



Stellenbosch

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CERTIFICATE PROGRAMME IN LABOUR DISPUTE RESOLUTION PRACTICE

2025

GENERAL COURSE INFORMATION

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1. INTRODUCTION AND GOAL OF THE PROGRAMME

Welcome to the Certificate Programme in Labour Dispute Resolution Practice offered by the Faculty of Law at Stellenbosch University in co-operation with the CCMA. We hope that you will find this course a wonderful learning experience. Please note that the course is presented both in Midrand and Stellenbosch (but we do reserve the right not to proceed with presentation of the course at a particular venue if not enough students register for attendance in a particular venue).

The **goal** of this course is to provide labour law practitioners with the opportunity to study both the principles and the practice of labour law at a level comprehensive and advanced enough to ensure a high quality of service delivery - as prospective commissioners of the CCMA or bargaining council panelists or in an advisory capacity to their employers and clients in both the private and public sectors.

In particular, this comprehensive course aims to provide participants – prospective commissioners of the CCMA, bargaining council arbitrators and other labour law practitioners – with the required knowledge and skills to function as ‘ready to practice’ arbitrators, or representatives of, or advisors to, their employers or organisations in all areas of labour law. Ultimately, the goal is to provide participants with –

- appropriate knowledge of industrial relations and the labour market in South Africa;
- appreciation of social justice;
- knowledge and appreciation of diversity;
- a deep understanding of labour law and related areas of law (for example, the law of contract and evidence) and the ability to apply this in practice;
- the ability to write and draft legal documents (inclusive of rulings and awards) clearly and simply based on proper and ongoing research;
- the ability to effectively participate in, or conduct and manage negotiation, mediation and conciliation;
- the ability to effectively participate in, or conduct and manage arbitration hearings;
- the necessary soft skills, interpersonal skills and communication skills and the ability to appropriately apply them during labour dispute prevention and resolution processes.

2. CONTACT DETAIL

For financial queries:

Ms Marilize Hanekom: marilizehanekom@sun.ac.za; 021 808 4152.

For academic and administrative queries:

Prof Christoph Garbers: cgarbers@sun.ac.za
[or cldrp@sun.ac.za](mailto:cldrp@sun.ac.za)

3. APPLICATION, REGISTRATION, PASSWORD AND SUNONLINE

Please note: We shall only open the course for applications from end November 2024 onwards (the course only commences end March 2025). If you are interested in doing the programme, please email us at cldrp@sun.ac.za and we shall add your name to our list of interested persons. Once we open the course for applications, we shall communicate with everyone on our list of interested persons and provide the application form. From that point on, the procedure below applies.

All prospective students have to properly complete the application form and supply the required documentation. Your application (with attachments) has to be emailed to Prof Garbers at cldrp@sun.ac.za - **application forms are available on request.**

All applications are reviewed personally by Prof Garbers with reference to a candidate's prior studies, experience and potential to complete the course successfully. Once a student has been notified that their application is successful, students **will be required and allowed to register electronically (detail will be provided to students in the letter of acceptance)**. Note that no student will be allowed to participate without submitting an application and without registering electronically (once the application is successful). Also note: those students who indicated that their employer will pay for their attendance will not be accepted on the electronic registration system without a letter from their employer confirming this. Once a student has registered electronically, the student will receive a student number and password.

During the course of the year, students will be required to maintain access to the University's e-learning platform (called SUNonline) and students will have access to the university's electronic library resources. Further information about this will be provided to all participants.

4. WORKSHOPS

The CLDRP is one comprehensive programme, but for teaching purposes is divided into two broad parts: The first part of the course - based on attendance of **two workshops (each one week in**

duration) - focuses on the **substantive principles** of labour law. The second part of the course focuses on the **practice of labour law** and is based on a week-long Workshop in the Prevention, Mediation and Conciliation of Labour Disputes as well as a week-long Labour Arbitration Workshop. The dates of the four weeklong seminars are indicated below for both the Midrand and Stellenbosch courses.

Attendance of these workshops is compulsory.

