

GENERAL NOTICES ALGEMENE KENNISGEWINGS

NOTICE 682 OF 2008

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS THAT HAVE BEEN ACCREDITED BY THE CCMA IN TERMS OF THE PROVISIONS OF THE LABOUR RELATIONS ACT 66 OF 1995 (AS AMENDED) FOR CONCILIATION AND/ OR ARBITRATION AND/ OR PRE DISMISSAL ARBITRATIONS WITH THE TERMS OF ACCREDITATION ATTACHED FOR THE PERIOD 1 JUNE 2008 TO THE 31 MAY 2009.

BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS ONLY

Name of Council	Accredited Functions
Bargaining Council for the Building Industry (Bloemfontein)	Conciliations
Bargaining Council for the Fishing Industry	Conciliations
Bargaining Council for the Furniture Manufacturing Industry (Eastern Cape)	Conciliations

BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS ONLY SUBJECT TO CERTAIN CONDITIONS

Name of Council	Accredited Functions
National Bargaining Council for the Leather Industry	Conciliations, subject to an improvement in the settlement rate.
Bargaining Council for the Diamond Cutting Industry of South Africa	Conciliations, subject to independent panellists being appointed

**BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS AND
ARBITRATIONS SUBJECT TO CERTAIN CONDITIONS**

Name of Council	Accredited Functions
South Africa Road Passenger Bargaining Council	Conciliations and arbitrations, subject to matters being heard in the Province where dispute has arisen.
National Bargaining Council for the Sugar Manufacturing and Refining Industry	Conciliations and arbitrations subject to an improvement in the settlement rate.
Transnet Bargaining Council	Conciliations and arbitrations subject to dispute resolution services being offered free of charge.
National Bargaining Council for the Chemical Industry	Conciliations and arbitrations for party-party disputes only as requested
Building Industry Bargaining Council (Southern and Eastern Cape)	Conciliations and arbitrations for party-party disputes only as Collective Agreement has lapsed.

**BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS AND
ARBITRATIONS**

Name of Council	Accredited Functions
Bargaining Council for the Building Industry Boland (North and West)	Conciliations and Arbitrations
Furniture Bargaining Council	Conciliations and Arbitrations
Bargaining Council for the Grain Industry	Conciliations and Arbitrations
Bargaining Council for the Hairdressing and Cosmetology Trade (Pretoria)	Conciliations and Arbitrations
Hairdressing and Cosmetology Services Bargaining Council (Semi National)	Conciliations and Arbitrations
Hairdressing and Cosmetology Bargaining Council (KZN)	Conciliations and Arbitrations
Bargaining Council for the Tearoom, Restaurant and Catering Trade, Pretoria	Conciliations and Arbitrations
Bargaining Council for the Restaurant, Catering and Allied Trades	Conciliations and Arbitrations
Bargaining Council for the Meat Trade Gauteng	Conciliations and Arbitrations
Bargaining Council for the New Tyre Manufacturing Industry	Conciliations and Arbitrations

Bargaining Council for the Canvas Goods Industry	Conciliations and Arbitrations
Statutory Council for the Printing, Newspaper and Packaging Industry	Conciliations and Arbitrations

**TERMS OF ACCREDITATION FOR CONCILIATION, ARBITRATION AND PRE- DISMISSAL
ARBITRATION**

1. SCOPE OF ACCREDITATION:

Herewith categories of disputes for which councils are eligible to apply for accreditation.

COUNCILS ARE ACCREDITED TO PERFORM THE FOLLOWING DISPUTE RESOLUTIONS FUNCTIONS:

Unfair dismissal disputes	- Section 191
Unfair labour practice	- Section 191
Mutual Interest disputes	- Section 64
Interpretation of Collective Agreement disputes	- Section 24 (1)
Essential Services disputes	- Section 74
Disputes about severance pay	- Section 196
Pre-dismissal arbitrations	- Section 188A
Disputes about Interpretation and Application of Chapter 2	- Section 9

COUNCILS MAY NOT SEEK ACCREDITATION FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS REGARDING DISPUTES OVER THE FOLLOWING (see FOOTNOTE 11 of SECTION 51):

Organisational rights (sections 16, 21 and 22);

Collective Agreements where the agreement does not provide for a dispute resolution procedure or the procedure is inoperative or any party frustrates the resolution of disputes (section 24(2) to (5));

Agency shops and closed shops (section 24(6) and (7) and section 26(11));

Determinations made by the Minister in respect of proposals made by a Statutory Council (section 45);

The interpretation and application of Collective Agreements of a Council whose registration has been cancelled (section 61(5) to (8));

Demarcation of sectors and areas of Councils (section 62);

The Interpretation or application of Part C (Bargaining Councils), Part D (Bargaining Councils in the Public Service), Part E (Statutory Councils) and Part F (General Provisions concerning Councils) (Section 63);

Picketing (section 69(8) to 10);

Proposals which are the subject of joint-decision making in a workplace forum (section 86);

Disclosure of information to workplace forums (section 89);

Interpretation or Application of the provisions of Chapter 5 of the LRA which deals with workplace forums (section 94);

Enforcement of the Collective Agreements by Bargaining Councils (section 33A) and;

Enforcement of arbitration awards in terms of section 143. Only the Director of the CCMA, unless the power has been delegated to a CCMA Senior Commissioner may certify awards as if it were an order of the Labour Court;

Facilitating mass retrenchment disputes section 189(A).

2. POWERS OF ACCREDITATION:

Only those persons who are accredited by the CCMA, or are part-time commissioner appointed by the Government Body of the Commission in the terms of section 117 (2) of the Labour Relations Act, may perform the accreditation functions of the council for the Council.

The following provisions of the LRA, as amended apply to Councils accredited for conciliation and arbitration:

- (a) For the purpose of this paragraph any reference in Part C of Chapter VII of the LRA to:
 - “Commission” must be read as a reference to the Council;
 - “Commissioner” must be read as a reference to a conciliator or arbitrator appointed by the Council.
 - “Director” must be read as a reference to the Secretary of the Council.

- (b) The provisions of the sections contained in Part C of Chapter VII (section 127(6)) of the LRA shall apply to the Council in the performance of its accredited functions subject to the Council's Constitution and/or Collective Agreements. For the purpose of this sub-paragraph the following applies:
 - (i) The provisions of section 133 to 136;
 - (ii) The provisions of section 138 to 142, S142A , S143, S144 and S145;
 - (iii) The provisions of section 146 unless the Collective Agreement of the Council provides that the Arbitration Act, Act 42 of 1965 applies to any arbitration conducted under its accredited function and which Collective Agreement is binding on the parties to the disputes; and
 - (iv) The provisions of section 148.

3. EXTENSION OF ACCREDITATION:

Despite the expiry of the period of accreditation as stated in the Certificate of Accreditation, the Council may continue to perform its accredited functions in respect of any dispute referred to it during the period of accreditation, but not yet resolved by the time the period expires, until the dispute is resolved either through conciliation or arbitration.

4. TRANSGRESSION OF TERMS OF ACCREDITATION:

If the accredited Council fails to comply with the terms of accreditation, the Governing Body of the CCMA may revoke accreditation. In terms of section 130 of the LRA, as amended the Governing Body of the CCMA may withdraw accreditation after having given reasonable notice of withdrawal.

5. AMENDMENT OF ACCREDITATION:

An Accredited Council may apply to the Governing Body of the CCMA in terms of section 129 of the LRA to amend its accreditation.