

October 1995

SETTLEMENT WEEK

IMSSA is about to embark on a bold new project, Settlement Week, thanks to tireless work of Bruce Robertson. This project will assist in addressing the enormous capacity constraints of the present statutory system. Settlement Week, a joint project involving the Ministry of Labour, the Industrial Court and IMSSA, will attempt to reduce the Industrial Courts' backlog as much as possible during a specified period. Parties are to be offered a range of dispute resolution processes. Settlement Week has been organised and promoted as a national campaign. The actual implementation of this drive in the different regions will be staggered over a limited period, in order to make best use of existing resources.

The Settlement Week initiative was endorsed by Minister Tito Mboweni at a very successful media launch in Durban recently. Cape Town held its launch on 26 September. The Eastern Cape office launched its settlement week on 26 September in Port Elizabeth, 27 September in East London and in Umtata on 28 September. The Gauteng Settlement Week will be launched at an event at NEDLAC on 11 October at 5 p.m. Professor Adolph Landman, President of the Industrial Court will be at the launch to endorse the project. Invitations to the launch have been extended to all IMSSA panellists and staff, IR practitioners, key policy makers and the media.

Settlement Week begins in Durban in the week of **2 to 6 October**, Port Elizabeth and Cape Town will follow during the week of **6 to 10 November**, and in Johannesburg between **13 and 25 November**.

This national project needs the support of panellists to make it a success. Panellists are urged to participate in this project as interveners and are reminded to consider referring Industrial Court cases to Settlement Week. Please contact the Settlement Week co-ordinators in your region for information. Regional co-ordinators are:

Durban - Shaida Bobat
Port Elizabeth - Julie Shear
Cape Town - Sarah Archer
Johannesburg - Anne Mullins



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NATIONAL CONFERENCE

The 1995 IMSSA Annual General Meeting and National Conference was held at a Vaal resort, the Riverside Sun, from the 14-16 September. The event was well attended. Panellists and staff were offered the opportunity to discuss and develop new dispute resolution skills. Information was presented about current events and policies affecting IMSSA, and the future strategies for IMSSA were debated. Conference speakers were:

Jeremy Cronin - The Conflict of Change: Dealing with Arising Disputes;

Thandi Orleyn and John Brand - The Labour Legislation Bill: Challenges and Options for IMSSA;

David Storey and Dr Peter Mayende (Commissioner for Land Restitution Programmes) - Land Reform Legislation and Programmes: The Challenge for Appropriate Dispute Resolution;

John Radford and Sarah Archer - Participative Process Design;

Jayendra Naidoo - Nedlac: The Challenge for Dispute Resolution in Tri-partite Structures;

Felicity Steadman and John Brand - Facilitating Industrial Participative Processes;

Laurie Nathan (Director of the Centre for Conflict Resolution) - How Do We Contribute Towards Security as IMSSA Interveners;

Avril Joffe and Alistair Machun - World Class Manufacturing: Implications for Dispute Resolution;

Vally Moosa (Deputy minister of Constitutional Affairs) and **Nkosi Phathekile Holomisa** (President of Contralesa) - The Role and Potential of Dispute Resolution in Local Elections;

Greg Smith (Australian Industrial Relations Commissioner) - Conciliation, Mediation, Arbitration: When, Why and How to Apply These Skills Effectively;

John MacRobert and Mary Simons - Discrimination Disputes.

The Conference proceedings and annual reports will be compiled and distributed to all panellists by 30 November. A thorough evaluation of the conference is being undertaken. Panellists and staff who attended will be surveyed on how to improve the event. Those who did not attend will be asked to inform the planning of future events regarding logistics, content and format. Please would all panellists respond to the questionnaires as it is essential that IMSSA assesses the appropriateness of its annual conference.

