



TOKISO

DISPUTE SETTLEMENT

www.tokiso.com

TOKISO PROFILE

2011

Tokiso Dispute Settlement (Pty) Ltd

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INTRODUCTION AND OVERVIEW

Tokiso was established ten years ago in response to the closure of the Independent Mediation Services of South Africa (IMSSA). Tokiso was established as a private company, as it was recognised that this would provide a platform for sustainability and service excellence.

Since its inception, Tokiso has grown to be the largest private dispute resolution provider in South Africa, with 255 panellists (our mediators, facilitators and arbitrators) in all provinces and also in other countries, who resolve over 10 000 disputes per annum.

Tokiso's reputation spans beyond South Africa's borders. In 2008 and 2010, Tokiso was awarded two International Prizes in London by the Centre for Effective Dispute Resolution. The prizes were awarded for Service Excellence in ADR and for Initiative in Conflict Management respectively.

Tokiso's values, which permeate throughout our business, are independence and impartiality, honesty and integrity, professionalism and efficiency, diversity and empowerment and contributing value to the workplace and society.

For employment disputes, our clients are either using Tokiso as a complementary service to the CCMA and bargaining councils, or introducing expedited dispute resolution procedures through Tokiso for all their disputes. Tokiso provides dispute resolution support services to a number of bargaining councils and intermediary organisations.

Tokiso provides dispute resolution services for commercial disputes. This service promotes mediation as the preferential means of resolving contractual disputes as an alternative to costly litigation. However, if mediation is unsuccessful or not required in terms of agreed dispute settlement remedies, Tokiso offers commercial arbitration to conclude a case.

Our community dispute resolution arm focuses on providing cost effective mediation and facilitation services for society disputes. We have a diverse range of panelists who can be 'matched' to each dispute that arises.

In 2005, Tokiso launched the *Tokiso Review*, the first comprehensive publication on dispute resolution in South Africa. Tokiso's training is informed by this important publication, which ensures that all training courses provided by Tokiso are underpinned by the latest developments and information.

Tokiso continues to grow in areas where independent and professional services are required. Our vision is to become the premier provider of private dispute settlement services in Africa.



OWNERSHIP



SHAREHOLDING

Tokiso is a majority Black-owned company (68.3%). Below is a breakdown of ownership.

SHAREHOLDER	SHARE-HOLDING	HDI
Resolve Group	50.2%	50.2%
Deale Trust	11.7%	0%
Charles Nupen	10%	0%
Tanya Venter	10%	0%
Thandi Orleyn	6.8%	6.8%
Tefo Raditapole	5.8%	5.8%
Meshack Ravuku	5.5%	5.5%
	100%	68.3%



BOARD OF DIRECTORS

DIRECTOR	HDI	FEMALE
Thandi Orleyn (<i>Chairperson</i>)	YES	YES
Patrick Deale	NO	NO
Peter Harris	NO	NO
Pascal Moloi	YES	NO
Charles Nupen	NO	NO
Tefo Raditapole	YES	NO
Meshack Ravuku	YES	NO
David Storey	NO	NO
Tanya Venter (<i>executive</i>)	NO	YES

SERVICES AND PRODUCTS



EMPLOYMENT DISPUTE SETTLEMENT SERVICES

Tokiso provides a complementary alternative to statutory dispute resolution processes provided by the CCMA and the bargaining councils. Parties can enjoy the benefit of binding processes which are quick, flexible and confidential. Processes offered are:

- ❑ **Mediations**, including conciliations and problem-solving
- ❑ **Chairing enquiries**, including disciplinary and performance enquiries, appeals and fact finding enquiries
- ❑ **Investigations**, including forensic and relationship enquiries
- ❑ **Arbitrations**, including pre-dismissal arbitrations (s188A), post-dismissal arbitrations, executive arbitrations, unfair labour practice and other arbitrations
- ❑ **Facilitations**, including retrenchment consultations (s189A), relationship building processes and transformation and workplace change processes

Where parties have a particular need, Tokiso has the expertise to design an appropriate process.



COMMERCIAL DISPUTE SETTLEMENT SERVICES

The traditional method of resolving commercial disputes through the courts is very costly and time consuming. Legal contests on procedural issues and tactical point taking are common features of litigation. They engender a climate of hostility that often obscures the potential for early and cost effective resolution.

Tokiso's services include:

- ❑ **Commercial mediation** – mediation is an excellent investment because it helps parties to resolve their disputes early and avoid the long costly road of litigation. Parties do not give up their legal rights in mediation and proceedings are confidential. Tokiso's commercial mediators are internationally accredited through the Centre for Effective Dispute Resolution (CEDR).
- ❑ **Commercial arbitration** – Tokiso's respected and experienced arbitrators are trained to manage the expedited proceedings of arbitrations efficiently, to ensure due process required by the Arbitration Act. Parties can agree on the terms of reference for an arbitration and whether the arbitrator's award will be final and binding. Parties can also include an upfront arbitration clause in agreements.

Tokiso offers professional, cost effective and convenient commercial mediation and arbitration services. Our panels of more than 70 mediators and 20 arbitrators effectively assist parties to achieve successful outcomes while upholding business relationships.

Accredited by leading UK-based Centre for Effective Dispute Resolution (CEDR), Tokiso's mediators have all been extensively trained in effective mediation and rigorously assessed. In addition to their track record in business and law, Tokiso's mediators are members of a network of international mediation specialists whose skills are honed by CEDR's extensive professional development programme.

