

PREPARING FOR & PRESENTING A CASE AT CONCILIATION AND ARBITRATION

Duration: 2 days

Objective

To equip representatives at conciliation and arbitration proceedings with the knowledge and skills to effectively prepare for, strategise and present their cases.

Design

- **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 a 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
- **Evidence**
 - Forms of evidence
 - Admissibility & relevance
 - Problems with evidence
- **Dismissal: substantive issues**
 - What constitutes a "dismissal"?
 - Dismissal for misconduct: substantive law
 - Dismissal for incapacity: substantive law
- **Preparation for arbitration**
 - Deciding which evidence to use
 - Interviewing witnesses & taking statements
 - Strategising your case
- **CCMA Rules**
- **The arbitration hearing**
 - Opening statements
 - Narrowing the issues
 - Examination-in-chief, cross-examination and re-examination
- **CCMA jurisdiction and raising points *in limine***

Target group

Employer & employee representatives at arbitration.

