

- 11.9 If no consensus could be reached between the parties in terms of clause 11.8.1, the dispute must be referred in terms of either clause 11.8.2 or clause 11.8.3.
- 11.10 If the dispute referred to under Clause 11.2 and clause 11.9 above, has been certified as unresolved, any party to the dispute may request the Secretary of the Council to refer the dispute to arbitration by:
- 11.10.1 An arbitrator experienced in labour arbitration as mutually agreed upon by the parties to the dispute;
- 11.10.2 The Council, provided it has been accredited to conduct arbitrations;
- 11.10.3 The Commission for Conciliation Mediation and Arbitration; or
- 11.10.4 An accredited agency;
and the issued certificate shall describe the dispute the terms of which shall constitute the terms of reference of the arbitration to be conducted.
- 11.11 If no consensus could be reached between the parties in terms of clause 11.10.1, the dispute must be referred to either 11.10.2 and failing accreditation, in terms of clause 11.10.3 or clause 11.10.4.
- 11.12 If during the course of performing his duties, a designated agent discovers what appears to be a contravention of the agreement, the designated agent shall:
- 11.12.1 Investigate the alleged contravention;
- 11.12.2 Endeavour to secure compliance with the Agreement through conciliation;
- 11.12.3 Submit a report to the Secretary on the investigation, the steps taken to secure compliance, and the outcome thereof and describe the issues in dispute and;
- 11.12.4 Certify that the matter is either, resolved or unresolved.
- 11.13 Should any party to such alleged contravention, as contemplated under Clause 11.12 above, at a date set down for conciliation, object to the designated agent as conciliator, the Council may, upon the request of any of such party to the Secretary of the Council, refer the alleged contravention to conciliation by:
- 11.13.1 A conciliator experienced in labour conciliation as mutually agreed upon between the parties to the dispute;
- 11.13.2 The Commission for Conciliation Mediation and Arbitration; or
- 11.13.3 An accredited agency, who shall endeavour to secure compliance with the agreement through conciliation, and certify that the matter is either resolved or unresolved.
- 11.14 If no consensus could be reached between the parties in terms of clause 11.13.1, the dispute must be referred to either clause 11.13.2 or clause 11.13.3.
- 11.15 On receipt of the report, as contemplated under Clause 11.12.3 above, the Secretary may:
- 11.15.1 Require a designated agent to conduct further investigations; or
- 11.15.2 If further conciliation is indicated, refer the alleged contravention to the Dispute Settling Committee of the Council; or
- 11.15.3 Issue a compliance order; or
- 11.15.4 Refer the alleged contravention for arbitration by:
- 11.15.4.1 An arbitrator experienced in labour arbitrations as mutually agreed upon between the parties;