

How to Win an Unfair Dismissal Case at the CCMA / Bargaining Council

1 Day Course

Module 1: Functions and jurisdiction of the CCMA

- Functions
- Jurisdiction

Module 2: Bargaining Councils

Module 3: The dispute resolution process

- Automatically unfair dismissals
- Misconduct and incapacity dismissals
- Operational requirements dismissals

Module 4: Serving and filing documents

- How to contact the Commission and calculate time periods
- How to serve and file documents
- How to apply for condonation for documents delivered late

Module 5: Conciliation

- What is conciliation?
- How to refer a dispute to the CCMA
- When the dispute must be referred
- Service of documents
- Notice and of conciliation
- Representation
- What happens if a party fails to attend or is not represented at conciliation?
- Functions and obligations of the commissioner at conciliation
- Conciliation proceedings may not be disclosed
- How to determine whether a commissioner may conciliate a dispute
- Extension of conciliation period
- Methods that commissioners use to break a deadlock
- The certificate of outcome

Module 6: Con-arb

- What is a con-arb?
- What notice must be given of a con-arb hearing?
- How to object against a con-arb?
- The procedure which is to be followed when there is an objection
- The procedure to be followed when there is no objection

Module 7: Arbitration

- What is the nature of an arbitration and when may an arbitration be conducted?
- How does a party request the CCMA to arbitrate a dispute?
- What notice must be given of the arbitration hearing?
- How to postpone an arbitration

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Module 8: The pre-arbitration conference

- What should be considered at a pre-arbitration conference
- When should a pre-arbitration conference be held?

Module 9: Other procedures

- How to join or substitute parties to proceedings
- How to correct the citation of a party
- When the Commissioner may consolidate disputes
- Disclosure of documents
- What happens if a party fails to attend arbitration proceedings
- How to have a subpoena issued
- Expert witnesses
- Witness fees and travel and subsistence expenses
- Cost orders in an arbitration

Module 10: Preparing for arbitration

- Disclosure of documents
- Gathering of information
- Determine the onus of proof
- Consider the evidence: types and admissibility
- Identify and preparing your witnesses
- Examine the merits of your case
- Preparing a bundle of documents

Module 11: Arbitration – presenting your case

- Representation
- Settlement agreements
- Preliminary and interlocutory applications
- Narrowing the issues in dispute
- Opening statements
- Evidence-in-chief/examination-in-chief
- Cross-examination
- Re-examination
- How to deal with the hostile witness
- Closing arguments

Module 12: Rescissions and variations

- How to apply for a rescission of the award or ruling

Module 13: Enforcement of settlement agreements and arbitration awards

Purpose of the course:

The purpose of the course is to provide training of a practical nature for party representatives in arbitration. The training will focus on conciliation, con/arb and arbitration, with emphasis on the Rules for the conduct of proceedings before the CCMA.

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Upon completion of the course delegates will be able to:

- identify the issue in dispute
- present their cases at the CCMA or Bargaining Council
- lead evidence
- compile a bundle of documents and introduce the documents into evidence
- cross examine and re-examine witnesses.

The course will be useful for:

- HR practitioners
- Labour consultants
- Officials and members of employers' organisations
- Union officials and representatives
- Labour lawyers

For further information contact:

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