



## **RESOLUTION NO 4 OF 2005**

# **RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL (PSCBC)**

### **Noting**

1. Noting that the PSCBC is accredited by the Governing Body of the CCMA in terms of section 127 of the Labour Relations Act 66/1995 as amended to perform dispute resolution functions, and noting that section 28(1)(d) of the Labour Relations Act (66/1995 as amended) provides for the Council to perform dispute resolution functions referred to in section 51 of the Act.

### **Scope**

2. This agreement binds:
  - (a) the employer;
  - (b) the employees of the employer who are members of the trade union parties to this agreement; and
  - (c) the employees of the employer who are not members of any trade union party to this agreement, but who fall within the registered scope of Council.

### **Agreement**

3. Therefore the Council agrees to the contents of the rules for the conduct of proceedings before the PSCBC attached hereto as Annexure A.

### **Dispute Resolution**

4. If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

### **Date of implementation**

5. This agreement shall come into effect on the date it is signed in Council and will remain in effect until terminated or amended by agreement.
6. The Council will monitor the implementation of this agreement.

H. HENDRICKS

T-W - AXES



**ANNEXURE A**

## **RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE PSCBC**

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## **PART ONE**

### **SERVING AND FILING DOCUMENTS**

#### **1. How to contact the Council**

- (1) The address, telephone and telefax numbers of the office of the Council are as follows:

Physical address: Lyttleton Office Village, 260 Basden Street, Lyttelton, 0176

Postal address: PO Box 3123, Lyttleton South, 0176

Telephone: (012) 644 8100

Fax: (012) 664 8950

- (2) Documents may only be filed with the Council at the address or telefax number above.

#### **2. Office Hours**

- (1) Office of the Council will be open every day from Monday to Friday, excluding public holidays, between the hours of 07h30 and 16h00 or as determined by the Council.
- (2) Documents may only be filed with the Council during the hours referred to in subrule (1).
- (3) Notwithstanding subrule (2), documents may be faxed at any time to the Council.

#### **3. How to calculate time periods in these rules**

- (1) For the purpose of calculating any period of time in terms of these rules-
- (a) day means a calendar day unless otherwise specified; and
  - (b) the first day is excluded and the last day is included, subject to subrule (2).
- (2) The last day of any period must be excluded if it falls on a Saturday, Sunday, public holiday or on a day during the period 16 December to 7 January. For the purposes of subrule 1(b) the last day will be 8 January or the first working day thereafter.

#### **4. Who must sign documents**

- (1) A document that a party must sign in terms of the Act, the PSCBC Dispute Resolution Procedures or these rules may be signed by the party or by a person entitled in terms of the Act or these rules to represent that party in the proceedings.
- (2) If proceedings are jointly instituted or opposed by more than one employee, documents may be signed by an employee who is mandated by the other employees to sign documents. A list containing the names and signatures of the employees who have mandated the employee to sign on their behalf must be attached to the referral document.

#### **5. How to serve documents on other parties**

- (1) A party must serve a document on the other parties –
  - (a) by handing a copy of the document to -
    - (i) a person identified in subrule (2);
    - (ii) a representative authorised in writing to accept service on behalf of a person identified in subrule (2);
    - (iii) in the case of a document being served on any other person as identified in subrule (2), a person who appears to be at least 16 years old and in charge of the person's place of residence, business or place of employment premises at the time;
  - (b) by leaving a copy of the document at –
    - (i) an address chosen by a person identified in sub rule (2) to receive service;
    - (ii) any premises in accordance with sub rule (3);
  - (c) by faxing or telexing a copy of the document to a person identified in subrule (2)'s fax or telex number respectively, or a number chosen by that person to receive service;
  - (d) by sending a copy of the document by registered post or telegram to the last-known address of the party or an address chosen by the party to receive service.

(2) A document must be served—

(a) in the case of the employer, on a responsible employee of the employer at the workplace where the employee/s involved in the dispute ordinarily work or worked and on the chief negotiator of the State.

(b) in the case of an employee or trade union, on the employee or on an official at the trade union's head office.<sup>1</sup>

(3) If no person identified in sub rule (2) is willing to accept service, service may be effected by affixing a copy of the document to –

(a) the main door of the premises concerned or;

(a) if this is not accessible, a post-box or other place to which the public has access.