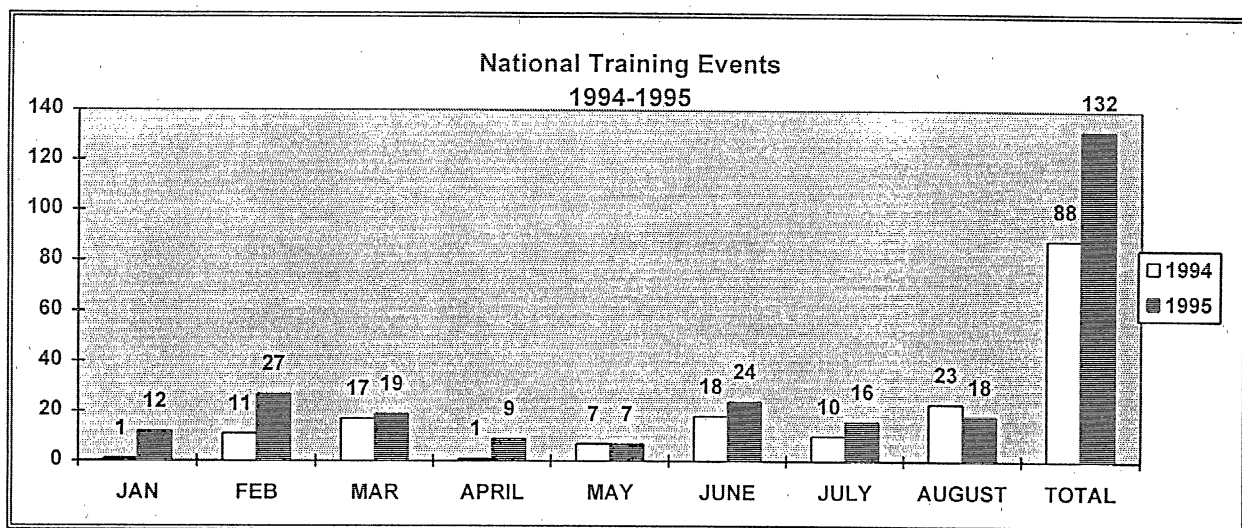
Thanks to Marion Shaer, Tanya Venter and the rest of the Conference Subcommittee for the conference organisation. The administration team worked hard to ensure the smooth running of the event and achieved in making it a great success.



EDUCATION

The Education Project welcomes Kholisa Xinindlu as the new Administration Assistant in the Johannesburg office. Kholi is well known to panellists, staff and users as IMSSA's Receptionist for five years.

TRAINING



Of the 132 training events held this year, 53 (40%) were Community Conflict Resolution courses, 49 (37%) were Industrial Dispute Resolution courses for the public. Seventeen courses (13%) were panellist training events and the remaining 13 (10%) were courses run for IMSSA staff and interns.

Marion Shaer and Phiroshaw Camay were in Gabarone in early September to evaluate the feasibility of developing a private dispute resolution agency in Botswana. PC also conducted a training workshop for a group of employers and unionists on negotiation skills and collective agreements.

Due to the large number of requests for training in the area of social development, the Education Project is currently developing a training course to offer to practitioners and interveners in this fast growing area of work.

Mozambique's LINK NGO Forum has requested IMSSA to return and train community mediators. The training is planned for November.



Panellist Content Training

The Western Cape region held a seminar in August on **Co-determination & Worker Participation**. The next content training will be held on 18 October. The topic is **Interpersonal Skills for Mediators and Arbitrators**

Anthony Smith presented a panellist seminar on 24 August in the Johannesburg office on the topic, **Developing a Mediating Culture in the Education Sector**. Anthony Smith, a member of the Massachusetts Attorney General's Office Crisis Intervention Team, led the discussion that developed into a clear and practical plan that could be implemented as part of the CCRS Education initiative.

RESEARCH

IMSSA's Education Project conducted in-company research for a company to determine discriminatory practices, perceived or real, and presented employees proposed solutions to these. This company is using investigative research as the first step towards developing an affirmative action policy for the company. The research results were presented to the Affirmative Action sub-committee and other staff at a seminar held at the company in early September.

Research into the feasibility of dispute resolution mechanisms for land reform related disputes

The Education Project has been commissioned to conduct background research on the potential types, intensity and regional variations of disputes arising from the land reform policies and legislation initiated by the Department of Land Affairs. The five month study will involve research in all provinces. The research findings will form the basis of a conflict management system which will be presented to the Department of Land Affairs.

