DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 4208 OF 2026

RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby publish the Rules in terms of section 115(2A) of the Labour Relations Act 66 of 1995, as amended, effective from 23 October 2026.

Act

As published under GNR1448 in GG 25515 dated 10 October 2003, as amended by

Notice	Government Gazette	Date
R1512	25607	17 October 2003
R1748	25797	05 December 2003
R1793	25826	12 December 2003
R530	26279	30 April 2004
R531	26279	30 April 2004
R532	26279	30 April 2004
R380	27490	22 April 2005
R 97	29587	09 February 2007
R1176	31564	07 November 2008
R705	34577	02 September 2011
R494	35435	12 June 2012
R776	42092	7 December 2018
R194	43092	21 February 2020
R3318	48445	21 April 2023
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COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby, in terms of Section 115 (2A) of the Labour Relations Act 66 of 1995, publishes the Rules as amended.

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TABLE OF CONTENTS

PART ONE
SERVING AND FILING DOCUMENTS

1 How to contact the Commission
1A Compliance with legislation regarding personal information
2 When are the offices of the Commission open
3 How to calculate time periods in these Rules
4 Who must sign documents
5 How to serve documents on other parties
5A Notice of proceedings before the Commission
6 How to prove that a document was served in terms of the Rules
7 How to file documents with the Commission
8 Presumption when service is done by registered post
9 How to seek condonation for referral documents and applications delivered late

PART TWO
CONCILIATION OF DISPUTES

10 How to refer a dispute to the Commission for conciliation
11 When must the Commission notify parties of the conciliation or a facilitation
12 Commission or a commissioner may attempt to resolve a dispute before conciliation
13 What happens if a party fails to attend the conciliation
14 How to determine whether a commissioner may conciliate a dispute
14A Extension of the conciliation period in terms of section 135(2A) of the Act
15 Issuing a certificate in terms of section 135(5) of the Act
16 Conciliation proceedings may not be disclosed

PART THREE
CON-ARB IN TERMS OF SECTION 191(5A) OF THE ACT

17 Conduct of con-arb in terms of section 191(5A) of the Act

PART FOUR
ARBITRATIONS

18 How to refer a request for arbitration to the Commission
19 When must the parties file statements
20 When the parties must hold a pre-arbitration conference
21 When must the Commission notify parties of an arbitration
22 How to determine whether a commissioner may arbitrate a dispute
23 How to postpone an arbitration

This gazette is also available free online at www.gpwonline.co.za

PART FIVE
RULES THAT APPLY TO CONCILIATIONS, ARBITRATIONS, CON-ARBS AND OTHER PROCESSES

24 Where a hearing will take place
25 Representation before the Commission
26 How to join or substitute parties to proceedings
27 How to correct the citation of a party
28 When the Commission may consolidate disputes
29 Disclosure of documents or materials by the parties relating to the dispute
30 What happens if a party fails to attend arbitration proceedings before the Commission

PART SIX
APPLICATIONS

31 How to bring an application
31A How to apply for urgent picketing rules or the determination of disputes relating thereto
31B How to apply for the enforcement of written undertakings and/or compliance orders
32 How to apply to vary or rescind arbitration awards or rulings
33 How to apply to refer a dismissal dispute to the Labour Court

PART SEVEN
INQUIRY IN TERMS OF SECTION 188A OF THE ACT

34 How to request an inquiry in terms of section 188A of the Act

PART EIGHT
GENERAL

35 Condonation for failure to comply with the Rules and form
36 Recordings of Commission proceedings
37 How to have a subpoena issued and served to secure the presence of a person
37A Expert witnesses
38 Payment of witness fees
39 Order of costs in an arbitration
40 Certification and enforcement of arbitration awards
40A Payment of an arbitration fee ordered in terms of section 140 of the Act
41 What words mean in these Rules

PART ONE
SERVING AND FILING DOCUMENTS

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1 How to contact the Commission

The addresses, telephone numbers, and e-mail addresses of the offices of the Commission are listed in Schedule One to these Rules.

1A Compliance with legislation regarding personal information

When a party serves or files documents on the Commission or on the other party in terms of these Rules, or processes documents that contain personal information with the other party, such party must:

a) be responsible for complying with their respective obligations under applicable Data Protection Legislation, including, but not limited to, the Protection of Personal Information Act 4 of 2013 (POPIA), when processing personal information;

b) take appropriate technical and organisational measures and implement security safeguards to prevent the unauthorised or unlawful processing of personal information of the other party or of another data subject;

c) process the other party's personal information and/or data only in accordance with that party's instructions (having regard to the Data Protection Legislation), or as required by law; and not disclose the other party's personal information and/or data except in accordance with that party's instructions or as required by law.

2 When are the offices of the Commission open

(1) The offices of the Commission will be open every day from Monday to Friday, excluding public holidays, between the hours of 08h30 and 16h30, or as determined by the Commission.

3 How to calculate time periods in these Rules [1]

(1) For the purpose of calculating any period of time in terms of these Rules -

(a) "day" means a calendar day; and

(b) the first day is excluded and the last day is included, subject to sub-rule (2).

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[1] Rule 3 does not apply to the calculation of time periods set out in the employment law statutes. Unless a particular statute provides otherwise, the calculation of time periods set out in the statutes is governed by the Interpretation Act 33 of 1957. For example, the computation of the time periods to refer a dismissal dispute under section 191 of the LRA is governed by section 4 of the Interpretation Act as follows:
"When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or any public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every such Sunday or public holiday.

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(2) The last day of any period must be excluded if it falls on a Saturday, Sunday or public holiday and will be the first working day following the Sunday or public holiday.

(3) Sub-rule 2 will apply, unless clearly indicated otherwise in terms of these Rules or applicable legislation.

4 Who must sign documents

(1) A document that a party must sign in terms of the Act or these Rules may be signed by the party or by a person entitled in terms of the Act or these Rules to represent that party in the proceedings.

(1A) Where a document has not been signed or was signed by a person who is not entitled to represent that party in terms of the Act or these Rules, the intention of that party to submit that document may be confirmed by the subsequent appearance of the party at the convened proceedings before the commissioner or by any other method of confirmation that may be placed on record at the Commission.

(2) If proceedings are jointly instituted or opposed by more than one employee, documents may be signed by an employee who is mandated by the other employees to sign documents. A written list of the employees who have mandated the employee to sign on their behalf must be attached to the referral document.

(3) For purposes of these Rules, a signature includes an electronic signature inclusive of an electronic referral made through the Commission's electronic referral online platforms as included in Schedule One.

5 How to serve documents on other parties

(1) Unless otherwise provided for in these Rules, a party must serve a document on the other parties -

(a) by handing a copy of the document to -

(i) the person concerned;

(ii) a representative authorised in writing to accept service on behalf of the person;

(iii) a person who appears to be at least 16 years old and apparently in charge of the person's place of residence, business or place of employment premises at the time; or

(iv) a person identified in sub-rule (2).

(b) by leaving a copy of the document at -

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(i) an address chosen by the person to receive service; or

(ii) any premises in accordance with sub-rule (3);

(c) by e-mailing, faxing or telexing a copy of the document to the person's e-mail, fax or telex number respectively, or an e-mail address, fax or telefax number chosen by that person to receive service;

(d) by sending a copy of the document by registered post or telegram to the last known address of the party or an address chosen by the party to receive service.

(2) A document may also be served -

(a) on a company or other body corporate by handing a copy of the document to a responsible employee of the company or body at its registered office, its principal place of business within the Republic or its main place of business within the magisterial district in which the dispute first arose;

(b) on an employer by handing a copy of the document to a responsible employee of the employer at the workplace where the employees involved in the dispute ordinarily work or worked;

(c) on a trade union or employers' organisation by handing a copy of the document to a responsible employee or official at the main office of the union or employers' organisation or its office in the magisterial district in which the dispute arose;

(d) on a partnership, firm or association by handing a copy of the document to a responsible employee or official at the place of business of the partnership, firm or association or, if it has no place of business, by serving a copy of the document on a partner, the owner of the firm or the chairperson or secretary of the managing or other controlling body of the association, as the case may be;

(e) on a municipality, by serving a copy of the document on the municipal manager or any person acting on behalf of that person;

(f) on a statutory body, by handing a copy to the secretary or similar officer or member of the board or committee of that body, or any person acting on behalf of that body; or

(g) on the State or a province, a state department or a provincial department, a minister, premier or a member of the executive committee of a province by handing a copy to a responsible employee at the head office of the party or to a responsible employee at any office of the State Attorney.

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(3) If no person identified in sub-rule (2) is willing to accept service, service may be effected by affixing a copy of the document to -

(a) the main door of the premises concerned; or

(b) if this is not accessible, a post-box or other place to which the public has access.

(4) The Commission or a commissioner may direct or accept service in a manner other than prescribed in these Rules.

5A Notice of proceedings before the Commission

The Commission may provide notice of a conciliation or arbitration hearing or any other proceedings before it, by means of any of the methods prescribed in Rule 5 or by means of short message service, which may include a WhatsApp message.

6 How to prove that a document was served in terms of the Rules

(1) A party must prove to the Commission or a commissioner that a document was served in terms of these Rules, by providing the Commission or a commissioner -

(a) with a copy of proof that the document has been mailed by registered post to the other party;

(b) with a copy of the telegram or telex transmitting the document to the other party;

(c) with a copy of the telefax transmission report indicating the successful transmission to the other party of the whole document;

(d) if a document was served by hand -

(i) with a copy of a receipt signed by, or on behalf of, the other party clearly indicating the name and designation of the recipient and the place, time and date of service; or

(ii) with a statement confirming service signed by the person who delivered a copy of the document to the other party or left it at any premises; and

(e) if a document was served by e-mail, with a copy of the sent e-mail indicating the successful dispatch to the other party of the e-mail and any attachments concerned.

(2) If proof of service in accordance with sub-rule (1) is provided, it is presumed, until the contrary is proved, that the party on whom it was served has knowledge of the contents of the document. The relevant provisions of the Electronic Communications and

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Transactions Act 25 of 2002 are applicable in respect of any issue concerning service by e-mail or the service of a notice of proceedings by short message service or WhatsApp as permitted by Rule 5A.

(3) The Commission may accept proof of service in a manner other than prescribed in this Rule, as sufficient.

7 How to file documents with the Commission

(1) A party must file documents with the Commission -

(a) by hand delivery of the document to the regional office of the Commission or the office of the Department of Employment and Labour at the addresses listed in Schedule One;

(b) by sending a copy of the document by registered post to the regional office of the Commission at the address listed in Schedule One;

(c) by e-mailing the document to a Commission regional office at only an e-mail address listed in Schedule One. Documents filed by means of e-mail must be transmitted in MS Word or PDF format;

(d) by the Commission's electronic referral platforms. Electronic signatures shall be deemed valid if they are compliant with the Electronic Communications and Transactions Act (ECTA);

(e) sub-rule (d) only applies to the referrals for conciliation (LRA Form 7.11), arbitration (LRA Form 7.13) and applications for condonations;

(f) notwithstanding Rule 1, documents that are filed by means of e-mail or referred using the official Commission electronic referral platforms may be filed at any time and on any day of the week with the Commission.

(2) A document is filed with the Commission when -

(a) the document is handed to the regional office of the Commission or an office of the Department of Employment and Labour listed in Schedule One;

(b) a document sent by registered post is received, or presumed to be received as provided for in Rule 8, by an office of the Commission listed in Schedule One;

(c) the e-mail is received in the regional office, as provided for in the Electronic Communications and Transactions Act 25 of 2002; or

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(d) the online referral or condonation application is received through the Commission's electronic referral online platforms as listed in Schedule One.

(3) A party must only file the original of a document, if requested to do so by the Commission or a commissioner. A party must comply with a request to file an original document within seven (7) days of the request.

8 Presumption when service is done by registered post

Any document or notice sent by registered post by a party or the Commission is presumed, until the contrary is proved, to have been received by the person to whom it was sent seven (7) days after it was posted.

9 How to seek condonation for referral documents and applications delivered late

(1) This Rule applies to any referral document or application delivered outside of the applicable time period prescribed in the Act or applicable employment law or these Rules.

(2) A party must apply for condonation in terms of Rule 31.

(2A) Condonation may also be applied for using the official Commission electronic referral online platforms as included in Schedule One.

(3) An application for condonation must set out the grounds for seeking condonation and must include details of the following:

(a) the degree of lateness;

(b) the reasons for the lateness;

(c) the referring party's prospects of succeeding with the referral and obtaining the relief sought against the other party;

(d) any prejudice to the other party; and

(e) any other relevant factors.

(4) The Commission may assist a referring party to comply with this Rule.

PART TWO
CONCILIATION OF DISPUTES

10 How to refer a dispute to the Commission for conciliation

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(1) A party must refer a dispute to the Commission for conciliation by delivering a completed prescribed LRA Form 7.11, which may include the Commission's electronic referral platforms.

(2) When referring a dispute by means other than the official Commission electronic referral platforms as set out in Schedule One, the referring party -

(a) must attach to the referral document, written proof, in accordance with Rule 6, that the referral document was served on the other parties to the dispute;

(b) must attach to the referral document, an application for condonation if the referral is made after the relevant time limit has expired;

(c) should the dispute relate to section 21 of the Act, attach a letter in accordance with sub-sections (1) and (2) to show that the union has complied with the prerequisites for referring an organisational rights dispute;

(d) the Commission may refuse to process a section 21 referral if a trade union fails to submit a copy of the written notice to the employer and its certificate of registration as contemplated in sections 21(1) and 21(2) of the Act.

(3) Despite Rule 10(2)(b) where a referral has been referred out of time and if condonation has not been attached to the referral, the Commission will decide whether the condonation will be determined at a hearing or by written submissions received from the parties.

(4) The Commission may assist a referring party to comply with this Rule.

11 When must the Commission notify parties of a conciliation or facilitation

(1) The Commission must notify the parties in writing of a conciliation hearing at least –

(a) seven (7) days prior to the scheduled date in matters relating to section 64, section 65(2)(a) or section 189A(8) of the Act;

(b) fourteen (14) days prior to the scheduled date, in the case of any other matter.

(2) Despite sub-rule 1, the Commission may give the parties a shorter period of notice, if the parties have agreed or if reasonable circumstances, as determined by the Commission or commissioner, require a shorter period.

(3) An additional seven (7) days must be provided, if a notice of conciliation in terms of this Rule is sent by registered mail only.

12 Commission or a commissioner may attempt to resolve a dispute before conciliation

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The Commission, which includes a designated and trained staff member or a commissioner, may contact the parties by telephone or other means prior to the commencement of the conciliation, in order to attempt to resolve the dispute.

13 What happens if a party fails to attend the conciliation

(1) If a party fails to attend or to be represented as contemplated in Rule 25(1)(a), the commissioner may -

(a) continue with the proceedings;

(b) adjourn the conciliation to a later date within the 30-day period; or

(c) conclude the proceedings by issuing a certificate that the dispute remains unresolved;

(1A) In the event that a dispute relates to section 64 of the Act, picketing rules must be established before a certificate of non-resolution is issued, unless a party provides a signed picketing rules agreement as required by section 69(6A) of the Act.

(2) In exercising a discretion in terms of sub-rule (1), a commissioner should take into account, amongst other things -

(a) whether the party has previously failed to attend a conciliation in respect of that dispute;

(b) any reason given for that party's failure to attend;

(c) whether conciliation can take place effectively in the absence of one or more of the parties;

(d) the likely prejudice to the other party of the commissioner's ruling; and

(e) any other relevant factors.

14 How to determine whether a commissioner may conciliate a dispute

If it appears during conciliation proceedings that a jurisdictional issue has not been determined, the commissioner must require the referring party to prove that the Commission has the jurisdiction to conciliate the dispute through conciliation.

14A Extension of the conciliation period in terms of section 135(2A) of the Act

(1) The conciliating commissioner or a party to a conciliation process may request an extension of the conciliation period referred to in section 135.

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(2) The request must be made on the prescribed form and before the expiry of the conciliation period as determined in terms of section 135.

(3) The Director must within 2 (two) days of receipt of the request -

(a) consider whether:

(i) an extension is necessary to ensure a meaningful conciliation process;

(ii) the refusal to agree to the extension is unreasonable; and

(iii) whether there are reasonable prospects of reaching agreement.

(b) The Commission must advise the parties on whether the extension is granted and where the extension is granted, the period of such extension.

(4) The Director may not extend the conciliation period if the State is the employer party.

15 Issuing of a certificate in terms of section 135(5) of the Act

A certificate issued in terms of section 135(5) of the Act that the dispute has or has not been resolved, must identify the nature of the dispute and the parties as described in the referral document or as identified by the commissioner during the conciliation proceedings.

16 Conciliation proceedings may not be disclosed

(1) Conciliation proceedings are private and confidential and are conducted on a without prejudice basis and may not be recorded in contravention of the Regulation of Interception of Communications and Provision of Communication-Related Information Act (Act No. 70 of 2002) (RICA) as well as POPIA. No person may refer to anything said at conciliation proceedings during any subsequent proceedings, unless the parties agree in writing or as ordered otherwise by a court of law.

