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

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PROCLAMATION*by the**President of the Republic of South Africa***No. R. 68, 2003****COMMENCEMENT OF THE LABOUR RELATIONS AMENDMENT ACT, 2002 (ACT NO 12 OF 2002)**

In terms of section 58 of the Labour Relations Amendment Act, 2002 (Act No. 12 of 2002), I hereby determine that all the provisions of the Amendment Act shall come into operation on

1 August 2002.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Fifteenth day of July, Two thousand and two.

T. M. MBEKI**President****By Order of the President-in-Cabinet****M. M. S. MDLADLANA****Minister of the Cabinet**

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 68, 2003

INWERKINGTREDING VAN DIE WYSIGINGSWET OP ARBEIDSVERHOUDINGE, 2002 (WET NO. 12 VAN 2002)

Kragtens artikel 58 van die Wysigingswet op Arbeidsverhoudinge, 2002 (Wet No. 12 van 2002), bepaal ek hierby dat al die bepalings van die Wysigingswet op 1 Augustus 2002 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die 15de dag van Julie, Tweeduisend en twee.

T. M. MBEKI

President

Op las van die President-in-Kabinet

M. M. S. MDLADLANA

Minister van die Kabinet

**GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS**

**DEPARTMENT OF LABOUR
DEPARTEMENT VAN ARBID**

No. R. 1441

10 October 2003

LABOUR RELATIONS ACT, 1995

WITHDRAWAL OF REGULATIONS

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby withdraw the regulations made under section 208 of the Labour Relations Act, 1995 (Act No. 66 of 1995) as published under Government Notices No. R. 1737 of 1 November 1996 and R. 442 of 27 March 1997, with effect from 31 July 2002.

M M S MDLADLANA

MINISTER OF LABOUR

No. R. 1441

10 Oktober 2003

WET OP ARBEIDSVERHOUDINGE, 1995

INTREKKING VAN REGULASIES

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, trek hierby die regulasies uitgevaardig ingevolge artikel 208 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995) soos gepubliseer by Goewermentskennisgewings No. R. 1737 van 1 November 1996 en R. 442 van 27 Maart 1997 in, met ingang van 31 Julie 2002.

M M S MDLADLANA

MINISTER VAN ARBEID

No. R. 1442

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**REGULATIONS**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby, under section 208 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and after consulting NEDLAC, made the regulations in the Schedule with effect from 1 August 2002.

M M S MDLADLANA
MINISTER OF LABOUR

No. R. 1442

10 Oktober 2003

WET OP ARBEIDSVERHOUDINGE, 1995 (WET NO. 66 VAN 1995)**REGULASIES**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, vaardig hierby, kragtens artikel 208 van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), en na oorlegpleging met NEOAR, die regulasies in die bylae hierby uit met ingang van 1 Augustus 2002.

M M S MDLADLANA
MINISTER VAN ARBEID

LABOUR RELATIONS ACT, 1995 (Act No 66 of 1995)**REGULATIONS**

The Minister of Labour has, under section 208 of the Labour Relations Act, 1995 (Act No. 66 of 1995), and after consulting NEDLAC and the CCMA, made the Regulations in the Schedule.

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LABOUR RELATIONS REGULATIONS

Schedule

1. Definitions

In these regulations, any expression that is defined in the Act has that meaning and unless the context otherwise indicates-

"annexure" means a document attached to these regulations;

"the Act" means the Labour Relations Act, 1995 (Act No. 66 of 1995);

"the CCMA or Commission" means the Commission for Conciliation, Mediation and Arbitration

"the Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

2. Service

Whenever a party is required to satisfy the Registrar that a copy of a referral, objection or other document has been served on another party, the party so required must provide the Registrar with-

- (a) a copy of the proof of mailing the referral, objection or other document by registered post to the other party;
- (b) a copy of the telegram, telex or telefax communicating the referral, objection or other document to the other party;
- (c) a copy of a receipt signed by the other party or on that party's behalf if the copy of the referral, objection or other document was delivered by hand; or
- (d) a statement confirming service signed by the person who delivered a copy of the referral, objection or other document to the other party.

3. Subpoenas

- (1) A subpoena issued in terms of the Act must be served -
 - (a) by delivering a copy of it to the person subpoenaed personally;
 - (b) by 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; or
 - (c) by leaving a copy of it at the subpoenaed person's residence or place of business or employment with a person who apparently-
 - (i) is at least sixteen years of age; and
 - (ii) is residing or employed there.
- (2) A subpoena issued in terms of section 142(1) of the Act must be in the form of annexure LRA 7.16.
- (3) A subpoena issued by a designated agent in terms of section 33 read with item 5 of schedule 10 of the Act must be in the form of annexure LRA 3.10.
- (4) A subpoena issued by an arbitrator in terms of section 33A (5)/127(6) read with section 142 must be in the form of LRA annexure 3.10A

4. Witness fees

- (1) The fee payable to a witness in terms of section 142(7) of the Act is the total of-
 - (a) R200 for each day or part of a day during which the witness is required to be present at any proceedings; and
 - (b) reasonable substantiated travel and subsistence expenses incurred by the witness in order to be present at those proceedings.
- (2) Despite sub-regulation (1), no witness fee may be paid to a person who, at the time of the relevant proceedings, is employed full-time by the state, or is a member of any legislature mentioned in the Constitution.

5. Access to documents

Any person may inspect any document that the Act permits at the office of the Registrar of Labour Relations, in Pretoria, at any time between 08h 30 and 12h 00 and between 13h 30 and 15h 30 on Mondays to Fridays.

6. Fees for documents

- (1) Whenever an employer provides an employee with a copy of a collective agreement, arbitration award, or sectoral determination in terms of section 204(c)(i) of the Act, the employer may charge a fee of no more than R0,50 for each page of that copy.
- (2) The registrar may charge the fee shown in column 3 of Table LRA 1 for a service listed in column 2 of that Table.
- (3) All fees referred to in sub-regulation (2) must be paid in advance in revenue stamps.

Table LRA 1 - Table of Document Fees

1 - Section	2 - Service	3 -Fee
Any Section	Inspecting a document	R1,00
Any Section	Copying a document	R1,00
Any Section	Providing a certified copy of a document	R1,00 for each copy, plus R0,50 for each page in the document
25(6)	Providing a certified extract of an auditor's report	R0,50 for each page in the extract
71(4)	Providing a certified copy or extract from a written representation	

1 - Section	2 - Service	3 - Fee
110(2)	Providing a certified copy of, or extract from, a document mentioned in section 110(1)	R0,50 for each page in the extract
110(4)	Providing a certified copy of, or extract from, a document mentioned in section 110(3)	
127(7)(b)	Providing a certified copy of, or extract from, a document mentioned in section 127(7)(a)	
132(6)(b)	Providing a certified copy of, or extract notice mentioned in section 132(6)(a)	

7. Form of Requests and Applications

- (1) Whenever a request or application is contemplated in terms of a section of the Act shown in column 1 of Table LRA 2 for a purpose listed in column 2 of that Table, the request or application must be in the form of the annexure listed opposite that section number in column 3 of that Table, and must be produced subject to any conditions listed opposite that section number in column 4 of that Table.
- (2) The registrar has the power to assign an official to:
- Verify from the membership lists the figures furnished in respect of representativeness in an industry or sector; and
 - check that applications lodged with the registrar's office meet with requirements.

Table LRA 2 - Table of Requests and Applications

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
25(4)(b) and 26(8)	Conscientious objector requests agency fee to be	LRA 3.1	Agency fee deducted pursuant to the request must be remitted with

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
	paid to the Department of Labour		annexure LRA 3.2
26(8) applying 25(4)(b)	List of deductions from conscientious objector's wages	LRA 3.2	Agency fee deducted pursuant to the request must be remitted with annexure LRA 3.2
29(1)	Application for registration of a bargaining council	LRA 3.3	<ol style="list-style-type: none"> 1. Submit two copies 2. Must be submitted to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
32(1)	Bargaining council requests extension of collective agreement to non-parties	LRA 3.5	<ol style="list-style-type: none"> 1. Submit two copies 2. Must be accompanied by a current certificate of representativeness in the form of annexure LRA Form 3.21 3. Submit to the Minister, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
32(6)(a)	Request to extend the period of, or renew, collective agreement extended to non-parties	LRA 3.6	<ol style="list-style-type: none"> 1. Submit two copies 2. Must be accompanied by a current certificate of representativeness in the form of annexure LRA 3.21 3. Submit to the Minister, c/o the Director General, Department of Labour, Private Bag X117,

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			Pretoria, 0001.
32(7)	Bargaining council requests cancellation of collective agreement extended to non-parties	LRA 3.7	Submit to the Minister, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
33(1)	Bargaining council requests appointment of designated agent	LRA 3.8	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Minister, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
43(3) applying 33(1)	Statutory council requests appointment of designated agent	LRA 3.8	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Minister, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001
34(2)	Amalgamating bargaining council applies for registration	LRA 3.11	<ol style="list-style-type: none"> 1. Submit two copies 2. Must be accompanied by a current certificate of representativeness in the form of annexure LRA 3.21 3. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
38(4)	Request for a jurisdictional dispute in the public service to be resolved through arbitration	LRA 3.13	<ol style="list-style-type: none"> 1. Proof of service on the other party 2. Submit to the Dispute Resolution Committee, c/o the

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			CCMA
39(2)	Trade union applies for establishment of a statutory council	LRA 3.14	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
39(2)	Employers' organisation applies for establishment of a statutory council	LRA 3.15	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
48(1)	Statutory council applies to register as a bargaining council	LRA 3.19	<ol style="list-style-type: none"> 1. Submit two copies 2. Must be submitted to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
58	Council applies for variation of scope of registration	LRA 3.22	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
62(1)	Application about demarcation dispute	LRA 3.23	<ol style="list-style-type: none"> 1. Proof of service on other party 2. Submit to the Provincial Office of the CCMA
69(4)	Request to assist parties	LRA 4.1	<ol style="list-style-type: none"> 1. Send a copy of request to

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
	reach agreement on picketing rules		other party 2. Submit to the Provincial Office of the CCMA
70(3)	Bargaining council request for essential service investigation	LRA 4.7	1. Copy of current certificate of accreditation 2. Submit to the Essential Services Committee, c/o the CCMA
72	Request for ratification of collective agreement providing for maintenance of minimum services	LRA 4.8	1. Copy of collective agreement 2. Submit to the Essential Services Committee, c/o the CCMA
75(2)	Employer applies for maintenance service determination	LRA 4.3	3. Proof of service on other party 4. Submit to the Essential Services Committee, c/o the CCMA
80(2)	Representative trade union applies to establish a workplace forum	LRA 5.1	1. Proof of service on other party 2. Submit to the Registrar in the Provincial Office of the CCMA
81(1)	Representative trade union applies to establish a trade union-based workplace forum	LRA 5.2	1. Proof of service on other party 2. Submit to the Registrar in the Provincial Office of the CCMA
96(1)	Registration of a trade union	LRA 6.1	1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117,

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			Pretoria, 0001.
96(1)	Registration of an employers' organisation	LRA 6.2	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
99(a)	List of members to be kept by a trade union	LRA 6.5	
99(a)	List of members to be kept by an employers' organisation	LRA 6.6	
102(2)	Application by amalgamating trade unions for registration	LRA 6.9	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
102(2)	Application by amalgamating employers' organisations for registration	LRA 6.10	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
127(1)	Council applies for accreditation	LRA 7.1	<ol style="list-style-type: none"> 1. Attach a copy of the certificate of registration, council's code of conduct and the motivation for accreditation to the form

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			2. Submit to the Governing Body of the CCMA
127(1)	Private agency applies for accreditation	LRA 7.2	1. Attach a copy of the agency's code of conduct and the motivation for accreditation to the form 2. Submit to the Governing Body of the CCMA
129(1)	Council or private agency applies to amend its accreditation	LRA 7.5	1. Attach a copy of the current certificate of accreditation 2. Submit to Governing Body of the CCMA
131(1)	Council applies to renew its accreditation	LRA 7.6	1. Attach a copy of the current certificate of accreditation 2. Submit to Governing Body of the CCMA
131(1)	Private agency applies to renew its accreditation	LRA 7.7	1. Attach a copy of the current certificate of accreditation 2. Submit to Governing Body of the CCMA
132(1)	Council applies for subsidy	LRA 7.8	1. Attach a copy of the current certificate of accreditation (if applicable) and motivation 2. Submit to Governing Body of the Commission
132(1)	Private agency applies for subsidy	LRA 7.9	1. Attach a copy of the current certificate of accreditation (if

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			<p>applicable), budget and motivation</p> <p>2. Submit to Governing Body of the CCMA</p>
132(8)(a)	Council or private agency applies for renewal of subsidy	LRA 7.10	<p>1. Attach a copy of the current certificate of accreditation</p> <p>2. Submit to Governing Body of the CCMA</p>
136	Request for arbitration	LRA 7.13	<p>1. Proof of service on other party</p> <p>2. Submit to the Registrar in the Provincial Office of the CCMA</p>
137(1)	Application to director to appoint a senior commissioner to arbitrate	LRA 7.15	<p>1. Proof of service on other party</p> <p>2. Submit to the Director of the CCMA</p>
115 and 138 (10)	Request for Taxation	LRA 7.17	<p>1. Proof of service on other party</p> <p>2. Submit to the Registrar in the Provincial Office of the CCMA</p>
143	Application to certify CCMA Award and Writ of Execution	LRA 7.18	Submit to the Director of the CCMA
143 and 51(8)	Application to certify Bargaining Council Award and Writ of Execution	LRA 7.18A	Submit to Director of the CCMA

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
188A	Request for pre-dismissal arbitration	LRA 7.19	Submit to the Registrar in the Provincial Office of the CCMA
189A	Request for operational requirements facilitation	LRA 7.20	1. Proof of service on other party 2. Submit to the Registrar in the Provincial Office of the CCMA
200A3	Request for advisory award on whether a person is an employee	LRA 7.21	2. Submit to the Registrar in the Provincial Office of the CCMA

8. Form of Certificates or Particulars

- (1) A certificate issued in terms of sections 64(1)(a)(i), 135(5)(a) or 136(1)(a) of the Act must be in the form of annexure LRA 7.12.
- (2) Whenever a certificate or statement of particulars is contemplated in terms of a section of the Act shown in column 1 of Table LRA 3 for a purpose listed in column 2 of that Table, the document must be in the form of the annexure listed opposite that section number in column 3 of that Table, and must be produced subject to any conditions listed opposite that section number in column 4 of that Table.

Table LRA 3 - Table of Certificates and Particulars

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
29(15)(a)	Certificate of registration of a bargaining council	LRA 3.4	Must bear the official stamp of the Registrar of Labour Relations
33(2)	Certificate of appointment as a designated agent of a council	LRA 3.9	Must bear the official stamp of the Secretary of the Council
42(a)	Certificate of registration of a statutory council	LRA 3.16	Must bear the official stamp of the Registrar of Labour

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			Relations
49(3)	Council submits particulars of representativeness of Council's registered scope	LRA 3.20	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
49(2)	Council submits particulars of representativeness of parties to a collective agreement	LRA 3.20A	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
49(4)	Certificate of representativeness of a council	LRA 3.21	Must bear the official stamp of the Registrar of Labour Relations
49(2)	Certificate of representativeness of parties to a collective agreement	LRA 3.21A	Must bear the official stamp of the Registrar of Labour Relations
54(2)(f)	Council submits particulars of small enterprises	LRA 3.20B	Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001 annually by end January covering previous calendar year ending 31

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			December
135(5)(a) 64(1)(a)(i) 136(1)(a)	Certificate of outcome of dispute referred to conciliation	LRA 7.12	Must bear official stamp of the CCMA, council or agency.
96(7)(a)	Certificate of registration of a trade union	LRA 6.3	Must bear the official stamp of the Registrar of Labour Relations
96(7)(a)	Certificate of registration of an employers' organisation	LRA 6.4	Must bear the official stamp of the Registrar of Labour Relations
127(5)(a)(i)	Certificate of accreditation of council	LRA 7.3	1. Must include terms of accreditation 2. Must bear official stamp of the CCMA
127(5)(a)(i)	Certificate of accreditation of private agency	LRA 7.4	1. Must include terms of accreditation 2. Must bear official stamp of the CCMA

9. Form of Notices, Demands and Appeals

Whenever a Notice, Demand or Appeal is contemplated in terms of a section of the Act shown in column 1 of Table LRA 4 for a purpose listed in column 2 of that Table, the document must be in the form of the annexure listed opposite that section number in column 3 of that Table, and must be produced subject to any conditions listed opposite that section number in column 4 of that Table.

Table LRA 4 - Table of Notices, Demands and Appeals

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
77(1)(b)	Notice to NEDLAC about possible protest action	LRA 4.4	Submit to the Executive Director of NEDLAC
77(1)(d)	Notice to NEDLAC of intention to proceed with protest action	LRA 4.5	1. Submit to the Executive Director of NEDLAC 2. Must be received at least 14 days before the start of the protest action
136(3)	Notice of objection to arbitration by same commissioner	LRA 7.14	1. Proof of service on other party is required 2. Submit to Registrar in the Provincial Office of the CCMA
33(3) read with item 5 of Schedule 10	Subpoena by designated agent	LRA 3.10	Signed by Secretary / Regional Secretary of Council
33A(5)/127(6) read with 142	Subpoena by Council arbitrator	LRA 3.10A	Signed by Secretary / Regional Secretary of Council
70 and 71	Subpoena by Essential Services Committee	LRA 4.6	Signed by the Director of the CCMA
142(1)(a), (b) and (c)	Subpoena by Commissioner	LRA 7.16	Signed by Director, CCMA

10. Forms of Records, Reports, Statements, Lists and Registers

Whenever a Record, Report, Statement, List or Register is contemplated in terms of a section of the Act shown in column 1 of Table LRA 5 for a purpose listed in column 2 of that Table, the document must be in the form of the annexure listed opposite that section number in column 3 of that Table, and must be produced subject to any conditions listed opposite that section number in column 4 of that Table.

Table LRA 5 - Table of Records, Reports, Statements, Lists and Registers

1 – Section	2 - Purpose	3 – Annexure	4 – Conditions
25(4)(b) and 26(8)	Conscientious objector request agency fee to be paid to Department	LRA 3.1	<ol style="list-style-type: none"> 1. Agency fee deducted must be remitted with this form 2. Submit two copies 3. Submit to the Provincial Executive Manager of the Department of Labour
25(4)(b) as applied by section 26(8)	List of deductions from conscientious objectors' wages	LRA 3.2	<ol style="list-style-type: none"> 1. Agency fee deducted must be remitted with this form 2. Submit two copies 3. Submit to the Provincial Executive Manager of the Department of Labour
44(1) and 44(2)	Submission of collective agreement of statutory council to Minister for promulgation as a determination	LRA 3.17	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Minister of Labour, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001
100(a)	Number of trade union members	LRA 6.7	<ol style="list-style-type: none"> 1. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001 2. Must reach Registrar of Labour Relations by 31

1 – Section	2 - Purpose	3 – Annexure	4 – Conditions
			March of each year
100(a)	Number of employers' organisation members	LRA 6.8	<ol style="list-style-type: none"> 1. Submit to the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001 2. Must reach Registrar of Labour Relations by 31 March of each year
205(1)	Employers' record of employees' earnings, deductions and time worked	LRA 9.1	To be kept by employer to assist inspectors and designated agents
205(3)(a)	Record of strike, lock-out or protest action	LRA 9.2	<ol style="list-style-type: none"> 1. Submit to Director General, Department Labour, Private Bag X117, Pretoria, 0001 2. Must be submitted within two months of the end of the strike, lock-out or protest action

11. Form of Proposals, Resolutions and Referrals

- (1) A request to the Commission to arbitrate a dispute in terms of sections 16(9), 21(7), 21(11), 22(4), 24(5), 24(6), 45(4), 61(13), 74(4), 86(7) 89(6), 94(4), 133(2)(b), 141(4), 191(5)(a) or 196(9) or item 3(4)(b) of Part B of Schedule 7 to the Act must be made in the form of annexure LRA 7.13.

- (2) A referral of a dispute to the Commission for conciliation in terms of sections 9(1), 16(6), 21(4), 21(11), 22(1), 24(2) 24(6), 26(11), 45(1), 61(10), 63(1), 64(1)(a), 64(2), 69(8), 74(1), 86(4)(b), 89(3), 94(1), 134, 191 (1) or 196(6) or item 3(1)(b) of Part B of Schedule 7 to the Act by the Commission, must be made in the form of annexure LRA 7.11.
- (3) Whenever a Proposal, Resolution or Referral is contemplated in terms of a section of the Act shown in column 1 of Table LRA 6, for a purpose listed in column 2 of that Table, the document must be in the form of the annexure listed opposite that section number in column 3 of that Table, and must be produced subject to any conditions listed opposite that section number in column 4 of that Table.

Table LRA 6 - Table of Proposals, Resolutions and Referrals

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
38(3)	Referring a Public Service jurisdictional disputes for conciliation	LRA 3.12	<ol style="list-style-type: none"> 1. Proof of service on other party 2. Submit to the Dispute Resolution Committee, c/o the CCMA
44(5)	Statutory council requests Minister to amend or extend the period of a determination	LRA 3.18	<ol style="list-style-type: none"> 1. Submit two copies 2. Submit to the Minister of Labour, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001
73(1)	Referring disputes for determination as an essential service	LRA 4.2	<ol style="list-style-type: none"> 1. Proof of service on other party 2. Submit to the Essential Services Committee, c/o

1 - Section	2 - Purpose	3 - Annexure	4 - Conditions
			the CCMA
133, 135, 191(1) and 191(5A)	Referring a dispute to the CCMA for conciliation (Including Con Arb)	LRA 7.11	Submit to Provincial Office of the CCMA

12. Labour Court

The oath to be taken or solemn affirmation to be made before the Judge President of the Labour Court in terms of section 154(6) of the Act by a person who has been appointed a judge of the Labour Court and who is not a judge of the Supreme Court, must be in the following form:

"I..... swear/solemnly affirm that, as a Judge of the Labour Court, I will be faithful to the Republic of South Africa, will uphold and protect the Constitution; and will administer justice to all persons alike without fear, favour or prejudice, in accordance with the constitution and the law.'

(In the case of an oath: So help me God.)

13. Provincial Executive Manager, Department of Labour

Whenever the Act or a regulation requires a document to be delivered to the Provincial Executive Manager of the Department of Labour within a particular jurisdiction, any document in respect of a matter within a geographical jurisdiction listed in column 1 of Table LRA 7 must be delivered to the Provincial Executive Manager, Department of Labour at the address shown opposite that jurisdiction in column 2 of that Table.

Table LRA 7 - Table of Provincial Executive Managers

1 – Geographical Jurisdiction	2 - Address
The Province of Eastern Cape	Private Bag X9005, East London 5200 Laboria Building, 3 Hill Street, East London Tel. no. 043-701 3000 Fax no. 043-743 9719
The Province of the Free State	P.O. Box 522, Bloemfontein 9300 43 National House, Maitland Street, Bloemfontein Tel. no. 051-505 6200 Fax no. 051-447 9353
The Province of Gauteng, Gauteng North in the Magisterial Districts of Benoni, Bronkhorstspuit, Cullinan, Krugersdorp, Nigel, Pretoria Randfontein, Soshanguve 1, Soshanguve 2, Springs and Wonderboom	P.O. Box 393, Pretoria 0001 239 Skinner Street, Concillium Building, Pretoria Tel. no. 012-309 5000 Fax no. 012-309 5061
The Province of Gauteng, Gauteng South in the Magisterial Districts of Alberton, Boksburg, Brakpan, Germiston, Heidelberg, Johannesburg, Kempton Park, Oberholzer, Randburg, Roodepoort, Vanderbijlpark, Vereeniging and Westonaria	P.O. Box 4560, Johannesburg 2000 18 Rissik Street, Annuity House, Johannesburg Tel. no. 011-497 3000 Fax no. 011-834 1081
The Province of KwaZulu-Natal	P.O. Box 940, Durban 4000 Masonic Grove, Government Building, Durban Tel. no. 031-336 1500 Fax no. 031-307 6882
The Limpopo Province	Private Bag X9368, Polokwane 0700 42A Schoeman Street, Old Boland Bank, Polokwane Tel. no. 015-290 1744

1 - Geographical Jurisdiction	2 - Address
	Fax no. 015-290 1670
The Province of Mpumalanga	Private Bag X7263, Witbank 1035 Corner Hofmeyer and Beatty Avenue, Witbank Tel. no. 013-655 8700 Fax no. 013-690 2622
The Province of North West	Private Bag X2040, Mmabatho 2735. Provident House, University Drive, Second Floor, SEBO Building, Mmabatho Tel. no. 018-387 8100 Fax no. 018-384 2745
The Province of Northern Cape	Private Bag X5012, Kimberley 8300 No 13 cnr Pniel/Compound Streets, Laboria House, Kimberley Tel. no. 053-838 1500 Fax no. 053-832 4798
The Province of Western Cape	P.O. Box 872, Cape Town 8000 22 Parade Street, Thomas Boydell Building, Cape Town Tel. no. 021-460 5911 Fax no. 021-465 7318

14 Short title and commencement

- (a) These regulations are called the Labour Relations Regulations.
- (b) These regulations come into operation on 1 August 2002.