Intern Project Presentations

The IMSSA interns presented their IMSSA projects at an event organised by the interns and held at the Johannesburg office on 18 August. The subjects presented ranged from community policing in the Eastern Cape, IMSSA and the LR Bill, public participation in constitution-making, land development in the Western Cape to work on the IMSSA research database. All six interns gave very competent presentations.

Second Internship Programme of 1995

Tanya Venter, Thobile Yanta and Sarah Archer were offered a six month extension to their internship period. Three new interns began their programme in July. **Africa Majola (IDRS)** and **Clinton van Winkel (CCRS)** are both based in the Johannesburg office. **Shaida Bobat (IDRS)** is in the Durban office and is co-ordinating the Kwazulu/Natal Settlement Week programme. The Johannesburg based interns were involved in three days of formal training in mid-August and were included in the intern evaluation exercise of the previous internship programme.



INDUSTRIAL DISPUTE RESOLUTION SERVICE

IMSSA is very sad to bid farewell to Zi Channing, IDRS Client Services Manager. Zi joined IMSSA in 1989 as one of the organisations two Client Services Officers. At that stage IMSSA had a total staff complement of 10. In 1991 Zi was promoted to Client Services Manager, a position that she has held and developed since then. Zi leaves in November to explore new challenges. Her leaving is a great loss to IMSSA. We wish Zi every success with her future plans.

IMSSA has a very limited presence in **Namibia** (one panellist). In consultation with Namibian employers, the National Union of Namibian Workers and the Legal Assistance Centre, a meeting has been scheduled for early October. The aim of the meeting is to determine the practical requirements for an initial dispute resolution resource in Namibia.

Dave Douglas chaired two sessions of a COSATU-hosted conference held in Port Elizabeth and Durban recently. These events provided invaluable contact and exchange of ideas with the COSATU leadership.

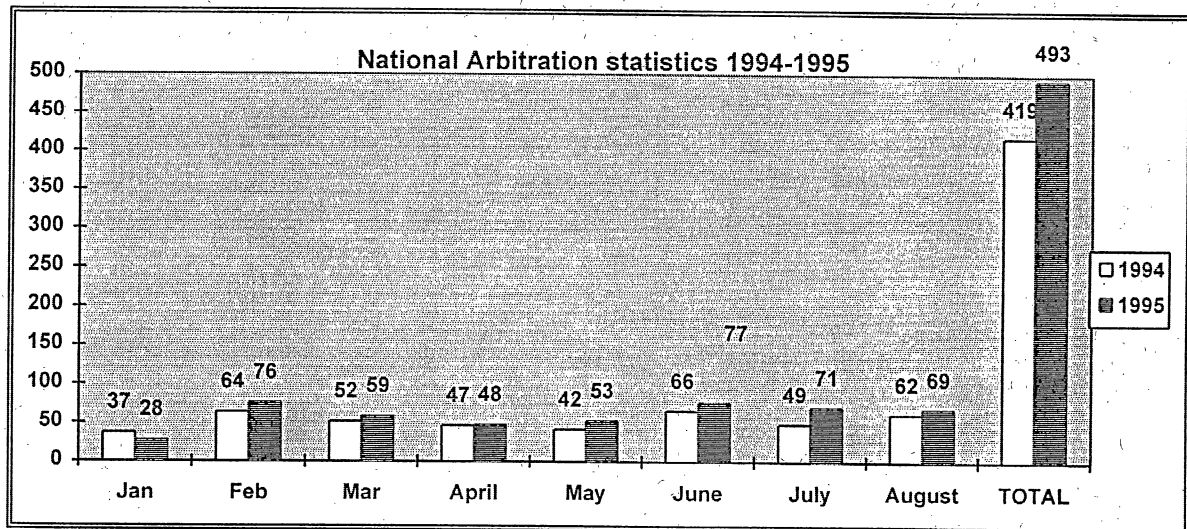
IDRS Eastern Cape held a strategic planning meeting in August. It was attended by the major users of this service in the region. Fruitful discussion and recommendations were made on how IMSSA could best serve users' needs and plans are underway for IDRS to increase its effectivity in the region.

