

**INDEPENDENT
MEDIATION SERVICE
OF SOUTH AFRICA**



**INDUSTRIAL DISPUTE
RESOLUTION
SERVICES**



IMSSA

- was established in 1984 as an independent, non-profit organisation committed to the effective resolution of industrial and community conflict.
- offers a wide range of dispute resolution services.
- has panels of skilled and accredited professionals throughout the country.
- conducts training in the effective use of its services.
- offers its services at venues convenient to the parties.
- services the broader public interest in its commitment to effective conflict resolution.

IMSSA'S INDUSTRIAL DISPUTE RESOLUTION SERVICE

IMSSA has offices in Johannesburg, Durban, Cape Town and Port Elizabeth. Its client service department in each office will, at the request of parties, organise processes at suitable venues anywhere in South Africa. It will only render services with the agreement of all parties.



MEDIATION

Mediation is a voluntary process in which an acceptable third party attempts to assist disputing parties arrive at an agreed solution.

The mediator may help parties to identify and express their interests, to better understand the issues in dispute, to develop options for settlement and reach agreement. Whilst the mediator controls the process of mediation, the parties themselves determine the outcome.

FACILITATION

Facilitation, like mediation, is a voluntary process in which an acceptable third party assists parties to negotiate on a wide range of issues.

Facilitation may include working with parties to determine a method likely to lead to the resolution of conflict, setting up the negotiating table so that all parties are represented, or chairing and co-ordinating negotiations between parties at meetings, workshops or conferences.

ARBITRATION

Arbitration is a voluntary process in which the parties to a dispute jointly ask an acceptable third party to hear their respective cases and then to make an award which they usually undertake in advance to accept as final and binding upon them.

Parties may shape the process to suit their needs, and alternatives to the standard process include advisory arbitration, last offer arbitration (often for wage disputes), med/arb, arb/med, and other process options.



Arbitration is less formal than conventional court proceedings. Parties choose their arbitrator, determine his/her powers, and decide on procedure. Generally, evidence is led and tested under cross-examination. The arbitrator renders an award after conclusion of the evidence and argument by the parties.

Arbitration can be arranged at short notice and generally arbitrators render awards within 14 days of close of proceedings.

ELECTIONS AND BALLOTING

IMSSA offers an election and balloting service to parties in the industrial arena, conducted by trained electoral officers and balloteers. The service is used to verify trade union membership, determine trade union affiliation, supervise and conduct strike ballots and elections, and for other purposes agreed between the parties.

RELATIONSHIP BUILDING INITIATIVES

Relationship building initiatives attempt to assist parties beset by intense levels of conflict, to develop sound and constructive relationships.

Relationship building initiatives can be tailored to the particular needs and circumstances of the parties. Among these initiatives are:

The Relationship by Objectives Programme (RBO) - for companies and unions



experiencing high levels of conflict in their relationship across a range of issues.

This is a structured process conducted initially over a four day period, driven by a team of facilitators, and designed to materially improve the relationship.

Joint Negotiation Skills Workshops - This is a training process which assists the parties to improve their negotiating skills while at the same time improving their negotiating relationship.

DISPUTES SYSTEM DESIGN

Trained IMSSA facilitators are able to assist parties jointly to develop disputes systems to suit their particular circumstances. This may mean redesigning existing systems (e.g. upgrading industrial council procedures) or developing systems for parties entering into a new relationship (e.g. designing recognition agreements).

ACCOUNTING DISCLOSURE

IMSSA offers an accounting disclosure panel consisting of specialist accountants with mediation/facilitation skills, who by agreement between the parties are able to resolve disputes over financial documentation and related issues. At the request of the parties, these panellists may assist in determining:

- what accounting information is relevant to a negotiation



- how to deal with sensitive/confidential information
- how to interpret or apply particular documentation.

EDUCATION

IMSSA conducts research and offers a variety of training courses for users of its services. The training is participatory and experientially based, and the emphasis is on case studies and role plays.

Courses may be structured to meet the particular needs of parties. In addition, the standard training programmes offered by IMSSA include the following:

- appropriate dispute resolution
- arbitration skills workshop
- negotiation/mediation skills.

The courses are conducted by accredited trainers who are also members of IMSSA's panels (e.g. mediation, arbitration, etc.), and who accordingly have the benefit of practical experience in the field in question.

IMSSA'S COMMUNITY DISPUTE RESOLUTION SERVICE (CCRS)

In addition to its services in the labour field, IMSSA provides a Community Dispute Resolution service. This is a separate service operating under the auspices of IMSSA, and is provided by Panellists trained in the resolution of community and political conflicts.



IMSSA'S PANELS

IMSSA's panels comprise highly trained, accredited practitioners who come from a diverse set of academic and professional backgrounds. They have been selected by IMSSA based on their expertise, and their ability to maintain credibility with companies and trade unions.

Mediators are drawn from several disciplines including law, psychology, theology, academia and industrial relations. Arbitrators include among their number many of the finest labour lawyers in South Africa.

All panellists have received training by IMSSA and have experience in the field in question. Panellists operate according to codes of professional responsibility, and participate in regular educational programmes organised by IMSSA in order to improve their skills.

PUBLICATIONS

The **IMSSA Review**, a regular publication, keeps interested parties apprised of developments and trends in dispute resolution processes conducted by IMSSA. It is distributed in South Africa and in the international community.

The **IMSSA Digest of Arbitration Awards** contains summaries of IMSSA arbitration awards and is available to the public from the Editor, Arbitration Digest, IMSSA, P O Box 91082, AUCKLAND PARK, 2006.



WHY YOU SHOULD CONSIDER USING IMSSA'S SERVICES

- They enjoy widespread credibility
- They usually provide a cheaper alternative to litigation
- They usually provide substantial savings in time
- They often go beyond dispute settlement in maintaining and building constructive relationships.

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