(2) No person, including a commissioner, may be called as a witness during any subsequent proceedings in the Commission or in any court to give evidence about what transpired during conciliation unless as ordered by a court of law or a commissioner conducting an arbitration.

PART THREE
CON-ARB IN TERMS OF SECTION 191(5A)

17 Conduct of con-arb in terms of section 191(5A) of the Act

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(1) The Commission must notify the parties in writing of a con-arb hearing at least fourteen (14) days prior to the scheduled date, unless the parties agree to a shorter period or reasonable circumstances require a shorter period. If a notification is sent by registered mail, an additional seven (7) days must be allowed.

(2) A party that intends to object to a dispute being dealt with in terms of section 191(5A) must deliver a written notice to the Commission and the other party at least seven (7) days prior to the scheduled date in terms of sub-rule (1), unless the objecting party shows good cause for a shorter period.

(3) Sub-rule (2) does not apply to:

(a) a dispute relating to the dismissal of an employee for any reason related to probation or an unfair labour practice relating to probation;

(b) a dispute relating to a compliance order referred in terms of section 69(5) of the BCEA; or

(c) claims for failure to pay any amount owing referred in terms of section 73A of the BCEA

(4) If a party fails to appear or to be represented at a hearing scheduled in terms of sub-rule (1):

(a) The commissioner must conduct the conciliation on the date specified in the notification issued in terms of sub-rule (1), irrespective of whether a party has lodged a notice of objection in terms of sub-rule (2).

(b) Where the provisions of sub-rule 3 are applicable, or no notice of objection has been lodged in terms of sub-rule (2), the commissioner must commence with the arbitration immediately after certifying that the dispute remains unresolved.

(c) Notwithstanding sub-rule 4(b), the commissioner, having commenced the arbitration, retains a discretion, as contemplated in section 138(5) of the Act, to adjourn the proceedings to a later date. In these circumstances, the referring party will not be required to file an LRA Form 7.13 request for arbitration.

(4A) If a certificate of outcome is issued after the expiry of the 30-day period, without a hearing having taken place, the referring party must apply for arbitration using LRA Form 7.13.

(4B) Subject to sub-rule 3, if a party objects to the con-arb process and if the conciliation remains unresolved or if the 30-day conciliation period has expired, the referring party must file an LRA Form 7.13 request for arbitration.

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(5) The provisions of these Rules that are applicable to conciliation and arbitration respectively, including Rules on representation, apply with the changes required by the context to the conciliation and arbitration parts of con-arb proceedings, respectively.

(6) If the arbitration commences, but is subsequently adjourned to a different date, the Commission must schedule the matter for arbitration either in the presence of the parties or by notifying the parties in terms of Rule 21, and the referring party will not be required to file a LRA Form 7.13 request for arbitration.

PART FOUR
ARBITRATIONS

18 How to refer a request for arbitration to the Commission

(1) A party may request the Commission to arbitrate a dispute by delivering a duly completed LRA Form 7.13, which may include using the official Commission electronic referral platforms.

(2) When referring a request by means other than the official Commission electronic referral platforms as set out in Schedule One, the requesting party must:

(a) attach to the request, written proof, in accordance with Rule 6, that the request was served on the other parties to the dispute;

(b) attach to the request an application for condonation if the request for condonation is made after the relevant time limit has expired.

(3) Despite Rule 18(2)(b), where a request has been referred out of time and if condonation has not been attached to the request, the Commission will decide whether the condonation will be determined at a hearing or by written submissions received from the parties.

19 When must the parties file statements

(1) The Commission or a commissioner may direct -

(a) the requesting party in an arbitration to deliver a statement of case; and

(b) the other parties to deliver an answering statement or affidavit.

(2) A statement in terms of sub-rule (1) must -

(a) set out the material facts upon which the party relies and the legal issues that arise from the material facts; and

(b) be delivered within the time period specified by the Commission or commissioner.

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(3) The commissioner has a discretion to continue with the matter despite non-compliance with a directive of the Commission or the commissioner in terms of sub-rule (1). However, any non-compliance may be taken into account when considering costs at the conclusion of the arbitration hearing.

20 When the parties must hold a pre-arbitration conference

(1) The parties to an arbitration must hold a pre-arbitration conference dealing with the matters referred to in sub-rule (3), if:

(a) both parties are represented by a trade union, employers' organisation, legal practitioner and/or candidate attorney;

(b) both parties agree to hold a pre-arbitration conference; or

(c) directed to do so by the Provincial, Regional or Senior Commissioner or the commissioner appointed to determine the matter.

(2) A pre-arbitration conference convened in terms of sub-rule (1)(a) and (b) must be convened at least fourteen (14) days prior to the date of the scheduled arbitration.

(3) In a pre-arbitration conference, the parties must attempt to reach consensus on the following -

(a) any means by which the dispute may be settled;

(b) facts that are agreed between the parties;

(c) facts that are in dispute;

(d) the issues that the Commission is required to decide;

(e) the precise relief claimed, and if compensation is claimed, the amount of the compensation and how it is calculated;

(f) the sharing and exchange of relevant documents, and the preparation of a bundle of documents in chronological order, with each page numbered;

(g) the manner in which documentary evidence is to be dealt with, including any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence of what they appear to be;

(h) whether evidence on affidavit will be admitted with or without the right of any party to cross-examine the person who made the affidavit;

(i) which party must begin;

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(j) the necessity for any on-the-spot inspection;

(k) securing the presence at the Commission of any witness;

(l) the resolution of any preliminary points that are intended to be taken;

(m) the exchange of witness statements;

(n) expert evidence;

(o) any other means by which the proceedings may be shortened;

(p) an estimate of the time required for the hearing;

(q) the right of representation;

(r) whether an interpreter is required and, if so, for how long and for which languages; and

(s) the use of AI and AI-generated information and the nature and extent of such usage.

(4) Unless a dispute is settled, the parties must draw up and sign a copy of the minutes of the pre-arbitration conference, setting out the facts on which the parties agree or disagree.

(5) Minutes of the pre-arbitration conference in terms of sub-rule (4) may also deal with any other matter listed in sub-rule (3).

(6) The referring party must ensure that a copy of the pre-arbitration conference minutes is delivered to the appointed commissioner seven (7) days prior to the date scheduled for the arbitration.

(7) The commissioner may, after receiving a pre-arbitration minute -

(a) direct the parties to hold a further pre-arbitration conference; and / or

(b) issue any other directive to the parties concerning the conduct of the arbitration, including rescheduling the matter for hearing on another date.

(8) The commissioner has a discretion to continue with the matter despite non-compliance with the directive in terms of sub-rule (1), or the provisions of sub-rule (4), (5) and/or (6). However, any non-compliance may be taken into account when considering costs at the conclusion of the arbitration hearing.

21 When must the Commission notify parties of an arbitration

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The Commission must notify the parties in writing of an arbitration hearing at least twenty-one (21) days prior to the scheduled date, unless the parties agree to a shorter period or reasonable circumstances, as determined by the Commission or commissioner, require a shorter period. If a notification is sent by registered mail only, an additional seven (7) days must be allowed.

22 How to determine whether a commissioner may arbitrate a dispute

If, during the arbitration proceedings, it appears that a jurisdictional issue has not been determined, the commissioner must require the referring party to prove that the Commission has jurisdiction to arbitrate the dispute.

23 How to postpone an arbitration

(1) Subject to sub-rules (2) – (6), an arbitration may be postponed -

(a) if the Commission is satisfied that there is written confirmation to postpone by both parties; or

(b) by application to the Commission and on notice to the other parties in terms of sub-rule (3).

(2) The Commission may postpone an arbitration without the parties appearing if:

(a) all the parties to the dispute confirm in writing that they agree to the postponement; and

(b) the written confirmation for the postponement is received by the Commission at least seven (7) days prior to the scheduled date of the arbitration.

(3) If the conditions of sub-rule (2) are not met, any party may apply in terms of Rule 31 to postpone an arbitration by delivering an application to the other parties to the dispute and filing a copy with the Commission before the scheduled date of the arbitration.

(4) After considering the written application or confirmation, the Commission may -

(a) without convening a hearing, determine whether or not to postpone the matter; or

(b) convene a hearing to determine whether to postpone the matter; or

(c) determine the application in any manner the Commission deems fit.

(5) There is no right to postponement, and arbitration will proceed as scheduled unless the Commission or commissioner notifies the parties that the matter has been postponed.

PART FIVE

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RULES THAT APPLY TO CONCILIATIONS, ARBITRATIONS, CON-ARBS AND OTHER PROCESSES

24 Where a hearing will take place

(1) A dispute must be heard in the region in which the cause of action arose or where the employer's principal place of business is located; unless a Senior Commissioner in the head office of the Commission directs otherwise.

(2) The Commission or commissioner within a region determines the venue for the hearing, which venue may include, but is not limited to, an online hearing held via a digital platform.

25 Representation before the Commission

(1) (a) In conciliation proceedings a party to the dispute may appear in person or be represented only by -

(i) if the party is an employer, a director or employee of that party and, in addition, if it is a close corporation, a member or employee of that close corporation;

(ii) any member authorised by that party's registered trade union or registered employers' organisation or an office bearer or official as defined in the Act or an office bearer or official as defined in the Act of a registered federation of trade unions or registered federation of employers' organisations;

(iii) if the party is a registered trade union, any member of that trade union or any office bearer or official as defined in the Act and authorised to represent that party or an office bearer or official as defined in the Act of a registered federation of trade unions and authorised to represent that party;

(iv) if the party is a registered employers' organisation, any director or employee of an employer that is a member of that employers' organisation or an official or office bearer as defined in the Act and authorised to represent that party or an office bearer or official as defined in the Act of a registered federation of e mployers' organisations and authorised to represent that party;

(v) if a party is the Department of Employment and Labour, any employee or official of the Department of Employment and Labour.

(b) Subject to sub-rule 1(c), in any arbitration proceedings, a party to the dispute may appear in person or be represented only by -

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(i) a legal practitioner;

(ii) a candidate attorney; or

(iii) an individual entitled to represent the party at conciliation proceedings in terms of sub-rule (1)(a).

(c) If the dispute being arbitrated is referred in terms of sections 69(5), 73 or 73A of the BCEA or is about the fairness of a dismissal and a party has alleged that the reason for the dismissal relates to the employee's conduct or capacity, a party is not entitled to be represented by a legal practitioner or a candidate attorney in the proceedings unless:

(i) the commissioner and all the other parties consent;

(ii) the commissioner concludes that it is unreasonable to expect a party to deal with the dispute without legal representation, after considering -

(a) the nature of the questions of law raised by the dispute;

(b) the complexity of the dispute;

(c) the public interest; and

(d) the comparative ability of the opposing parties or their representatives to deal with the dispute.

(d) In any facilitation of large-scale retrenchments as contemplated in section 189A(3) of the Act, a party may appear in person or be represented by:

(i) a director or employee of the party, and, if a close corporation, a member or employee of that close corporation;

(ii) any member, office-bearer or official of that party's registered trade union; or

(iii) any member, office-bearer or official of that party's registered union or registered employers' organisation.

(e) No representation by a legal practitioner or candidate attorney shall be allowed in facilitations of large-scale retrenchments as contemplated in section 189A(3) of the Act.

(f) No person representing a party in proceedings before the Commission in a capacity contemplated in sub-rule (1)(a) or (b), other than a legal practitioner or candidate attorney contemplated in sub-rule (1)(b)(i) and (ii), may charge a

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fee or receive a financial benefit in consideration for agreeing to represent that party.

(2) If the party to the dispute objects to the representation of another party to the dispute or the commissioner suspects that the representative of a party does not qualify in terms of this Rule, the commissioner must determine the issue.

(3) The commissioner may call upon the representative to establish why the representative should be permitted to appear in terms of this Rule.

(4) A representative must tender any documents requested by the commissioner for the purposes of sub-rule (3), including constitutions, payslips, contracts of employment, documents and forms or recognition agreements and proof of membership of a trade union or employers' organisation.

(5) Despite the provisions of sub-rule (1), a commissioner may exclude any person who is representing a party in any proceedings on the basis that they are a member of the same employers' organisation as an employer party, or a member of an employers' organisation that is a party to proceedings, if the commissioner, after enquiring into the matter and considering relevant representations, believes that -

(a) the representative joined the employers' organisation for the purpose of representing parties in the Commission; or

(b) the representative's participation in the dispute resolution process –

(i) would be contrary to the purpose of the Rule which is to promote inexpensive and expeditious dispute resolution in a manner that is equitable to all parties;

(ii) is not in keeping with the objectives of the Labour Relations Act 66 of 1995; or

(iii) may have the consequence of unfairly disadvantaging another party to the dispute.

(6) Despite the provisions of this Rule, but subject to the provisions of sub-rule (1)(f), the commissioner may, on application brought in accordance with Rule 31, allow a person not contemplated by sub-rule (1) to represent a party at arbitration proceedings before the Commission, after considering -

(a) whether it is unreasonable to expect the applicant party to deal with the dispute without representation, after considering the factors set out in sub-rule 1(c)(ii)(a) to (d);

(b) the reason why a person contemplated in Rule 25 cannot represent the applicant party, which includes affordability, if applicable;

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(c) the ability of the proposed representative to meaningfully represent the applicant;

(d) whether the proposed representative is subject to the oversight and discipline of a professional or statutory body;

(e) whether the proposed representative will contribute to the fairness of the proceedings and the expeditious resolution of the dispute;

(f) prejudice to the other party; and

(g) any other relevant factors.

26 How to join or substitute parties to proceedings

(1) The Commission or a commissioner may, at any stage prior to the conclusion of an arbitration or hearing, make an order joining any number of persons as parties in the proceedings if:

(a) the right of the referring party to relief depends on substantially the same question of law or fact, which, if a dispute were to be referred separately against the person sought to be joined, it would arise in a separate claim; or

(b) the party to be joined has a substantial interest in the subject matter of the proceedings; or

(c) the party to be joined may be prejudicially affected by the outcome of the proceedings.

(2) A Commission or a commissioner may make an order in terms of sub-rule (1) -

(a) on own accord;

(b) on application by a party; or

(c) if a person entitled to join the proceedings applies at any time during the proceedings to intervene as a party.

(3) An application in terms of this Rule must be made in terms of Rule 31.

(4) When making an order in terms of sub-rule (1), a commissioner may -

(a) give appropriate directions as to the further procedure in the proceedings; and

(b) make an order of costs in accordance with these Rules.

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(5) Notwithstanding Rule 26(1), the Commission or commissioner may not join a party to proceedings if that party was not cited in the referral form initiating the dispute.

(6) If an application is made to join a party not cited in the referral form, the commissioner must issue a ruling directing the requesting party to serve and file a referral form on the party to be joined.

(7) Where the referral form in terms of sub-rule (6) is filed after the prescribed period for referral under the Act, the requesting party must apply for condonation for late filing. The joinder application may only be considered once proof of service, filing, and, if necessary, condonation has been provided.

(8) In the event that a commissioner wishes to issue a joinder ruling on his or her own accord, the referral form must first be served on the party to be joined.

(9) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply, in terms of Rule 31, unless directed otherwise by the Commission or a commissioner, for an order substituting that party for an existing party and a commissioner may make such order or give appropriate directions as to further procedure in the proceedings.

(10) An application to join any person as a party to proceedings or to be substituted for an existing party must be accompanied by copies of all documents previously delivered, including the referral form, unless the person concerned or that person's representative is already in possession of the documents. The application may be made at any stage prior to the conclusion of an arbitration hearing.

(11) Subject to any order made in terms of sub-rules (4) and (5), a joinder or substitution in terms of this Rule does not affect any steps already taken in the proceedings.

27 How to correct the citation of a party

If a party to any proceedings has been incorrectly or defectively cited, the Commission or commissioner may, on its own accord, by consent of the parties or on application and on notice to the parties concerned, correct the error or defect.

28 When the Commission may consolidate disputes

(1) The Commission or a commissioner may, of its own accord, by consent of the parties or on application, and on notice to the parties concerned, consolidate more than one dispute so that the disputes may be dealt with in the same proceedings.

(2) The Commission or a commissioner may order consolidation of separate disputes of right, where-

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(a) the relief sought in each of the separate disputes to be consolidated, depends on the determination of similar or substantially the same questions of law and fact;

(b) there will be no substantial prejudice to the party, or parties sought to be joined through a consolidation order;

(c) the balance of convenience favours such consolidation; and

(d) the Commission has jurisdiction in all disputes sought to be consolidated.

29 Disclosure of documents or materials by the parties relating to the dispute

(1) At any time after the certificate of outcome is issued or the expiry of the 30-day conciliation period, but not less than fourteen (14) days prior to the hearing date, either party may, on application, request the other party to disclose any documents or material relevant to the dispute.

(1A) In the event that any document or material relating to the dispute is required from a non-party, such an application must be dealt with in terms of Rule 37.

(2) Subject to Rule 31(5)(a) and (b), the party to whom the application is made must respond to the application within five (5) days from the date on which the application was received. The party initiating the application may deliver a replying written statement or affidavit within three (3) days from the day on which any answering written statement or affidavit was served on it.