Reminder to arbitrators

Arbitrators need to be cautious about handing out previous awards to interested parties as it is possible that one or other of the parties has specifically requested that the award not be published. Arbitrators should refer interested parties to IDRS Client Services who can check the file. Permission to see an award would need to come directly from the parties if there has been such a request.

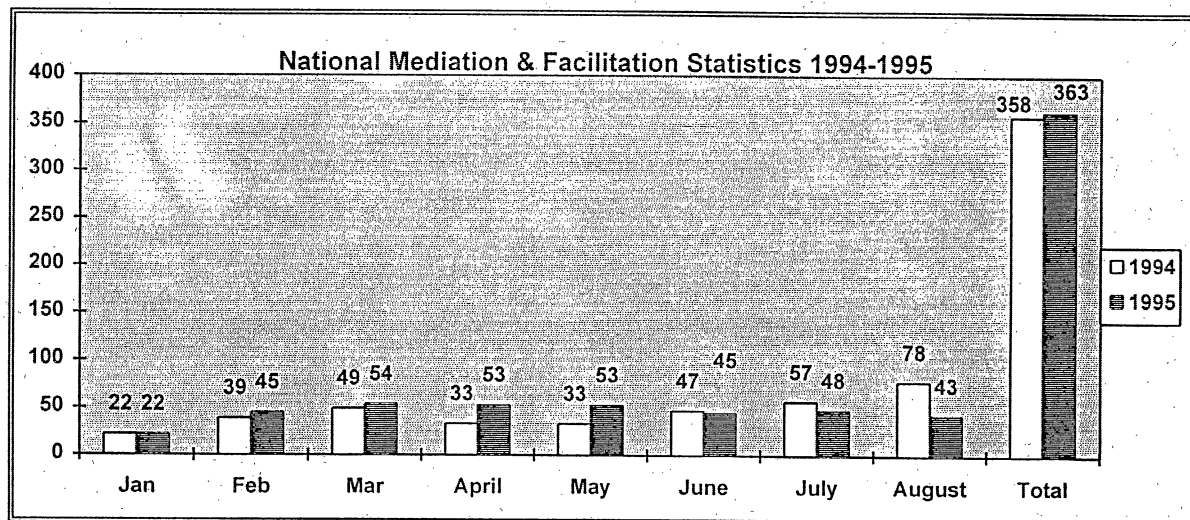
RECENT INTERVENTIONS

The shift to centralised and sectoral bargaining is reflected in the mediation figures for 1995. This year has also seen an increasing number of long term agreements struck (e.g. AMEO/NUMSA & SA YSTER EN STAAL, Concor/BCAWU). It appears that parties are becoming more selective about what goes to third party intervention and more experienced in handling their own negotiations. Despite these developments, IDRS has been conducting an average of 111 interventions a month.



In 1995, arbitrations occurred mainly in the transport sector (23%), food sector (18%), the public sector (14%), and the metal and allied sector (10%). Dismissals were the dominant issue (62%) with individual dismissals accounting for 53% of that number. The next most common issue was disciplinary action which accounted for 8% of all arbitrations in 1995.

Western Cape panellist **Paul Benjamin** arbitrated a dismissal dispute in which the grievant had been given study leave to write exams. It was discovered that the grievant had not written the exams and had fraudulently allowed someone else to sit the exams on his behalf. The dismissal was upheld.



