



INDEPENDENT MEDIATION  
SERVICE OF SOUTH AFRICA

# The IMSSA Review

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## INTRODUCTION

The months since May 1991, when our last Review appeared, have proved to be exciting ones for IMSSA.

IMSSA held its first joint National Conference in June attended by 130 mediators, arbitrators and staff. Previously, separate conferences were held for mediators and arbitrators.

Plans to restructure IMSSA's operations were finalised at the August meeting of the IMSSA Board. This restructuring will come into effect in October.

IMSSA's balloting service conducted its first political election when it was assigned the task of running the elections at the ANC's National Conference in July.

IMSSA's community dispute resolution service has begun to make its mark with some important events.

The arbitration service has continued to experience steady growth. Earlier predictions that there would be a significant drop-off in the use of mediation in 1991, have proved wrong as IMSSA experienced record-breaking months in July and August.

IMSSA's user training initiatives have developed rapidly as both unions and employers have received arbitration, negotiation skills and mediation training.

## MEDIATION

In the first six months of 1991, IMSSA experienced a reduction in the use of its mediation service. This was attributed to a number of factors including the relatively quiet labour relations environment, the high level of settlements without resort to industrial action, and the fact that after a decade of collective bargaining employers and unions were becoming more sophisticated at the bargaining table and less reliant on mediation.

This analysis has had to be revised following record demand for IMSSA's services in July and August. Eighty-one and eighty-two mediations were conducted in these months respectively marking a 12% increase on the previous highest recorded monthly total. The trend, though less marked, has continued in September.

A regional breakdown of the use of IMSSA's mediation service and a comparison with the corresponding period in 1990 is recorded below.

Month	Tvl 1990:1991		Natal 1990:1991		W Cape 1990:1991		E Cape 1990:1991		OFS 1990:1991		Total 1990:1991	
Jan	11	18	4	8	0	3	5	2	0	0	20	31
Feb	22	19	4	5	2	4	5	2	1	1	34	31
Mar	36	15	8	3	3	5	4	1	0	4	51	28
Apr	34	24	10	4	3	4	3	8	0	0	50	40
May	36	33	9	9	3	6	7	1	1	1	56	50
Jun	35	27	12	10	6	4	8	3	1	2	62	46
Jul	42	49	12	11	6	13	5	6	0	2	66	81
Aug	46	48	4	13	7	11	4	10	0	0	61	82
Sept	23	33	2	10	8	16	4	6	6	2	43	67
Total	285 : 266		65 : 73		38 : 66		46 : 39		9 : 12		443 : 456	



It is not only the number but the significance of IMSSA's mediation interventions in the period under review which is worthy of comment.

IMSSA mediators were called in to assist in the settlement of a number of industry-wide disputes including a dispute over wage and conditions of service in the metal industry, and strikes in the auto, and tyre and rubber industries.

In a number of ways the agreements flowing from the settlement of these disputes were ground-breaking. In all three, comprehensive industry-wide training schemes were agreed. In the auto, and tyre and rubber agreements, specific commitments by the union to meet production targets backed up by agreed overtime provisions were balanced by moratoriums on retrenchment. Employers and unions committed themselves to a process of negotiation towards ensuring the future viability of those industries.

## ARBITRATION

The arbitration service has experienced a 25% increase over the corresponding period in 1990.

Month	Tvl 1990:1991		Natal 1990:1991		W Cape 1990:1991		E Cape 1990:1991		OFS 1990:1991		Total 1990:1991	
Jan	7	22	5	1	3	1	2	2	0	1	17	28
Feb	27	16	3	8	1	4	3	4	0	2	34	34
Mar	13	20	4	3	4	6	3	1	1	2	25	34
Apr	20	18	4	3	10	1	0	4	0	0	34	26
May	17	23	4	9	3	3	2	5	0	0	26	40
Jun	20	25	4	6	5	2	1	0	0	1	30	35
Jul	21	17	4	8	4	4	2	5	1	0	32	34
Aug	19	24	2	8	1	4	3	8	1	1	26	45
Sept	17	23	3	7	2	4	5	2	0	1	27	37
Total	161 : 188		33 : 53		33 : 29		21 : 31		3 : 8		251 : 313	

This trend was predicted as more companies and unions signed arbitration agreements referring dismissal disputes to arbitration. Individual dismissal disputes continue to predominate but increasingly more significant collective issues around issues of retrenchment, strikes and wages and conditions of service, are being referred to arbitration.