B. INDEX OF FORMS ANNEXED TO REGULATIONS**1. Organised according to the sequence of the Act**

Chapter 1	Purpose, Application and Interpretation	No forms
Chapter 2	Freedom of Association and General Protections	No forms
Chapter 3	Collective Bargaining	
LRA Form 3.1	Conscientious objector requests agency fee to be paid to Department	Section 25(4)(b)
LRA Form 3.2	List of deductions from conscientious objectors' wages	Section 25(4)(b) as applied by section 26(8)
LRA Form 3.3	Application for registration of a bargaining council	Section 29(1)
LRA Form 3.4	Certificate of registration of bargaining council	Section 29(15)(a)
LRA Form 3.5	Bargaining council requests extension of collective agreement to non-parties	Section 32(1)
LRA Form 3.6	Request to extend period of, or renew, collective agreement extended to non parties	Section 32(6)(a)
LRA Form 3.7	Bargaining council requests cancellation of notice extending collective agreement to non-parties	Section 32(7)
LRA Form 3.8	Council requests appointment of designated agent	Sections 33(1) and 43(3)
LRA Form 3.9	Certificate of appointment as designated agent of Council	Section 33(2)
LRA Form 3.10	Subpoena by designated agent	Section 33(3) read with item 5 of Schedule 10

LRA Form 3.10A	Subpoena by council arbitrator	Section 33A(5) / 127(6) read with section 142
LRA Form 3.11	Amalgamating bargaining council applies for registration	Section 34(2)
LRA Form 3.12	Referring public service jurisdictional disputes for conciliation	Section 38(3)
LRA Form 3.13	Referring public service jurisdictional disputes for arbitration	Section 38(6)
LRA Form 3.14	Trade union applies for establishment of a statutory council	Section 39(2)
LRA Form 3.15	Employers' organisation applies for establishment of statutory council	Section 39(2)
LRA Form 3.16	Certificate of registration of a statutory council	Section 42(a)
LRA Form 3.17	Submission of collective agreement of statutory council to Minister for promulgation as a determination	Sections 44(1) and 44(2)
LRA Form 3.18	Statutory council requests Minister to amend or extend period of determination	Section 44(5)
LRA Form 3.19	Statutory council applies to register as a bargaining council	Section 48(1)
LRA Form 3.20	Council submits particulars of representativeness of its registered scope	Section 49(3)
LRA Form 3.20A	Council submits particulars of representativeness of parties to collective agreement	Section 49(2)

LRA Form 3.20 B	Council submits particulars of small enterprises	Section 54(2)(f)
LRA Form 3.21	Certificate of representativeness of Council	Section 49(4)
LRA Form 3.21A	Certificate of representativeness of parties to a collective agreement	Section 49(2)
LRA Form 3.22	Council applies for variation of scope of registration	Section 58
LRA Form 3.23	Application about demarcation dispute	Section 62(1)

Chapter 4 Strikes and Lock - Outs

LRA Form 4.1	Request to establish picketing rules	Section 69(4)
LRA Form 4.2	Referring disputes for determination as an essential service	Section 73(1)
LRA Form 4.3	Employer applies for maintenance service determination	Section 75(2)
LRA Form 4.4	Notice to NEDLAC about possible protest action	Section 77(1)(b)
LRA Form 4.5	Notice to NEDLAC of intention to proceed with protest action	Section 77(1)(d)
LRA Form 4.6	Subpoena by Essential Services Committee	Section 70 and 71
LRA	Bargaining Council request for essential	Section 70(3)

Form 4.7	service investigation	
LRA Form 4.8	Request for ratification of collective agreement providing for maintenance of minimum services	Section 72
Chapter 5 Workplace Forums		
LRA Form 5.1	Representative trade union applies to establish a workplace forum	Section 80(2)
LRA Form 5.2	Representative trade union applies to establish a trade union-based workplace forum	Section 81(1)
Chapter 6 Trade Unions and Employers' Organisations		
LRA Form 6.1	Registration of a trade union	Section 96(1)
LRA Form 6.2	Registration of an employers' organisation	Section 96(1)
LRA Form 6.3	Certificate of registration of a trade union	Section 96(7)(a)
LRA Form 6.4	Certificate of registration of an employers' organisation	Section 96(7)(a)
LRA Form 6.5	List of members to be kept by a trade union	Section 99(a)
LRA Form 6.6	List of members to be kept by employers' organisation	Section 99(a)
LRA Form 6.7	Number of trade union members	Section 100(a)
LRA Form 6.8	Number of employers' organisation members	Section 100(a)

LRA Form 6.9	Application by amalgamating trade unions for registration	Section 102(2)
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LRA Form 6.10	Application by amalgamating employers' organisations for registration	Section 102(2)
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Chapter 7 Dispute Resolution

LRA Form 7.1	Council applies for accreditation	Section 127(1)
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LRA Form 7.2	Private agency applies for accreditation	Section 127(1)
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LRA Form 7.3	Certificate of accreditation of council	Section 127(5)(a)(ii)
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LRA Form 7.4	Certificate of accreditation of private agency	Section 127(5)(a)(ii)
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LRA Form 7.5	Council or private agency applies to amend accreditation	Section 129(1)
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LRA Form 7.6	Council applies to renew accreditation	Section 131(1)
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LRA Form 7.7	Private agency applies to renew accreditation	Section 131(1)
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LRA Form 7.8	Council applies for subsidy	Section 132(1)
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LRA Form 7.9	Private agency applies for subsidy	Section 132(1)
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LRA Form 7.10	Council or private agency applies for renewal of subsidy	Section 132(8)(a)
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LRA Form 7.11	Referring a dispute to the CCMA for conciliation (including Con Arb)	Section 133, 135, 191
LRA Form 7.12	Certificate of outcome of dispute referred for conciliation	Sections 64(1)(a)(i), 135(5)(a), 136(1)(a)
LRA Form 7.13	Request for arbitration	Section 136
LRA Form 7.14	Notice of objection to arbitration by same Commissioner	Section 136(3)
LRA Form 7.15	Application to appoint Senior Commissioner to arbitrate	Section 137(1)
LRA Form 7.16	Subpoena by Commissioner	Section 142(1)(a), (b) and(c)
LRA Form 7.17	Request for Taxation	Sections 115 and 138(10)
LRA Form 7.18	Application to certify CCMA Award and Writ of Execution	Section 143
LRA Form 7.18A	Application to certify Bargaining Council Award and Writ of Execution	Sections 143(1) and 51(8)
Chapter 8 Unfair Dismissal		
LRA Form 7.19	Request for pre-dismissal arbitration	Section 188A
LRA Form 7.20	Request for section 189A operational requirements facilitation	Section 189A
LRA Form 7.21	Request for advisory award on whether a person is an employee	Section 200A3

Chapter 9 General Provisions

LRA Form 9.1	Employer's record of employee's earnings, deductions and time worked	Section 205(1)
LRA Form 9.2	Record of strike, lock-out or protest action	Section 205(3)(a)

3. Organised according to activities and Organisations**Arbitration**

Referring public service jurisdictional disputes for arbitration	Section 38(6)	LRA Form 3.13
Request for arbitration	Section 136	LRA Form 7.13
Notice of objection to arbitration by same Commissioner	Section 136(3)	LRA Form 7.14
Application to appoint Senior Commissioner to arbitrate	Section 137(1)	LRA Form 7.15
Request for Taxation	Sections 115 and 138(10)	LRA Form 7.17
Application to certify CCMA Award and Writ of Execution	Section 143	LRA Form 7.18
Application to certify Bargaining Council Award and Writ of Execution	Section 143(1) and 51(8)	LRA Form 7.18A

Bargaining Council

Application for registration of a bargaining council	Section 29(1)	LRA Form 3.3
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Certificate of registration of bargaining council	Section 29(15)(a)	LRA Form 3.4
Bargaining council requests extension of collective agreement to non-parties	Section 32(1)	LRA Form 3.5
Request to extend period of, or renew, collective agreement extended to non-parties	Section 32(6)(a)	LRA Form 3.6
Bargaining council requests cancellation of notice extending collective agreement to non-parties	Section 32(7)	LRA Form 3.7
Council requests appointment of designated agent	Sections 33(1) and 43(3)	LRA Form 3.8
Certificate of appointment as designated agent of Council	Section 33(2)	LRA Form 3.9
Subpoena by designated agent	Section 33(3) read with item 5 of Schedule 10	LRA Form 3.10
Subpoena by council arbitrator	Section 33A(5)/127(6) read with section 142	LRA Form 3.10A
Amalgamating bargaining council applies for registration	Section 34(2)	LRA Form 3.11
Statutory council applies to register as a bargaining council	Section 48(1)	LRA Form 3.19
Council submits particulars of representativeness of its registered scope	Section 49(3)	LRA Form 3.20
Council submits particulars of representativeness of parties to collective agreement	Section 49(2)	LRA Form 3.20 A

Council submits particulars of small enterprises	Section 54(2)(f)	LRA Form 3.20 B
Certificate of representativeness of council	Section 49(4)	LRA Form 3.21
Certificate of representativeness of parties to a Collective agreement	Section 49(2)	LRA Form 3.21A
Council applies for variation of scope of registration	Section 58	LRA Form 3.22
Bargaining Council request for essential service investigation	Section 70(3)	LRA Form 4.7
Request for ratification of collective agreement providing for maintenance of minimum services	Section 72	LRA Form 4.8
Council applies for accreditation	Section 127(1)	LRA Form 7.1
Private agency applies for accreditation	Sections 127(1)	LRA Form 7.2
Certificate of accreditation of Council	Section 127(5)(a)(ii)	LRA Form 7.3
Council or private agency applies to amend accreditation	Section 129(1)	LRA Form 7.5
Council applies to renew accreditation	Section 131(1)	LRA Form 7.6
Council applies for subsidy	Section 132(1)	LRA Form 7.8

Council or private agency applies for renewal of subsidy	Section 132(8)(a)	LRA Form 7.10
CCMA		
Referring public service jurisdictional disputes for conciliation	Section 38(3)	LRA Form 3.12
Referring public service jurisdictional disputes for arbitration	Section 38(6)	LRA Form 3.13
Application about demarcation dispute	Section 62(1)	LRA Form 3.23
Request to establish picketing rules	Section 69(4)	LRA Form 4.1
Referring disputes for determination as an essential service	Section 73(1)	LRA Form 4.2
Employer applies for maintenance service determination	Section 75(2)	LRA Form 4.3
Representative trade union applies to establish a workplace forum	Section 80(2)	LRA Form 5.1
Representative trade union applies to establish a trade union-based workplace forum	Section 81 (1)	LRA Form 5.2
Council applies for accreditation	Section 127(1)	LRA Form 7.1
Private agency applies for accreditation	Section 127(1)	LRA Form 7.2
Certificate of accreditation of Council	Section 127(5)(a)(ii)	LRA Form 7.3
Certificate of accreditation of private agency	Section 127(5)(a)(ii)	LRA Form 7.4

Council or private agency applies to amend accreditation	Section 129(1)	LRA Form 7.5
Council applies to renew accreditation	Section 131 (1)	LRA Form 7.6
Private agency applies to renew accreditation	Section 131 (1)	LRA Form 7.7
Council applies for subsidy	Section 132(1)	LRA Form 7.8
Private agency applies for subsidy	Section 132(1)	LRA Form 7.9
Council or private agency applies for renewal of subsidy	Section 132(8)(a)	LRA Form 7.10
Referring a dispute to the CCMA for conciliation (including Con Arb)	Sections 133, 135 191	LRA Form 7.11
Certificate of outcome of dispute referred for conciliation	Sections 64(1)(a)(i), 135(5)(a), 136(1)(a)	LRA Form 7.12
Request for arbitration	Section 136	LRA Form 7.13
Notice of objection to arbitration by same Commissioner	Section 136(3)	LRA Form 7.14
Application to appoint Senior Commissioner to arbitrate	Section 137(1)	LRA Form 7.15
Subpoena by Commissioner	Section 142(1)(a) (b) and (c)	LRA Form 7.16
Request for pre-dismissal arbitration	Section 188A	LRA Form 7.19

Request for section 189A operational requirements facilitation	Section 189A	LRA Form 7.20
Request for advisory award on whether a person is an employee	Section 200A3	LRA Form 7.21
Collective Agreements		
Bargaining council requests extension of collective agreement to non-parties	Section 32(1)	LRA Form 3.5
Request to extend period of, or renew, collective agreement extended to non-parties	Section 32(6)(a)	LRA Form 3.6
Bargaining council requests cancellation of notice extending collective agreement to non-parties	Section 32(7)	LRA Form 3.7
Request for ratification of collective agreement providing for maintenance of minimum services	Section 72	LRA Form 4.8
Conciliation		
Referring public service jurisdictional disputes for conciliation	Section 38(3)	LRA Form 3.12
Referring a dispute to the CCMA for conciliation (Including Con Arb)	Sections 133, 135, 191	LRA Form 7.11
Certificate of outcome of dispute referred for conciliation	Sections 64(1)(a)(i), 135(5)(a), 136(1)(a)	LRA Form 7.12
Conscientious objectors		
Conscientious objector requests agency fee to be paid to Department	Section 25(4)(b)	LRA Form 3.1
List of deductions from conscientious objectors' wages	Section 25(4)(b) as applied by Section 26(8)	LRA Form 3.2

Employers

Employer's record of employee's earnings, deductions and time worked	Section 205(1)	LRA Form 9.1
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Employers' Organisation

Application for registration of a bargaining council	Section 29(1)	LRA Form 3.3
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Employers' organisation applies for establishment of statutory council	Section 39(2)	LRA Form 3.15
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Registration of an employers' organisation	Section 96(1)	LRA Form 6.2
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Certificate of registration of an employers' organisation	Section 96(7)(a)	LRA Form 6.4
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List of members to be kept by employers' organisation	Section 99(a)	LRA Form 6.6
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Number of employers' organisation members	Section 100(a)	LRA Form 6.8
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Application by amalgamating employers' organisations for registration	Section 102(2)	LRA Form 6.10
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Essential Service

Referring disputes for determination as an essential service	Section 73(1)	LRA Form 4.2
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Subpoena by Essential Services Committee	Sections 70 and 71	LRA Form 4.6
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Bargaining Council request for essential service investigation	Section 70(3)	LRA Form 4.7
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Maintenance Service

Employer applies for maintenance service determination	Section 75(2)	LRA Form 4.3
Request for ratification of collective agreement providing for maintenance of minimum services	Section 72	LRA Form 4.8

NEDLAC

Notice to NEDLAC about possible protest action	Section 77(1)(b)	LRA Form 4.4
Notice to NEDLAC of intention to proceed with protest action	Section 77(1)(d)	LRA Form 4.5

Picketing

Request to establish picketing rules	Section 69(4)	LRA Form 4.1
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Private Agency

Private agency applies for accreditation	Section 127(1)	LRA Form 7.2
Certificate of accreditation of private agency	Section 127(5)(a)(ii)	LRA Form 7.4
Council or private agency applies to amend accreditation	Section 129(1)	LRA Form 7.5
Private agency applies to renew accreditation	Section 131 (1)	LRA Form 7.7
Private agency applies for subsidy	Section 132(1)	LRA Form 7.9
Council or private agency applies for renewal of subsidy	Section 132(8)(a)	LRA Form 7.10

Protest Action

Notice to NEDLAC about possible protest action	Section 77(1)(b)	LRA Form 4.4
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Notice to NEDLAC of intention to proceed with protest action	Section 77(1)(d)	LRA Form 4.5
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Record of strike, lock-out or protest action	Section 205(3)(a)	LRA Form 9.2
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Public Service

Referring public service jurisdictional disputes for conciliation	Section 38(3)	LRA Form 3.12
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Referring public service jurisdictional disputes for arbitration	Section 38(6)	LRA Form 3.13
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Statutory Council

Trade union applies for establishment of a statutory council	Section 39(2)	LRA Form 3.14
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Employers' organisation applies for establishment of statutory council	Section 39(2)	LRA Form 3.15
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Certificate of registration of a statutory council	Section 42(a)	LRA Form 3.16
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Submission of collective agreement of statutory council to Minister for promulgation as a determination	Sections 44(1) and 44(2)	LRA Form 3.17
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Statutory council requests Minister to amend or extend period of determination	Section 44(5)	LRA Form 3.18
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Statutory council applies to register as a bargaining council	Section 48(1)	LRA Form 3.19
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Council submits particulars of representativeness	Section 49(3)	LRA
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of its registered scope		Form 3.20
Certificate of representativeness of council	Section 49(4)	LRA Form 3.21
Council applies for accreditation	Section 127(1)	LRA Form 7.1
Certificate of accreditation of council	Section 127(5)(a)(ii)	LRA Form 7.3
Council or private agency applies to amend accreditation	Section 129(1)	LRA Form 7.5
Council applies to renew accreditation	Section 131(1)	LRA Form 7.6
Council applies for subsidy	Section 132(1)	LRA Form 7.8
Council or private agency applies for renewal of subsidy	Section 132(8)(a)	LRA Form 7.10
Strike		
Record of strike, lock-out or protest action	Section 205(3)(a)	LRA Form 9.2
Subsidy		
Council applies for subsidy	Section 132(1)	LRA Form 7.8
Private agency applies for subsidy	Section 132(1)	LRA Form 7.9
Council or private agency applies for renewal of subsidy	Section 132(8)(a)	LRA Form 7.10

Trade Unions

Trade union applies for establishment of a statutory council	Section 39(2)	LRA Form 3.14
Representative trade union applies to establish a workplace forum	Section 80(2)	LRA Form 5.1
Representative trade union applies to establish a trade union-based workplace forum	Section 81(1)	LRA Form 5.2
Registration of a trade union	Section 96(1)	LRA Form 6.1
Certificate of registration of a trade union	Section 96(7)(a)	LRA Form 6.3
List of members to be kept by a trade union	Section 99(a)	LRA Form 6.5
Number of trade union members	Section 100(a)	LRA Form 6.7
Application by amalgamating trade unions for registration	Section 102(2)	LRA Form 6.9

Workplace Forum

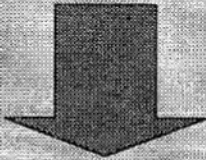
Representative trade union applies to establish a workplace forum	Section 80(2)	LRA Form 5.1
Representative trade union applies for establishment of a Trade union-based workplace forum	Section 81(1)	LRA Form 5.2

LRA Form 3.1
Sections 25(4)(b)
and 26(8)
Labour Relations Act,
1995

CONSCIENTIOUS OBJECTOR REQUESTS AGENCY FEE TO BE PAID TO DEPARTMENT



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form requests an employer to pay an amount deducted from a conscientious objector's wage into a fund administered by the Department of Labour.

WHO FILLS IN THIS FORM?

The employee who is a conscientious objector.

WHERE DOES THIS FORM GO?

To the employer.

OTHER INSTRUCTIONS

The amount deducted must be sent with LRA Form 3.2 by the employer to the Provincial Executive Manager in the Department of Labour.

Refer to Table LRA 7 in the Regulations for the applicable address.

1) EMPLOYEE DETAILS

I, object on
(name of conscientious objector)

grounds of conscience to belonging to or contributing money to a trade union. My grounds of conscience are:

.....
.....
.....
.....
(reasons)

I request my employer to remit the amount deducted as an agency fee to the Department of Labour for payment into a fund administered by the Department.

Signature:

Date:

2) EMPLOYER DETAILS

Name:
.....

Postal address:
.....
.....
.....



LRA Form 3.2
Section 25(4)(b)
Labour Relations Act,
1995

LIST OF DEDUCTIONS FROM
CONSCIENTIOUS OBJECTORS'
WAGES

READ THIS FIRST



WHAT IS THE PURPOSE
OF THIS FORM?

This form lists the names of conscientious objectors and the amounts deducted by the employer for the Department of Labour.

WHO FILLS IN THIS
FORM?

The employer.

WHERE DOES THIS
FORM GO?

To the Provincial Executive Manager, Department of Labour.

OTHER INSTRUCTIONS

The employer must send two completed copies of this form with the agency fee deducted, to the Provincial Executive Manager, Department of Labour.

Refer to Table LRA 7 in the Regulations for the applicable address.

If you need more space to write the information, use an extra piece of paper and attach it to this form.

1) CONSCIENTIOUS OBJECTORS' DETAILS

Names of employees	Amount
1.
2.
3.
4.
5.
6.
7.
TOTAL	

2) EMPLOYER DETAILS

Name:

Postal address:

.....

.....

.....



LRA Form 3.3
Section 29(1)
Labour Relations Act, 1995

**APPLICATION FOR
 REGISTRATION OF A
 BARGAINING COUNCIL**

READ THIS FIRST



**WHAT IS THE PURPOSE OF
 THIS FORM?**

This form is an application for registration of a Bargaining Council.

WHO FILLS IN THIS FORM?

The trade unions and employers' organisations who have jointly agreed to form a Council.

**WHERE DOES THIS
 FORM GO?**

The Registrar of Labour Relations c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001. Fax 012-309 4156

OTHER INSTRUCTIONS

- Two completed copies of this form must be sent to the Registrar of Labour Relations.
- Each employers' organisation which is a party to the Bargaining Council must fill in page 2 of 5.
- Each trade union which is a party to the Bargaining Council must fill in page 2.
- Three copies of the constitution of the Bargaining Council must be attached to this form.
- An authorised representative of each party must sign this form.
- If there is insufficient space on the form use a separate piece of paper.

1) NAME OF BARGAINING COUNCIL

.....

2) ADDRESS

.....

3) PARTIES

Employers' organisations

.....

Trade unions

.....

4) PROPOSED SCOPE

Describe the character of the sector

.....

Area

.....

REPRESENTATIVENESS OF EMPLOYERS' ORGANISATION

Name of Employers' Organisation

Area (state each area separately, indicating whether magisterial district, province or other)	Number of employers in the sector who are members of the employers' organisation	Number of their employees employed in the sector

... please turn over →

LRA Form 3.3
Application for registration of a Bargaining Council
Page 2 of 5

REPRESENTATIVENESS OF TRADE UNION

Name of Trade Union

Area (state each area separately, indicating whether magisterial district, province or other)	Number of union members employed in the sector

... please turn over →

LRA Form 3.3
Application for registration of a Bargaining Council
Page 3 of 5

5) REPRESENTATIVENESS OF THE BARGAINING COUNCIL

_____ Total number of employees falling within the proposed scope of the Bargaining Council and who belong to the trade unions which are party to the Council

_____ Total number of employers falling within the proposed scope of the Bargaining Council and who belong to the employers' organisations which are party to the Council

_____ Total number of employees employed within the proposed scope of the Bargaining Council by the employers that belong to the employers' organisations which are party to the Council

_____ Total number of employers within the proposed scope of the Council

_____ Total number of employees employed within the proposed scope of the Council

6) SIGNATORIES

Employers' organisation

Trade union

Name

Position

Signature

Date

Tel.

Fax

CHECK!

- Have you attached a copy of the constitution of the Bargaining Council?
- Have all the employers' organisations filled in page 2 of 5?
- Have all the trade unions filled in page 3 of 5?

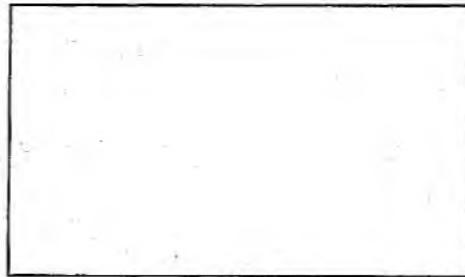
DEPARTMENT OF LABOUR DETAILS

I, , *duly authorised thereto in terms of Regulation 7(2), have*
(name of official)
checked the information and certify that it is substantially correct.

Signature:

Date:

Place:



(Official stamp)

**LRA Form 3.4
Section 29(15)(a)
Labour Relations Act, 1995**



**CERTIFICATE OF REGISTRATION
OF BARGAINING COUNCIL**

This is to certify that the

.....

(Name of Bargaining Council)

has in terms of section 29(15)(a) of the Labour Relations Act, 1995, been registered as a Bargaining Council with effect from

(date)

The registered scope of the Bargaining Council is

.....
.....
.....

(Sector)

in

.....

(Area)



(Official stamp of Registrar)

Date:

Reference number:

.....
Registrar of Labour Relations

LRA Form 3.5
Section 32(1)
Labour Relations Act,
1995

BARGAINING COUNCIL
REQUESTS EXTENSION OF
COLLECTIVE AGREEMENT TO
NON-PARTIES



READ THIS FIRST



WHAT IS THE PURPOSE
OF THIS FORM?

This form requests the Minister of Labour to extend a collective agreement to non-parties.

WHO FILLS IN
THIS FORM?

The Secretary of the Bargaining Council.

WHERE DOES THIS
FORM GO?

The Minister of Labour, c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001.
 Fax 012-309 4156.

OTHER INSTRUCTIONS

- Two completed copies of this form must be sent to the Minister of Labour.
- Three signed copies of the collective agreement and a copy of the Certificate of Representativeness of parties to the agreement or of the Council, must accompany this form.

... please turn over →

1) BARGAINING COUNCIL DETAILS

Name:

Address:

.....

.....

Tel: Fax:

2) EXTENSION OF COLLECTIVE AGREEMENT TO NON-PARTIES

We enclose three copies of a collective agreement dated

The parties to the collective agreement are:

.....

.....

.....

.....

(names)

The Bargaining Council requests that all the provisions of the collective agreement except clauses

(clause numbers)

become binding on the other employers and employees in the

.....

.....

.....

(sector or sub-sectors)

... please turn over →

LRA Form 3.5
Bargaining Council requests extension of collective agreement to non-parties
Page 2 of 5

▪ If a determination in terms of section 49(2) or (3) has not been done within the last twelve months, or there has been a change of parties in the agreement or Council, each party to the collective agreement must fill in either page 3 or 4 of this form.

▪ Before a collective agreement may be extended, the agreement itself must comply with the provisions of section 32.

CHECK!

Have you prepared/included:

- three copies of the collective agreement?
- a copy of the Certificate of Representativeness or the representativeness tables on pages 3 and 4?

and

.....

.....

.....

.....

.....

(area/s)

The following registered trade unions voted in favour of the extension:

.....

.....

.....

.....

.....

(names of trade unions)

Their members constitute the majority of the members of the trade unions that are party to the Bargaining Council.

The following registered employers' organisations voted in favour of the extension:

.....

.....

.....

.....

.....

.....

(names of employers' organisations)

They employ the majority of the employees employed by the members of their employers' organisations that are party to the Bargaining Council.