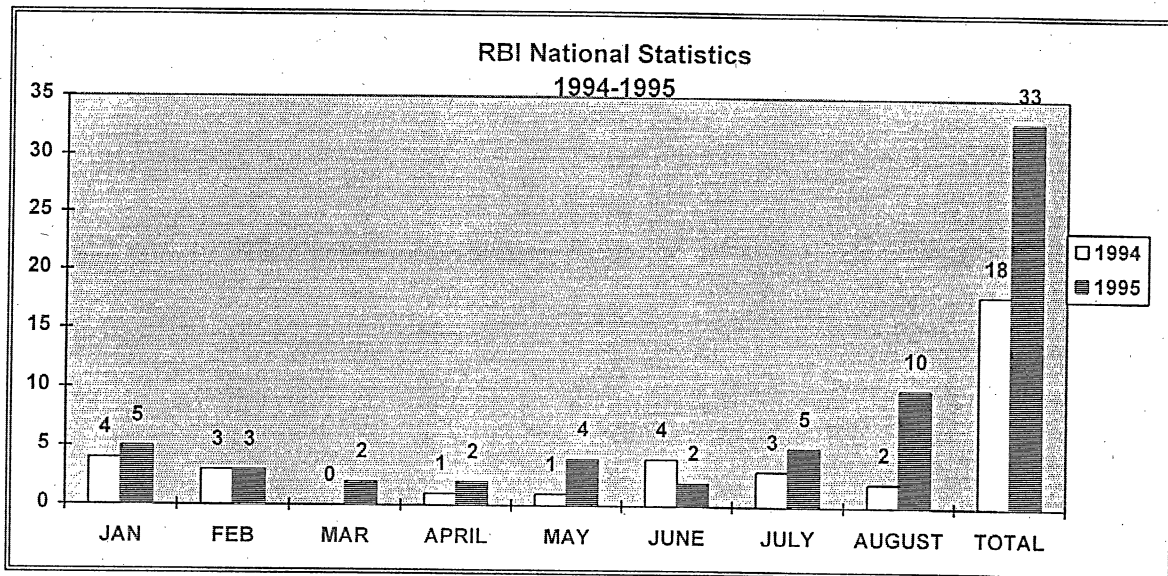
Mediations and facilitations occurred mostly in the food sector (16%), followed by the chemical industry (15%), the metal and allied industries (12%), transport (11%) and the public sector (10%). The dominant issue was wages accounting for 65% of the total.

Attie van der Merwe, John van Breda, Patrick Deale and **Brian Currin** facilitated a dispute between SAA and a forum of unions. Four facilitators were used because the intervention took the form of a workshop in which each of the main groups within SAA (cabin crew, ground staff, etc.) were assigned a facilitator to lead them. The facilitation was completed in a day and the outcome was successful.

Attie van der Merwe began a long and difficult annual wage mediation for parties in the mining industry in August. The intervention continued into September with sessions running into the early hours of the mornings. Settlement was reached amid much media coverage.



IMSSA was requested to mediate between the **Swazi Government, the Federation of Employers and two trade union federations** in a dispute over that country's proposed Industrial Relations Bill. This intervention follows a number of highly publicised nation-wide strikes and threats of further industrial action.



From January to August 1995 IMSSA has conducted 33 events, indicating that the upward trend begun early this year is continuing. During 1994 only 22 relationship building events were conducted.

FINANCE DEPARTMENT

IMSSA welcomes **John Mwangi**, the new Finance Director. John was previously with Deloitte and Touche for four years as a management consultant. Before that he was with Coopers and Lybrand where he qualified as an Accountant. John was instrumental in restructuring NUM's finance department. His experience of dispute resolution was developed through his involvement with the Johannesburg Central Local Peace Committee.

Congratulations and best wishes to John who will be getting married to Wangi in Nairobi on 28 October.

Congratulations also to **Supriya Kalidas** who has been appointed as IMSSA's Accountant.



ELECTIONS AND BALLOTING PROJECT

The Elections and Balloting Project was invited by the Department of Foreign Affairs to provide it with information about the Civic Education Training Programme. The Department's intention is to offer a training programme to other African countries, particularly those wracked by intense conflict.

Planning is underway with LINK (an NGO consortium in Mozambique) to train their trainers in civic education. The course will be adapted to suit the social and material conditions in Mozambique.

The Project met with NEDLAC to share information about the work of the Elections and Balloting Project in the industrial arena.

Voter Education

IMSSA voter education trainers have been training community trainers who in turn provide voter education to their constituencies. This strategy reaches into communities and provides education for large groups of voters who could not be reached by IMSSA trainers alone.

The Elections and Balloting Project has established satellite offices in various provinces with the administrative and training infrastructure required to provide voter education to community trainers. Offices have been established in Nelspruit, Umtata, East London, Queenstown and Bloemfontein.