(3) A commissioner may, either before or during the proceedings, at the commissioner's own accord, or on application, make an order as to the disclosure of relevant documents or material relevant to the dispute.

(4) Notwithstanding the above, the parties may agree on the disclosure of documents or materials relevant to the dispute.

(5) This Rule is to be distinguished from disclosure of information disputes in terms of section 16 of the Act, that may be used by a registered trade union or unions acting jointly, that have the majority of employees as members in a workplace.

30 What happens if a party fails to attend arbitration proceedings before the Commission

(1) If a party to the dispute fails to attend or be represented at any arbitration proceedings before the Commission, and that party-

(a) was the referring party, the commissioner appointed to arbitrate, must attempt to establish the reason for non-attendance. If there appears to be a good reason for the absence, the commissioner must direct that the matter be rescheduled for arbitration; or

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(b) if the absence is, on the face of it, wilful or unexplained, or the commissioner does not accept the explanation, the commissioner may dismiss the matter;

(c) had not referred the matter to the Commission, the commissioner may -

(i) continue with the proceedings in the absence of that party; or

(ii) adjourn the proceedings to a later date.

(2) A commissioner must be satisfied that the party had been properly notified of the date, time and venue of the proceedings before making any decision in terms of sub-rule (1).

PART SIX
APPLICATIONS

31 How to bring an application

(1) This Rule applies to any application, including but not limited to –

(a) condonation, joinder, substitution, variation, rescission, postponement and disclosure of documents;

(b) application in a jurisdictional dispute; and

(c) other preliminary or interlocutory application.

(2) Subject to Rule 32, an application must be brought at least fourteen (14) days prior to the date of the hearing on notice to all persons who have an interest in the application.

(3) The party bringing the application must sign the notice of application in accordance with Rule 4 and must state -

(a) the title of the matter;

(b) the case number assigned to the matter by the Commission, if available;

(c) the relief sought;

(d) the address at which the party delivering the document will accept delivery of all documents in the proceedings;

(e) that any party that intends to oppose the matter must deliver a notice of opposition and answering written statement or affidavit within five (5) days after the application has been delivered to it;

(f) that the application may be heard in the absence of a party that does not comply with subparagraph (e); and

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(g) that a schedule is included listing the documents that are material and relevant to the application.

(4) The application must be supported by a written statement or affidavit. The written statement or affidavit must clearly and concisely set out -

(a) the names, description and addresses of the parties;

(b) a statement of the material facts, in chronological order, on which the application is based, in sufficient detail to enable any person opposing the application to reply to the facts;

(c) a statement of legal issues that arises from the material facts, in sufficient detail to enable any party to reply to the document;

(d) if the application is filed outside the relevant time period, grounds for condonation in accordance with Rule 9; and

(e) if the application is brought urgently, the circumstances why the matter is urgent and the reasons why it cannot be dealt with in accordance with the time frames prescribed in these Rules.

(5) (a) Any party opposing the application may deliver a notice of opposition and an answering written statement or affidavit within five (5) days from the day on which the application was served on that party.

(b) A notice of opposition and an answering written statement or affidavit must contain, with the changes required by the context, the information required by sub-rules (3) and (4) respectively.

(6) (a) The party initiating the proceedings may deliver a replying written statement or affidavit within three (3) days from the day on which any notice of opposition and answering written statement or affidavit are served on it.

(b) The replying written statement or affidavit must address only issues raised in the answering written statement or affidavit and may not introduce new issues of fact or law.

(7) In an urgent application, the Commission or a commissioner-

(a) may dispense with the requirements of this Rule; and

(b) may only grant an order against a party that has had reasonable notice of the application.

(8) Applications may be set down for a hearing or determined on the papers.

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(9) Where the application is set down for a hearing, the Commission must allocate a date for the hearing once a replying written statement or affidavit is delivered, or once the time limit for delivering a replying written statement or affidavit has lapsed, whichever occurs first. The Commission must notify the parties of the date, time and place of the hearing of the application.

(10) Despite this Rule, the Commission or a commissioner may determine an application in any manner it deems fit, provided that the Commission or the commissioner informs the parties of how the process will be conducted and gives the parties an opportunity to be heard.

31A How to apply for urgent picketing rules or the determination of disputes relating thereto

(1) This Rule applies to:

(a) applications for picketing rules in terms of section 69(6B) of the Act;

(b) disputes relating to the application or interpretation of a picketing agreement or picketing rules determined by the commissioner; and

(c) disputes relating to an issue concerning picketing contemplated by section 69(8) of the Act.

(2) An application must be brought in a prescribed form with supporting documentation.

(3) The application must be served on all relevant parties.

31B How to apply for the enforcement of written undertakings and/or compliance orders

(1) This Rule applies to any -

(a) application for an undertaking to be made an arbitration award in terms of section 68(3) of the BCEA; and

(b) application for a compliance order to be made an arbitration award in terms of section 73(1) of the BCEA.

(2) An application must be brought in a prescribed form, to which the following documents must be attached:

(a) a copy of the undertaking or compliance order;

(b) in the case of a compliance order, proof that the compliance order was served on the employer in accordance with the BCEA;

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(c) any documents related to the securing an undertaking or issuing of a Compliance order, including, a complaint or grievance, an inspection report or other notes made during an inspection and any relevant records of the employer;

(d) an Inspector Confirmatory affidavit, if the inspector is not the one signing the prescribed form;

(e) supporting witness or non-party affidavits, where applicable;

(f) any other relevant documents.

(3) The application must be signed and commissioned by the referring party and served on all persons who have an interest in the matter, including the employer and the employee.

(4) Where an application is made to have a written undertaking made an arbitration award in terms of section 68(3) of the BCEA, any affected employer may oppose the application in accordance with Rule 31(5) by delivering and serving an answering affidavit and any supporting documents.

(5) Where an application is made to have a compliance order made an arbitration award in terms of section 69 of the BCEA, an affected employer may object to the application in accordance with the provisions of the BCEA by delivering and serving a written notice of objection, together with any supporting documents.

(6) An answering affidavit or objection in terms of sub-rules 4 and 5 must be delivered, supported by relevant documents, to the Department of Employment and Labour and any affected employee(s) and filed with the Commission within five (5) days from the date on which the application was served on the employer.

(7) The party initiating the proceedings may deliver a reply within three (3) days from the day on which any answering affidavit or objection is served on it.

(8) The reply must address only issues raised in the answering affidavit or objection contemplated in sub-rules 4 or 5 and may not introduce new issues of fact or law.

(9) The Commission must, once a reply is delivered or the time limit for delivering a reply has lapsed, whichever occurs first, appoint a commissioner to determine the application by considering the documents filed in terms of this Rule.

(10) Despite sub-rule 8, the commissioner may, if appropriate, request allocation of a hearing date, in which event the Commission must notify the parties of the date, time and place of the hearing of the application.

(11) The application may be heard on a motion roll.

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32 How to apply to vary or rescind arbitration awards or rulings

An application for the variation or rescission of an arbitration award or ruling must be made within fourteen (14) days of the date on which the applicant became aware of the arbitration award or ruling.

33 How to apply to refer a dismissal dispute to the Labour Court

(1) An application in terms of section 191(6) of the Act to refer a matter to the Labour Court, must be delivered -

(a) within ninety (90) days of a certificate that the dispute has not been resolved being issued; or

(b) by a party that has not requested arbitration, within fourteen (14) days of the referral for arbitration being filed.

(2) Despite sub-rule (1), a party that requests arbitration may not thereafter make an application in terms of section 191(6) of the Act.

(3) The application must state the following grounds on which a party relies in requesting that the dispute be referred to the Labour Court:

(a) the reason for dismissal

(b) whether there are any questions of law raised by the dispute;

(c) the complexity of the dispute

(d) whether there are conflicting arbitration awards that need to be resolved;

(e) the public interest.

(4) If any party to the dispute objects to the matter being referred to the Labour Court, that party must state the grounds for the objection within seven (7) days of receipt of the application.

(5) The Commission must notify the parties of the Director, Acting Director or a duly appointed person, in terms of section 191(8) of the Act, within fourteen (14) days of receiving the objection.

(6) In the event that the request has been granted, the party who applied for the referral must refer the matter to the Labour Court in line with Rule 11 of the Rules for the Conduct of Proceedings in the Labour Court.

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PART SEVEN
INQUIRY IN TERMS OF SECTION 188A OF THE ACT

34 How to request an inquiry in terms of section 188A of the Act

(1) An employer requesting the Commission to conduct an inquiry must do so by delivering a completed LRA Form 7.19 to the Commission.

(2) The employee must sign the LRA Form 7.19 unless the employee has agreed in terms of section 188A(4)(b of the Act) to the inquiry in a contract of employment or the inquiry is held in accordance with a collective agreement, in which case a copy of the contract or the collective agreement must be attached to the Form.

(3) When filing the LRA Form 7.19, the employer must pay the prescribed fee to the Commission. Payment of the fee may be made only by electronic transfer to the Commission's bank account.

(4) Within seven (7) days of receiving a request in terms of sub-rule (1) and payment of the prescribed fee, the Commission must notify the parties to the inquiry of when and where the inquiry will be held.

(5) Unless the parties agree otherwise, the Commission must give the parties at least seven (7) days' notice of the commencement of the Inquiry.

(6) The Commission is required to refund a fee paid where the Commission is informed by a party, prior to the issuing of a notice in terms of subrule (4), that the matter will not proceed;

(6A) The Commission will not effect any refund where, after the issuing of a notice in terms of sub-rule (4), the matter does not proceed at the instance of any party.

(7) Only an employee whose earnings exceed the amount determined by the Minister in terms of section 6(3) of the BCEA may consent to an inquiry in a contract of employment.

(8) An employee who, in terms of section 188A(11) of the Act, requests that an inquiry be conducted into allegations by the employer, into the conduct or capacity of that employee, must do so by delivering a completed LRA Form 7.19 to the Commission.

(9) Where an employee, in terms of sub-rule 8, has requested an Inquiry by Arbitrator, the employer must pay the prescribed fee to the Commission as set out in sub-rule 3.

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PART EIGHT
GENERAL

35 Condonation for failure to comply with the Rules and form

(1) Subject to sub-rule (3), the Commission or a commissioner may condone any failure to comply with any provision of these Rules, on good cause shown.

(2) In exercising its powers and performing its functions, the Commission may act in such a manner as it deems expedient in the circumstances in order to achieve the objects of the Act. In doing so it shall have regard to substance rather than form, save where the Act provides otherwise.

(3) The provisions of this Rule do not apply to Rule 25.

36 Recordings of Commission proceedings

(1) The Commission must keep a record of -

(a) all processes except conciliations and mediations, unless otherwise stated in these Rules;

(b) any arbitration award or ruling made by a commissioner.

(2) The record must be kept by means of a digital recording and, if practically possible, also by legible notes.

(3) A party may request a copy of the record or a portion of a record kept in terms of sub-rule (2), on payment of the costs where applicable.

37 How to have a subpoena issued and served to secure the presence of a person

(1) Any party who requires the Commission or a commissioner to subpoena a person in terms of section 142(1) of the Act, must file a completed LRA Form 7.16 together with a written motivation setting out why the evidence of the person to be subpoenaed is necessary. A request for a subpoena does not apply to documents and material relevant to the dispute unless section 142(1) of the Act applies relating to non-parties. Requests for documents and material must be made in terms of Rule 29.

(1A) The Commission or commissioner, in determining the request for subpoena, may require that -

(i) the party who requests the subpoena provide additional information within three (3) days of receipt of this request and in a manner as set out in the request; and

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(ii) that the other party provides a written response to the request for subpoena within five (5) days of receipt of this request or provides such a response in a manner as set out in the request.

(2) A party requesting the Commission to waive the requirement for the party to pay witness fees in terms of section 142(7) (c) of the Act must set out the reasons for the request in writing at the time of requesting the Commission to issue a subpoena in respect of that witness. The Commission's decision must be made in writing and delivered when issuing the subpoena.

(3) An application in terms of sub-rule (1) must be filed with the Commission at least fourteen (14) days prior to the arbitration hearing, or as directed by the commissioner hearing the arbitration.

(4) The Commission or commissioner may refuse to issue a subpoena if-

(a) the party does not establish why the evidence of the person is necessary;

(b) the party subpoenaed does not have seven (7) days in which to comply with the subpoena;

(c) not satisfied that the party requesting the subpoena has paid the prescribed witness fees, reasonable travel costs and/or subsistence expenses of the person subpoenaed.

(5) A subpoena must be served by the person who has requested the issuing of the subpoena or by the Sheriff, at least seven (7) days prior to the scheduled date of the arbitration by;

(a) delivering a copy of it to the person subpoenaed personally;

(b) sending a copy of it by registered post to the subpoenaed person's –

(i) residential address;

(ii) place of business or employment; or

(iii) post office box or private bag number.

(c) leaving a copy of it at the subpoenaed person's place of residence, place of business, or employment with a person who apparently is at least sixteen (16) years of age and is residing or employed there, or by e-mailing a copy of it to the e-mail address of the person subpoenaed.

(6) Service of a subpoena must be accompanied by proof of payment of the prescribed witness fees for one day in accordance with the tariff of allowances published by notice in the *Government Gazette* in terms of section 142(7) of the Act and the witnesses' reasonable travel costs and subsistence expenses.

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(7) Sub-rules (4)(c) and (6) do not apply if the Commission, in terms of section 142(7)(c) of the Act, has waived the requirement to pay witness fees.

37A Expert witnesses

A party intending to call an expert witness shall give seven (7) days, prior to the hearing, notice thereof to the Commission and the other party to the dispute together with a summary of the proposed evidence of such witness, any document on which the witness will rely during evidence and the basis on which the witness is regarded to be an expert to enable the other party to consider the summary and obviate the need for any postponement.

38 Payment of witness fees

(1) A witness subpoenaed in any proceedings in the Commission must be paid a witness fee in accordance with the tariff of allowances published by notice in the *Government Gazette* in terms of section 142(7) of the Act.

(2) The witness fee must be paid by -

(a) the party who requested the Commission to issue the subpoena; or

(b) the Commission, if the issuing of the subpoena was not requested by a party or if the Commission waives the requirement to pay witness fees in terms of section 142(7)(c).

(3) Despite sub-rule (1), the commissioner may, in appropriate circumstances, order that a witness receive no fee or reasonable travel costs and subsistence expenses or only part of such fees or expenses.

39 Order of costs in an arbitration

(1) In any arbitration proceedings, the commissioner may make an order for the payment of costs according to the requirements of law and fairness and when doing so should have regard to -

(a) the measure of success that the parties achieved;

(b) considerations of fairness that weigh in favour of or against granting a cost order;

(c) any with prejudice offers that were made with a view to settling the dispute;

(d) whether a party or the person who represented that party in the arbitration proceedings acted in a frivolous and vexatious manner –

(i) by proceeding with or defending the dispute in the arbitration proceedings, or

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(ii) in its conduct during the arbitration proceedings.

(e) the effect that a cost order may have on a continued employment relationship;

(f) any agreement concluded between the parties to the arbitration concerning the basis on which costs should be awarded;

(g) the importance of the issues raised during the arbitration to the parties as well as to the labour community at large;

(h) any other relevant factor.

(2) A commissioner may make an award of costs in favour of a party who appears or is represented in arbitration by a person contemplated in Rule 25(1)(a) in respect of reasonable disbursements actually incurred in the conduct of its case in the arbitration. A commissioner who makes an award in terms of this provision must specify clearly the items and amounts in respect of which costs are ordered.

(3) A commissioner may make an award of costs in respect of the legal fees of a party that is represented in an arbitration by a legal practitioner or candidate attorney, only if the other parties to the arbitration were represented by a legal practitioner or candidate attorney.

(4) An award for costs in terms of sub-rule (3) must be in the amount of –

(a) in respect of the first day of an arbitration (including any arbitration concluded in a single hearing) – R7 524-00 (VAT inclusive);

(b) in respect of each additional day of an arbitration – R4 911-50 (VAT inclusive).

(5) An award for costs in respect of a candidate attorney must be 50 percent of the amount set out in sub-rule (4).

40 Certification and enforcement of arbitration awards

(1) An application to have an arbitration award certified must be made on -

(a) LRA Form 7.18 in respect of an award by a commissioner;

(b) LRA Form 7.18A in respect of an award in arbitration conducted under the auspices of a bargaining council.

(2) Any arbitration award that has been certified in terms of section 143 of the Act that -

(a) orders the payment of an amount of money may be enforced by execution against the property of the employer party by the Sheriff of the court in the Magisterial district where the employer party resides, or conducts business;

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(b) orders the performance of an act other than the payment of money may be enforced by way of contempt proceedings instituted in the Labour Court.

(3) For the purposes of sub-rule (2), an arbitration award includes an award of costs in terms of section 138(10) of the Act, a taxed bill of costs in respect of an award of costs and an arbitration fee charged in terms of section 140(2) of the Act.

(4) The amount of money that may be enforced through execution by the Sheriff in terms of this Rule includes–

(a) the amount that is ordered to be paid in terms of the award;

(b) any interest on that amount calculated in terms of section 143(2) of the Act;

(c) the Sheriff's costs permitted in terms of the Magistrate's Court Tariff for Sheriffs.

