



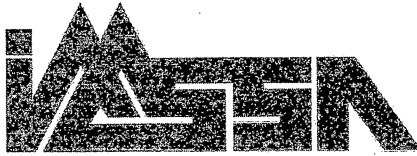
INDEPENDENT MEDIATION
SERVICE OF SOUTH AFRICA

The IMSSA Review

Number 14
May 1993



From: Tokiso Archives
Donated by: Tanya Venter
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INTRODUCTION

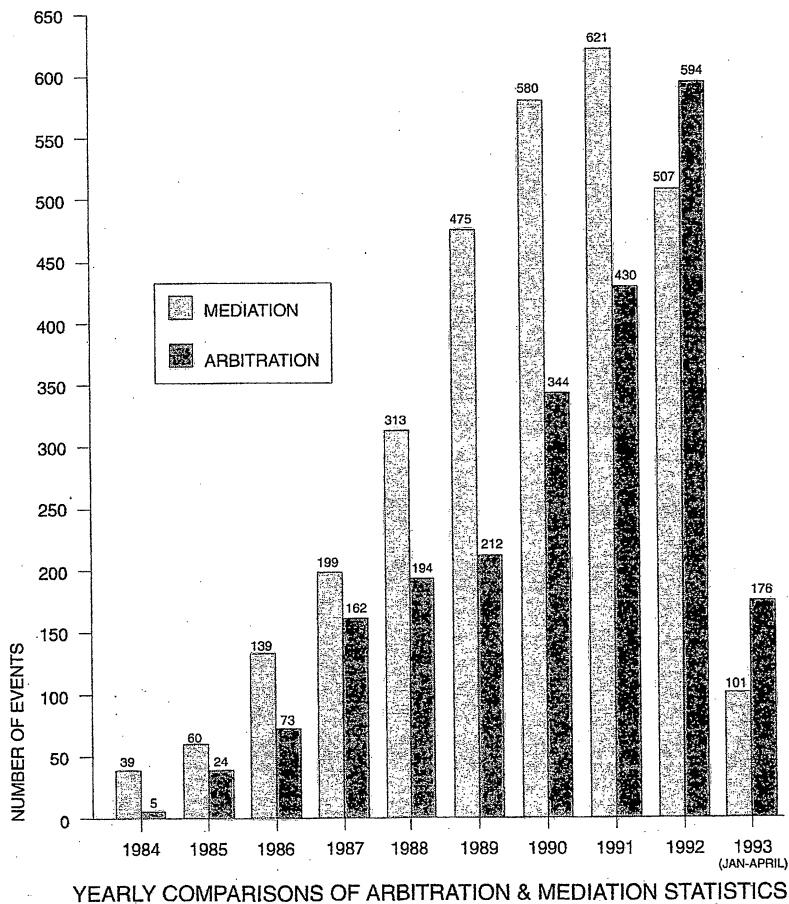
The May 1993 IMSSA Review differs in approach and content to previous editions by offering readers a more in-depth view of the organisation's activities. In the past the Review has focused on IMSSA's performance through emphasising statistics. This approach failed to give readers an insight into the content and nature of the work that IMSSA undertakes across the range of its projects. Over the years interventions have become more complex and interveners more skilled at handling disputes - another aspect not reflected in statistics.

The new format will describe particular interventions in IMSSA's spheres of involvement. We do not suggest that all these descriptions will be absolutely typical as third party intervention is inherently flexible. IMSSA's ability to respond to a range of needs, both in the industrial arena and more recently in communities, has always been its strength. Continual changes in the industrial and political milieu has necessitated this flexibility.

The descriptions of the AECI/SACWU mediation and strike ballot demonstrate the extent to which parties, at arm's length on substantive issues, can co-operate on process in order to contain, manage and ultimately resolve conflict effectively. The Festive Farms/FAWU mediation demonstrates the advantages of early preventive third party intervention. The Toyota/NUMSA Relationship by Objectives programme demonstrates how a union management relationship, strained by frequent bouts of industrial action, can turn itself around through the constructive intervention of a team of facilitators.

The Langeberg Co-op training programme and the Sharpeville Police Community Forum are examples of moves towards reframing work place and police/community relations beset by political tensions.

We hope that the examples, depicted in this Review, will be followed with interest by our readers.



ARBITRATION

The TPA/NEHAWU Arbitration Experience

After protracted and violent industrial action last year - it began in May and ended in September and involved a number of casualties - the Transvaal Provincial Administration (TPA) declined to re-employ some two thousand workers, many of who were National Health and Education Workers' Union (NEHAWU) members, because they had allegedly committed acts of misconduct before or during the strike, or after their dismissal. As part of the settlement agreement between the parties, these cases were referred to arbitration by IMSSA's arbitrators.

Not only the scale of the intervention - just over two thousand cases were originally referred - but the nature of the cases, the procedure and the terms of reference were a challenge for both IMSSA's administrative staff and the arbitrator's involved.

To date, 448 cases have been heard. Still outstanding are six individual cases and three group cases involving some 698 employees. Not long after hearings began, a dispute arose as to whether the terms of the agreement limited the number of dismissed workers who might be re-employed by agreement or arbitration to 5 000 or not. This particular matter was itself referred to arbitration.

The TPA argued that, in terms of the settlement agreement, it was only obliged to re-employ up to 5 000 workers. A considerable number had been re-employed prior to the arbitrations commencing. Numbers beyond 5000 fell to be retrenched even if applicants were successful at arbitration. In the event, this view was not upheld by the arbitrator, Adv Jeremy Gauntlett S.C.

The procedure adopted in the arbitrations over the dismissals was also challenging. In order to expedite proceedings, arbitrators were asked to act as inquisitors and to take into account the evidence of secret witnesses who were able to show that they had good reason for not wanting to give their evidence in public. Intimidation and violence during the strike and a consequent fear for their safety were the main reasons given. In justifiable circumstances, arbitrators took evidence

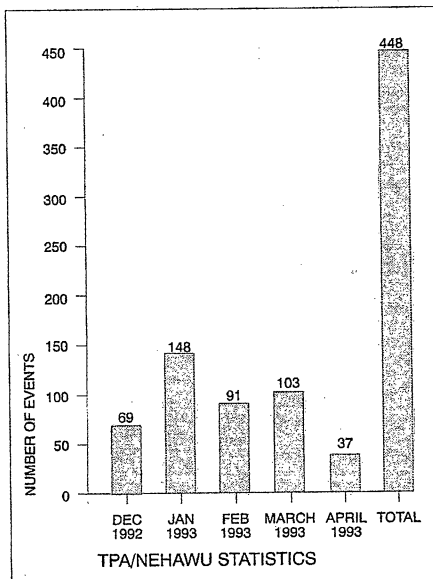
behind closed doors and enabled cross-examination by means of telephone link-up.