REPRESENTATIVENESS OF EMPLOYERS' ORGANISATION PARTY TO THE COLLECTIVE AGREEMENT

Name of Employers' Organisation

Area (state each area separately, indicating whether magisterial district, province or other)	Number of employers in the scope of the collective agreement who are members of the employers' organisation	Number of their employees employed in the scope of the agreement

... please turn over →

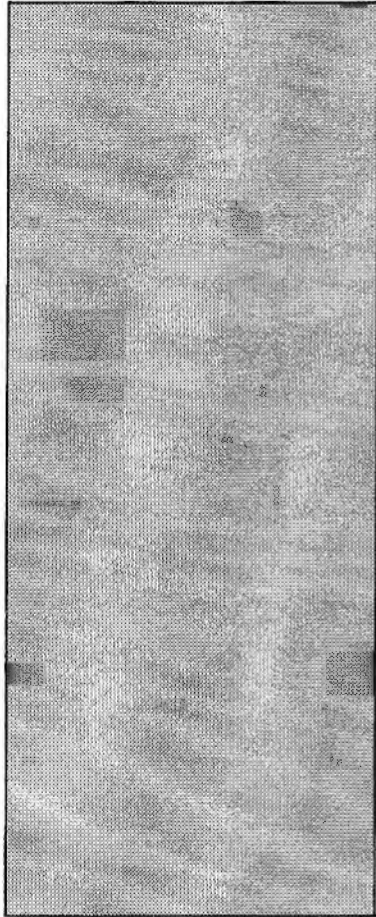
REPRESENTATIVENESS OF TRADE UNION

Name of Trade Union

Area (state each area separately, indicating whether magisterial district, province or other)	Number of union members employed in the sector

... please turn over →

LRA Form 3.5
Page 4 of 5
Bargaining Council requests extension of collective agreement to non-parties



5) REPRESENTATIVENESS OF THE BARGAINING COUNCIL

_____ Total number of employees falling within the scope of the collective agreement and who belong to the trade unions that are party to the collective agreement.

_____ Total number of employers falling within the scope of the collective agreement and who belong to the employers' organisations that are party to the collective agreement.

_____ Total number of employees employed within the scope of the collective agreement by the employers who belong to the employers' organisations that are party to the collective agreement.

_____ Total number of employers within the scope of the collective agreement.

_____ Total number of employees employed within the scope of the collective agreement.

Signature of Secretary of Council

Name

Date

DEPARTMENT OF LABOUR DETAILS

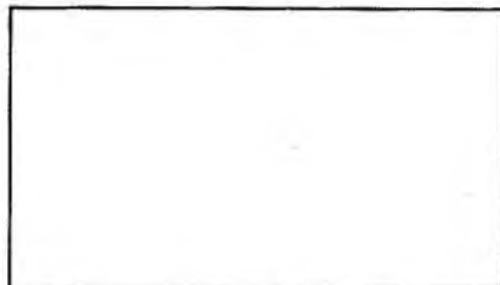
I,, duly authorised thereto in terms of Regulation 7(2), have
(name of official)

checked the information and certify that it is substantially correct.

Signature:

Date:

Place:



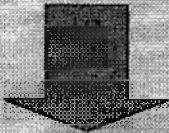
(Official stamp)



LRA Form 3.6
Section 32(6)(a)
Labour Relations Act,
1995

**REQUEST TO EXTEND PERIOD
 OF, OR RENEW, COLLECTIVE
 AGREEMENT EXTENDED TO
 NON-PARTIES**

READ THIS FIRST



**WHAT IS THE PURPOSE
 OF THIS FORM?**

This form requests the Minister of Labour to extend the period of, or renew, a collective agreement that has been extended to non-parties.

**WHO FILLS IN
 THIS FORM?**

The Secretary of the Bargaining Council.

**WHERE DOES THIS
 FORM GO?**

The Minister of Labour, c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001
 Fax 012-309 4156.

OTHER INSTRUCTIONS

- Two completed copies of this form must be sent to the Department of Labour.
- Three signed copies of the Certificate of Representativeness of parties to the agreement or of the Council, must accompany this form.

... please turn over →

1) BARGAINING COUNCIL DETAILS

Name:

Address:

.....

.....

Tel: Fax:

2) EXTENSION OF PERIOD, OR RENEWAL, OF COLLECTIVE AGREEMENT EXTENDED TO NON-PARTIES

On a collective agreement was extended in terms
 (date)
 of section 32 to non-parties in the Government Gazette on
 (number)
 That agreement expires/lapsed on
 (date) (date)

The Bargaining Council requests the Minister to the
 (extend or renew)
 collective agreement for the period to
 (date) (date)

The following registered trade unions voted in favour of the extension of the period or the renewal:

.....

.....

.....

.....

(names of trade unions)

Their members constitute the majority of the members of the trade unions that are party to the collective agreement.

... please turn over →

- If a determination in terms of section 49(2) or (3) has not been done within the last twelve months, or there has been a change of parties to the agreement or Council, each party to the collective agreement must fill in either page 3 or 4 of this form.
- Before a collective agreement may be extended, the agreement itself must comply with the provisions of section 32.

The following registered employers' organisations voted in favour of the extension:

.....

.....

.....

.....

.....

.....

.....

(names of employers' organisations)

They employ the majority of the employees employed by the members of their employers' organisations that are party to the Bargaining Council.

CHECK!

Have you prepared/included:

- three copies of the collective agreement?
- a copy of the Certificate of Representativeness or the representativeness tables on pages 3 and 4?

REPRESENTATIVENESS OF EMPLOYERS' ORGANISATION PARTY TO THE COLLECTIVE AGREEMENT

Name of Employers' Organisation

Area (state each area separately, indicating whether magisterial district, province or other)	Number of employers in the scope of the collective agreement who are members of the employers' organisation	Number of their employees employed in the scope of the agreement

... please turn over →

Request to extend period of, or renew, a collective agreement extended to non-parties
Page 3 of 5

LRA Form 3.6

REPRESENTATIVENESS OF TRADE UNION

Name of Trade Union

Area (state each area separately, indicating whether magisterial district, province or other)	Number of union members employed in the sector

... please turn over →

3) REPRESENTATIVENESS

_____ Total number of employees falling within the scope of the collective agreement and who belong to the trade unions that are party to the collective agreement.

_____ Total number of employers falling within the scope of the collective agreement and who belong to the employers' organisations that are party to the collective agreement.

_____ Total number of employees employed within the scope of the collective agreement by the employers who belong to the employers' organisations that are party to the collective agreement.

_____ Total number of employers within the scope of the collective agreement.

_____ Total number of employees employed within the scope of the collective agreement.

Signature of Secretary of Council

Name

Date

DEPARTMENT OF LABOUR DETAILS

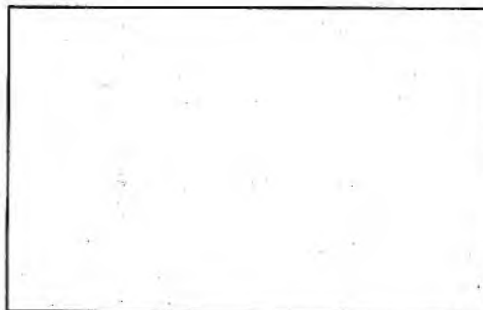
I,
(name of official), duly authorised thereto in terms of Regulation 7(2), have

checked the information and certify that it is substantially correct.

Signature:

Date:

Place:



(Official stamp)

LRA Form 3.7
Section 32(7)
Labour Relations Act,
1995

BARGAINING COUNCIL REQUESTS CANCELLATION OF NOTICE EXTENDING COLLECTIVE AGREEMENT TO NON-PARTIES



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form requests the Minister to cancel parts of, or the whole of, a collective agreement extended to non-parties.

WHO FILLS IN THIS FORM?

The Secretary of the Bargaining Council.

WHERE DOES THIS FORM GO?

The Minister of Labour, c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001.
Fax 012 309 4156

NOTES

A copy of the resolution must be attached to this form.

In terms of section 32(10) a bargaining council that terminates an extended agreement must notify the Minister.

1) BARGAINING COUNCIL DETAILS

Name:

Address:

.....

.....

Tel: Fax:

2) CANCELLATION OF NOTICE EXTENDING COLLECTIVE AGREEMENT TO NON-PARTIES

The Bargaining Council resolved onto request the Minister to publish a notice in the Government Gazette cancelling:

clause/s
(clause number/s)

of the notice published in Government Gazette
..... from
(reference number and date of publication) (date of proposed cancellation)

or

the notice published in Government
Gazette from
(reference number and date of publication) (date of proposed cancellation)

Signature of Secretary of Council

Name

Date

LRA Form 3.8
Section 33(1) and 43(3)
Labour Relations Act,
1995

COUNCIL REQUESTS
APPOINTMENT OF DESIGNATED
AGENT



READ THIS FIRST



WHAT IS THE PURPOSE
OF THIS FORM?

This form requests the Minister to appoint an agent to help the Council enforce its collective agreements.

WHO FILLS IN
THIS FORM?

The Secretary of the Bargaining Council.

WHERE DOES THIS
FORM GO?

The Minister, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
 Fax No. 012-309 4156

OTHER INSTRUCTIONS

Two completed copies of this form must be sent to the Director General, Department of Labour.

1) COUNCIL DETAILS

Name:

Address:

.....

.....

Tel: Fax:

2) DESIGNATED AGENT DETAILS

The Minister is requested to appoint the person, whose details follow, as a designated agent of the Council:

Name:

ID:

Address:

.....

Experience and qualifications:

.....

.....

Period of service with Council:

.....

Signature of Secretary of Council:

Name:

Date:

LRA Form 3.9
Section 33(2)
Labour Relations Act, 1995

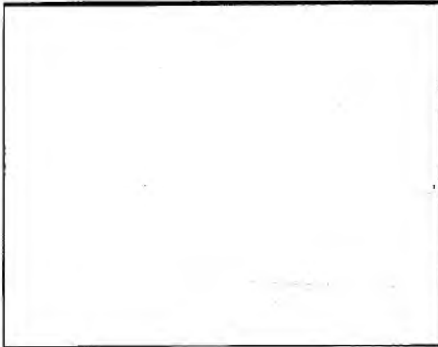
**CERTIFICATE OF
APPOINTMENT AS DESIGNATED AGENT
OF A COUNCIL**

This is to certify that
(Name of designated agent)

with identity number, has in terms of section 33(2)
of the Labour Relations Act, 1995, been appointed as a designated agent of the

.....
(Name of Bargaining Council)

with effect from
(date)



(Official stamp of Council)

.....
Signature: Secretary of Council

.....
Name

Date:

Department of Labour reference number:

<p>LRA Form 3.10 Section 33(3) read with item 5 of Schedule 10 Labour Relations Act, 1995</p>	<p>SUBPOENA BY DESIGNATED AGENT</p>
--	--

To: _____
(name of subpoenaed person)

_____ (address of subpoenaed person)

You are required to appear in person before _____
(name of designated agent)

at _____
(address)

on _____ at _____ and any subsequent day(s) to which the
(date) (time)

investigation may be postponed.

You are required to appear in person to:
(highlight/mark appropriate block and complete)

disclose information concerning _____

bring with you and produce the records or documents listed below: _____

_____ (list record or documents)

Signature of Secretary /Regional Secretary of Council: _____

Name: _____

Date: _____

Place: _____

LRA Form 3.10A
Section 33A(5) /127(6) read with
Section 142
Labour Relations Act, 1995

SUBPOENA BY
COUNCIL ARBITRATOR

To: _____
 (Name of subpoenaed person)

_____ (Organisation of subpoenaed person)

_____ (Address of subpoenaed person)

The _____ Council has appointed an Arbitrator to attempt to resolve a dispute in terms of the Labour Relations Act, 1995 (No. 66 of 1995)

Arbitrator _____ has been appointed.
 (Name of Arbitrator)

The dispute is between _____
 and _____
 (Names of parties)

Issue of Dispute: _____

You are required in terms of Section 142 of the Labour Relations Act 1995 to appear before the Arbitrator at _____

 (Address where hearing is being held)

on _____ at _____ and any subsequent day(s) to which the
 (Date of hearing) (Time of hearing)
 proceedings may be postponed.

You are subpoenaed: for questioning in terms of Section 142(1)(a)
 to produce any book, document or object in terms of Section 142(1)(b)
 to give expert evidence in terms of Section 142(1)(c)

(Highlight/mark appropriate block)

You must bring and produce the books, documents 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 travel expenses to attend the hearing.

Signature of Secretary/Regional Secretary of Council: _____ Date: _____

Name _____

Place: _____

LRA Form 3.11
Section 34(2)
Labour Relations Act,
1995

AMALGAMATING BARGAINING COUNCIL APPLIES FOR REGISTRATION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by Bargaining Councils who wish to amalgamate (to join together) to apply for registration. After registration of the new Council the Registrar cancels each of the separate Bargaining Council's registration.

WHO FILLS IN THIS FORM?

The Secretary of the amalgamating Bargaining Councils.

WHERE DOES THIS FORM GO?

To the Registrar of Labour Relations, c/o the Director General Department of Labour, Private Bag X117, Pretoria 0001. Fax 012-309 4156.

... please turn over →

1) AMALGAMATING BARGAINING COUNCIL DETAILS

Names and addresses of Bargaining Councils:

.....
.....
.....
.....
.....
.....

2) APPLICATION

We apply for the registration of an amalgamated Bargaining Council for the proposed scope:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

(sector)

... please turn over →

OTHER INSTRUCTIONS

• Two completed copies of this form must be sent to the Registrar of Labour Relations

• The Secretary of each Bargaining Council that is amalgamating must either attach its Certificate of Representativeness (issued to the council within the 12 months prior to the date of application) or fill in the table on page 3.

• If you need more space to write the information, use an extra piece of paper and attach it to this form.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

(Area)

3) NAME AND ADDRESS

The name of the Council will be:

.....
.....

The address of the Council will be:

.....
.....
.....
.....

Tel. Fax

Date

... please turn over →

REPRESENTATIVENESS OF EACH BARGAINING COUNCIL

Name

Area (state each area separately, indicating whether magisterial district, province or other)	Number of employers who are members of the employers' organisation party to the Council	Number of their employees employed within the scope of the Council	Number of employees who are members of the trade union party to the Council

LRA Form 3.11
Amalgamating Bargaining Council applies for registration
Page 3 of 5

... please turn over →

4) REPRESENTATIVENESS OF THE BARGAINING COUNCIL

_____ Total number of employees falling within the proposed scope of the Bargaining Council and who belong to the trade unions that are party to the Council.

_____ Total number of employers falling within the proposed scope of the Bargaining Council and who belong to the employers' organisations that are party to the Council.

_____ Total number of employees employed within the proposed scope of the Bargaining Council by the employers who belong to the employers' organisations that are party to the Council.

_____ Total number of employers within the proposed scope of the Bargaining Council.

_____ Total number of employees employed within the proposed scope of the Bargaining Council.

Submit the following documents:

- Copy of the resolution to amalgamate passed by each of the Councils
- A certificate by the Secretary of each Council that the resolution complied with Council's constitution.

5) SIGNATORIES

Name of amalgamating Council	Signature of Secretary
1.....
2.....
3.....
4.....
5.....
6.....
7.....

DATE.....

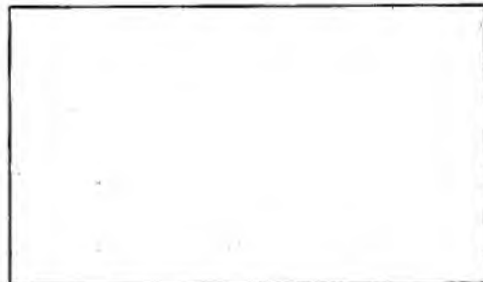
DEPARTMENT OF LABOUR DETAILS

I,
(name of official), *duly authorised thereto in terms of Regulation 7(2), have*

checked the information and certify that it is substantially correct as on the date of application.

Signature:

Date:



Place:

(Official stamp)

LRA Form 3.12
Section 38(3)
Labour Relations Act, 1995

**REFERRING PUBLIC
 SERVICE JURISDICTIONAL
 DISPUTES FOR
 CONCILIATION**



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

If there is a dispute between two or more bargaining councils in the public service, including the PSCBC, the dispute must be referred to the CCMA in terms of Section 38 of the Labour Relations Act 1995.

WHO FILLS IN THIS FORM?

Any party to the dispute.

WHERE DOES THIS FORM GO?

To the CCMA Head Office:
 CCMA House
 20 Anderson Street
 Johannesburg
 Private Bag X94
 Marshalltown 2107

Tel: (011) 377 6650
 Fax: (011) 834 7351
 E-mail: ho@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 piece of paper and attach details to this form.

1. PARTY REFERRING THE DISPUTE

Name :

.....

Postal Address:

.....

.....

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

Cell Number: Email:

Contact Person:

Reference Number:

2. DETAILS OF OTHER PARTY

Name :

.....

Postal Address:

.....

.....

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

Contact Person:

Cell Number: Email:

Reference Number:

CCMA Ref. Number.....

Please turn over



**LRA Form 3.13
Section 38(4)
Labour Relations Act, 1995**

**REFERRING PUBLIC
SERVICE JURISDICTIONAL
DISPUTES FOR
ARBITRATION**



Read This First



WHAT IS THE PURPOSE OF THIS FORM?

If there is a dispute between two or more bargaining councils in the public service, including the PSCBC and the dispute has been referred for conciliation and is unresolved, any party may request the CCMA to arbitrate the dispute in terms of section 38(4) of the Labour Relations Act, 1995.

WHO FILLS IN THIS FORM?

Any party to the dispute

WHERE DOES THIS FORM GO?

To the CCMA Head Office:
CCMA House
20 Anderson Street
Johannesburg
Private Bag X94
Marshalltown 2107

Tel: (011) 377 6650
Fax: (011) 834 7351
E-mail: ho@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 piece of paper and attach details to this form.

1. PARTY REFERRING THE DISPUTE

Name :

.....

Postal Address:

.....

.....

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

Cell:.....Email:.....

Contact Person:

Reference Number:

2. DETAILS OF THE OTHER PARTY

Name :

.....

Postal Address:

.....

.....

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

Cell:.....Email:.....

Contact Person:

Reference Number:

CCMA Ref. 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:

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

A copy of the certificate of outcome of the conciliation must be attached.

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 any documentation or additional information?

Have you attached the certificate confirming that the dispute was unresolved through conciliation?

3. NATURE OF THE DISPUTE

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(Describe the issues involved)
(Use additional paper if necessary)

4. OUTCOME DESIRED

.....

.....

.....

.....

.....

.....

.....

.....

.....

(Set out the terms of the award you would like made)
(Use additional paper if necessary)

5. CONFIRMATION OF ABOVE DETAILS

Form submitted by (name):

Signature:

Position:

Date:.....

Place:.....

LRA Form 3.14
Section 39(2)
Labour Relations Act,
1995

TRADE UNION APPLIES FOR ESTABLISHMENT OF A STATUTORY COUNCIL



READ THIS FIRST



**WHAT IS THE PURPOSE
OF THIS FORM?**

This form is an application by a representative trade union which wants to establish a statutory council. A representative trade union means a registered trade union, or two or more registered trade unions acting jointly whose members constitute at least 30% of the employees in a sector and area. There can be no other council registered for that sector or area.

**WHO FILLS IN
THIS FORM?**

The Secretary of the trade union.

**WHERE DOES THIS
FORM GO?**

The Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001.
Fax 012-3094156.

OTHER INSTRUCTIONS

Two completed copies of this form must be sent to the Registrar of Labour Relations.

1) TRADE UNION DETAILS

Name:

Address:

.....

.....

.....

Tel: Fax:

2) PROPOSED SCOPE

Describe the character of the sector:

.....

.....

.....

.....

Area:

.....

.....

.....

.....

.....

.....

... please turn over →

REPRESENTATIVENESS OF THE TRADE UNION

Name of Trade Union

Areas (state each area separately, indicating whether magisterial district, province or other)	Number of employees employed within the proposed scope of the statutory council and who are members of the trade union	Number of employees employed within the proposed scope of the statutory council

... please turn over →

LRA Form 3.14
Trade union applies for establishment of a statutory council
Page 2 of 3

Signature of Secretary of trade union

Name

Date

DEPARTMENT OF LABOUR DETAILS

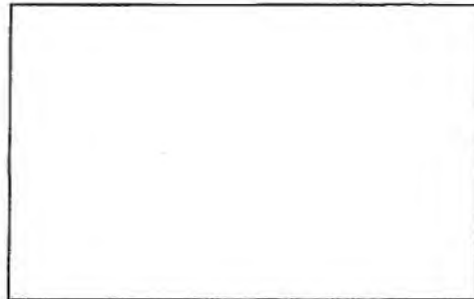
I,
(name of official), duly authorised thereto in terms of Regulation 7(2), have

checked the information and certify that it is substantially correct.

Signature:

Date:

Place:



(Official stamp)



EMPLOYERS' ORGANISATION APPLIES FOR ESTABLISHMENT OF A STATUTORY COUNCIL

LRA Form 3.15
Section 39(2)
Labour Relations Act,
1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a representative employers' organisation which wants to establish a statutory council. A representative employers' organisation means a registered employers' organisation, or two or more registered employers' organisations acting jointly, whose combined employees constitute at least 90% of the employees in a sector and area. There can be no other council registered for that sector or area.

WHO FILLS IN THIS FORM?

The Secretary of the employers' organisation.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o the Director General, Department of Labour,
Private Bag X117, Pretoria, 0001.
Fax 012-3094156.

OTHER INSTRUCTIONS

Two completed copies of this form must be sent to the Registrar of Labour Relations.

**APPLICATION BY REPRESENTATIVE EMPLOYERS' ORGANISATION TO REGISTRAR
IN TERMS OF SECTION 39(2) FOR ESTABLISHMENT OF STATUTORY COUNCIL**

1) EMPLOYERS' ORGANISATION DETAILS

Name:

Address:

.....

.....

.....

Tel: Fax:

2) PROPOSED SCOPE

Describe the character of the sector:

.....

.....

.....

.....

Area:

.....

.....

.....

.....

.....

... please turn over ->

REPRESENTATIVENESS OF THE EMPLOYERS' ORGANISATION

Name of Employers' Organisation

Arcas (state each area separately, indicating whether magisterial district, province or other)	Number of employers within the proposed scope of the statutory council and who are members of the employers' organisation	Number of employees employed within the proposed scope of the statutory council	Number of employees employed within the proposed scope of the statutory council

LR4 Form 3.15
Employers' organisation applies for establishment of a statutory council
Page 2 of 3

Signature of Secretary of employers' organisation

Name

Date

DEPARTMENT OF LABOUR DETAILS

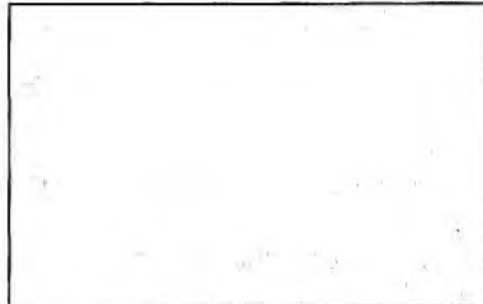
I,
(name of official), *duly authorised thereto in terms of Regulation 7(2), have*

checked the information and certify that it is substantially correct.

Signature:

Date:

Place:



(Official stamp)

**LRA Form 3.16
Section 42(a)
Labour Relations Act, 1995**



CERTIFICATE OF REGISTRATION OF A STATUTORY COUNCIL

This is to certify that the

.....

.....

(Name of statutory council)

has in terms of section 42(a) of the Labour Relations Act 1995, been registered as a
statutory council with effect from
(date)

The scope of the statutory council is

.....

.....

.....

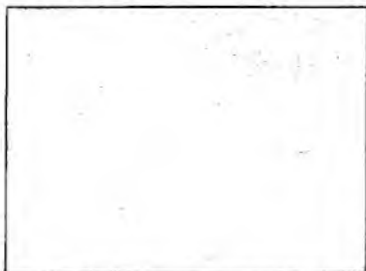
(Sector)

in

.....

.....

(Area)



(Official stamp of Registrar)

Date:

Reference No.

Registrar of Labour Relations

LRA Form 3.18
Section 44(5)
Labour Relations Act, 1995

STATUTORY COUNCIL REQUESTS MINISTER TO AMEND OR EXTEND PERIOD OF DETERMINATION



READ THIS FIRST



**WHAT IS THE PURPOSE OF
THIS FORM?**

A statutory council may submit a proposal to the Minister to amend or extend the period of any determination. Examples of a determination are an educational training scheme, a provident fund or any other collective agreement entered into between the representatives or parties to a statutory council. The Minister may make the amendment by Notice in the Government Gazette.

WHO FILLS IN THIS FORM?

The Secretary of the statutory council.

**WHERE DOES THIS
FORM GO?**

The Minister, c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001. Fax 012-309 4156.

OTHER INSTRUCTIONS

Two completed copies of this form must be sent to the Minister.

1) STATUTORY COUNCIL DETAILS

Name and address

.....
.....

Tel: Fax:

2) SUBMISSION

We,, submit the following proposal to
(name)

the Minister to amend a determination or extend the period of determination.

The Determination was published in Government Gazette
(Ref.)

on
(date)

Details of proposal:
.....
.....

We request that the Minister publish this amendment or extension in the Government Gazette.

Signature of Secretary of Council:

Name:

Date:

- Three signed copies of the proposed constitution of the Bargaining Council must be attached.
- Each employers' organisation which is party to the Bargaining Council must fill in page 2 of 4.
- Each trade union which is party to the Bargaining Council must fill in page 3 of 4.

CHECK!

Have you prepared two copies of this form?

Have you attached three copies of the constitution of the Bargaining Council?

Have you filled in the representativeness tables?

3) REPRESENTATIVENESS

_____ Total number of employees falling within the scope of the council and who belong to the trade unions that are party to the council.

_____ Total number of employers falling within the scope of the council and who belong to the employers' organisations that are party to the council.

_____ Total number of employees employed within the scope of the council by the employers who belong to the employers' organisations that are party to the council.

_____ Total number of employers within the scope of the council.

_____ Total number of employees employed within the scope of the council.

Signature of Secretary of Council

Name

Date

DEPARTMENT OF LABOUR DETAILS

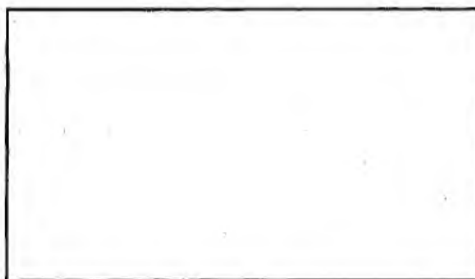
I, _____, duly authorised thereto in terms of Regulation 7(2), have
(name of official)

checked the information and certify that it is substantially correct.

Signature:

Date:

Place:



(Official stamp)

LRA Form 3.20
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form provides the Registrar with information to decide whether or not a Council is representative within its registered scope

WHO FILLS IN THIS FORM?

