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Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 481

Pretoria, 18 July
Julie 2005

No. 27811



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**THE GOVERNMENT PRINTING WORKS****PUBLICATIONS DIVISION**

NB: The Publications Division of the Government Printing Works will be relocating to its new premises within the:

**MASADA BUILDING at 196 PROES STREET, PRETORIA
(i.e. CORNER OF PAUL KRUGER AND PROES STREETS)**
with effect from **3 May 2005**.

For enquiries and information:

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GOVERNMENT NOTICE

SOUTH AFRICAN QUALIFICATIONS AUTHORITY

No. 739

18 July 2005

Established in terms of Act 58 of 1995

SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)

In accordance with regulation 24(c) of the Standard Generating Bodies Regulations of 28 March 1998, the Standards Generating Body (SGB) for

Business Commerce and Management Studies

publishes the following qualifications and unit standards for public comment.

This notice contains the titles, fields, sub-fields, NQF levels, credits, and purpose of the qualifications and unit standards. The qualifications and unit standards can be accessed via the SAQA web site at www.saqa.org.za. Copies may also be obtained from the Directorate of Standards Setting and Development at the SAQA offices, Hatfield Forum West, 1067 Arcadia Street, Hatfield, Pretoria.

Comment on the qualification and unit standards should reach SAQA at the address ***below and no later than 18 July 2005***. All correspondence should be marked **Standards Setting – SGB Human Resource Management and Practices** and addressed to

The Director: Standards Setting and Development
SAQA

Attention: Mr. Eddie Brown

Postnet Suite 248

Private Bag X06

Waterkloof

0145

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e-mail: ebrown@saqa.co.za


DUGMORE MPHUTHING

ACTING DIRECTOR: STANDARDS SETTING AND DEVELOPMENT



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

QUALIFICATION:

National Diploma: Labour Relations Practice: Dispute Resolution

SAQA QUAL ID		QUALIFICATION TITLE	
49784		National Diploma: Labour Relations Practice: Dispute Resolution	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
QUAL TYPE		FIELD	SUBFIELD
National Diploma		Business, Commerce and Management Studies	Human Resources
ABET BAND	MINIMUM CREDITS	NQF LEVEL	QUALIFICATION CLASS
Undefined	241	Level 5	Regular-Unit Stds Based

PURPOSE AND RATIONALE OF THE QUALIFICATION

Purpose:

This qualification is on a learning pathway that underpins a career in the Labour Relations arena. A large number of the competencies developed in the qualification are rooted in actual workplace practice and should lead to greater productivity resulting from the improved performance by the learner through the integration of knowledge and workplace practice.

The Qualification includes but is not limited to:

- > HR practitioners.
- > Senior managers in the Bargaining Councils.
- > Department of Labour officers.
- > Labour brokers.
- > Arbitration facilitators.
- > Union officials.
- > (CCMA) Panellists and Commissioners.
- > Public and/or private agents providing labour law advice.
- > Industrial Relations consultants.
- > Dispute Resolution managers.

Specifically the purpose is to:

- > Equip learners who might be panellists/commissioners to identify and conciliate disputes in the labour relations sector, using conciliation, arbitration and mediation processes relating to the underlying principles of Labour Relations legislation and associated Human Resource Development legislation.
- > Provide career paths through associated learnerships at various levels in areas of the Labour Relations environment.
- > Provide for mobility of learning into associated areas such as Human Resource Practice, Arbitration, Consulting, Public service etc.
- > Equip learners to become effective employees, employers and/or self-employed members of society.
- > Develop a richer learning environment in the field of Labour Relations through high-quality lifelong learning.
- > Improve the Labour Relations skills of employees in the sector.
- > Enable the learner to assist within his/her community and thereby contribute towards social and economic transformation.
- > Ensure the development of competence in the Labour Relations field, which is an important arena for social and economic transformation in the country.

Qualifying learners will acquire a range of Fundamental, Core and Elective competencies in the areas of:

- > Labour Relations Practice.
- > Specialised functions.
- > Standard processes.
- > Legislation.
- > Communication.
- > Facilitation.
- > Management skills.

Rationale:

The National Diploma in Labour Relations Practice: Dispute Resolution is part of a learning pathway in Labour Relations.

With the advent of democratic government in South Africa in 1994 an entirely new approach to Labour Relations Practice (LRP) in South Africa has emerged. There has been the establishment of new statutory structures with implications for every level of labour relations in the country.

The Qualification is designed to meet the needs of the learners who are already employed and involved in the fields of Labour Relations and/or Labour Law. Additionally, it will also meet the needs and aspirations of the unemployed who wish to pursue a career in Labour Relations and associated fields.

The qualification addresses the needs of adult learners who want to enter the sector or develop their careers in one or more of the related sub-fields. This qualification would also be relevant to many Human Resources (HR) practitioners. Since the Diploma is part of a learning pathway, it will allow mobility to persons operating at any level in this field.

The qualification provides learners with specific learning and skills related to disputes and breaches as regulated by Labour Law. It will deepen their understanding of the South African Labour Relations field and will underpin their ability to use this learning in various organisational environments. The development of competence in this field will lead to better service delivery, institutional longevity, the promotion of wealth and job creation. Application of the learning achieved in completing this qualification will also assist affected employed and unemployed persons to enforce their labour rights, while at the same time enabling them to become aware of their obligations as active participants in society and the economy.

This Diploma is designed to enable individuals to develop theoretical competencies and practical skills to operate effectively in the field because knowledge of the application of labour legislation is a business imperative and necessary for the strategic and operational success of any organisation.

Practitioners and/or organisations in the following fields would have an interest in the qualification:

- > The Commission for Conciliation, Mediation and Arbitration (CCMA).
- > The Department of Labour.
- > Labour law, labour courts (including appeal courts) and labour consultants.
- > Bargaining and statutory councils.
- > Private labour agents.
- > Public and private labour advice offices.
- > Law firms, particularly labour lawyers.
- > Commercial organisations.

The impact of the qualification on society and the economy is reflected in the multiple job roles and careers that can stem from the qualification, including self-employment opportunities, job creation opportunities and the development of learners who are employed within the private or public sector. It can further stimulate and support skills development in the SMME sector.

The Diploma is structured to support the ability of public and other agencies to enforce the rights and obligations of both employers and employees.

RECOGNIZE PREVIOUS LEARNING?

Y

LEARNING ASSUMED TO BE IN PLACE

- > Communication at NQF Level 4.

> Mathematical Literacy at NQF Level 4.

Recognition of prior learning:

This qualification can be achieved wholly or in part through the Recognition of Prior Learning (RPL) and the qualification may be granted to learners who have acquired the skills and knowledge without attending formal courses providing they can demonstrate competence in the outcomes of the individual unit standards as required by the Fundamental, Core and Elective areas stipulated in the qualification and encapsulated by the exit level outcomes.

An RPL process may also be used to credit learners with unit standards in which they have developed the necessary competency as a result of workplace and experiential learning.

RPL may also be used by learners, who are not in possession of an FET Certificate or equivalent qualification, in order to gain access to the qualification.

Learners submitting themselves for RPL should be thoroughly briefed prior to the assessment, and will be required to submit a Portfolio of Evidence in the prescribed format to be assessed for formal recognition. While this is primarily a workplace-based qualification, evidence from other areas of endeavour may be introduced if pertinent to any of the exit level outcomes.

