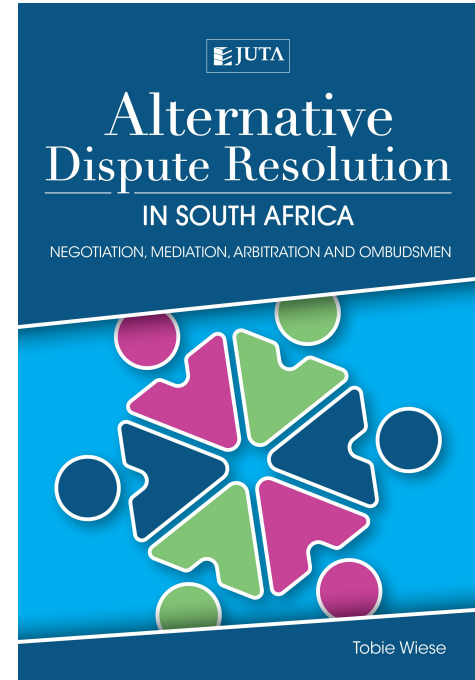


Alternative Dispute Resolution in South Africa: Negotiation, mediation, arbitration and ombudsmen

Edition: 1st Edition
Publication date: 2016
Author/Editors: Wiese, T
ISBN: 9781485118954
Format: Soft Cover
Number of Pages: 282 Pages
Retail price: R477.00 (incl. VAT, excl. delivery.)
Website Link: juta.co.za/pdf/24498/



About this Publication:

Alternative Dispute Resolution in South Africa: Negotiation, mediation, arbitration and ombudsmen addresses the increasing use of alternative dispute resolution mechanisms in resolving disputes rather than resorting to court-based litigation. The focus of the book is on the resolution of commercial and labour disputes.

Alternative Dispute Resolution in South Africa covers negotiation, mediation, arbitration, ombudsmen and administrative dispute resolution. The skills, techniques and relevant statutory framework for each field of alternative dispute resolution are discussed, and local and international examples of the application of the relevant principles are provided.

Contents Include:

- Introduction
 - Definition of alternative dispute resolution
 - Advantages of alternative dispute resolution
 - The evolution of disputes
 - Types of alternative dispute resolution
- Negotiation
 - Negotiation skills
 - The negotiation process
 - Different negotiating styles
 - Game theory
 - Negotiation ethics
- Introduction to mediation
 - Definition of mediation
 - Types of mediation
 - Other uses of mediation

- Facilitation
- The use of mediation internationally
- International mediation trends
- Voluntary mediation
- The mediation process
- The role of the mediator
- Mediator skills
- Statutory mediation
- Court-related mediation
- Mediation in terms of the Companies Act
- Other legislation providing for mediation
- Conciliation in terms of the Labour Relations Act
- The statutory framework
- Conciliation defined
- Jurisdiction to conciliate
- The referral of a dispute for conciliation
- Attendance at conciliation
- The conciliation process
- Confidentiality
- Agreement
- Certificate of outcome
- Review of conciliation proceedings
- Con-arb
- Introduction to arbitration
- Definition of arbitration
- Differences between arbitration and other dispute resolution methods
- Types of arbitration
- Sources of the South African law of arbitration
- Arbitration in terms of the Companies Act
- Arbitration internationally
- The Arbitration Act
- Proposed law reform
- The arbitration agreement
- Court intervention in arbitration proceedings
- Arbitrators and umpires
- The arbitration proceedings
- The award
- Review of arbitration awards
- Arbitration in terms of the Labour Relations Act
- Arbitration by the CCMA
- Arbitration by councils
- Private arbitration
- Special types of arbitration
- Review of arbitration proceedings
- Ombudsmen
- Definition
- The powers of ombudsmen
- Types of ombudsmen
- Public sector ombudsmen
- Industry ombudsmen
- Organisational ombudsmen
- Administrative dispute resolution
- The Constitution
- The Promotion of Administrative Justice Act
- Administrative dispute resolution procedures

Of Interest and Benefit to:

- Law students
- Legal practitioners

- Legal advisers
- Labour relations practitioners