

<p style="text-align: center;">NATIONAL BARGAINING COUNCIL FOR THE WOOD AND PAPER SECTOR ("THE NBCWPS")</p>
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DISPUTE REFERRAL PROCESSES:- SUMMARY

1. Bargaining Council Scope:

1.1. Registered Scope

The registered scope of the Council comprises the activities in the whole of the Republic of South Africa of the industries identified and described in Schedule 1 of the Constitution.

1.2. Parties Covered by the Scope:

- a) All (4) Employers' organizations who are party to the National Bargaining Council for the Wood and Paper Sector;**
- b) The employees of the above employers' organizations who are members of the trade union parties to the Council.**
- c) The employees of the employers who are not members of any trade union party the Council, but who fall within the registered scope of the Council; and**
- d) The employers who are not members of the employers' organizations, listed in (a) above, but who fall within the registered scope of the Council.**

2. How Disputes are Managed in the Council

The main objectives of the bargaining council are to:-

- Prevent and resolve labour disputes within the wood and paper sector.
- Perform dispute resolution functions as outlined in Section 51 of the LRA.

I. Referring a dispute for conciliation.

- A party may refer a dispute in writing to the Council General Secretary by completing a prescribed form.
- A copy of the form must be served on the other party by either of the following:-
 - **Registered mail**
 - **Fax Delivery**
 - **Hand Delivery**
- A copy of, registered mail slip, fax transmission report and of hand delivery slip must accompany the form when referring the dispute to the NBCWPS, as proof of referral to the other party.
- Within 30 days of the date of the referral, parties may agree on a particular panelist, if not, the General Secretary shall appoint a panelist from a Panel of Conciliators and arbitrators.
- The General Secretary will set down a hearing for the dispute of right for conciliation within 30 days of referral.
- A panelist will meet the parties to assist them to settle the dispute through conciliation or the combination of conciliation and arbitration if both parties consent that the matter proceeds to arbitration immediately after conciliation.
- During the process the party may be represented by the co-employee, trade union official, employer organization official or appear alone.
- After conciliation, the panelist will issue the outcome form to indicate whether the dispute has been resolved or not.
- If the dispute remains unresolved, the referring party may request that the dispute be resolved through arbitration.

II. Referring a dispute for Arbitration.

- A copy of the form must be served on the other party by either of the following:-
 - **Registered mail**
 - **Fax Delivery**
 - **Hand Delivery**
- A copy of, registered mail slip, fax transmission report and of hand delivery slip must accompany the form when referring the dispute to the NBCWPS, as proof of referral to the other party.

- Within 4 days of the date of the referral, parties may agree on a particular panelist, if not, the General Secretary shall appoint a panelist from a Panel of Arbitrators.
- The General Secretary will set down a hearing for the dispute of right for conciliation within 30 days of referral
- In arbitration proceedings, a party may be represented by a legal practitioner, co-employee, trade union representative, employer organization official or appear alone.
- The panelist will ask the parties to state their cases. Parties may call witnesses and cross-examine other parties' witnesses.
- The panelist will have (14) fourteen days to issue a decision / an arbitration award. The award will be final and binding to both parties.

III. Disputes not for Bargaining Councils.

Please Note: that the following disputes must be forwarded directly to the CCMA, and cannot be dealt with by a bargaining council in terms of the "LRA".

- Disclosure of information (Section 16 and 89 of the LRA)
- Organisational Rights (Chapter III part A of the LRA)
- Agency Shop disputes (Section 25 of the LRA)
- Closed Shop disputes (Section 26 of the LRA)
- Interpretation or application of collective bargaining provisions (Section 63 (1) of the LRA)
- Picketing disputes (Section 69 of the LRA)
- Workplace forum disputes (Section 86 and 94 of the LRA)
- Unfair Labour Practice disputes (if the dispute does not concern dismissal (Sec.10 (2) of the EEA)
- Facilitation –Operational Requirements (Section 189A of the LRA)

Where to contact the NBCWPS.

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