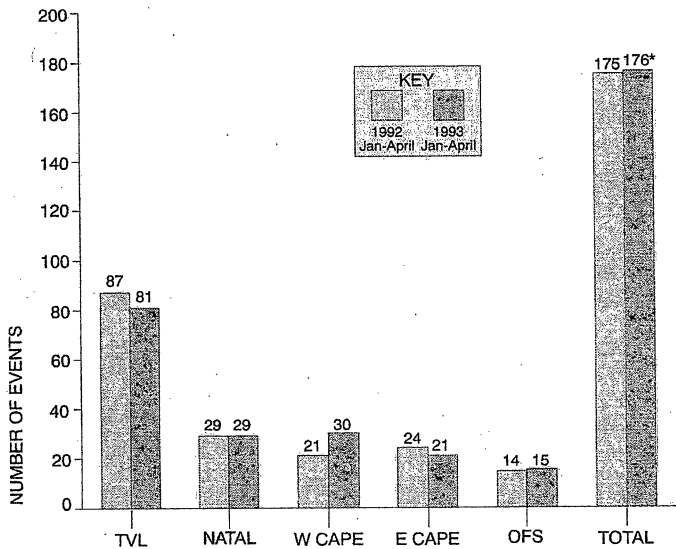
Agreement was reached that the group cases would be arbitrated by the more conventional adversarial mode. To equip those who were given the task of representing the parties at these arbitrations, IMSSA arranged a four-day joint training course for TPA and NEHAWU officials. This joint management/union training proved to be an instructive and rewarding experience for both the participants and the trainers.

One of the trainers, Ingrid de Villiers, reported that she approached her first experience of joint management/union training with some apprehension:

'There was a high degree tension to begin with. To overcome this, we deliberately arranged management/union pairs and organised group activity in such a way that each group was representative of both sides. This tactic enabled the participants to find common ground with one another and towards the end of the first day the tensions eased. By the end of the training, the two sides were co-operating and talking comfortably to each other in the tea and lunch breaks.'

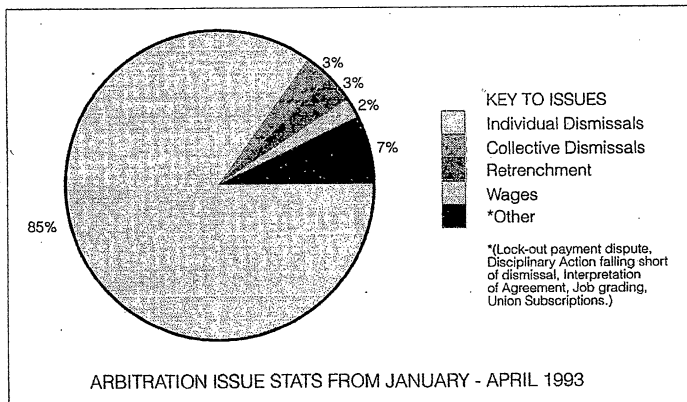
There is no doubt that IMSSA has proved that it can meet the challenge of major interventions involving the adjudication of literally hundreds of cases in a matter of weeks. The exercise was also an important one for the dozens of arbitrators who were appointed. For most, it was the first time that they had engaged in the inquisitorial mode of arbitration, and they gained invaluable experience as a result.

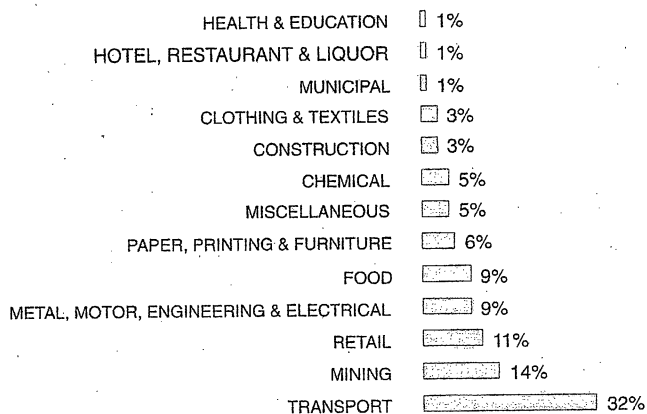




IMSSA NATIONAL ARBITRATION STATISTICS (COMPARISONS)

*EXCLUDING 379 TPA/NEHAWU ARBITRATIONS





**ARBITRATIONS - INDUSTRIES BREAKDOWN
JANUARY 1993 - APRIL 1993**



*John Brand
hearing an
arbitration.*

MEDIATION

Festive Farms and Fawu Mediation

Festive Farms is a company producing fresh and frozen chickens. It is a major player in the poultry industry and is part of the ICS Group. It runs a processing plant at Olifantsfontein, outside Johannesburg, which employed approximately 1000 employees. The Food and Allied Workers Union (FAWU), a Cosatu affiliate, is recognised as a collective bargaining agent for a significant number of workers at the plant.

The poultry industry in South Africa has suffered severe financial losses in the recent past and Festive Farms, along with other major producers, has been hard hit financially.

Numerous reasons have been advanced for the financial predicament of the industry including the cost of chicken feed which accounts for 60 percent of production costs. This cost element has been severely affected by the drought in South Africa.

Early in 1993, the company was projecting losses of some R21 million for the financial year. This materially affected its attitude to union wage demands. At the same time, the company was looking to downsize its complement of workers by 20 percent and had given notice of retrenchment.

Wage negotiations commenced with the company advising the union that it sought to cut production costs by some R10 million during the current financial year. It proposed a wage freeze. The union rejected this notion.

The company made it known that it could not afford a protracted period of industrial action, and if it occurred, might well lead to the closure of the plant.

The parties decided, in the circumstances, to call in an IMSSA mediator early, in an attempt to avoid deadlock, to chair and facilitate their negotiations in the hope that some creative options may emerge as a result of such intervention.

Charles Nupen worked with the parties over several sessions.