As accredited members of the Arbitrators Association of South Africa, Tokiso's panel of commercial arbitrators are experts in their industries and in the law and practice of arbitration. With their knowledge of legal principles, the rules of evidence and procedure as well as contract and delict, they are perfectly placed to hear matters objectively and impartially.



COMMUNITY/SOCIETY DISPUTE SETTLEMENT SERVICES

Tokiso provides a specialist dispute resolution service tailored for particular community disputes, such as environmental facilitations, land dispute mediations, school mediations, divorce mediations, and sustainable community facilitation services etc.



TRAINING

Tokiso offers a selection of carefully researched and practical in-house and public training courses. The courses focus on the 'must-know' aspects of dispute resolution and conflict management. They include:

- ✦ How to use the statutory dispute resolution procedures (CCMA, Labour Court and Bargaining Councils) and the private procedures (Tokiso);
- ✦ How to participate in a facilitation, mediation and conciliation;
- ✦ Presenting a case in arbitration;
- ✦ Chairing and presenting cases in disciplinary and grievance hearings;
- ✦ Collective bargaining and negotiation skills; and
- ✦ Managing sexual harassment cases.

In addition to these training courses, Tokiso also offers half day workshops on focused topics that are identified for the needs of clients.



INTERPRETER & SECRETARIAT SERVICES

Tokiso offers independent and professional interpreter and secretariat services to projects which involve multi-party interests.

Tokiso's panel of interpreters cover the full eleven official South African languages as well as sign language, French, Mandarin and Portuguese.

Tokiso has extensive project management experience as well as conflict management knowledge and facilitation process skills, which are dovetailed into a professional package to clients. Currently, Tokiso has provided secretariat services to the Private Healthcare Forum, COSATU and the Climate Change Long Term Mitigation Scenario Planning Process (LTMS).

Where parties have a large number of disputes to resolve quickly, Tokiso is able to project manage the disputes in an expedited and cost effective way.



PUBLICATIONS: THE DISPUTE RESOLUTION DIGEST- 2011

Tokiso publishes a dispute resolution publication annually. *The Digest* gives a detailed analysis of the state of dispute resolution in South Africa and has received much publicity.

"My Ministry has noted concerns raised by the report and we will make sure these are addressed properly by next year" Labour Minister Membathisi Mdladlana

"...its the workings of institutions such as the CCMA and the labour courts, rather than SA's labour laws themselves, that are increasingly being identified as the problem. This is why the Tokiso Review is so useful and timely." Business Day Editorial, 12 Dec 2005



"The Tokiso Review is important reading for all those who regularly find themselves having to explore the intricacies of our labour dispute resolution system Exquisitely researched and well-presented, this Review represents an important first step in coming to grips with the facts and figures of labour dispute resolution and identifying and tracking longer-term trends and developments in the future." Carl Mischke, IRNETWORK

WHY USE TOKISO'S SERVICES?



TOKISO'S SUPPORT SERVICES

Tokiso provides a comprehensive support services for clients. The objective is to deliver cost-effective services that are efficient user-friendly and legally enforceable. These support services include:

Legal requirements

- Private arbitration clauses for contracts
- Dispute resolution procedures and clauses for collective agreement
- Standard arbitration agreements

Case management

- Making the logistical arrangements for cases
- Monitoring compliance with legal requirements
- Preparing client reports reflecting statistics, trends and costs

Quality control

- Screening panellist awards, findings and reports for quality and format
- Training and updating seminars for panellists
- Client feedback and satisfaction surveys








Financial services

- Centralised billing, collection and payment to clients and panellists
- Preparing monthly statements to clients and panellists
- Assisting clients with annual dispute resolution budgets



BENEFITS

Tokiso's services offer the following benefits:

-  Simple and flexible procedures to resolve disputes speedily and efficiently;
-  Choice of dispute resolver, terms of reference and flexible procedures;
-  Savings in direct legal and indirect operational costs;
-  Certainty through early resolution;
-  Focus on the merits of the case rather than on procedural point taking;
-  Better prospects of preserving relationships;
-  Legally binding outcomes.



INDEPENDENCE AND CREDIBILITY

Tokiso is an independent Black-owned company with a fully representative staff component. The Board of Directors and core management team have a unique depth of legal dispute resolution expertise and organisational experience.



CONTINUOUS IMPROVEMENT

Tokiso ensures that the processes and information provided to clients is informed by the latest research and development.











COUNTRYWIDE SERVICE

Tokiso is a Johannesburg-based organisation able to offer personalised services to clients throughout Africa. Professional panellists are available to service client requirements in all areas of South Africa, and we can provide a service for any dispute in Africa.



DISPUTE RESOLVERS

Tokiso's 255 professional and independent dispute resolvers are committed to serve on Tokiso's specialist Panels –

-  Employment Disputes Panel
-  Compliance Disputes Panel
-  Commercial Disputes Panel
-  Community Disputes Panel
-  Land Restitution Disputes Panel
-  Training Panel
-  Interpreter Panel
-  Secretariat Panel



PROFESSIONAL CODE OF CONDUCT

Tokiso's panellists are bound by a strict Code of Professional Conduct. This enables Tokiso to monitor the quality and ethical standards of their performance.



ON-LINE

Tokiso has an interactive website. You may get more information on Tokiso, our standard agreements and the list of our panellists and their profiles on our website, www.tokiso.com.