The Secretary of the Council

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001, Fax: 012-309 4156.

OTHER INSTRUCTIONS

- Two completed copies of this form must be sent to the Registrar.
- Each employers' organisation which is party to the Council must fill in page 2.
- Each trade union which is party to the Council must fill in page 3.

COUNCIL SUBMITS PARTICULARS OF REPRESENTATIVENESS OF ITS REGISTERED SCOPE



PARTICULARS OF REPRESENTATIVENESS OF COUNCIL TO BE SUBMITTED TO REGISTRAR FOR PURPOSE OF CONDUCTING ANNUAL REVIEW OF REPRESENTATIVENESS IN TERMS OF SECTION 49(3)

1) COUNCIL DETAILS

Name and address:

.....
.....
.....
.....

Tel: Fax:

2) REPRESENTATIVENESS

Total number of employees falling within the registered scope of the council and who belong to the trade unions which are parties to that council:

.....

Total number of employers falling within the registered scope of the council and who belong to the employers' organisations which are party to that council:

.....

Total number of employees employed within the registered scope of the council by members of the employers' organisations that are party to that council:

.....

Total number of employees employed within the registered scope of the council:

.....

Total number of employers operating within the registered scope of the council:

.....

please turn over →

REPRESENTATIVENESS OF EMPLOYERS' ORGANISATION

Name of Employers' Organisation

Area (state each area separately, indicating whether magisterial district, province or other)	Number of employers in the sector who are members of the employers' organisation	Number of their employees employed in the sector

... please turn over →

*LRA Form 3.20
 Council submits particulars of representativeness of its registered scope
 Page 2 of 4*

Signature of Secretary:

Name:

Date:

DEPARTMENT OF LABOUR DETAILS

I,, duly authorised thereto in terms of Regulation 7(2), have
(name of official)

checked the information and am satisfied that the information was substantially correct as at

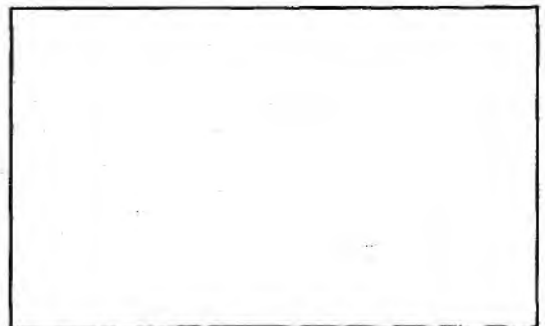
.....

(date of council details)

Signature:

Today's date:

Place:



(Official stamp)



COUNCIL SUBMITS PARTICULARS OF REPRESENTATIVENESS OF PARTIES TO A COLLECTIVE AGREEMENT

PARTICULARS OF REPRESENTATIVENESS OF COUNCIL TO BE SUBMITTED TO REGISTRAR FOR PURPOSE OF DETERMINING THE REPRESENTATIVENESS OF PARTIES TO A COLLECTIVE AGREEMENT IN TERMS OF SECTION 49(2)

LRA Form 3.20 A
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form provides the Registrar with information to determine the representativeness of parties to an agreement that has been extended to non-parties.

WHO FILLS IN THIS FORM?

The Secretary of the Council

WHERE DOES THIS FORM GO?

The Registrar, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
Fax: 012-309 4156.

OTHER INSTRUCTIONS

- Two completed copies of this form must be sent to the Registrar.
- Each employers' organisation which is party to the agreement must fill in page 2.
- Each trade union which is party to the agreement must fill in page 3.

1) COUNCIL DETAILS

Name and address:

.....

.....

.....

.....

Tel: Fax:

2) REPRESENTATIVENESS OF THE PARTIES TO THE COUNCIL'S AGREEMENT AS PUBLISHED IN GOVERNMENT GAZETTE NO.: DATED

Total number of employees falling within the scope of the agreement and who belong to the trade unions which are parties to the agreement:

.....

Total number of employers falling within the scope of the agreement and who belong to the employers' organisations which are party to the agreement:

.....

Total number of employees employed within the scope of the agreement by members of the employers' organisations that are party to the agreement:

.....

Total number of employees employed within the scope of the agreement:

.....

Total number of employers operating within the scope of the agreement:

.....

please turn over →

REPRESENTATIVENESS OF EMPLOYERS' ORGANISATION

Name of Employers' Organisation

Area (state each area separately, indicating whether magisterial district, province or other)	Number of employers in the scope of the agreement who are members of the employers' organisation	Number of their employees employed in the scope of the agreement

... please turn over →

REPRESENTATIVENESS OF TRADE UNION

Name of Trade Union

Area (state each area separately, indicating whether magisterial district, province or other)	Number of union members employed in the scope of the agreement

... please turn over →

Signature of Secretary:

Name:

Date:

DEPARTMENT OF LABOUR DETAILS

I,, duly authorised thereto in terms of Regulation 7(2), have
(name of official)

checked the information and am satisfied that the information was substantially correct as at

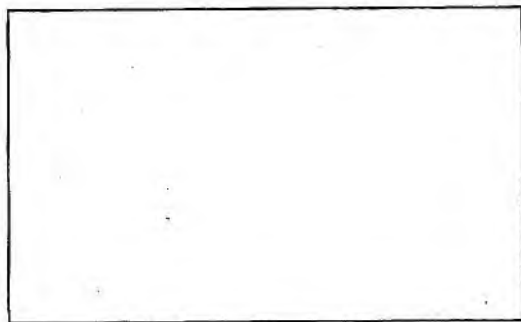
.....

(date of council details)

Signature:

Today's date:

Place:



(Official stamp)

LRA Form 3.20 B
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

Every bargaining council must supply the information required on this form to the Registrar of Labour Relations annually by January covering the previous calendar year ending 31 December

WHO FILES IN THIS FORM?

The Secretary of the Council

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
Fax: 012 - 309 4156.

OTHER INSTRUCTIONS

Two completed copies of this form must be sent to the Registrar

COUNCIL SUBMITS PARTICULARS OF SMALL ENTERPRISES



DUTY TO PROVIDE INFORMATION TO REGISTRAR
[SECTION 54(2)(f)]

1. BARGAINING COUNCIL DETAILS

Name of Council:

Address:
.....
.....
.....

Secretary:

Contact number:

E-mail address:

2. COUNCIL'S DEFINITION OF SMALL ENTERPRISE

.....
.....
.....
.....

3. EMPLOYMENT WITHIN COUNCIL'S JURISDICTION

..... employers employing a total of employees are within the registered scope of the Council.

please turn over →

4. INFORMATION ON SMALL ENTERPRISES FALLING WITHIN REGISTERED SCOPE OF COUNCIL

How many small enterprises –

- are within the Bargaining Council's registered scope?
- are members of the employer parties to the Council?
- are covered by collective agreements extended in terms of section 32?
- How many employees are employed by small enterprises within the Council's registered scope?

Of those employees, how many are –

- employed by members of the employer parties to the Council?
- party trade union members?

5. APPLICATIONS FOR EXEMPTION

Applications by parties to the Council

Size by number of employees	9 or less	10 - 49	50 - 99	100	101 - 500	500 or more
Total applications						
Granted						
Refused						
Under consideration						

Applications by non-parties

Size by number of employees	9 or less	10 - 49	50 - 99	100	101 - 500	500 or more
Total applications						
Granted						
Refused						
Under consideration						

6. REPRESENTATION OF SMALL ENTERPRISES

Do small enterprises have representatives on the Council?

- Number of seats allocated to small enterprises
- Total number of seats in the Council

Do small enterprises have representatives on the Exemption Board?

- Number of seats allocated to small enterprises on the Board
- Total number seats on the Board

*Do small enterprises have representatives on the boards of Council's Funds?

- Number of seats allocated to small enterprises
- Total number of seats on the boards of the Council's Funds

*Note: Submit particulars i.r.o. each fund

.....
Signature of Secretary of Council

Date:

LRA Form 3.21
Labour Relations Act, 1995
Section 49(4)



CERTIFICATE OF REPRESENTATIVENESS OF COUNCIL

The Secretary

Bargaining Council

.....
.....
.....

In terms of section 49(4) I am satisfied that the
(name of council)
..... is a representative Council.

1. On the there were
(date) (number)
employees employed within the registered scope of the Council.

2. On the there were members of
(date) (number)
the trade unions that were party to the Council who were employed within the scope
of the Council.

3. On the there were employees
(date) (number)
employed within the registered scope of the Council by members of the employers'
organisations, party to the Council.



(Official stamp)

Date:.....

Reference number:.....

.....
Registrar of Labour Relations

LRA Form 3.21 A
 Labour Relations Act, 1995
 Section 49(2)



**CERTIFICATE
 OF REPRESENTATIVENESS OF PARTIES TO
 A COLLECTIVE AGREEMENT**

The Secretary

Bargaining Council

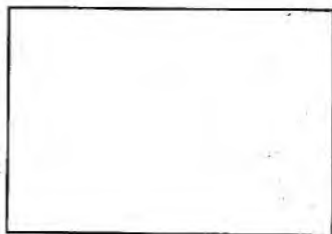
.....

In terms of section 49(2) I am satisfied that the parties to your Council's
 Agreement is representative.

1. On the there were
 (date) (number)
 employees employed within the scope of the Agreement.

2. On the there were members of
 (date) (number)
 the trade unions that were party to the Council who employed within the scope of the Agreement.

3. On the there were employees
 (date) (number)
 employed within the scope of the Agreement by members of the employers' organisations, party to the Agreement.



(Official stamp)

Date:.....

Reference no.:.....

.....
 Registrar of Labour Relations



LRA Form 3.22
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a Council to vary its scope of registration. The Council thinks that its sector and area which made up its previous scope has changed. The scope of registration can be increased or decreased.

WHO FILLS IN THIS FORM?

The Secretary of the Council.

WHERE DOES THIS FORM GO?

To the Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria 0001
Fax No. 012 - 369 4156

OTHER INSTRUCTIONS

Each trade union and each employers' organisation which is party to the Council must fill in their respective representativeness tables. These tables must accompany this form.

Two completed copies of this form must be sent to the Registrar of Labour Relations.

COUNCIL APPLIES FOR VARIATION OF SCOPE OF REGISTRATION

APPLICATION BY COUNCIL FOR VARIATION OF SCOPE OF REGISTRATION BY THE REGISTRAR IN TERMS OF SECTION 58

1) COUNCIL DETAILS

Name and address:

.....

.....

2) PROPOSED VARIATION OF SCOPE

This Council applies for the variation of its registered scope to

.....

.....

.....

.....

.....

(insert character of sector which has been increased or decreased)

within the following area(s)

.....

.....

.....

.....

.....

... please turn over →

5) REPRESENTATIVENESS OF THE COUNCIL

Total number of employees falling within the new scope of the Council and who belong to the trade unions which are party to the Council:

.....

Total number of employers falling within the new scope of the Council and who belong to the employers' organisations which are party to the Council:

.....

Total number of employees employed within the new scope of the Council by the employers that belong to the employers' organisations which are party to the Council:

.....

Total number of employers within the new scope of the Council:

.....

Total number of employees employed within the new scope of the Council:

.....

Signature of Secretary:

Name:

Date:

DEPARTMENT OF LABOUR DETAILS

I,, duly authorised thereto in terms of Regulation
(name of official)
7(2), have checked the information and am satisfied that the information was substantially correct as at

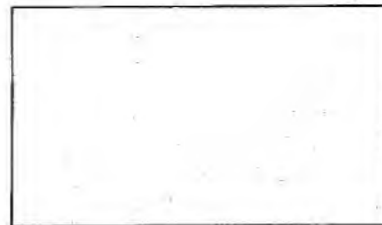
.....

(date of council details)

Signature:

Today's date:

Place:



Official stamp

LRA Form 3.23

Section 62(1)

Labour Relations Act,
1995

APPLICATION ABOUT DEMARCATIION DISPUTE



Read This First



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a party to the CCMA to settle a demarcation dispute.

The demarcation dispute could be:

- a) whether any employees or employers work in a sector or area;
- b) whether any provision in an arbitration award, collective agreement or wage determination is or was binding on any employees or employers.

WHO FILLS IN THIS FORM?

- Any registered trade union,
- Employee,
- Employer,
- Registered employers' organisation, or
- Council.

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 piece of paper and attach details to this form.

1. APPLICANT DETAILS

Name :

Postal Address:

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

Cell:.....Email:.....

Contact Person:

Reference Number:

2. DETAILS OF OTHER PARTIES

Name :

Postal Address:

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

Cell:..... Email:.....

Contact Person:

Reference Number:

Name :

Postal Address:.....

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

Cell:..... Email:.....

Contact Person:

Reference Number:

CCMA Ref. 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:

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

Attach copies of relevant collective agreements.

Attach proof of service that a copy has been served on NEDLAC.

WHERE DOES THIS FORM GO?

- NEDLAC; and
- The Registrar, Provincial Office of the CCMA. Please refer to the last page for details.

3. DETAILS OF SECTOR (S) AND AREA (S) INVOLVED IN THIS DEMARCATION APPLICATION

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

4. DESCRIPTION OF ISSUE (S) IN DISPUTE

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Please turn over →

5. DEMARCATION SOUGHT

.....
.....
.....
.....
.....
.....

6. MOTIVATION FOR DETERMINATION SOUGHT

.....
.....
.....
.....
.....
.....

7. ATTACH COPIES OF RELEVANT COLLECTIVE AGREEMENTS

8. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:.....

Position:

Date:

Place:

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?

Please turn over →

PROVINCIAL OFFICES OF THE CCMA

CCMA EASTERN CAPE

107 Govan Mbeki Street

PORT ELIZABETH

Private Bag X22500, PORT ELIZABETH, 6000

Tel: (041) 505 4300

Fax: (041) 586-4585

Email: PE@ccma.org.za**CCMA FREE STATE**

NBS Building,

Cnr Elizabeth & Westburger Street

BLOEMFONTEIN

Private Bag X20705, BLOEMFONTEIN, 9300

Tel: (051) 505-4400

Fax: (051) 448-4468/9

Email: BLM@ccma.org.za**CCMA MPUMALANGA**

Foschini Centre

Eadie Street

Private Bag X7290, WITBANK, 1035

Tel: (013) 656-2800

Fax: (013) 656-2885/6

Email: WTB@ccma.org.za**CCMA GAUTENG**

CCMA House, 20 Anderson Street,

JOHANNESBURG

Private Bag X94, MARSHALLTOWN, 2107

Tel: (011) 377-6600

Fax: (011) 377-6678/58/80

Email: GAUTENG@ccma.org.za**CCMA NORTH WEST PROVINCE**

CCMA House 47 Siddle Street,

KLERKSDORP

Private Bag X5004, KLERKSDORP, 2571

Tel: (018) 464-0700

Fax: (018) 462-4126

Email: KDR@ccma.org.za**CCMA KWAZULU NATAL**

Garlicks Chambers, 61 Field Street,

DURBAN

Private Bag X54363, DURBAN, 4000

Tel: (031) 362 - 2300

Fax: (031) 306-5402

Email: KZN@ccma.org.za**CCMA NORTHERN CAPE**

CCMA House, 1A Bean Street

KIMBERLEY

Private Bag X6100, KIMBERLEY, 8300

Tel: (053) 831-6780

Fax: (053) 831-5947/8

Email: KMB@ccma.org.za**CCMA LIMPOPO**

CCMA House, 104 Hans van Rensburg Street,

POLOKWANE

Private Bag X9512, POLOKWANE, 0700

Tel: (015) 297-5010

Fax: (015) 297-1649

Email: PTB@ccma.org.za**CCMA WESTERN CAPE**

CCMA House, 78 Darling Street,

CAPE TOWN

Private Bag X9167, CAPE TOWN, 8000

Tel: (021) 469-0111

Fax: (021) 465-7197 or 465-7193

Email: CTN@ccma.org.za

LRA Form 4.1
Section 69(4)
Labour Relations Act,
1995

REQUEST TO
ESTABLISH PICKETING
RULES



Read This First



WHAT IS THE PURPOSE OF THIS FORM?

This form is a request by a party to the CCMA to secure agreement on picketing rules during a strike or lockout.

WHO FILLS IN THIS FORM?

A registered trade union or employer.

WHERE DOES THIS FORM GO?

The Registrar, Provincial Office of the CCMA. Please refer to the last page for details.

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:

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

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 piece of paper and attach details to this form.

1. PARTY MAKING REQUEST

Name :

.....

Postal Address:

.....

.....

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

Contact Person:

Reference Number:

Details of Request

.....

.....

.....

.....

2. OTHER PARTY'S DETAILS

Name :

.....

Postal Address:

.....

.....

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

Contact Person:

Reference Number:

CCMA Ref. Number.....

Please turn over



3. ARE YOU REQUESTING THE CCMA TO DEAL WITH THIS MATTER URGENTLY?

Yes No

If so, provide reasons.

.....
.....
.....
.....
.....

4. PROVIDE DETAILS OF THE DISPUTE OVER PICKETING RULES

.....
.....
.....
.....

5. PROVIDE ANY PROPOSALS FOR SETTLEMENT OF THE DISPUTE

.....
.....
.....
.....

6. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:.....

Position:.....

Date:.....

Place:.....

Please turn over

**PROVINCIAL
OFFICES OF THE CCMA****CCMA EASTERN CAPE**

107 Govan Mbeki Street

PORT ELIZABETH

Private Bag X22500, PORT ELIZABETH, 6000

Tel: (041) 505 4300

Fax: (041) 586-4585

Email: PE@ccma.org.za**CCMA MPUMALANGA**

Foschini Centre

Eadie Street

Private Bag X7290, WITBANK, 1035

Tel: (013) 656-2800

Fax: (013) 656-2885/6

Email: WTB@ccma.org.za**CCMA FREE STATE**

NBS Building,

Cnr Elizabeth & Westburger Street

BLOEMFONTEIN

Private Bag X20705, BLOEMFONTEIN, 9300

Tel: (051) 505-4400

Fax: (051) 448-4468/9

Email: BLM@ccma.org.za**CCMA NORTH WEST PROVINCE**

CCMA House 47 Siddle Street,

KLERKSDORP

Private Bag X5004, KLERKSDORP, 2571

Tel: (018) 464-0700

Fax: (018) 462-4126

Email: KDR@ccma.org.za**CCMA GAUTENG**

CCMA House, 20 Anderson Street,

JOHANNESBURG

Private Bag X94, MARSHALLTOWN, 2107

Tel: (011) 377-6600

Fax: (011) 377-6678/58/80

Email: GAUTENG@ccma.org.za**CCMA NORTHERN CAPE**

CCMA House, 1A Bean Street

KIMBERLEY

Private Bag X6100, KIMBERLEY, 8300

Tel: (053) 831-6780

Fax: (053) 831-5947/8

Email: KMB@ccma.org.za**CCMA KWAZULU NATAL**

Garlicks Chambers, 61 Field Street,

DURBAN

Private Bag X54363, DURBAN, 4000

Tel: (031) 362 - 2300

Fax: (031) 306-5402

Email: KZN@ccma.org.za**CCMA WESTERN CAPE**

CCMA House, 78 Darling Street,

CAPE TOWN

Private Bag X9167, CAPE TOWN, 8000

Tel: (021) 469-0111

Fax: (021) 465-7197 or 465-7193

Email: CTN@ccma.org.za**CCMA LIMPOPO**

CCMA House, 104 Hans van Rensburg Street,

POLOKWANE

Private Bag X9512, POLOKWANE, 0700

Tel: (015) 297-5010

Fax: (015) 297-1649

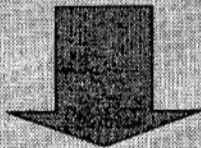
Email: PTB@ccma.org.za

LRA Form 4.2
Section 73(1)
Labour Relations Act,
1995

**REFERRING DISPUTES FOR
 DETERMINATION AS AN
 ESSENTIAL SERVICE**



Read This First



**WHAT IS THE PURPOSE OF
 THIS FORM?**

This form is an application to the CCMA 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. Parliamentary services, the South African Police Service and, as at August 2002, other services identified in GN18043 dated 6.6.97, GN18276 dated 12.4.97 and GN22670 dated 21.9.01 are defined as essential services.

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:

Reference Number:

2. DETAILS OF THE OTHER PARTY

Name:

Postal Address:

Tel: Fax:

Cell: E-Mail:

Contact Person:

Reference Number:

ESC Ref. Number.....

Please turn over →

WHERE DOES THIS FORM GO?

Essential services committee
c/o CCMA House
20 Anderson Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107

Tel: (011) 377-6650
Fax: (011) 834-7386
E-mail: ho@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:

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

3. DESCRIPTION OF ISSUE (S) IN DISPUTE

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4. DETERMINATION SOUGHT

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5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):

Signature:

Position:

Date:

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

**EMPLOYER APPLIES FOR
 MAINTENANCE SERVICE
 DETERMINATION**



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 House
 20 Anderson Street
 Johannesburg, 2001
 Private Bag X94
 Marshalltown, 2107
 Tel: (011) 377-6650
 Fax: (011) 834-7386
 E-mail: ho@CCMA.org.za

1. EMPLOYER DETAILS

Name:

Postal Address:

Tel: Fax:

Cell: E-Mail:

Contact Person:

Reference Number:

2. OTHER PARTY DETAILS

Name:

Postal Address:

Tel: Fax:

Cell: E-Mail:

Contact Person:

Reference Number:

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 piece of paper and attach details to this form.

ESC Ref. 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:

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

3. DESCRIPTION OF MAINTENANCE SERVICES

.....

.....

.....

.....

.....

4. DETERMINATION SOUGHT

.....

.....

.....

.....

.....

5. MOTIVATION FOR DETERMINATION SOUGHT
(Use a separate sheet of paper if necessary)

.....

.....

.....

.....

.....

6. NUMBER OF EMPLOYEES

Number of employees engaged in the maintenance service.....

Number of employees not engaged in the maintenance service.....

7. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:

Position:

Date:



NOTICE TO NEDLAC ABOUT POSSIBLE PROTEST ACTION

LRA Form 4.4
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form notifies NEDLAC that a trade union or a trade union federation is considering protest action.

WHO FILLS IN THIS FORM?

The Secretary of a trade union or trade union federation.

WHERE DOES THIS FORM GO?

Executive Director, NEDLAC,
P.O. Box 443, Auckland Park,
2006.

NOTICE TO NEDLAC IN TERMS OF SECTION 77(1)(b) STATING REASONS FOR AND NATURE OF PROTEST ACTION

1) PROTEST ACTION DETAILS

We,.....

.....
(name of registered trade union or federation of trade union)

intend protesting because

.....
(give reasons)

We will protest by

.....
(describe nature of protest)

The protest is directed at

.....
(name and address of other party)

2) GENERAL

Address of union/federation:

Tel: Fax:

Signature of Secretary:

Name:

Date:



LRA Form 4.5
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form notifies NEDLAC that a trade union or a trade union federation intends proceeding with protest action.

WHO FILLS IN THIS FORM?

The Secretary of the trade union or trade union federation.

WHERE DOES THIS FORM GO?

Executive Director, NEDLAC,
P O Box 443, Auckland Park,
2006.

OTHER INSTRUCTIONS

This form must be received by NEDLAC at least 14 days before the start of the protest action.

NOTICE TO NEDLAC OF INTENTION TO PROCEED WITH PROTEST ACTION

NOTICE TO NEDLAC IN TERMS OF SECTION 77(1)(d) OF INTENTION TO PROCEED WITH PROTEST ACTION

1) PROTEST ACTION DETAILS

We,
.....
(name of trade union or federation of trade unions)

intend to proceed with the protest action of which notice was served on
NEDLAC on
(date)

The protest action will begin at on the
(place) (date)

2) GENERAL

Address of trade union/federation:
.....

Tel: Fax:

Signature of Secretary:

Name:

Date:

LRA Form 4.6
Labour Relations Act, 1995

SUBPOENA BY ESSENTIAL SERVICES COMMITTEE



SUBPOENA IN TERMS OF REGULATION 4(1) OF THE ESSENTIAL SERVICES COMMITTEE REGULATIONS

To:
.....
.....
(name and address of person subpoenaed)

You are required to appear in person before the essential services committee at
.....
.....
(address)

on (date)..... at (time) and on any subsequent day to which the proceedings or investigations may be postponed.

You are subpoenaed in terms of regulation 4(1) of the Essential Services Committee Regulations:

- For questioning
- To produce any book, document or object
- To give evidence

A copy of the regulations are attached.

You must bring and produce the books, documents or objects listed below:.....
.....
.....

ESC Ref. No..... Please turn over .

The essential services committee has been established in terms of section 70(1) of the Labour Relations Act, 1995 (Act No 66 of 1995)

- 1. The committee is authorised in terms of sections 70(2)(a), 70(3) and 71(1) to conduct an investigation as to whether or not the whole or a part of a service is an essential service.

The Service is under investigation by the committee.
(name of service)

The nature of the service is:

.....

.....

.....

.....

The service is performed in the following area/s:

.....

.....

.....

.....

- 2. The committee is authorised in terms of section 71(9) to vary or cancel the designation of the whole or part of a service as an essential service.

The nature of the service is:

.....

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.....

Please turn over



The service is performed in the following area/s:

.....
.....
.....

The following may be varied:

Section/s
(number)

The following may be cancelled:

Section/s
(number)

3. The committee is authorised in terms of section 72 to ratify any collective agreement that provides for the maintenance of minimum services in a service designated as an essential service.

The collective agreement between:

.....
(name of party)

and

.....
(name of other party)

that provides for the maintenance of minimum services in the
(name of service)

4. The committee is authorised in terms of sections 70(2)(b) and 73 to determine disputes:

As to whether or not the whole or a part of a service is an essential service

Whether or not an employee or employer is engaged in a service designated as an essential service.

The dispute concerns
.....
.....
.....

Please turn over



The dispute is between
(name of party)
and
(name of other party)
.....

5. The committee is authorised in terms of section 75(4) to determine whether or not the whole or a part of an employer's business or service is a maintenance service.

The Service is under investigation by the committee.
(name of service)

The nature of the business or service is:
.....
.....
.....
.....

The employer is.....

The interested parties are.....

The business or service takes place at

The determination sought is
.....

