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Leveraging Technological Innovations and Global Labour Trends to Strengthen Botswana's Dispute Resolution System

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Abstract. *The study set out to determine whether technological innovation and emerging global labour trends could be used to improve the efficiency and overall performance of Botswana's labour dispute resolution system. It began by examining labour dispute mechanisms within the broader context of digital transformation, particularly the rise of the platform economy, and traced the historical development of Botswana's own dispute-resolution framework. A detailed review of relevant literature provided critical insight into technological change, platform-based work, and the limitations of traditional systems in developing contexts. Using a qualitative, exploratory design informed by interpretivist phenomenology, the study drew on virtual semi-structured interviews with fifteen purposively selected participants from Botswana and the SADC region. The results and subsequent recommendations highlight a pressing need for technological uptake and alignment with global trends to strengthen the system's effectiveness..*

Keywords: Global Labour Trends, Innovation, Labour Dispute Resolutions System, Technology.

JEL Codes: J52; J53

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1. Introduction

Raj & Rawat (2025) view labour relations as the foundation for industrial harmony, social justice, and economic productivity. The dynamic interaction between employers, workers, and government inevitably creates conflicts that, if poorly managed, can escalate into costly strikes and lockouts. Therefore, a robust legal and institutional framework for dispute resolution is critical for maintaining balanced labour relations and promoting overall economic stability (Raj & Rawat, 2025).

Dispute resolution is experiencing a profound transformation, with new technological innovations like online mediation emerging as a central feature of this evolution. In the past, conflict resolution typically involved navigating the complex and often cumbersome court system, a process that was time-consuming, costly, and emotionally taxing for all parties (Katare & Rajvanshi, 2024).

Labour disputes remain an inherent feature of employment relations, making their effective management essential for organizational stability and societal progress. The International Labour Organization (ILO) emphasizes that a sound dispute resolution system is instrumental in mitigating conflicts, promoting industrial harmony, and advancing economic growth, social justice, and equitable development (Mpedi & Marwala, 2025). As the world of work continues to evolve in the digital era, traditional mechanisms for resolving labour disputes face mounting pressure to adapt to emerging realities. Mpedi and Marwala (2025) argue that this transformation prompts critical reflection on the potential integration of Artificial Intelligence (AI) into dispute adjudication processes. Given the increasing volume and complexity of workplace disputes, the deployment of AI could enhance both efficiency and accuracy in decision-making. By analyzing extensive datasets and legal precedents at remarkable speed, AI systems could facilitate more consistent, evidence-based outcomes, thereby strengthening the overall integrity and responsiveness of labour dispute resolution frameworks.

The platform economy represents one of the most transformative outcomes of digitalization, fundamentally reshaping labour markets and the organization of work. According to Silberman (2023), central to this economy are digital labour platforms, encompassing both location-based services, where tasks are performed in specific physical settings, and online platforms, where work is carried out remotely. While the rapid expansion of this sector has created new markets, income streams, and flexible employment opportunities with relatively low entry barriers, it has also introduced complex challenges. Chief among these are concerns regarding job security, fair remuneration, and the broader quest to ensure that platform-based workers have access to decent and equitable working conditions (International Labour Office, 2018).

In this new era of digital transformation, labour dispute resolution systems are under intense pressure to modernize. The emergence of platform work, the gig economy, and remote work is fundamentally challenging traditional legal definitions of employment. For Botswana, whose dispute resolution mechanisms are largely traditional, integrating technology is no longer optional; it represents a vital opportunity to significantly boost the accessibility, efficiency, and fairness required to effectively manage contemporary labour disputes.

1.1 Background of the study

Botswana's labour dispute resolution system has undergone a gradual transformation from an underdeveloped colonial framework to a more structured and regulated mechanism in the post-independence era. During the colonial period (1885–1966), labour regulation was minimal and primarily designed to protect settler and administrative interests. Early labour laws focused largely on worker recruitment and occupational safety, while the concept of structured dispute resolution was virtually nonexistent (Koorapetse, 2011). Following independence in 1966, Botswana's growing economy necessitated comprehensive legislative reforms, beginning with the 1969 enactment of key labour and wage regulation laws. Further significant reforms in 1982/83 modernized the system, establishing labour offices with investigatory powers to manage disputes. However, issues such as inadequate qualifications of labour officers and excessive government control continued to undermine effectiveness (Kupe-Kalonda, 2001).