(4) The Secretary or a panellist may order service in a manner other than prescribed in this rule.

## **6. How to prove that a document was served in terms of the rules**

(1) A party must prove to the Secretary or a panellist that a document was served in terms of these rules, by providing the Secretary or a panellist:

(a) with a copy of proof of mailing the document by registered post to the other party;

(b) with a copy of the telegram or telex communicating the document to the other party;

(c) with a copy of the telefax transmission report indicating the successful transmission to the other party of the whole document; or

(d) if a document was served by hand –

(i) with a copy of a receipt signed by, or on behalf of, the other party clearly indicating the name and designation of the recipient and the place, time and date of service; or

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<sup>1</sup> If a party is represented by a legal representative, a copy of the document must be served on the legal representative

- (ii) with a statement confirming service signed by the person who delivered a copy of the document to the other party or left it at any premises.
- (2) If proof of service in accordance with subrule (1) is provided, it is presumed, until the contrary is proved, that the party on whom it was served has knowledge of the contents of the document.

## **7. How to file documents with the Council**

- (1) A party must file documents with the Council:
- (a) by handing the document to the office of the Secretary at the address as per rule 1;
  - (b) by sending a copy of the document by registered post to the office of the Secretary at the address as per rule 1; or
  - (c) by faxing the document to the office of the Secretary at the number listed as per rule 1.
- (2) A document is filed with the Council when –
- (a) the document is handed to the office of the Secretary;
  - (b) a document sent by registered post is received by the office of the Secretary; or
  - (c) the transmission of the whole of a fax is completed.
- (3) A party must only file the original of a document filed by fax, if requested to do so by the Secretary or a panellist. A party must comply with a request to file an original document within seven days of the request.

## **8. Documents and notices sent by registered post**

- (1) Any document or notice sent by registered post by a party or the Council is presumed, until the contrary is proved, to have been received by the person to whom it was sent seven days after it was posted.

## **9. How to seek condonation for documents delivered late**

- (1) This rule applies to any referral document or application delivered outside of the applicable time period prescribed in the Act, these rules, or the dispute resolution procedure of the Council.
- (2) A party must apply for condonation, in terms of rule 30, when filing the document with the Council.
- (3) An application for condonation must set out the grounds for seeking condonation and must include details of the following:
  - (a) the degree of lateness;
  - (b) the reasons for the lateness;
  - (c) the referring parties' prospects of succeeding with the referral and obtaining the relief sought against the other party;
  - (d) any prejudice to the other party; and
  - (e) any other relevant factors.
- (4) The Secretary may assist a referring party to comply with this rule.

## **PART TWO**

### **CONCILIATION OF DISPUTES**

#### **10. How to refer a dispute to the Council for conciliation**

- (1) A referral of a dispute for conciliation must be made on the referral forms of the Council.
- (2) The referring party must –
  - (a) sign the referral document in accordance with rule 4;
  - (b) attach to the referral documentary proof, in accordance with rule 6, that the referral document was served on the other parties to the dispute;
  - (c) if the referral document is filed out of time, attach an application for condonation in accordance with rule 9.
- (3) The Secretary must refuse to accept a referral document until subrule (2) has been complied with.

### **11. What notice must the Secretary give of a conciliation**

The Secretary must give the parties at least 14 days notice in writing of a conciliation hearing, unless the parties agree to a shorter period of notice.

### **12. Secretary may seek to resolve dispute before conciliation**

The Secretary or a panellist may contact the parties by telephone or other means, prior to the commencement of the conciliation, in order to seek to resolve the dispute.

### **13. How to determine whether a panellist may conciliate a dispute**

If it appears during conciliation proceedings that a jurisdictional issue has not been determined, the panellist must require the referring party to prove that the Council has the jurisdiction to conciliate the dispute.

### **14. Issuing of a certificate of outcome**

A certificate of outcome, stating whether the dispute has or has not been resolved, must identify the nature of the dispute as described in the referral document or as identified by the panellist during the conciliation process.