An important breakthrough was obtained early when the company agreed to a union proposal to separate wage negotiations from retrenchment negotiations and to focus on wages first.

It became clear after two rounds of negotiation that the union was looking at a bottom line 10 percent increase and the company could not see its way clear to moving beyond a 5 percent offer.

Deadlock was avoided when the parties agreed that an attendance bonus would be incorporated into the basic rate and that a further 2 percent would be added to wages 6 months after implementation of the wage agreement. Both parties had to stretch hard to entertain this sort of deal. The fact that they did, indicated the value, in appropriate circumstances, of mediators being drafted into wage negotiations prior to deadlock.

Negotiations over retrenchment resulted in some 190 workers being retrenched with a severance package of two weeks wages per year of service. The company established a fund to retrain and equip retrenched workers to hawk the company product in the townships where workers resided. This included the provision of transport and cooler boxes. A number of retrenched workers opted to participate in this scheme and early indications on earnings are highly encouraging.

Both parties have agreed to participate in a relationship building initiative under the auspices of IMSSA.



*Mediator,
Phiroshaw
Camay in a
caucus.*

AECI/SACWU Mediation

AECI, a major chemical and explosives company, and the South African Chemical Workers' Union (SACWU) approached IMSSA to mediate after they had deadlocked in this year's wage negotiations. The matter had already been referred to statutory conciliation, which failed, and a nationwide strike ballot had been called. IMSSA's election project administered the strike ballot. At the same time the parties agreed to call in a labour mediator to assist the parties to settle the dispute. The parties agreed upon Thabo Molewa as the mediator.

The management negotiation team consisted of approximately thirty representatives and the union team consisted of about fifty officials and shop stewards. This was due to the negotiating teams having to reflect the wage demands of some 9 000 workers across the country.

Thabo began the mediation with a joint session. He argues that this gives the mediator the opportunity to assess the levels of conflict in the group and establish what the primary issues are. He believes that the joint session is where the worst and best case scenarios for the mediation are first communicated. He did not want the size of the AECI/SACWU negotiation teams to prevent him from assessing these factors.

The format of the opening meeting influenced the tone and subsequent result of the mediation. Thabo's introductory remarks reduced the tension, calmed the parties and emphasised the importance of the relationship between them.

During the introductory session, he gathered information, delving into the history and length of the parties' relationship. He assessed their expectations and developed an understanding of the dynamics between the negotiating teams. Underlying issues that might influence the mediation were identified.

Thabo closed the introductory session by reminding the parties that after the mediation the interface between workers and managers would remain. Parties were encouraged to remember this in their dealings with one another. Thabo's assessment was that the joint opening session lessened the tension between the parties significantly.

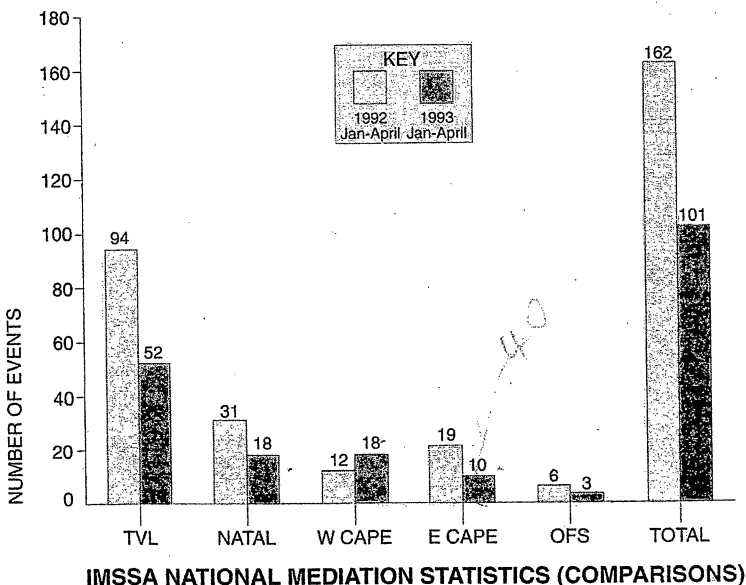
The issues that were on the table in the mediation were wages, a demand for two grades to be phased out of the job grading

system, and a moratorium on retrenchments.

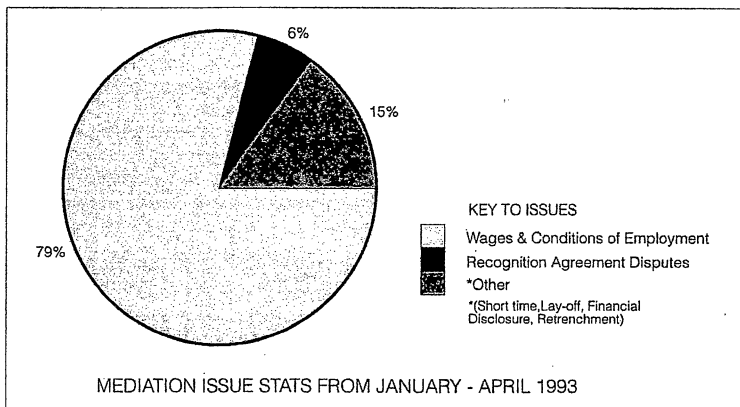
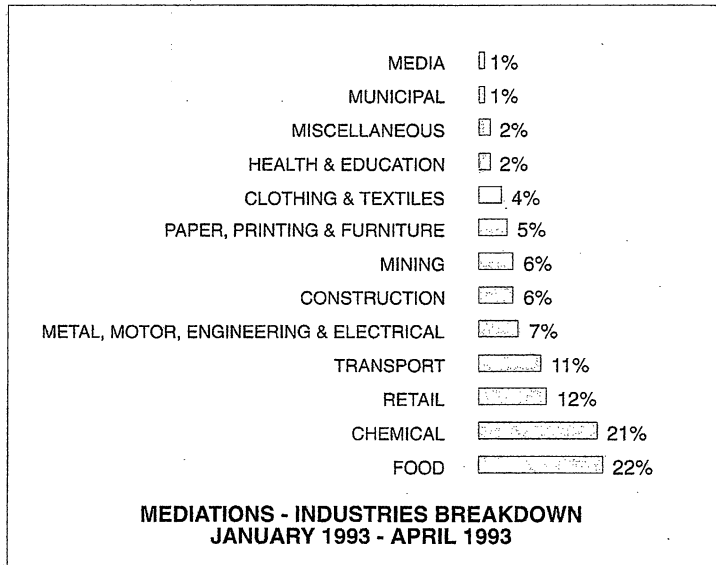
Once the issues had been identified the mediator shuttled between the two negotiating teams. This was however cumbersome and time consuming and it became evident that it was impairing the process. To address these concerns, Thabo asked the negotiating teams to mandate smaller teams of four people each to be part of a round table mediation. Both groups were initially uncomfortable with this but Thabo was convinced that it would benefit the mediation process and persuaded them to participate. The designated groups sought mandates and reported back to their negotiating teams from time to time.

