

# PHSDSBC WORKSHOPS: CCMA CONTRIBUTION



**5, 7 AND 9 OCTOBER 2015**



# FLOW CHART OF THE LEGAL SERVICES DEPARTMENT



- The Quality-Control of Settlement Agreements and Arbitration awards
  
- Accreditation process of Councils
  
- Accreditation process of Panelists



# ACCREDITATION OF COUNCILS - 7 CRITERIA



- Competent service
- Effective service
- Competent panelists
- Independence of panelists
- Panel represents demographics
- Code of Conduct for panelists
- Acceptable disciplinary processes to comply with Code of Conduct



# ACCREDITATION CRITERIA 1 - COMPETENT SERVICE



## **Must meet the standards set by the CCMA:**

- Quality - control of awards and rulings
- Utilising only those panelists to conduct s198 matters who are trained and found competent



# ACCREDITATION CRITERION 1 - COMPETENT SERVICE - QUALITY CONTROL



## **Purpose of quality- control of awards and rulings:**

- To ensure awards and rulings which are legally compliant and enforceable
- To minimize unnecessary reviews and adverse cost orders



# ACCREDITATION CRITERION 1 - COMPETENT SERVICE - TRAINED PANELISTS



**Only the section 198-panel may conduct these matters:** (This constitutes a condition of accreditation for all councils)

## **Purpose:**

- To ensure high quality awards and enforceable settlements
- To ensure consistency and legal certainty for parties
- To minimize unnecessary reviews and adverse cost orders



# ACCREDITATION CRITERION 2

## EFFICIENCIES



- 70% settlement rate
- NO late awards
- Turnaround-times: 30 days for con and 60 days for arb
- Postponement rate: Not more than 6% of hearings





# ACCREDITATION CRITERION 3 - COMPETENT PANELISTS



## **Only 2 categories are considered competent:**

- Duly appointed part-time Commissioners of the CCMA
- BC panelists, so accredited by the CCMA Governing Body



- ❑ Requirement: Independent from the State, any political party, trade union, employer and employers' organisation, as well as confederations
- ❑ Purpose of this criterion: processes conducted under the auspices of councils have credibility



# ACCREDITATION CRITERION 5 - DEMOGRAPHICS



- ❑ Requirement: Equitable distribution of cases according to race and gender
- ❑ Purpose of this criterion: Processes under the auspices of councils are aimed at transforming the workplace



## ACCREDITATION CRITERION 6 & 7 - ENFORCEMENT OF CODE OF CONDUCT FOR PANELISTS



- ❑ Requirement: Code of Conduct for panelists must be in place which sets out processes to enforce
- ❑ Purpose of this criterion: To enforce high ethical standards amongst panelists and to effectively deal with valid complaints



# ACCREDITATION OF PANELISTS



**Same qualitative and quantitative standards apply as those applicable to “renewal” of Commissioner contracts:**

- 70% settlement rate
- NO late awards
- Postponement rate: not more than 6% of all hearings
- Feedback from parties: ethical and capacity issues

*Majority of councils have opted to only utilize only part-time CCMA Commissioners*