### **15. Conciliation proceedings may not be disclosed**

- (1) Conciliation proceedings are private and confidential and are conducted on a without prejudice basis. No person may refer to anything said at conciliation proceedings during any subsequent proceedings, unless the parties agree in writing.
- (2) No person, including a panellist, may be called as a witness during any subsequent proceedings in the Council or in any court to give evidence about what transpired during conciliation.

## **PART THREE**

### **ARBITRATIONS**

#### **16. How to request arbitration**

- (1) A party may request the Council to arbitrate a dispute by filing the referral for arbitration form with the Secretary.
- (2) The referring party must -
  - (a) sign the referral document in accordance with rule 4;
  - (b) attach to the referral document written proof that the referral document was served on the other parties to the dispute in accordance with rule 6; and
  - (c) if the referral document is served out of time, attach an application for condonation in accordance with rule 9 .
- (3) The Secretary must refuse to accept a referral document until sub rule (2) has been complied with.

#### **17. When must the parties file statements**

- (1) The panellist may direct –
  - (a) the referring party in an arbitration to deliver a statement of case; and
  - (b) the other parties to deliver an answering statement.
- (2) A statement in terms of sub rule (1) must –
  - (a) set out the material facts upon which the party rely and the legal issues that arise from the material facts;
  - (b) be delivered within any time-period specified in the notice referred to in sub rule (1).

## **18. When the parties must hold a pre-arbitration meeting**

- (1) The parties to arbitration must hold a pre-arbitration meeting dealing with the matters referred to in sub rule (2), if directed to do so by a panellist.
- (2) In a pre-arbitration meeting, the parties must attempt to reach consensus on the following:
  - (a) any means by which the dispute may be settled;
  - (b) facts that are agreed between the parties;
  - (c) facts that are in dispute;
  - (d) the issues that the panellist is required to decide;
  - (e) the precise relief claimed and if compensation is claimed, the amount of the compensation and how it is calculated;
  - (f) the sharing and exchange of relevant documents, and the preparation of a bundle of documents in chronological order with each page numbered;
  - (g) the manner in which documentary evidence is to be dealt with, including any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence of what they appear to be;
  - (h) whether evidence on affidavit will be admitted with or without the right of any party to cross examine the person who made the affidavit;
  - (i) which party must begin;
  - (j) the necessity for any *in loco* inspection;
  - (k) securing the presence at the hearing of any witness;
  - (l) the resolution of any preliminary points that are intended to be taken;
  - (m) the exchange of witness statements;
  - (n) expert evidence;
  - (o) any other means by which the proceedings may be shortened;
  - (p) an estimate of the time required for the hearing;

- (q) the right of representation; and
  - (r) whether an interpreter is required and, if so, for how long and for which languages.
- (3) Unless a dispute is settled, the parties must draw up and sign a minute setting out the facts on which the parties agree or disagree.
- (4) A minute in terms of sub rule (3) may also deal with any other matter listed in sub rule (2).
- (5) The referring party must ensure that a copy of the pre-arbitration meeting minute is delivered to the Secretary and appointed panellist within seven days of the conclusion of the pre-arbitration conference.
- (6) The Panelist may after receiving a pre-arbitration minute –
- (a) enrol the matter for arbitration;
  - (b) direct the parties to hold a further pre-arbitration meeting; or
  - (c) make any other direction to the parties concerning the conduct of the arbitration.
- (7) If any party to the dispute fails to attend a pre-arbitration meeting, the panellist may deal with the matter in terms of rules 29 and make an order of cost against that party.
- (8) The parties to an arbitration may agree to hold a pre-arbitration meeting in terms of sub rule (2).

### **19. What notice must the Secretary give of arbitration?**

The Secretary must give the parties at least 21 days notice, in writing, of an arbitration hearing, unless the parties agree to a shorter period.

### **20. How to determine whether a panellist may arbitrate a dispute**

If during the arbitration proceedings it appears that a jurisdictional issue has not been determined, the panellist must require the referring party to prove that the Council has jurisdiction to arbitrate the dispute.