The main advantage of this approach was that the mediator was able to deal with the issues in more depth. He used 'if and then' scenarios to encourage the parties to consider issues openly and frankly and show willingness to open up to options. The full negotiating teams did however feel that the process was removed from them.

Thabo at times used 'single text mediation' by framing proposals for the parties. Within the smaller negotiating teams, Thabo also used caucuses with key negotiators to encourage movement towards settlement.



The eventual agreement reached by the parties reflected that both parties had made concessions. Wage increases were between 8.75 and 10 percent. It was further agreed to refer the issue of job grade amendments to later discussion. Agreement was also reached on a 43 hour working week and unpaid leave for 21 March.



Industrial Dispute Resolution

Agricultural Workers

A workshop was held in the western Cape to investigate the possibilities for appropriate dispute resolution in the agricultural sector. A group of people drawn from the Centre for Rural Legal Studies, the Rural Foundation, Lawyers for Human Rights and key IMSSA panelist spent a day discussing the recent legislation effecting this sector and the implications and opportunities the legislation opens for dispute resolution.

IMSSA mediators, Roger Chennells, Sarah Christie and Inthiran Moodley presented papers on different aspects of dispute resolution as it relates to the agricultural sector at the Farm Labour Law Conference convened by the Centre for Rural Legal Studies in Stellenbosch in May.

Accounting Disclosure

The Board has approved the formation of an Accounting Disclosure Panel which aims to assist parties where the disclosure of company accounting information becomes a point of conflict during negotiations. Panelists, with accounting and mediation experience, will be called in by both the union and management to determine what financial information is necessary and how best to make it available in specific circumstances.

International Exposure

Mediation panelists Nomonde Mgumane and Basheer Waglay participated in a collective conciliation course as guests of the Advisory, Conciliation and Arbitration Service (ACAS) in Britain in April. This exposure is of great benefit to IMSSA panelists.

New Offices

IMSSA has appointed co-ordinators to staff a new office in Port Elizabeth and service the Eastern Cape region. Thembinkosi Mkalipi, regional organiser of the South Africa Clothing and Textile Workers' Union (Sactwu), has been appointed industrial dispute resolution co-ordinator and Gary Koekemoer has been appointed community conflict resolution co-ordinator.

COMMUNITY CONFLICT RESOLUTION SERVICE

Langeberg Training Initiative

The thin line between political and industrial conflict was navigated by IMSSA panelists when they recently trained workers in democratic political principles at the workplace. This took place at the Langeberg Food Co-operative where, since 1991, fighting between members of the Inkatha-linked United Worker's Union of South Africa (UWUSA) and members of the Cosatu affiliate Food and Allied Workers' Union (FAWU) had occurred.

At one time the battles that raged in the Wattville, KwaThema and Vosloorus communities spilled onto the factory floor and relations between workers were decidedly strained. The factory witnessed police searches, alleged police intimidation and an incident of arson which damaged the factory and led to a two day closure. The situation deteriorated to such an extent that the management considered closing the factory, which would have left 1 200 workers jobless.

An industrial dispute was declared after workers refused to work overtime and do night duty. The parties however agreed to postpone industrial action and establish a working committee with a mandate to address the issue of long term stability. The committee comprised members of management and shop stewards and developed a Code of Conduct following the principles of the National Peace Accord.

The Code of Conduct called for the suspension of violence, freedom of association and disassociation, general tolerance and the establishment of a peace committee. It further stipulated procedures to enforce the Code and monitor the conduct of the signatories.

A working sub-committee, including management, UWUSA and FAWU representatives, was established to deal with security issues on the premises and the Boksburg/Benoni Peace Committee was drawn in to address security issues outside the factory. In addition the committee agreed to request a regular system of reporting back from the South African Police (SAP)

and to sponsor training in the principles and practice of democracy for the workforce. The committee also established a rumour control system to investigate all reports of attacks and violent action.

The training aspect of the agreement was facilitated by CCRS. CCRS co-ordinators, Suzanne Nossel and Ilona Tip joined the committee and devised a training programme geared to educate workers in the content of the recognition agreement, disciplinary procedures, grievance procedures, dispute procedures and freedom of association. The daunting task of training some 1 200 employees had to be scheduled and co-ordinated. Training took place in the participants' vernacular, which did however make training in representative groups difficult. Material had to be developed and trainers trained in the use of the material. CCRS used IMSSA panelists and other trainers with experience in the field.

The size of the workforce and the timetable stipulated by the company was a huge challenge for CCRS with regard to possible formats for the proposed programme. In addition the following issues had to be addressed:

- An interactive, experiential learning format was desirable. Training groups could thus not have more than 30 participants;
- Because the programme would necessarily be brief, a set of companion materials for employees to explore after the conclusion of the training initiative had to be prepared;
- Management agreed that the training could be held during working hours and agreed to meet costs;
- The CCRS developed course materials appropriate to the requirements of the committee; and,
- The programme had to be sensitive to language and literacy levels within the workforce.

The training programme eventually included subjects like tolerance, democracy, constructive approaches to handling conflict, the distinction between political parties and unions and the concept of freedom of association. The training looked at what conflict is and gave participants the opportunity to reflect on their own experience of conflict. It studied the procedures and structures in the company which could potentially deal with



conflict situations and demonstrated how quickly conflict can escalate.

The training made use of innovative cartoons to portray some of these learnings.

A standing peace committee with representation from management (3), FAWU (7) and UWUSA (3) was established as part of the process. This committee is mandated to deal with security related problems at the factory and is also equipped to deal with conflict.

Reports from participants in the process are favourable. Although the barriers between the groups have not disappeared, there appears to be an understanding and appreciation for political tolerance and a respect for the industrial relations procedures. The general manager, Garth Ward, has been quoted as saying that the process has had the important spin-off of improving labour relations. 'Productivity will improve if you improve (workplace) relations', he said (Weekly Mail March 12 to 18 1993).