4.1 The two substantive law workshops (March and May/ June)

This is the first step towards obtaining the CLDRP. The goal is to provide prospective CCMA commissioners and bargaining council arbitrators, as well as other labour law practitioners with a comprehensive and detailed knowledge of the **important principles of labour law** and to **develop the writing and legal drafting skills of participants** – a necessary prerequisite to the successful practice of labour law. We will use an array of seasoned labour law academics and practitioners to present this part of the course.

This part of the programme is structured around 4 broad topics – Employment Rights (inclusive of unfair labour practices and discrimination law), Dismissal Law, Collective Labour Law and Introductory Aspects of the Practice of Labour Law (such as the principles of evidence). The prescribed materials are dealt with further in paragraph 5 below.

The provisional dates for the lectures, which are compulsory, are:

Midrand/Gauteng:

Workshop 1: (Substantive Law): Monday 24 March – Friday 28 March 2025

Workshop 2: (Substantive Law): 2 June – 6 June 2025

The provisional venue for the Midrand lectures in March and June is the Protea Hotel Midrand (Noordwyk). This will be confirmed in the course of January 2025.

Stellenbosch:

Workshop 1: (Substantive Law): 17 - 21 March 2025

Workshop 2: (Substantive Law): 26 - 30 May 2025

The provisional venue for the Stellenbosch lectures is the Law Faculty of Stellenbosch University: Old Main Building, corner Victoria and Ryneveld Streets, Stellenbosch. Further detail will be provided in due course.

4.2 Workshop in the Prevention, Mediation and Conciliation of Labour Disputes

This five day workshop – presented by seasoned practitioners - is designed to enable prospective commissioners and panelists of bargaining councils as well as representatives of organisations to effectively participate in or conduct/ manage the resolution of labour disputes through different processes short of arbitration. In particular, the workshop will address, through practical presentations and assessment, aspects and topics such as self- awareness, communication and interpersonal skills, ethics, basic negotiation skills, mediation of disputes, conciliation in the context of alternative dispute resolution, statutory conciliation and closure in conciliation.

Please note that because of the anticipated size of the Midrand group of students, the whole **Midrand group typically is subdivided into a number of smaller groups** for purposes of this practical workshop – this detail will be made available during the year.

On the final day of the workshop, participants will be assessed by experienced practitioners on their conciliation skills. This assessment will count 20% of your final mark. Without this assessment, the certificate cannot be completed.

The workshop dates are:

Stellenbosch: 21 July – 25 July 2025

Midrand: 28 July - 1 August 2025 Midrand Group 1

4 - 8 August 2025 Midrand Group 2

11- 15 August 2025 Midrand Group 3

18 - 22 August 2025 Midrand Group 4

4.3 Labour Arbitration Workshop

This five day workshop – also presented by seasoned practitioners - is designed to enable prospective commissioners and panellists of bargaining councils as well as representatives of organisations to effectively participate in or conduct/ manage the labour arbitration process. In particular, through practical presentation and assessment, the workshop will address:

Jurisdiction to arbitrate and other preliminary issues;

Rulings (an overview of what rulings are, jurisdictional rulings, other rulings, drafting rulings);

The participation in and conduct/management of dismissal and unfair labour practice disputes (distinguishing between different types of dismissals, procedural and substantive fairness, onus of proof in dismissal disputes, remedies for unfair dismissal disputes, elements of various offences, unfair labour practices, pre-

dismissal arbitration, CCMA Guidelines-Misconduct Arbitrations);

How to conduct an arbitration hearing;

Default arbitration;

Certification;

Variation and rescission;

Ethics in arbitration;

Presenting and managing evidence in an arbitration hearing;

Analysing evidence in a closing argument or an arbitration award;

Drafting relevant documentation – heads of argument, closing argument, award writing (structure and content, how to identify material facts, how to link facts to conclusions, how to make findings);

Reviews.

The dates for the Arbitration Workshop are:

Stellenbosch: 29 September 2025 - 3 October 2025

Midrand: 6 - 10 October 2025 Midrand Group 1

13 - 17 October 2025 Midrand Group 2

20 - 24 October 2025 Midrand Group 3

27-31 October 2025: Midrand Group 4

5. PRESCRIBED MATERIAL

Books and guides

The prescribed material for this course includes the **relevant CCMA guides** as developed by the CCMA over the years (**electronic copies of all these manuals will be made available through SUNOnline**).