## **PART FOUR**

### **RULES THAT APPLY TO CONCILIATIONS AND ARBITRATIONS**

#### **21. Where a conciliation or arbitration will take place**

- (1) A dispute must be conciliated or arbitrated in the province in which the cause of action arose, unless the Secretary directs otherwise.
- (2) The conciliation and /arbitration proceedings shall be held at a venue to be determined by the Secretary, which shall preferably be at the employee's workplace or the premises of the trade union concerned.

#### **22. Who may appear or represent in proceedings before the Council.**

- (1) In the conciliation proceedings a party to the *dispute* may appear in person or be represented only by a member, an office bearer or *official* of that party's registered *trade union* or by an employee of any national department or provincial administration.
- (2) In any arbitration proceedings, a party to the *dispute* may appear in person or be represented only by a legal practitioner, a member, office bearer or *official* of that party's registered *trade union* or an employee of a national department or a provincial administration.

#### **23. Objections to a representative appearing before the Council.**

- (1) A party to the dispute that challenges the right of appearance of a representative must furnish reasons showing why the representative does not have the right of appearance.
- (2) The panellist may call upon the representative to furnish reasons why the representative should be permitted to appear..
- (3) A representative must provide any documentary proof requested by the panellist in terms of sub rule (2).

#### **24. How to join or substitute parties to proceedings**

- (1) If it becomes known that a party, who is not cited as a party to the dispute, has a substantial interest in the subject matter of the proceedings and are not aware of the proceedings, the Secretary must:

- (a) notify such party of the proceedings; and
  - (b) give such party a time frame in which they need to apply should they want to be joined as a party to the proceedings.
- (2) The Secretary or a panellist may join any number of persons as parties in proceedings if their right to relief depends on substantially the same question of law or fact.
- (3) A panellist may make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.
- (3) A panellist may make an order in terms of sub rule (2) -
- (a) of its own accord;
  - (b) on application by a party; or
  - (c) if a person entitled to join the proceedings applies at any time during the proceedings to intervene as a party.
- (4) An application in terms of this rule must be made in terms of rule 30.
- (5) When making an order in terms of sub rule (2), a panellist may –
- (a) give appropriate directions as to the further procedure in the proceedings; and
  - (b) make an order of costs in accordance with these rules.
- (6) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply to the Secretary for an order substituting that party for an existing party, and a panellist may make such order or give appropriate directions as to the further procedure in the proceedings.
- (7) An application to join any person as a party to proceedings or to be substituted for an existing party must be accompanied by copies of all documents previously delivered, unless the person concerned or that person's representative is already in possession of the documents.
- (8) Subject to any order made in terms of sub rules (5) and (6), a joinder or substitution in terms of this rule does not affect any steps already taken in the proceedings.

## **25. How to correct the citation of a party**

If a party to any proceedings has been incorrectly or defectively cited, the Secretary or panellist may, on application and on notice to the parties concerned, correct the error or defect.

## **26. When the Council may consolidate disputes**

The Secretary or a panellist, of his/her own accord or on application, may consolidate more than one dispute so that the disputes may be dealt with in the same proceedings, **after consultation with the parties.**

## **27. Disclosure of documents**

- (1) The parties may agree on the disclosure of documents.
- (2) Either party may request a panellist to make an order as to the disclosure of relevant documents.

## **28. How to postpone a hearing**

- (1) A scheduled hearing may be postponed –
  - (a) by agreement between the parties in terms of sub rule (2); or
  - (b) by application and on notice to the other parties in terms of sub rule (3).
- (2) The Secretary must postpone an arbitration without the parties appearing if –
  - (a) all the parties to the dispute agree in writing to the postponement; and
  - (b) the written agreement for the postponement is received by the Secretary more than seven days prior to the scheduled date of the hearing.
- (3) If the conditions of sub rule (2) are not met, any party to the dispute may apply in terms of rule 30 to postpone a hearing by delivering an application to the other parties to the dispute and filing a copy with the Secretary more than seven days prior to the scheduled date of the hearing.
- (4) A party that wants to oppose an application for postponement made in terms of sub rule (3), may make written representations to the Secretary more than five days prior to the scheduled date of the hearing.