The parties have agreed to do an evaluation of the process which will precede re-enforcement training for the groups.

CCRS director, Vincent Mntambo, saw the project as a great learning experience for the trainees and the trainers. He believes that the present resolution of the conflict at Langeberg points to the necessity for co-operation between different interest groups and thorough training in democratic process and principles.

*Participants
of the
Langeberg
Training
Project.*



Sharpeville Police Community Forum

In November 1992, Vincent Mntambo was invited to facilitate police-community talks in Sharpeville. Relations between the parties were strained, with the African National Congress (ANC) alleging police harassment and irregularities and the South African Police (SAP) alleging non co-operation from the community.

The process began when attorney, Inthiran Govender from Lawyers for Human Rights (LHR) (who were involved in representing a number of Sharpeville residents who had been arrested), identified the need for the two main antagonists, the ANC and the police, to start a process of dialogue. The parties then invited CCRS to send a neutral third party to facilitate the process.

When he entered the area in mid-November, Vincent found that the parties did not trust one another and he had to begin by managing a process of accusation and counter-accusation, with no visible progress between meetings. He emphasised the little common ground that there was between the parties to keep them committed to the process. He stressed the value of looking forward, acknowledging the anger on both sides and putting the problems in focus.

In the first meetings rules were established for the working of the forum. A liaison committee was set up and mandated to deal with issues which arose between meetings. The liaison committee gave the forum a sense of progress and continuity.

A major breakthrough occurred in February at a time when there was tension between the parties. The ANC had decided to pull out of the forum because of a number of incidents of police activity which had angered its members in the township.

A compromise, which saved the forum, was reached through mediation. It was agreed that members of the Internal Stability Department (ISD) would report to the Sharpeville police station prior to entering the township and would give details of their activities upon leaving the area. Any person arrested during the operation would be detained at the local police station unless compelling circumstances dictated otherwise.

Since this agreement the committee has functioned well. Parties



are now able to work together on areas of concern and can call each other to account. Meetings are difficult but productive and members leave with tasks to perform and to report back on at subsequent meetings.

Problems emerge from time to time. For example, residents were seldom able to identify the names of police and unit numbers when laying charges. This is less of a problem since the introduction of the Sharpeville police station occurrence book entries and the agreement that all police staff should wear name tags.

In the past, identity parades proved problematic. Witnesses have been afraid to point fingers and the procedures involved have not been clear. The forum has established a working group to examine successful identity parades and to explore alternatives. The group thus developed systems which facilitate police efficiency and encouraged community participation.

It has become practice that when charges are laid against police, dockets are opened and investigations embarked on by the Internal Investigation Unit (IIU) which deals with investigations into police malpractice. At forum meetings the IIU representative reports on cases with which the forum is involved.

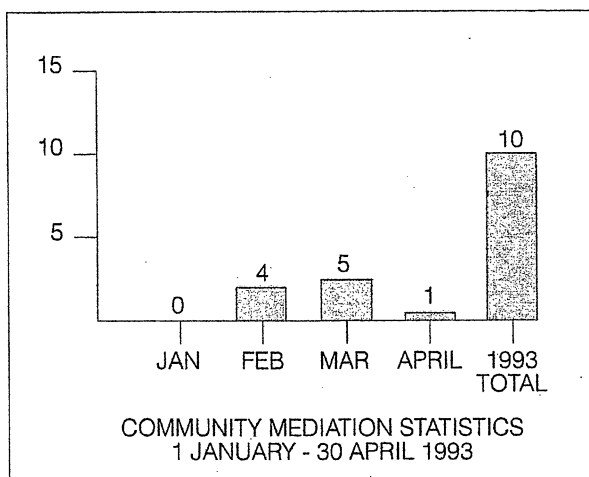
A value of the forum is that allegations against the police can be investigated and the community has ongoing reports of the progress of investigation into charges that they have laid. At the forum's last meeting, the IIU presented a list of all the cases the Sharpeville community had brought to the unit and which it was now investigating. Thus, a basis for more constructive interaction between the parties and the community has been established.

The forum also performs an information sharing, educative and problem-solving role. It offers its members, and the public, the opportunity to get to know the structures of the police which, in the past, had been inaccessible. Police structures, procedures and practices are explained, questioned and adapted when the necessity arises.

The establishment of the forum has given the police and the community the opportunity to address problems. In the past the police did not have the co-operation of the community. Other townships in the region are still faced with problems resulting from distrust between the police and the community. For example, the police in Sebokeng are reported to be having

difficulty investigating the killing of 19 people because the community will not co-operate with the police as a result of long-standing distrust of them.

Vincent finds the process particularly challenging as he had to learn to draw people towards creative problem solving. He believes that the task of the facilitator becomes easier once he/she is trusted by the parties. This is complicated by the parties themselves operating in a fairly unstable political environment and often having to deal with ambiguities that are thrown up by the unpredictable process of political transition. The process is challenging because it involves the mediation of power relations between the parties. The commitment to fashion and implement local solutions is sometimes hampered by contradictory practices at the regional and national levels. Nevertheless, local forums have proved themselves as essential tools in the peace building process.



CCRS

Peace Line

The Peace Line, a 24-hour information and crisis response hotline on violence and the peace process, is a joint venture of CCRS and the Wits/Vaal Regional Peace Committee. The service assists in violence prevention, the establishing of early warning systems and development of rapid response mechanisms to violence. Telephones are staffed by 16 advisers, trained by CCRS, who link callers to appropriate sources of aid and relief and give regular updates on violence and the peace process. The Peace Line has operated since mid April and has provided an important service in times of political unrest.

Community Conflict Resolution Conference

Conflict resolution practitioners from around the country came together in May at a CCRS conference on Community Conflict Resolution to share ideas, approaches and insights and to consider ways of promoting effectiveness in the field. Participants had the opportunity to choose among 15 workshops and five panel discussions. Key speakers included Ambassador Legwaila from the Organisation of African Unity, Moses Mayakiso, chairperson of Sanco and General Pruis, head of SAP community relations

Mediation Training

CCRS responded to the need to develop mediators skills in different communities by training 36 people from across the country in mediation skills. Participants were fortunate to be trained by United States community mediator, Dick Salem.

