

HILARY MOFSOWITZ

ARBITRATOR

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PROFESSIONAL AFFILIATIONS

3020A NYS Education panel- since December 2023

The Labor Relations Connection Inc- Arbitrator panel since August 2023

American Arbitration Association- Arbitrator panel since July 2022

National Academy of Arbitrators - Member since March 2022

National Mediation Board- arbitrator panel since March 2023

FINRA- arbitrator panel since June 2023

LERA- NY and National

ACR-GNY

Arbitrate.com

South African Society for Labour Law

International Ombuds Association

EDUCATION

Ongoing training in the following South African legislations, including all amendments between 1997 and 2021

Labor Relations Act 66 of 1995

Basic Conditions of Employment Act 75 of 1997

Employment Equity Act 55 of 1998

The National Minimum Wage Act 9 of 2018

Training in mediation and arbitration, facilitation, fact-finding, and internal investigations

Certificate of Competence - Train the Trainer - 2012.

Accreditation as a Mentor – 2016 - formal mentorship of Mediators/Arbitrators

Diploma - Industrial Relations Development Program - University of Stellenbosch, South Africa – 1985

Fifteen years of experience in Human Resources at the level of Director

Degree in Social Work - University of Cape Town, South Africa - 1976

ADR WORK IN USA (March 2020-Present)

Course-Becoming a Labor Arbitrator (BALA) – FMCS - certificate of competence - November 2021

The arbitration conversation hosted by Professor Amy Schmitz - Interviewed on South Africa's ADR systems - September 2000 - published in Arbitration.com and on YouTube

Judge - ABA James Boskey Law Students Essays - August 2021

Published several articles in the ABA International Labor Newsletter and NAA Chronicle

Presentations at Law Schools on international comparative workplace dispute resolution, including Fordham Law School, the University of Kentucky, the University of Nevada, and George Washington University

Presented at ABA Spring Conference - SA's Triumph over discrimination - April 2022 (focusing on SA's success at developing a diverse team of ADR professionals and SA's anti-discrimination laws and Codes of Good Practice - discrimination and harassment, including

sexual harassment

Judge- AALS Scholarly Competition- July 2022

Presentation- ACR-GNY (The Code of Good Practice- Harassment and Discrimination) and published in the NAA Spring 2023 Chronicle

Presentation on comparative labor law- students- University in Beijing- April 2023.

ADR EXPERIENCE - WORK HISTORY IN SOUTH AFRICA (1997-Present)

In South Africa, arbitrators/mediators are appointed to panels by consent of trade unions and businesses. Contracts are renewed every few years, provided approval from both parties is obtained.

Served as a Mediator and Arbitrator in South Africa (labor and employment law) (public, federal, and private sectors) since 1997 (known as senior commissioner). Before this, eighteen years of experience in Human Resources, culminating in a Human Resources Director position.

Permanent Panels:

Commission for Conciliation, Mediation, and Arbitration (CCMA) (includes disputes with Metrorail/ SA Postal Service/hospitality industry/private security/education institutions/retail sector/airlines/ banking industry)

Clothing Industry Bargaining Council

Independent Mediation Services of South Africa

Public Services Coordinating Bargaining Council

General and Public Services Sectoral Bargaining Council (all sectors in the public arenas with the state as the employer)

Education Labor Relations Council- Teachers

Public Health and Welfare Bargaining Council (including hospitals)

Tokiso (private ADR forum)

Metal and Engineering Bargaining Council

Bargaining Council for the Civil Engineering Industry

Bargaining Council for the Road Freight and Logistics Industry

Railroad Passenger Bargaining Council

Safety and Security Bargaining Council (SA Police Force)

Transnet Soc Ltd- Rail, Port, and Pipeline Company

Work on these panels includes the resolution of disputes arising from collective bargaining agreements (negotiated between trade unions and management), individual employment contracts, and labor legislation. Fair labor practice and just cause are enshrined in labor law.

TRAINING AND TEACHING

Training and mentoring new neutrals in all aspects of labor legislation and ADR practices, including mediation, laws of evidence, arbitration, substantive law, ethics and social responsibility, and legal drafting skills.

AREAS OF EXPERTISE/ACCREDITATION/ISSUES

Discrimination disputes (grounds listed in law and arbitrary grounds); sexual harassment disputes in the workplace; sexual assault disputes in the education sector (usually minor children); vulnerable employees disputes - such as employees employed through labor brokers, fixed-term contracts, farm workers, domestic workers; promotion disputes, discharge disputes related to conduct or capacity (performance or attendance); discharge disputes related to operational reasons (lay-off); interpretation/application of collective agreements; disciplinary action short of termination (warnings, suspensions): Essential services - mediating or determining minimum services in the event of strike action; fact-finding in public and private sectors; conducting investigations and internal hearings.