A major milestone was achieved in 1992 with the establishment of the Industrial Court, which introduced a more independent forum for adjudicating labour disputes and significantly reduced direct state interference in dispute management (Kalula, 1993). The subsequent introduction of mediation and arbitration panels in 2003/2004 marked a decisive shift toward incorporating Alternative Dispute Resolution (ADR) methods into the statutory framework, promoting a more accessible, efficient, and flexible approach to resolving workplace conflicts (Bushe, 2019). This evolution reflects Botswana's ongoing efforts to balance regulation, independence, and efficiency in the pursuit of industrial harmony and social justice.



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Botswana's labour dispute resolution system has played a key role in maintaining industrial peace, but has yet to keep pace with contemporary digital and work changes. While global trends demonstrate that online mediation, e-filing, and virtual hearings can accelerate case resolution and improve access to justice, Botswana still relies heavily on manual processes and conventional channels. This reliance limits the system's ability to swiftly respond to the evolving nature of work and dispute dynamics shaped by digital transformation and new work modalities, highlighting a pressing need for modernization and technological integration.

1.2 Problem Statement

Despite significant global progress in the digitalization of dispute resolution, Botswana's labour dispute resolution system continues to be hindered by manual procedures, bureaucratic inefficiencies, and limited institutional adaptability. Concurrently, evolving global work patterns—such as the rise of the gig economy, platform-based work, and remote employment—are reshaping the employment landscape and generating new forms of disputes that extend beyond traditional labour frameworks. The absence of technological integration and the slow pace of policy reform threaten both the effectiveness and relevance of the current system. Consequently, this study seeks to explore how Botswana can harness technological innovation and align with emerging global labour trends to modernize and enhance the efficiency, accessibility, and responsiveness of its labour dispute resolution mechanisms.

1.2.1 Research Questions

- Can technological innovation and emerging trends be leveraged to enhance the efficiency and effectiveness of Botswana's labour dispute resolution system?

1.2.2 Research Objectives

- To establish if technological innovation and emerging global labour trends can be leveraged to enhance the efficiency and effectiveness of Botswana's labour dispute resolution system

2. Literature Review

The expansion of the gig or platform economy in recent years has created substantial challenges in safeguarding established labour rights and standards. While the exact size of this workforce is difficult to quantify, it is generally acknowledged that the platform economy is growing rapidly, with millions of individuals worldwide relying on digital labour platforms for either primary or supplementary income (Greville, 2025). This shift signals a fundamental reconfiguration of employment relations, where the traditional employer–employee model is increasingly replaced by fragmented, short-term, and often unregulated forms of work. As a result, existing labour dispute resolution frameworks originally designed

for conventional employment settings struggle to address the fluid and decentralized nature of platform work.

Similarly, Rabinovich-Einy and Katsh (2014) posit that digital technology is reshaping the field of dispute resolution by simultaneously increasing the number of disputes and challenging the adequacy of traditional mechanisms. Although technological innovation has introduced significant disruption, it also provides opportunities for rethinking how justice is delivered in employment contexts. Technology offers the potential to establish more transparent, accessible, and participatory systems that transcend conventional boundaries. However, the extent to which these innovations can be integrated into statutory labour dispute resolution structures, particularly in developing economies such as Botswana remains underexplored. This gap underscores the need for context-specific research to evaluate how technology can be leveraged without undermining procedural fairness, neutrality, and inclusivity.

Traditional dispute-resolution systems in Botswana and other developing economies are hindered by technological inertia, relying heavily on manual, paper-based processes. This limits the adoption of digital tools such as case management and virtual hearings. The persistence of outdated systems leads to inefficiencies and procedural delays. ILO studies note that financial and technical constraints further impede the sustainable digitization of these mechanisms (Naidoo et.al,2025).

The COVID-19 pandemic forced a rapid shift from traditional, in-person dispute-resolution methods to digital and online alternatives, leading to widespread use of ODR platforms and virtual court hearings. Mediation and arbitration processes quickly adapted to remote formats, improving flexibility but also exposing unequal digital access. Although the transition helped sustain justice services, it initially contributed to significant backlogs and delays. Overall, the period highlighted the need for flexible, resilient systems and accelerated long-term adoption of hybrid, technology-driven dispute-resolution models (Katare & Rajvanshi, 2024).