Monitoring

At the request of the Wits/Vaal regional Peace Secretariat, CCRS staff members and panelists have been centrally involved in co-ordinating peace monitoring at the memorial services and the funerals of Mr Chris Hani, secretary general of the South African Communist Party and Mr Oliver Tambo, national chairperson of the ANC.

Natal CCRS director, Jerome Ngwenya, facilitates the regional peace committee in Natal. He has also mediated conflicts in the violence torn areas of Empangeni and Richmond.

Thokoza Peace Office

The Thokoza community and the CCRS recently established a peace office in the area. The office is co-ordinated by Thabo Ndabeni. Thabo works with all political and social groupings in Thokoza to establish and maintain peace. The office plans to develop conflict handling skills and address socio-economic factors which might contribute to violence in the area.

ELECTIONS PROJECT

AECI/SACWU Strike Ballot

After AECI and SACWU deadlocked over wages and working conditions in their annual wage negotiations, the parties attempted to resolve the dispute through the required procedures. Conciliation failed and a strike ballot was called by the union.

IMSSA's elections project was contracted to run strike ballots at thirty AECI factories around the country over a two week period.

The exercise began early in February with a presentation to the parties, in which the balloting process, the service's principles and IMSSA's infra-structure were explained.

To facilitate the strike ballot, a co-ordinating committee was established which consisted of one representative from the company, the union and IMSSA. The co-ordinating committee met on a national basis to discuss the logistics and principles of the strike ballot. This information was then fed to working committees which were constituted at each factory. The working committee at plant level also consisted of a representative from each of the parties - the human resources manager, the union shop steward and an IMSSA balloteer. The two-tier structure worked well with the grassroots informing the process and briefing the co-ordinating committee on specific problems that certain factories had. The co-ordinating committee consolidated the principles into rules.

The co-ordinating committee met weekly and circulated its minutes to all balloteers and working committees. Aspects of the ballot that had to be agreed upon in pre-ballot meetings at the conglomerate and factory levels were:

- Eligibility to vote
- The ballot form and question
- What determined a majority
- The logistics of the ballot
- Roles of the balloting team



Eligibility to vote

The parties agreed that eligible voters would be SACWU members in good standing who were also members of the parties' National Bargaining Forum (NBF).

There was much discussion about the definition of 'good standing' because SACWU's constitution did not clearly define this. Initially, the parties agreed that the definition of a member in good standing would be a member whose dues were paid up for three months. When the working committees advised the co-ordinating committee that this definition could exclude new members, the definition was amended to include all members who were not three months in arrears. Members identified themselves by means of identification cards and the company stop order register. Company and union observers assisted when problems related to identification occurred.

The ballot form and question

The question read:

'Do you wish to embark on Industrial Action (including strike action) over the union's demands on wages and conditions of employment for 1993?'

By including the words 'including strike action' the union was not clearly not obliged to resort to strike action, but could contemplate all forms of industrial action.

Each working committee established in which language the question had to be posed and all relevant languages were included on the ballot form.

What determined a majority?

The parties agreed on a simple majority - 50 percent plus one of the bargaining unit. The bargaining unit was also agreed by the parties.

Logistics of the Ballot

Shift structures, times and numbers had to be established and the ballot observers, from both company and union, had to be trained as to their role and function. Their task was to report any

problems encountered by voters to the balloteer. The number of balloteers who were needed at each factory and during every shift had to be determined to ensure that the balloteer maintained control of the balloting process.

Appropriate voting times also had to be decided to cater for those workers who might have been too tired to vote after long shifts. Arrangements had to be made for voters to leave their shifts together and be marshalled to areas where the voting procedure could be explained. Other issues which had to be agreed on were:

- The notices advertising the ballot;
- The form of identification to be used; and
- Verification of the stop order register.

What constitutes a spoiled vote also had to be agreed in advance. For example, IMSSA insists that a mark be placed in the appropriate box. Where names are written out the vote was considered spoiled.

During the actual ballot regular meetings of balloteers, marshals, interpreters and administrators were held to assess the process and make necessary changes.

At the beginning of each shift IMSSA personnel and its role were introduced to the workers. The process was carefully explained and the secrecy and confidentiality of the ballot highlighted. The following rules were explained:



*Election Project
Co-ordinator,
Dren Nupen,
facilitating a
panel discussion
on national
elections.*

- no gatherings close to polling booths;
- respect for fellow voters had to be shown; and
- there had to be silence at the booth.

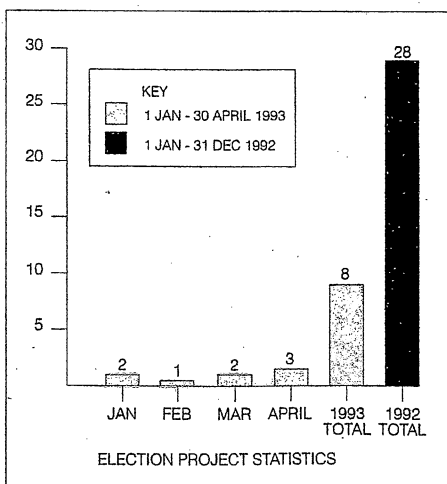
Roles of the balloting team

Overall responsibility for the ballot rested with the balloteer while the marshals, who were required to speak the vernacular, ushered voters to the voting area, maintained order and picked up dissatisfaction on the voting floor. Interpreters were required to interpret where necessary.

The AECI strike ballot was a challenging project for the Election project. Dren Nupen, the chief balloteer for the project remarked:

'The atmosphere at the voting stations was always cordial and friendly. Not only did the relationship between the parties facilitate the smooth running of the ballot but it also provided an atmosphere where workers could vote in an orderly and conflict free environment.'

Balloting teams counted thousands of votes through the night and the results showed overwhelming support for the question posed. A mediation was run concurrently with the ballot in an attempt to settle the dispute. The mediation was successful, thus making industrial action unnecessary.



Election Project

Post and Telecommunications Workers' Union (Potwa) Elections

The Post and Telecommunications Workers' Union (Potwa) recently elected their office bearers with the assistance of IMSSA's Election Project. Chief balloteer, Anneke van der Merwe, was given a standing ovation when, during the introduction to the election procedure, she addressed the meeting in fluent Sotho. Simulcast translations of the introduction were run in all required languages. In order to ensure that voters feel comfortable with the voting process, IMSSA ensures that training takes place in the appropriate indigenous languages.