Signed by the Director of the Commission:

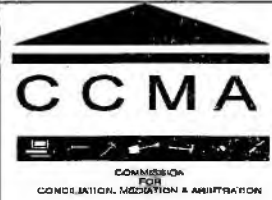
Name :

Date :

Place :

LRA form 4.7
Section 70(3)
Labour Relations Act 1995

BARGAINING COUNCIL REQUEST FOR ESSENTIAL SERVICE INVESTIGATION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is a request 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 Secretary of the Bargaining Council.

WHERE DOES THIS FORM GO?

Essential Services Committee:
C/o CCMA House
20 Anderson Street
Johannesburg 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377 6650
Fax: (011) 834 7386
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

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

1. BARGAINING COUNCIL'S DETAILS

Name

Postal Address

Contact person

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

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

2. DETAILS OF SERVICE TO BE INVESTIGATED

Describe the service:

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

ESC REF. No.

Please turn over



LRA form 4.8
Section 72
Labour Relations Act 1995

**REQUEST FOR RATIFICATION
OF COLLECTIVE AGREEMENT
PROVIDING FOR MAINTENANCE
OF MINIMUM SERVICES**



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
C/o CCMA House
20 Anderson Street
Johannesburg 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377 6650
Fax: (011) 834 7386
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

A copy of the collective agreement must accompany this form.

1. DETAILS OF THE PARTIES TO THE AGREEMENT

Employer Parties

Name

Postal Address

Contact person.....

Reference number:

(Use additional paper if necessary)

Tel:..... Fax:

Cell: E-mail:

Trade Union Parties

Name

Postal Address

Contact person

Reference number:

(Use additional paper if necessary)

Tel:..... Fax:

Cell: E-mail:

ESC Ref No.....

Please turn over



The description of the designated essential service in paragraph 3 must reflect the service as designated in the Government Gazette.

2. CLAUSE(S) OF THE AGREEMENT PROVIDING FOR MINIMUM SERVICES?

.....
.....
.....

3. DETAILS OF THE DESIGNATED ESSENTIAL SERVICE

Describe the designated essential service:

.....
.....
.....
.....
.....
.....

4. DETAILS OF THE EMPLOYEES WHO ARE BOUND BY THE COLLECTIVE AGREEMENT

- a How many employees fall within the designated essential service?
- b How many employees fall within the minimum service?
- c Describe the nature of the work performed by the employees who fall within the minimum service.

.....
.....
.....
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Please turn over



Request for Ratification of Collective Agreement Providing for Maintenance of Minimum Services

d Describe the nature of the work performed by the employees who fall within the designated essential service, but who do not fall within the minimum service.

.....
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The motivation for ratification in paragraph 5 must demonstrate that the application of the agreement does not endanger the life, personal safety or health of people.

5 MOTIVATION FOR RATIFICATION

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Please turn over →

6 IS THIS REQUEST URGENT?

Yes

No

If yes, explain why it is urgent.

.....
.....
.....
.....
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.....
.....

7 SIGNATORIES

CHECK

Have you attached a copy of the collective agreement

Employer Parties

Name.....

Signature:.....

Position:.....

Date:.....

Tel:.....

Fax:

E-mail

Trade Union Parties

Name.....

Signature:.....

Position:.....

Date:.....

Tel:.....

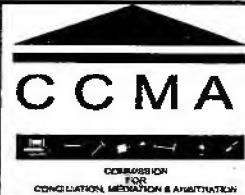
Fax:

E-mail

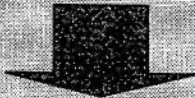
(Use additional paper if necessary)

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

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



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 not existing workplace forum established in terms of the Act.

WHO FILLS IN THIS FORM?

A representative trade union.

WHERE DOES THIS FORM GO?

The Registrar, Provincial Office of the CCMA. Please refer to the last page for details.

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:

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

1. TRADE UNION DETAILS

Name:

Postal Address:

Tel: Fax:

Cell: Email:

Contact Person (Trade Union):

Contact Person (Representative at Workplace):

Cell Number: Email:

Reference Number:

If more than one party is making the referral write the details on a separate page and attach to this form.

2. EMPLOYERS DETAILS

Name:

Postal Address:

Tel: Fax:

Cell: Email:

Contact Person:

Reference Number:

CCMA Ref. Number

Please turn over



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. *Describe the nature of the work or activities conducted in the workplace:*.....
.....
.....
- e. *Is there an existing workplace forum in the workplace?*.....

4. SECTOR

Sector in which Workplace falls:

- | | | |
|---|---|--|
| <input type="checkbox"/> Retail sector | <input type="checkbox"/> Private security | <input type="checkbox"/> Public service |
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Distribution | <input type="checkbox"/> Health |
| <input type="checkbox"/> Mining | <input type="checkbox"/> Metal | <input type="checkbox"/> Motor |
| <input type="checkbox"/> Food & Beverage | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Building & Construction |
| <input type="checkbox"/> Media & Television | <input type="checkbox"/> Services | <input type="checkbox"/> Chemical |
| <input type="checkbox"/> Contract cleaning | <input type="checkbox"/> Transport | <input type="checkbox"/> Paper & Printing |
| <input type="checkbox"/> Domestic | <input type="checkbox"/> Other (please describe)..... | |

5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:

Position:.....

Date:.....

Place:.....

Please turn over

PROVINCIAL OFFICES OF THE CCMA

CCMA EASTERN CAPE*107 Govan Mbeki Street***PORT ELIZABETH***Private Bag X22500, PORT ELIZABETH, 6000***Tel:** (041) 505 4300**Fax:** (041) 586-4585**Email:** PE@ccma.org.za**CCMA MPUMALANGA***Foschini Centre**Eadie Street**Private Bag X7290, WITBANK, 1035***Tel:** (013) 656-2800**Fax:** (013) 656-2885/6**Email:** WTB@ccma.org.za**CCMA FREE STATE***NBS Building,**Cnr Elizabeth & Westburger Street***BLOEMFONTEIN***Private Bag X20705, BLOEMFONTEIN, 9300***Tel:** (051) 505-4400**Fax:** (051) 448-4468/9**Email:** BLM@ccma.org.za**CCMA NORTH WEST PROVINCE***CCMA House 47 Siddle Street,***KLERKSDORP***Private Bag X5004, KLERKSDORP, 2571***Tel:** (018) 464-0700**Fax:** (018) 462-4126**Email:** KDR@ccma.org.za**CCMA GAUTENG***CCMA House, 20 Anderson Street,***JOHANNESBURG***Private Bag X94, MARSHALLTOWN, 2107***Tel:** (011) 377-6600**Fax:** (011) 377-6678/58/80**Email:** GAUTENG@ccma.org.za**CCMA NORTHERN CAPE***CCMA House, 1A Bean Street***KIMBERLEY***Private Bag X6100, KIMBERLEY, 8300***Tel:** (053) 831-6780**Fax:** (053) 831-5947/8**Email:** KMB@ccma.org.za**CCMA KWAZULU NATAL***Garlicks Chambers, 61 Field Street,***DURBAN***Private Bag X54363, DURBAN, 4000***Tel:** (031) 362 - 2300**Fax:** (031) 306-5402**Email:** KZN@ccma.org.za**CCMA WESTERN CAPE***CCMA House, 78 Darling Street,***CAPE TOWN***Private Bag X9167, CAPE TOWN, 8000***Tel:** (021) 469-0111**Fax:** (021) 465-7197 or 465-7193**Email:** CTN@ccma.org.za**CCMA LIMPOPO***CCMA House, 104 Hans van Rensburg Street,***POLOKWANE***Private Bag X9512, POLOKWANE, 0700***Tel:** (015) 297-5010**Fax:** (015) 297-1649**Email:** PTB@ccma.org.za

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

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



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 trade union.

WHERE DOES THIS FORM GO?

The Registrar, Provincial Office of the CCMA. Please refer to the last page for details.

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 sent to the other party must be supplied by attaching:

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

1. TRADE UNION DETAILS

Name:

Postal Address:

Tel: Fax:

Cell: Email:

Contact Person (Trade Union):

Contact Person (Representative at Workplace):

Cell: Email:

Reference Number:

If more than one party is making the referral write the details on a separate page and attach to this form.

2. EMPLOYERS DETAILS

Name:

Postal Address:

Tel: Fax:

Contact Person:

Reference Number:

CCMA Ref. Number

Please turn over



3. WORKPLACE DETAILS

- a *Description and Address:*
-
-
-
-
- b *Number of Employees (excluding Senior Managerial Employees) at the Workplace:*.....
- c *Number of Members of Applicant Unions at the Workplace:*.....
- d *Describe the nature of the Work or Activities conducted in the Workplace:*.....
- e *Is there an existing workplace forum in the workplace?*.....
-
-

4. SECTOR

Sector in which Workplace falls:

- | | | |
|---|---|--|
| <input type="checkbox"/> Retail sector | <input type="checkbox"/> Private security | <input type="checkbox"/> Public service |
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Distribution | <input type="checkbox"/> Health |
| <input type="checkbox"/> Mining | <input type="checkbox"/> Metal | <input type="checkbox"/> Motor |
| <input type="checkbox"/> Food & Beverage | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Building & Construction |
| <input type="checkbox"/> Media & Television | <input type="checkbox"/> Services | <input type="checkbox"/> Chemical |
| <input type="checkbox"/> Contract cleaning | <input type="checkbox"/> Transport | <input type="checkbox"/> Paper & Printing |
| <input type="checkbox"/> Domestic | | |
| <input type="checkbox"/> Other (please describe)..... | | |

5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:

Position:.....

Date:.....

Place:.....

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 recognized?*

Please turn over

PROVINCIAL OFFICES OF THE CCMA

CCMA EASTERN CAPE*107 Govan Mbeki Street***PORT ELIZABETH***Private Bag X22500, PORT ELIZABETH, 6000***Tel:** (041) 505 4300**Fax:** (041) 586-4585**Email:** PE@ccma.org.za**CCMA MPUMALANGA***Foschini Centre**Eadie Street**Private Bag X7290, WITBANK, 1035***Tel:** (013) 656-2800**Fax:** (013) 656-2885/6**Email:** WTB@ccma.org.za**CCMA FREE STATE***NBS Building,**Cnr Elizabeth & Westburger Street***BLOEMFONTEIN***Private Bag X20705, BLOEMFONTEIN, 9300***Tel:** (051) 505-4400**Fax:** (051) 448-4468/9**Email:** BLM@ccma.org.za**CCMA NORTH WEST PROVINCE***CCMA House 47 Siddle Street,***KLERKSDORP***Private Bag X5004, KLERKSDORP, 2571***Tel:** (018) 464-0700**Fax:** (018) 462-4126**Email:** KDR@ccma.org.za**CCMA GAUTENG***CCMA House, 20 Anderson Street,***JOHANNESBURG***Private Bag X94, MARSHALLTOWN, 2107***Tel:** (011) 377-6600**Fax:** (011) 377-6678/58/80**Email:** GAUTENG@ccma.org.za**CCMA NORTHERN CAPE***CCMA House, 1A Bean Street***KIMBERLEY***Private Bag X6100, KIMBERLEY, 8300***Tel:** (053) 831-6780**Fax:** (053) 831-5947/8**Email:** KMB@ccma.org.za**CCMA KWAZULU NATAL***Garlicks Chambers, 61 Field Street,***DURBAN***Private Bag X54363, DURBAN, 4000***Tel:** (031) 362 - 2300**Fax:** (031) 306-5402**Email:** KZN@ccma.org.za**CCMA WESTERN CAPE***CCMA House, 78 Darling Street,***CAPE TOWN***Private Bag X9167, CAPE TOWN, 8000***Tel:** (021) 469-0111**Fax:** (021) 465-7197 or 465-7193**Email:** CTN@ccma.org.za**CCMA LIMPOPO***CCMA House, 104 Hans van Rensburg Street,***POLOKWANE***Private Bag X9512, POLOKWANE, 0700***Tel:** (015) 297-5010**Fax:** (015) 297-1649**Email:** PTB@ccma.org.za

LRA Form B.1
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by a trade union for registration with the Department of Labour.

WHO FILLS IN THIS FORM?

The Secretary of the trade union.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
Fax: 012-309 4156

OTHER INSTRUCTIONS

- Two copies of this form and three copies of the union's constitution (a total of five documents) must be sent to the Registrar
- Each copy of the constitution must be signed by the Secretary and Chair as being true copies.

REGISTRATION OF A TRADE UNION



APPLICATION IN TERMS OF SECTION 96(1) FOR REGISTRATION OF A TRADE UNION

TRADE UNION DETAILS

We
(name of the trade union)

apply for registration of this trade union.

The position, names and addresses of national office bearers and union officials are:

POSITION	NAME	WORK ADDRESS
CHAIRPERSON		

We havemembers.

Our address is:
.....
.....

Tel No.

... please turn over →

Signature of Secretary:

Name:

Date:

CHECK!

- Have you prepared two copies of this form?
- Have you prepared three signed copies of the union's constitution?

DEPARTMENT OF LABOUR DETAILS

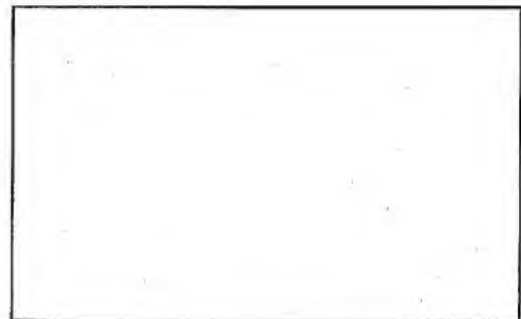
I,, duly authorised thereto in terms of
(name of official)

Regulation 7(2) am satisfied that the information is substantially correct. The application was
lodged with the Department on
(date)

Signature:

Today's date:

Place:



(Official stamp)

LRA Form 6.2
Labour Relations Act, 1996

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by an employers' organisation to apply for registration with the Department of Labour.

WHO FILLS IN THIS FORM?

The Secretary of the Employers' Organisation.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001. Fax: 012-309 4156.

OTHER INSTRUCTIONS

- Two copies of this form and three copies of the constitution of the employers' organisation (a total of five documents) must be sent to the Registrar
- Each copy of the constitution must be signed by the Secretary and Chair as being true copies.

REGISTRATION OF AN EMPLOYERS' ORGANISATION



APPLICATION IN TERMS OF SECTION 96(1) FOR REGISTRATION OF AN EMPLOYERS' ORGANISATION

EMPLOYERS' ORGANISATION DETAILS

We
(name of the employers' organisation)

apply for registration of this employers' organisation.

The position, names and addresses of national office bearers and officials of the organisation are:

POSITION	NAME	WORK ADDRESS
CHAIRPERSON		

We havemembers.

Our address is:
.....
.....

Tel No.

... please turn over →

Signature of Secretary:

Name:

Date:

CHECK!

- Have you prepared two copies of this form?
- Have you prepared three signed copies of the union's constitution?

DEPARTMENT OF LABOUR DETAILS

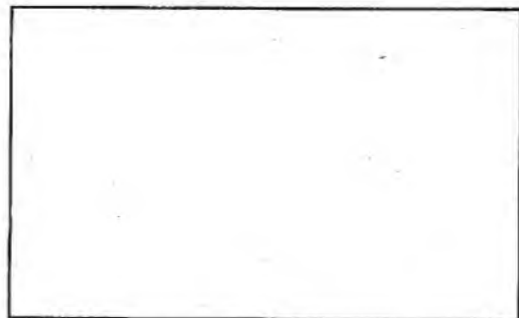
I,, duly authorised thereto in terms of
(name of official)

Regulation 7(2) am satisfied that the information is substantially correct. The application was
lodged with the Department on
(date)

Signature:

Today's date:

Place:



(Official stamp)

**LRA Form 6.3
Section 96(7)(a)
Labour Relations Act, 1995**



**CERTIFICATE OF REGISTRATION
OF A TRADE UNION**

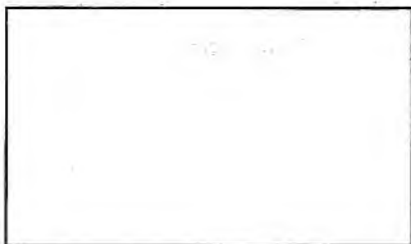
This is to certify that

.....

(name of trade union)

has in terms of section 96(7)(a) of the Labour Relations Act, 1995, been
registered as a trade union with effect from

(date)



(Official stamp of Registrar)

Date:

Reference number:

.....
Registrar of Labour Relations

LRA Form 6.4
Section 96(7)(a)
Labour Relations Act, 1995



**CERTIFICATE OF REGISTRATION
OF AN EMPLOYERS' ORGANISATION**

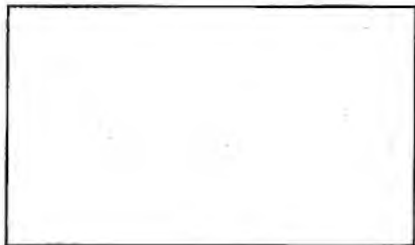
This is to certify that

.....

(name of employers' organisation)

has in terms of section 96(7)(a) of the Labour Relations Act, 1995, been
registered as an employers' organisation with effect from

(date)



(Official stamp of Registrar)

Date:

Reference number:

.....
Registrar of Labour Relations

LRA Form 6.5
Section 99(a)
Labour Relations Act, 1995

LIST OF MEMBERS TO BE KEPT BY A TRADE UNION

(a) Full name:	
(b) Clock card number (if any):	
(c) Sector in which employed:	
(d) Name of employer:	
(e) Address of employer:	..... ..... ..... .....

LRA Form 6.6
Section 99(a)
Labour Relations Act, 1995

LIST OF MEMBERS TO BE KEPT BY AN EMPLOYERS' ORGANISATION

<p>(a) Full name and address of employer:</p>	<p>.....</p>
<p>(b) Name and telephone no. of contact person:</p>	<p>.....</p>
<p>(c) Sector(s) in which engaged:</p>	<p>.....</p>
<p>(d) Number of employees in each sector:</p>	<p>.....</p>



NUMBER OF TRADE UNION MEMBERS

LRA Form 6.7
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

Every registered trade union has a duty to keep a record of its members.

WHO FILLS IN THIS FORM?

The Secretary of the trade union.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o The Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
Fax: 012-309 4156.

This form must reach the Registrar of Labour Relations by 31 March of each year.

STATEMENT TO BE PROVIDED TO REGISTRAR BY TRADE UNION IN TERMS OF SECTION 100(a)

TRADE UNION DETAILS

Name:

Address (postal and street):

The number of members of the trade union at 31 December
per sector was: (year)

SECTOR	NUMBER
TOTAL:	

I, certify that the information in
(name of secretary)

this form accords with the records of the trade union.

Signature:

Date:



NUMBER OF EMPLOYERS' ORGANISATION MEMBERS

LRA Form 6.8

Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

Every registered employers' organisation has a duty to keep a record of its members.

WHO FILLS IN THIS FORM?

The Secretary of the employers' organisation.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o The Director General, Department of Labour, Private Bag X117, Pretoria, 0001.

Fax: 012-309 4156.

This form must reach the Registrar of Labour Relations by 31 March of each year.

STATEMENT TO BE PROVIDED TO REGISTRAR BY AN EMPLOYERS' ORGANISATION IN TERMS OF SECTION 100(a)

EMPLOYERS' ORGANISATION DETAILS

Name:

Address (postal and street)

The number of members of the employers' organisation at 31 December In each sector was:
(year)

SECTOR	NUMBER
TOTAL:	

I certify that the information in this
(name of secretary)

form accords with the records of the employers' organisation.

Signature:

Date:



APPLICATION BY AMALGAMATING TRADE UNIONS FOR REGISTRATION

APPLICATION IN TERMS OF SECTION 102(2) FOR REGISTRATION OF
AMALGAMATING TRADE UNIONS

LRA Form 6.9
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application for registration by trade unions that wish to amalgamate.

WHO FILLS IN THIS FORM?

The Secretary of each of the trade unions that are amalgamating.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations c/o the Director General, Department of Labour, Private Bag X117, Pretoria, 0001.
Fax No 012-3094156

OTHER INSTRUCTIONS

- Two copies of this form and three copies of the constitution of the amalgamated trade union must be sent to the Registrar
- Each copy of the constitution must be signed by the Secretary and Chair as being true copies.
- The original certificate of registration of each of the amalgamating unions must be attached.
- A copy of the resolution to amalgamate must be submitted by each amalgamating union.

1. AMALGAMATING TRADE UNION DETAILS

Name:
.....

Address (Postal and street):
.....
.....
.....

The following trade unions have chosen to amalgamate:
.....
.....
.....
.....
.....
.....
.....

(names and addresses)

... please turn over →



LRA Form 6.10
Labour Relations Act, 1995

READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application for registration by employers' organisations which wish to amalgamate.

WHO FILLS IN THIS FORM?

The Secretary of each of the employers' organisations that are amalgamating.

WHERE DOES THIS FORM GO?

The Registrar of Labour Relations, c/o the Director General, Department of Labour, Private Bag XI17, Pretoria 0001.
Fax No.: 012-3094156

OTHER INSTRUCTIONS

- Two copies of this form and three copies of the constitution of the amalgamated employers' organisations must be sent to the Registrar
- Each copy of the constitution must be signed by the Secretary and Chair as being true copies.
- The original certificate of registration and resolution of each of the amalgamating employers' organisations must be attached.

APPLICATION BY AMALGAMATING EMPLOYERS' ORGANISATIONS FOR REGISTRATION

**APPLICATION IN TERMS OF SECTION 102(2) FOR REGISTRATION OF
AMALGAMATING EMPLOYERS' ORGANISATION**

1) AMALGAMATING EMPLOYERS' ORGANISATION DETAILS

Name:

Address (Postal and street):

We hereby apply for registration of an amalgamated employers' organisation. The following employers' organisations have chosen to amalgamate:

.....
.....
.....
.....
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.....
.....

(names and addresses of employers' organisations)

... please turn over →

2) OFFICE BEARERS/ OFFICIALS

POSITION	NAME	POSTAL ADDRESS

The amalgamated employers' organisation hasmembers.
(number)

Name of employers' organisation:
.....

Name of employers' organisation:.....
.....

Signature of Secretary:

Signature of Secretary:

Name:

Name:

Date:

Date:

Name of employers' organisation:.....

Name of employers' organisation:.....

Signature of Secretary:

Signature of Secretary:

Name:

Name:

Date:

Date:

CHECK!

- Have you prepared two copies of this form?
- Have you prepared three signed copies of the union's constitution?
- Have you attached copies of the resolution?

DEPARTMENT OF LABOUR DETAILS

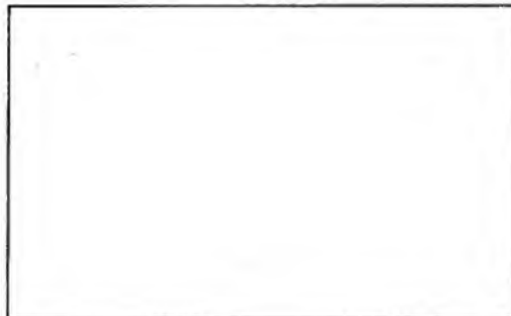
I, , am satisfied that the information is
(name of official)

substantially correct. The application was lodged with the Department on
(date)

Signature:

Today's date:

Place:



(Official stamp)

LRA Form 7.1
Section 127(1)

Labour Relations Act,
1995

COUNCIL APPLIES FOR ACCREDITATION



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 Secretary of the Council.

WHERE DOES THIS FORM GO?

Governing Body
c/o CCMA House
20 Anderson Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
Fax: (011) 834-7361
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

A copy of the certificate of registration, 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
- details of the parties to the Council
- a motivation for accreditation
- the Council's code of conduct?

1. COUNCIL DETAILS

Name:

.....

Postal Address:

.....

.....

Tel: Fax:

Cell: E-Mail:

Contact Person:

Reference Number:

2. ACCREDITATION IS SOUGHT FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS

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CCMA Ref. Number.....

Please turn over →

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

Name:

.....

Postal Address:

.....

.....

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

Cell: E-Mail:

Contact Person:

The scope of the appointment including categories of dispute:

.....

.....

.....

The council may appoint another agency to perform some of its functions. If this Council wants to appoint another agency its details must be included. The scope of the appointment in terms of area, type of function and categories of dispute must also be included.

4. NUMBERS OF EMPLOYEES AND EMPLOYERS COVERED BY COUNCIL

	The number of employees and employers within the Council's registered scope	The number of employers who are not members of the employers' organisation in the Council and the number of their employees	The number of employees who are not members of unions in the Council
Employees			
Employers			N/A

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.

Please turn over →

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.

Some of these issues are:

- the standards of services;
- the independence of those who perform the functions for which the agency seeks accreditation;
- an acceptable code of conduct;
- acceptable disciplinary procedures.

(b) Describe management and human resource capacity

Provide information on –

- the committee or body that will perform dispute resolution (provide information on the name of the committee/body, how its affairs will be governed, how it will be resourced in terms of administrative staff, premises, other facilities, etc);
- 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 arbitrator); 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.

CONFIRMATION OF THE ABOVE DETAILS:

Form submitted by (name):

Signature:

Position:

Date:

Place:

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

PRIVATE AGENCY APPLIES FOR ACCREDITATION



Read This First



WHAT IS THE PURPOSE OF THIS FORM?

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

WHO FILLS IN THIS FORM?

An authorised representative of the private agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o CCMA House
20 Anderson Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
Fax: (011) 834-7351
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

A motivation for accreditation and the private agency's code of conduct must be attached to this form.

1. PRIVATE AGENCY DETAILS

Name:

.....

Legal status (company, cc, trust, etc):

.....

Date of formation:

Postal Address:

.....

.....

Tel: Fax:

Cell: E-Mail:

Contact Person:

Reference Number:

Full names of directors, members, trustees or partners:

.....

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.....

.....

CCMA Ref. Number

Please turn over →

List the conciliation and arbitration dispute functions the private agency wants to perform, and on whose behalf it will be performing those functions. These must be the dispute functions for which the private agency seeks accreditation.

Note that the private agency cannot include disputes listed in section 127(2). Examples of these are disputes dealing with agency shops and closed shops, pickets and the demarcation of sectors and areas of councils.

The nature of the business/activities engaged in by the private agency (provide a description of the range of services offered):

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2. ACCREDITATION IS SOUGHT FOR THE FOLLOWING DISPUTE RESOLUTION FUNCTIONS

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Provide details on the areas (sectors, provinces, centres and districts) of operation.

