
Graduate Certificate in Seafarer Employment Law

Dispute Resolution Mechanisms

****Admiralty law****: A branch of maritime law that deals with disputes and issues related to ships, shipping, and the ocean. Also known as maritime law.

****Alternative dispute resolution (ADR)****: A process for resolving disputes without going to court, such as mediation or arbitration. ADR can be faster, less expensive, and less formal than litigation.

****Arbitration****: A form of ADR in which a neutral third party, called an arbitrator, hears arguments and evidence from both sides and makes a binding decision. Arbitration is often faster and less expensive than litigation.

****Collective bargaining agreement (CBA)****: A contract between an employer and a union that sets the terms and conditions of employment for union members. CBAs typically cover issues such as wages, hours, and benefits.

****Compulsory arbitration****: A form of arbitration in which the parties are required by law or contract to submit their dispute to arbitration.

****Dispute resolution****: The process of resolving a disagreement or conflict between parties. Dispute resolution can take many forms, including negotiation, mediation, arbitration, and litigation.

****Grievance****: A complaint or concern raised by an employee about a violation of their rights or a problem with their working conditions.

****International Labour Organization (ILO)****: A United Nations agency that promotes social justice and promotes decent work for all. The ILO sets international labor standards and provides technical assistance and support to countries to improve working conditions and protect workers' rights.

****Litigation****: The process of taking a dispute to court and resolving it through the legal system.

****Maritime law****: See Admiralty law.

****Mediation****: A form of ADR in which a neutral third party, called a mediator, helps the parties to a dispute communicate and negotiate a resolution. Mediation is often less formal and less expensive than litigation.

****Negotiation****: A process of discussion and communication between parties in a dispute with the goal of reaching a mutually acceptable agreement.

****Seafarer Employment Agreement (SEA)****: A contract between a seafarer and a shipowner or operator that

sets the terms and conditions of the seafarer's employment. SEAs are often governed by international conventions and national laws.

****Seafarer Employment Rights Convention (SERC)**:** An international convention adopted by the ILO that sets minimum standards for the employment of seafarers, including terms and conditions of employment, hours of work, and rest periods.

****Seafarers' Identity Documents Convention (SID)**:** An international convention adopted by the ILO that establishes a standard for seafarers' identity documents, which are used to verify a seafarer's identity and nationality.

****Voluntary arbitration**:** A form of arbitration in which the parties to a dispute agree to submit their dispute to arbitration.

This glossary provides an overview of some key terms and concepts related to dispute resolution mechanisms in the course Graduate Certificate in Seafarer Employment Law. It is not exhaustive, and there may be other terms and concepts that are relevant to your studies. It is important to note that the specific application of these terms and concepts may vary depending on the jurisdiction and context in which they are used.

For example, the process of negotiation may vary depending on the parties involved and the issues at stake. A negotiation between a seafarer and a shipowner may involve different considerations than a negotiation between a union and an employer. Similarly, the process of mediation may vary depending on the mediator and the parties involved. Some mediators may take a more active role in facilitating communication and negotiation, while others may take a more passive approach.

It is also important to note that dispute resolution mechanisms are not always mutually exclusive. Parties to a dispute may choose to use a combination of negotiation, mediation, and arbitration to resolve their dispute. For example, a seafarer and a shipowner may first attempt to negotiate a resolution to a dispute, and if they are unable to reach an agreement, they may turn to mediation or arbitration.

In conclusion, dispute resolution mechanisms are an important part of seafarer employment law. Understanding the different options available and how they work can help parties to a dispute resolve their conflicts in a fair and efficient manner. This glossary provides an overview of some key terms and concepts related to dispute resolution mechanisms, but it is important to consult additional resources and seek legal advice as needed to fully understand these concepts and their application in a specific context.