ACCESS TO THE QUALIFICATION

Access to this qualification is open to all learners in possession of a Further Education and Training Certificate (FETC) or equivalent qualification. It is recommended that learners be employed in the Labour Relations sector or to have access to such a workplace because of the very practical nature of the learning.

QUALIFICATION RULES

Level, credits and learning components assigned to the qualification:

The following combination of credits is required to attain the qualification:

- > Fundamental Component: 40 Credits.
- > Core Component: 171 Credits.
- > Elective Component: A minimum of 30 Credits.
- > Total: 241 Credits.

- > All the Unit standards in the Fundamental Component are compulsory.
- > All the Unit standards in the Core Component are compulsory.
- > The learner is required to select a minimum 30 credits in the Elective Component.

EXIT LEVEL OUTCOMES

Qualifying learners will be able to:

1. Communicate information effectively using means appropriate to the context.
2. Facilitate and manage different parties through a smooth and fair negotiation process within the South African legal framework.
3. Identify and manage labour disputes and issues for negotiation using organisational core and non-core standard processes.
4. Consider and apply appropriate core specialised functions to the identified issues for negotiation, using organisational procedures.
5. Identify, interpret and apply appropriate legislation to labour related issues identified for negotiation.
6. Consider and implement non-core specialised functions to the identified issues for negotiation, using organisational procedures.

ASSOCIATED ASSESSMENT CRITERIA

- 1:
 - > Information is collected and analysed to make decisions.
 - > Texts are written for a business environment.

> Advanced written and spoken skills are used in context.

2:

- > Approaches and practices in Dispute Management are understood and demonstrated in practice.
- > Mechanisms for conducting effective negotiations in the business environment are presented using oral and written means.
- > Interpersonal management is conducted to meet the needs of all parties, including those of the panellist/commissioner.
- > Labour relations are understood in context of the South African legal environment.

3:

- > The labour conciliation process is managed timeously and efficiently conducted using core standard processes.
- > Arbitration processes are managed and conducted using core standard processes.
- > Competent arbitration awards are written.
- > The labour conciliation process is managed timeously and efficiently conducted using non-core standard processes.
- > Arbitration processes are managed and conducted using non-core standard processes.
- > Range includes but is not limited to: A pre-conciliation process by telephone conducted in terms of organisational rules; considering a condonation application is considered; conducting disciplinary hearings; considering rescission and other applications; conducting an In Limine; case management processes.

4:

- > Submissions and referrals are screened and allocated to the appropriate party for handling.
- > The review and rescission process is understood and implemented according to legal and regulatory requirements.
- > Awards and recommendations are considered and written in the correct format.
- > Range includes but is not limited to: Advisory awards for applications in terms of sections 64(2), 135(3) and 200A of the Labour Relations Act.

5:

- > The rules, functions, powers and duties of organisations are demonstrated and applied correctly.
- > Case law and judicial precedents are applied to labour related issues.
- > Legislative provisions relating to an organisation's rights are interpreted and applied correctly.
- > Legislative provisions relating to an individual's rights are interpreted and applied correctly.
- > Range includes but is not limited to: CCMA, Bargaining Councils and the Labour Courts The basic Principles of Evidence; Unfair Labour Practice in terms of the Labour Relations Act, 66 of 1995; The Employment Equity Act, 55 of 1998, including Diversity Management and industry Black Economic Empowerment (BEE) charters; Unfair Dismissal in terms of the Labour Relations Act; The Basic Conditions of Employment Act; Provisions of the Labour Relations Act relating to organisational right; Legislation relating to collective agreements and bargaining councils; The Interpretation Act; The provisions of the Extension of Security of Tenure Act; The Arbitration Act; The codes of good practice and guidelines as set out in the Labour Relations Act and Sectoral Determinations; Primary legislation relating to retirement funds; The applications of principles of the law of evidence.

6:

- > The rules, functions, powers and duties of organisations are identified in relation to the issues for negotiation.
- > Case law and judicial precedents are applied to labour related issues.
- > Legislative provisions relating to an organisation's rights are interpreted and applied correctly.
- > Legislative provisions relating to an individual's rights are interpreted and applied appropriately.
- > Range includes but is not limited to: Contracts; Disputes; Learnerships; Applications in terms of section 142A of the Labour Relations Act; Bargaining Council rules; Unemployment Insurance Act; The Occupational Health and Safety Act and the Mine Health and Safety Act; The Promotion of Access to Information Act; The Protected Disclosures Act; The Compensation for Occupational Injury and Disease Act; Public Service labour legislation; The Promotion of Administration of Justice Act; The principles of Administration law.

Integrated assessment:

The qualification and its associated assessment criteria have been designed so that assessment is fully integrated with the learning. The learner must, in an authentic setting:

- > Demonstrate competence by means of the practical application that meets the Associated Assessment

Criteria.

> Illustrate a clear understanding of the concepts, theory and principles underpinning the practical action.

The emphasis throughout the qualification should be on continuous, formative assessment. Much of this is achieved in "sites of application" and involves a range of assessment tools, which will include a degree of self and peer assessment. A number of appropriate summative assessments should also be planned at specific times, by assessor and learner jointly, throughout the learning process.

As a result of a range of ongoing assessment approaches in terms of testing and evaluating the fundamental, practical and reflexive competence of the learner, a skills matrix should be produced. This will clearly indicate not only the knowledge gaps and skills deficits of the individual, but also highlight the learner's strengths and weaknesses related to the other elements of applied competence implicit in the Exit Level Outcomes.

The assessment process should also be capable of being applied to the Recognition of Prior Learning, subject to the rules and criteria of the relevant Education and Training Quality Assurance (ETQA) body.

INTERNATIONAL COMPARABILITY

This qualification has been benchmarked against international practice in Labour Relations. However, it needs to be recognised that the South African Labour Legislation deals pointedly with the legacy of the past and the introduction of new, democratic structures, systems and practices in the Labour Relations field. This qualification deals explicitly with those elements. Labour Relations is based on domestic legislation and therefore will only relate locally. However the following websites were reviewed for comparison purposes:

- > www.Athabasca.ca/hrlr (Canadian).
- > www.buseco.monash.edu.au/centres/nkcir (Australian).
- > www.jus.umu.se (Swedish).

Training labour arbitrators in South Africa - Zack, Arnold M
(http://www.findarticles.com/p/articles/mi_qa3923/is_200002/ai_n):

"The American system of grievance arbitration has provided a peaceful means of resolving workplace disputes in the unionised sector. South Africa has extended that approach by including the entire workforce, unionised or not. The introduction of that structure through the CCMA has created a need for the training of South African neutrals."

"For two decades, collective bargaining in South Africa has provided contractual procedures for arbitration of dismissal and other issues. In 1995, the new government leapfrogged past North American procedures by creating the Commission for Conciliation, Mediation, and Arbitration (CCMA) to extend the right to arbitration to all employees unionised or not."

"Arbitration has long been the accepted procedure for resolving questions of unjust dismissal in the United States and Canada. These countries have been unique in using collective bargaining negotiations to develop a private dispute resolution system and the industrial jurisprudence that has flowed from this system."