(5) In the event that the Commission financially assisted the party in whose favour the award was granted in the enforcement or execution thereof, the Commission may, if the costs of the execution were not realised therein, collect such costs, with interest, directly from the defaulting party.

40A Payment of an arbitration fee ordered in terms of section 140 of the Act

(1) Where the commissioner, having found that the dismissal was procedurally unfair, orders payment of an Arbitration fee in terms of section 140(2) of the Act:

(a) The arbitration fee shall be the fee set out in the Commission's Tariff of Fees, as gazetted.

(b) The employer must pay the prescribed fee to the Commission within 14 (fourteen) days of receipt of the award ordering payment of such a fee with the related invoice.

(c) Payment of the fee may only be made by electronic transfer into the bank account of the Commission.

41 What words mean in these Rules

(1) Any expression in these Rules that is defined in the Labour Relations Act, 1995 (Act 66 of 1995) and other employment law, has the same meaning as in that Act and -

(2) **'Act'** means the Labour Relations Act, 1995 (Act 66 of 1995), and includes any regulation made in terms of that Act.

(3) **'Artificial Intelligence'** means any software or system capable of performing tasks that simulate human intelligence, including learning, reasoning or content generation.

(4) **'Association'** means any unincorporated body of persons.

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(5) **'BCEA'** means Basic Conditions of Employment Act (Act 75 of 1997).
(6) **'Commission'** means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Act.
(7) **'Commission's electronic referral platforms'** include the CCMA WhatsApp Chatbot and the website https://cmsonline.ccma.org.za, which allows parties to use digital forms for dispute referrals and online applications for condonation.
(8) **'Commissioner'** means a commissioner appointed in terms of section 117 of the Act;
(9) **'Con-arb'** means proceedings held in terms of section 191(5A) of the Act.
(10) **Data Message'** means data generated, sent, received or stored by electronic means. This might include voice messages and be stored by electronic means. Examples include, but is not limited to, e-mails, sms and WhatsApp.
(11) **Data Subject'** in terms of the application of the Protection of Personal Information Act, 4 of 2013 (POPIA), means a person to whom personal information relates.
(12) **'Deliver'** means serve on other parties and file with the Commission.
(13) '**Digital Platform'** refers to any secure online system approved by the Commission for the submission, exchange, or management of case-related information.
(14) **Digitised Submission"** means a physical document converted into electronic format by the CCMA for use in digital workflows.
(15) **'Director'** for the purposes of these Rules, means the Director or Acting Director of the Commission appointed in terms of section 118 and 119 of the Act, and includes any person delegated by the Director to perform any of the functions of the Director.
(16) '**Electronic Communication'** means any communication transmitted electronically, including via secure digital platforms.
(17) **Electronic Communication and Transactions Act'** means Act 25 of 2002, as amended.
(18) **Electronic Signature**' means data attached to, incorporated in or logically associated with other data and which is intended by the user to serve as a signature.
(19) **Employment Law'** for the purpose of these Rules, includes the Labour Relations Act, 66 of 1995, and any other Act of which the administration has been assigned to the Minister of Employment and Labour and any of the following Acts:

a. The Basic Conditions of Employment Act (Act 75 of 1997)

b. The Employment Equity Act (Act 55 of 1998)

c. The Mine Health and Safety Act (Act 29 of 1996)

d. The National Minimum Wage Act (Act 9 of 2018)

e. The Skills Development Act (Act 97 of 1998)

f. The Employment Services Act (Act 4 of 2014)

(20) **'File'** means the delivery of a document with the Commission in terms of Rule 7.
(21) **'Labour Court'** means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court.

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(22) **Non -party'** means a person or entity that is not cited, joined or participating as a litigant party in a dispute at the Commission.
(23) **'Party'** means any party to proceedings before the Commission.
(24) **'POPIA'** means the Protection of Personal Information Act (Act 4 of 2013).
(25) **'Personal information'** (in terms of the application of POPIA) means "information relating to an identifiable, living natural person or juristic person as far as applicable, an identifiable, existing juristic person including, but not limited to -.

a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
b) information relating to the education or the medical, financial, criminal or employment history of the person;
c) any identification number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
d) the biometric information of the person;
e) the personal opinions, views or preferences of the person;
f) correspondence sent by that person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence;
g) the views or opinions of another individual about the person; and
h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person."

(26) **'Processing'** [in terms of the application of POPIA] means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including – (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
(27) **'Provincial Senior Commissioner'** means the Senior Commissioner appointed in terms of section 117 of the Act to manage the operations of a province.
(28) **'Public holiday'** means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994).
(29) **'Regional Senior Commissioner'** means the Senior Commissioner appointed in terms of section 117 of the Act to manage a region within a province.
(30) **'Rules'** means these Rules and includes any footnote to a Rule.
(31) **'Senior Commissioner'** means a Senior Commissioner appointed in terms of section 117 of the Act and includes any person delegated by the Senior Commissioner to perform any of the functions of the Senior Commissioner.
(32) **'RICA Act'** means the Regulation of Interception of Communication and Provision of Communication-Related Information Act (Act 70 of 2002).
(33) **'Serve'** means to deliver a document in accordance with Rule 5 and 'service' has a corresponding meaning.

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(34) **'Staff Member'** means full-time and part-time employees and independent contractors used as Interpreters.
(35) **'Virtual Hearing'** means a hearing conducted via video conferencing technology.
(36) **'WhatsApp'** means an electronic communication sent, received, stored, or displayed through the WhatsApp application, including text, voice notes, images, videos, documents, emojis, location data, and other digital content transmitted between users.

SCHEDULE ONE

ADDRESSES OF THE COMMISSION

The addresses of the Commission are as follows:

National Office: 28 Harrison Street, Johannesburg, 2001 Tel: (011) 377 6650/01/00 **Gauteng – Ekurhuleni** CCMA Place, Cnr. Woburn & Rothsay Streets, Benoni, 1501 Tel: (011) 845 9000 Email: Ekurhuleni@CCMA.org.za **Gauteng – Johannesburg** CCMA House, 127 Fox Street (Cnr. Eloff), Johannesburg, 2001 Tel: (011) 220 5000 Email: johannesburg@ccma.org.za **Gauteng – Tshwane** CCMA Towers, 1st Floor, 345 Pretorius Street, (Corner of Pretorius and Walter Sisulu Street, (opposite the State Theatre), Pretoria, 0002 Tel: (012) 317 7800 Email: pta@ccma.org.za **Gauteng – Vaal** Cnr. Kruger Avenue & Edward Street, Vereeniging, 1939	**KwaZulu-Natal – Durban** Aquasky Building, 1st & 3rd Floors, 275 Anton Lembede Street, Durban, 4001 Tel: (031) 362 2300 Email: kzn@ccma.org.za **KwaZulu-Natal – Newcastle** Rams TV Centre, 71 Scott Street, Newcastle, 2940 Tel: (034) 328 2400 Email: kzn@ccma.org.za **KwaZulu-Natal – Pietermaritzburg** 188 Langalibalele Street, Pietermaritzburg, 3201 Tel: (033) 328 5000 Email: kzn@ccma.org.za **KwaZulu-Natal – Port Shepstone** 10 McArthur Street, Port Shepstone, 4240 Tel: (039) 688 3700/02 Email: kzn@ccma.org.za	**Mpumalanga – Mbombela** Bell Towers, 2nd Floor, 18 Bell Street, Mbombela, 1200 Tel: 013-755 7500 Email: nlp@ccma.org.za **Mpumalanga – Secunda** Kiewiet Office Park, Block B, corner Walter Sisulu & Kiewiet Drive, Extension 28, Secunda, 2302 Tel: 017-634 9780 Email: wtb@ccma.org.za **Northern Cape – Kimberley** CCMA House, 5-13 Compound Street, Kimberley, 8301 Tel: (053) 836 7300 Email: kmb@ccma.org.za **North West – Klerksdorp** CCMA House, 47 Siddle Street, Klerksdorp, 2570 Tel: (018) 487 4600 Email: kdp@ccma.org.za

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Tel: (016) 440 2700 Email: vaal@ccma.org.za **Eastern Cape – Gqeberha** 97 Govan Mbeki Avenue, Gqeberha, 6001 Tel: (041) 509 1000 Email: pe@ccma.org.za **Eastern Cape – Kugompo City** 73 Oxford Street, East London, 5201 Tel: (043) 711 5400 Email: el@ccma.org.za **Free State – Bloemfontein** 60 Park Road, Willows, Bloemfontein, 9301 Tel: (051) 411 1700 Email: blm@ccma.org.za **Free State – Welkom** 27 Mooi Street, Welkom, 9459 Tel: (057) 910 8300 Email: welkom@ccma.org.za	**KwaZulu-Natal – Richards Bay** ABSA Building, 2nd Floor, Lakeview Terrace, 7 Trinidad Parking Area, Richards Bay, 3901 Tel: (035) 799 3300 Email: kzn@ccma.org.za **Limpopo – Polokwane** CCMA House, 104 Hans van Rensburg Street, Polokwane, 0699 Tel: (015) 287 7400 Email: ptb@ccma.org.za **Limpopo – Tzaneen** CCMA House, Elita no 7, Agatha Street and Short Street, Arbor Park, Tzaneen, 0850 Tel: (015) 287 7400 Email: ptb@ccma.org.za **Mpumalanga – Emalahleni** CCMA House, Gerrymann Building, 4/6 Athlone Street, Emalahleni, 1039 Tel: (013) 655 2600/1/2 Email: wtb@ccma.org.za	**North West – Rustenburg** CCMA House, 1st Floor, 111 Klopper Street, Rustenburg, 0299 Tel: (014) 591 6400 Email: kdp@ccma.org.za **North West – Vryburg** 15 Molopo Street, Vryburg, 8600 Tel: (053) 928 3090 Email: kdp@ccma.org.za **Western Cape – Cape Town** CCMA House, 78 Darling Street, Cape Town, 8001 Tel: (021) 469 0111 Email: ctn@ccma.org.za **Western Cape – George** 2 Cathedral Square, 62 Cathedral Street, George, 6529 Tel: (044) 805 7700/1 Email: George@ccma.org.za

COMMISSION'S ELECTRONIC REFERRAL PLATFORM

(1) https://cmsonline.ccma.org.za
(2) QR Code for the CCMA WhatsApp Chatbot:

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ADDRESSES OF THE DEPARTMENT OF EMPLOYMENT AND LABOUR'S LABOUR CENTRES

Provincial Offices		
Western Cape 9 Long Street, Cape Town (021) 441 8000	**Mpumalanga** Cnr. Hofmeyer Str and Beatty Ave, Emalahleni (013) 655 8700	**Northern Cape** Cnr. Compound and Pniel Roads, Kimberley (053) 838 1500
Eastern Cape 3 Hill Street, East London (043) 701 3000/3046	**Gauteng** 77 de Korte Str, Braamfontein (011) 853 0300	**Limpopo** 42A Schoeman Str, Polokwane (015) 290 1744
Free State 43 Charlotte Maxeke Str, Bloemfontein (051) 505 6200	**KwaZulu-Natal** 267 Anton Lembede Str, Durban (031) 366 2000	**North-West** Provident House, University Drive, Mmabatho (018) 387 8100

Labour Centres			
Maletswai 80B Somerset Street (051) 633 2637	Butterworth Cnr Blyth and Robin Streets (047) 491 0656/0490	Nxuba 73 Frere Street (048) 881 3010	KuGompo City Cnr Oxford and Hill Streets (043) 702 7500
Kwamaqoma 529 Alice Road (046) 645 7700	Graaff Reinet 63 Church Street (049) 307 0925/0932	Makhanda 20 High Street (046) 622 2104/2190	Qonce 41 Arthur Street (043) 6434756/642 3401
Lusikisiki Cnr Stanford and Jakaranda Streets, Lusikisiki (039) 253 1996	Nqanqarhu 1 Royal Road, Nqanqarhu, 5780 (045) 932 1424	Mdantsane 1 Mazaule Road, NU1, Mdantsane, 5219 (043) 761 3151	emaXesibeni 52 Church Street, EmaXesibeni, 4735 (039) 254 0282

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Mthatha 8 Cnr Madeira & Elliot Streets, Mthatha, 5099 (047) 501 5600	Gqeberha 116–134 Goven Mbeki Avenue, VSN Building, Gqeberha, 6000 (041) 506 5000	Komani 10 Robinson Road, Komani, 5319 (045) 807 5400	Kariega 15A Chase Street, Kariega, 6229 (041) 260 0608
Bethlehem 37 Louw Street, Bethlehem (058) 122 0150	Bloemfontein Allied Building, Cnr Charlotte Maxeke & West Burger Streets, Bloemfontein (051) 285 0685	Botshabelo Canone Shopping Centre, Stand 158 (051) 531 7011	Ficksburg 28 Voortrekker Street, Ficksburg (051) 933 2299
Harrismith 42 Stuart Street, Harrismith (058) 624 3300	Kroonstad Cnr 2 Buitekant and Station Streets, Kroonstad (056) 307 0327	Petrusburg 34 Ossewa Street, Petrusburg (053) 285 0601	Sasolburg Die Akker, 2 Fichardt Street, Sasolburg (016) 976 2284
Phuthaditjhaba Cnr Lieta and Moropotsane Streets, Phuthaditjhaba (058) 713 037	Welkom 53 Mooi Street, Welkom (057) 065 0594	Zastron 24A Gustavus Street, Zastron (051) 673 9401	Kokstad 59 Hope Street, Kokstad (039) 201 0501
Dundee 63 Victoria Street, Dundee (034) 299 7029	Durban 16 Beach Grove, Durban (031) 336 1500	Estcourt 57 Harding Street, Estcourt (036) 307 0970	Pinetown 49 Kings Road, Pinetown, 3610 (031) 701 7740
Ladysmith 35 Keate Street, Ladysmith (036) 307 0927	Newcastle 29 Scott Streets, Newcastle (034) 328 2340	Pietermaritzburg 370 Langalibalele Street, Pietermaritzburg (033) 341 5300	Richmond 60 Shepstone Street, Richmond (033) 212 2768
Port Shepstone 17 Bisset Street, Port Shepstone (039) 682 2406	Prospecton N3 Prospecton Place, Prospecton (031) 065 0100	Richards Bay 11 Lira Rink Road, Richards Bay (035) 780 8781	Vryheid 99 Landrose Street, Vryheid (034) 285 0368

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Stanger 12 Cator Street, Stanger (032) 307 0989	Ulundi Unit A, Wombe Street, Block 2C, Ulundi (035) 879 8800	Verulam 13 Wick Street, Verulam (032) 541 5600	Lebowakgomo Magistrate's Complex, Lebowakgomo (015) 061 0000
Burgersfort 216 Ribbok Street, Burgersfort (013) 231 8913	Giyani Old Government Building, Giyani Main Road, Giyani (015) 811 9635	Groblersdal 1 Second Avenue, Groblersdal (013) 285 0538	Mokopane 52 Rabe Street, Mokopane (015) 409 1002
Lephalale 4 Muller Street, Nicolet Building, Lephalale, 0555 (014) 065 0571	Makhado 102 Krogh Street, Louis Trichardt (015) 516 0207	Modimolle 84 Limpopo Street, Modimolle (014) 285 0850	Thohoyandou Kenneth Phalanndwa Street, UIF Building, Thohoyandou (015) 815 7301
Phalaborwa Potgieter Street, Phalaborwa (015) 781 9947	Polokwane 99A Landdros Marais Street, Polokwane (015) 299 5000	Seshego 4004 G Nelson Mandela Drive, Seshego (015) 223 7020	Carolina Cnr Voortrekker & Fersveldt Street, Carolina (017) 843 1077
Tzaneen Boulevard Building, 73 Agatha Street, Tzaneen (015) 306 2600	Barberton Shop No 11, Eurika Centre, Nourse Street, Barberton (013) 712 3066	Bethal 9 Vuyisile Mini Street, Bethal (017) 285 0130	KwaMhlanga Government Building, KwaMhlanga (013) 065 0495
Emalahleni (Witbank) 36 Mandela Avenue, Corner Escombe & Nelson Mandela Street, Emalahleni (013) 653 3800	Eestehoek 89 Embhuleni Hospital Road, Elukwatini (017) 883 2414	Ermelo 14 De Klerk Street, Ermelo (017) 811 1548	Middelburg 175 Cowen Ntuli Street, Middelburg (013) 283 3600
Malelane 19 Lorenco Road, Malelane (013) 790 1528	Mashishing (Lydenburg) 51 De Klerk Street, Lydenburg (013) 235 2368	Mbombela (Nelspruit) 29 Brown Street, Nelspruit (013) 753 2844	Standerton 14 Vry Street, Standerton (017) 712 1351
Mkhondo (Piet Retief) 42 Kotze Street, Piet Retief (017) 826 1883	Sabie 10th Avenue, Sabie (013) 764 2105	Secunda 4 Waterson Street,	Lichtenburg 45 Church Street,