## BALLOTING

The IMSSA balloting service has conducted 34 ballots in industrial settings this year.

Perhaps the most significant balloting event undertaken by IMSSA this year, however, was an assignment to conduct the ANC elections at its National Conference in July. The ballot was conducted in two phases. First, an election for five specified positions, and then an election for the balance of fifty places, on the National Executive Committee. A team of twenty professionally trained balloteers, admin. assistants and computer operators, conducted the election and managed to complete the counting of over 100 000 votes in 8 hours. The effort received praise from many quarters as achieving the objective of an independent, free and fair election.



## RELATIONSHIP BUILDING INITIATIVES

IMSSA has conducted three Relationship by Objectives programmes in the transport, mining and metal industries, in 1991. Another three RBO's are in the advanced planning stage and will take place before the end of the year.

IMSSA has added joint negotiation skills workshops to the range of services offered to employers and unions. One such workshop was conducted recently for a company and union in the construction industry. The parties had a history of highly adversarial conflict-ridden interaction. Following participation in the workshop, the parties were able to conclude their wage negotiations two weeks before the assigned wage implementation date. It is expected that this service will prove increasingly attractive to companies and unions with poor collective bargaining experiences.

## TRAINING

Since May this year, IMSSA has run eighteen training workshops for users wishing to develop skills in preparing and presenting cases at arbitration and in improving negotiation and mediation skills. In the main, courses have been specifically designed for individual unions and employers, although IMSSA did run general courses at the Cosatu Winter School.

## NATIONAL CONFERENCE

IMSSA's National Conference for panelists, staff and board members was held at the Mont-aux-Sources Hotel in the Drakensberg from 21 to 23 June 1991. It was the first time both mediators and arbitrators had gathered together at an IMSSA related conference.

Eileen Hoffman, of the Federal Mediation and Conciliation Service in Washington, delivered a keynote address on "Industrial Dispute Resolution in the US: New points of departure." Dr Frederick Van Zyl Slabbert also gave a keynote address on "Managing the Transition to Democracy."

Other issues discussed included a critical review of developments in alternative dispute resolution, and the future direction of industrial relations. Participatory workshops were held covering such topics as arb-med, interest-based bargaining, breaking impasse, and interventions in political conflict.

## RESTRUCTURING OF IMSSA

The IMSSA Board of Trustees has agreed to the appointment of a Regional Director responsible for developing and managing IMSSA administration in the Transvaal, the Orange Free State, and the Western Cape. The Natal Regional Director will be responsible for a coastal region, including Natal, Transkei, Border and Eastern Cape.

## IMSSA'S REVISED FEE STRUCTURE

The National Conference took a decision to do away with the minimum rate, and to increase the maximum rate for services from R1 300 to R1 500 per day, an increase commensurate with inflation. The Client Services Department will on request disclose a panelist's fee to users.





## COMMUNITY DISPUTE RESOLUTION SERVICE

IMSSA's fledgling community dispute resolution service has already undertaken some important assignments since May.

In the last Review we reported on IMSSA's role in chairing and facilitating a Thokoza Peace Conference. Until the recent tragic killings in Thokoza there had been no politically inspired deaths in that community since the Thokoza Peace Conference in April. IMSSA has again been asked to intervene.

Towards the end of July, a team of five IMSSA facilitators chaired and facilitated at a Border Peace Conference called to address the political and economic crisis in that region. Participants included representatives from major political organisations including the ANC, the Democratic Party, the National Party, the Transkeian Government, as well as the churches, business, local authorities and service organisations. A number of commissions sat during the course of the conference and a steering committee was established to carry the initiative further.

