

SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

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20 September 2012

TO:

THE PARTIES:

| | | |
|-------|---------------|----------------|
| SALGA | Mr. X George | (012) 369 8001 |
| SAMWU | Mr. W Theledi | (021) 696 9175 |
| IMATU | Mr. J Koen | (012) 460 8444 |

ALL CONCILIATORS AND ARBITRATORS

REGIONAL SECRETARIES:

| | | |
|--|----------------|----------------|
| Gauteng/Johannesburg/Tshwane Division | Ms. C Manda | (011) 333 8091 |
| Eastern Cape Division | Mr. M Bodlani | (041) 581 3648 |
| Western Cape/Cape Metro Division | Ms. W Brink | (021) 930 9244 |
| Northern Cape/Free State Division | Mr. T Mqobongo | (053) 831 3608 |
| North West/Mpumalanga/Limpopo Division | Mr. E Shelembe | (012) 342 7015 |
| KwaZulu-Natal/eThekweni Division | Mr. V Nzuza | (031) 201 9752 |

CIRCULAR NO.: 7 / 2012

PRACTICE NOTE 1: INTERPRETATION OF RULE 2.41, SECTION D OF THE MAIN COLLECTIVE AGREEMENT

The Parties (**SAMWU**, **IMATU** and **SALGA**) to the SALGBC resolved at the Executive Committee meeting of the Central Council, held on the 3 April 2012, as follows:

“8.9.2 *In all cases where arbitration proceedings have exceeded 3 days, the arbitrators shall be required to make a ruling in terms of Rule 2.41 of the Main Collective Agreement as to which party is liable for the costs in excess of the 3 days. It is not reasonable that the innocent party be expected to bear these costs.*”

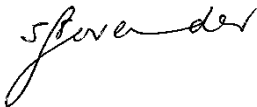
8.9.3 *Arbitrators must also ensure that parties must adhere to Rule 31 of the Rules of the Main Collective Agreement and bring proper applications in respect to points in limine, postponements etc, failing which, costs must be awarded.”*

At a further meeting of the Executive Committee of the Central Council, held on 13 July 2012, it was resolved as follows:

- “6.7.1 The General Secretary must issue the circular as previously agreed. However the circular must clarify that the intention of Rule 2.4 of the Main Collective Agreement is to ensure that the arbitrator applies his/ her mind to whether all parties or one party is liable for the wasted costs.*
- 6.7.2 The innocent party should not be held liable or be expected to share the cost with the party responsible for the postponement. Arbitrators must apply this interpretation to Rule 2.41 of the Main Collective Agreement.*
- 6.7.3 The SALGBC administration can continue to invoice the parties, as envisaged in Rule 2.41, if a dispute is settled, withdrawn or postponed sine die, after the hearings have exceeded three days.”*

The above resolutions are to be applied by all panellists in conciliation and arbitration proceedings.

Yours faithfully



MR S. S. GOVENDER
GENERAL SECRETARY