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		Secunda (017) 065 0031	Lichtenburg (018) 632 4323
Brits Cnr McClean and Korporasie Streets, Brits (012) 252 3068	Christiana 3 Pretorius Street, Christiana (053) 441 2120	Klerksdorp Cnr Voortrekker and Anderson Streets, Klerksdorp (018) 464 8700	Rustenburg Cnr Steen and Mandela Roads, Rustenburg (014) 592 8214
Mafikeng Tillard Street, Mafikeng (018) 381 1010	Mogwase Mogwase Shopping Complex, Mogwase (014) 555 5693	Potchefstroom 90 Church Street, Potchefstroom (018) 297 5100	De Aar 23 Main Street, De Aar (053) 631 0455
Taung Stand 232, Taung Station (053) 994 1679	Vryburg 27 Nelson Street, Vryburg (053) 927 5221	Calvinia 21 Dorp Street, Calvinia (027) 341 1280	Springbok 126B Overberg Avenue, Springbok (027) 718 1058
Kimberley Cnr Pniel & Compound Streets, Kimberley (053) 838 1500	Kuruman 818 Seweding Road, Kuruman (053) 712 3870	Postmasburg 46 Main Street, Postmasburg (053) 313 0641	Cape Town 22 Parade Street, Cape Town (021) 468 5500
Upington Schroder Street, Upington 066 414 0297	Beaufort West 4 Voortrekker Street, Beaufort West (023) 414 3427	Bellville 20 Charl Malans Street, Bellville (021) 468 5500	Vredenburg 85 Main Road, Vredenburg (022) 065 0815
George Van Der Stel Plein, George (044) 801 1200	Knysna 13 Clyde Street, Knysna (044) 302 6800	Mitchell's Plain 321 Merrydale Avenue, Mitchell's Plain (021) 065 4990	Mossel Bay Cnr Marsh & Church Street, Mossel Bay (044) 285 0260
Oudtshoorn 13 Regent Street, Oudtshoorn (044) 203 6100	Paarl 68 Breda Street, Paarl (021) 872 2020	Somerset West 117 Main Road, Somerset West (021) 852 6535	Vereeniging 22 Merriman Avenue, Vereeniging (016) 430 0000

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Worcester 90A Durban Street, Worcester (023) 346 5200	Alberton 89 Voortrekker Road, Alberton (010) 061 0630	Atteridgeville Cnr WF Nkomo Street and Kalafong Road, Pretoria West (012) 065 2270	Benoni 10 Woburn Avenue, Benoni (011) 747 9600
Boksburg Cnr Market and Bank Street, Boksburg (010) 061 3078	Bronkhorstspruit 40 Botha Street, Bronkhorstspruit (013) 065 2052	Carletonville Cnr Osmium and Amethyst Streets, Carletonville (018) 788 3281	Krugersdorp Foley Street, Luipaardsvlei (011) 955 4420
Garankuwa Setlalentoa Street, Garankuwa (012) 700 0290	Johannesburg 56 Main Street, Johannesburg (011) 843 4000	Kempton Park Cnr Voortrekker and Wolff Streets, Kempton Park (011) 975 9301	Randburg Cnr Oak & Hill Street, Randburg (011) 781 8144
Mamelodi 17281 Makhubela Street, Mamelodi (012) 812 9502	Nigel 4th Avenue and Hendrik Verwoerd Street, Nigel (010) 061 1482	Tshwane (Pretoria) Cnr Nana Sita and Thabo Sehume Streets, Pretoria (012) 309 5000	Soshanguve Block F, Soshanguve (012) 730 0500
Randfontein 2 Main Reef Road, Randfontein (011) 693 3618	Roodepoort 125 Main Reef Road, Roodepoort (010) 061 1532	Sandton 9th Street, Sandton (011) 444 7631	Vanderbijlpark 64 Eric Louw Street, Vanderbijlpark (016) 981 0280
Soweto 2 Khumalo Road, Soweto (010) 061 3060	Springs Cnr 7th Street and Park Avenue, Springs (010) 061 0352	Temba Jubilee Mall, Temba (012) 727 1364	Germiston 241 President Street, Standard Bank Towers, 1401 (010) 061 2000

Link to contact details of DEL centres:

QR Code:

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LRA Form 4.2

Labour Relations Act, 1995

Section 73(1)

REFERRING DISPUTES FOR DETERMINATION OF AN ESSENTIAL SERVICE

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a referral to the Essential Services Committee for a determination that a service is an essential service or that a person works in an essential service.

An essential service means a service, which, if interrupted, would endanger the life or health of people.

WHO FILLS IN THIS FORM?

Any party to the dispute.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

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Tel:..... Fax:.....

Cell:.....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name:

Postal Address: .....

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Tel:..... Fax:.....

Cell:..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF ISSUE(S) IN DISPUTE

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Case Number.....

Please turn over ⟶

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6613/6996
E-Mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A motivation for the determination sought must be attached to this form. This may include the reasons why the service is or is not essential, or whether any person does or does not work in an essential service.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

The ESC may be requested to assist with service.

4. DETERMINATION SOUGHT

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5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(Please print name)

Signature: .....

Position: .....

Date: .....

Place: .....

LRA Form 4.2A Labour Relations Act, 1995 Section 72(8)	**REFERRING A DISPUTE RELATING TO NEGOTIATIONS CONCERNING MINIMUM SERVICE AGREEMENT FOR DETERMINATION**	CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a referral to the Essential Services Committee for a determination of a dispute relating to negotiations of minimum service agreement.

WHO FILLS IN THIS FORM?

Any party to the dispute.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

.....

Tel:..... Fax:.....

Cell: ..... E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name: .....

Postal Address: .....

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Tel:..... Fax:.....

Cell: ..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF ISSUE(S) IN DISPUTE

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Case Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6613/6996
E-Mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

4. DETERMINATION SOUGHT

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5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place: .....

LRA Form 4.3
Labour Relations Act, 1995
Section 75(2)

EMPLOYER APPLIES FOR MAINTENANCE SERVICE DETERMINATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application, by an employer, to the Essential Services Committee for a determination that the whole, or part of the employer's business, is a maintenance service.

A service is a maintenance service if the interruption of that service has the effect of material or physical destruction to any working area, factory or machinery.

WHO FILLS IN THIS FORM?

An employer.

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6613/6996
E-Mail: esc@ccma.org.za

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. EMPLOYER DETAILS

Name: .....

Postal Address:.....

.....

.....

Tel:..... Fax:.....

Cell:..... E-Mail: .....

Contact Person: .....

2. OTHER PARTY DETAILS (including trade unions organising in the sector or workplace)

Name: .....

Postal Address:.....

.....

.....

.....

Tel:.....Fax:.....

Cell:..... E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF MAINTENANCE SERVICES

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Case Number.....

Please turn over →

OTHER INSTRUCTIONS

- Any other interested parties may, within 21 days of receipt of this application, send a response to the Essential Services Committee. A copy of this form must be served on the other party. Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:
- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The ESC may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party? Have you included proof that you have sent a copy of this form to the other party?

4. DETERMINATION SOUGHT

.....

.....

.....

.....

5. MOTIVATION FOR DETERMINATION SOUGHT (Use additional paper if necessary)

.....

.....

.....

.....

.....

6. NUMBER OF EMPLOYEES -

engaged in the maintenance service: .....

not engaged in the maintenance service: .....

7. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

8. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(Please print name)

Signature:.....

Position: .....

Date: .....

Place: .....

LRA Form 4.6
Labour Relations Act, 1995

SUBPOENA BY ESSENTIAL SERVICE COMMITTEE

CCMA

The following MUST be attached to a request for a subpoena:

(a) motivation for the application

and

(b) proof that witness fees, travelling costs and subsistence expenses have been paid.

(Name of Subpoenaed Person)

NOTE!

This Form together with the motivation and proof of payment of the witness fees, travelling costs and subsistence expenses must be submitted to the ESC at least fourteen (14) days prior to the date of the hearing.

WHERE MUST THE FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6613/6996
E-mail: esc@ccma.org.za

SUBPOENA IN TERMS OF THE ESSENTIAL SERVICES COMMITTEE REGULATIONS

To:

.....
(Name of Subpoenaed Person)

.....
(Organisation of Subpoenaed Person)

.....
(Address of Subpoenaed Person)

A Panel has been appointed to resolve a dispute in terms of the Labour Relations Act 66 of 1995.

ESC Case number: .....

The matter between –

.....
(Names of Parties)

.....
(Issue of Disputes)

You are required in terms of the Regulations to appear before the Panel at

.....
(Address where hearing is being held)

on ..... at .....
(Date of Hearing) **(Time of Hearing)**

You are subpoenaed-

☐ for questioning

☐ to produce any book, document, visual footage or object

☐ to give expert evidence in terms of Section 142(1)(c)

(Tick appropriate block)

Case Number .....

Please turn over ⟶

Compliance with the Protection of Personal Information Act 4 of 2013 (POPIA) The personal information that is recorded in this Subpoena may only be utilised for purposes set out in the Labour Relations Act and Regulations issued by the Essential Services Committee. (Address of Subpoenaed Person) (Names of Parties) (Issue of Dispute)	You must bring and produce the books, documents, visual footage, or objects listed below: ..... **(List books, documents and objects)** ☐ The party requesting the subpoena has been directed to furnish you with the first day witness fees, together with the reasonable travelling costs and subsistence expenses to attend the hearing. .... **(Signed by ESC Chairperson/Deputy Chairperson)** **(Date and CCMA Stamp)** .... **(Print name)** **(Place)**

LRA Form 4.7
Labour Relations Act, 1995
Section 70B(2)

BARGAINING COUNCIL REQUEST FOR ESSENTIAL SERVICE INVESTIGATION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request by a Bargaining Council to the Essential Services Committee to conduct an investigation as to whether the whole or part of any service is an essential service.

An essential service means a service, which, if interrupted, would endanger the life or health of people.

WHO FILLS IN THIS FORM?

The General Secretary of the Bargaining Council.

WHERE DOES THIS FORM GO?

Essential Services Committee:
c/o CCMA
28 Harrison Street
Johannesburg 2001
Private Bag X94
Marshalltown, 2107
Tel:(011)377 6645/6613/6996
E-mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A copy of the current certificate of accreditation must be attached to this form.

CHECK!

Have you attached your current certificate of accreditation?

1. BARGAINING COUNCIL'S DETAILS

Name.....

.....

Postal Address .....

.....

.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number: .....

2. DETAILS OF SERVICE TO BE INVESTIGATED (Use additional paper if necessary)

.....

.....

.....

If an investigation is required only for part(s) of the service, state which part(s)

.....

.....

.....

3. DOES THE SERVICE FALL WITHIN THE JURISDICTION OF THE COUNCIL? GIVE DETAILS (Use additional paper if necessary)

.....

.....

.....

.....

Case Number.....

Please turn over ⟶

4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 4.7A
Labour Relations Act, 1995
Section 70B(1)(d) and 71

INTERESTED PARTY'S REQUEST FOR ESSENTIAL SERVICES INVESTIGATION

(including a section 71(9) variation)

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request by an interested party to the Essential Services Committee to conduct an investigation as to whether a whole or part of any service is an essential service.

An essential service means a service, which, if interrupted, would endanger the life or health of people.

WHO FILLS IN THIS FORM?

Any interested party.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

Tel:..... Fax:.....

Cell:.....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name: .....

Postal Address: .....

.....

Tel:..... Fax:.....

Cell:.....E-Mail: .....

Contact Person: .....

3. DETAILS OF THE SERVICE/S TO BE INVESTIGATED (indicate the nature of the service; the effects of the interruption to the service and how the interruption endangers life, health and / or personal safety of the whole or part of the population) [use additional paper if necessary]

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Case Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6613/6996
E-mail: esc@ccma.org.za

OTHER INSTRUCTIONS

In completing this form a party must give due consideration to the ESC regulations.
A motivation for the determination sought must be attached to this form. This may include the reasons why the service is or is not essential, or whether any person does or does not work in an essential service.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

.....

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4. DETERMINATION SOUGHT

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5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date: .....

Place: .....

LRA form 4.8

Labour Relations Act, 1995

Section 72

REQUEST FOR RATIFICATION OF A MINIMUM SERVICE AGREEMENT

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the Essential Services Committee to ratify any collective agreement that provides for the maintenance of minimum services in a service designated as an essential service.

WHO FILLS IN THIS FORM?

Representatives of the parties to the collective agreement.

WHERE DOES THIS FORM GO?

Essential Services Committee

28 Harrison Street
Johannesburg
2001

Private Bag X94
Marshalltown, 2107

Tel: 011 377 6645/6613/6996
E-mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A copy of the minimum service agreement must accompany this form.

1. DETAILS OF THE PARTIES TO THE AGREEMENT
(Use additional paper if necessary)

EMPLOYER PARTIES

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

TRADE UNION PARTIES

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

Registration Number(s):.....

Case Number.....

Please turn over ⟶

CHECK

Have you attached a copy of the agreement?

2. IS THIS REQUEST URGENT?

Yes ☐ No ☐

If yes, explain why it is urgent.....

.....

.....

.....

3. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

4. SIGNATORIES
(Use additional paper if necessary)

Employer Parties

Name.....
Signature:.....
Position:.....
Date:.....
Tel:.....
Fax:.....
E-Mail .....

Trade Union Party

Name.....
Signature:.....
Position:.....
Date:.....
Tel:.....
Fax:.....
E-Mail .....

Trade Union Party

Name.....
Signature:.....
Position:.....
Date:.....
Tel:.....
Fax:.....
E-Mail .....

LRA Form 4.8A
Labour Relations Act, 1995
Section 73(1)

REFERRING A DISPUTE FOR CONCLUSION OF A MINIMUM SERVICE AGREEMENT

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is a referral to the Essential Services Committee for a determination on whether a minimum service agreement should be concluded.

WHO FILLS IN THIS FORM?

Any party to the dispute.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

1. APPLICANT DETAILS

Name: .....

Postal Address: .....

.....

Tel: .....Fax: .....

Cell: .....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY (including trade unions organising in the sector or workplace and/or parties that may have an interest in the matter)

Name: .....

Postal Address: .....

.....

Tel: .....Fax: .....

Cell: .....E-Mail: .....

Contact Person: .....

3. DESCRIPTION OF ISSUE(S) IN DISPUTE

.....

.....

.....

.....

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.....

Case Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential Services Committee
c/o CCMA
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6645/6613/6996
E-mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A motivation for the determination sought must be attached to this form. This includes the reasons why a collective agreement should be concluded.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service

The ESC may be requested to assist with service.

4. DETERMINATION SOUGHT

.....

.....

.....

.....

.....

5. TERMS OF PROPOSED AGREEMENT

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6. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

7. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place: .....

LRA form 4.8B

Labour Relations Act, 1995

Section 72(2)

REQUEST FOR THE DETERMINATION OF MINIMUM NUMBERS TO BE MAINTAINED DURING STRIKE ACTION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the Essential Services Committee (ESC) to determine minimum numbers to be maintained during strike action.

WHO FILLS IN THIS FORM?

Representatives of the parties.

WHERE DOES THIS FORM GO?

Essential Services Committee

28 Harrison Street
Johannesburg
2001
Private Bag X94
Marshalltown, 2107

Tel: 011 377 6645/6613/6996

E-mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A copy of this referral form must be served on the other party/parties and proof of such service must be attached to the form when submitting it to the ESC.

1. DETAILS OF THE REFERRING PARTY / PARTIES

(Use additional paper if necessary)

First Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

Second Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

2. DETAILS OF THE OTHER PARTY / PARTIES

First Party

Name .....

Postal Address .....

.....

Tel:.....Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

Case Number..... Please turn over →

PLEASE NOTE:

In terms of section 69(6C), no picket in support of a protected strike or in opposition to a lock-out may take place unless picketing rules are agreed to in a collective agreement binding on the trade union, or in an agreement facilitated by the conciliating commissioner, or if picketing rules have been determined by the conciliating commissioner.

Second Party

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

3. IS THIS REQUEST URGENT?

Yes ☐ **No** ☐

If yes, explain why it is urgent.....

.....

.....

.....

4. BRIEFLY SET OUT THE PROCESS THAT WAS FOLLOWED PRIOR TO REFERRING THIS MATTER TO THE ESSENTIAL SERVICES COMMITTEE

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. SIGNATORIES
(Use additional paper if necessary)

Employer Parties	**Trade Union Party**
Name.....	Name.....
Signature:.....	Signature:.....
Position:.....	Position:.....
Date:.....	Date:.....
Tel:.....	Tel:.....
Fax:.....	Fax:.....
E-Mail:.....	E-Mail .....

LRA form 4.8C
Labour Relations Act, 1995
Section 72(4)

APPLICATION TO VARY OR REVOKE A MINIMUM SERVICE DETERMINATION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the Essential Services Committee (ESC) to vary or revoke a minimum service determination.

WHO FILLS IN THIS FORM?

Representatives of the parties.

WHERE DOES THIS FORM GO?

Essential Services Committee

28 Harrison Street
Johannesburg
2001

Private Bag X94
Marshalltown, 2107

Tel: 011 377 6645/6613/6996
E-Mail: esc@ccma.org.za

OTHER INSTRUCTIONS

A copy of this referral form must be served on the other party/parties and proof of such service must be attached to the form when submitting it to the ESC.

1. DETAILS OF THE REFERRING PARTY / PARTIES

(Use additional paper if necessary)

First Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

Second Party

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person:.....

