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Labour Dispute Resolution in Relation to Dismissals for Misconduct Heard in the Commission for Conciliation, Mediation and Arbitration

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Labour Dispute Resolution in Relation to Dismissals for Misconduct Heard in the Commission for Conciliation, Mediation and Arbitration

Eva Dorothy Khosa

A research report submitted to the Faculty of Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Masters of Management (in the field of Public and Development Management)

August 2006

Declaration

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Masters of Management (in the field of Public and Development Management) in the University of the Witwatersrand, Johannesburg. It has not been submitted before any degree or examination in any other university or institution of higher learning.

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Eva Dorothy Khosa

07 August 2006

ABSTRACT

Disputes between workers and their employers continue to take place in the country and elsewhere in the world. These disputes cause disruption in workplaces. The disputes are evident in the different sectors - in small and large enterprises, and in the public and the private sectors. The State has established institutions that are responsible for resolving labour disputes, like the Commission for Conciliation, Mediation and Arbitration (CCMA). This institution does not only resolves disputes but also prevents them in order to have harmoniums workplaces. The object of this research is to assess how the CCMA resolve labour disputes in relation to dismissals for misconduct, by exploring the management processes and the procedures employed. The research also compares the processes of labour dispute resolution in South Africa and in Namibia.

The research concludes that the management of dispute resolution of cases heard in the CCMA requires an upgrade in the institutional provisions for managing disputes. The findings of the research require the State and the CCMA in particular, to find ways of improving the institution's administrative processes in a manner that ensures efficient and effective dispute resolution.

The research recommends that the CCMA develop a comprehensive communication strategy between the institution and its users. There should be ongoing education and training on labour relations and also the CCMA processes, to both the CCMA users and the staff of the institution. Ongoing amendments to labour legislation should be implemented when necessary and that should be agreed between all role players.

DEDICATION

I dedicate this report to my family, in particular my husband Godwin Khosa who has been supportive and encouraging throughout the period that I have spent towards studying for the degree, especially when conducting the research and finishing the report. I hope that this piece of work will be an inspiration to my two young boys, Xirimelo and Xihlala who have been patient throughout my studies. To my parents, Cedric and Constance Shilote, I really appreciate your words of encouragement throughout my life and my studies.

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