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## GENERAL NOTICE

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### NOTICE 454 OF 2012

#### NOTICE OF JUNE 2012

PLEASE FIND SET OUT BELOW A LIST OF BARGAINING COUNCILS AND STATUTORY 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 31 MAY 2012 TO THE 01 JUNE 2015, AS WELL AS THE AMENDMENT OF ACCREDITATION IN TERMS OF SECTION 129 OF THE LRA.

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**STATUTORY COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS AND  
ARBITRATIONS, SUBJECT TO CONDITIONS WHERE APPLICABLE**

Name of Council	Accredited Functions
<b>Statutory Council for the Squid and Related Fisheries of SA</b>	To be accredited for con and arb (including pre-dismissal arb) from 1 June 2012 until 31 May 2015. Considering the genuine attempts already made to meet the demographics of the Country, the Council will be encouraged further to appoint female Panellists.
<b>Statutory Council for the Printing, Newspaper and Packaging Industry</b>	To be accredited for con and arb (including pre-dismissal arb) from 01 June 2012 until 31 May 2015, on condition that performance efficiencies are being monitored, especially late awards and scheduling of conciliations within 30 days.

**ACCREDITATION OF BARGAINING COUNCILS WHERE COLLECTIVE AGREEMENT (S)  
HAVE NOT BEEN EXTENDED, SUBJECT TO CONDITIONS WHERE APPLICABLE**

<b>Name of Council</b>	<b>Accredited Functions</b>
<b>South African Road Passenger Bargaining Council</b>	To be accredited for con and arb (including pre-dismissal arb) for party-party disputes as from <b>1 June 2012</b> until <b>31 May 2015</b> .
<b>Bargaining Council for the New Tyre Manufacturing Industry</b>	To be accredited for con and arb (including pre-dismissal arb) for party-party disputes from <b>1 June 2012</b> until <b>31 May 2015</b> on condition that quality-control is conducted by a CCMA part-time Senior Commissioner.
<b>Bargaining Council for the Diamond Cutting Industry of SA</b>	To be accredited for conciliations only for party-party disputes from <b>01 June 2012</b> until <b>31 May 2013</b> .
<b>National Bargaining Council for the Electrical Industry</b>	To be accredited for conciliations only for party-party disputes as from <b>1 June 2012</b> until <b>30 November 2012</b> on condition that a CCMA part-time Senior Commissioner is appointed to oversee dispute resolution and to quality-control rulings and enforceability of settlement agreements and that the panel and allocation of work represent the demographics of the Country.

**BARGAINING COUNCILS ACCREDITED TO CONDUCT CONCILIATIONS AND  
ARBITRATIONS, SUBJECT TO CONDITIONS WHERE APPLICABLE**

<b>Name of Council</b>	<b>Accredited Functions</b>
<b>Bargaining Council for the Meat Trade (Gauteng)</b>	To be accredited for con & arb (including pre-dismissal arb) from <b>1 June 2012</b> until <b>30 June 2014</b> .
<b>Furniture Bargaining Council</b>	To be accredited to conduct con and arb (including pre-dismissal arb) from <b>01 June 2012</b> until <b>31 May 2013</b> on condition that quality-control is conducted by a CCMA part-time Senior Commissioner.
<b>Bargaining Council for the Food Retail, Restaurant, Catering &amp; Allied Trade</b>	To be accredited for con & arb (including pre-dismissal arb) from <b>01 June 2012</b> until <b>31 May 2013</b> .
<b>Bargaining Council for the Hairdressing Trade (Cape Peninsula)</b>	To be accredited for con and arb (including pre-dismissal arb) from <b>01 June 2012</b> until <b>30 November 2012</b> on condition that quality-control is affected by a CCMA part-time Senior Commissioner and the panel and allocation of work represent the demographics of the Country.
<b>Hairdressing &amp; Cosmetology Bargaining Council (KwaZulu Natal)</b>	To be accredited for con & arb (including pre-dismissal arb) from <b>01 June 2012</b> until <b>31 December 2015</b> on condition that quality-control is affected by a CCMA part-time Senior Commissioner and the panel and allocation of work represent the demographics of the Country.
<b>Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Natal)</b>	To be accredited for con and arb (including pre-dismissal arb) from <b>1 June 2012</b> until <b>30 November 2012</b> .
<b>Bargaining Council for the Laundry, Cleaning and Dyeing Industry (Western Cape)</b>	To be accredited for con & arb (including pre-dismissal arb) from <b>1 June 2012</b> until <b>30 November 2012</b> .

**BARGAINING COUNCIL ACCREDITED TO CONDUCT CONCILIATIONS ONLY**

<b>Name of Council</b>	<b>Accredited Functions</b>
<b>National Bargaining Council for the Leather Industry</b>	To be accredited for conciliations only from 01 June 2012 until 31 May 2015.
<b>Bargaining Council for Furniture Manufacturing Industry (KwaZulu Natal)</b>	To be accredited for conciliations only from 1 June 2012 until 30 June 2015.
<b>Bargaining Council for the Restaurant, Catering and Allied Trades</b>	To be accredited for conciliations only from 01 June 2012 until 31 August 2014.
<b>Bargaining Council for the Furniture Manufacturing Industry of the Eastern Cape</b>	To be accredited for conciliations only from 01 June 2012 until 30 June 2015.
<b>Building Bargaining Council (Bloemfontein)</b>	To be accredited for conciliations only from 1 June 2012 until 31 December 2013.

**THE AMENDMENT OF ACCREDITATION IN TERMS OF SECTION 129 OF THE LABOUR RELATIONS ACT 66 OF 1995, WITH THE SAME TERMS OF ACCREDITATION AS APPLICABLE AS ATTACHED**

<b>Name of Council</b>	<b>Accredited Functions</b>
<b>Building Bargaining Council (North and West Boland)</b>	To be accredited for conciliations only from 1 June 2012 until 31 May 2014.

## **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
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 Governing 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.