"In South Africa, following the 1979 Weihs Report and the right of black workers to join unions, early efforts at recognition agreements occurred in the early 1980s. The disputes between workers and their employers often focused on challenged dismissals, which frequently led to job actions. In 1984, the Independent Mediation Service of South Africa (IMSSA) was established with the assistance of the Ford Foundation to provide a venue where disputing parties could turn for the peaceful resolution of challenged dismissal and other disputes through mediation and arbitration. IMSSA arbitrators followed the North American model for arbitration. Since 1985, when Richard Bloch began training IMSSA neutrals, they have also called upon Tom Colosi, Jim Power, Jim Oldham, and me to evolve an arbitration system based upon the standards of procedural and substantive fairness for challenging dismissals in the country's unionised sector."

"But, as in the U.S. and Canada, the protections of arbitration extended only to those working under negotiated agreements. Those beyond the ambit of collective bargaining in South Africa, as in North America, had no such rights or access to arbitration to challenge their dismissals."

The Creation of the CCMA:

"In Labour Relations Act #66 of 1995, the new government in South Africa undertook to remedy that

restricted access by protecting against unjust dismissal through the creation of the CCMA. The commission provides a direct access to conciliation and arbitration for employees who charge their employer with unfair dismissal. All employees have access to the commission regardless of unionisation, and the procedures extend to agricultural employees and domestic workers. An employee may be dismissed only if there is a fair procedure applied in the dismissal and there is a fair reason for the discharge. The employee must prove that there has been a discharge, after which the onus shifts to the employer to prove the fairness of the discharge. That access to CCMA is direct and, unlike in North America, no grievance procedure or union approval is required for arbitration of such issues.

Despite the enormous social, political, and economic pressures surrounding the end of apartheid, this new agency has pushed South Africa to the head of the line in providing a neutral forum for assuring a just-cause or fairness standard in dismissing employees. The immediate provision of such a forum for all the nation's employees raised obvious staffing problems for a country where collective bargaining itself is a relatively new phenomenon. The IMSSA has continued as a private dispute settlement organization using private arbitrators to resolve dismissal and other issues in the unionised sector, fully utilizing the corps of private arbitrators that had been developing over the past two decades of unionisation. Although many of that corps have also made themselves available to work for the CCMA, the door that has opened for employees working for small employers-or for individuals-has created a sudden and great demand for qualified neutrals to serve as conciliators and arbitrators."

"Within its first year of operation, the CCMA hired more than 100 full-time commissioners who were assigned to handle conciliations and arbitrations. It also hired several hundred arbitrators as part-time commissioners working out of its nine regional offices to meet the commission's burgeoning caseload. Many of its new neutrals came with years of experience in private-sector human relations. Others came from the ranks of academia, advocacy, government, and trade unions.

During the period from its November 1996 start of operations until the end of 1998, the CCMA handled 144,545 filings. In the initial application, where cases are subjected to conciliation, the CCMA in that first period had a settlement rate of 71% by commissioners who were allocated two hours for each conciliation. In that same period there were 18,967 arbitrations for which the arbitrating commissioners were allocated four hours, and were required to write opinions containing brief reasoning for their awards within 14 days of the hearing. Some 22 % of the cases were settled in arbitration."

"From that first year, the demand for mediation and arbitration services has continued to expand. In September 1999 alone, 7,700 cases were referred to the CCMA-an increase in caseload of 36% over September 1998, an average intake of 367 cases per working day. Ninety-five percent of those cases were dismissals. The mounting pressures of the work and the commitment to complete conciliation within a month, and arbitration within two months, have offered scant opportunity for extensive training. Yet the main body of commissioners are new in their positions. They have not had much, if any, neutral experience; have had no, or at best, limited legal training; they are working and writing in their second or third languages; and they have had little access to training in inductive reasoning, the substantive labour law, or the weighing of evidence in decision making."

CCMA Training:

"By the time the CCMA had been created, the 12 years of experience with the IMSSA had developed a cadre of qualified South African trainers who had conducted the introductory training of the new commissioners. But, in addition to the formal training, it was felt that the new commissioners would benefit from a confidential mentoring relationship in which they could admit their concerns and misgivings and seek out guidance in their new positions. It was felt that confidentiality could be achieved with mentors who were totally outside the system so that the commissioners would be able to reveal their shortcomings without concern that it might adversely impact on an assessment of their qualification."

"In the U.S. a series of decisions of the Supreme Court protects the decisions of private arbitrators from close judicial scrutiny by the courts. But in South Africa, the CCMA is a government agency and arbitration of dismissals is a matter of right, making such arbitration compulsory rather than voluntary as in the U.S. Decisions of the CCMA arbitrators are subject to potential review by the South African Labour Court on narrow jurisdictional and procedural grounds.

Thus the pressures facing the CCMA commissioners have not been confined to their staggering caseloads, the overwhelming learning experience most are undergoing, or the lack of time for opinion writing. Increasingly, the Labour Court is examining awards of arbitrators where it determines that there have been inadequate due process protections or decisions in which the arbitrator has not "applied the mind." This in turn has raised anxieties within the CCMA, which seeks credibility and acceptability for its arbitrators'

decisions and seeks to avoid the potential review on jurisdictional, procedural, and substantive grounds."

Comment on extracts: Before the CCMA was established, dispute resolution mechanisms from Australia, New Zealand, United Kingdom and Germany were investigated. The above is an independent viewpoint on the nature of the CCMA concept.

An Integrated Systems Approach to Teaching Labour Relations in South Africa - Michiel A Buys, Lukas I Ehlers and Pieter Schaap - University of Pretoria
(www.mngt.waikato.ac.nz/depts/SML/Airaanz/old/conferce/wgtn1998/PDF/buyset.pdf):

Labour Relations is a multi-disciplinary and dynamic field and the outcomes of interaction within the Labour Relations system impacts at the heart of society. The diverging objectives of management and labour lay a foundation for conflict, which often spurt on changes in societal variables. Against the backdrop of this scenario it should become apparent that Labour Relations cannot be studied and understood if it is not done in accordance with an integrated systems approach. Such an approach will enable students to gain insights in the multiple variables impacting on relationships, as well as into the dynamic relationships between such variables. In this paper the authors will endeavour to propose and elaborate on the principles that form part of an integrated systems approach toward teaching Labour Relations.

Introduction:

My plea is for greater boldness. The problems of unions and union-management relations present enormously important, challenging problems for our society. They clearly are problems, which call for the best efforts of social scientists in several disciplines, including psychology. One might expect them to be among the foremost concerns of a broadly conceived field of industrial psychology. Yet they remain a stepchild. Kornhauser (1961:241242).

The following challenges for labour relations practitioners presently exist, which necessitates training in this regard:

- > Labour relations practitioners need to experience purpose in their role in the organisation and be able to generate purpose for other people.
- > A Labour Relations practitioner needs to be visionary, and be able to cope with change constructively.
- > A Labour Relations practitioner needs to communicate clearly on all levels inside and outside of the organisation.
- > A Labour Relations practitioner must have the ability to rise above his own prejudice and attitudes.
- > An organisation cannot afford to employ personnel who may be prejudiced or rigid when dealing with people possessing a different personality composition, culture or race.
- > A Labour Relations practitioner must be self-motivated and an activator of others.