3. INFORMATION ON AREA OF OPERATION

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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.

These issues are:

- the standards of services;
- the independence of those who perform the functions for which the agency seeks accreditation;
- an acceptable code of conduct;
- acceptable disciplinary procedures.

(b) Describe management and human resource capacity

Provide information on –

- the committee or body that will perform dispute resolution (provide information on the name of the committee/body, how its affairs will be governed, how it will be resourced in terms of administrative staff, premises, other facilities, etc);
- 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);

Please turn over →

CHECK!

Have you attached to this form:

A motivation for accreditation?

The agency's code of conduct?

- 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.

(c) Provide information on service users, for example particular councils, parties in particular sectors, industries and services.

5. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):

Signature:

Position:

Date:

Place:

LRA Form 7.3
Certificate of Accreditation of Council
Section 127(5)(a)(ii)

CERTIFICATE OF ACCREDITATION OF COUNCIL



COMMISSION
FOR
CONCILIATION, MEDIATION & ARBITRATION

This is to certify that

.....
.....
.....

(name of applicant)

has, in terms of section 127 of the Labour Relations Act, 1995, been accredited to perform dispute resolution functions, subject to the terms set out in the accompanying attachment. This certificate is valid from

..... to

(date)

(date)



(Official stamp of CCMA)

Director, CCMA
Private Bag X94

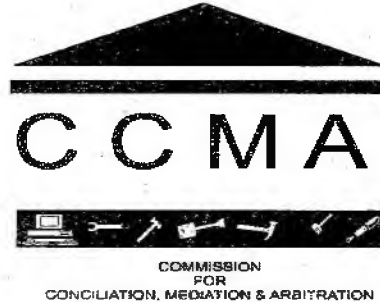
Marshalltown
2107

Date:.....

Reference Number:.....

LRA Form 7.4
Certificate of Accreditation of Private Agency
Section 127(5)(a)(ii)

CERTIFICATE OF ACCREDITATION OF PRIVATE AGENCY



This is to certify that

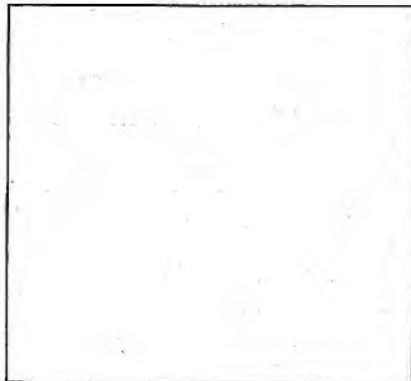
.....

(name of applicant)

has, in terms of section 127 of the Labour Relations Act, 1995, been accredited to perform dispute resolution functions, subject to the terms set out in the accompanying attachment. This certificate is valid from

..... to

(date) (date)





(Official stamp of CCMA)

Director, CCMA
Private Bag X94

Marshalltown
2107

Date:.....

Reference Number:.....

<p style="text-align: center;">LRA Form 7.5 Section 129(1) Labour Relations Act, 1995</p>	<h2 style="margin: 0;">COUNCIL OR PRIVATE AGENCY APPLIES TO AMEND ACCREDITATION</h2>	
<p style="text-align: center;">Read This First</p> <div style="text-align: center;">  </div> <p>WHAT IS THE PURPOSE OF THIS FORM?</p> <p>This form is an application by an accredited council or accredited private agency to the CCMA to amend its accreditation. For example, the amendment can relate to nature of services, scope of work or area.</p> <p>WHO FILLS IN THIS FORM?</p> <p>An accredited council or accredited private agency.</p> <p style="text-align: center;">WHERE DOES THIS FORM GO?</p> <p>Governing Body c/o CCMA House 20 Anderson Street Johannesburg, 2001 Private Bag X94 Marshalltown, 2107 Tel: (011) 377-6650 Fax: (011) 834-7351 E-mail: hc@CCMA.org.za</p> <p>OTHER INSTRUCTIONS</p> <p>A copy of the applicant's current certificate of accreditation must be attached to this form.</p> <p style="text-align: center;">CHECK!</p> <p>Have you attached your current certificate of accreditation?</p>	<p>1. APPLICANT DETAILS</p> <p>Name:</p> <p>Postal Address:</p> <p>Tel: Fax:</p> <p>Cell: E-Mail:</p> <p>Contact Person:</p> <p>Reference Number:</p> <p>2. ACCREDITATION AMENDMENTS SOUGHT</p> <p>The applicant wants to amend its current accreditation in the following way:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>CCMA Ref. Number.....</p> <p>Please turn over →</p>

3. MOTIVATION

Please supply information on changes to areas of operation, service users and other matters (refer to section 127(4)):

.....

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4. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:.....

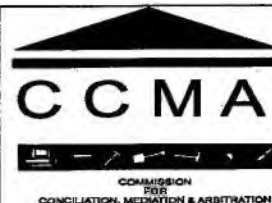
Position:

Date:

Place:

LRA form 7.6
Section 131(1)
Labour Relations Act 1995

COUNCIL APPLIES TO RENEW ACCREDITATION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by an accredited council to the CCMA to renew its accreditation either in the current or amended form.

WHO FILLS IN THIS FORM?

An accredited council

WHERE DOES THIS FORM GO?

Governing Body
C/o CCMA House
20 Anderson Street
Johannesburg 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377 6650
Fax: (011) 834 7351
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

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

1. COUNCIL DETAILS

Name

Postal Address

Contact person

Tel:..... Fax:

Cell: E-mail:

2. ACCREDITATION RENEWAL

The council applies to renew its accreditation for

(Its current form or in amended terms)

If the council is applying to amend the terms of accreditation, provide motivation and details:

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CCMA REF. No.

Please turn over →

Describe changes (if any), since the council was last accredited. These changes could be area of operation, service uses and other matters raised in section 127(4):

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(use a separate sheet of paper if necessary)

CHECK!

Have you attached your current certificate of accreditation?

Form submitted by:

Name

Signature:

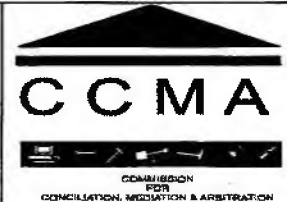
Position:

Date:

Place:

LRA form 7.7
Section 131(1)
Labour Relations Act 1995

PRIVATE AGENCY APPLIES TO RENEW ACCREDITATION



READ THIS FIRST



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by an accredited agency to the CCMA to renew its accreditation, either in the current or amended form.

WHO FILLS IN THIS FORM?

An accredited agency

WHERE DOES THIS FORM GO?

Governing Body
C/o CCMA House
20 Anderson Street
Johannesburg 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377 6650
Fax: (011) 834 7351
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

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

1. AGENCY DETAILS

Name

Legal Status (company, cc, trust, etc.)

Postal Address

Tel:..... Fax:

Cell: E-mail:

Full names of directors, members trustees or partners:.....

CCMA REF. No.

Please turn over →

2. ACCREDITATION RENEWAL

The agency applies to renew its accreditation for.....

.....
.....

If the agency amends is applying to amend the terms of accreditation, provide motivation and details:

.....
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(Its current form or in amended terms)


Describe changes (if any) since the agency was last accredited. These changes could be: area of operation, service users and other matters raised in section 127(4):

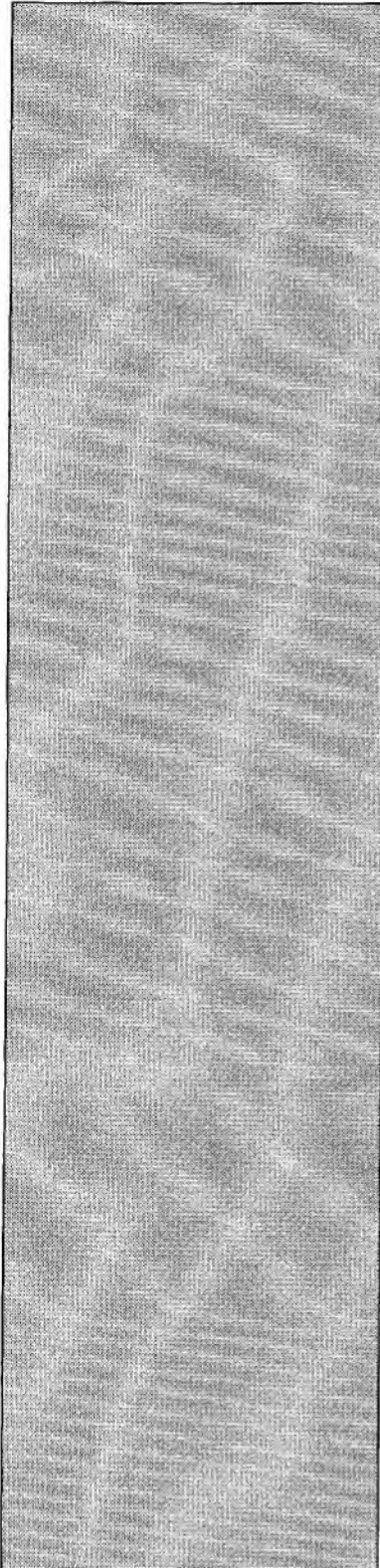
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(use a separate sheet of paper if necessary)

CHECK!

Have you attached your current certificate of accreditation?

Please turn over 

	Form submitted by:
	Name
	Signature:
	Position:
	Date:
	Place:

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

COUNCIL
APPLIES FOR SUBSIDY



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 or a Council applying for accreditation.

WHERE DOES THIS FORM GO?

*To the CCMA Head Office:
 CCMA House
 20 Anderson Street
 Johannesburg
 Private Bag X94
 Marshalltown 2107
 Tel: (011) 377 6650
 Fax: (011) 834 7351
 E-mail: ho@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))?*

1. COUNCIL DETAILS

Name :

Postal Address:

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

Contact Person:

Reference Number:

2. DISPUTE RESOLUTION FUNCTIONS FOR WHICH COUNCIL IS ACCREDITED OR SEEKING ACCREDITATION

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.

CCMA Ref. Number.....

Please turn over →

Is the Council currently applying for accreditation to perform dispute resolution functions?

- Yes
- No

If yes, attach the relevant application for accreditation.

3. DISPUTE RESOLUTION CASE LOAD

What period does the estimate cover?

(Note: the period should end with the close of the CCMA's financial year, ie. 31 March)

Accredited Functions

Provide best estimates of the number of cases the Council expect to deal with in respect of its accredited functions, as follows:

Section	Dispute	No. of Cases	Total Days Spent Conciliating	Total Days Spent Arbitrating
9(1)	Freedom of Association			
51(2) and (3); 64(1)	Any matters of Mutual Interest			
191(1)	Unfair Dismissal			
41(6) BCEA 1997	Severance Pay			
191(1)	Unfair Labour Practice			
Total				

Please turn over →

4. BUDGET SUMMARY FOR THE PERIOD COVERED IN (3) ABOVE
(Elaborate on these estimates in a supporting annexure)

Anticipated Expenses:

Function	Cost/Day (Accredited Functions)	Cost/Day (Other Functions)	TOTAL COST
			Accredited Functions
<i>Conciliation</i>			
<i>Arbitration</i>			
<i>Other (specify)</i>	N/A		
<i>Admin and Infrastructure Costs</i>	N/A	N/A	
TOTAL	N/A	N/A	

GRAND TOTAL

--

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).*

	ACCREDITED FUNCTIONS		UNACCREDITED FUNCTIONS	
	In Rands	In %	In Rands	In %
<i>Levies on Employers</i>				
<i>Levies on Employees</i>				
<i>User Charges</i>				
<i>Commission Subsidy</i>				
<i>Other</i>				
TOTAL				

Please turn over →

The levy rate per employee will be:

- ❖ Non-union Employees
- ❖ Union Employees

The levy rate per employer will be:

- ❖ Non-member of Party Employer's Organisation
- ❖ Member of Party Employers' Organisation

5. DETAILS OF SUBSIDY REQUIRED

Provide a financial breakdown of subsidy requested:

6. MOTIVATION

Motive your application. In addition, cover the issues raised in S132(3) In brief, these are:

- ❖ *The need for your services;*
- ❖ *The reasons for seeking the subsidy;*
- ❖ *The amount requested;*
- ❖ *Capacity to deal with finances responsibly.*

7. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:.....

Position:

Date:

Place:

LRA Form 7.9
Section 132(1)
Labour Relations Act,
1995

PRIVATE AGENCY APPLIES FOR SUBSIDY



Read This First



WHAT IS THE PURPOSE OF THIS FORM?

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

WHO FILLS IN THIS FORM?

An authorised representative of the private agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o CCMA House
20 Anderson Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
Fax: (011) 834-7351
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

- The agency must send:
- this form;
 - the current certificate of accreditation (if applicable); and
 - any additional information which you want to bring to the attention of the Governing Body.

CHECK!

Have you attached your current certificate of accreditation?
Have you attached your budget?
Have you attached your motivation (see section 132(2))?

1. PRIVATE AGENCY DETAILS

Name:

.....

Postal Address:

.....

.....

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

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

Contact Person:

Reference Number:

2. DISPUTE RESOLUTION FUNCTIONS FOR WHICH AGENCY IS ACCREDITED OR SEEKING ACCREDITATION

Is the agency already accredited to perform dispute resolution functions?

Yes

No

If yes, attach the certificate of accreditation.

Is the agency currently applying for accreditation to perform dispute resolution functions?

Yes

No

If yes, attach the relevant application for accreditation.

CCMA Ref. Number.....

Please turn over →

3. ATTACHMENTS

(a) Budget

Prepare a budget which should include details on:

- the anticipated total number of days spent on dispute resolution work (average case length X number of cases);
- the total fees bill for conciliators and arbitrators (consider daily rates and retainer fees);
- administrative and infrastructural costs;
- training costs;
- income for accredited dispute resolution work.

(b) Motivation

Motivate your application. In addition, cover the issues raised in section 132(3). In brief, these are:

- the need for your services;
- the reasons for seeking the subsidy;
- the amount requested;
- capacity to deal with finances responsibly.

4. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....

Signature:

Position:.....

Date:.....

Place:.....

LRA Form 7.10
Section 132(8)(a)
Labour Relations Act,
1995

COUNCIL OR PRIVATE AGENCY APPLIES FOR RENEWAL OF SUBSIDY



Read This First



WHAT IS THE PURPOSE OF THIS FORM?

This form is an application by an accredited Council or an accredited agency for a renewal of a subsidy to perform various dispute resolution functions.

WHO FILLS IN THIS FORM?

An accredited Council or accredited agency.

WHERE DOES THIS FORM GO?

Governing Body
c/o CCMA House
20 Anderson Street
Johannesburg, 2001
Private Bag X94
Marshalltown, 2107
Tel: (011) 377-6650
Fax: (011) 894-7351
E-mail: ho@CCMA.org.za

OTHER INSTRUCTIONS

The certificate of accreditation must be attached to this form.
Prepare a copy of your current subsidy.
Prepare your new budget.

CHECK!

Have you attached the certificate of accreditation?
Have you attached information about the current subsidy?
Have you attached the anticipated budget?

1. APPLICANT DETAILS

Name:

Postal Address:

Tel: Fax:

Cell: E-Mail:

Contact Person:

Reference Number:

2. ATTACHMENTS

- (a) Current subsidy (provide details).
- (b) Anticipated budget (refer to your initial application: update your previous budget and supply additional motivation).

3. CONFIRMATION OF ABOVE DETAILS

Form submitted by (name):



Signature:

Position:

Date:

Place:

CCMA Ref. Number.....

<p>LRA Form 7.11 Labour Relations Act 1995 Sections 133, 135, 191(1) and 191(5A)</p>	<p>PART A REFERRING A DISPUTE TO THE CCMA FOR CONCILIATION (INCLUDING CON-ARB)</p>										
<p style="text-align: center;">READ THIS FIRST</p> <div style="text-align: center;">  </div> <p>WHAT IS THE PURPOSE OF THIS FORM?</p> <p>This form enables a person or organisation to refer a dispute to the CCMA for conciliation and con-arb.</p> <p>WHO FILLS IN THIS FORM?</p> <p>Employer, employee, union or employers' organisation.</p> <p>WHERE DOES THIS FORM GO?</p> <p>The Registrar, Provincial Office of the CCMA in the province where the dispute arose. See details on this page.</p> <p>WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?</p> <p>When you refer the dispute to the CCMA, it will appoint a commissioner who must attempt to resolve the dispute within 30 days.</p> <p>OTHER INSTITUTIONS</p> <p>Please note that if you are covered by a bargaining council, a statutory council or an accredited agency you may have to take the dispute to that council or agency.</p> <p>You may also need to deal with the dispute in terms of a private procedure if one applies.</p> <p>If in doubt contact the CCMA for assistance.</p> <p>FURTHER INSTRUCTIONS</p> <p>A copy of this form must be served on the other party.</p> <p>Proof that a copy of this form has been served on the other party must be supplied by attaching:</p> <ul style="list-style-type: none"> ▪ A copy of a registered slip from the Post Office; ▪ A copy of a signed receipt if hand delivered; ▪ A signed statement confirming service by the person delivering the form; ▪ A copy of a fax confirmation slip; or ▪ Any other satisfactory proof of service. 	<p style="text-align: center;">PROVINCIAL OFFICES OF THE CCMA</p> <table border="0"> <tr> <td data-bbox="586 510 904 712"> <p>CCMA EASTERN CAPE 107 Govan Mbeki Street PORT ELIZABETH Private Bag X22500, PORT ELIZABETH 6000 Tel: (041) 505 4300 Fax: (041) 586-4585 Email: PE@ccma.org.za</p> </td> <td data-bbox="979 533 1312 712"> <p>CCMA NORTH WEST PROVINCE CCMA House 47 Siddle Street, KLERKSDORP Private Bag X5004, KLERKSDORP, 2571 Tel: (018) 464-0700 Fax: (018) 462-4126 Email: KDR@ccma.org.za</p> </td> </tr> <tr> <td data-bbox="586 734 904 969"> <p>CCMA FREE STATE NBS Building, Cnr Elizabeth & Westburger Street BLOEMFONTEIN Private Bag X20705, BLOEMFONTEIN, 9300 Tel: (051) 505-4400 Fax: (051) 448-4468/9 Email: BLM@ccma.org.za</p> </td> <td data-bbox="979 757 1312 936"> <p>CCMA NORTHERN CAPE CCMA House, 1A Bean Street KIMBERLEY Private Bag X6100, KIMBERLEY, 8300 Tel: (053) 831-6780 Fax: (053) 831-5947/6 Email: KMB@ccma.org.za</p> </td> </tr> <tr> <td data-bbox="586 992 926 1171"> <p>CCMA GAUTENG CCMA House, 20 Anderson Street, JOHANNESBURG Private Bag X94, MARSHALLTOWN, 2107 Tel: (011) 377-6600 Fax: (011) 377-6678/58/80 Email: GAUTENG@ccma.org.za</p> </td> <td data-bbox="979 992 1312 1171"> <p>CCMA LIMPOPO 104 Mans van Rensburg Street, POLOKWANE, 0699 Private Bag X9512, POLOKWANE 0700 Tel: (015) 297-5010 Fax: (015) 297-1649 Email: PTB@ccma.org.za</p> </td> </tr> <tr> <td data-bbox="586 1227 866 1406"> <p>CCMA KWAZULU NATAL Garicks Chambers, 61 Field Street, DURBAN Private Bag X54363, Durban 4000 Tel: (031) 362 - 2300 Fax: (031) 306-5402 Email: KZN@ccma.org.za</p> </td> <td data-bbox="979 1227 1312 1406"> <p>CCMA WESTERN CAPE CCMA House, 78 Darling Street, CAPE TOWN Private Bag X9167, Cape Town, 8000 Tel: (021) 469-0111 Fax: (021) 465-7197 or 465-7193 Email: CTN@ccma.org.za</p> </td> </tr> <tr> <td data-bbox="586 1451 866 1630"> <p>CCMA MPUMALANGA CCMA House, Eadie Street WITBANK Private Bag X7290, WITBANK 1035 Tel: (013) 656-2800 Fax: (013) 656-2885/6 Email: WTB@ccma.org.za</p> </td> <td data-bbox="979 1507 1312 1608"> <p style="text-align: center;"><i>Visit the CCMA website at:</i></p> <p style="text-align: center;">http://www.ccma.org.za</p> </td> </tr> </table>	<p>CCMA EASTERN CAPE 107 Govan Mbeki Street PORT ELIZABETH Private Bag X22500, PORT ELIZABETH 6000 Tel: (041) 505 4300 Fax: (041) 586-4585 Email: PE@ccma.org.za</p>	<p>CCMA NORTH WEST PROVINCE CCMA House 47 Siddle Street, KLERKSDORP Private Bag X5004, KLERKSDORP, 2571 Tel: (018) 464-0700 Fax: (018) 462-4126 Email: KDR@ccma.org.za</p>	<p>CCMA FREE STATE NBS Building, Cnr Elizabeth & Westburger Street BLOEMFONTEIN Private Bag X20705, BLOEMFONTEIN, 9300 Tel: (051) 505-4400 Fax: (051) 448-4468/9 Email: BLM@ccma.org.za</p>	<p>CCMA NORTHERN CAPE CCMA House, 1A Bean Street KIMBERLEY Private Bag X6100, KIMBERLEY, 8300 Tel: (053) 831-6780 Fax: (053) 831-5947/6 Email: KMB@ccma.org.za</p>	<p>CCMA GAUTENG CCMA House, 20 Anderson Street, JOHANNESBURG Private Bag X94, MARSHALLTOWN, 2107 Tel: (011) 377-6600 Fax: (011) 377-6678/58/80 Email: GAUTENG@ccma.org.za</p>	<p>CCMA LIMPOPO 104 Mans van Rensburg Street, POLOKWANE, 0699 Private Bag X9512, POLOKWANE 0700 Tel: (015) 297-5010 Fax: (015) 297-1649 Email: PTB@ccma.org.za</p>	<p>CCMA KWAZULU NATAL Garicks Chambers, 61 Field Street, DURBAN Private Bag X54363, Durban 4000 Tel: (031) 362 - 2300 Fax: (031) 306-5402 Email: KZN@ccma.org.za</p>	<p>CCMA WESTERN CAPE CCMA House, 78 Darling Street, CAPE TOWN Private Bag X9167, Cape Town, 8000 Tel: (021) 469-0111 Fax: (021) 465-7197 or 465-7193 Email: CTN@ccma.org.za</p>	<p>CCMA MPUMALANGA CCMA House, Eadie Street WITBANK Private Bag X7290, WITBANK 1035 Tel: (013) 656-2800 Fax: (013) 656-2885/6 Email: WTB@ccma.org.za</p>	<p style="text-align: center;"><i>Visit the CCMA website at:</i></p> <p style="text-align: center;">http://www.ccma.org.za</p>
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READ THIS FIRST



Tick the correct box

The name of the employee or an employer that is referring the dispute must be filled in (a).
 If there is more than one employee to the dispute and the referring party is not a trade union, then each employee must supply their personal details and signature on a separate page, which must be attached to this form.

These alternate contact details should be of a union official or representative, a relative or a friend.

The name of the trade union or employers organisation that is referring the dispute or assisting a member to refer a dispute must be filled in (b).

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.

Tick the correct box

1. DETAILS OF PARTY REFERRING THE DISPUTE

As the referring party, are you:

- An employee A trade union
 An employer An employer's organization

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

Name:.....
 ID Number:.....
 Postal Address:.....
Postal Code:.....
 Tel:..... Cell:.....
 Fax:..... Email:

Alternate contact details of employee:

Name:.....
 Postal Address:.....
Postal Code:.....
 Tel:..... Cell:.....
 Fax:..... Email:

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

Name:.....
 Postal Address:.....
Postal Code:.....
 Tel:..... Cell:.....
 Fax:..... Email:

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

The other party is:

- An employee A trade union
 An employer An employer's organisation

Name:.....
 Postal Address:.....
Postal Code:.....
 Tel:..... Cell:.....
 Fax:..... Email:

Please turn over

Tick the correct box

If the dispute concerns dismissals, also complete Part B (See Page 5)



This section must be completed!

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

UNFAIR LABOUR PRACTICE

If the dispute(s) concerns an unfair labour practice the dispute must be referred (ie. 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 has elapsed you are required to apply for condonation.

3. NATURE OF THE DISPUTE

What is the dispute about (tick only one box)?

- Unfair dismissal
- Organisational Rights
- Unilateral change to terms and conditions of employment
- Interpretation/ Application of Collective Agreement
- Freedom of Association
- Other (please describe)
- Unfair Labour Practice (Give details)
- Mutual Interest
- Severance pay S41 BCEA
- Disclosure of Information
- Unfair Labour Practice (probation)
- Refusal to Bargain
- S80 BCEA
- Unfair Discrimination S10 of the Employment Equity Act (Give details)
- S19 Skills Development Act

Summarise the facts of the dispute you are referring:

.....
.....
.....
.....

4. DATE 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)

If the dispute concerns a dismissal the date inserted here must be the same as that set out in Item 2 of Part B.

5. DETAILS OF DISPUTE PROCEDURES FOLLOWED

Have you followed all internal grievance / disciplinary procedures before coming to the CCMA? YES NO

Describe the procedures followed:.....

.....
.....
.....

6. RESULT OF CONCILIATION

What outcome do you require?.....

.....
.....
.....

Please turn over

Tick the correct box

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

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues etc.

Only fill this in if this is a dispute about unilateral change to terms and conditions of employment.

The con-arb process involves arbitration being held immediately after the conciliation if the dispute remains unresolved.

Only fill this in if you object to the arbitration commencing immediately after conciliation. An objection cannot be made in disputes relating to probation.

7. SECTOR

Indicate the sector or service in which the dispute arose.