In addition, participants will need to **purchase the following books**:

Garbers et al *The New Essential Labour Law Handbook* (8 ed 2024)

Grogan *Dismissal Law* Juta (4th ed 2022)

You also have to **ensure that you have access to updated labour legislation and related documents** (such as the CCMA rules and Guidelines for Commissioners). It is strongly recommended that you purchase Juta's Labour Mini-library (pocket statutes) which not only contains all updated legislation, but also all the other relevant documents.

Other recommended books (students may wish to consult them as part of their studies):

Grogan *Employment Rights* Juta 4ed 2024

Grogan *Labour Litigation and Dispute Resolution* Juta 4 ed 2024

Notes

All the lecturers who will speak to students during the workshops have been handpicked based on their ability to make labour law accessible. As such, **notes, power point presentations and the like will be used during the workshops. Copies of these will be made available to students on SUNOnline.**

Case Law

One important difference between this programme and other labour law courses you may have done is that in this course participants will be required to read cases in addition to the prescribed books and notes. There are three important reasons for this. First, even though we find most of

labour law in legislation, legislation does not always tell us exactly what that legislation means and how it should be applied – we need **court decisions to tell us what the law is and how it should be applied to disputes in practice** (there will be many examples of this during the programme). Perhaps more importantly for our purposes – every court decision is an example of how that court went about analysing facts and law and applied the law to the facts of the case. As such, every court decision is an example of ‘legal argument’: **reading cases will hone your ability to make a legal argument, which lies at the heart of your ability to practise labour law**. Thirdly, any aspiring practitioner needs the skill to undertake **ongoing research** into evolving case law.

Stellenbosch University’s Electronic Resources

For the duration of this programme, students have access, via the University’s Library Webpage, to electronic law databases. Detail on how to access these resources will be provided to all participants.

Please Note:

Your success in this course depends on what you are prepared to put into it. Great emphasis is placed on self-tuition. Despite the fact that lectures will be presented on all the important topics, your success will largely depend on your willingness to read and study the prescribed material on your own. At the same time, you have to complete a number of assignments during the year (see par 7). Preparing for and answering assignments are seen as part of the learning material and learning experience.

6. STUDY METHODS

Most of you (because of the prerequisites for admission to the course) would have some experience of studying law and/ or studying labour law. At the same time, it is worth reminding ourselves that this is a **demanding course**.

One of the biggest challenges of this course will be to deal with all the reading. While the weeks of lectures are designed to assist you in unlocking the work, the responsibility remains yours to engage with the work. Remember the following:

- Do not be intimidated by the amount of reading you are presented with.
- As a first step, try to gain an overview of the materials and the information provided (the lectures will assist in this).
- Try to deal with the reading matter in a structured way. Try to set aside certain times for reading and studying the materials. Avoid reading sporadically --- do not read a bit here and a bit there. Many of the more complicated concepts of labour law depend on a knowledge and understanding of simpler concepts. This means that you first have to gain

or reaffirm your knowledge of the basic principles before you can go on to try and grapple with more complicated things.

- Never read just for the sake of reading – one never remembers everything you read (you may have to read material more than once in order to grasp it properly). Read with a purpose and write while you read. The best way of studying is to force yourself to make summaries of key concepts, topics, or chapters as you work your way through the work.
- Reading takes time. You will need time to work your way through the material and you will need even more time to prepare for and do the assignments. We know that it is often difficult to reconcile a full day at work with this type of study, but try to give yourself enough time to really get to grips with the contents of this course.
- Remember to ask. The lecturers are there to answer any queries or questions that you may have about the work. Should something not be clear, should there be something that you do not understand, or even something that you want to argue about, please do not hesitate to contact us.
- The important thing is that you read, study, and, above all, understand the prescribed reading matter.

7. ASSIGNMENTS

In this programme you have to do a total of 5 compulsory (and challenging) assignments (this does **not** include the final comprehensive assignment/ examination). **These assignments will be posted from time to time on SUNOnline.**

The assignments are an extremely important part of your studies. In all of these comprehensive assignments you must prove your ability to deal with the subject-matter (explained further below). The purpose of assignments is threefold:

- to assist you to work through the study material
- to teach you the necessary reading and writing skills
- to teach you to make a synthesis from various sources; to gather material and present it in a logical, ordered fashion and with convincing arguments (merely copying the study material is not acceptable).