- (5) After due consideration of any application and written representations received in terms of sub rule (3) and (4), the Secretary may-
  - (a) without convening a hearing postpone the matter; or
  - (b) convene a hearing to determine whether to postpone the matter
- (6) If a party to a dispute fails to comply with the time periods referred to in sub rules (2) to (4), the conciliation or arbitration must take place on the scheduled date, unless the Secretary on good cause shown grants a postponement and conveys his/her decision in writing to the panellist and all parties to the dispute.

## **29. What happens if a party fails to attend proceedings before the Council**

- (1) If an applicant fails to attend or be represented at any proceedings before the Council, a panellist may
    - (i) dismiss the matter by issuing a ruling; or
    - (ii) adjourn the proceedings to a later date
  - (2) If a respondent fails to attend or be represented at any proceedings before the Council, a panellist may –
    - (i) continue with the proceedings in the absence of the respondent; or
    - (ii) adjourn the proceedings to a later date
  - (3) A panellist must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of sub rule (1) or (2).
  - (4) If a matter is dismissed in terms of this rule, the Secretary must send a copy of the ruling to the parties and the party or parties responsible for the dismissal must bear the cost of the dismissal.
  - (5) If a panellist adjourns a hearing in terms of this rule, the party or parties responsible for the adjournment must bear the cost of adjournment.
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## **PART FIVE**

### **APPLICATIONS**

#### **30. How to bring an application**

- (1) This rule applies to any –
- (a) application for condonation, joinder, substitution, variation or rescission;
  - (b) application in a jurisdictional dispute;
  - (c) application to have a settlement agreement made an arbitration award in terms of s142A of the LRA
  - (d) other preliminary or interlocutory application.
- (2) An application must be brought on notice to all parties/ persons who have an interest in the application.
- (3) The party bringing the application must sign the notice of application in accordance with rule 4 and must state -
- (a) the title of the matter;
  - (b) the case number assigned to the matter by the Secretary;
  - (c) the relief sought;
  - (d) the address at which the party delivering the document will accept delivery of all documents and proceedings;
  - (e) that any party that intends to oppose the matter must deliver a notice of opposition and answering affidavit within fourteen days after the application has been delivered to it;
  - (f) that the application may be heard in the absence of a party that does not comply with sub-paragraph (e);
  - (g) that a schedule is included listing the documents that are material and relevant to the application.

- (4) The application must be supported by an affidavit. The affidavit must clearly and concisely set out -
- (a) the names, description and addresses of the parties;
  - (b) a statement of the material facts, in chronological order, on which the application is based, in sufficient detail to enable any person opposing the application to reply to the facts;
  - (c) a statement of legal issues that arise from the material facts, in sufficient detail to enable any party to reply to the document;
  - (d) if the application is filed outside the relevant time period, grounds for condonation in accordance with rule 9; and
  - (e) if the application is brought urgently, the circumstances why the matter is urgent and the reasons why it cannot be dealt with in accordance with the time frames prescribed in these rules.
- (5)
- (a) Any party opposing the application may deliver a notice of opposition and an answering affidavit within fourteen days from the day on which the application was served on that party.
  - (b) A notice of opposition and an answering affidavit must contain, with the changes required by the context, the information required by subrules (3) and (4) respectively.
- (6)
- (a) The party initiating the proceedings may deliver a replying affidavit within seven days from the day on which any notice of opposition and answering affidavit are served on it.
  - (b) The replying affidavit must address only issues raised in the answering affidavit and may not introduce new issues of fact or law.
- (7) The Secretary or panellist may permit the affidavits referred to in this rule to be substituted by a written statement.
- (8) In an urgent application, the panellist -
- (a) may dispense with the requirements of this rule; and
  - (b) may only grant an order against a party that has had notice of the application.
- (9)
- (a) The Secretary must allocate a date for the hearing of the application once a replying affidavit is delivered, or once the time limit for delivering a replying affidavit has lapsed, whichever occurs first.

- (b) The Secretary must notify the parties of the date, time and place of the hearing of the application.
- (10) Despite this rule, the panellist may determine an application in any manner he/she deems fit.