3. Research Methodology

This section presents the methodology guiding the study, detailing the research design, underlying philosophical assumptions, selected methodological approach, and the broader strategic framework. The study adopted a qualitative research methodology coupled with an exploratory research design. This specific approach was intentionally anchored within an interpretivist phenomenological strategy to allow for a comprehensive, in-depth investigation into the subjective understanding and lived experiences of the participants regarding the dispute resolution process. A research design represents the overarching macro-level blueprint or strategy that guides the entire execution of a study, encompassing every principal activity undertaken throughout the research process (Myers, 2013). These essential strategies are generally categorized into three fundamental types: exploratory, which seeks to investigate a little-understood phenomenon; descriptive, which aims to accurately portray characteristics of a population or situation; and explanatory, which seeks to establish causal relationships between variables (Cresswell, 2003).

The study utilized purposive sampling, selecting fifteen (15) participants drawn from Botswana and four other SADC member states, Eswatini, Mauritius, South Africa, and Tanzania. Data collection relied primarily on semi-structured interviews, a method chosen specifically because it is highly effective for an in-depth exploration of the subject. This allowed the research to capture participants' personal perspectives, subjective understandings, and rich experiences relating to the dispute resolution process. Harrell and Bradley (2009) highlight that semi-structured interviews are particularly effective because their open-ended questions keep the discussion aligned with the research focus while encouraging richer, more meaningful interaction between the interviewer and the participant.

The study used thematic analysis following Braun and Clarke's six-phase approach, with ATLAS.ti¹ supporting the process by helping to organise and systematically analyse the large qualitative dataset. This enabled the researcher to identify key patterns and emerging themes more effectively. The research



upheld strict ethical standards at every stage, ensuring that participants' informed consent was obtained and that their privacy and confidentiality were fully protected throughout the study.

4. Findings

The findings reveal two central themes: limited use of technology and the influence of current global trends. The first highlights continued dependence on manual systems and gaps in digital capacity, while the second reflects the growing impact of online platforms and shifting global labour dynamics.

4.1 Theme 1: Limited use of technology

The above theme emerged as a challenge to the dispute resolution system. In recent years, the use of technology in dispute resolution processes has become increasingly popular owing to its ability to enhance efficiency, accessibility, and transparency. However, some participants mentioned that the inadequate utilisation of technology caused the inefficiency of Botswana's dispute resolution system. In this respect, Phenyio B, stated:

"The second issue I see is the one related to technological needs – there is limited use of technology in the system; yet, in this era of technological advancements, the system could be benefitting from the use of electronic case management, online mediation/arbitration.... etc".

Electronic case management systems, as mentioned by Phenyio B, could also be used to improve efficiency while reducing administrative burdens. In concordance with the statement by Phenyio B, Temo B observed that technology can be utilised to manage and streamline the entire dispute resolution process. This includes filing cases, managing documents, scheduling, and communicating. Hence, he remarked:

"Another way of improving the system can be through digitalization - this will help customers to better access the dispute resolution services throughout the country".

Temo B's observation highlights a crucial aspect of an efficient dispute resolution system, namely accessibility. By utilising technology, individuals may conveniently access the system from any location. Joseph S declared that the use of technology is a key factor in a dispute resolution system. In this regard, he said:

"Minimal use of technology is a major challenge in most dispute resolution systems. In order for the Botswana system to be effective, there is a need to increase the usage of technology in the system, e.g., electronic case management. This would be helpful as the system will be fully functional and would have a reach to assist a lot of people in the country".

As pointed out by the three participants above, the absence of technological use in a labour dispute resolution system is a significant obstacle to its efficacy. Technology is essential in today's digital era for

streamlining procedures, enhancing communication, and ensuring timely resolutions. Essentially, the lack of using technology not only slows down and reduces the effectiveness of resolving labour disputes but also limits the system's ability to adjust and enhance itself.

4.2 Theme 2: Current global labour trends

Another theme that emerged from the fourth research question is current global labour trends. These trends undoubtedly have a significant impact on a country's labour dispute resolution system. The rise of the gig economy, which resulted in new forms of work, coupled with technological advancements and automation, are some of the global trends that prevail currently. **Mochuchisi B** observed that these trends can shape Botswana's dispute resolution system. He pointed out:

"The EU work-life balance directive, which aims to modernize the labour frameworks in the area of family-related leave and flexible working arrangements, is such (a) trend. The emergence of diverse forms of work and new ways to perform work such as via remote work, enabled by digital technologies, offer the opportunity for skills development and better work life balance".

