



CODE OF CONDUCT FOR PANELLISTS

1. Purpose of the Code

The purpose of this Code is to:

- 1.1 set standards that must be adhered to and provide guidance to panellists to always act professionally when attending to NBCWPS processes;
- 1.2 to assist in maintaining the integrity and good repute of all NBCWPS processes;
- 1.3 to ensure quality of all NBCWPS processes.

2. General attributes and professionalism

In order to ensure that all NBCWPS processes are conducted in a just and fair manner and to engender confidence with the parties and the general public, panellists shall at all times be required to:

- 2.1 act with integrity, dignity and professionalism;
- 2.2 treat the parties and all other persons involved in a process (e.g., witnesses, interpreters, NBCWPS staff) with respect, courtesy and fairness and encourage the same by all participants;
- 2.3 ensure that he/she is impartial and independent from any of the parties;
- 2.4 conduct all processes in a professional manner, with proficiency and with due diligence and discharge his/her duties and functions without fear or favour, pressure from anyone or fear of criticism;
- 2.5 not participate in any activity that may influence or prejudice him/her in the execution of his/her duties and functions;

- 2.6 act with the utmost good faith in the interest of the NBCWPS and the process and never act in self-interest or in a manner that may favour, or be perceived to favour, one party over the other;
- 2.7 accept an appointment to a process only if he/she is available, competent and knowledgeable to undertake the assignment effectively and to withdraw when he/she realises that a matter is beyond his/her competence;
- 2.8 be punctual, i.e., arrive and be present at least ten (10) minutes before the commencement time of the process and remain present until the conclusion of the process;
- 2.9 avoid unnecessary delays of the process ;
- 2.10 be dressed in a manner that conveys professionalism, i.e., not in casual attire;
- 2.11 not assign, cede or delegate any appointment or any other function or duty whatsoever to any other person without the prior approval of the NBCWPS;
- 2.12 during conciliation, not disclose any information advanced by one party to the other, unless consent for disclosure has been obtained;
- 2.13 not preside over a matter in which he/she has an interest or may be perceived to have an interest;
- 2.14 not give advice to any of the parties to a dispute and not to represent any of the parties;
- 2.15 not speak to any party without the other party being present and not contact any party while a process is underway or, after conclusion of a process, contact a party about the concluded process. All contact must be done via the NBCWPS or with the approval of the NBCWPS;
- 2.16 act courteously and with respect towards the screener of arbitration awards and rulings;
- 2.17 keep up to date with developments and legislative amendments in the field of Labour Law and dispute resolution and relevant jurisprudence and continuously try to upgrade skills and knowledge;
- 2.18 not accept any payment, compensation, gift or benefit of whatever nature from any party or non-party to the NBCWPS or from any person or entity that may be involved, directly or indirectly, in any matter that is serving or has served or is going to serve before the NBCWPS.

3. Conflict of interest and disclosure

- 3.1 Panellists are required to disclose any interest or any kind of relationship they have or had with a party to the dispute they have been appointed to. Such a disclosure must be made to the NBCWPS and must be done immediately upon the appointment to a process or, during proceedings as soon as it comes to light that there is or may be a perceived conflict or bias.
- 3.2 The onus is on a panellist to make such a disclosure.
- 3.3 If a conflict of interest that causes bias or may cause bias or may be perceived to cause bias comes to light during proceedings, a panellist is required to disclose same to the parties immediately and afford the parties an opportunity to be heard. If necessary, the panellist should recuse him/herself.
- 3.4 If a party requests the recusal of a panellist, that party must be given an opportunity to bring an application and argue the point during the proceeding and the opposing party must be afforded an opportunity to respond to the application. Thereafter the panellist must rule on the issue of recusal, which ruling must be reduced to writing after the conclusion of the proceedings.
- 3.5 If, after proper disclosure, the parties have no objection, panellists may preside and continue with the proceedings.

4. Outcome of processes

- 4.1 Where a dispute is resolved at conciliation, the settlement agreement must be reduced to writing, dated and signed by the parties. The Panellist must also sign the agreement as facilitator thereof.
- 4.2 Panellist must ensure that settlement agreements are clear, unambiguous, resolves the dispute and are enforceable. If the settlement agreement template is used, panellists must ensure that it is fully completed and signed as in paragraph 4.1, for the NBCWPS to claim the subsidy fee from the CCMA.

- 4.3 Panellists must submit to the NBCWPS a completed and concise outcome report within 48 hours, or less after conclusion of every process. This allows the Case Management Officer to progress the case on the case management system.
- 4.4 Panellists must follow any award writing guidelines set by the council and always check that awards and rulings are proofread and edited before submission.
- 4.5 Panellist must ensure that awards: are written in plain language; deal with relevant facts; give reasons for each finding and be enforceable.
- 4.5 Panellists must always keep the decisions they make confidential and must not disclose the contents of an award or ruling or the findings made therein to either party or to any other person until such time as the award or ruling has been issued by the NBCWPS to the parties.
- 4.6 Awards and Rulings must be submitted to the NBCWPS in electronic format, in Word version, and via e-mail within ten (10) days after conclusion of an arbitration hearing. The same applies to rulings which must be submitted to the NBCWPS within ten (10) days after the event that occasioned the writing of a ruling.
- 4.7 All awards and rulings will be perused by an appointed screener and panellists are required to respond to any questions or comments by the screener within 24 hours.
- 4.8 Within seven (7) days of completion of proceedings panellists are required to forward to the NBCWPS the entire record of the proceedings, including : mechanical recordings, all handwritten or typed notes and all documents handed up in evidence, as well as the attendance register.

5. Breach of this Code and/or entire agreement

A panellist who breaches this Code of Conduct or who refuses or fails to comply with this agreement as a whole or whose reputation is severely compromised through misconduct, poor performance or lack of adhering to any of the NBCWPS requirements may be removed or suspended from the panel at the discretion of the NBCWPS.