### **31. How to apply to vary or rescind arbitration awards or rulings**

- (1) An application for the variation or rescission of an arbitration award or ruling must be made within fourteen days of the date on which the applicant became aware of–
- (a) the arbitration award or ruling; or
  - (b) a mistake common to the parties to the proceedings.
- (2) A ruling made by a panellist, which has the effect of a final order, will be regarded as a ruling for the purposes of this rule.

## **PART SIX**

### **GENERAL**

#### **32. Condonation for failure to comply with the rules**

A panellist may condone any failure to comply with the time frames in these rules on good cause shown.

#### **33. Record of proceedings**

- (1) The Council must keep a record of –
- (a) any evidence given in an arbitration hearing;
  - (b) any sworn testimony given in any proceedings before the Council; and
  - (c) any arbitration award or ruling made by a panellist.
- (2) The record may be kept by legible hand-written notes or by means of an electronic recording.

- (3) A party may request a copy of the transcript of a record or a portion of a record kept in terms of sub rule (2), on payment of the costs of the transcription.
- (4) After the person who makes the transcript of the record has certified that it is correct, the record must be returned to the Secretary.
- (5) The transcript of a record certified as correct in terms of sub rule (4) is presumed to be correct, unless the Labour Court decides otherwise.

#### **34. How to have a subpoena issued**

- (1) Any party who requires the panellist to subpoena a person in terms of section 142(1) of the Act, must file a completed subpoena form together with a written motivation setting out why the evidence of the person to be subpoenaed is necessary.
- (2) A party requesting the Council to waive the requirement for the party to pay witness fees in terms of section 142(7)(c) must set out the reasons for the request in writing at the time of requesting the Council to issue a subpoena in respect of that witness.
- (3) An application in terms of sub rule (1) must be filed with the Secretary at least fourteen days before the arbitration hearing, or as directed by the panellist hearing the arbitration.
- (4) The Secretary or a panellist may refuse to issue a subpoena if–
  - (a) the party does not establish why the evidence of the person is necessary;
  - (b) the party subpoenaed does not have a reasonable period in which to comply with the subpoena;
  - (c) the Secretary or a panellist is not satisfied that the party has made arrangements to pay the witness fees and the reasonable travel costs of the person subpoenaed.
- (5) A subpoena must be served on the witness subpoenaed –
  - (a) by the Secretary, by the person who has requested the issue of the subpoena or by the Sheriff, at least seven days before the scheduled date of the arbitration; and

- (b) if so directed by the Secretary or panellist, accompanied by payment of the prescribed witness fees for one day in accordance with the tariff of allowances published by notice in the Government Gazette in terms of section 142(7) of the Act and the witnesses' reasonable travel costs.

### **35. Payment of witness fees**

- (1) A witness subpoenaed in any proceedings in the Council must be paid a witness fee in accordance with the tariff of allowances published by notice in the Government Gazette in terms of section 142(7) of the Act, provided that, if such witness is an employee of the State, such witness shall not be paid an allowance for the time that he/she was required to be available to give evidence during such proceedings, unless he or she can show that he or she will not be paid for such time.
- (2) The witness fee must be paid by –
  - (a) the party who requested the Council to issue the subpoena; or
  - (b) the Council, **if the issuing of the subpoena was requested by a panellist** or if the Secretary or panellist waives the requirement for the party to pay witness fees in terms of section 142(7)(c)
- (3) Despite sub rule (1), the panellist may, in appropriate circumstances, order that a witness receives no fee or only part of the prescribed fee.

### **36. Taxation of bills of cost<sup>2</sup>**

- (1) Any person requesting a taxation must complete the application form and submit it to the Secretary
- (2) The Secretary may appoint taxing officers to perform the functions of a taxing officer in terms of these rules.
- (3) The Secretary will determine the date, time and venue for the taxation
- (4) The taxing officer must tax any bill of costs for services rendered in connection with proceedings in the Council, in terms of Annexure A attached hereto

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(1) <sup>2</sup> The basis on which a panellist may make an order as to costs in any arbitration, is regulated by the dispute resolution procedure of the Council and section 138(10) of the Act.