Cornerstone principles of labour relations:

Any Labour Relations system is based on six cornerstone principles, which are briefly discussed in the following section of this paper. In teaching Labour Relations, special emphasis should be placed on the importance of adhering to these basic principles at all levels of interaction in the relationship.

- > Understanding the reason for the existence of organisations and the need to study labour relations.
- > The principles of fairness, non-discriminating and respect for human dignity needs to be applied in all facets of human interaction within a labour relationship.
- > Parties need to respect their respective rights and duties.
- > Labour relations should be managed in accordance with a pluralist approach.
- > An objective approach to conflict management needs to be followed.
- > Labour law is not the most appropriate method for solving problems in labour relations.

Managing labour relations in accordance with a systems approach:

Labour Relations can be simply defined as human relations in and around the workplace, and can be viewed as a system comprising input, throughput and output factors. Societal variables constantly influence labour relations, and leads to varying outcomes. Some outcomes are undesirable, and therefore specific interventions should be made in the throughput process to ensure a desired outcome.

It is important to identify the basic premises for understanding and managing the various components of the system and their respective relationships with other components and subsystems within the Labour relations system. These premises need to be addressed in any Labour Relations course that is conducted

in terms of the systems approach. Course presenters should furthermore take meticulous care in explaining the influence of each premise on other components in the subsystem and the overall system to ensure proper understanding and integration of knowledge. The authors identified the most important premises, in their view, for each subsystem and listed them in the discussion of the various subsystems.

Applying the systems approach in teaching labour relations:

1. Identifying training needs.
2. Developing an integrated training intervention:

The above described assessment should be applied whenever a training programme for labour relations is developed, to ensure that the correct emphasis are placed on more important aspects of labour relations in accordance with the needs of participants. Furthermore it will ensure that all training activities are focused on creating insight and understanding within the framework of the systems approach to managing labour relations. It will also be important to abide by general rules of instructional development.

The authors propose the following sequence of training activities during the opening phases of a training intervention based on the systems approach to labour relations:

- > Explain why organisations exist in society, and how organisational output influences society.
- > Explain how labour relations influence organisational output.
- > Explain how the cornerstone principles relate to labour relations interaction in the system.
- > Explain the labour relations system.
- > Explain the nature, function and components of each subsystem, E.g. Collective Bargaining Collective bargaining structures Collective agreements Case study/Application.

3. Evaluating acquired competencies:

After completing a training course based on the systems approach to teaching Labour Relations, a Labour Relations Practitioner should be able to display predefined competencies: Participants should be tested on their competency to display:

- > Understanding of the influence that each of the system components has on the Labour Relations system.
- > An ability to identify the influence of the five cornerstone principles to all processes and levels of interaction in the Labour Relations system.
- > Understanding what system ramifications will take place if proper attention and/or management of the specific component is neglected.
- > An ability to apply newly acquired knowledge and skills for managing each specific component of the new Labour Relations system, in his/her unique environment of practice.
- > An ability to visualise the effect of changes to a specific component or subsystem, on the labour relations system, and plan activities with due consideration of system ramifications.

Conclusion:

Labour Relations is a multi-disciplinary and dynamic field of study. To teach students to gain insights into the multiple variables impacting on Labour Relations, an integrated systems approach should be considered.

From the above extracts, it can be seen that:

- > The creation of the CCMA is internationally recognised.
- > The CCMA generates an ever increasing workload.
- > There is an urgent and ongoing need for trained arbitrators, panellists and commissioners.
- > There is a need for an "Integrated Systems Approach to Teaching Labour Relations" in SA.

The qualification National Diploma in Labour Relations Practice: Dispute Resolution Level 5 addresses the above needs. It also addresses Labour Relations Practice in terms of South African Legislation i.e. Labour Relations Act, Employment Equity Act, Basic Conditions of Employment Act, Interpretation Act, Extension of Security of Tenure Act, Arbitration Act, Bargaining Council Rules, UIF Act, Occupational Health & Safety Act, Access to Information Act, Protected Disclosures Act, Compensation for Occupational Injury and Disease Act, Public Service labour Legislation and the functions, powers and duties of the CCMA.

When searching the Internet, no direct comparison for this qualification could be found. What did emerge was that the only direct comparison that could be made, dealt with the Arbitration/mediation/conflict

management training that is generally available. A Google search on "Labour relations practitioner" yielded a result of 61 links, mostly with reference to practicing consultants, or post descriptions or vacancies, including the following training workshop:

> Business Council of British Columbia
(https://www.bcbc.com/events/eventdetails.asp?event_id=36&m=10&y=2004)

This 5 day Arbitration Skills Workshop is described as follows: "The program will develop skills in planning, preparation and fact gathering for an arbitration, grievance mediation, interviewing, preparing, examining and cross examining witnesses, and preparation/presentation of opening statements, arguments and closing statements. The course will also increase participants' knowledge about the arbitration process. The course consists of the following:

- > Part 1. Preface and overview.
- > Part 2 Hearing preparation.
- > Part 3. The Hearing.
- > Part 4. Post hearing matters.
- > Part 5. Pre-hearing considerations.
- > Part 6. Mock arbitration.

All of these elements are covered in much more detail in the National Diploma in Labour Relations Practice: Dispute Resolution Level 5 Qualification.

Other areas researched and explored:

> Mediate.com (<http://www.mediate.com/market/mktplace.cfm?plnum=8>)

> Marketplace: contact list of Mediators and training providers.

> Woodbury College (<http://www.woodbury-college.edu/programs/mediation/index.html>). Provides a skills based program on Mediation & Conflict Management dealing with:

- > Conflict analysis.
- > Conflict management.
- > Negotiation.
- > Effective questioning and listening.
- > Handling one's own conflicts.
- > Managing conflict in the workplace and community groups.
- > Ethical issues.
- > Agreement writing.

> Mediation Training Institute International (<http://mediationworks.com/medcert3/advanced.html>). Provides Workplace Mediator Certificate - Advanced Course (5 days) that broadly covers the following topics:

- > Speaking & listening skills, building a learning community, theory & practice of managing differences, case building, convening a mediation, consent to mediate, managing emotion, coaching communication skills, resolving difficult situations, calling a caucus and practice sessions.

> Cornell University (<http://www.ilr.cornell.edu/laborprograms/training/certificate.html>). Basic Labour Studies Certificate, covers the following topics:

- > Arbitration, collective bargaining, conflict management, contemporary labour issues, contract administration, effective communication at work, labour history, leadership within unions, safety and health in the workplace and union organising.

> University of Adelaide (<http://www.adelaide.edu.au/arbitration/course/content/>): Professional Certificate in Arbitration, includes the following topics:

- > The common law system and arrangements of the courts.
- > The commercial arbitration act.
- > The law of contract.
- > The law of Torts.
- > Waiver and estoppel.
- > The trade practices act and allied legislation.
- > The law of evidence and the expert witness.
- > Arbitrability, jurisdiction and misconduct.
- > Rules for the conduct of proceedings.
- > Pre-hearing processes for formal arbitration hearings.

- > Opening proceedings and conduct for formal arbitration hearings.
- > Section 27 conferences and mediation.
- > Awards and awards writing.
- > Costs, appeals and modifying awards.
- > Powers of the courts and appeals to the court.
- > Mediation and other ADR processes.

