



# The New CCMA Guidelines for Commissioners

*How they may impact you at  
misconduct arbitration proceedings*

## HALF-DAY WORKSHOP

**8 February 2012**

Radisson BluGautrain Hotel, Sandton

### Information

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[www.kr.co.za](http://www.kr.co.za)

# The New CCMA Guidelines for Commissioners

*How they may impact you at misconduct arbitration proceedings*

8 February 2012 Radisson BluGautrain Hotel, Sandton

## About the Facilitator



### Regina Da Silva

Senior Associate: Employment Law, Edward Nathan Sonnenbergs

Regina specialises in various aspects of labour law, drafting employment agreements (including international secondment agreements), appearances at the CCMA, facilitating training in relation to general topics of labour law and conducting disciplinary enquiries. Regina's practice experience includes advising on retrenchment exercises and section 197 transfers. She also has experience in compiling and reviewing Risk Management Plans in relation to labour specific legislation, as well as experience in legislation affecting the financial services industry.

## Workshop introduction

During September 2011 the CCMA Guidelines for misconduct arbitrations were published in the Government Gazette. With effect from 1 January 2012, a Commissioner ought to take these guidelines into account when conducting an arbitration relating to a dismissal for misconduct. It will therefore become invaluable for delegates who appear in the CCMA to have a comprehensive understanding of these guidelines. This workshop will, amongst other things, enable you to understand what evidence will be considered by a Commissioner arbitrating an unfair dismissal dispute relating to misconduct, placing you in a position to identify what evidence you should be specifically presenting and focusing upon at the arbitration proceedings. A thorough knowledge of the Guidelines will also allow you to more easily determine whether a review to the Labour Court is justified, and assist you in formulating such a review application to the Labour Court.

## Workshop Objectives and Learning Outcomes

The objective of this workshop is assist delegates in understanding and benefiting from the new CCMA Guidelines for misconduct arbitrations. Delegates attending this workshop will learn:

- The six recommended stages of conducting an arbitration as set out in the CCMA Guidelines;
- How Commissioners are required to assess evidence, and therefore how evidence ought to be presented at an arbitration;
- How Commissioners should draft their arbitration awards and the possible impact thereof on review applications going forward;
- How Commissioners are required to approach procedural and substantive fairness, both in circumstances where a workplace disciplinary procedure is in place and in the absence of such a procedure;
- How Commissioners are obliged to approach the remedies for unfair dismissal and the related evidence that ought to be presented at arbitration proceedings to deal with this issue;
- How Commissioners ought to deal with costs awards and amounts payable in terms of section 74 of the Basic Conditions of Employment Act.

## Programme Outline

07:30 – 08:30	Registrations and welcome refreshments
08:30	Workshop begins
10:00 – 10:30	Mid-morning tea
12:30	Workshop finishes and lunch

## Gautrain

Travel on the GAUTRAIN from O.R. Tambo / Hatfield / Pretoria to Rosebank. The Gautrain system provides a safe, comfortable and reliable transport service.

The Gautrain system includes:

- Drop-off and parking facilities at all stations
- Hop onto the Gautrain bus going to Hyde Park and you will be dropped off at the first stop 200 metres from the Crowne Plaza Rosebank Hotel

Visit [WWW.GAUTRAIN.CO.ZA](http://WWW.GAUTRAIN.CO.ZA) for more information, routes and timetables



## SETA accreditation

Many of our delegates enquire after our accreditation status. There is a misguided opinion that organisations can only claim their levies back if they use accredited training providers only. This is not entirely correct. In the Government Gazette (No.20865 of 7 February 2000), it clearly states that the Skills Development Levies Act provides for recovery of a levy payment based on the submission of Workplace Skills Plans (WSPs), Workplace Skills Implementation Plans (WSIPs), and the submission of the names of Skills Development Facilitators (SDFs), and not on the basis of making use of accredited providers or NQF-aligned training and development events only.

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1991 – 2012

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### Registration fee

**R 1 750.00**

The above registration fee includes VAT, lunch and refreshments, parking and workshop material

### Terms and Conditions

Please note: Payment must be received before the event takes place. Knowledge Resources reserves the right to refuse admission where evidence of payment cannot be shown.

#### CONFIRMATION OF BOOKING

Please note: If you have not received confirmation in writing, of your booking before the event, please contact us on 011 880 8540 to confirm that we have received your registration.

**SOMETHING HAS COME UP AND I CANNOT ATTEND**  
If you cannot make it to the event, you have several options (the below options need to be received in writing):

- You may send a substitute delegate in your place, please inform the Customer Care Department of the new name for registration purposes. No additional charges will be applicable for substitutions
- You may transfer at no extra charge to another event, provided you do so in writing at least 10 working days before the event. Transfers within the 10 working days will be charged an administration fee of 20%
- You may cancel your registration, in writing, up to 10 working days before the event takes place. Cancellations inside of 10 days will be liable for the full fee
- Unfortunately, no refund or credit can be given to delegates who do not attend without giving prior notice
- Registrations received during the 10 working days before the event date, will not be excluded from any terms & conditions

In the event of unforeseen circumstances Knowledge Resources reserves the right to change the programme content, the speakers, the venue or the date. You will be notified no less than 5 working days prior to an event. Should the event be postponed, you will have the option to attend the next available date of the relevant event. The registration fee will be credited on delegate accounts, should they opt not to attend the next available date of the relevant event or in the case where an event is cancelled.

#### PAYMENT

- Cheques should be made payable to Knowledge Resources (Pty)Ltd. Please do not mail any cheques.
- Electronic Transfer or Direct Deposit into our bank account, validated by faxed copy of transaction slip

Nedbank Cresta  
Account No.: 1913164489  
Branch Code: 191305  
FAX: 011 880 8700

Please note: Payment must be received by no later than 15:00 the day before the first morning of the event.



Crous Knowledge Resources Pty Ltd T/A Knowledge Resources  
Ground Floor, The Mews, 173 Oxford Road, Rosebank, 2196  
Company Reg. No. 1991/000853/07

### Special Offer

- Register 3 delegates and the 4th delegate attends free of charge!

### Registration Methods

- Register online GO TO [www.kr.co.za](http://www.kr.co.za)
- Phone Maxine Pretorius on 011 880-8540
- Fax completed registration form to 011 880-8700 / 9829
- Email completed form to [maxine@knowres.co.za](mailto:maxine@knowres.co.za)

Once payment has been made please fax through proof of payment with the event's name written in the top right-hand corner

**PLEASE NOTE** Delegates will not be allowed entry to the event if payment has not been received.

Booking made by

Phone  Email

Date  Signature

By signing this registration form, the delegates agree to the enclosed terms and conditions

#### DELEGATE 1

Name  Title

Designation

Phone  Fax

Cellular  Email

Company

Company VAT Number

Postal Address

Postal Code

Dietary Requirements

#### DELEGATE 2

Name

Title

Designation

Cellular

Fax

Email

Dietary Requirements

#### DELEGATE 3

Name

Title

Designation

Cellular

Fax

Email

Dietary Requirements

#### DELEGATE 4

Name

Title

Designation

Cellular

Fax

Email

Dietary Requirements

#### DELEGATE 5

Name

Title

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Dietary Requirements

#### CREDIT CARD PAYMENT

Card Holders  Visa / Master  Amex  Diners  Mark appropriate box  Expiry Date

Card No.  CCV No.

Amount  (All prices include VAT)

Date  Signature