2. DETAILS OF THE OTHER PARTY / PARTIES

First Party

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

Case Number .....

Please turn over →

Second Party

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-Mail: .....

Contact Person .....

Registration Number(s):.....

3. IS THIS REQUEST URGENT?

Yes ☐ **No** ☐

If yes, explain why it is urgent.....

.....

.....

.....

4. BRIEFLY SET OUT THE REASON FOR THE REQUEST TO VARY OR REVOKE A MINIMUM SERVICE DETERMINATION

An example of a reason may be a change to a referring party's organogram

.....

.....

.....

.....

.....

.....

5. BRIEFLY STATE THE DESIRED OUTCOME FROM THIS APPLICATION

.....

.....

.....

.....

Case Number .....

Please turn over ⟶

6. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

7. SIGNATORIES (Use additional paper if necessary)

Referring Party (1)	**Referring Party (2) *where applicable***
Name.....	Name.....
Signature:.....	Signature:.....
Position:.....	Position:.....
Date:.....	Date:.....
Tel:.....	Tel:.....
Fax:.....	Fax:.....
E-Mail	E-Mail .....

LRA Form 4.9 Labour Relations Act, 1995 Section 75(8)	**APPLICATION TO VARY / CANCEL MAINTENANCE SERVICES DESIGNATION**	CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form shall be utilised by an employer when making an application to the Essential Services Committee for a variation or cancellation of the maintenance service designation.

WHO FILLS IN THIS FORM?

An employer seeking to vary or cancel the maintenance service designation.

WHERE DOES THIS FORM GO?

28 Harrison Street
Johannesburg
2001

Private Bag X94
Marshalltown, 2107

E-mail: esc@ccma.org.za

OTHER PARTIES

If more than one party is making the application or if there is more than one "other party", please write down the additional names and particulars on a separate page and attach to this form.

1. REFERRING PARTY'S DETAILS

Name:.....

Postal Address:.....

.....

Tel:..... Fax: .....

Cell: ..... E-mail: .....

Contact person:.....

2. OTHER PARTY'S DETAILS (including trade unions organising in the sector / workplace)

Name .....

Postal Address .....

.....

Tel:..... Fax: .....

Cell: ..... E-mail: .....

Contact person .....

Registration Number(s):.....

3. DESCRIPTION OF MAINTENANCE SERVICES

.....

.....

.....

.....

Case Number.....

Please turn over →

OTHER INSTRUCTIONS

- A copy of this form and supporting documents must be served on the other party.
- Any other interested parties may, within 21 days of receipt of this application, send a response to the Essential Services Committee and the other party.



Use additional paper if necessary

DOCUMENTS TO BE ATTACHED

- A copy of the maintenance service designation sought to be varied or cancelled must be attached.
- Proof that a copy of this form has been served on the other party.

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy of this form to the other party?

Have you attached a copy of the maintenance service agreement?

4. NATURE OF APPLICATION (tick boxes)

☐ Variation ☐ Cancellation

If variation, nature of variation sought (Use additional paper if necessary)

.....

5. SUBMISSIONS IN SUPPORT OF THE APPLICATION (i.e. reasons for the variation or cancellation)

.....

.....

.....

6. NUMBER OF EMPLOYEES -

Engaged in the maintenance service:.....

Not engaged in the maintenance service: .....

7. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the ESC (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the ESC must fulfil its public legal duty. I/we furthermore understand that there are instances under the above-mentioned Act in which my/our express consent is not required to process personal information, such as when the information relates to litigation or is publicly available.

8. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date: .....

Place: .....

LRA Form 5.1
Labour Relations Act, 1995
Section 80(2)

REPRESENTATIVE TRADE UNION APPLIES TO ESTABLISH A WORKPLACE FORUM

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by one or more representative trade unions for the establishment of a workplace forum.

A workplace forum may be established in any workplace with more than 100 employees. This number excludes senior managerial employees.

An application may only be made if there is no existing workplace forum established in terms of the Act.

WHO FILLS IN THIS FORM?

A representative trade union.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

1. TRADE UNION DETAILS

Name:.....

.....

Postal Address: .....

.....

.....

Tel: ..... Fax: .....

Cell:.....E-Mail:.....

Contact Person (Trade Union): .....

Contact Person (Representative at Workplace): .....

Cell Number: .....E-Mail:.....

Registration Number: .....

Do you have access to an online facility, such as Microsoft Teams, which will allow us to schedule an online process for you? Yes? ..... No? .....

2. EMPLOYER DETAILS

Name: .....

.....

Postal Address: .....

.....

.....

Tel: ..... Fax: .....

Cell:.....E-Mail:.....

Contact Person: .....

Case Number.....

Please turn over ⟶

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?
Have you included proof of service?
Have you attached any extra information?

3. WORKPLACE DETAILS

a. Description and address:

.....

.....

.....

.....

.....

b. Number of employees (excluding senior managerial employees) at the workplace:

.....

c. Number of members of applicant trade unions at the workplace:.....

d. Number of members of applicant trade union at the workplace:.....

e. Describe the nature of the work or activities conducted in the workplace:.....

.....

f. Is there an existing workplace forum in the workplace, if so please provide details of this workplace forum?.....

4. SECTOR

Indicate the sector or service in which the dispute arose.

❒	Retail	❒	Safety/Security (Private)
❒	Mining	❒	Domestic
❒	Building & Construction	❒	Food & Beverage
❒	Business/Professional Services	❒	Transport (Private)
❒	Agriculture/Farming		
❒	Other		

Date:.....Place.....

Case Number.....

Please turn over ⟶

CHECK!	
Have you sent a copy of this completed form to the other party? Have you included proof (that you have sent a copy to the other party with this form?	**5. POPIA CONFIRMATION** By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available. **6. CONFIRMATION OF ABOVE DETAILS** Form submitted by: ..... (Please print name) Signature: ..... Position: ..... Date:..... Place:..... .....

LRA Form 5.2
Labour Relations Act, 1995
Section 81(1)

REPRESENTATIVE TRADE UNION APPLIES TO ESTABLISH A TRADE UNION BASED WORKPLACE FORUM

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by one or more trade unions, which are recognised by an employer for the purposes of collective bargaining to represent all employees (except senior managerial employees), for the establishment of a workplace forum. An application may only be made if there is no existing forum established in terms of the Act.

WHO FILLS IN THIS FORM?

A representative trade union.

OTHER PARTIES

If more than one party is referring the dispute or if the dispute is referred against more than one party, write down the additional names and particulars on a separate page and attach to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

1. TRADE UNION DETAILS

Name:.....

.....

Postal Address:

.....

.....

.....

Tel: .....Fax:.....

Cell:.....E-Mail:.....

Contact Person (Trade Union):.....

Contact Person (Representative at Workplace): .....

Cell:.....E-Mail:.....

Registration Number:.....

Do you have access to an online facility such as Microsoft Teams which will allow us to schedule an online process for you? Yes? ..... No? .....

2. EMPLOYER DETAILS

Name:.....

.....

Postal Address:

.....

.....

.....

Tel: .....Fax:.....

Cell:.....E-Mail:.....

Contact Person:.....

Case Number..... Please turn over →

OTHER INSTRUCTIONS

The union must attach a certified copy of the collective agreement, which shows recognition.

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?
Have you included proof of service?
Have you attached a certified copy of the collective agreement that shows that the trade union/s is recognised?

3. WORKPLACE DETAILS

a. Description and Address:

.....

.....

.....

.....

b. Number of employees (excluding senior managerial employees) at the workplace: .....

c. Number of members of applicant trade unions at the workplace:.....

.....

d. Number of members of applicant unions at the workplace: .....

.....

e. Describe the nature of the work or activities conducted in the workplace:.....

.....

.....

.....

f. Is there an existing workplace forum in the workplace?.....

.....

.....

.....

4. SECTOR

Indicate the sector or service in which the dispute arose.

❒ Retail	❒ Safety/Security (Private)
❒ Mining	❒ Domestic
❒ Building & Construction	❒ Food & Beverage
❒ Business/Professional Services	❒ Transport (Private)
❒ Agriculture/Farming	

❒ Other .....

CHECK!	5. POPIA CONFIRMATION
Have you sent a copy of this completed form to the other party? Have you included proof (that you have sent a copy to the other party with this form?	By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available. **6. CONFIRMATION OF ABOVE DETAILS** Form submitted by: ..... (Please print name) Signature: ..... Position: ..... Date:..... Place:.....

LRA Form 7.1
Labour Relations Act, 1995
Section 127(1)

COUNCIL APPLIES FOR ACCREDITATION/RENEWAL OF ACCREDITATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a Council to the Governing Body of the CCMA for accreditation to perform various dispute resolution functions.

WHO FILLS IN THIS FORM?

The General Secretary/CEO of the Council.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Unit
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
E-mail:
Accreditationapplications@ccma.org.za

1. COUNCIL DETAILS

Name of Council: .....

.....

Physical Address: .....

.....

.....

Tel:.....Fax:.....

Cell::.....E-Mail: .....

Contact Person: .....

Registration Number of Council: .....

2. ACCREDITATION IS SOUGHT FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS

Conciliation ☐

Arbitration ☐

Inquiry by arbitrator (188A) ☐

3. DETAILS OF ACCREDITED AGENCY APPOINTED BY COUNCIL (if any)

Name of Accredited Agency: .....

Physical Address: .....

.....

Tel:.....Fax: .....

Cell::.....E-Mail: .....

Contact Person: .....

Case Number.....

Please turn over ⟶

OTHER INSTRUCTIONS

A copy of the certificate of registration, collective agreement, Dispute Resolution Agreement, a motivation for accreditation and the Council's Code of Conduct must be attached to this form.

CHECK!

Have you attached to this form:

- a copy of the Council's certificate of registration
- a copy of the Council's main collective agreement
- a copy or copies of the collective agreement(s) dealing with Council administration, expenses and dispute resolution processes
- details of the parties to the Council
- a motivation for accreditation
- a copy of the Constitution of the Council
- the Council's Code of Conduct
- a copy of the list of Council's panellists

The scope of the appointment, including categories of dispute:

.....

.....

.....

.....

The Council may, in terms of section 51(6) of the LRA, appoint another accredited agency to perform some of its functions. If this Council wants to appoint another accredited agency, the details of that agency must be included. The scope of the appointment, in terms of area, type of function, and categories of dispute, must also be included.

4. THERE ARE 7 ACCREDITATION CRITERIA TO BE MET.

4.1 The extent to which the services provided by the applicant will meet the Commission's standards.

4.2 The ability of the applicant to conduct its activities effectively.

4.3 The independence of the persons appointed by the applicant to perform the functions.

4.4 Details regarding the competence of the persons appointed by the applicant to perform the functions.

4.5 Details regarding the applicant's Code of Conduct to govern the persons appointed to perform the functions.

4.6 Details regarding the disciplinary procedures used by the applicant to ensure subscription and adherence to the Code of Conduct.

4.7 Proof that the applicant promotes a service that is broadly representative of South African society.

5. PARTIES TO THE COUNCIL

A list of the employers, employer organisations, registered trade unions or trade union federations that are parties to the Council must be attached to this form.

Case Number..... Please turn over →

CHECK!

Have you attached all the required documents?

6. MOTIVATION

(a) Prepare a motivation for the Governing Body of the CCMA, which deals with the issues raised in section 127(4) of the LRA with reference to the 7 accreditation criteria.

(b) Provide information on –

- information relating to the conciliators and arbitrators (furnish the names of the individuals the applicant proposes using as dispute resolvers, along with particulars of each individual's qualifications, training and experience; supply details, if applicable, of the steps the applicant is taking to promote a service comprising practitioners broadly representative of South African society);
- training (supply details of initial and ongoing training, or training opportunities, available to conciliators and arbitrators); and
- those sections of Part C of Chapter 7 of the LRA which the applicant believes should not be made applicable to it - see section 127(6). Please motivate.

7. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

8. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.2
Labour Relations Act, 1995
Section 127(1)

PRIVATE AGENCY APPLIES FOR ACCREDITATION/RENEWAL OF ACCREDITATION

CCMA

Read This First

The Governing Body of the CCMA is responsible for the accreditation of dispute resolution institutions and for quality assurance of these institutions' performance of their dispute resolution functions. This application for accreditation will accordingly be considered by the Governing Body.

Whilst the Labour Relations Act 66 of 1995 details the manner in which Bargaining Councils and Statutory Councils may be established and registered, there exists no similar establishment or registration provisions concerning Private Agencies in the Act.

The Governing Body accordingly requires as much information as is relevant and necessary to support an application for accreditation of a Private Agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Unit
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
E-Mail:
Accreditationapplications@ccma.org.za

1. NAME OF PRIVATE AGENCY

Name:

.....

.....

Physical Address:

.....

.....

.....

Tel: ..... Fax:.....

Cell: ..... E-Mail:.....

Date of Establishment: .....

Registration number .....

Contact Person: .....

2. ACCREDITATION IS SOUGHT FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS:

Conciliations ☐ Arbitrations ☐ Inquiry under section 188A ☐

3. THERE ARE 7 ACCREDITATION CRITERIA TO BE MET:

3.1 the extent to which the services provided by the applicant will meet the Commission's standards;

3.2 the ability of the applicant to conduct its activities effectively;

3.3 the independence of the persons appointed by the applicant to perform the functions;

3.4 details regarding the competence of the persons appointed by the applicant to perform the functions;

3.5 details regarding the applicant's Code of Conduct to govern the persons appointed to perform the functions;

Case Number :.....

Please turn over →

3.6 details regarding the disciplinary procedures used by the applicant to ensure subscription and adherence to the code of conduct; and

3.7 proof that the applicant promotes a service that is broadly representative of South African society.

4. MOTIVATION

(a) Prepare a motivation for the Governing Body of the CCMA, which deals with the issues raised in section 127(4) of the LRA with reference to the 7 accreditation criteria.

(b) Provide information on the following:

- the conciliators and arbitrators (furnish the names of the individuals the applicant proposes using as dispute resolvers, along with particulars of each individual's qualifications, training and experience; supply details, if applicable, of the steps the applicant is taking to promote a service comprising practitioners broadly representative of South African society);
- training (supply details of initial and ongoing training, or training opportunities, available to conciliators and arbitrators); and
- those sections of Part C of Chapter 7 of the Act which the applicant believes should not be made applicable to it - see section 127(6). Please motivate.

Case Number :.....	Please turn over →

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act, in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

6. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.5
Labour Relations Act, 1995
Section 129(1)

COUNCIL/PRIVATE AGENCY APPLIES TO AMEND ACCREDITATION

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by an accredited Council/Agency to the Governing Body of the CCMA to amend its accreditation. For example, the amendment can relate to the nature of services, the scope of work or the area.

WHO FILLS IN THIS FORM?

An accredited Council/Agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Unit
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650/01/00

E-Mail:
Accreditationapplications@ccma.org.za

OTHER INSTRUCTIONS

A copy of the applicant's current certificate of accreditation must be attached to this form.

CHECK!

Have you attached your current certificate of accreditation?

1. NAME OF COUNCIL/PRIVATE AGENCY

Name: .....

Physical Address: .....

Tel: .....Fax:.....

Cell: .....E-Mail: .....

Contact Person: .....

Date of Establishment .....

Registration Number: .....

2. ACCREDITATION AMENDMENTS SOUGHT

The applicant wants to amend its current accreditation in the following way:

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Case Number:.....

Please turn over →

3. MOTIVATION:

Please supply information on changes to dispute resolution functions and areas of operation (refer to section 127(4) of the LRA):

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4. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act, in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(Please print name)

Signature: .....

Position: .....

Date: .....

Place.....

LRA Form 7.8
Labour Relations Act, 1995
Section 132(1)

ACCREDITED COUNCIL APPLIES FOR SUBSIDY/RENEWAL OF SUBSIDY

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a Council to the Governing Body of the CCMA for a subsidy to perform dispute resolution functions and train people to perform these functions.

WHO FILLS IN THIS FORM?

An accredited Council applying for subsidy.

WHERE DOES THIS FORM GO?

Governing Body
c/o Councils and Agencies Unit
28 Harrison Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650

E-mail:
Bargainingcouncilsubsidies@ccma.org.za

OTHER INSTRUCTIONS

The Council must send:

The form and the current certificate of accreditation (if applicable) as well as any additional information, which the Council wants to bring to the attention of the Governing Body.

CHECK!

Have you attached your current certificate of accreditation?
Have you attached your motivation (See section 132(3) of the LRA)?

1. ACCREDITED COUNCIL DETAILS

Name : .....

.....

Postal Address: .....

.....

Tel:..... Fax:.....

Contact Person: .....

Registration Number: .....

2. DISPUTE RESOLUTION FUNCTIONS FOR WHICH COUNCIL IS ACCREDITED

Is the Council already accredited to perform particular dispute resolution functions?

- ❑ Yes
- ❑ No

If yes, attach the certificate of accreditation.

Are any dispute resolution functions of the Council performed by an Accredited Agency?

- ❑ Yes
- ❑ No

If yes, name the Agency and describe those dispute resolution functions.

.....

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Case Number .....