The course is designed for completion in two parts: a General Course and an Advanced Course over two university semesters. The general course introduces the concepts, frameworks and practice of dispute resolution, while the advanced course provides a greater depth of the understanding, knowledge and skills needed to determine arbitration outcomes.

The closest in comparison to the National Diploma in Labour Relations Practice: Dispute Resolution Level 5 is the above course. Whilst it is shorter in duration, it covers the relevant content in sufficient depth to be of value to the learner. While no direct international comparison can be drawn because of the legislative content, the overall content and depth of knowledge of the Qualification meets the practical needs of application in the sector.

Additional websites reviewed:

- > Graduate Diploma in Conflict Management (<http://unisanet.edu.au/programs/program.asp?program>)
- > Conflict Resolution Training (<http://www.cian.org/domestic1.shtml>)
- > Conflict Theory Negotiation & Introduction to Mediation (<http://cian.org/courses1.shtml>)
- > Certificate in Conflict Resolution (<http://www.mediationserviceswpg.ca/training/certificate/>)
- > Certificate Program in Dispute Resolution
(http://www.sullivan.edu/grad_school/graduate/curriculum/MSDR.html)
- > International Academy of Mediators - Membership Standards
(http://www.iamed.org/membership_standards.cfm)
- > American Arbitration Association (<http://www.adr.org/sp.asp?id=22237>)
- > The Institute of Arbitrators Australia (www.iaama.org.au/journal/jn200011/hunt01.htm)
- > Arbitrators Institute of New Zealand (www.aminz.org.nz/about.html)

ARTICULATION OPTIONS

The Qualification articulates horizontally with:

- > Qualifications in Business Consulting Practice at NQF Level 5.
- > National Certificate: Management: Level 5.

The Qualification articulates vertically with:

- > Qualifications in Labour Relations Practice at NQF Level 6.

MODERATION OPTIONS

> Anyone assessing a learner, or moderating the assessment of a learner, against this qualification must be registered as an assessor with the relevant Education and Training Quality Assurance body (ETQA), or with an ETQA that has a Memorandum of Understanding (MOU) with the relevant ETQA.

> Any institution offering learning that will enable the achievement of this qualification must be accredited as a provider with the relevant ETQA, or with an ETQA that has an MOU with the relevant ETQA.

> Assessment and moderation of assessment will be overseen by the relevant ETQA according to the policies and guidelines for assessment and moderation of that ETQA, in terms of agreements reached around assessment and moderation between various ETQA's (including professional bodies), and in terms of the moderation guideline detailed immediately below.

> Moderation must include both internal and external moderation of assessments at all exit points of the qualification, unless ETQA policies specify otherwise. Moderation should also encompass achievement of the competence described both in individual unit standards as well as the integrated competence described in the exit level outcomes of the qualification.

> Anyone wishing to be assessed against this qualification may apply to be assessed by any assessment agency, assessor or provider institution that is accredited by the relevant ETQA, or with an ETQA that has an MOU with the relevant ETQA.

The options as listed above provide the opportunity to ensure that assessment and moderation can be transparent, affordable, valid, reliable and non-discriminatory.

CRITERIA FOR THE REGISTRATION OF ASSESSORS

For an applicant to register as an assessor or moderator of this qualification the applicant needs:

- > To be registered as an assessor with the relevant accredited ETQA.
- > Possession of a Qualification in Labour Relations or Labour Law at NQF Level 6 or higher.

NOTES

Comment on this qualification should reach SAQA no later than 19 August 2005.

UNIT STANDARDS

(Note: A blank space after this line means that the qualification is not based on Unit Standards.)

	UNIT STANDARD ID AND TITLE	LEVEL	CREDITS	STATUS
Core	117120 Analyse the Pension Funds Act as it applies to the administration of retirement funds	Level 4	3	Registered
Core	119950 Describe the functions of mediating bodies in labour relations	Level 4	10	Public Comment
Core	114224 Demonstrate and apply an understanding of the CCMA rules	Level 5	3	Registered
Core	114229 Conduct a pre-conciliation by telephone in terms of the CCMA rules	Level 5	8	Registered
Core	114273 Demonstrate and apply an understanding of the Labour Relations Act with respect to Collective Agreements and Bargaining Councils	Level 5	6	Registered
Core	114274 Demonstrate and apply an understanding of the Basic Conditions of Employment Act (Act 75 of 1997)	Level 5	8	Registered
Core	115326 Identify and apply the principles of law of evidence	Level 5	6	Registered
Core	119924 Interpret and apply provisions of the Labour Relations Act relating to organisational rights	Level 5	4	Public Comment
Core	119930 Conduct referrals in labour conciliation	Level 5	6	Public Comment
Core	119933 Write arbitration awards	Level 5	8	Public Comment
Core	119934 Consider a condonation application	Level 5	5	Public Comment
Core	119935 Apply the Arbitration Act in dispute resolution	Level 5	4	Public Comment
Core	119936 Apply case law and judicial precedents to labour related issues	Level 5	6	Public Comment
Core	119940 Interpret unfair labour practice legislation in dispute resolution	Level 5	6	Public Comment
Core	119941 Manage and conduct an arbitration process	Level 5	12	Public Comment
Core	119942 Apply the provisions of the Extension of Security of Tenure Act, 62 of 1997 (ESTA)	Level 5	5	Public Comment
Core	119943 Interpret and apply employment equity legislation to industry charters	Level 5	6	Public Comment
Core	119946 Conduct a labour conciliation process	Level 5	12	Public Comment
Core	119952 Establish basic principles of evidence in mediation	Level 5	6	Public Comment
Core	119955 Interpret and apply the codes of good practice and guidelines in the Labour Relations Act and Sectoral Determination	Level 5	8	Public Comment
Core	10985 Conduct a disciplinary hearing	Level 6	5	Registered
Core	119925 Consider Advisory awards in labour disputes	Level 6	6	Public Comment
Core	119929 Manage and conduct an in limine hearing	Level 6	6	Public Comment
Core	119931 Describe and apply an understanding of the Interpretation Act, 33 of 1957 (Interpretation of Statutes Act)	Level 6	6	Public Comment
Core	119944 Analyse and interpret unfair dismissal in dispute resolution	Level 6	10	Public Comment
Core	119945 Consider rescission and variation applications	Level 6	6	Public Comment
Elective	11907 Draft an employment contract	Level 5	3	Reregistered

Elective	15234 Apply efficient time management to the work of a department/division/section	Level 5	4	Registered
Elective	114228 Demonstrate and apply an understanding of bargaining council rules	Level 5	3	Registered
Elective	114230 Operate the case management process	Level 5	10	Registered
Elective	119926 Apply the Occupational Health and Safety Act and the Mine Health and Safety Act in mediation	Level 5	3	Public Comment
Elective	119927 Apply the Public Service Act in mediation	Level 5	6	Public Comment
Elective	119928 Apply the Promotion of Access to Information Act in mediation	Level 5	3	Public Comment
Elective	119932 Consider and issue arbitration awards in labour disputes	Level 5	4	Public Comment
Elective	119937 Describe the Promotion of Administration of Justice Act and the principles of Administration law	Level 5	3	Public Comment
Elective	119947 Conciliate a dispute in relation to training legislation	Level 5	5	Public Comment
Elective	119948 Apply the Protected Disclosures Act in mediation	Level 5	3	Public Comment
Elective	119949 Apply unemployment insurance legislation in mediation	Level 5	6	Public Comment
Elective	119951 Apply the Compensation For Occupational Injury and Disease Act in mediation	Level 5	3	Public Comment
Fundamental	12433 Use communication techniques effectively	Level 5	8	Registered
Fundamental	115792 Access, process, adapt and use data from a wide range of texts	Level 5	5	Registered
Fundamental	119938 Demonstrate an understanding of the South African Legal framework	Level 5	5	Public Comment
Fundamental	119939 Conduct negotiations in labour mediation	Level 5	6	Public Comment
Fundamental	119953 Apply principles of dispute management in labour relations	Level 5	10	Public Comment
Fundamental	10591 Conduct interpersonal management	Level 6	6	Reregistered



