



حوار أبوظبي بين الدول الآسيوية المرسلية و المستقبلية للعماله
Abu Dhabi Dialogue among the Asian Labor-Sending and Receiving Countries

**Abu Dhabi Dialogue (Add)
Seventh Ministerial Consultation,
10-11 February 2024
Al Ras Ballroom, Ground Floor, Intercontinental Dubai
Festival City, Dubai, United Arab Emirates**

**Research Topic:
'Towards Effective Electronic and Online Dispute
Resolution in the ADD Corridors'**

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**7th Abu Dhabi Dialogue Ministerial Consultation
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Executive Summary

On 27 October 2021 in Dubai, the Ministers and Heads of Delegation adopted the Abu Dhabi Dialogue (ADD) Sixth Consultation Joint Declaration. Amongst other things, the Joint Declaration announced thematic priorities including:

“.....enabling and improving access to justice for temporary contractual workers.....We call for a programme to share knowledge among Member States about the design principles for the effective management of electronic dispute resolution systems that enable equal access to redress, as well as lessons learned from ADD Member States and beyond” .

The action points needed for effective Online Dispute Resolution (ODR) system for migrant labour disputes was introduced and discussed at the ADD Senior Officials Meeting of 18-19 October 2022. This paper makes a recommendation as follows:

Acknowledging that the highest concentration of temporary labour migration in the world is in the Abu Dhabi Dialogue countries; Pursuant of the ADD commitment to facilitating safe, orderly and regular temporary labour migration; Consistent with the ADD three pillars of effective governance guide for programmes; Building on the 2020-23 ADD research and consultations on leveraging technology to improve migrant welfare; it is recommended that the Abu Dhabi Dialogue initiate a programme to establish and operate a Migrant Labour Online Dispute Resolution (ODR) platform, focussing on the most common forms of migrant labour disputes, using state-of-the-art ODR technology, and applying the highest ODR professional and ethical standards’.

The key findings and analytical information gathered and published by the ADD Secretariat in 2021 about electronic and online dispute resolution are still valid, and the challenges and opportunities remain broadly unchanged. This paper provides an update on findings and analytical observations, and the practicalities of how to implement and actualise effective Migrant Labour Online Dispute Resolution platforms and services.

The research update focuses on four themes, namely: clarification of the terms Electronic Dispute Resolution and Online Dispute Resolution (ODR); lessons from the consumer protection and e-commerce origins of ODR; lessons from the expansion

¹Joint Declaration of the Sixth Consultation Joint Declaration of the Abu Dhabi Dialogue – Accessed 27 Dec 2023

<http://abudhabidialogue.org.ae/sites/default/files/document->

[library/21_11_09%20ADD%20MC%20Joint%20Declaration%20for%20Circulation%20-%20final.pdf](http://abudhabidialogue.org.ae/sites/default/files/document-library/21_11_09%20ADD%20MC%20Joint%20Declaration%20for%20Circulation%20-%20final.pdf)



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and global mainstreaming of ODR; and demonstration of the feasibility of ODR in ADD Corridors. The ODR feasibility assessment analysed the prevalence of ODR in ADD receiving countries in the pre-covid19 pandemic period; how ADD countries responded to ODR challenges; the level of professionalization of the ODR sector; and how ADD priorities on access to justice for migrant workers fits in with the existing ethical and professional standards of ODR.

A 2021 study found that in the Gulf countries: ".....the courts and ADR centers were largely 'pandemic ready' before the pandemic. Some institutions have either been designed specifically to deliver services remotely, or instituted technology prior to the pandemic that could be upscaled rapidly. Others have responded quickly to implement technology to provide hearings remotely . All the seven ADD receiving countries have in general been operating ODR, e-litigation and remote e-courts as part of strategic digitalisation and e-government programmes. In the post pandemic period, the application of ODR is already being extended, with groundbreaking initiatives on labour related ODR. The Remote Litigation Service of the Dubai Labour Court can be used for small claims. Furthermore, a pioneering virtual court dedicated entirely to labour disputes was launched in September 2023 in the Jebel Ali Free Zone (Jafza) in Dubai. It is accessible to 8,500 companies and 130,000 registered in the free zone.

The Gulf Cooperation Council (GCC) countries continue to host the highest proportion of global migrant workers, whilst Malaysia also continues to be a major destination for migrant workers. The ADD countries are best placed to take global leadership in the use of ODR for migrant labour disputes. The positive impacts of Migrant Labour Online Dispute Resolution (MLODR) include: effective, efficient, versatile, fast, affordable, equitable resolution of disputes; provision of structural and institutionalised solutions to address the known challenges and abuses specifically associated with temporary labour migration; strengthening the positive cooperation between sending and receiving countries of the ADD corridors in line with regional, global and other multilateral agreements, protocols, policies and frameworks; leveraging the existing ODR experience and resources and actualising ADD's three pillars for programme governance; ADD global leadership through the innovation, expansion and harnessing of the benefits of ODR beyond the sectors of consumer protection, commercial law, intellectual property and family dispute, to benefit millions of migrant workers in the ADD corridors and beyond.

The concluding part of this report focuses on action points for implementation. The Abu Dhabi Dialogue commissioned and managed a series of research and consultation exercises between 2020 and 2023 on the theme of leveraging technology to improve migrant welfare.



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Building on the previous findings, recommendations and resolutions, this report provides updated research findings and technical observations, and makes a major recommendation for the initiation of an ADD programme on Migrant Labour ODR (MLODR).

In order to implement this recommendation, a number of action points need to be undertaken, including: formal decision by ADD to initiate a three-year programme on 'Migrant Labour Online Dispute Resolution (MLODR) Platform', involving at least four champion countries; coordination with ADD Secretariat for leadership, resource mobilisation and programme implementation oversight; programme consultations, awareness-raising and capacity development for public sector and migrant-related stakeholders; programme partnership with institutions and organisations in the MLODR champion countries; technological partnership with leading and reputable tech companies; technical partnership with global institutions on ODR professional standards, good practices and continuous improvements & development.

²Calo, Zachary and Solaiman, Barry (2021), Alternative Dispute Revolution: Technology and ADR in the Middle East Following the COVID-19 Pandemic; John Marshall Law Journal, Vol. XIV, No. 2, 2021, 57-73