

## **CHAPTER 19 DISPUTE PROCEDURE**

107. Any party to a dispute about the interpretation or application of this constitution may refer the dispute in writing to the chief executive. The chief executive shall serve copies of such referral on each of the members of THETA.
108. The Executive Committee must try to resolve the dispute through conciliation within seven days after the date on which the chief executive received the referral. If it is unable to do so within this period, the executive committee shall decide the dispute.
109. A party does who not accept the decision of the Executive Committee may refer the dispute for arbitration to a person mutually agreed upon. Such referral must take place within seven days after the decision of the Executive Committee. If the parties do not, within 14 days, agree upon an arbitrator, the arbitrator shall be a person appointed by the Executive Committee. The arbitration must commence within 14 days after the appointment of the arbitrator.
110. The arbitrator so appointed may conduct the arbitration in a manner that he or she considers appropriate in order to determine the dispute fairly and quickly, but must deal with the substantial merits of the dispute with the minimum of legal formalities. Within 14 days after the conclusion of the arbitration proceedings, the arbitrator must issue an award and must give brief reasons.
111. The arbitrator may only include an order for costs if a party to the proceedings has acted in a frivolous or vexatious manner –
  - 111.1 by proceeding with or defending the dispute in the arbitration proceedings; and
  - 111.2 in its conduct during the arbitration proceedings.

Unless such an order is made, the costs of the arbitration, excluding the costs incurred by any of the parties to the dispute, shall be borne by THETA.
112. The decision of the arbitrator shall be final and binding on the parties.
113. Except to the extent to which the provisions of the constitution may be inconsistent with its terms, the provisions of the Labour Relations Act, with the changes required by the context, will apply to any such arbitration. The Arbitration Act, 42 of 1965, will not apply to any arbitration under the provisions of this constitution.

**SIGNED AT THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM IN  
PRETORIA ON MONDAY 24 JANUARY 2000**