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

1

Interpret and apply provisions of the Labour Relations Act relating to organisational rights

SAQA US ID	UNIT STANDARD TITLE		
119924	Interpret and apply provisions of the Labour Relations Act relating to organisational rights		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	4	Level 5	Regular

SPECIFIC OUTCOME 1

Explain and interpret types of organisational rights.

SPECIFIC OUTCOME 2

Explain the process of obtaining and exercising organisational rights conferred in legislation.

SPECIFIC OUTCOME 3

Describe the dispute resolution process and necessary factors relating to disputes and organisational rights as set out in legislation.

SPECIFIC OUTCOME 4

Explain the limitations of the right to strike and the recourse to lockout pertaining to organisational rights as set out in legislation.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

2

Consider Advisory awards in labour disputes

SAQA US ID	UNIT STANDARD TITLE		
119925	Consider Advisory awards in labour disputes		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 6	Regular

SPECIFIC OUTCOME 1

Draft an advisory award.

SPECIFIC OUTCOME 2

Identify and explain the various phases of the conciliation process.

SPECIFIC OUTCOME 3

Consider an application and render an advisory award.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

3

Apply the Occupational Health and Safety Act and the Mine Health and Safety Act in mediation

SAQA US ID		UNIT STANDARD TITLE	
119926		Apply the Occupational Health and Safety Act and the Mine Health and Safety Act in mediation	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	3	Level 5	Regular

SPECIFIC OUTCOME 1

Define and apply the Occupational Health and Safety Act (OHSA) and Mine Health and Safety Act (MHSA).

SPECIFIC OUTCOME 2

Define the general duties of an employer, self-employed persons, manufacturers and employees as set out in the OHSA.

SPECIFIC OUTCOME 3

Define the duties of the CEO, the selection processes and duties of Health and Safety representatives and committees and general prohibitions in the OHSA.

SPECIFIC OUTCOME 4

Define prohibited deductions, the role of inspectors, disclosure of information and offences, penalties and special orders of court.

SPECIFIC OUTCOME 5

Define exemptions, serving of notices, and the jurisdiction of magistrates' courts.

SPECIFIC OUTCOME 6

Define the use of regulations as set out in the Acts.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

4

Apply the Public Service Act in mediation

SAQA US ID	UNIT STANDARD TITLE		
119927	Apply the Public Service Act in mediation		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Define labour relations legislation in the public service.

SPECIFIC OUTCOME 2

Describe the scope and purpose of the labour relations legislation in the public service.

SPECIFIC OUTCOME 3

Describe the scope of application of legislation governing labour relations, in the public service.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

5

Apply the Promotion of Access to Information Act in mediation

SAQA US ID	UNIT STANDARD TITLE		
119928	Apply the Promotion of Access to Information Act in mediation		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	3	Level 5	Regular

SPECIFIC OUTCOME 1

Describe definitions and interpretations of the Act by courts.

SPECIFIC OUTCOME 2

Provide an overview of general application provisions and general introductory provisions in terms of the Act.

SPECIFIC OUTCOME 3

Describe the right to access to records of public and private bodies and the grounds for the refusal of access to records.

SPECIFIC OUTCOME 4

Provide an overview of appeals against decisions regarding access to information.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

6

Manage and conduct an in limine hearing

SAQA US ID	UNIT STANDARD TITLE		
119929	Manage and conduct an in limine hearing		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 6	Regular

SPECIFIC OUTCOME 1

Prepare for an in limine hearing in terms of South African labour legislation and/or dispute resolution procedures in a bargaining council collective agreement.

SPECIFIC OUTCOME 2

Conduct an in limine hearing process.

SPECIFIC OUTCOME 3

Prepare and make an appropriate in limine ruling.

SPECIFIC OUTCOME 4

Evaluate the in limine hearing.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

7

Conduct referrals in labour conciliation

SAQA US ID	UNIT STANDARD TITLE		
119930	Conduct referrals in labour conciliation		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Define the purpose of screening of Referrals.

SPECIFIC OUTCOME 2

Define and apply the term "Jurisdiction".

SPECIFIC OUTCOME 3

Conduct the screening of a referral.

SPECIFIC OUTCOME 4

Complete the screening of a referral.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

8

Describe and apply an understanding of the Interpretation Act, 33 of 1957 (Interpretation of Statutes Act)

SAQA US ID	UNIT STANDARD TITLE		
119931	Describe and apply an understanding of the Interpretation Act, 33 of 1957 (Interpretation of Statutes Act)		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 6	Regular

SPECIFIC OUTCOME 1

Describe the purpose of the Interpretation Act 33 of 1957 and relevant amendments.

SPECIFIC OUTCOME 2

Explain and apply the definitions of terms in the Act in relation to other relevant employment law.

SPECIFIC OUTCOME 3

Describe and explain use of specialised terminology.

SPECIFIC OUTCOME 4

Describe the requirements and justification for publication or promulgation of acts, notices and enactments as set out in the Act.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

9

Consider and issue arbitration awards in labour disputes

SAQA US ID	UNIT STANDARD TITLE		
119932	Consider and issue arbitration awards in labour disputes		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	4	Level 5	Regular

SPECIFIC OUTCOME 1

Evaluate applications in labour disputes.

SPECIFIC OUTCOME 2

Issue an arbitration award.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

10

Write arbitration awards

SAQA US ID	UNIT STANDARD TITLE		
119933	Write arbitration awards		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	8	Level 5	Regular

SPECIFIC OUTCOME 1

Review and consider the evidence offered during the arbitration as distinct parts and as a whole.

SPECIFIC OUTCOME 2

Research appropriate case law and precedents.

SPECIFIC OUTCOME 3

Make a finding, draft and finalise the award.

SPECIFIC OUTCOME 4

Issue the arbitration award.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

11

Consider a condonation application

SAQA US ID	UNIT STANDARD TITLE		
119934	Consider a condonation application		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	5	Level 5	Regular

SPECIFIC OUTCOME 1

Evaluate referrals and apply the relevant factors in a condonation application.

SPECIFIC OUTCOME 2

Explain the statutory process of applying for condonation.

SPECIFIC OUTCOME 3

Identify the timeframes for referrals of dismissals, automatic unfair dismissals and unfair labour practice disputes.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

12

Apply the Arbitration Act in dispute resolution

SAQA US ID	UNIT STANDARD TITLE		
119935	Apply the Arbitration Act in dispute resolution		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	4	Level 5	Regular

SPECIFIC OUTCOME 1

Describe and explain definitions and matters that are subject to arbitration in terms of the Act.