In September, IMSSA chaired and facilitated a conference involving a range of political organisations from a large community on the East Rand to address a number of critical issues, including the violence, confronting that community.

IMSSA also chaired an historic engagement between the Civic Association Southern Transvaal (CAST), the Civic Association Eastern Transvaal (CAET), and a number of financial institutions, to discuss a range of issues bearing upon the housing crisis in black communities. This conference, attended by about 80 delegates, approved the appointment of a working committee, to be convened by IMSSA, to take the initiative further.

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Coordinator: Special Projects  
Research & Education Co-ordinator  
Secretary  
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Mediation Client Services  
Mediation Client Services  
Arbitration Client Services  
Receptionist  
Admin Assistant & Housekeeper  
Bookkeeper  
Junior Bookkeeper  
Regional Director  
Client Services: Durban office  
Secretary





## IMSSA BOARD of TRUSTEES

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Mr John Brand	Vice Chairperson
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Adv Nigel Willis	(alternate)
Ms Sarah Christie	Western Cape Panel Representative
Prof Clive Thompson	(alternate)
Adv Fikile Bam	Eastern Cape Panel Representative
Mr Mark Anstey	(alternate)
Mr John Radford	Natal Panel Representative
Mr Chris Albertyn	(alternate)
Prof L Douwes Dekker	Technical Expert
Dr F van Zyl Slabbert	Technical Expert
Dr Nthato Motlana	Technical Expert
Mr David Douglas	Technical Expert
Mr Charles Nupen	National Director
Mr Bruce Robertson	Regional Director

## PANEL UPDATE

### Arbitrators

#### Transvaal

Adv Mark Antrobus  
Prof Dion Basson  
Mr Paul Benjamin  
Mr John Brand  
Prof Martin Brassey  
Adv Jules Browde, SC  
Prof Edwin Cameron  
Adv Nazeer Cassim  
Prof Dennis Davis  
Mr Patrick Deale  
Ms Ingrid de Villiers  
Mr Rod Harper  
Mr Theo Heffer  
Mr Barry Jammy  
Dr David John  
Mr Steven Kemp  
Prof Adolph Landman  
Prof Peter le Roux  
Adv Gilbert Marcus  
Adv Jan Munnik  
Adv Mahomed Navsa  
Mr Charles Nupen  
Prof Johan Piron  
Adv David Pitman  
Adv Paul Pretorius  
Adv Elna Revelas  
Ms Kathleen Satchwell  
Adv Ivor Schwartzmann, SC  
Ms Felicity Steadman  
Mr Jan Stemmet  
Adv Roland Sutherland

### Mediators

#### Transvaal

Adv Mark Antrobus  
Adv Graham Barlow  
Mr Paul Benjamin  
Mr John Brand  
Prof Martin Brassey  
Mr Azhar Cachalia  
Mr Phiroshaw Camay  
Mr Allan Colam  
Mr Brian Currin  
Mr Graham Damant  
Mr Nick de Villiers  
Mr David Douglas  
Ms Ruth Eastwood  
Ms Rigid Goldberg  
Ms Sara Gon  
Mr Peter Harris  
Prof Nicholas Haysom  
Mr Theo Heffer  
Adv Reagan Jacobus  
Prof Peter le Roux  
Mr Vusi Masinga  
Ms Fiona McLachlan  
Mr Dunstan Mlambo  
Ms Nomonde Mngqibisa  
Mr Edwin Molahlehi  
Mr Thabo Molewa  
Adv Kgomotso Moroka  
Mr Deon Nel  
Mr Charles Nupen  
Ms Dren Nupen  
Prof Mark Orkin





### Transvaal continued

Adv Karel Tip  
Adv Wim Trengove, SC  
Mr Tim Trollip  
Mr Eric Truebody  
Mr Raymond Tucker  
Mr St Elmo Wilken  
Adv Nigel Willis