Please turn over ⟶

3. THE EXTENT TO WHICH THE SERVICES PROVIDED BY THE APPLICANT WILL MEET THE COMMISSION'S STANDARDS

The Governing Body may grant a subsidy to the applicant after considering the application, any further information provided by the applicant and-

(a) the need for the performance by the applicant of the functions for which it is accredited;
(b) the extent to which the public uses the applicant to perform the functions for which it is accredited;
(c) the cost to users for the performance by the applicant of the functions for which it is accredited;
(d) the reasons for seeking the subsidy;
(e) the amount requested; and
(f) the applicant's ability to manage its financial affairs in accordance with established accounting practice, principles and procedures.

4. DISPUTE RESOLUTION CASE LOAD

Estimate case load?.....

What period does the estimate cover? .....
(Note: the period should end with the close of the CCMA's financial year, i.e. 31 March*)*

5. ESTIMATED COST PER CASE

Please indicate daily fee payable to panellists R.....

6. BUDGET SUMMARY FOR THE PERIOD
(Elaborate on these estimates in a supporting annexure)

6.1 Anticipated Expenses/Direct Costs:

Panellists costs | | Travelling costs | |

Case Number .....

Please turn over ⟶

CHECK!

Have you attached all relevant documents?

6.2 Anticipated Income:

The Council's dispute resolution work will be financed as follows:
(In Rands and as a percentage of the total dispute resolution budget.
Supply further details if appropriate.)

	In Rands (Per month)
Levies on Employers	
Levies on Employees	
Commission Subsidy	
TOTAL	

7. MOTIVATION

(a) The need for your services;

(b) The reasons for seeking the subsidy;

(c) The amount requested;

(d) Capacity to deal with finances responsibly.

8. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

9. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.11
Labour Relations Act, 1995
Sections 9, 16, 21, 22, 24, 26, 45, 61, 63, 64, 72, 74, 86, 89, 94, 134, 191(1), 198 and 198D
Employment Equity Act, 1998
Sections 10 and 52
Basic Conditions of Employment Act, 1997
Sections 41, 68 (read with CCMA Rule 31B), 69(5), 73A,80, and 84
Skills Development Act, 1998
Section 19
National Minimum Wage Act, 2018
Section 4(8)
Mine Health and Safety Act, 1996
Section 40

REFERRING A DISPUTE TO THE CCMA FOR CONCILIATION (INCLUDING CON-ARB)

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form enables a person or organisation to refer a dispute to the CCMA for conciliation and con-arb.

WHO FILLS IN THIS FORM?

Employer, employee, trade union or employers' organisation.

Use may also be made of the CCMA's WhatsApp Chatbot or https://cmsonline.ccma.org.za

OTHER PARTIES

If there is more than one employee to the dispute and the referring party is not a trade union, then each employee must supply his/her personal details and signature on a separate page, which must be attached to this form.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA in the region where the dispute arose.

OTHER INSTITUTIONS

Please note that if you are covered by a Bargaining Council, a Statutory Council or an Accredited Agency, you must refer the dispute to the relevant Council or Agency.

You may also need to deal with the dispute through a private procedure if one applies.

If in doubt, contact the CCMA for assistance.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

When you refer the dispute to the CCMA, it will attempt to resolve the dispute within 30 days.

1. DETAILS OF PARTY REFERRING DISPUTE

☐ An employee ☐ A trade union

☐ An employer ☐ An employers' organisation

☐ Department of Employment and Labour

(a) Name of the party if the referring party is an employee

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Alternative contact details of the employee (representative / relative or friend):

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:..... ... E-Mail:.....

CCMA Case Number.....

Please turn over ⟶

FURTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax or e-mail confirmation slip; or
- Any other satisfactory proof of service.

Attach supporting documents

The CCMA may be requested to assist with service.

UNFAIR LABOUR PRACTICE

If the dispute concerns an unfair labour practice, the dispute must be referred (i.e. received by the CCMA) within 90 days of the act or omission which gave rise to the unfair labour practice. If more than 90 days have lapsed, you are required to apply for condonation.

NATIONAL MINIMUM WAGE DISPUTES

Disputes emanating from the NMWA and referred either in terms of S4(8) of the NMWA or S73A of the BCEA may be referred by any person who works for another and who receives or is entitled to receive any payment for that work.

MUTUAL INTEREST DISPUTES

- Attach the collective agreement on picketing or
- If no collective agreement on picketing, complete Annexure A to this form.
- If referring a request for the establishment of picketing rules, complete Annexure A to this form.
- If referring a dispute relating to breach or interpretation of picketing rules, attach a copy of the picketing rules.

DISPUTES RELATING TO COMPLIANCE ORDERS AND WRITTEN UNDERTAKINGS

For disputes relating to a compliance order or written undertaking, the order or undertaking must be attached to this form. If the dispute is referred after the compliance date, you are required to apply for condonation.

(b) Name of the referring party if the referring party is an employer, Department of Employment and Labour, employer's organisation or trade union, or if the employer's organisation or the trade union is assisting a member to the dispute

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Postal Code:.....

Tel:..... Cell:.....

Fax:.....E-Mail: .....

Contact Person:.....

Do you have access to an online facility, such as Microsoft Teams, which will allow us to schedule an online process for you? Yes? ..... No? .....

2. DETAILS OF THE OTHER PARTY (PARTY WITH WHOM YOU ARE IN DISPUTE)

The other party is:

☐ An employer
☐ An employee
☐ An employers' organisation
☐ A trade union
☐ Department of Employment and Labour
☐ Other, Specify.....
(E.g. Temporary Employment Service, owner of the premises or person who controls access to the premises where employees work, if it's an organisational rights dispute, etc.)

Full Name(s):.....

(If company or close corporation, the name of the company or close corporation)
Postal Address:.....

.....Postal Code:.....

Physical Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:.....

Company or close corporation registration number: .....

Number of employees employed by the employer: .....

CCMA Case Number.....

Please turn over ⟶

DISPUTES RELATING TO ORGANISATIONAL RIGHTS (S21 OF THE LRA)

If you are referring to a dispute relating to organisational rights, a copy of the written notice to the employer and the trade union's certificate of registration as contemplated in S21(1) & (2) of the LRA.

DISPUTES RELATING TO S73A OF THE BCEA (MONEY OWED TO AN EMPLOYEE OR WORKER BY AN EMPLOYER)

If your dispute involves money owed to you by your employer, please specify the amount owed, the date from which it is owed, and whether it is owed under a contract of employment, a collective agreement, or a sectoral determination.
Where the parties are in dispute about the interpretation or application of a collective agreement, then the dispute should be referred under S24 of the LRA.
If you earn more than the BCEA earning threshold, you may refer your claim to either the Labour Court, the High Court or, subject to their jurisdiction, the Magistrates' Court or the Small Claims Court.

This section must be completed

If necessary, write the details on a separate page and attach it to this form.

If it is an unfair labour practice, state whether it relates to probation.

3. NATURE OF THE DISPUTE

What is the dispute about (tick only ONE box)? You may only refer ONE dispute per referral form.

- ❒ Unfair Dismissal
- ❒ Severance Pay
- ❒ Unfair Labour Practice
- ❒ Freedom of Association
- ❒ Unfair Discrimination – S10 EEA
- ❒ Interpretation / Application of a Collective Agreement
- ❒ Mutual Interest
- ❒ Organisation Rights
- ❒ Disclosure of Information
- ❒ S80 BCEA
- ❒ S19 SDA
- ❒ S198 LRA
- ❒ S84 BCEA
- ❒ Disputes relating to breach of collective agreement, picketing agreement or picketing rules - S69(8)
- ❒ Unilateral Changes to Terms and Conditions of Employment – S64 LRA
- ❒ Refusal to Bargain
- ❒ Interpretation and application of sections 198A-C of the LRA referred in terms of S198D
  - ❒ S198A LRA (Temporary Employment)
  - ❒ S198B (Fixed-term Contract)
  - ❒ S198C (Part-time Employment)
- ❒ S198A(4) LRA (Dismissal to avoid the deeming clause)
- ❒ Unilateral Changes to Terms and Conditions of Employment S4(8) NMWA
- ❒ S68 BCEA / CCMA Rule 31B
- ❒ S69(5) BCEA (Dispute relating to Compliance orders)
- ❒ S73A of the BCEA (Claims for monies owing in terms of the NMWA)
- ❒ S73A of the BCEA (Claims for money owing in terms of a contract of employment, or a collective agreement, or a sectoral determination)

❒ Other .....

If it is an unfair dismissal dispute, tick the relevant box

- ❒ Misconduct
- ❒ Unknown Reasons
- ❒ Poor Work Performance
- ❒ Operational Requirements (Retrenchments)
  - ❒ Where I was the only employee dismissed
  - ❒ Where the employer employs less than ten (10) employees
- ❒ Incapacity
- ❒ Constructive Dismissal
- ❒ Dismissal relating to Probation

Other .....

4. SUMMARISE THE FACTS OF THE DISPUTE (Use additional paper if necessary)

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CCMA Case Number.....

Please turn over →

CONTINUES ON PAGE 386 OF BOOK 4

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

This gazette is also available free online at **www.gpwonline.co.za**



Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 736 23 October Oktober 2026 No. 55620

PART 4 OF 4

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5845

9 771682 584003 55620

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

This section must be completed!

If necessary, write the details on a separate page and attach it to this form.

5. DATE AND PLACE WHERE DISPUTE AROSE:

The dispute arose on:.....
(give the date, day, month and year)

The dispute arose where:.....
(give the city/town in which the dispute arose)

6. DATE OF DISMISSAL (if applicable):.....

7. FAIRNESS/UNFAIRNESS OF DISMISSAL (if applicable)

(a) Procedural Issues

Was the dismissal procedurally unfair? Yes ☐ No ☐
If yes, why?

.....

.....

(b) Substantive Issues

Was the reason for the dismissal unfair? Yes ☐ No ☐
If yes, why

.....

.....

8. RESULT REQUIRED

.....

9. SECTOR

Indicate the sector or service in which the dispute arose.

- ☐ Retail
- ☐ Mining
- ☐ Building & Construction
- ☐ Business/Professional Services
- ☐ Agriculture/Farming
- ☐ Other .....
- ☐ Safety/Security (Private)
- ☐ Domestic
- ☐ Food & Beverage
- ☐ Transport (Private)

CCMA Case Number.....

Please turn over →

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'.

Section 10 of the Employment Equity Act requires the referring party to satisfy the Commission that he/she has attempted to resolve the dispute internally before referring it to the CCMA.

Resolving a dispute internally may include engagements with management, filing a grievance and/or following any other process as set out in the company policy.

Failure to make reasonable attempts to resolve the dispute will mean the referral is premature and therefore, the CCMA may not have jurisdiction / or power to determine the dispute.

10. INTERPRETER SERVICES

Is an interpreter required? **Yes / No**

☐ Afrikaans	☐ IsiNdebele	☐ IsiZulu
☐ IsiXhosa	☐ Sepedi	☐ SeSotho
☐ Setswana	☐ IsiSwati	☐ Xitsonga
☐ Sign Language	☐ Tshivenda	

☐ Other .....

11. DISCRIMINATION MATTER

If it is a discrimination dispute, have you attempted to resolve the dispute?

Yes		No	

If yes, specify steps taken to resolve the dispute, and if no, provide reasons for not attempting to resolve the dispute internally:

.....

.....

.....

.....

(If written confirmation is available, please attach)

12. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available

13. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date: .....

Place.....

LRA Form 7.13
Labour Relations Act, 1995
Sections 16, 21, 22, 24, 45, 61, 74, 86, 94, 133, 141, 191, 198, 198A-C
Employment Equity Act, 1998
Sections 10
Basic Conditions of Employment Act, 1997
Sections 41 and 80
Skills Development Act, 1998
Section 19
Mine, Health and Safety Act, 1996
Section 40(4)

REQUEST FOR ARBITRATION

(Demarcation disputes (Section 62) must be processed on LRA Form 3.23)

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

If conciliation fails, a party may request that the CCMA resolve the dispute by arbitration.

WHO FILLS IN THIS FORM?

The party requesting the arbitration.

WHERE DOES THIS FORM GO?

To the same office which conducted the conciliation, unless directed otherwise.

If an accredited Council or Agency is to arbitrate the dispute, the request for arbitration must be sent to their offices.

Use may also be made of the CCMA's WhatsApp Chatbot or https://cmsonline.ccma.org.za to refer a matter for arbitration.

If in doubt, contact the CCMA for help.

1. DETAILS OF PARTY REQUESTING ARBITRATION

Name : .....

.....

Postal Address:.....

.....Postal Code:.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

Contact Person: .....

Do you have access to an online facility, such as Microsoft Teams, which will allow us to schedule an online process for you? Yes? ..... No? .....

2. DISPUTE DETAILS

The case between:

.....(referring party)

and

.....(other party)

was referred for conciliation, but remains unresolved.

The certificate of non-resolution is attached / 30 days have expired since referral (delete whichever is not applicable).

The issues in dispute are .....

.....

.....

.....

.....

(Give a brief description. The Commissioner may require a more detailed statement of case later.)

CCMA Case Number.....

Please turn over →

OTHER INSTRUCTIONS

A copy of this form must be served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form;
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

If you earn at or below the BCEA threshold, the CCMA may be requested to assist with service.

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof that you have sent a copy to the other party with this form?

Have you attached the certificate confirming that the dispute was unresolved through conciliation?

3. DETAILS OF OTHER PARTY

Name : .....

Designation:.....

Postal Address: .....

.....Postal Code:.....

Physical Address:.....

.....Postal Code:.....

Tel:..... Fax:.....

Cell:.....E-Mail:.....

4. OUTCOME REQUIRED:

.....

.....

.....

5. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....

(Please print name)

Signature: .....

Position: .....

Date: .....

Place.....

This form must be signed by the requesting party or a person who may be entitled to represent the party in arbitration proceedings. If a person other than the referring party or a representative who may be entitled to represent the referring party signs this form, the referring party may be called upon to ratify his or her intention to refer the matter to arbitration.

LRA Form 7.18A
Labour Relations Act, 1995
Section 143

APPLICATION TO CERTIFY A BARGAINING COUNCIL / STATUTORY COUNCIL AWARD

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form requests the Director or delegated Commissioner of the CCMA to certify that an award issued under the auspices of a Bargaining or Statutory Council is an award issued by a Bargaining or Statutory Council Arbitrator.

If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced. This is done by -

- obtaining a copy of the arbitration award;
- obtaining proof of service of the award on the other party from the relevant Bargaining or Statutory Council;
- attaching a copy of the arbitration award and proof of service to this form;
- the applicant(s) or a duly authorised representative completing Part 1 of this form;
- make an oath or affirmation before a Commissioner of Oaths;
- submitting the form to the General Secretary/CEO of the relevant Bargaining or Statutory Council for certification by the Director or delegated Commissioner of the CCMA.

WHO FILLS IN PART 1 OF THIS FORM?

A party applying to have an arbitration award certified must complete Part 1. The applicant must state whether it is the referring party or the other party in the matter. If the party is a legal person, trade union, employer's organisation or company, the form must be completed by a duly authorised representative.

In the Bargaining or Statutory Council of: .....

In the matter between:

..... Referring Party

And

.....Other Party

PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE ACT

I, the undersigned:

.....
(name)

do hereby make oath and say:

1. I am/represent .....the referring / other party (delete whichever is not applicable) in the matter referred to above (referred to in this document as 'the applicant').

2. On (date) .....
Arbitrator .....
made an arbitration award (referred to in this document as 'the award') in favour of the applicant. A copy of the award is attached to this form.

3. The award was served on the party against whom the award was made (referred to in this document as 'the other party') on (date) .....

A copy of the proof of service is attached to this form.

Case Number.....

Please turn over..... →

4. To date the other party has not complied with the award.
5. If this application for certification applies to more than one employee covered by the award, the details of each employee and the amounts that are due in terms of the award, must be included in the table provided in Annexure A
6. Application is hereby made for the Award to be certified by the Director or a delegated Commissioner in terms of section 143(3) of the Act.
7. Compliance with the Protection of Personal Information Act 4 of 2013

POPIA CONSENT

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

.....

DEPONENT

"Deponent" refers to the applicant. The completed affidavit should only be signed by the applicant in the presence of the Commissioner of Oaths.

A Commissioner of Oaths must complete this section in the presence of the Deponent.

THE FOLLOWING DOCUMENTS MUST BE ATTACHED TO THIS FORM

- A copy of the Commissioner's award.
- Proof that the award was served on the other party.

I HEREBY CERTIFY that the deponent has acknowledge that he/she knows and understands the contents of the affidavit which was signed and sworn to before me at..... on (date)....., the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....

COMMISSIONER OF OATHS

Please turn over..... ⟶

THE STATUS OF A CERTIFIED AWARD

In terms of sections 143(1) and (3) of the Act, an arbitration award that has been certified by the Director or delegated Commissioner may be enforced. Section 51(8) provides that section 143 applies to arbitrations conducted by Bargaining or Statutory Councils unless a collective agreement concluded by the Council provides otherwise.

