trade Union*, Jakarta, Kantor Perburuhan Internasional, p.97-100.

19. ICFTU, *Negotiating better working living condition. Gender mainstreaming in collective bargaining*, p.23.

20. ICFTU, *idem*, p. 41.

- **The opening stage:** During the opening stage, we present proposals, listen to the other side's proposals, and attempt to "understand" what the important issues are. It should be a time of questioning and openness, so that proposals and positions are understood.
- **The exploratory stage** is where most of the negotiating takes place, and it is the longest stage. This is the heart of the process, where issues are discussed, where parties change positions, make counter proposals, test out ideas, look for solutions to problems. Hopefully, if things go well, we enter the closing stage.
- **The closing stage is** where we agree on issues, at least in principle, write out what we have agreed on, and spend time clarifying any questions about the agreement. At this point, either the process has worked, or we have a tentative agreement, or agreement in principle. If not, we acknowledge that the process has not worked out, and we are at an impasse.

(C) IMPLEMENTATION PHASE: During this phase both parties carry out what has been settled or agreed upon during the negotiation phase.



UNIT 4.1: DEFINITION AND TYPES OF NEGOTIATIONS

Learning outcomes



At the end of this learning unit the participants will be able to:

- Define the concept of negotiations.
- Explain the characteristics of competitive (win-lose) negotiations and integrative bargaining (win-win) negotiations.
- Describe the characteristics of position-based negotiations and its drawbacks.
- Explain the principled negotiation approach..

Timing: 2 h



Recommended process:

- ✓ Using concrete examples, present negotiation as a phenomenon that takes place in everyday life: in the family, at the market, at work, between countries, etc.
- ✓ Sharing experiences in a peer group: Ask participants to share a story of a personal negotiation experience: what was the issue at hand, the protagonists, etc. (for 10 minutes).
- ✓ Three negotiation stories are shared in plenary.
- ✓ Ask participants to draft a definition of negotiation based on the stories shared.
- ✓ Give the operational definition (see the basic information).
- ✓ Discretely, during break time, ask and prepare a group of two participants to perform a role play illustrating competitive negotiations (win-lose negotiations) based on positions where each party wants to crush the other party, and hold on to its initial position.
- ✓ The two participants perform the role play "win-lose" negotiations.
- ✓ Ask what characterises this kind of negotiation and its consequences.
- ✓ Present and explain the characteristics of competitive and positional bargaining.
- ✓ Present integrative and principled negotiations (win-win negotiations).

Materials: Flip charts, markers, notebook and pen for or each participant, large post-it notes or coloured paper, video projector, Hand out: "Definition and types of negotiation".

Resources:



- FAO. (2008). Negotiation Theory and Practice. A Review of the Literature. Available at <https://www.fao.org/3/bq863e/bq863e.pdf>
- Pillutla, M. and Nicholson, N. (eds). (2004). Negotiation: how to make deals and reach agreement, <http://salesandnegotiationtraining.blogspot.com/p/negotiation-training.html>
- Roger Fisher and William Ury. Getting to YES Negotiating an agreement without giving in. With Bruce Patton, Editor Second edition by Fisher, Ury and Patton, RANDOM HOUSE BUSINESS BOOKS. Available at <http://www2.hawaii.edu/~barkai/HO/GTY.pdf>.

UNIT 4.2: RESERVATION POINT, BOTTOM LINES, "ZOPA" AND "BATNA"

Learning outcomes



At the end of this learning unit the participant will be able to:

- Prepare a negotiation through the identification and formulation of reservation point, bottom lines, "ZOPA" and "BATNA".

Timing: 2 h



Recommended process:

- ✓ Present and explain the concepts of Reservation point, bottom lines, "ZOPA" and "BATNA"
- ✓ Group work: Preparing a negotiation"
 - Each group of 6 represents an enterprise/organisation.
 - They choose a fictitious name for the company.
 - The group splits into two sub-groups: the first sub-group (composed of three) represents the employer's negotiating committee, and the second sub-group represents the trade union's negotiating committee.
 - The union committee draws up a list of subjects for negotiations (including wages, working conditions, industrial relation) taking into account the gender dimension. The employer's negotiating committee does the same with consideration of the employer's specific interest.
 - Each side, on the basis of the information collected, establishes their bottom line, BATNA and negotiation strategy (proposals, tactics, etc.).
 - Each sub-group keeps its negotiation preparation as a secret for the purpose of the "Negotiation round table".