- (5) At the taxation of any bill of costs, the taxing officer may call for any book, document, paper or account that, in the taxing officer's opinion, is necessary to properly determine any matter arising from the taxation.
- (6) The Taxing Officer must ascertain:
- (a) the parties' entitlement to be present at the taxation; and
  - (b) that the parties have received notice of the date, time and place of the taxation.
- (7) Any decision by a taxing officer has the status of an arbitration award and is subject to review by the Labour Court.

### **37. What words mean in these rules**

Any expression in these rules that is defined in the Labour Relations Act , 1995 (Act No. 66 of 1995), has the same meaning as in the Act except that, if such expression is defined in the constitution or the dispute resolution procedure of the Council, it shall have the same meaning as in the constitution or dispute resolution procedure.

“Act” means the Labour Relations Act, 1995 (Act No. 66 of 1995), and includes any regulation made in terms of that Act;

“association” means any unincorporated body of persons;

“deliver” means serve on other parties and file with the Commission;

"employer" means the State as employer falling within the registered scope of the Councils

'file' means to lodge with the Council in terms of rule 7;

“Labour Court” means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court;

“panellist” means a person appointed in terms of the Dispute Resolution Procedure to handle disputes as conciliators or arbitrators;

“party” means any party to proceedings before the Council and may be organisations and / or individuals;

“public holiday” means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994);

"Council" means the PSCBC

"rules" means these rules and includes any footnote to a rule;

"Secretary" means the secretary of the Council

"serve" means to serve in accordance with rule 5 and "service" has a corresponding meaning; and

"taxing officer" means any panellist appointed by the Secretary in terms of rule 36.

## ANNEXURE A : TAXATION OF BILL OF COSTS

	<b>DESCRIPTIONS OF FEES AND DISBURSEMENTS</b>	<b>FEES &amp; DISBURSEMENTS APPLICABLE TO LEGAL PRACTITIONERS AND TO TRADE UNION OFFICIALS, OFFICIALS OF EMPLOYERS' ORGANISATIONS AND EMPLOYEE ACTING ON BEHALF OF THEIR EMPLOYERS AND TO THE COUNCIL</b>
1.	Taking instructions to refer or to defend a dispute.	R150-00
2.	Completion of "referral document".	R60-00
3.	Service and filing of documents	Any disbursement reasonably incurred to give effect to the provisions of clauses requiring a document to be forwarded to the Council or other party.
4.	Taking instructions to request arbitration, where applicable.	R75-00
5.	Making necessary copies	R1-00 per page
6.	Taking instructions to make or to oppose any other application as provided in the rules	R150-00
7.	Drafting and drawing documents in support of or in opposition of any application in terms of the rules.	R20-00 per folio
8.	Attending on signature of any affidavit drafted in support or in opposition of an application in terms of the rules.	R60-00
9.	Preparation for arbitration hearing and consulting with witnesses.	R300-00 per hour.

	<b>DESCRIPTIONS OF FEES AND DISBURSEMENTS</b>	<b>FEES &amp; DISBURSEMENTS APPLICABLE TO LEGAL PRACTITIONERS AND TO TRADE UNION OFFICIALS, OFFICIALS OF EMPLOYERS' ORGANISATIONS AND EMPLOYEE ACTING ON BEHALF OF THEIR EMPLOYERS AND TO THE COUNCIL</b>
10.	Attending conciliation arbitration, pre-arbitration conference including waiting time, time spent on attending inspection in loco, and travelling time to and from the venue.	R100-00 per quarter-hour or part thereof.
11.	Sorting, arranging and pagination of documents and compiling index for purposes of an arbitration hearing.	R100-00
12.	Any necessary telephone call for purposes of the orderly process of determining the dispute between the parties, including the disbursements incurred in making on receiving the telephone call.	R10-00
13.	Any necessary letter written or received for purpose of the orderly process of determining the dispute between the parties, including any disbursement incurred in sending or receiving the letter.	R10-00
14.	Travelling costs for the purposes of attending conciliation, con-arb, pre-arbitration conference, arbitration hearing and taxation.	R1-80 per kilometre
15.	Drawing bill of costs	R75-00
16.	Attending to taxation	R75-00

**NOTE**

One folio consists of two hundred and fifty (250) words or part thereof.