

# SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

## HEAD OFFICE

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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 Nzuzza   | (031) 201 9752 |

## CIRCULAR NO.: 8 / 2012

### INTERVENTIONS TO REDUCE ARBITRATION COSTS

The *Parties* (SALGA, SAMWU and IMATU) discussed the increasing arbitration costs at the Executive Committee meeting of the Central Council, held on the 13 July 2012, and resolved as follows:

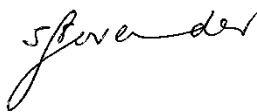
- “6.5.1 The following interventions must be implemented in an attempt reduce the ever increasing arbitrations costs in the Council:
- 6.5.1.1 The SALGBC must pay for 3 (three) days of the arbitration costs subject to Rule 2.41 of the Main Collective Agreement to be read in conjunction with the items 6.7.1 to 6.7.3 in Circular 7/2012 ;
  - 6.5.1.2 The SALGBC must endeavour to schedule a minimum of two disputes per day per Panellist, except unfair dismissal disputes. A ULP dispute that cannot be completed on the first day (the first hearing) can be re-scheduled to a later date.

- 6.5.1.3 It is compulsory for the parties to have a pre-arbitration meeting prior to the first arbitration hearing. This applies to all disputes that are yet to be scheduled for the first arbitration hearing. The applicant and the respondent must have a pre-arbitration in terms of Section D of the Main Collective Agreement, after the applicant has filed the request for arbitration to the SALGBC and the respondent. The pre-arbitration minute must be submitted to the SALGBC and must be served before the appointed arbitrator at the first arbitration hearing. At the first arbitration hearing, the arbitrator must determine the expected duration of the hearing, the number of witnesses required, etc. The purpose of this determination is for the disputing parties and the arbitrator to establish an expected time line for the completion of the arbitration, in keeping with the objectives of expedited arbitration in the LRA.
- 6.5.1.4 Those Divisions that incur an expenditure of between 20 to 35 percent of subsistence and travelling costs towards the final arbitration fee must use one or more central venue/s, on a trial basis from 1 July 2012 to 31 December 2012. This will assist the Division to reduce the arbitration costs. Alternatively, to reduce the travelling cost incurred by arbitrators, the Council must use an SALGBC office as a venue, if the arbitration has to continue on more than a single day.
- 6.5.1.5 The General Secretary, in conjunction with the Regional Secretary, must investigate the reasons for the high case load in the eThekweni Division when compared with other Metropolitan Divisions. The Regional Secretary has the discretion to intervene administratively, to reduce the high case load.
- 6.5.1.6 Arbitrators must be required to submit a report to the relevant regional secretary who in turn, must submit a detailed report to his or her Division, in every case that exceeds more than three (3) days stating whether postponements were granted and the reasons therefore and whether the days in excess of three days were justifiable. The total number of these cases must be contained in the regular dispute resolution reports.

The above resolutions are to be applied by all Conciliators and Arbitrators, where applicable.

Parties to the Council are bound by the above resolutions in terms of Section 23 of the Labour Relations Act.

Yours faithfully



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**MR S. S. GOVENDER**  
**GENERAL SECRETARY**