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



- FAO. (2008). Negotiation Theory and Practice. A Review of the Literature. Available at <https://www.fao.org/3/bq863e/bq863e.pdf>
- Pillutla, M. and Nicholson, N. (eds). (2004). Negotiation: how to make deals and reach agreement, <http://salesandnegotiationtraining.blogspot.com/p/negotiation-training.html>
- Roger Fisher and William Ury. Getting to YES Negotiating an agreement without giving in. With Bruce Patton, Editor Second edition by Fisher, Ury and Patton, RANDOM HOUSE BUSINESS BOOKS, Available at <http://www2.hawaii.edu/~barkai/HO/GTY.pdf>.

UNIT 4.3: CORE SKILLS FOR SUCCESSFUL NEGOTIATION

Learning outcomes



At the end of this learning unit the participant will be able to:

- Discuss the core skills for successful negotiations.
- Describe the components of active listening.

Timing: 1 h



Recommended process:

- ✓ Facilitate brainstorming: "Core skills for successful negotiation" by asking participants what key skills they need to have for successful negotiations. Present and facilitate discussions on each skill (see basic information).
- ✓ Facilitate brainstorming on "characteristics of a bad/failed communication during negotiation".
- ✓ Storytelling: Ask participants to share illustrating experiences.
- ✓ Ask and prepare a group of 6 participants (divided into two subgroups of three each) to perform a role play illustrating "Wrong communication during a negotiation process".
- ✓ The groups perform the role play.
- ✓ Ask participants to comment on the role play in regard to effective communication. In peer groups: each participant assess his/her negotiation skills (scale to 10) and identify areas of improvement to become a skillful communicator during negotiations.
- ✓ On voluntary basis participants share their assessment (maximum five).
- ✓ Ask questions and feedback from participants.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector.

Resources:



- ILO. (2003). Collective Bargaining and Negotiation Skills; A Training Guide for Trade Union, Jakarta. Available at https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-jakarta/documents/publication/wcms_120176.pdf
- Roger Fisher and William Ury. Getting to YES Negotiating an agreement without giving in. With Bruce Patton, Editor Second edition by Fisher, Ury and Patton, RANDOM HOUSE BUSINESS BOOKS, Available at <http://www2.hawaii.edu/~barkai/HO/GTY.pdf>.

UNIT 4.4: PHASES OF NEGOTIATION

Learning outcomes



At the end of this learning unit the participant will be able to:

- Apply negotiation skills and strategies during a negotiation session.
- Overcome impasses during negotiations.

Timing: 3 h



Recommended process:

- ✓ Describe the 3 phases of a negotiation and their components.
- ✓ Group work: Role play: "At the negotiating table"
 - Based on the exercise of "Preparing a negotiation", both parties negotiate.
 - The parties draft the collective agreement.
- ✓ In the plenary they briefly share their experience, and the content of the collective agreement as well as what helped the negotiations succeed. In case of impasse or failure of negotiations, burdening factors should be also presented and discussed.

Materials: Flip charts, markers, notebook, and pen for or each participant, large post-it notes or coloured paper, video projector: Hand out: Phases of negotiation.

Resources:



- ILO. (2003). Collective Bargaining and Negotiation Skills; A Training Guide for Trade Union, Jakarta. Available at https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-jakarta/documents/publication/wcms_120176.pdf
- ICFTU, Negotiating better working living condition. Gender mainstreaming in collective bargaining. Available at http://www.oit.org/wcmsp5/groups/public/---europe/---ro-geneva/---sro-moscow/documents/publication/wcms_307210.pdf.

FES - RWANDA

Tel: +250786950020

P.O. Box: 7401 Kigali

Email: info@fesrwanda.org

Home page: www.fes-rwanda.org

Social Media:

Twitter, Facebook, Instagram: ©FESRwanda

COTRAF - RWANDA

Tel: +250788758395

P.O. Box: 1557 Kigali-Rwanda

Email: cotrafrwanda2003@gmail.com

Home page: www.Cotraf-Rwanda.org

Social Media:

Twitter: ©CotrafRwanda

Facebook: CotrafRwanda