SPECIFIC OUTCOME 2

Explain the compelling nature of agreements in terms of the Act.

SPECIFIC OUTCOME 3

Explain and understand the scope and power, and the termination or setting aside of appointment, of the Arbitrator or umpire.

SPECIFIC OUTCOME 4

Explain the provisions of Arbitration Proceedings.

SPECIFIC OUTCOME 5

Explain the provisions of awards as set out in the Act.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

13

Apply case law and judicial precedents to labour related issues

SAQA US ID		UNIT STANDARD TITLE	
119936		Apply case law and judicial precedents to labour related issues	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Describe and explain the hierarchy and structure of labour courts in South Africa.

SPECIFIC OUTCOME 2

Define judicial precedent and explain the principles of stare decisis, ratio decidendi and obiter dictum.

SPECIFIC OUTCOME 3

Explain the advantages and disadvantages of case law and judicial precedents in terms of labour related issues.

SPECIFIC OUTCOME 4

Find and apply case law to support or reject a principle in law.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

14

Describe the Promotion of Administration of Justice Act and the principles of Administration law

SAQA US ID	UNIT STANDARD TITLE		
119937	Describe the Promotion of Administration of Justice Act and the principles of Administration law		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	3	Level 5	Regular

SPECIFIC OUTCOME 1

Define the PAJ Act.

SPECIFIC OUTCOME 2

Explain the processes set out in the PAJ Act.

SPECIFIC OUTCOME 3

Define Administration law.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

15

Demonstrate an understanding of the South African Legal framework

SAQA US ID		UNIT STANDARD TITLE	
119938		Demonstrate an understanding of the South African Legal framework	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	5	Level 5	Regular

SPECIFIC OUTCOME 1

Distinguish between private and public law in South Africa.

SPECIFIC OUTCOME 2

Describe the South African legislative framework relating to National, Provincial and Local Authorities.

SPECIFIC OUTCOME 3

Describe the judicial framework as set out in the South African Constitution and common law.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

16

Conduct negotiations in labour mediation

SAQA US ID		UNIT STANDARD TITLE	
119939		Conduct negotiations in labour mediation	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Identify the core elements of the negotiation process.

SPECIFIC OUTCOME 2

Select and apply a range of negotiation methods, techniques and tactics.

SPECIFIC OUTCOME 3

Plan, prepare and evaluate a negotiation.

SPECIFIC OUTCOME 4

Compare different mediation processes.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

17

Interpret unfair labour practice legislation in dispute resolution

SAQA US ID		UNIT STANDARD TITLE	
119940		Interpret unfair labour practice legislation in dispute resolution	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Explain the right of employees not to be subjected to unfair labour practice.

SPECIFIC OUTCOME 2

Explain the appropriate referral times for unfair labour practice disputes.

SPECIFIC OUTCOME 3

Explain the burden of onus, the remedies and limits on compensation for unfair labour practice disputes.

SPECIFIC OUTCOME 4

Present information relating to unfair labour practices.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

18

Manage and conduct an arbitration process

SAQA US ID	UNIT STANDARD TITLE		
119941	Manage and conduct an arbitration process		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	12	Level 5	Regular

SPECIFIC OUTCOME 1

Prepare an arbitration process in terms of South African labour legislation and/or dispute resolution procedures in Bargaining Council Collective Agreements.

SPECIFIC OUTCOME 2

Conduct and preside over an arbitration process.

SPECIFIC OUTCOME 3

Evaluate the arbitration process and results.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

19

Apply the provisions of the Extension of Security of Tenure Act, 62 of 1997 (ESTA)

SAQA US ID	UNIT STANDARD TITLE		
119942	Apply the provisions of the Extension of Security of Tenure Act, 62 of 1997 (ESTA)		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	5	Level 5	Regular

SPECIFIC OUTCOME 1

Define and explain the Extension of Security of Tenure Act 62 of 1997 (ESTA).

SPECIFIC OUTCOME 2

Define and explain occupiers' rights, fundamental rights and restrictions in terms of the ESTA.

SPECIFIC OUTCOME 3

Define and explain the termination of rights of residence and the limitations on evictions in terms of the ESTA.

SPECIFIC OUTCOME 4

Explain the processes of dispute resolution in South African courts and mediating bodies in terms of ESTA.

SPECIFIC OUTCOME 5

Describe and explain disputes in unfair labour practices and in the Employment Equity Act relating to ESTA.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

20

Interpret and apply employment equity legislation to industry charters

SAQA US ID	UNIT STANDARD TITLE		
119943	Interpret and apply employment equity legislation to industry charters		
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Outline the definitions, purpose and application of employment equity legislation.

SPECIFIC OUTCOME 2

Explain the prohibition on unfair discrimination.

SPECIFIC OUTCOME 3

Define Affirmative Action (AA).

SPECIFIC OUTCOME 4

Identify the functions and workings of the Commission on Employment Equity.

SPECIFIC OUTCOME 5

Describe the application of employment equity in industry charters.

SPECIFIC OUTCOME 6

Describe Diversity Management and the impact of industry charters in the workplace.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

21

Analyse and interpret unfair dismissal in dispute resolution

SAQA US ID		UNIT STANDARD TITLE	
119944		Analyse and interpret unfair dismissal in dispute resolution	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 6	Regular

SPECIFIC OUTCOME 1

Explain the right not to be unfairly dismissed and the meanings of dismissal and unfair dismissal.

SPECIFIC OUTCOME 2

Explain the relation between the date of dismissal and appropriate referral times in dismissal disputes.

SPECIFIC OUTCOME 3

Explain the burden of onus, the remedies and limits on compensation for unfair dismissal disputes.

SPECIFIC OUTCOME 4

Prepare and explain flow diagrams relating to unfair dismissals.

SPECIFIC OUTCOME 5

Explain relevant guidelines in the Code of good practice.

SPECIFIC OUTCOME 6

Differentiate between substantive and procedural fairness.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

22

Consider rescission and variation applications

SAQA US ID		UNIT STANDARD TITLE	
119945		Consider rescission and variation applications	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 6	Regular

SPECIFIC OUTCOME 1

Consider a rescission application in terms of South African labour legislation and judicial precedent.

SPECIFIC OUTCOME 2

Consider a variation application in terms of South African labour legislation and judicial precedents.

SPECIFIC OUTCOME 3

Deliver a rescission decision in terms of South African labour legislation and judicial precedents.

SPECIFIC OUTCOME 4

Deliver a variation decision in terms of South African labour legislation and judicial precedent.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

23

Conduct a labour conciliation process

SAQA US ID		UNIT STANDARD TITLE	
119946		Conduct a labour conciliation process	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	12	Level 5	Regular

SPECIFIC OUTCOME 1

Prepare for a labour conciliation process in terms of South African labour legislation.

SPECIFIC OUTCOME 2

Conduct a conciliation process.

SPECIFIC OUTCOME 3

Identify and implement the different procedures of the conciliation and arbitration processes.

SPECIFIC OUTCOME 4

Evaluate the conciliation process and results.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

24

Conciliate a dispute in relation to training legislation

SAQA US ID	UNIT STANDARD TITLE		
119947	Conciliate a dispute in relation to training legislation		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	5	Level 5	Regular

SPECIFIC OUTCOME 1

Contextualise training within the legislative framework.

