



Preparing for arbitration before it happens

Arbitration does not start on the day you walk into the hearing room. By then, the strategic window has largely closed. Outcomes are determined upstream, by preparation, discipline, and decision quality at shop-steward level. The message is simple: If you wait for arbitration to “prepare,” you are already behind.

Case readiness starts at first referral

From the moment a dispute is declared, treat the matter as arbitration-bound. Assume escalation. Capture facts early, secure documents immediately, and lock in timelines whilst memories are fresh. Delay erodes credibility and weakens evidentiary value. Shop stewards must lead this process with intent and precision.

Evidence is the currency: Manage it relentlessly

Arbitration is evidence-driven, not emotion-led. Compile a clean, indexed bundle: Contracts, policies, correspondence, attendance records, warnings, investigation reports, and outcomes. Verify authenticity and relevance. If it does not advance the case theory, exclude it. Volume without relevance is a liability.

Witness strategy beats witness quantity

Select witnesses for substance, not seniority. Brief them properly. Align testimony to the facts in dispute and the relief sought. Inconsistencies kill cases. Run mock questioning to test reliability and composure. If a witness cannot withstand cross-examination, reconsider.

Know the rulebook and apply it

Master the applicable collective agreements, disciplinary codes, and procedural rules (including CCMA/bargaining council processes). Arbitrators expect shop stewards to understand jurisdiction, onus of proof, and standards of proof. Ignorance is not neutral - it is punitive.

Case theory: One story, one line

Define the case theory early and stick to it. What is the dispute about? What must be proven? What remedy is sought, and why is it appropriate? Drift confuses arbitrators and dilutes credibility. Consistency signals competence.

Settlement is a strategic option, not a failure

Evaluate prospects objectively. Where risks outweigh benefits, advise members responsibly. A well-timed settlement can protect members from adverse awards and save organisational resources. The goal is outcomes, not optics.

Documentation discipline protects everyone

Keep meticulous records of advice given, decisions taken, and instructions received. This protects the member, the shop steward, and the organisation. Good governance is not negotiable.

Arbitration is not a test of sympathy - it is a test of preparation. The reality is uncompromising: Weak preparation produces weak outcomes, regardless of merit. Shop stewards who anticipate arbitration, manage evidence with discipline, and apply rules with confidence materially shift the balance in favour of members and do not expose members to unnecessary risk. The PSA expects a proactive, evidence-driven approach, early, deliberate, and decisive.