



Specification for the Appointment of a Service Provider to Provide Labour Relations and Legal Support Services for a Period of Two (2) Years

1. Purpose

The purpose of this specification is to appoint a suitably qualified and experienced service provider to provide comprehensive labour relations (LR) and legal support services to the organisation for a period of two (2) years. The service aims to ensure compliance with labour legislation, enhance workplace relations, and support fair, consistent, and legally sound decision-making across all labour-related matters. Ensure independent and legally compliant workplace investigations are conducted when required.

2. Background

The organisation requires the services of a professional labour relations firm or legal service provider with proven experience in the public sector or state-owned entity (SOE) environment. The service provider will support the Human Resources division and line management in managing employee relations, disciplinary matters, and dispute resolution in accordance with applicable laws and policies.

3. Scope of Work

The service provider will be expected to render services that include, but are **not limited to**, the following:

3.1 Labour Law and Legal Advisory Services

- Provide on-demand legal advice on employment law, disciplinary matters, grievances, and organisational restructuring.
- Interpret and apply relevant legislation, including the Labour Relations Act (LRA), Basic Conditions of Employment Act (BCEA), Employment Equity Act (EEA), and other relevant laws.
- Review and provide input on HR policies, procedures, and employment contracts.
- Provide guidance on compliance with collective agreements, bargaining council rules, and CCMA procedures.

3.2 Chairing Disciplinary and Grievance Hearings

- Provide qualified and independent Chairpersons for disciplinary, incapacity, and grievance hearings.
- Provide Initiators/Prosecutors for disciplinary hearings where required.
- Ensure all hearings comply with legal and procedural fairness.

- Draft reasoned findings and recommendations for each case.

3.3 Dispute Resolution and Litigation Support

- Represent the organisation in conciliation, arbitration, and pre-arbitration meetings at the CCMA or relevant Bargaining Councils.
- Prepare and submit bundles, heads of argument, legal submissions and pleadings as well as witness statements.
- Provide strategic advice on settlement and conciliation outcomes.
- Draft affidavits and legal opinions.
- Manage litigation matters on behalf of the organisation.
- Support the organisation in Labour Court matters, where required, in collaboration with internal or external legal counsel.

3.4 Policy and Compliance Support

- Review and draft labour-related policies and procedures;
- Ensure alignment with:
 - Labour Relations Act 66 of 1995
 - Basic Conditions of Employment Act 75 of 1997
 - Employment Equity Act 55 of 1998
 - Occupational Health and Safety Act 85 of 1993
 - Protection of Personal Information Act

3.5 Labour and Employee Relations Training

- Design and deliver training programmes and workshops on:
 - Labour Relations Act and case law updates
 - Disciplinary and grievance handling
 - CCMA case preparation
 - Effective consultation and negotiation skills
 - Labour Relations for line managers and HR practitioners
- Provide training material and attendance certificates.
- Training may be provided onsite, online, or through blended learning methods.

3.6 Employee Counselling and Support

- Provide counselling and advisory support to employees and managers on labour relations or workplace conflict issues.
- Facilitate restorative or conflict resolution sessions where required.
- Support proactive engagement to prevent workplace disputes.

3.7 Reporting and Advisory Support

- Submit monthly and quarterly reports summarising:
 - Number and type of hearings conducted
 - Cases represented at CCMA/Bargaining Council
 - Advisory interventions provided
 - Training sessions conducted
- Identify trends, risks, and recommendations for continuous improvement.

3.8 Workplace Investigations

The appointed service provider shall conduct and support workplace investigations, including but not limited to:

- Conducting independent investigations into allegations of misconduct, fraud, corruption, harassment, discrimination, abuse of power, absenteeism, conflicts of interest, and other workplace-related matters;
- Interviewing complainants, witnesses, and implicated employees;
- Gathering, analysing, and assessing documentary and other forms of evidence;
- Preparing investigation plans, interview notes, and evidence files;
- Producing detailed investigation reports with findings and recommendations;
- Advising management on appropriate corrective, disciplinary, and risk mitigation measures;
- Providing support during disciplinary proceedings arising from investigations;
- Testifying or presenting evidence during disciplinary hearings, CCMA proceedings, or legal processes where required;
- Ensuring investigations are conducted in accordance with applicable legislation, organisational policies, principles of procedural fairness, confidentiality, and good governance practices.

3.9 Drafting of Charge Sheets

The service provider shall be required to prepare legally compliant and procedurally fair charge sheets for disciplinary proceedings. The service provider must ensure that all charges are accurately formulated, supported by evidence, and aligned with the organisation's disciplinary code, policies, procedures, and applicable labour legislation.

The service provider shall:

- Analyse investigation reports, witness statements, documentary evidence, and relevant information relating to alleged misconduct.
- Identify and classify the nature of the misconduct and determine the appropriate charges.
- Draft clear, concise, and legally sound charges that adequately inform the employee of the allegations against them.
- Ensure that the charges comply with the principles of substantive and procedural fairness.
- Draft alternative charges where appropriate.
- Draft multiple charges arising from a single incident where justified by the evidence.
- Ensure that charges are aligned to the organisation's disciplinary code, policies, employment contracts, and applicable legislation.
- Specify the dates, times, locations, and circumstances relating to the alleged misconduct.
- Review and amend charge sheets where additional evidence becomes available.
- Provide guidance to management regarding the appropriateness and sustainability of proposed charges.
- Prepare notices of disciplinary hearings and supporting documentation where required.