A certified award may be enforced against a party that does not comply with the award by-

- In the case of an award ordering the payment of money, execution against the property of that party by the Sheriff of the Court;
- In the case of any other award, contempt of court proceedings in the Labour Court.

A party who wishes to have the Sheriff execute against the other party's property, must deliver this document and the certified award to the Deputy Sheriff in the Magisterial District where the other party resides.

CHECK!

- Have you attached a copy of the arbitration award and proof that the award was served on the other party?

PART 2: AFFIDAVIT BY REPRESENTATIVE OF BARGAINING / STATUTORY COUNCIL

I, the undersigned

.....

do hereby make oath / affirm and say:

1. I am the ..... of the ..... Bargaining / Statutory Council.
2. The arbitration referred to above was conducted under the auspices of this Bargaining / Statutory Council.
   A copy of the award was served on the other party on .....(date)
   Proof of service is attached to this form.
3. The Bargaining / Statutory Council has not concluded a collective agreement excluding the application of section 143 of the Labour Relations Act.

.....
DEPONENT

I **HEREBY CERTIFY** that the deponent has acknowledged that he/she knows and understands the contents of this affidavit, which was signed and sworn to before me at.....on (date).....,
the regulations contained in Government Notices R1258 and R1648 having been complied with.

.....
COMMISSIONER OF OATHS

PART 3: CERTIFICATE IN TERMS OF SECTION 143 (3) OF THE ACT

In terms of Section 143(3) of the Labour Relations Act, 1995, I hereby certify that the above arbitration award is a final and binding award issued by an Arbitrator conducting an arbitration under the auspices of a Bargaining / Statutory Council as contemplated in section 143(1) read with section 51(8).

....
DIRECTOR – CCMA / DELEGATED COMMISSIONER **DATE**

To be completed in the event that this application for certification applies to more than one employee covered by the award. The names that are provided in this table must correspond with the names of the employees as provided in the attached arbitration award.

Case Number:.....

NAME AND SURNAME	ID NUMBER	CONTACT NUMBER	AMOUNT AWARDED

LRA Form 7.19
Labour Relations Act, 1995
Section 188A

REQUEST FOR INQUIRY BY ARBITRATOR

CCMA

Read This First

WHO FILLS IN THIS FORM?

An employer requesting an inquiry.

In terms of section 188A(11), an employee who alleges that the holding of a disciplinary inquiry by an employer contravenes the Protected Disclosures Act 26 of 2000.

WHERE DOES THIS FORM GO?

To the Regional Office of the CCMA.

1. DETAILS OF PARTY REQUESTING AN INQUIRY

Name:.....

(If company or close corporation, the name of the company or close corporation)

Surname (if applicable):.....

Postal Address:.....

.....Postal Code:.....

Physical Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:.....

Company or close corporation registration number:.....

If a Temporary Employment Service (TES) is involved, the name of the TES:

.....

Postal Address:.....

.....Postal Code:.....

Physical Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail:.....

Number of employees employed by the employer:.....

2. EMPLOYEE DETAILS

Name:.....

Surname:.....

Length of Service:..... ID Number:.....

Salary Gross:..... Salary Net:.....

Gender (M/F):.....Age:..... Nationality.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Case Number.....

Please turn over →

CONSENT

An inquiry by arbitrator that is requested by the employer may only be conducted with the consent of the employee, or in accordance with a collective agreement, or where an employee, earning more than the threshold, has consented to the holding of the inquiry in a contract of employment.

FEES PAYABLE

The employer is liable for the payment of fees for all section 188A events. This is irrespective of whether the application is made by an employee under section 188A(11) of the LRA.

Proof of payment of the prescribed fee must accompany this form.

Payment may only be made by:

- Direct electronic payment into the CCMA's bank account.

Please contact the CCMA Regional Office for details.

3. ALLEGATIONS ABOUT CONDUCT OR CAPACITY

Attach a copy of the allegations (charges) against the employee to this form.

4. CONFIRMATION AND CONSENT TO INQUIRY

I .....
(Name of Employee)

confirm that I have been advised of the allegations against me; and

(a) I consent to the process; or

(b) am bound by a collective agreement providing for the inquiry. A copy of the collective agreement is attached; or

(c) I earn more than the threshold and have consented to the process in my contract of employment. A copy of the contract of employment is attached hereto.

.....
EMPLOYEE SIGNATURE

5. PAYMENT OF FEES:

Proof of payment of the prescribed fee is attached.

6. PLACE OF HEARING

Please select where you would prefer the inquiry to take place:

a. CCMA Office

b. Employer Premises

c. Digital online hearing platforms

If you select employer premises, please provide the physical address of the employer's premises.

.....
.....
.....

Case Number.....

Please turn over ⟶

OTHER INSTRUCTIONS

A copy of this form has been served on the other party.

Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service if the employee earns below the BCEA threshold.

7. INTERPRETER SERVICES

Is an interpreter required at the inquiry? **Yes / No**

If yes, please indicate what language:

☐ Afrikaans	☐ IsiNdebele	☐ IsiZulu
☐ IsiXhosa	☐ Sepedi	☐ SeSotho
☐ Setswana	☐ IsiSiswati	☐ Xitsonga
☐ Sign Language	☐ Tshivenda	☐ Other .....

8. COMPLIANCE WITH POPIA

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

9. CONFIRMATION OF ABOVE DETAILS:

Form submitted by:

.....
(Please print name)

Signature:.....

Position: .....

Date: .....

Place: .....

LRA Form 7.20
Labour Relations Act, 1995
Section 189A(3)

REQUEST FOR SECTION 189A OPERATIONAL REQUIREMENTS FACILITATION

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form enables a party to initiate a section 189A facilitation process.

WHO FILLS IN THIS FORM?

- An employer who employs more than 50 employees and is contemplating retrenching at least—
  - (i) 10 *employees*, if the employer employs up to 200 *employees*;
  - (ii) 20 *employees*, if the employer employs more than 200, but not more than 300, *employees*;
  - (iii) 30 *employees*, if the employer employs more than 300, but not more than 400, *employees*;
  - (iv) 40 *employees*, if the employer employs more than 400, but not more than 500, *employees*; or
  - (v) 50 *employees*, if the employer employs more than 500 *employees*; or
  - (b) The number of employees that the employer contemplates dismissing, together with the number of *employees* that have been dismissed by reason of the employer's *operational requirements* in the 12 months prior to the employer issuing a notice in terms of section 189(3), is equal to or exceeds the relevant number specified in paragraph (a).

or

- Consulting parties representing the majority of employees whom the employer contemplates dismissing.

OTHER PARTIES

If more than one party is involved in the dispute, or if the dispute is against multiple parties, please provide the details of the second party in the designated space. For any additional parties, kindly write their names and relevant information on a separate sheet of paper and attach it to this form.

WHERE DOES THIS FORM GO?

The CCMA Regional Office nearest to where the possible dismissals may occur. If the dismissals impact two or more regions, submit the form to the CCMA Head Office.

1. DETAILS OF PARTY REQUESTING FACILITATION

FIRST PARTY

Employer ☐

Party representing the majority of employees likely to be dismissed ☐

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:..... E-Mail: .....

Contact Person: .....

SECOND PARTY (where applicable)

Employer ☐

Party representing the majority of employees likely to be dismissed ☐

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person: .....

2. DETAILS OF THE OTHER PARTY

FIRST PARTY

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person: .....

SECOND PARTY (where applicable)

Name: .....

Postal Address:.....

..... Postal Code: .....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person: .....

Case Number.....

Please turn over ⟶

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

When you request facilitation, the CCMA will appoint a facilitator to assist the parties engaged in the consultation process.

OTHER INSTRUCTIONS

A copy of this form must be served on the other party or parties.

Proof that a copy of this form has been served on the other party or parties must be supplied by attaching and of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service for employees earning below the threshold prescribed by the Minister of Employment and Labour in terms of section 6(3) of the Basic Conditions of Employment Act.

CHECK!

Have you attached proof that this form has been served on the other party/parties?

3. **HOW MANY EMPLOYEES DOES THE EMPLOYER EMPLOY?**.....

4. **DETAILS OF FURTHER PARTIES** (Please provide the names of any further parties, e.g. where more than two unions are involved, and attach details.)

.....

.....

5. **HOW MANY EMPLOYEES ARE LIKELY TO BE RETRENCHED?**

.....

6. **HOW MANY EMPLOYEES ARE AFFECTED?** (Total number of employees who need to be consulted.).....

7. **RETRENCHMENTS ARE CONTEMPLATED IN THE FOLLOWING REGIONS OR WORKPLACE LOCATIONS:** (Please indicate expected numbers.)

.....

.....

8. **HOW MANY EMPLOYEES HAS THE EMPLOYER DISMISSED FOR OPERATIONAL REQUIREMENTS IN THE PAST 12 MONTHS AND IN WHICH REGIONS OR WORKPLACE LOCATIONS?**

(Please indicate numbers)

.....

.....

.....

9. **ATTACH THE SECTION 189(3) NOTICE ISSUED BY THE EMPLOYER TO THIS FORM.**

(The matter cannot be processed without a complete section 189(3) notice.)

10. **HAS THE EMPLOYER REQUESTED FACILITATION IN ITS S189(3) NOTICE? YES** ☐

IF NO, (consent by parties should accompany this application)

11. **WHAT ARE THE REASONS FOR THE CONTEMPLATED DISMISSALS FOR OPERATIONAL REQUIREMENTS?**

.....

.....

.....

.....

.....

Case Number.....

Please turn over ⟶

12. WHAT ALTERNATIVES TO RETRENCHMENT HAVE BEEN CONSIDERED?

.....

.....

13. SECTOR

Indicate the sector or service in which the dispute arose.

- ☐ Retail
- ☐ Safety/Security (Private)
- ☐ Mining
- ☐ Domestic
- ☐ Building & Construction
- ☐ Food & Beverage
- ☐ Business/Professional Services
- ☐ Transport (Private)
- ☐ Agriculture/Farming
- ☐ Other.....

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'.

14. INTERPRETER SERVICES

Is an interpreter required? **Yes / No**

- ☐ Afrikaans
- ☐ IsiNdebele
- ☐ IsiZulu
- ☐ IsiXhosa
- ☐ Sepedi
- ☐ SeSotho
- ☐ Setswana
- ☐ IsiSiswati
- ☐ Xitsonga
- ☐ Sign Language
- ☐ Tshivenda
- ☐ Other .....

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues, etc. Reasons for requesting an advisory arbitration award may also be included.

15. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....

.....

16. PLACE OF FACILITATION

Please select where you would prefer the facilitation to take place:

a. CCMA Office
b. Employer Premises
c. External Premises
d. Digital online hearing platform

If you select an employer or external premises, please provide the physical address of the employer's or external premises.

.....

.....

.....

Case Number.....

Please turn over ⟶

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

17. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

18. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....
(Please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.21
Labour Relations Act, 1995
Section 200A(3)

REQUEST FOR ADVISORY AWARD ON WHETHER A PERSON IS AN EMPLOYEE

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

This form is a request to the CCMA to issue an advisory award determining whether a person is an employee.

If there is more than one employee to the dispute and the referring party is not a trade union, then each employee must supply his/her personal details and signature on a separate page, which must be attached to this form.

WHO FILLS IN THIS FORM?

The parties to any working arrangement may request an advisory award provided the affected person/s earn equal to or less than the BCEA threshold.

WHERE DOES THIS FORM GO?

The Regional Office of the CCMA.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

The CCMA will appoint a Commissioner to hear the matter and issue an advisory award.

1. DETAILS OF PARTY REQUESTING THE ADVISORY AWARD

As the referring party, are you:

☐ An employee ☐ A trade union

☐ An employer ☐ An employers' organisation

(a) Name of the party if the requesting party is an employee

Name:.....

Surname: (if applicable).....

ID Number:.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person:.....

Do you have access to an online facility, such as Microsoft Teams, which will allow us to schedule an online process for you? Yes? ..... No? .....

(b) Name of the party if the requesting party is an employer, employers' organisation or trade union, or if the employer's organisation or trade union is assisting a member to the dispute

Name:.....

Surname: (if applicable).....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person:.....

Case Number.....

Please turn over →

2. DETAILS OF THE OTHER PARTY

The other party is:

☐ An employee ☐ A trade union

☐ An employer ☐ An employers' organisation

Name:.....

Surname (if applicable):.....

Postal Address:.....

.....Postal Code:.....

Tel:.....Cell:.....

Fax:.....E-Mail: .....

Contact Person:.....

3. PRESUMPTION AS TO WHO IS AN EMPLOYEE

Please tick whichever block applies to the working arrangement of the person/s in respect of whom the advisory award is sought.

☐ The manner in which the person works is subject to the control or direction of another person.

☐ The person's hours of work are subject to the control or direction of another person.

☐ The person forms part of the organisation for whom the work is performed.

☐ The person has worked for that other person for at least 40 hours per month over the last three months.

☐ The person is economically dependent on the other person for whom he or she works or renders services.

☐ The person is provided with tools of trade or work equipment by the other person.

☐ The person only works for or renders services to one person.

☐ None of the above apply.

4. EARNINGS

The person or persons included in the working arrangement earn:

1. .....per annum
2. .....per annum

(If space is not sufficient, include additional information on a separate page and attach to this form.)

Case Number.....

Please turn over →

5. SECTOR

- ☐ Retail
- ☐ Mining
- ☐ Building & Construction
- ☐ Business/Professional Services
- ☐ Agriculture/Farming
- ☐ Other.....
- ☐ Safety/Security (Private)
- ☐ Domestic
- ☐ Food & Beverage
- ☐ Transport (Private)

Parties may, at their own cost, bring interpreters for languages other than the official South African languages. Please indicate this under 'other'.

6. INTERPRETER SERVICES

Is an interpreter required? **Yes / No**

- ☐ Afrikaans
- ☐ IsiNdebele
- ☐ IsiZulu
- ☐ IsiXhosa
- ☐ Sepedi
- ☐ SeSotho
- ☐ Setswana
- ☐ IsiSiswati
- ☐ Xitsonga
- ☐ Sign Language
- ☐ Tshivenda
- ☐ Other .....

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues, etc. Reasons for requesting an advisory arbitration award may also be included.

7. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....

.....

.....

OTHER INSTRUCTIONS

A copy of this form must have been served on the other party. Proof that a copy of this form has been served on the other party must be provided by attaching any of the following:

- A copy of a registered slip from the Post Office; or
- A copy of a signed receipt if hand delivered; or
- A signed statement confirming service by the person delivering the form; or
- A copy of a fax confirmation slip; or
- A copy of an e-mail confirmation slip or sent e-mail; or
- Any other satisfactory proof of service.

The CCMA may be requested to assist with service if the employee earns below the BCEA threshold.

Case Number.....

Please turn over →

CHECK!

Have you sent a copy of this completed form to the other party?

Have you included proof (that you have sent a copy to the other party with this form?

8. POPIA CONFIRMATION

By signing this document, I/we hereby grant my voluntary consent that my/our personal information may be processed, collected, used and disclosed in compliance with the Protection of Personal Information Act 4 of 2013. I/we furthermore agree that my/our personal information may be used for the lawful and reasonable purposes, insofar as the CCMA (responsible party) must use my/our information in the performance of its public legal duty. I/we understand that my/our personal information may be disclosed to a third party insofar as the CCMA must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of the above-mentioned Act, in which my express consent is not required to permit the processing of personal information, which may be related to litigation or when the information is publicly available.

9. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(Please print name)

Signature: .....

Position: .....

Date:.....

Place:.....

LRA Form 7.23

Labour Relations Act, 1995

Section 135 (2A)

APPLICATION FOR EXTENSION OF THE CONCILIATION PERIOD

CCMA

Read This First

WHAT IS THE PURPOSE OF THIS FORM?

This form is intended to request an extension of the 30-day conciliation period.

WHO MAY APPLY FOR EXTENSION:

The Commissioner or any of the parties to the dispute may request the Director to extend the conciliation period where it is believed that there are prospects of reaching a settlement.

FURTHER INFORMATION

This Application must be served on all relevant parties.

No objection to the application will be considered. The extension is considered on the basis of the information provided by the applicant.

Supporting documents may be attached to this form.

The application may only be made where the parties can't agree to an extension and the refusal to agree is considered unreasonable.

The Extension sought shall not exceed 5 days.

The Extension cannot be granted where the employer party is the state.

All the information required in this form must be completed.

Case Number: .....

Employee Party: .....

Employer Party: .....

Nature of Dispute: .....

Date of Referral .....

Date of Conciliation: .....

Number of days extension required: .....

Has the other party refused to extend the conciliation period: ☐Yes ☐ No

If no, give reasons why the refusal is considered unreasonable.

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Are there prospects of reaching a settlement if the conciliation is extended:

☐Yes ☐ No

If yes, provide reasons,

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Provide any *other submissions that may be relevant to the request for extension.*

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Applicant: .....

Signature of requesting party: .....

Date of Request.....

Case Number .....

Please turn over ⟶

PART B: DIRECTOR'S DECISION

☐ Application granted

Number of days for which the conciliation is extended:.....

Reasons and/ or Conditions attached to the extension: .....

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☐ Application rejected

Reasons for rejections: .....

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DIRECTOR OR DELEGATED OTHER

.....
DATE