



MANDELA INSTITUTE

LABOUR ARBITRATION

Postgraduate Certificate Course

**R12 500
INCLUDING VAT**

**7
DAYS**

**DAILY
LECTURES
08:30 – 16:30**

**17 – 24 APRIL
OR
16 – 23 OCTOBER**

UNIVERSITY OF THE
WITWATERSRAND,
JOHANNESBURG



WITS
SCHOOL OF LAW

LABOUR ARBITRATION

Description	The Labour Arbitration postgraduate certificate course examines arbitration as a form of alternative dispute resolution. Arbitration within various sectors is reflected on within a global context, the Constitution and the legislative framework. The course covers the most recent policy and jurisprudential developments in arbitration proceedings. The course concludes by affording students the opportunity to learn how arbitrations works in practice through simulation exercises. This course can be taken on its own or as part of the Labour Dispute Resolution practice certificate course.	
Outcomes	<p>At the end of the course students should be able to:</p> <ul style="list-style-type: none"> • Discuss the arbitration process • Define the scope of the arbitrator's Code of Conduct and fairness in the arbitration process • Explain arbitration within different contexts including the global context, the Constitution and the legislative framework • Appraise and distinguish between several issues in arbitration, including jurisdictional matters and when legal representation is permissible • Conduct an effective arbitration process • Draft an arbitration award, and • Prepare the relevant rulings. 	
Content	<p>The course consists of the following modules:</p> <ul style="list-style-type: none"> • Defining arbitration • Arbitration compared to conciliation and litigation • Arbitration within the global context • Arbitration, access to justice and the Constitution • Arbitration within the context of the Labour Relations Act • Ethics in arbitration, including the arbitrator's Code of Conduct and fairness in the arbitration process • Preliminary issues at arbitration, including determining jurisdiction to arbitrate and whether legal representation is permissible, an understanding on whether to postpone or dismiss an arbitration, and processes and factors to take into account when making such a decision • Conducting an arbitration process, including the introduction, narrowing the issues, presenting of evidence, the laws of evidence, arguments in closing 	<p>statement</p> <ul style="list-style-type: none"> • Default arbitration, including when and how to conduct these arbitrations and how to write a default arbitration award • Each participant will be individually coached in the role of arbitrator through a simulated arbitration process by an experienced CCMA commissioner • Skills necessary in drafting an award, elements of an award, the use of language, identifying facts in dispute, applying the law to the facts and linking the facts and application of the law to the findings. We provide a unique module on legal writing skills by an experienced legal writing academic • Certifying arbitration awards • Drafting condonation rulings • Drafting rescission rulings • Variation and rescission, and • Reviews: Drafting an explanatory affidavit in the review process.
Assessment	Research assignment, examination and simulated assessments (practical and oral sessions that are assessed by experienced mediators/ arbitrators/ commissioners).	
Certificate Criteria	<p>The following certificates can be obtained:</p> <ul style="list-style-type: none"> • <i>Certificate of Competence</i>: To obtain a certificate of competence, students are required to attend and participate in 75% of the lectures and to complete the assessments as required in the course. • Please note that a Certificate of Attendance is not available for this course. 	
Accreditation	This course is regarded as NQF Level 8 equivalent and may be credited, subject to university policies, towards the PG Dip in Law or LLM degrees.	
Course Dates	This is a block release course where participants attend daily lectures from 08:30 to 16:30 during the period 17 to 24 April 2021 OR 16 to 23 October 2021 (excluding the Sundays).	
Venue	Chalsty Teaching and Conference Centre, Oliver Schreiner School of Law, University of the Witwatersrand, Johannesburg, West Campus, Wits.	
Cost	R12 500 including VAT	
Covid-19 Arrangements	Courses will be delivered through online lecturing should lockdown regulations prevent contact classes. Students are required to have basic computer skills and stable internet connection.	

Detail	Information
Entry Requirements	<ul style="list-style-type: none"> A relevant <i>Bachelor of Laws</i> or <i>Bachelor of Commerce in Law</i> or <i>Bachelor of Arts in Law</i> or equivalent qualification is a prerequisite for admission to the postgraduate certificate courses; OR Applicants with any other undergraduate qualifications must complete the bridging course <i>Introduction to Law for Non- Lawyers</i> or equivalent courses first as well as have relevant legal work experience in the specific legal field before they would be considered for other courses. <p>You will be required to submit a copy of your Bachelors Degree, academic record as well as a copy of your identity document or passport. NB: ONLY applicants with an LLB qualification may apply for credit for MI short courses towards the Postgraduate Diploma or LLM degrees. Kindly note that all foreign qualifications must be submitted with a SAQA Evaluation Letter.</p> <p>Applications for the <i>Labour Dispute Resolution Practice</i> courses and applications based on <i>other undergraduate qualifications and work experience</i> need to include the following documents with the completed application form:</p> <ul style="list-style-type: none"> A detailed motivation on why the applicant wants to enrol for the courses A detailed Curriculum Vitae highlighting Certified copies of Qualifications and Academic Records Certified copy of Identity Document or Passport.
How to Apply	<ul style="list-style-type: none"> Complete the Online Application Form on the website. Kindly ensure that you provide all the correct details on the online application form and should your employer be responsible for the payment please complete the relevant section before submitting, as invoices cannot be amended afterwards for employer details. Please also submit all supporting documents as stipulated in the entry requirements with application form.
Application Dates	<p>1st Semester courses: 5 September 2020 to 5 December 2020</p> <p>2nd Semester courses: 1 April 2021 to 30 June 2021</p> <p>No late applications will be accepted</p>
Payment of Fees	<ul style="list-style-type: none"> ALL fees must be paid <u>10 days before</u> the start of the semester course or the start of the block release course. Registration is conditional on payment of full tuition fees. The tuition fees are the responsibility of the individual attending the course. For sponsored students, the individual need to ensure that the sponsor or sponsor organisation have enough time to process the payment. After the payment has been made, please ensure that the proof of payment is send.
Cancellation of Courses	<ul style="list-style-type: none"> Cancellation by registrant less than 10 calendar days before the start of the semester/course will result in liability for full payment of the fees. Cancellation by registrant more than 30 calendar days before commencement of the semester/course will result in an administration fee of 15% of the total course fee. Cancellation by registrant after commencement of the semester/course will result in liability for the full amount and forfeiture of all fees paid. The Mandela Institute from the School of Law, University of the Witwatersrand reserves the right to postpone or cancel a course due to lack of demand. In the event of cancellation, or reasonable postponement time, all fees paid will be refunded to the person/entity that made the original payment. Cancellation of Registration can only be done on a Cancellation of Registration Form. Please e-mail us on Mandela.Institute@wits.ac.za to request a Cancellation of Registration Form.
Registration and Enquiries	<p>Senteni Nsibande E mandela.institute@wits.ac.za</p> <p>T +27 11 717 8435 w www.wits.ac.za/mandelainstitute/short-courses/</p>