SPECIFIC OUTCOME 2

Describe the role and function of a dispute resolution agency and the jurisdiction of the Labour Court in terms of training legislation.

SPECIFIC OUTCOME 3

Prepare a conciliation process for a dispute referred by a party to training agreement.

SPECIFIC OUTCOME 4

Conduct a conciliation process to resolve a dispute referred in terms of training legislation.

SPECIFIC OUTCOME 5

Evaluate the conciliation process and outcome.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

25

Apply the Protected Disclosures Act in mediation

SAQA US ID		UNIT STANDARD TITLE	
119948		Apply the Protected Disclosures Act in mediation	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	3	Level 5	Regular

SPECIFIC OUTCOME 1

Define the objectives and applications of the Protected Disclosures Act, 2000.

SPECIFIC OUTCOME 2

Define and apply the provisions of "occupational detriment" in the Act.

SPECIFIC OUTCOME 3

Define "protected disclosure" and its application.

SPECIFIC OUTCOME 4

Define the application of "general protected disclosure" covered by the Act.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

26

Apply unemployment insurance legislation in mediation

SAQA US ID	UNIT STANDARD TITLE		
119949	Apply unemployment insurance legislation in mediation		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Define and describe the purpose and application of the Unemployment Insurance Act.

SPECIFIC OUTCOME 2

Describe the claiming of benefits and non-entitlement of benefits.

SPECIFIC OUTCOME 3

Describe unemployment and illness benefits in terms of calculation, rights, application and payment of benefits.

SPECIFIC OUTCOME 4

Describe maternity, adoption and dependant benefits in terms of calculation, rights and application of benefits.

SPECIFIC OUTCOME 5

Describe the enforcement provision in terms of the UIA.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

27

Describe the functions of mediating bodies in labour relations

SAQA US ID	UNIT STANDARD TITLE		
119950	Describe the functions of mediating bodies in labour relations		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 4	Regular

SPECIFIC OUTCOME 1

Compare and analyse the functions of the CCMA, Bargaining Councils and Labour Courts in labour relations.

SPECIFIC OUTCOME 2

Compare the duties of the CCMA, Bargaining Councils and the Labour Courts in context of labour relations.

SPECIFIC OUTCOME 3

Compare the powers of the three main statutory bodies established under the LRA in labour relations.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

28

Apply the Compensation For Occupational Injury and Disease Act in mediation

SAQA US ID	UNIT STANDARD TITLE		
119951	Apply the Compensation For Occupational Injury and Disease Act in mediation		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	3	Level 5	Regular

SPECIFIC OUTCOME 1

Define the Compensation For Occupational Injury And Disease Act.

SPECIFIC OUTCOME 2

Define the requirements of the Act relating to claims for compensation, including compensation for occupational injuries.

SPECIFIC OUTCOME 3

Define the requirements of the Act for claims for compensation, determination and calculation of compensation for occupational diseases.

SPECIFIC OUTCOME 4

Define the requirements of the Act for medical aid provisions, obligations of employers and legal proceedings.

SPECIFIC OUTCOME 5

Provide an overview of general provisions and schedules contained in the Act.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

29

Establish basic principles of evidence in mediation

SAQA US ID		UNIT STANDARD TITLE	
119952		Establish basic principles of evidence in mediation	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Describe the relevance and admissibility of evidence.

SPECIFIC OUTCOME 2

Apply an understanding of character and privileged evidence.

SPECIFIC OUTCOME 3

Apply an understanding of similar fact evidence.

SPECIFIC OUTCOME 4

Apply knowledge and insight into opinion evidence.

SPECIFIC OUTCOME 5

Describe the categories and reliability of evidence.

SPECIFIC OUTCOME 6

Apply knowledge and insight regarding hearsay evidence.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

30

Apply principles of dispute management in labour relations

SAQA US ID	UNIT STANDARD TITLE		
119953	Apply principles of dispute management in labour relations		
SGB NAME	NSB 03	PROVIDER NAME	
SGB Human Resource Management and Practices	Business, Commerce and Management Studies		
UNIT STANDARD TYPE	FIELD DESCRIPTION	SUBFIELD DESCRIPTION	
Regular	Business, Commerce and Management Studies	Human Resources	
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	10	Level 5	Regular

SPECIFIC OUTCOME 1

Outline the principles of dispute management.

SPECIFIC OUTCOME 2

Describe the role and function of dispute resolution bodies with reference to the notion of social justice.

SPECIFIC OUTCOME 3

Identify the causes and sources of conflict resulting in disputes in labour relations.

SPECIFIC OUTCOME 4

Describe various dispute management approaches and perspectives.

SPECIFIC OUTCOME 5

Describe a principal dispute management strategic approach and perspectives for mediation.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

31

Apply Public Service labour legislation in mediation

SAQA US ID		UNIT STANDARD TITLE	
119954		Apply Public Service labour legislation in mediation	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	6	Level 5	Regular

SPECIFIC OUTCOME 1

Define labour relations legislation in the public service.

SPECIFIC OUTCOME 2

Describe the scope and purpose of the labour relations legislation in the public service.

SPECIFIC OUTCOME 3

Describe the scope of application of legislation governing labour relations, in the public service.



SOUTH AFRICAN QUALIFICATIONS AUTHORITY

UNIT STANDARD:

32

Interpret and apply the codes of good practice and guidelines in the Labour Relations Act and Sectoral Determination

SAQA US ID		UNIT STANDARD TITLE	
119955		Interpret and apply the codes of good practice and guidelines in the Labour Relations Act and Sectoral Determination	
SGB NAME		NSB 03	PROVIDER NAME
SGB Human Resource Management and Practices		Business, Commerce and Management Studies	
UNIT STANDARD TYPE		FIELD DESCRIPTION	SUBFIELD DESCRIPTION
Regular		Business, Commerce and Management Studies	Human Resources
ABET BAND	CREDITS	NQF LEVEL	UNIT STANDARD TYPE
Undefined	8	Level 5	Regular

SPECIFIC OUTCOME 1

Interpret and apply the code of good practice relating to dismissals as set out in the Labour Relations Act (LRA).

SPECIFIC OUTCOME 2

Interpret and apply the code of good practice relating to picketing as set out in the LRA.

SPECIFIC OUTCOME 3

Interpret and apply the code of good practice relating to the handling of sexual harassment cases as set out in the LRA.

SPECIFIC OUTCOME 4

Interpret and apply the code of good practice relating to dismissals based on operational requirements as set out in the LRA.

SPECIFIC OUTCOME 5

Interpret and apply the guidelines relating to balloting regarding closed shop agreements as set out in the LRA.

SPECIFIC OUTCOME 6

Interpret and apply the guidelines relating to key aspects of HIV/AIDS and employment as set out in the LRA and EEA.

SPECIFIC OUTCOME 7

Interpret and apply the code of good practice relating to arrangement of working time as set out in the LRA.

SPECIFIC OUTCOME 8

Interpret and apply the code of good practice relating to the protection of employees during pregnancy and after the birth of a child as set out in the LRA.

SPECIFIC OUTCOME 9

Interpret and apply Sectoral Determination.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
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