

PROPOSED ELRC CONSTITUTIONAL AMENDMENTS

1. Par 2.2

Acceptable especially that it is in CCMA rules.

What is the position in other public service bargaining councils? Won't we be creating confusion in the public service? Probably it will be best to get buy-in from other bargaining councils.

2. Par 2.3

How will the order by the Commissioner ensure that documents are produced?

What will the remedy be if a party fails to adhere to the order?

Will the amendment bar attorney from issuing subpoena for documents to be produced?

Surely we cannot adopt an approach whereby prominent figures will be exempted from attending hearings if their presence is essential.

3. Par 2.4

What would constitute wasted costs?

How will costs be calculated?

Will there be a cap?

4. Par 2.5

Does the CCMA have such a provision? If not, why not?

If a party fails to submit whatever they are ordered to, does it not mean that they will be undermining their own case.

5. Par 2.6

Seems that definite proposals should be drafted to address all these matters. How for instance is it being assured that witnesses do not listen to one another's testimony.

6. Par 2.7

Agreed