

## **NEWSLETTER No. 2: February 2016:**

### **New Pilot Project for Workplace Mediation for the Western Cape Fruit Industry**

We are excited about the possibilities that a new Pilot Project aimed at preventing and resolving workplace conflict holds. This emanates from an initiative of the FIVCRT (Fruit Industry Value Chain Round Table) between Fruit SA and the Dept of Agriculture, Forestry and Fisheries, and will be launched by the CCMA on 1 March 2016.

What is workplace mediation? It is a process aimed at resolving conflict between the employer and an employees (s) and between employees themselves at an early stage **before** the conflict escalates into formal disciplinary action and grievance procedures. The overarching objective is to restore and promote sound labour relations in the workplace. The focus is on working together to go forward and not to determine who is right or wrong. It is a **voluntary** process requiring the consent of both parties and is conducted **privately** and **confidentially** by an **impartial** third party.

This does not replace the existing disciplinary and grievance procedures but offers an opportunity to resolve workplace problems in a constructive manner. If voluntary mediation fails, the employer is still free to proceed with formal disciplinary procedures and the employee may continue with any grievance procedure at his or her disposal or to refer the matter to the CCMA.

For purposes of the Pilot Project, only the following categories of problems will be dealt with:

- Any problem caused by the conduct or performance of the worker which would normally have resulted in disciplinary action;
- Any action of the employer that could result in lodging of an internal grievance or referral of a dispute relating to unfair labour practice;
- Any problem arising between workers that can have a negative impact on the workplace.

The following issues will be excluded ♦ serious misconduct ♦ discrimination, and ♦ sexual harassment.

The service will be provided at the workplace free of charge by specially trained commissioners of the CCMA. Representation will be allowed as per the employer's agreed-upon procedures/practice. The process must be completed within two hours. The commissioner will help to draft an agreement which both parties must sign. If no agreement can be reached, the law will take its normal course.

The Pilot Project will run for six months, i.e. from 1 March 2016 to 31 August 2016, with the possibility of an extension of three months up to 30 November 2016. If successful, the project will be rolled out countrywide within the Fruit Sector, and thereafter to other sectors.

To make use of the facility, a form must be completed and signed by both parties, after which it must be sent to the CCMA. Members can obtain this form from our office (Ciske 082 698 8216; or [caeo2@maxitec.co.za](mailto:caeo2@maxitec.co.za)). The process is aimed at swift mediation and should not take much longer than a week. We advise our members to approach this new facility positively and to put it to the test. Our officials will also be able to assist and support you in this regard.