For Ngaka B, current global trends that would be relevant for Botswana include hybrid dispute resolutions processes, which can integrate the processes of mediation and arbitration (Med-Arb) to expedite dispute settlement. He announced:

"The government of Botswana should consider the hybrid processes such as med-arb and other contractual dispute deescalation approaches, and project-based dispute resolution such as project mediation and dispute boards".

As observed by two of the participants who responded to the question that generated this theme, current global labour trends can be used to shape Botswana's dispute resolution for the better. By adapting to these trends and ensuring that their systems are equitable and accessible, Botswana can promote harmonious and productive workplaces whilst simultaneously protecting the rights and interests of both workers and employers.

5. Discussion of Findings

The findings of the study are discussed as follows:

5.1 Limited use of technology

In recent years, the application of technology in dispute resolution processes has gained popularity for its capacity to improve efficiency, accessibility, and transparency. However, the current study has found that inadequate use of technology in Botswana's dispute resolution system has led to its lack of effectiveness. Some of the participants decried the limited use of technology in the system. Temo B averred:

"Another way of improving the system can be through digitalization - this will help customers to better access the dispute resolution services throughout the country".

Using Information Technology (IT) in an arbitration process results in cost reductions and productivity gains for all involved. IT may also enhance the effectiveness of certain aspects of an arbitral procedure. This is because tasks can be completed, or objectives can be achieved, in a manner that may not have been feasible without it. For example, in the absence of IT, costs and time constraints may result in the renouncing of certain actions, such as hearing a witness or experts who may not be readily available,



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particularly in fast-track procedures (Kaufmann-Kohler & Schultz, 2005). Still, on the issue of the limited use of technology, Phenyo B, shared:

“The second issue I see is the one related to technological needs; there is limited use of technology in the system. Yet, in this era of technological advancements, the system could benefit from the use of electronic case management, online mediation/arbitration.... etc”.

Online Dispute Resolution (ODR) is gaining traction as a viable alternative to traditional, in-person Alternative Dispute Resolution (ADR). The UK uses consensus mediation.com, an inaugural conflict resolution agency that provides online mediation services. ODR offers significant potential to increase access to justice and to resolve disputes both efficiently and effectively. As technology continues to evolve and more people become comfortable with online interactions, ODR is likely to become an increasingly important part of the dispute resolution landscape (Manevy, 2001). Joseph S also noted that the use of technology is a key factor in a dispute resolution system. In this respect, he declared:

“Minimal use of technology is a major challenge in most dispute resolution systems. In order for the Botswana system to be effective, there is a need to increase the usage of technology in the system, e.g., electronic case management. This would be helpful as the system will be fully functional and would have a reach to assist a lot of people in the country”.

Phenyo B and Joseph S highlighted a compelling case for Botswana to implement an electronic case management system, citing the successful example of the CCMA in South Africa. The CCMA's Case Management System (CMS) serves as a comprehensive national administrative database, providing a live record of all cases filed since its establishment in 1996. This system comprehensively captures details for every case, regardless of jurisdictional origin, and is further enhanced through integration with other digital tools such as a web-based dispute management system (Bhorat et al., 2009).

Hence, the fact that the limited use of technology in Botswana's labour dispute resolution system is detrimental to its functionality cannot be repudiated. The current study's findings indicate that the system's inefficiencies and inaccessibility stem directly from the inadequate adoption of digital tools. Participants like Temo B, Phenyo B and Joseph S emphasized the urgent need for digitalization, electronic case management, and online dispute resolution (ODR) to enhance service delivery and to broaden reach throughout the country. The absence of these technologies hinders the system's ability to provide efficient and effective resolutions, particularly when compared to places like South Africa and the UK that have embraced digital advancements for dispute resolution.

Current labour trends exert a demonstrably significant influence on the effectiveness and structure of a nation's labour dispute resolution system. The ascendance of the gig economy, characterised by the proliferation of novel employment modalities, alongside the pervasive impact of technological advancements and automation, represents salient global trends that prevail currently. Some of the participants shared their views in this respect. Mochuchisi B uttered:

“The EU work-life balance directive, which aims to modernize the labour frameworks in the area of family-related leave and flexible working arrangements, is such a trend. The advent of varied forms of employment and new ways to conduct work, such as remote work, facilitated by digital technologies, offers the possibility for skills development and better work-life balance”.