Kwa-Ndebele Civic Association Elections

The Kwa-Ndebele Civic Association office bearers election was particularly challenging due to the remote rural setting where voting took place. As resources are limited in the area, IMSSA took all the necessary equipment including paper, a photocopying machine and voting booths to Kwa-Ndebele. Voting forms were designed and reproduced at the voting area. The photocopy machine operated out of a bus and was plugged to the nearest electricity outlet by a long extension cord. These voting experiences offer the balloting panel insights into the complexities and logistical problems of voting in South Africa.

Election's Forum

IMSSA's Elections Project organised a discussion forum on election related issues. The meeting gave political parties the opportunity to present their views on the process of transition to democracy, e.g. the proposed transitional executive council, national elections, constituent assembly, constitution making and interim government. The African National Congress (ANC), Azanian People's Organisation (Azapo), Democratic Party (DP), Inkatha Freedom Party (IFP), National Party (NP) and Pan Africanist Congress (PAC) were invited to present their understanding and analyses of these issues. Delegates to the forum were from organisations involved in voter education.

Voter Education

The ANC Women's League media officers will be trained as trainers in the IMSSA voter education programme. This training will reach 140 ANC Women's League branches throughout the country. The voter education programme includes resources like videos, comic books, posters and cassettes which have been built up from IMSSA's years of balloting experience.

EDUCATION

Training in Industrial Dispute Resolution

The Education department embarked on a marketing strategy at the beginning of 1993 to inform potential users of the training service that IMSSA offers. These efforts have resulted in a massive increase in the number of training events with programmes running virtually every day in the Johannesburg office and every two months in the regional offices.

This growth in demand is due to the obvious need for dispute resolution training. Karen Miedzinski, IMSSA's training co-ordinator explains the background and the philosophy behind IMSSA's training programmes.

'Our training programmes have been built up over the years and draw from the needs and experience of those directly involved in the field.

The content of our courses has been developed through intensive consultation, research and expert input. Much effort and time has been put into designing the most appropriate training methodology to ensure that effective learning takes place.

What is special about the process, she says, is that;

'The process actually ensures that the content is absorbed and internalised. A minimal amount of learning takes place in most lectures, especially when the learners are not used to the learning context. The process we use draws from the existing experience of the participants. Information is shared and people learn from one another. New skills are always practised and applied. The trainer facilitates this process, emphasises and adds information where necessary. These different strands of the process are drawn together to form building blocks, leading to greater understanding and competency in that particular area. The process is based on an advanced adult education philosophy which assumes that participants have an existing knowledge base. The trainer must know where the learners are and start at the level of experience of the learners. Reflecting and mirroring is used to draw out the experience of the learner and build on that by learning from peers. This is a less threatening method of learning. The trainer, who has

experience in the field, then emphasises and adds extra information.'

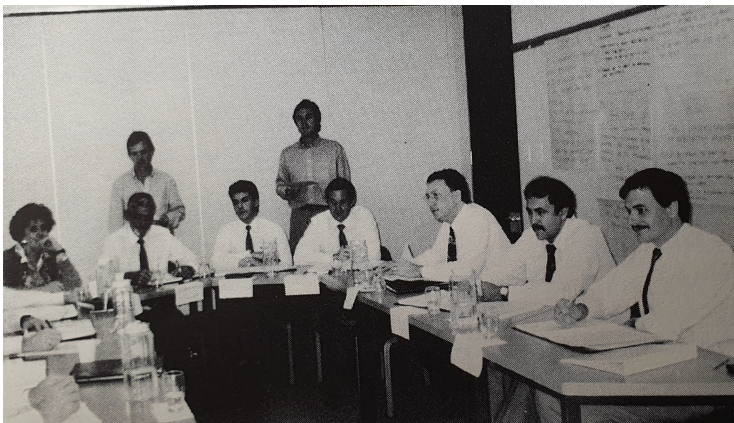
IMSSA has developed three standard courses which are used as a basis for industrial dispute resolution training. These are an Arbitration Training course, a Negotiation/Mediation Skills course and an Introduction to Appropriate Dispute Resolution.

The four-day Arbitration Training course is gaining in popularity with participants coming from both management, union and staff association backgrounds.

The course examines the arbitration process, teaches participants how to decide whether or not to use arbitration and focuses on how to prepare and present cases at an arbitration.

The preparation and presentation section includes taking statements, assessing the merits of a case, leading witnesses, cross-examination, and presenting opening and closing arguments. The course also deals with the law as it applies to arbitration. Recently, trainers Chris Albertyn and Karel Tip trained officials from the Artisan Staff Association. The trainers found the course challenging as many of the participants had extensive arbitration experience. According to both trainers and participants, the course extended and increased the knowledge base and abilities of the participants.

The three-day programme on Negotiation/Mediation Skills develops an awareness of the relationship between the way parties negotiate and the outcome of their negotiations. This is



*Bruce Robertson
and Patrick
Deale training
the Arbitration
course*

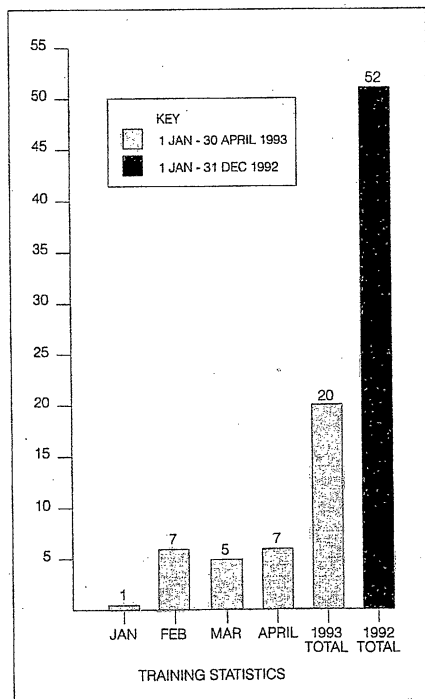
done in the context of the power relations which operate between the parties. The course focuses on the different approaches to managing conflict and negotiation, and when each might be used to best effect. It also explores various options for dealing with deadlock and the use of mediation to prevent or resolve disputes.

In a recent workshop involving the Metal and Electrical Workers Union of South Africa (MEWUSA), trainer Roger Chennels sensed the accomplishment the group felt on completing the course - they found the skills practising and role plays particularly useful.