- | | | |
|--|--|--|
| <input type="checkbox"/> Retail sector | <input type="checkbox"/> Private Security | <input type="checkbox"/> Public Service |
| <input type="checkbox"/> Mining | <input type="checkbox"/> Paper & Printing | <input type="checkbox"/> Health |
| <input type="checkbox"/> Motor | <input type="checkbox"/> Services | <input type="checkbox"/> Chemical |
| <input type="checkbox"/> Distribution | <input type="checkbox"/> Food & Beverage | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Building & Construction | <input type="checkbox"/> Contract Cleaning |
| <input type="checkbox"/> Domestic | <input type="checkbox"/> Other (<i>please describe</i>)..... | |

8. INTERPRETATION SERVICES

Do you require an interpreter at the conciliation / con-arb? YES NO

If yes, please indicate for what language:

- | | | | |
|------------------------------------|-------------------------------------|--|-----------------------------------|
| <input type="checkbox"/> Afrikaans | <input type="checkbox"/> isiNdebele | <input type="checkbox"/> isiZulu | <input type="checkbox"/> isiXhosa |
| <input type="checkbox"/> Sepedi | <input type="checkbox"/> Sesotho | <input type="checkbox"/> Setswana | <input type="checkbox"/> siSwati |
| <input type="checkbox"/> Tshivenda | <input type="checkbox"/> Xitsonga | <input type="checkbox"/> Other (<i>please Indicate</i>)..... | |

9. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....

.....

.....

10. Dispute about unilateral change to terms and conditions of employment (s64 (4))

I/we require that the employer party not implement unilaterally the proposed changes that led to this dispute for 30 days, or that it restore the terms and conditions of employment that applied before the change.

Signed: (*Employee party referring the dispute*)

11. OBJECTION TO CON-ARB PROCESS

I/we object to the arbitration commencing immediately after the conciliation in terms of Section 191(5A)(c).

Signed:

If the employer objects to the arbitration commencing immediately after the conciliation the employer must submit a written notice in terms of CCMA Rule 17(2) at least 7 days prior to the scheduled date of the conciliation. The employer must attend the conciliation regardless of whether it makes this objection.

12. CONFIRMATION OF ABOVE DETAILS

Signature of party referring the dispute:

Signed at on this
(place) (date)

LRA Form 7.11
Section 135
Labour Relations Act 1995
Section 191(5A)

PART B
ADDITIONAL FORM FOR DISMISSAL DISPUTES ONLY



DATE OF REFERRAL

Dismissal disputes must be referred (i.e. received by the CCMA) within 30 days of dismissal or, if it is a later date, within 30 days of the employer making a final decision to dismiss or to uphold the dismissal. If more than 30 days has elapsed since the date of your dismissal, you are required to apply for condonation.

Tick the correct box

Tick the correct box

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

1. COMMENCEMENT OF EMPLOYMENT

When did you start working at the company?

2. NOTICE OF DISMISSAL

When were you dismissed (date)?

How were you informed of your dismissal?

In writing

Orally

Other (please describe)

3. REASON FOR DISMISSAL

Why were you dismissed?

Misconduct

Incapacity

Operational Requirements (Retrenchment)

Unknown

Constructive

Other (please describe)

4. WAS THE DISMISSAL RELATED TO PROBATION Yes NO

5. FAIRNESS/UNFAIRNESS OF DISMISSAL

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

.....
.....

LRA Form 7.12
 Labour Relations Act, 1995
 Sections 64(1)(a)(i)
 135(5)(a)
 136(1)(a)

CERTIFICATE OF OUTCOME OF DISPUTE REFERRED TO CONCILIATION

CASE NUMBER:

I certify that the dispute between:

.....
 and
 (referring party) (other party/parties)

Referred to conciliation on:

.....
 (give date)

Concerning

Was resolved on the or Remains unresolved as at
 (give date) (give date)

Condonation:

Granted	Not applicable
----------------	-----------------------

**If this dispute remains unresolved, it
 can be referred to:**

Arbitration	Labour Court	Strike/ Lockout	None
--------------------	-------------------------	----------------------------	-------------


<p style="text-align: center;"><i>Official stamp of the CCMA (or Bargaining Council or Accredited Agency)</i></p>	..... Name of Commissioner
	..... Signature of Commissioner
	..... Place
	..... Date

LRA Form 7.13
Section 136
Labour Relations Act,
1995

REQUEST FOR ARBITRATION



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 Registrar at the Provincial Office of the CCMA. (Please refer to the last page for details).

This should be the same office which conducted the conciliation. If an accredited council or agency is to arbitrate the dispute, this form must be sent to their office. If in doubt, contact the CCMA for help.

Referrals in terms of Section 37(2) of the UIF Act must be made in the province where the appeals committee made the decision re: benefits.

1. DETAILS OF PARTY REQUESTING ARBITRATION

Name :

Postal Address:

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

Cell:..... Email:.....

2. DISPUTE DETAILS

Case Reference Number:

The case betweenand
(party) (other party)

was referred for conciliation, but remains unresolved

The certificate confirming the failure of conciliation is attached

In terms of Section I / we now request that
(see chart on page 3)

the matter be resolved through arbitration.

The issues in dispute are

.....

.....

.....

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

CCMA Ref. 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:

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

The certificate confirming that the dispute was unresolved through conciliation must also be attached to this form.

If a party does not want the commissioner who conducted the conciliation proceedings to arbitrate this dispute, that party must fill in LRA form 7.14.

If both parties agree on a particular commissioner to arbitrate then they must inform the CCMA within 48 hours of the dispute being certified as unresolved.

If a party wants a senior commissioner to arbitrate they must fill in LRA Form 7.15.

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. WHAT DECISION WOULD YOU LIKE THE COMMISSIONER TO MAKE:

.....

The commissioner may require a more detailed statement of case later.

4. CONFIRMATION OF ABOVE DETAILS:

Form submitted by(name):.....

Signature:.....

Designation:

Date:

Place:

This form must be signed by the referring party or a person entitled to represent the party in the arbitration proceedings

5. DETAILS OF OTHER PARTY

Name :

Designation:.....

Postal Address:

.....

.....

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

Cell:..... Email:.....

Please turn over →

ARBITRATION REQUESTS
SECTION LIST/NATURE OF DISPUTE

LRA Section	Dispute
16(9)	Disclosure of information
21(7)	Acquisition of organisational rights
21(11)	Withdrawal of organisational rights
22(4)	Interpretation or application of any provision of Part A of Chapter 3 other than a dispute in terms of Section 21
24(5)	Interpretation or application of collective agreement in respect of statutory council
24(6)	Interpretation or application of agency or closed shop agreement
45(4)	Interpretation or application of ministerial determination in respect of a statutory council
61(13)	Interpretation or application of lapsed Bargaining Council collective agreement
74(4)	Essential services
86(7)	Joint decision-making (workplace forum)
89(6)	Disclosure of information (workplace forum)
94(4)	Dispute about application or interpretation – Chapter 5 (workplace forum)
133(2)(b) / 141(1)	Consent to arbitration where Labour Court has jurisdiction
191(5)(a)	Unfair dismissal
191(5)(a)	Unfair labour practices
191(12)	Unfair dismissal for operational requirements
BASIC CONDITIONS OF EMPLOYMENT ACT SECTION 41	Severance pay
SKILLS DEVELOPMENT ACT SECTION 19(5)	Interpretation and application of learner agreement / learner contract of employment / S 18(3) determination.
NB: Demarcation disputes (Section 62) must be processed on LRA Form 3.23	

PROVINCIAL OFFICES OF THE CCMA

CCMA MPUMALANGA

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Fax: (021) 465-7197 or 465-7193
Email: CTN@ccma.org.za

<p style="text-align: center;">LRA Form 7.14 Section 136(3) Labour Relations Act, 1995</p>	<h2 style="margin: 0;">NOTICE OF OBJECTION TO ARBITRATION BY SAME COMMISSIONER</h2>	
<p style="text-align: center;">Read This First</p> <div style="text-align: center;">  </div> <p style="text-align: center;">WHAT IS THE PURPOSE OF THIS FORM?</p> <p>This form notifies the CCMA that a party objects to an arbitrator who is the same commissioner who led the conciliation process.</p> <p>WHO FILLS IN THIS FORM?</p> <p>Objecting party.</p> <p style="text-align: center;">WHERE DOES THIS FORM GO?</p> <p>Registrar, Provincial Office of the CCMA. Please refer to the next page for further details.</p> <p>OTHER INSTRUCTIONS</p> <p>A copy of this form must be served on the other party</p> <p>Proof that a copy of this form has been served on the other party must be supplied by attaching:</p> <ul style="list-style-type: none"> ▪ A copy of a registered slip from the Post Office; ▪ A copy of a signed receipt if hand delivered; ▪ A signed statement confirming service by the person delivering the form; ▪ A copy of a fax confirmation slip; or ▪ Any other satisfactory proof of service. <p>This form must be submitted to the CCMA within 7 days after the date of issue of the certificate.</p>	<p>1. PARTY DETAILS</p> <p>Name:</p> <p>Postal Address:</p> <p>Tel: Fax:</p> <p>Cell: E-Mail:</p> <p>Person dealing with the application:</p> <p>Reference Number:</p> <p>2. DETAILS OF THE OTHER PARTY</p> <p>Name:</p> <p>Postal Address:</p> <p>Tel: Fax:</p> <p>Cell: E-Mail:</p> <p>Contact Person:</p> <p>Reference Number:</p> <p>3. OBJECTION DETAILS</p> <p>I/we (names)</p> <p>object to the Commissioner (name)</p> <p>who conciliated the (name of dispute/matter)</p> <p>arbitrating the same dispute.</p> <p>Therefore we request the CCMA to appoint a different Commissioner.</p> <p>4. CONFIRMATION OF ABOVE DETAILS:</p> <p>Form submitted by (name):</p> <p>Position:</p> <p>Signed</p> <p>Date:</p>	
<p>CCMA Ref. Number</p>	<p>Please turn over →</p>	

PROVINCIAL OFFICES OF THE CCMA

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CCMA LIMPOPO



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Fax: (015) 297-1649
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Email: CTN@ccma.org.za

<p style="text-align: center;">LRA Form 7.15 Section 137 Labour Relations Act, 1995</p>	<h2 style="margin: 0;">APPLICATION TO APPOINT SENIOR COMMISSIONER TO ARBITRATE</h2>	
<p style="text-align: center;">Read This First</p> <div style="text-align: center;">  </div> <p style="text-align: center;">WHAT IS THE PURPOSE OF THIS FORM?</p> <p><i>This form is an application by a party to the CSC of the CCMA to appoint a Senior Commissioner to arbitrate.</i></p> <p style="text-align: center;">WHO FILLS IN THIS FORM?</p> <p><i>A party to the dispute.</i></p> <p style="text-align: center;">WHERE DOES THIS FORM GO?</p> <p><i>The CSC of the Provincial Office. Please refer to the last page for details.</i></p> <p style="text-align: center;">OTHER INSTRUCTIONS</p> <p><i>Two documents must be attached to this form:</i></p> <p>(a) <i>A motivation;</i> (b) <i>Proof that a copy of this form has been served on the other party must be supplied by attaching:</i></p> <ul style="list-style-type: none"> ▪ <i>A copy of a registered slip from the Post Office;</i> ▪ <i>A copy of a signed receipt if hand delivered;</i> ▪ <i>A signed statement confirming service by the person delivering the form;</i> ▪ <i>A copy of a fax confirmation slip; or</i> ▪ <i>Any other satisfactory proof of service.</i> <p style="text-align: center;">CHECK!</p> <p><i>Have you sent a copy of this completed form to the other party?</i> <i>Have you included proof (that you have sent a copy to the other party) with this form?</i> <i>Have you attached your motivation (see section 137)?</i></p>	<p>1. APPLICATION</p> <p><i>I/we apply to the CCMA to appoint a Senior Commissioner to resolve the dispute which has the following reference number:</i></p> <p>2. MOTIVATION</p> <p><i>Prepare a motivation which deals with the issues raised in section 137 of the Act. Some of these issues are:</i></p> <ul style="list-style-type: none"> • <i>the complexity of the dispute;</i> • <i>whether there are conflicting arbitration awards that are relevant to the dispute;</i> • <i>the public interest;</i> • <i>the nature of the question of law raised by the dispute.</i> <p>3. CONFIRMATION OF ABOVE DETAILS:</p> <p><i>Form submitted by (name):</i></p> <p><i>Signature:</i></p> <p><i>Position:</i></p> <p><i>Date:</i></p> <p><i>Place:</i></p>	
	<p>CCMA Ref. Number</p>	<p>Please turn over →</p>

PROVINCIAL OFFICES OF THE CCMA

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Email: KZN@ccma.org.za**CCMA NORTH WEST PROVINCE**

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Email: CTN@ccma.org.za

LRA Form 7.16
 Rule 37 of the CCMA Rules
Section 142(1)(a),(b) and (c)
Labour Relations Act, 1995

SUBPOENA



To:

_____ (Name of Subpoenaed Person)
 _____ (Organisation of Subpoenaed Person)
 _____ (Address of Subpoenaed Person)

A Commissioner has been appointed to attempt to resolve a dispute in terms of the Labour Relations Act, 1995 (No. 66 of 1995)

Commissioner _____ has been appointed.
 (Name of Commissioner)

The dispute is between _____

 (Names of Parties)

_____ (Issue of Dispute)

You are required in terms of Section 142 of the Labour Relations Act 1995 to appear before the Commissioner at _____

 (Address where hearing is being held)

on _____ at _____
 (Date of Hearing) (Time of Hearing)

You are subpoenaed:

- for questioning in terms of Section 142(1)(a)
- to produce any book, document or object in terms of Section 142(1)(b)
- to give expert evidence in terms of Section 142(1)(c)

(Highlight/mark appropriate block)

You must bring and produce the books, documents 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 travel expenses to attend the hearing.

_____ (Signed by CCMA CSC) _____ (Date)

_____ (Place)

LRA Form 7.17
 Rule 39 of the CCMA Rules
 Section 115 and S138(10)
 Labour Relations Act of
 1995

**REQUEST
 FOR TAXATION**



READ THIS FIRST



**WHAT IS THE PURPOSE
 OF THIS FORM?**

To tax a bill of costs.

WHO FILLS IN THE FORM?

The party requesting the taxation.

**WHERE DOES THE FORM
 GO?**

To the Registrar at the provincial office of the CCMA where the cost order was made. Please refer to last page for details.

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:

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

A copy of the draft bill of costs must be attached to this form.

1. DETAILS OF PARTY REQUESTING TAXATION:

Surname:..... First Names:.....
 Identity number:.....
 Postal Address:.....
Postal Code:.....
 Tel:..... Cell:.....
 Fax:..... Email:

2. DETAILS OF OTHER PARTY

Names:.....
 Postal Address:.....
Postal Code:.....
 Tel:..... Cell:.....
 Fax:..... Email:

3. REQUEST FOR TAXATION:

Case Reference Number

In the case between and
 (applicant)
 a cost order was
 (respondent)

made in favour of the applicant/respondent.

In terms of Rule 39 of the CCMA Rules I/we now request that the matter be set down for taxation.

The bill of costs is attached.

4. CONFIRMATION OF ABOVE DETAILS:

Form submitted by (name):.....
 Signature:.....
 Position:

Date:

Place:

CCMA Ref. Number.....

Please turn over →

**PROVINCIAL
OFFICES OF THE CCMA****CCMA MPUMALANGA**

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<p style="text-align: center;">LRA Form 7.18 Section 143 Labour Relations Act, 1995 as amended</p>	<p>APPLICATION TO CERTIFY CCMA AWARD AND WRIT OF EXECUTION</p>	
<p style="text-align: center;">READ THIS FIRST</p> <div style="text-align: center;">  </div> <p>WHAT IS THE PURPOSE OF THIS FORM?</p> <p>This form requests the Director of the CCMA to certify that an award made by a CCMA Commissioner is a genuine award.</p> <p>If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced in the same manner as a Labour Court order. This is done by:</p> <p>Part 1</p> <ul style="list-style-type: none"> • obtaining a copy of the arbitration award; • obtaining proof of service of the award on the other party from the CCMA office; • attaching a copy of the arbitration award and proof of service to this form; • completing part 1 of this form by the applicant or, by a duly authorised representative; • making an oath before a Commissioner of Oaths; <p>Part 2</p> <ul style="list-style-type: none"> • submitting the form to the Director of the CCMA for certification; <p>Part 3</p> <ul style="list-style-type: none"> • obtaining a writ of execution from the Registrar of the Labour Court in the case of an award ordering the payment of money; or • in the case of any other award, initiating contempt of court proceedings in the Labour Court. 	<p>IN THE CCMA FOR THE PROVINCE OF:.....</p> <p>CASE NO:.....</p> <p>In the matter between:</p> <p>..... REFERRING PARTY</p> <p>and</p> <p>..... OTHER PARTY</p> <p>PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE LRA 66/1995</p> <p>I, the undersigned:</p> <p>.....</p> <p style="text-align: right;">(name)</p> <p>do hereby make oath and say:</p> <p>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').</p> <p>2. On (date) Commissioner 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.</p> <p>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)..... Proof of Service is contained in the CCMA files and a copy of the proof of service is attached to this form.</p> <p>CCMA Ref No Please turn over →</p>	

WHO FILLS IN PART 1 OF THIS FORM?

A party applying to have an arbitration award certified must complete Part 1. They must state whether they are the referring party or the other party in the matter. If the party is a legal person such as a trade union, employer's organisation or company, the form must be completed by a duly authorised representative.

"Deponent" refers to the referring party. The completed affidavit should only be signed by the referring party in the presence of the Commissioner of Oaths.

A certified 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.

4. To date the respondent has not complied with the award.
5. Application is hereby made for the Award to be certified by the Director in terms of section 143(3) of the Act.

.....
DEPONENT

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



**DELEGATION OF POWER TO
CERTIFY AWARDS**

An official who, in terms of section 118(6) has been delegated the power to certify awards, must attach a copy of that delegation

**THE STATUS OF A
CERTIFIED AWARD**

In terms of sections 143(1) and (3) of the LRA, an arbitration award that has been certified by the Director may be enforced in the same manner as a Labour Court order. In terms of section 163 a Labour Court order may be executed in the same manner as a High court order.

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 respondents' property, must have a writ of execution in Part 3 of the form authorised by the Registrar of the Labour Court.

CHECK

Have you attached a copy of the arbitrator's award and proof that the award was served on the other party?

PART 2**CERTIFICATE IN TERMS OF SECTION 143(3) OF LRA 66/1995**

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 by a Commissioner as contemplated by Section 143(1).

.....
DIRECTOR - CCMA

.....
DATE

Please turn over



WHAT IS THE PURPOSE OF THIS FORM?

This part of the form requests the Registrar of the Labour Court to issue a writ of execution against the respondents' property. Once the Registrar has issued this form, it must be delivered to the Sheriff of the Court in the district in which the respondent is situated.

WHO FILLS IN THIS FORM?

A party seeking to attach the property of the respondent must complete part 3 if the Director of the CCMA has certified an award in terms of Section 143 of the LRA.

If the party is a legal person, such as a trade union, employer's organisation or a company, a duly authorised representative must complete the form.

WHERE MUST THIS FORM BE TAKEN?

The registrar of the Labour Court must issue this form.

(See overleaf for details)

**PART 3
WRIT OF EXECUTION**

To the Sheriff/or his Deputy:

for the district of.....

You are hereby directed to:

- (a) attach and take into possession the movable goods of
.....
the above-mentioned respondent of.....(address);
and
- (b) to realize by public auction of those goods:
 - (i) the sum ofawarded to the applicant in the above matter in terms of an arbitration award ('the award') dated..... and certified by Director of the CCMA on (date).....;
 - (ii) interest on the amount specified in paragraph (i) at the rate of percent annually calculated in accordance with section 143(2) of the Labour Relations Act from the date of the award;
 - (iii) the sum offor the taxed costs awarded to the applicant in terms of the award;
 - (iv) all costs incurred in executing this warrant;
- (c) to pay to the applicant or the applicant's attorney the amounts due to the applicant;
- (d) to return this writ to the applicant or the applicant's attorney together with a return of service stating what you have done in execution of this writ.

DATED at this
day of 20.....

REGISTRAR OF THE LABOUR COURT

APPLICANT

ADDRESS

CONTACT DETAILS

Please turn over →

**LABOUR COURTS
CONTACT DETAILS****GAUTENG**

86 Juba Street
Arbour Square
Braamfontein 2001

PRIVATE BAG X 52 BRAAMFONTEIN 2017

Tel: 011 403 4893
Fax: 011 403 9327

WESTERN CAPE

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Fax: 021 4249059

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4000

PRIVATE BAG X 54370 DURBAN 4000

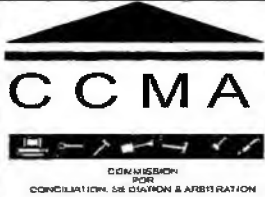

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4000

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<p style="text-align: center;">LRA form 7.18A Section 143 read with section 51(8) Labour Relations Act 1995</p>	<p>APPLICATION TO CERTIFY BARGAINING COUNCIL AWARD AND WRIT OF EXECUTION</p>	
<p style="text-align: center;">READ THIS FIRST</p> <div style="text-align: center;">  </div> <p>WHAT IS THE PURPOSE OF THIS FORM?</p> <p>This form requests the Director of the CCMA to certify that an award made in an arbitration conducted under the auspices of a bargaining council is a genuine award.</p> <p>If the party against whom an award was made does not comply with an award that has been certified, the award may be enforced in the same manner as a Labour Court order. This is done by:</p> <p>Part 1</p> <ul style="list-style-type: none"> • obtaining a copy of the arbitration award; • obtaining proof of service of the award on the other party from the CCMA office; • attaching a copy of the arbitration award and proof of service to this form; • completing part 1 of this form by the applicant or, by a duly authorised representative; • making an oath before a Commissioner of Oaths; <p>Part 2</p> <ul style="list-style-type: none"> • a duly authorised representative of the bargaining council completing part 2 of this form; <p>Part 3</p> <ul style="list-style-type: none"> • submitting the form to the Director of the CCMA for certification; <p>Part 4</p> <ul style="list-style-type: none"> • obtaining a writ of execution from the Registrar of the Labour Court in the case of an award ordering the payment of money; or • in the case of any other award, initiating contempt of court proceedings in the Labour Court. 	<div style="text-align: right; margin-bottom: 10px;"> <p>.....BARGAINING COUNCIL</p> <p>.....CASE NUMBER</p> </div> <p>In the matter between:</p> <p style="text-align: right;">.....REFERRING PARTY</p> <p>and</p> <p style="text-align: right;">.....OTHER PARTY</p> <p>PART 1: APPLICATION IN TERMS OF SECTION 143 OF THE LRA 66/1995</p> <p>I, the undersigned:</p> <p style="text-align: right;">.....</p> <p style="text-align: right;">(name)</p> <p>do hereby make oath and say:</p> <ol style="list-style-type: none"> 1. I am/represent .....the referring party / 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 to 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) Proof of service is contained in the bargaining council records and a copy of the proof of service is attached to this form. <p style="margin-top: 20px;">CCMA Ref. Number Please turn over →</p>	

WHO FILLS IN PART 1 OF THIS FORM

A party applying to have an arbitration award certified must complete Part 1. They must state whether they are the referring party or the other party in the matter. If the party is a legal person, such as a trade union, employer's organisation or company, a duly authorised representative must complete the form.

"Deponent" refers to the referring party. The completed affidavit should only be signed by the referring party in the presence of the Commissioner of Oaths.

A certified 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 arbitrator's award.
- Proof that the award was served on the other party.

4. To date the respondent has not complied with the award.
5. Application is hereby made for the award to be certified by the Director in terms of section 143(3) of the 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

Please turn over →

THE STATUS OF A CERTIFIED AWARD

In terms of sections 143(1) and (3) of the LRA, an arbitration award that has been certified by the Director may be enforced in the same manner as a Labour Court order. Section 51(8) provides that section 143 applies to arbitrations conducted by bargaining councils unless a collective agreement concluded by the council provides otherwise. In terms of section 163, a Labour Court order may be executed in the same manner as a High Court order.

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 respondents' property must complete the writ of execution in Part 4 of this form and have it authorised by the Registrar of the Labour Court.

DELEGATION OF POWER TO CERTIFY AWARDS

An official who, in terms of section 118(6) has been delegated the power to certify awards, must attach a copy of that delegation.

CHECK

Have you attached a copy of the arbitrator's award and proof that the award was served on the other party?

PART 2

AFFIDAVIT BY REPRESENTATIVE OF BARGAINING COUNCIL

I, the undersigned

do hereby make oath and say:

1. I am the of the Bargaining Council;
2. The arbitration referred to above was conducted under the auspices of this bargaining council.
3. A copy of the award was served on the respondent on (date)
Proof of service is attached to this form.
4. The bargaining 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 LRA 66/1995

In terms of section 143(3) of the Labour Relations Act 1995, I hereby Certify that the award is a final and binding arbitration award by an arbitrator conducting an arbitration under the auspices of a bargaining council as contemplated by section 143(1) read with section 51(8).

DIRECTOR - CCMA

DATE

Please turn over



LRA Form 7.18A
Application to Certify Bargaining Council Award and Writ of Execution

WHAT IS THE PURPOSE OF THIS FORM?

This part of the form requests the Registrar of the Labour Court to issue a writ of execution against the Respondent's property. Once the Registrar has issued this form, it must be delivered to the Sheriff of the Court in the district in which the respondent is situated.

WHO FILLS IN THIS FORM?

A party seeking to attach the property of the respondent must complete part 3 if the Director of the CCMA has certified an award in terms of Section 143 of the LRA.

If the party is a legal person, such as a trade union, employer's organisation or a company, a duly authorised representative must complete the form.

WHERE MUST THIS FORM BE TAKEN?

The registrar of the Labour Court must issue this form.

(See overleaf for details)

**PART 4
WRIT OF EXECUTION**

To the Sheriff/or his Deputy:

for the district of

You are hereby directed to:

(a) attach and take into possession the movable goods of
.....
the above-mentioned respondent of.....
.....
(address);
and

- (b) to realize by public auction of those goods:
 - (i) the sum ofawarded to the applicant in the above matter in terms of an arbitration award ('the award') dated.....and certified by Director of the CCMA on (date).....;
 - (ii) interest on the amount specified in paragraph (i) at the rate of percent annually calculated in accordance with section 143(2) of the Labour Relations Act from the date of the award;
 - (iii) the sum offor the taxed costs awarded to the applicant in terms of the award;
 - (iv) all costs incurred in executing this warrant;
- (c) to pay to the applicant or the applicant's attorney the amounts due to the applicant;
- (d) to return this writ to the applicant or the applicant's attorney together with a return of service stating what you have done in execution of this writ.