Several NGOs have requested IMSSA trainer training to allow them to conduct voter education programmes for their constituencies. Training was conducted for Street Law affiliates at the Universities of Natal and Zululand. Trainees were drawn from various organisations and are now equipped to conduct the programme in their own areas.

The Western Cape office has conducted trainer training for SANCO, the Botrivier Advice office and the Centre for Rural Legal Studies.

ELECTION INFORMATION AND RESEARCH CONSORTIUM (EIRC) UPDATE

EIRC identified a gap in the capacity for existing conflict resolution mechanisms provided for in the Local Government Transitional Act, 1994. A briefing document was prepared which analysed the Act and made recommendations on how to establish an adequate conflict resolution mechanism for local government elections.



A national workshop was held with the Government Task Team and NGOs to discuss strategies to expand mechanisms to address conflict before, during and after the local government elections. Speakers included Dr van Zyl Slabbert, Charles Nupen, Ashek Manie and Alistair Machintosh. A second planning workshop followed. The recommendations that flowed from these workshops were presented to the Minister of Constitutional Affairs and MECs for Local Government by **Charles Nupen**, accompanied by **Mabo Mosupye**. This resulted in a change in regulation to allow the existing structures to expand. Panels of mediators are to be set up nationally to assist with conflict resolution before, during and after the elections

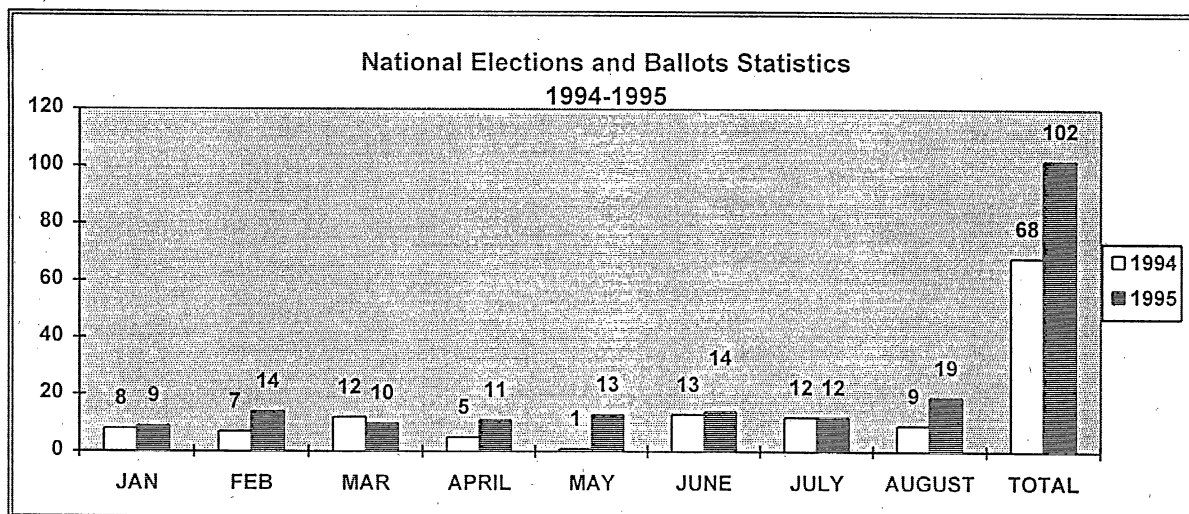
EIRC publishes a monthly election bulletin and will issue regular press statements to ensure that election information is available to the electorate. The first newsletter was printed in mid-May and the second in June. EIRC also plans to research the electoral process and publish an in-depth analysis of the upcoming elections.

RECENT ELECTIONS & BALLOTS

August was a busy month for Elections and Balloting in the Eastern Cape. Theminkosi Mkalipi organised a ballot for COSATU in East London. Other elections included a regional election for SADTU, FAWU, a community policing forum and an executive committee election for an NGO.

The Gauteng regional office has experienced a marked increase in the number of requests for both elections and ballots. Communities in particular are making use of the secret ballot to elect office bearers. A broader spectrum of candidates from the community are appearing to make themselves available for office, contesting positions previously held for successive terms.