The proper completion of assignments is an important tool not only to force you to go through the prescribed work, but also to give you the opportunity to test your insight into the work (as opposed to mere knowledge). At the same time, the assignment questions should serve as an indication of the level of knowledge and insight we expect from students.

Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. In other words, each student must submit his or her own work. It is unacceptable for students to submit identical assignments on the basis that they worked together. Similarly, it is unacceptable for students to copy anything from the Internet or from any other source without acknowledgement and to pass

it off as their own work. That will amount to plagiarism and all students concerned will be given a zero grade. Furthermore, these students may be subjected to disciplinary proceedings by the University.

Assessment of assignments

What is important is the following: Not only the content of your work matters, but also the way in which you write.

Because this course is not only about knowledge of principle, but also is designed to enhance your practical skills, rule number one is that **WRITING MATTERS** and **WRITING MATTERS IN THIS COURSE**.

Everything you write in this course will be evaluated as follows:

Specific skill	Mark (Total 100)	Guide
Content/ Insight	50	39-50: Excellent, clear, detailed, no errors, shows excellent insight.
		35-38: Very good. Interesting, subject well covered, shows some insight
		30-34: Fairly clear and detailed, few errors, subject well covered, not remarkable
		25-29: More clear than unclear, acceptable but superficial, only obvious point present
		Below 25: Unclear, unacceptable, thin, insufficient information, unconvincing
Structure and logical organization		23-30: Clearly set out, well planned, logical. Links are clear and coherent. Key ideas supported and developed. Well integrated introduction and conclusion.
		20-22: Very good: Logically, systematically organized with minor faults. Links mostly clear, almost totally coherent. With few exceptions all key ideas supported and developed. Introduction and conclusion functional.

Structure and logical organization (continued)	30	17-19: Fairly clear and logical, a few problem areas, but meaning is evident. Most key ideas supported and developed, although not always fully. Some incoherence. Introduction and conclusion acceptable, but needs integration.
		15-16: Acceptable. Some planning, some logical structure. Despite shortcomings, one can still follow. Some incoherence. Key ideas somewhat supported. Introduction and conclusion still acceptable but not quite well integrated (need to be fully integrated).
		Below 15: Unacceptable in terms of abovementioned criteria
Language and technical presentation	20	16-20: Clearly expressed, very few errors, excellent use of grammatical structures, good vocabulary; Appearance professional (spacing, numbering, typing errors).
		14-15: Most clearly expressed, good use of grammar, a few errors; neat appearance.
		11-13: Fairly clearly expressed, reasonable use of grammar and reasonable spelling, but could be improved. Appearance acceptable but unimpressive.
		10: Understandable, merely acceptable use of grammar and spelling; A few obvious errors in presentation.
		Below 10: Difficult to understand, not understandable, restricted/ weak use of grammar and spelling. Untidy/ slovenly appearance.

What this means is that in answering assignments you need and must be able to display 4 skills to be successful in this course:

1. Knowledge of law and the ability and insight to apply it.
2. The ability to construct a strong and valid legal argument.
3. The ability to present that argument in proper language.
4. The presentation of your work in an acceptable format.

This, in turn, means that you need the ability to collect information (facts and law); the ability to

analyse this information; the ability to organise this information; the ability to integrate this information; sometimes, the ability to be creative and, above all (because of the demands made on you), the ability to organize yourself.

The weight attached to the assignments

During the year, participants have to complete 5 comprehensive assignments (which together make up 40% of the final mark) followed by a final, comprehensive assignment/ examination (which counts 40% of the final mark and is subject to a subminimum of 40% to pass the course). The final assignment has to be handed in by mid February 2026. Assignments will be made available to students electronically on SunOnline.

Submission of assignments

All assignments are to be submitted as follows:

1. Typed and saved as Word document clearly displaying your surname and initials and your student number.
2. Only one document per student (which includes all answers to all questions in that assignment; in other words, do not submit separate electronic files, or submit a covering page as a separate file).
3. Submitted via online submission on the SunOnline portal (instructions will be provided)
4. For all assignments there will be a due date, which we shall enforce.
5. During the year, we shall publish examples of the best assignments we received to enable participants to compare their work with work we regard as of a very high standard.

