

- 2.6.1.2 resort to a strike or a lock-out that conforms with the provisions of the Act; or
 - 2.6.2 any party to the dispute whose members are engaged in essential services may request that the dispute in respect of the employers and the employees engaged in those services be resolved through arbitration as contemplated in clause 3 of this Chapter.
- 2.7 In the circumstances contemplated in subclause 2.6.1.1, the General Secretary must appoint any independent arbitrator, including any panellist, to arbitrate the dispute.
- 2.8 If the parties to a dispute disagree on an arbitrator for their dispute, the General Secretary shall appoint any other arbitrator to arbitrate the dispute referred to the General Secretary in terms of this Council's Collective Agreement.
- 2.9 During a strike or lock-out as contemplated in subclause 2.6.1.2, the parties to the dispute must attend every meeting convened by a conciliator, mediator and/or arbitrator to resolve the dispute.
- 2.10 If any party to the dispute fails to attend without any good cause shown, the members of that party-
 - 2.10.1 if they participate in a strike, will forfeit the protection they would have enjoyed in terms of the Act;
 - 2.10.2 if they are engaged in a lock-out, will forfeit the protection they would have enjoyed in terms of the Act.

3. **Disputes between parties to the bargaining council**

Any dispute arising between the parties to the Bargaining Council other than disputes referred to in clauses 2 and 4 of Chapter 3, shall be subject to arbitration and shall be dealt with as follows:

- 3.1 The party or parties who claim that a dispute exists must refer the dispute in writing to the General Secretary of the Bargaining Council within 30 calendar days from the date the dispute arose.
- 3.2 The written referral must reflect the following information:
 - 3.2.1 the details of the party or parties referring the dispute;
 - 3.2.2 the details of the party or parties with whom the referring party is in dispute;
 - 3.2.3 the nature of the dispute;
 - 3.2.4 the date the dispute arose;
 - 3.2.5 the outcome the referring party requires.
- 3.3 The referral must reach the General Secretary of the Bargaining Council together with proof from the party or parties who refer the dispute satisfying the General