

PREPARING FOR & PRESENTING A CASE AT CONCILIATION & ARBITRATION

PURPOSE / OUTCOME

Delegates will exit this workshop with:

- a foundational understanding of the relevant statutory framework (LRA)
- familiarisation with the concepts of conciliation, arbitration, evidence, substantive & procedural fairness
- familiarisation with the conciliation & arbitration processes
- an ability to prepare for conciliation and arbitration
- an ability to present a case at arbitration
- a working understanding of different types of evidence

CONTENT

RIGHTS VERSUS INTEREST DISPUTES

- Structure of the LRA's dispute resolution processes
- Difference between disputes of right & disputes of interest

UNDERSTANDING THE CONCILIATION PROCESS

- What is conciliation?
- Powers of the commissioner at conciliation
- Preparing for the conciliation process
- To settle or not to settle?

PROBLEMS IN ARBITRATION

- Typical procedural problems arising prior to and during arbitration

DISMISSAL: SUBSTANTIVE ISSUES

- What constitutes a "dismissal"?
- Dismissal for misconduct: substantive law
- Dismissal for incapacity: substantive law

EVIDENCE

- Forms of evidence
- Admissibility & relevance
- Problems with evidence

PREPARATION FOR ARBITRATION

- Deciding which evidence to use
- Interviewing witnesses & taking statements
- Strategising your case

PRACTICAL ACTIVITIES

- Case studies
- Individual & group work
- Role plays

TARGET GROUP

Employer & employee representatives at arbitration

DURATION

2 days