The Project is conducting provincial elections for the Democratic Nurses Association of South Africa which will conclude in January 1996 with the national election. Other elections include the SADTU branch executive election, NUM regional executive elections and a regional office bearer election for the ANC Women's League.



COMMUNITY CONFLICT RESOLUTION SERVICE

IMSSA welcomes Margaret Steinegger-Keyser as the new National CCRS Project Director. Margaret will join IMSSA in November when she leaves the Quaker Peace Centre in Cape Town. IMSSA panellists may already have met Margaret through her work as the SAACI Newsletter co-editor, as Chairperson of the National Forum of Education for Peace, or as an advisory council member for Peace Vision.

CCRS PROJECT NEWS

CCRS is participating in an NGO forum called **The South African Conflict Resolution Resource to Africa**. The Steering Committee includes representatives from CCRS, ACCORD, CDRT, IDASA and IMSSA.

The CCRS Education Project has been received with enthusiasm by educational institutions in **Kwazulu/Natal**. Great interest has been expressed in both conflict resolution training and in implementing Conflict Management Systems in schools.

A **Youth Training Project** has been set up in **Kwazulu/Natal**. The aim of this project is to train peer trainers. The foreseeable multiplying effect of this programme is that these young people can reach and train others, and also market CCRS services.

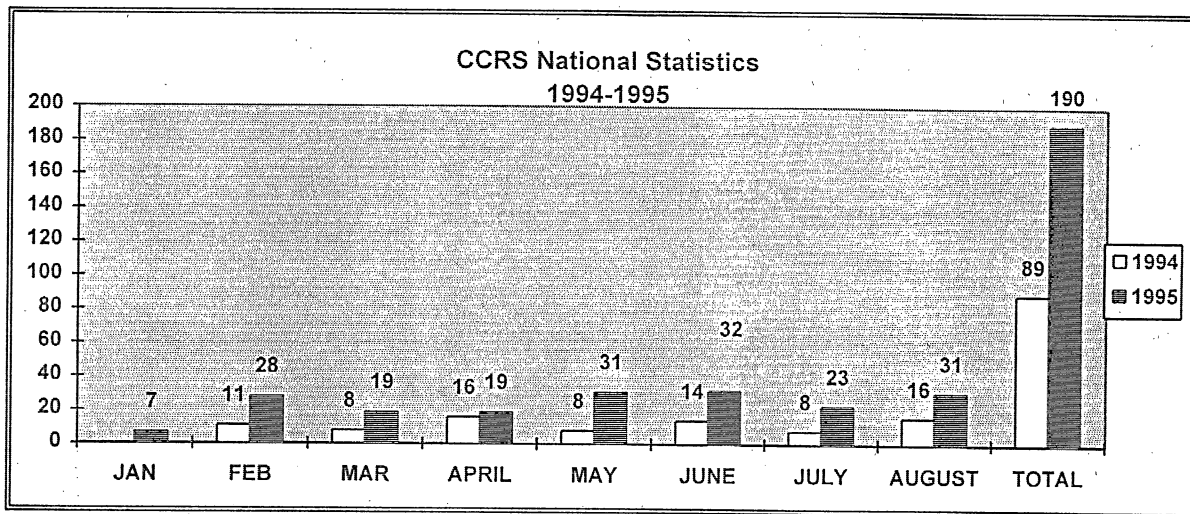
The CCRS Education Project has started pilot projects in **Garankuwa**. The training has already yielded positive results in that a recent demonstration by students in that region was amicably resolved through the intervention of certain individuals who had undergone the dispute resolution training. The teachers were impressed by the facilitative role played by the trained students.

CCRS TRAINING HIGHLIGHT

CCRS Eastern Cape has been commissioned to train the SAPS Legal Services officers in conflict resolution. Participants included all ranks of police personnel from the Kei/Border region. The Western Cape and Gauteng offices are also involved in the training of Community Policing Forum personnel.

CCRS Eastern Cape conducted its first sports intervention for the Eastern Cape Life-Saving Clubs. **Netty Green, Shena Ruth and Sureshni Moodliar** are facilitating a transformation process for the parties.





