

PANELIST CODE OF CONDUCT

All panelists must comply with this code of conduct. This Code of Conduct ensures that Tokiso clients receive the highest quality of service.

1. Professionalism

Panelists must:

- 1.1. act with honesty, integrity and impartiality.
- 1.2. not delegate their appointment to any other person without prior notice and the consent of Tokiso.
- 1.3. conduct all processes professionally and with proficiency.
- 1.4. decline appointment, withdraw or request technical assistance when a case is beyond their competence or current capacity.
- 1.5. not contact the parties or their representatives while handling a case without the presence or consent of the other party or parties. Without such consent, contact with parties must be through Tokiso.
- 1.6. faithfully act within both the limitation and inclusions of the jurisdiction conferred by terms of reference, agreements or by law.
- 1.7. be punctual and avoid unnecessary delays.

2. Conflict of interest

- 2.1. A panelist must immediately disclose to the parties any interest or relationship that is likely to affect his or her impartiality or which might create a perception of partiality. The panelist must inform Tokiso immediately about any such conflict.
- 2.2. A panelist should decline appointment or recuse him or herself if a conflict of interest may give rise to bias or a perception of bias.
 - 2.2.1. In arbitration, if one of the parties requests the panelist to recuse him or herself, the panelist must listen to the case for and against the request for recusal as a formal application. The panelist must make a decision whether or not to recuse him or herself after the hearing of the application.
 - 2.2.2. In mediation, if one of the parties requests the panelist to recuse him or herself, the panelist should do so if it is in the best interests of the parties and if it will facilitate the resolution of the dispute.

3. Confidentiality

- 3.1. Information disclosed to the panelist in confidence by a party during the course of mediation should be kept by panelists in the strictest confidence and should not be disclosed to the other party or to third parties unless authority is obtained for such disclosure.

3.2. The proceedings and outcome of all processes and related documentation will remain confidential, unless all the parties to the process agree otherwise, or disclosure is ordered by a court of law.

3.3. The panelist should not give press statements unless all parties to the process give such permission.

4. Relationship with Tokiso and other panelists

4.1. A panelist shall always act with the utmost good faith in relation to Tokiso, fellow panelists and parties.

4.2. A panelist shall continuously seek to upgrade his or her process skill and knowledge and cooperate with the training of fellow panelists.

4.3. In an event of the appointment of more than one panelist for a process, panelists must work together as a team and afford each other a full opportunity to participate in proceedings.

5. Outcome of processes

5.1. Panelists should write definite, certain and concise awards, agreements and reports which comply with the terms of reference, relevant agreements and the law.

5.2. Panelists should not disclose a prospective agreement, award or report to either party prior to its simultaneous issuance to both parties. With awards and fact-finding reports, signed copies must be submitted to Tokiso to distribute to parties.

5.3. No clarification or interpretation of an award, agreement or report is permissible without the consent of all parties.

6. Quality control

6.1. Panelists acknowledge that Tokiso clients will have the option to submit process assessments to Tokiso. On request of the party, this information may be kept anonymous. Statistical information on these assessments and on the processes conducted by panelists may be published.

6.2. Any panelist who breaches this Code of Conduct or refuses to comply with the administrative and financial procedures of Tokiso, or whose reputation is severely compromised through misconduct or poor performance as a Tokiso panelist or through their broader professional work, may be removed or suspended from the panel at the discretion of Tokiso.

6.3. Tokiso will endeavour to provide work to all panelists. However work is also dependent on the reputation of the panelist. If the panelist does not receive any work over a period of a year, without good reason (such as travel or sabbatical) membership may be withdrawn.

6.4. Tokiso reserves the right to communicate reasons for withdrawal of a panelist's membership to parties and other interested institutions in South Africa.