The one-day programme on Appropriate Dispute Resolution provides participants with an awareness of the various options available to them for resolving disputes. Participants develop an understanding of processes such as negotiation, mediation, arbitration, med-arb, arb-med, relationship building initiatives and balloting, and how and when to use them.

When it is felt that the needs of a particular group will not be met by attending one of the standardised programmes, a needs analysis is conducted to establish exactly the target population and how best to meet their requirements. These tailor-made courses are designed to meet the specific needs of community and political groups as well as unions and companies.

In the next Review this section will focus on training in the community and political arenas.



SNAPSHOTS

Education Seminar Series

The Johannesburg office runs a monthly Seminar Series which focuses on macro issues relating to dispute resolution. The first seminar was addressed by Dr Zack de Beer, leader of the Democratic Party and first chairperson of Codesa's management committee. Dr de Beer was able to give participants an insight into the workings of Codesa.

The next seminar examined the interface between industrial relations and economic development, given the challenges which business and labour will face in securing economic growth in South Africa. Prof Eddie Webster from the Sociology of Work Programme at the University of the Witwatersrand introduced the subject.

Mr Bobby Godsell, Anglo American's director of Public Affairs and Industrial Relations and Mr Marcel Golding, Deputy General Secretary of the National Mineworkers Union addressed the topic, Beyond the Borders: Industrial Relations Implications of Emerging Southern African Regionalism.

In May, the seminar posed the question, 'Is there a Role for Mediation in the National Negotiation Process?'. Mr Mohammed Valli Moosa of the ANC and Dr Ben Ngubane of the IFP gave their opinions of the positive and negative influences that mediation might have on the national negotiation process. An IMSSA mediator, Chris Albertyn, who was involved in Codesa, responded. He was able to share examples of where mediation interventions would have assisted the negotiation process.



THE RELATIONSHIP BUILDING SERVICE

Toyota/NUMSA Relationship by Objectives Programme

I MSSA recently facilitated a relationship by objectives (RBO) exercise with Toyota and the National Union of Metalworkers of South Africa (NUMSA). The parties relationship has in recent times been characterised by a number of industrial disputes in which IMSSA's services were utilised.

IMSSA's involvement started with an attempt to mediate a dispute over a number of issues, including payment for striking workers during a recent wage dispute. At the time of the mediation, conducted by Charles Nupen and Bruce Robertson, workers were again on strike over the issues referred to mediation. Although the parties did not settle at mediation, they subsequently reached agreement on terms discussed during the mediation stage.

As part of the settlement, the parties agreed that shop steward elections should be held. The elections were conducted by IMSSA over two days and were made more complex by the fact that the company operates a continuous production line which could not be interrupted. The strike settlement agreement reached by the parties also referred certain disciplinary cases to arbitration through IMSSA, and these disputes were resolved in that manner.

The intense industrial action in the past took its toll on the parties' relationship. Their interaction was characterised by a high degree of mistrust and an over-reliance on contractual agreements. The parties thus identified the need to improve their relationship through an RBO exercise.

It took approximately three months to set up the RBO process. A number of pre-RBO meetings were held in order to diagnose the problems of the relationship. The issues to be addressed in the process were negotiated, and sometimes mediated by the IMSSA facilitators. These issues ranged from the payment of shop stewards to the transport arrangements for the event.

The extensive discussion of the parties on the purpose and practical workings of an RBO, although lengthy, proved to be invaluable since the parties were eventually clear on what they were embarking upon and there was a reasonable degree of commitment to the process.

The following objectives of the RBO process were agreed upon by the parties:

- to identify the desired working relationship between the parties;
- to identify problems in the current relationship between the parties;
- to jointly set objectives to deal with such problems and lay the foundation for an improved relationship; and,
- to establish clear action steps to meet these objectives.

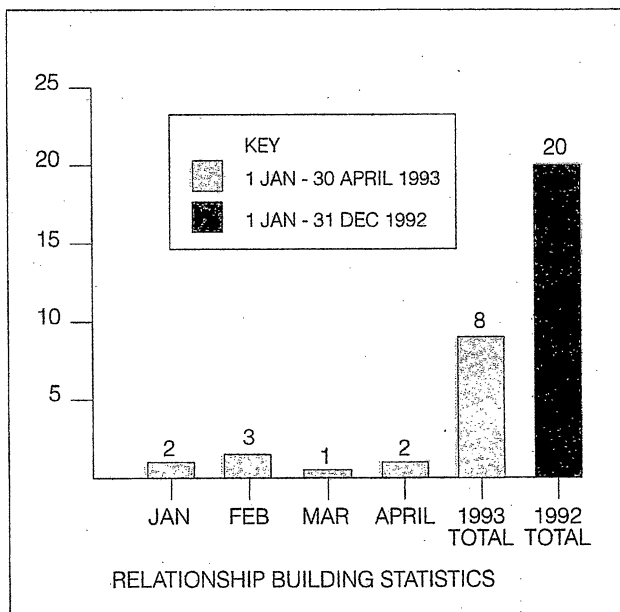
The RBO is disarmingly simple in construction, but more complex and challenging in its execution. It focuses on the parties' expectations and perceptions of each other, and objectives and action plans are formulated to attempt to achieve a more constructive working relationship between them.

Two separate lists of objectives were generated by Toyota and NUMSA, and tabled for clarification, debate and eventual agreement. During the process the parties were given the opportunity to debate the validity of each proposal, to test assumptions, and ultimately reach agreement on the proposal's appropriateness. The facilitators frequently invoked classical mediation techniques to 'work agreement' on the proposals. At the end of an intensive four days, facilitated by IMSSA mediators, John Radford, Mandla Mchunu, Chris Nicholson and Phil Glaser, the parties had forged agreement on a broad set of objectives which addressed all aspects of their relationship. The parties organised follow up sessions, again involving IMSSA facilitators, to consolidate and draw action plans for the development of their future working relationship.

Phil Glaser and Mandla Mchunu facilitated these follow up sessions.

Early reports from the parties indicate that the RBO has to date been a success. It gave parties a set of agreed norms and a framework within which to conduct their relationship.





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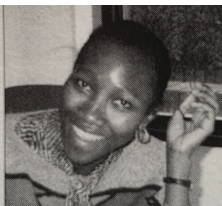
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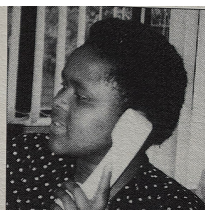
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