The emergence of diverse work forms and technology, and the proliferation of technology, has directly resulted in the decline of trade unionism. The discernible transition from collective to individual work relationships is a significant trend in contemporary labour relations. The corresponding increase in individual labour disputes has been precipitated by the observed decline in trade union density and the reduced prevalence of collective bargaining coverage. In response to these changing dynamics, labour legislation is increasingly emphasizing the preservation of individual rights, as evidenced by the strengthening of anti-discrimination provisions, thereby reflecting the imperative to adapt to the changing landscape of employment (ILO, 2025). In this regard, Ngaka B advanced:

“The government of Botswana should consider the hybrid processes such as med-arb and other contractual dispute de-escalation approaches, and project-based dispute resolution such as project mediation and dispute boards”.

The global trends that Ngaka B suggested were geared more towards those that can assist in improving Botswana’s labour dispute resolution system to be more effective. In India, the accumulation of cases within the judicial system has led to significant delays and, in some instances, the denial of justice. This overburdening of the judiciary erodes social harmony, diminishes public trust, and ultimately destabilizes society. Consequently, the integration of Alternative Dispute Resolution (ADR) mechanisms into India’s legal framework has provided substantial relief for both the judiciary and its associated legal bodies. Furthermore, the adoption of hybrid dispute resolution systems has become increasingly prevalent. Hybrid dispute resolution strategies combine two or more distinct processes with special master proceedings, mediation, arbitration, arbitration-mediation, and conciliation-arbitration, representing the most commonly employed and effective hybrid ADR mechanisms (Dadsena, 2019).

Considering the above, one cannot deny the notion that current global labour trends impact labour dispute resolution systems significantly, as outlined by both the study’s participants and extant literature. The rise of the gig economy, novel employment modalities, and technological advancements have shifted labour relations from collective to individual bargaining, leading to more individual disputes. Simultaneously, there is a decline in trade unionism, necessitating a greater focus on individual rights within labour legislation. To address these challenges, innovative dispute resolution mechanisms are essential. As Ngaka B suggests, hybrid processes like med-arb and project-based approaches such as dispute boards can enhance the effectiveness of labour dispute resolution systems. Integrating Alternative Dispute Resolution (ADR) mechanisms, as seen in India, can also alleviate judicial burdens and enhance public trust. Overall, these trends highlight the need for adaptive and efficient dispute resolution systems capable of handling the evolving nature of work. The ensuing subsection examines the role of international labour standards towards the enhancement of Botswana’s dispute resolution system.

6. Recommendations

Based on the above analysis, the following recommendations are worth pondering:

6.1 Promotion of Technology Integration

Integrating technology into the labour dispute resolution system offers tremendous potential to modernize operations and increase effectiveness. Using advanced electronic case management systems (CMS) is critical. Such technologies expedite the whole dispute lifecycle, from initial filing and document



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submission to scheduling hearings and tracking outcomes, increasing overall efficiency. Furthermore, using online dispute resolution (ODR) platforms provides a viable approach for handling less-complex situations. These platforms allow for virtual mediation or conciliation meetings, reducing the requirement for parties to be physically present. This decreases dependency on physical infrastructure, lowers logistical expenses, and can speed up the resolution process in appropriate instances. ODR can also help people who live in isolated areas or who have difficulty getting around. As a result, technological integration promises to make labour dispute resolution more efficient, accessible, transparent and, eventually, effective.

6.2 Adapt to global labour trends

Botswana's labour dispute resolution system must adapt to global shifts in work, particularly the rise of the gig economy and rapid technological change. These developments challenge traditional mechanisms, as newer work arrangements often fall outside conventional employer-employee structures and require more flexible, specialised approaches. At the same time, technological innovation offers opportunities to enhance efficiency and access through digital platforms and online dispute-resolution tools, making modernization both necessary and beneficial.

7. Conclusion

In conclusion, the study demonstrates that Botswana's labour dispute resolution system remains heavily dependent on traditional, manual processes and is not yet positioned to respond effectively to emerging global labour trends. The limited use of technology, combined with slow policy adaptation, constrains the system's capacity to manage the complexities introduced by the gig economy, platform work, and other modern employment arrangements. While global evidence shows that digital tools can enhance efficiency, accessibility, and fairness, Botswana has yet to capitalize on these opportunities. The findings therefore, underscore an urgent need for technological integration and forward-looking reforms to ensure that the system remains relevant, responsive, and capable of addressing contemporary labour challenges.

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