4. Duration

The contract will be valid for a period of **two (2) years**, subject to satisfactory performance and compliance with service level requirements.

5. Expertise and Qualifications Requirements

The appointed service provider must:

- Have a minimum of 10 years' experience in labour relations, labour law, and dispute resolution within the South African context.
- Employ or subcontract qualified Labour Law Practitioners, Attorneys, or Advocates admitted to practice in South Africa.
- Have demonstrable experience in representing clients before the CCMA, Bargaining Councils, and Labour Court.
- Provide proof of professional registration or affiliation (e.g., Legal Practice Council, SABPP, SASLAW).
- Have capacity to render services nationally (all nine provinces).

6. Account Management and Support

- The service provider must appoint a dedicated Account Manager as the primary contact for coordination of all services.
- The Account Manager must:
 - Manage case allocation and coordination
 - Oversee service quality and reporting
 - Conduct quarterly performance and review meetings with HR and management

7. Deliverables

- Timely and professional delivery of all labour-related services
- Written opinions and advisory notes as required
- Training material and attendance registers
- Detailed hearing findings and recommendations
- Detailed investigation reports with findings and recommendations
- Consolidated monthly and quarterly reports

8. Compliance and Confidentiality

- Compliance with all relevant labour laws and regulations
- Adherence to the Protection of Personal Information Act (POPIA)
- Maintenance of strict confidentiality in all employee-related matters
- Ethical and impartial service delivery

9. Evaluation Criteria

Evaluation Criteria	Weight	Scoring Guidelines	Possible Supporting Evidence
1. Company Experience (minimum 10 years) in labour relations and legal services	15	0–5 years = 0 pts 6–9 years = 10 pts 10+ years = 15 pts	Company profile Reference letters
2. Qualifications and Experience of Key Personnel	20	Limited experience = 10 pts Experienced practitioners = 15 pts Highly experienced, legally qualified practitioners = 20 pts	CVs of key personnel; Certified copies of qualifications; Professional registration certificates; Proof of admission as attorney/advocate where applicable.
3. Experience in Workplace Investigations	15	Limited investigation experience with no supporting evidence = 5 Experience in conducting basic workplace investigations = 10 Extensive experience in conducting complex investigations including fraud, misconduct, harassment, and corruption matters = 15	Reference letters confirming investigation services; Investigation reports (redacted if confidential); Appointment letters/contracts for investigation services; Case summaries of investigations conducted.
4. Drafting of Charges, Charge Sheets and Disciplinary Documentation	10	One (1) to two (2) examples/references = 5 Three (3) to four (4) examples/references = 10	Redacted sample charge sheets; notices of disciplinary hearings; disciplinary packs; reference letters confirming drafting of charges; evidence of successful disciplinary prosecutions; case studies demonstrating experience in drafting disciplinary charges.
5. Methodology and Implementation Plan	20	Generic methodology with limited detail and no clear implementation	Detailed methodology document;

Evaluation Criteria	Weight	Scoring Guidelines	Possible Evidence	Supporting
		plan = 5 Adequate methodology addressing some deliverables and reporting requirements = 10 Detailed methodology with clear implementation approach, turnaround times, reporting mechanisms, and stakeholder engagement = 15 Comprehensive and well-structured methodology demonstrating clear understanding of the scope of work, risk management measures, investigation approach, quality assurance processes, reporting timelines, and service delivery model = 20	Project implementation plan; Service delivery approach; Proposed turnaround times/service standards; Risk management and quality assurance approach.	
6. Account Management and Capacity	5	Dedicated account management = 5 pts	Proposed account management structure	
7. Four (4) reference letters from clients (on a letterhead and signed) for whom similar labour services have been provided within the last five (5) years, preferably within the public or SOE sector.	10	Two reference letters = 5 pts Four reference letters = 10 pts	Signed reference letters on client letterhead	
8. Reporting and Monitoring Capability	5	Manual reporting = 2 pts Automated or analytical reports = 5 pts	Sample monthly or quarterly reports previously prepared for clients (confidential information may be redacted); Reporting templates for: • Disciplinary matters; • Grievances; • Investigations;	

Evaluation Criteria	Weight	Scoring Guidelines	Possible Evidence	Supporting
			• CCMA/Bargaining Council cases; • Labour Court matters; • Case tracking and status reporting;	
Total	100			

Only bidders who obtain a **minimum of 80 points** for functionality will be considered for further evaluation.

10. Financial Proposal

The financial proposal must include a detailed cost breakdown for:

- Hourly/daily rates for advisory services
- Rates for investigations, chairing and initiating hearings
- Rates for CCMA representation (conciliation and arbitration)
- Training facilitation fees (per session or delegate)
- Employee counselling or mediation sessions
- Any retainers or call-out fees (if applicable)
- Annual escalation rates (if any)

All prices must be **inclusive of VAT** and remain valid for the duration of the contract.