

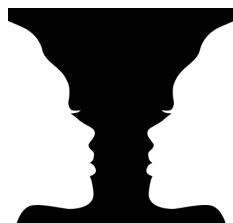
CCMA BUDGET CUTS

What does this mean for dispute resolution?



Highlights

- Dispute Resolution
- Time delays
- Constraints



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Recent reports regarding the CCMA's temporary suspension of the use of part-time commissioners raises legitimate concerns about the impact this has on the CCMA's capacity to resolve disputes promptly.

Part time commissioners reportedly make up the majority complement of commissioners and therefore carry the greater load of cases referred to the dispute resolution body. The national lockdown, as we all know, has wreaked havoc on business operations.

Some industries have had to implement short time and many companies have downsized or closed their doors permanently leading to mass retrenchments. This has caused an increase in disputes referred to the CCMA over the past year. It is clear then that the temporary suspension of the use of part time commissioners will undoubtedly perpetuate a build-up of cases and the subsequent delay in resolution of same.



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But besides time delays in resolution processes, what does this mean for companies and employees who find themselves currently caught in a dispute?

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Major law firm Cliffe Dekker Hofmeyr reported that due to affordability, the CCMA has suggested that a way forward would be to discontinue the conciliation process. This will mean that disputes will move directly into arbitration, a situation that is not the most ideal for either the employee or the employer. The law firm also predicts that some employer and employee parties may, in the hopes of expeditious resolution, opt for private arbitration but this will have cost implications for both employer and employee parties.

What is the key takeaway for employers and how can they proactively manage employee relations?

The current constraints faced by the CCMA will no doubt have a lasting impact and it will take some time to work through backlogs to achieve a state of normalcy again.

Employers can take away an important key message here and that is to exercise greater care, now more than ever, in managing the employee relationship to avoid disputes wherever possible and potential drawn out costly labour dispute resolution processes. It will be wise to shift the focus to improving the lines of communication (more especially amongst teams working remotely) and creating a safe environment for employees to voice their concerns thereby facilitating open discussion and allowing opportunity for proactive management and internal resolution of conflict before it leads to the breakdown of the employment relationship.

Additionally, employers will do well to seek expert advice on all disciplinary matters to ensure that these are being dealt with in a most fair and compliant manner.