



18 August 2016

**Commission for Conciliation, Mediation and Arbitration (CCMA)
Pilot Workplace Mediation process seeks to reduce conflict in the
workplace**

In March 2016, the CCMA launched a pilot Workplace Mediation process in the Western Cape Fruit Sector in collaboration with the Fruit Industry Value Chain Roundtable (FIVCRT). The pilot commenced in March 2016 and will run until November 2016.

Workplace Mediation is a process to resolve conflict in the workplace that may arise between the employer and employee(s) or between employees. It attempts to resolve workplace problems at an early stage i.e. before disciplinary action is taken by the employer or a grievance lodged by employee or statutory dispute resolution measures are pursued.

This is a voluntary private process conducted by an independent third party with the consent of the parties involved. The process does not replace or undermine existing workplace internal disciplinary and grievance procedures. Instead, it provides an opportunity to resolve workplace problems in a less adversarial manner without compromising the employer's right to discipline employees or the employees' right to lodge grievances against the employer.

If workplace mediation fails to resolve the problem, the employer may institute disciplinary proceedings or employee may invoke grievance procedure depending on nature of problem. It also does not hinder referral of a dispute to the CCMA



Unlike statutory conciliation, workplace mediation agreements reached by parties are not enforceable but compliance is more likely due to voluntary nature of the process.

For purposes of the pilot project workplace mediation may be requested through the CCMA for the following issues:

- any problem relating to the conduct or capacity of the employee that may ordinarily lead to institution of disciplinary proceedings. *Excluding gross misconduct, discrimination and sexual harassment.* any problem relating to conduct of the employer that may ordinarily lead to the lodging of a grievance internally or the referral of an unfair labor practice dispute
- any problem between employees that adversely impacts on the workplace.

Workplace mediation has enjoyed great success in countries such as the United Kingdom and Ireland.

The benefits of workplace mediation include improved working relationships and preventing escalation of conflict in the workplace. It also has the potential to reduce the use of formal disciplinary and grievance procedures, and consequently referral of disputes. Therefore, providing cost effective means to resolve workplace problems.

The CCMA Director, Cameron Sello Morajane encourages parties in the fruit sector in the Western Cape to take advantage of the opportunity presented by the pilot project.

What to expect in terms of process:

- *conducted at the workplace by specially trained CCMA Commissioners*
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- *process is allocated two (2) hours;*
- *interpretation service provided on request;*
- *Representation at the process is in line with workplace policy / procedure /practice or by agreement between the parties;*
- *Commissioner will conduct joint and separate meetings with parties involved;*
- *if resolved, Commissioner will assist in drafting an agreement;*
- *if unresolved, Commissioner may make non-binding recommendations to parties on how the problem may be resolved;*
- *If unresolved, disciplinary proceedings / lodging of grievance / referral of unfair labour practice may proceed.*

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