8. FINAL ASSIGNMENT/ EXAMINATION: December 2025 – February 2026

In order to complete the programme, students have to complete a final all-encompassing take home assignment/ examination, which counts 40% of your final mark (and which is subject to a subminimum of 40%).

This assignment will be provided to students by mid-December 2025 and has to be handed in by middle February 2026 (exact date to be confirmed).

9. PRACTICAL OBSERVATIONS

We expect students to arrange with the CCMA to observe processes at the CCMA, especially opposed arbitration. Students have to observe at least 3 processes. Proof of these observations will then add 5% to a student's final mark for the course. We shall make detail of contact persons at the different regional offices of the CCMA available to students during the year to arrange for these observations. **Note that participation in a conciliation and arbitration does not satisfy this requirement.**

10. FINAL MARK, COMPLETION AND CERTIFICATE

Your final mark for the course is calculated as follows:

Average of assignments during the year (see par 7 above):	40%
Conciliation (see par 3.2 above):	20%
Observations (see par 9 above):	5% (bonus mark)
Final assignment/ Examination (see par 8 above):	40% (with submin of 40%)
TOTAL:	100

The overall required pass mark to obtain the Certificate is 50%, subject to the subminimum of 40% in the final assignment.

Students who successfully complete the programme will receive a Certificate of Completion from Stellenbosch University. A fee is applicable for any additional certificates requested.

11. PAYMENT

The fee for this programme in 2025 will be R36 000.00

Full pre-payment is required.

Once you are notified of your acceptance and you register electronically, you will receive further information on how to effect payment.

12. POSSIBLE CCMA APPOINTMENT

While the primary goal of this programme is to upskill labour law practitioners in general, there are students who participate with a view to appointment by the CCMA (and, by extension, bargaining councils) as commissioners/ panelists – arbitrators. In fact, here at Stellenbosch University we take pride in the fact that many past participants have been appointed by the CCMA.

But please note:

1. Successful completion of this programme does not guarantee appointment by the CCMA.
2. Even if you successfully complete the programme and you apply to the CCMA, you will still have to write the CCMA's screening exam and go through a number of rounds of interviews.
3. If successful in your application to the CCMA, and if you obtained a mark of 60% or above in this programme, you will be exempted from going through the whole training process again. You will, as is the case with all successful applicants (and irrespective of your mark), be required to undergo an intensive mentoring process at the CCMA to establish the level of your skills, based on which the CCMA will make a decision on how best to proceed.
4. While 2 and 3 above may sound daunting, if you pay attention and work hard, there is no reason why you cannot be successful

13. STATUS OF PROGRAMME

The Certificate Programme in Labour Dispute Resolution Practice is an **advanced short learning programme** offered and accredited by Stellenbosch University. It is internally designed to be and is presented at post-graduate level. The programme is offered by the University in agreement and collaboration with the Commission for Conciliation, Mediation and Arbitration (CCMA). Subject to the earlier remarks, the programme is endorsed by the CCMA as sufficient for purposes of training of CCMA commissioners.

Stellenbosch University is accredited as a provider by the Department of Higher Education and Training (DHET) and is registered on the SAQA list of Public Higher Education Providers. Public Higher Education institutions do not receive provider accreditation/registration numbers from the Department of Education or from SAQA. SAQA's policy is that all short course providers are required to initiate the accreditation process with their Education and Training Quality Assurer (ETQA). In Stellenbosch University's case this is the Higher Education Quality Committee (the HEQC). The HEQC delegated the responsibility for the accreditation of short course programmes to higher education institutions themselves provided they have developed criteria to assure the quality of their short course programmes. The Certificate in Labour Dispute Resolution Practice is accredited by the University by means of its quality assurance systems and mechanisms that have been approved by the Council on Higher Education (CHE)/HEQC. As such, the programme complies with SAQA regulations.

A FINAL WORD:

If, at any stage, you have further queries, please do not hesitate to ask.

I look forward to meeting all of you and embarking on this journey with you!

Prof Christoph Garbers