### Orange Free State

Mr Brian Ashman

### Natal

Mr Chris Albertyn  
Mr Chris Brunton  
Mr Andrew Burnett  
Mr Willie Coetzee  
Mr Michael Cowling  
Mr Graham Giles  
Mr Thabani Jali  
Mr Chris James  
The Hon. Mr Justice R N Leon, QC  
Mr Richard Lyster  
Mr Mandla Mnchunu  
Adv Chris Nicholson  
Mr Martin Oosthuizen  
Mr Les Owen  
Mr Richard Pemberton  
Adv Maurice Pillemer  
Mr Bruce Robertson  
Mr Pat Stilwell  
Mr Craig Tanner  
Adv Gardner van Niekerk  
Mr Raymond Zondo

### Eastern Cape

Mr Chris Baker  
Adv Fikile Bam  
Mr Jon Bax  
Mr Bashir Hoosain  
Mr David Mias  
Adv Lex Mpati  
Mr C T Sangoni  
Mr Cecil Somyalo  
Mr Adriaan van der Walt

### Western Cape

Adv Norman Arendse  
Mr Lee Bozalek  
Mr Roger Chennells  
Ms Sarah Christie  
Prof Hugh Corder

### Transvaal continued

Ms Thandi Orleyn  
Prof Johan Piron  
Adv David Pitman  
Adv Paul Pretorius  
Ms Helen Seady  
The Rev Lebamang Sebidi  
Ms Annette Smart  
Dr Kevin Solomons  
Ms Felicity Steadman  
Prof Ian Steadman  
Adv Roland Sutherland  
Mr Tim Trollip  
Ms Nomali Tshabalala  
Mr Basher Vally  
Prof Attie van der Merwe  
Adv Hans van der Riet  
The Rev Paul Verryin  
Mr J D Verster  
Mr St Elmo Wilken  
Adv Nigel Willis

### Natal

Mr Chris Albertyn  
Mr Chris Brunton  
Ms Glynis Cocks  
Mr Clive Couperthwaite  
Mr Michael Cowling  
Ms Lisa Dancaster  
Mr Jeff Fobb  
Ms Leah Gcabashe  
Mr Philip Glaser  
Mr Karthy Govender  
Mr Thabani Jali  
Mr Chris James  
Mr Richard Lyster  
Dr Rob McCann  
Mr Mandla Mnchunu  
Mr Vincent Mntambo  
Mr Inthiran Moodley  
Adv Chris Nicholson  
Mr Les Owen  
Mr John Radford  
Mr Bruce Robertson  
Mr Alan Rycroft  
Mr Raymond Zondo

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Mr Jon Bax  
Ms Martheanne Finnemore  
Mr Jonathan Goldberg  
Prof John Hlophe





### Western Cape continued

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Mr John Hendry  
Mr Barney Jordaan  
Mr Steven Kahanovitz  
Mr John MacRobert  
Mr John Murphy  
Mr Hermann Niewoudt  
Mr Stefan Raubenheimer  
Adv Merwe Scholtz  
Prof Clive Thompson  
Mr Neil van Zyl  
Mr Bob von Witt

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Mr Peter Koep

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Adv Lex Mpati  
Ms Judy Parfitt  
Adv Ronnie Pillay  
Mr Clive Plasket  
Dr Roux van der Merwe  
Mr Adriaan van der Walt  
Mr Peter Williams

### Western Cape

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Ms Sarah Christie  
Mr John Henry  
Prof Kate Jowell  
Mr Steven Kahanovitz  
Mr William Kerfoot  
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Mr Wallace Mgoqi  
Mr Ian Newall  
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Mr Thabo Molewa  
Adv Kgomotso Moroka  
Mr Charles Nupen  
Mr John Radford  
Ms Helen Seady

Mr Mark Anstey  
Mr John Brand  
Mr Peter Harris  
Mr Inthirin Moodley  
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