Community policing continues to be a core area of activity for CCRS, especially in the Eastern Cape. Extensive time and energy has been devoted to co-operative work with other NGO's involved with community policing.

IMSSA panellists and staff facilitated some **25 Constitutional Public Meetings**. This process involved extensive evaluation and planning sessions with the Constitutional Assembly and has provided IMSSA with a Participative Process Design case study and an approach that has proved successful in other areas with exciting potential for further application.

The opening of an **IMSSA office** in the **Border/Kei region** is another recent development. This facility will allow IMSSA to better service a vast area and addresses the interests of donors to extend IMSSA's reach.

The taxi conflict is an ongoing area of concern and engagement for CCRS. A feasibility study is presently being conducted by **Clinton van Winkel** which will offer IMSSA a clearer understanding of the history and complexity of this conflict as well as a strategic plan for IMSSA's association with this sector in the future.

PANELLIST & STAFF NEWS

Congratulations to **Gary Koekemoer** (Eastern Cape Regional Director CCRS) and **Sheena Ruth** (Eastern Cape CCRS panellist) on their recent wedding. Gary reports:

Sheena and I met monitoring the marches subsequent to Chris Hani's assassination. She was carrying confiscated petrol-bombs at the time. During a really wonderful service, we tied the knot. We had two ministers to conduct our wedding service, one of whom is an NG Dominee and who co-chaired the P.E. Peace Committee with myself. We had a great reception, at which my first down-payment on the Lobola (two crates of beer) took place.

EXTRACTS FROM PANELLIST REPORT FORMS

(Selected and slightly edited by Gary Koekemoer)

"The most senior ... was drunk; fell asleep; fell off his chair; snored and moaned; refused to leave the meeting. He lay asleep on the floor from +/- 11:00 to 2 p.m. when I left"

Nombulelo Jobodwana and **Sydney Sili** (panellists) slightly misjudged the travelling time to a town where they were to conduct a Community-Police workshop the next day. Upon arrival, they found the only hotel closed for business and spent the night in cells at the local police station - courtesy of the SAPS.

Eastern Cape panellist, **Martheanne Finnemore** attended the Beijing international women's conference.

Susan Hayter presented a paper titled "Conciliation: Creative ways of preventing disputes" at the Labour Law Conference held in Durban in July.

Thandi Orleyn and **Sue King** attended the Southern African Industrial Dispute resolution Workshop in Harare in August organised by the Fredrick Ebert Stiftung and the UCT Labour Law Unit. Sue King presented the South African paper. The workshop served as an excellent opportunity for IMSSA to market its services to representatives from ten African countries.

IMSSA is sad to bid farewell to **Michael Moodley**, IMSSA's Information Systems Manager. Michael joined AFROX in October.

Welcome to **Jana Noome** as the CCRS Client Service Officer for the Eastern Cape office. Jana joined IMSSA in mid-1994 as an intern in the Eastern Cape office.

Congratulations to **Bontle Mpakanyane** on the birth of her son Boitumelo. Bontle will be on maternity leave until February 1996.

Congratulations to the two IMSSA teams that took part in the First National Bank Company relay. Team members were: **Thandi Orleyn, John Mwangi, Peter Lekwakwe, Ilona Tip, Tsepo Sebolai, Mduduzi Masuku, Jewel Adoons, Nana Mogari, Tanya Venter, Lungile Zondi, Roy Mthombeni, Bronwyn Strong** and **Aubrey Lekwane**. Peter was responsible for organising and training the two IMSSA teams who came in 1 061 and 1 064.

Condolences to IMSSA interpreter of some five years, **Simon Morobe** on the death of his son. Contributions to help defray funeral expenses are being collected by **Mally Mokoena**.

A delegation of IDRS Client Service personnel have organised a trip to Shell in Cape Town to investigate that company's computer and administration system. **Zi Channing, Wendy Jones** and **Mally Mokoena** will gain a broader perspective on multi-skilling, technical systems, service and delivery in a service industry which could then be applied in IMSSA.

Regards to all,
Sue King