DATED at this.....
day of 20.....

.....
REGISTRAR OF THE LABOUR COURT

APPLICANT

ADDRESS:.....
.....

CONTACT DETAILS:.....

Please turn over 

**LABOUR COURTS
CONTACT DETAILS****GAUTENG**

86 Juta Street
Arbour Square
Braamfontein 2001

PRIVATE BAG X 52 BRAAMFONTEIN 2017

Tel: 011 403 4893

Fax: 011 403 9327

WESTERN CAPE

Twinnell House (1st Floor)
113 Loop Street Vlaeberg
Cape Town

P O BOX 15502 VLAEBERG 8018

Tel: 021 4249035/7

Fax: 021 4249059

KWA ZULU NATAL

ICL House (4th Floor)
480 Smith Street
Durban
4000

PRIVATE BAG X 54370 DURBAN 4000

Tel: 031 3010111/04

Fax: 031 3010145

PORT ELIZABETH

Auto & General Towers
190 Govan Mbeki Avenue
Port Elizabeth
4000

PRIVATE BAG X 6004 P ELIZABETH 4000

Tel: 041 5864923 / 4/1

Fax: 041 5859860

LRA Form 7.19
Section 188A
Labour Relations Act,
1995

REQUEST FOR PRE-DISMISSAL ARBITRATION



Read This First



WHO FILLS IN THIS FORM?

An employer requesting a pre-dismissal arbitration.

WHERE DOES THIS FORM GO?

To the Registrar, Provincial Office of the CCMA. Please refer to the last page for details.

1. DETAILS OF EMPLOYER REQUESTING PRE-DISMISSAL ARBITRATION

Name :

Postal Address:.....

Contact Person:.....

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

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

2. REQUEST DETAILS

The conduct of a pre-dismissal arbitration against

(Name of Employee)

for misconduct / incapacity.

Full name of employee :

Postal address:

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

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

3. ALLEGATIONS ABOUT CONDUCT OR CAPACITY

Attach a copy of the charges to this form

4. CONFIRMATION AND CONSENT TO PRE-DISMISSAL ARBITRATION

I
(Name of Employee)

confirm that I have been advised of the allegations against me; and

- (a) I consent to the process; or
- (b) I earn more than R89 499 per annum and have consented to the process in my contract of employment. A copy of the contract of employment is attached hereto.

CONSENT

A pre-dismissal arbitration may only be conducted with the consent of the employee, or where an employee earning more than R 89 499 per annum has consented to the holding of the pre-dismissal arbitration in a contract of employment.

EMPLOYEES SIGNATURE

WITNESS

Please turn over →

<p style="text-align: center;">FEES PAYABLE</p> <p>Proof of payment of the prescribed fee must accompany this form.</p> <p>Payment may only be made by:</p> <ul style="list-style-type: none"> ▪ Bank guaranteed cheque; ▪ Direct electronic payment into the CCMA's bank account. <p style="text-align: center;">OTHER INSTRUCTIONS</p> <p>A copy of this form has been served on the other party.</p> <p>Proof that a copy of this form has been served on the other party must be supplied by attaching:</p> <ul style="list-style-type: none"> ▪ A copy of a registered slip from the Post Office; ▪ A copy of a signed receipt if hand delivered; ▪ A signed statement confirming service by the person delivering the form; ▪ A copy of a fax confirmation slip; or ▪ Any other satisfactory proof of service. <p>Tick the correct box <input checked="" type="checkbox"/></p>	<p>5. PAYMENT OF FEES:</p> <p>Proof of payment of the prescribed fee of R3 420 (R3 000 plus VAT) is attached.</p> <p>6. PLACE OF HEARING</p> <p>Please select where you would like the pre-dismissal arbitration hearing to take place:</p> <p><input type="checkbox"/> CCMA Office</p> <p><input type="checkbox"/> Employer Premises</p> <p>If you select employer premises, please provide address of employer premises</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>7. SERVICES</p> <p>(a) Interpretation Services</p> <p>Do you require an interpreter at the conciliation pre-dismissal arbitration?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If yes, please indicate for what language:</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Afrikaans</td> <td><input type="checkbox"/> IsiNdebele</td> <td><input type="checkbox"/> IsiZulu</td> <td><input type="checkbox"/> isiXhosa</td> </tr> <tr> <td><input type="checkbox"/> Sepedi</td> <td><input type="checkbox"/> Sesotho</td> <td><input type="checkbox"/> Setswana</td> <td><input type="checkbox"/> siSwati</td> </tr> <tr> <td><input type="checkbox"/> Tshivenda</td> <td><input type="checkbox"/> Xitsonga</td> <td colspan="2"><input type="checkbox"/> Other (please indicate).....</td> </tr> </table> <p>(b) Other</p> <p>Briefly outline any special features / additional information the CCMA needs to note:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>8. CONFIRMATION OF ABOVE DETAILS:</p> <p>Form submitted by (name):.....</p> <p>Signature:.....</p> <p>Position:</p> <p>Date:</p> <p>Place:</p> <p style="text-align: right;">Please turn over </p>	<input type="checkbox"/> Afrikaans	<input type="checkbox"/> IsiNdebele	<input type="checkbox"/> IsiZulu	<input type="checkbox"/> isiXhosa	<input type="checkbox"/> Sepedi	<input type="checkbox"/> Sesotho	<input type="checkbox"/> Setswana	<input type="checkbox"/> siSwati	<input type="checkbox"/> Tshivenda	<input type="checkbox"/> Xitsonga	<input type="checkbox"/> Other (please indicate).....	
<input type="checkbox"/> Afrikaans	<input type="checkbox"/> IsiNdebele	<input type="checkbox"/> IsiZulu	<input type="checkbox"/> isiXhosa										
<input type="checkbox"/> Sepedi	<input type="checkbox"/> Sesotho	<input type="checkbox"/> Setswana	<input type="checkbox"/> siSwati										
<input type="checkbox"/> Tshivenda	<input type="checkbox"/> Xitsonga	<input type="checkbox"/> Other (please indicate).....											

**PROVINCIAL
OFFICES OF THE CCMA****CCMA MPUMALANGA**

Foschini Centre
Eadie Street
Private Bag X7290, WITBANK, 1035
Tel: (013) 656-2800
Fax: (013) 656-2885/6
Email: WTB@ccma.org.za

CCMA EASTERN CAPE

107 Govan Mbeki Street
PORT ELIZABETH
Private Bag X22500, PORT ELIZABETH, 6000
Tel: (041) 505 4300
Fax: (041) 586-4585
Email: PE@ccma.org.za

CCMA NORTH WEST PROVINCE

CCMA House 47 Siddie Street,
KLERKSDORP
Private Bag X5004, KLERKSDORP, 2571
Tel: (018) 464-0700
Fax: (018) 462-4126
Email: KDR@ccma.org.za

CCMA FREE STATE

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Cnr Elizabeth & Westburger Street
BLOEMFONTEIN
Private Bag X20705, BLOEMFONTEIN, 9300
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Fax: (051) 448-4468/9
Email: BLM@ccma.org.za

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KIMBERLEY
Private Bag X6100, KIMBERLEY, 8300
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Fax: (053) 831-5947/8
Email: KMB@ccma.org.za

CCMA GAUTENG

CCMA House, 20 Anderson Street,
JOHANNESBURG
Private Bag X94, MARSHALLTOWN, 2107
Tel: (011) 377-6600
Fax: (011) 377-6678/58/80
Email: GAUTENG@ccma.org.za

CCMA LIMPOPO

CCMA House, 104 Hans van Rensburg Street,
POLOKWANE
Private Bag X9512, POLOKWANE, 0700
Tel: (015) 297-5010
Fax: (015) 297-1649
Email: PTB@ccma.org.za

CCMA KWAZULU NATAL

Garlicks Chambers, 61 Field Street,
DURBAN
Private Bag X54363, DURBAN, 4000
Tel: (031) 362 - 2300
Fax: (031) 306-5402
Email: KZN@ccma.org.za

CCMA WESTERN CAPE

CCMA House, 78 Darling Street,
CAPE TOWN
Private Bag X9167, CAPE TOWN, 8000
Tel: (021) 469-0111
Fax: (021) 465-7197 or 465-7193
Email: CTN@ccma.org.za

LRA Form 7.20
Labour Relations Act 1995
Section 189A

REQUEST FOR SECTION 189A OPERATIONAL REQUIREMENTS FACILITATION



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 dismissing one or more employees for reasons based on the employer's operational requirements; or
- Consulting parties representing the majority of employees whom the employer contemplates dismissing.

WHERE DOES THIS FORM GO?

The Registrar, Provincial Office of the CCMA in the province where the dismissals for operational requirements is contemplated. See details on this page.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

When you request facilitation the CCMA will appoint a facilitator to assist the parties engaged in consultation process.

PROVINCIAL OFFICES OF THE CCMA

CCMA EASTERN CAPE

107 Govan Mbeki Street
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ELIZABETH 6000
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2107
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Fax: (015) 297-1649
Email: PTB@ccma.org.za

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CCMA MPUMALANGA

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WITBANK
Private Bag X7290, WITBANK 1035
Tel: (013) 656-2800
Fax: (013) 656-2885/6
Email: WTB@ccma.org.za

Tick the correct box

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 piece of paper and attach details to this form.

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:

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

CHECK!

Have you attached proof that this form has been served on the other party?

Does the employer employ more than 50 employees?

1. DETAILS OF PARTY REQUESTING FACILITATION

Employer *Party representing majority of employees*

Postal Address:

..... Postal Code:

Contact Person:

Tel: Cell:

Fax: Email:

2. DETAILS OF THE OTHER PARTY

Name:

Postal Address:

..... Postal Code:

Contact Person:

Tel: Cell:

Fax: Email:

3. HOW MANY EMPLOYEES DOES THE EMPLOYER EMPLOY?.....

4. HOW MANY EMPLOYEES ARE LIKELY TO BE AFFECTED BY THE PROPOSED RETRENCHMENT?

5. HOW MANY EMPLOYEES HAS THE EMPLOYER DISMISSED FOR OPERATIONAL REQUIREMENTS IN THE PAST 12 MONTHS?

6. ATTACH THE SECTION 189(3) NOTICE ISSUED BY THE EMPLOYER TO THIS FORM

Please turn over



Tick the correct box

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

7. SUMMARISE THE FACTS RELATING TO THE CONTEMPLATED DISMISSALS FOR OPERATIONAL REQUIREMENTS

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

8. SECTOR

Indicate the sector or service in which the dispute arose.

- | | | |
|---|---|--|
| <input type="checkbox"/> Retail sector | <input type="checkbox"/> Private Security | <input type="checkbox"/> Public Service |
| <input type="checkbox"/> Distribution | <input type="checkbox"/> Food & Beverage | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Building & Construction | <input type="checkbox"/> Contract Cleaning |
| <input type="checkbox"/> Media & Television | <input type="checkbox"/> Mining | <input type="checkbox"/> Metal |
| <input type="checkbox"/> Motor | <input type="checkbox"/> Chemical | <input type="checkbox"/> Health |
| <input type="checkbox"/> Transport | <input type="checkbox"/> Services | <input type="checkbox"/> Paper & Printing |
| <input type="checkbox"/> Domestic | <input type="checkbox"/> Other (please describe)..... | |

9. INTERPRETATION SERVICES

Do you require an interpreter at the facilitation? YES NO

If yes, please indicate for what language:

- | | | | |
|------------------------------------|-------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Afrikaans | <input type="checkbox"/> isiNdebele | <input type="checkbox"/> isiZulu | <input type="checkbox"/> isiXhosa |
| <input type="checkbox"/> Sepedi | <input type="checkbox"/> Sesotho | <input type="checkbox"/> Setswana | <input type="checkbox"/> siSwati |
| <input type="checkbox"/> Tshivenda | <input type="checkbox"/> Xitsonga | <input type="checkbox"/> Other (please indicate)..... | |

Please turn over

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues etc.

10. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....
.....
.....
.....
.....
.....

11. PLACE OF FACILITATION

Please select where you would like the facilitation to take place:

- CCMA Office
- Employer Premises

If you select employer premises, please provide address of employer premises

.....
.....
.....
.....

12. CONFIRMATION OF ABOVE DETAILS:



Form submitted by (name):.....

Signature:.....

Position:.....

Date:.....

Place:.....

<p>LRA Form 7.21 Labour Relations Act 1995 Section 200A(3)</p>	<p>REQUEST FOR ADVISORY AWARD ON WHETHER A PERSON IS AN EMPLOYEE</p>				
<p>READ THIS FIRST</p>  <p>WHAT IS THE PURPOSE OF THIS FORM?</p> <p>This form is a request to the CCMA to issue an advisory award determining whether a person is an employee.</p> <p>WHO FILLS IN THIS FORM?</p> <p>The parties to any working arrangement may request an advisory award provided the affected person/s earn R89 499 per annum or less.</p> <p>WHERE DOES THIS FORM GO?</p> <p>The Registrar, Provincial Office of the CCMA. See details on this page.</p> <p>WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?</p> <p>The CCMA will appoint a commissioner to hear the matter and issue an advisory award.</p>	<p>PROVINCIAL OFFICES OF THE CCMA</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>CCMA EASTERN CAPE 107 Govan Mbeki Street PORT ELIZABETH Private Bag X22500, PORT ELIZABETH 6000 Tel: (041) 505 4300 Fax: (041) 586-4585 Email: PE@ccma.org.za</p> <p>CCMA FREE STATE NBS Building, Cnr Elizabeth & Westburger Street BLOEMFONTEIN Private Bag X20705, BLOEMFONTEIN, 9300 Tel: (051) 505-4400 Fax: (051) 448-4468/9 Email: BLM@ccma.org.za</p> <p>CCMA GAUTENG CCMA House, 20 Anderson Street, JOHANNESBURG Private Bag X94, MARSHALLTOWN, 2107 Tel: (011) 377-6600 Fax: (011) 377-6678/58/80 Email: GAUTENG@ccma.org.za</p> <p>CCMA KWAZULU NATAL Garlicks Chambers, 61 Field Street, DURBAN Private Bag X54363, Durban 4000 Tel: (031) 362 - 2300 Fax: (031) 306-5402 Email: KZN@ccma.org.za</p> <p>CCMA MPUMALANGA CCMA House, Eadie Street WITBANK Private Bag X7290, WITBANK 1035 Tel: (013) 656-2800 Fax: (013) 656-2885/6 Email: WTB@ccma.org.za</p> </td> <td style="width: 50%; vertical-align: top;"> <p>CCMA NORTH WEST PROVINCE CCMA House 47 Siddle Street, KLERKSDORP Private Bag X5004, KLERKSDORP, 2571 Tel: (018) 464-0700 Fax: (018) 462-4126 Email: KDR@ccma.org.za</p> <p>CCMA NORTHERN CAPE CCMA House, 1A Bean Street KIMBERLEY Private Bag X6100, KIMBERLEY, 8300 Tel: (053) 831-6780 Fax: (053) 831-5947/8 Email: KMB@ccma.org.za</p> <p>CCMA LIMPOPO 104 Hans van Rensburg Street, POLOKWANE, 0899 Private Bag X9512, POLOKWANE 0700 Tel: (015) 297-5010 Fax: (015) 297-1649 Email: PTB@ccma.org.za</p> <p>CCMA WESTERN CAPE CCMA House, 78 Darling Street, CAPE TOWN Private Bag X9167, Cape Town, 8000 Tel: (021) 469-0111 Fax: (021) 465-7197 or 465-7193 Email: CTN@ccma.org.za</p> </td> </tr> </table>			<p>CCMA EASTERN CAPE 107 Govan Mbeki Street PORT ELIZABETH Private Bag X22500, PORT ELIZABETH 6000 Tel: (041) 505 4300 Fax: (041) 586-4585 Email: PE@ccma.org.za</p> <p>CCMA FREE STATE NBS Building, Cnr Elizabeth & Westburger Street BLOEMFONTEIN Private Bag X20705, BLOEMFONTEIN, 9300 Tel: (051) 505-4400 Fax: (051) 448-4468/9 Email: BLM@ccma.org.za</p> <p>CCMA GAUTENG CCMA House, 20 Anderson Street, JOHANNESBURG Private Bag X94, MARSHALLTOWN, 2107 Tel: (011) 377-6600 Fax: (011) 377-6678/58/80 Email: GAUTENG@ccma.org.za</p> <p>CCMA KWAZULU NATAL Garlicks Chambers, 61 Field Street, DURBAN Private Bag X54363, Durban 4000 Tel: (031) 362 - 2300 Fax: (031) 306-5402 Email: KZN@ccma.org.za</p> <p>CCMA MPUMALANGA CCMA House, Eadie Street WITBANK Private Bag X7290, WITBANK 1035 Tel: (013) 656-2800 Fax: (013) 656-2885/6 Email: WTB@ccma.org.za</p>	<p>CCMA NORTH WEST PROVINCE CCMA House 47 Siddle Street, KLERKSDORP Private Bag X5004, KLERKSDORP, 2571 Tel: (018) 464-0700 Fax: (018) 462-4126 Email: KDR@ccma.org.za</p> <p>CCMA NORTHERN CAPE CCMA House, 1A Bean Street KIMBERLEY Private Bag X6100, KIMBERLEY, 8300 Tel: (053) 831-6780 Fax: (053) 831-5947/8 Email: KMB@ccma.org.za</p> <p>CCMA LIMPOPO 104 Hans van Rensburg Street, POLOKWANE, 0899 Private Bag X9512, POLOKWANE 0700 Tel: (015) 297-5010 Fax: (015) 297-1649 Email: PTB@ccma.org.za</p> <p>CCMA WESTERN CAPE CCMA House, 78 Darling Street, CAPE TOWN Private Bag X9167, Cape Town, 8000 Tel: (021) 469-0111 Fax: (021) 465-7197 or 465-7193 Email: CTN@ccma.org.za</p>
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READ THIS FIRST



Tick the correct box

The name of the employee or an employer that is referring the request must be filled in (a).

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

These alternate contact details should be of a union official or representative, a relative or a friend.

The name of the trade union or employers organisation that is referring the request or assisting a member to refer the request must be filled in (b).

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.

Tick the correct box

1. DETAILS OF PARTY REQUESTING THE ADVISORY AWARD

As the referring party, are you:

- An employee A trade union
 An employer An employer's organisation

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

Name:.....
 ID Number:.....
 Postal Address:.....
Postal Code:.....
 Tel:.....Cell:.....
 Fax:.....Email:.....

Alternate contact details of employee:

Name:.....
 Postal Address:.....
Postal Code:.....
 Tel:.....Cell:.....
 Fax:.....Email:.....

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

Name:.....
 Postal Address:.....
Postal Code:.....
 Tel:.....Cell:.....
 Fax:.....Email:.....

2. DETAILS OF THE OTHER PARTY

The other party is:

- An employee A trade union
 An employer An employer's organisation

Name:.....
 Postal Address:.....
Postal Code:.....
 Tel:.....Cell:.....
 Fax:.....Email:.....

Please Turn Over

PRESUMPTION

Section 200A(1) lists factors, which, if present create a presumption that a person is an employee

Tick whichever box is applicable

EARNINGS

An advisory award in terms of section 200A may only be sought in respect of person/s who earn amounts equal to, or less than, R89 499 per annum.

Tick the correct box

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 organization 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.
- Or none of the above apply

4. EARNINGS

The person or persons included in the working arrangement earn:

- 1. per annum
- 2. per annum
- 3. per annum

(If space is not sufficient, include additional information on a separate page and attach to this form)

5. SECTOR

- | | | |
|--|---|--|
| <input type="checkbox"/> Retail sector | <input type="checkbox"/> Private Security | <input type="checkbox"/> Public Service |
| <input type="checkbox"/> Mining | <input type="checkbox"/> Paper & Printing | <input type="checkbox"/> Health |
| <input type="checkbox"/> Motor | <input type="checkbox"/> Services | <input type="checkbox"/> Chemical |
| <input type="checkbox"/> Distribution | <input type="checkbox"/> Food & Beverage | <input type="checkbox"/> Agriculture |
| <input type="checkbox"/> Wholesale | <input type="checkbox"/> Building & Construction | <input type="checkbox"/> Contract Cleaning |
| <input type="checkbox"/> Domestic | <input type="checkbox"/> Other (Please describe)..... | |

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'.

Tick the correct box

Special features might be the urgency of the matter, the large number of people involved, important legal or labour issues etc. Reasons why advisory arbitration award is requested, may also be include.

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 supplied by attaching:

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

6. INTERPRETATION SERVICES

Do you require an interpreter at the advisory hearing? YES NO

If yes, please indicate for what language:

- | | | |
|-------------------------------------|---|-----------------------------------|
| <input type="checkbox"/> Afrikaans | <input type="checkbox"/> Sesotho | <input type="checkbox"/> Setswana |
| <input type="checkbox"/> Sepedi | <input type="checkbox"/> Xitsonga | <input type="checkbox"/> isiXhosa |
| <input type="checkbox"/> Tshivenda | <input type="checkbox"/> isiZulu | <input type="checkbox"/> siSwati |
| <input type="checkbox"/> isiNdebele | <input type="checkbox"/> Other (Please indicate.....) | |

7. SPECIAL FEATURES / ADDITIONAL INFORMATION

Briefly outline any special features / additional information the CCMA needs to note:

.....

.....

.....

.....

.....

8. CONFIRMATION OF ABOVE DETAILS

Form submitted by (name):

Signature:.....

Position:

Date:.....

Place:.....

LRA Form 9.1
Section 205(1)
Labour Relations Act,
1995

**EMPLOYER'S RECORD OF
EMPLOYEE'S EARNINGS,
DEDUCTIONS AND TIME
WORKED**



READ THIS FIRST



**WHAT IS THE PURPOSE
OF THIS FORM?**

This form is a record of employees' hours of work and their wages. The form assists inspectors and designated agents to check that certain minimum standards in terms of any collective agreement, award or determination is kept by employers.

**WHO FILLS IN
THIS FORM?**

The employer.

OTHER INSTRUCTIONS

State employers that fall within the jurisdiction of the Public Service Co-ordinating Bargaining Council do not have to fill in this form.

1) GENERAL INFORMATION

Date:

Shifts worked

a) from to

b) from to

c) from to

2) EMPLOYEE INFORMATION

Name:

ID number:

Occupation:

Status (full time or piece worker)

Age:

**3) ORDINARY TIME WORKED (INCLUDES SHIFT WORK IF APPLICABLE
AND EXCLUDES OVERTIME WORK)**

Day of the week	Hours worked	Shift a), b) or c)
Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Total hours
Ordinary rate per hour
Amount due

... please turn over →

4) OVERTIME

Day of the week	Hours worked
Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Total overtime hours
Overtime rate per hour
Amount due

5) PAY

Earnings	
Amount from ordinary work	.....
Amount from overtime work	.....
Any other allowance	.....
Total	.....
Deductions	
P.A.Y.E.	.....
Canteen	.....
Loan	.....
Other	.....
Total take home pay	.....

I,certify that this information is correct.
(employer's name)

Signature:

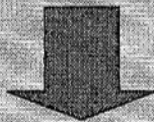
Date:

LRA Form 9.2
Section 205(3)(a)
Labour Relations Act,
1995

**RECORD OF STRIKE, LOCK-OUT
 OR PROTEST ACTION**



READ THIS FIRST



**WHAT IS THE PURPOSE
 OF THIS FORM?**

An employer must keep a record of any strike, lock-out or protest action involving its employees.

**WHO FILLS IN
 THIS FORM?**

The employer.

**WHERE DOES THIS
 FORM GO?**

The Director-General
 Department of Labour
 Private Bag x117
 Pretoria
 0001

OTHER INSTRUCTIONS

The employer must submit this form within seven days of the completion of the strike, lockout or protest action.

If a strike, lockout or protest action occurs in more than one workplace of a single employer then a separate form must be completed for each workplace.

**RECORD OF DETAILS OF STRIKE, LOCK-OUT OR PROTEST ACTION
 TO BE KEPT BY EMPLOYER IN TERMS OF SECTION 205(3)(A)**

1) EMPLOYER DETAILS

Name:

Physical address:

Province:

Tel: Fax:

Sector / nature of business:

(eg food, mining, retail)

Are wages and working conditions normally determined in a bargaining or statutory council or similar industry-level body?

- No
- Yes:

2) DETAILS OF THE ACTION

Nature of action:

- Strike in company only
- Multi-employer strike
- Lockout
- Stay-away, protest action
- Other industrial action, specify

Duration:

Began (Date) (Time)

Ended..... (Date) (Time)

Duration in workdays (or hours if relevant).....

... please turn over →

Employees

Number of employees involved Number of total workforce.....

% of female employees involved % of females in total workforce....

Total man-hours lost Total wages lost in Rands

Unions

Which unions were involved?

(If more than one union, list main union first. If no union then indicate.)

.....
.....

Compliance with the Act

Was the action in compliance with the Act? (e.g. procedural or unprocedural)

..... Yes No Don't Know

If no, or don't know, please explain

.....

Reasons:

Provide reasons for the action and describe the demands made:

.....
.....
.....

Strikes:

If the action was a strike, please answer the following questions:

Did the employer lock-out the strikers? (defensive lockout)

How was the strike resolved?

Was replacement labour used?

How many strikes, other than this strike have you experienced in the last 36 months

Signature of employer: Date:.....

Name of employer:

No. R. 1443

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION****TARIFF OF FEES**

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby repeal the Tariff of Fees published in terms of the Labour Relations Act, 1995 (Act No. 66 of 1995), under Government Notice No. R. 1736 of 1 November 1996.

No. R. 1444

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION****TARIFF OF FEES**

Under section 123(3) of the Labour Relations Act, 1995 (Act No. 66 of 1995), the Commission for Conciliation, Mediation and Arbitration hereby publish the tariff of fees, as established by the Governing Body in the Annexure.

LABOUR RELATIONS ACT, 1995 (Act No. 66 of 1996)

COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

TARIFF OF FEES

Under section 123(3) of the Labour Relations Act, 1995 (Act No. 66 of 1995), the Commission for Conciliation, Mediation and Arbitration hereby publish the tariff of fees, as established by the governing body, in the Annexure.

Annexure

The Commission may charge a fee in accordance with the tariff shown in Column 3 of Table 1 for a purpose listed in Column 2 of that Table. All fees exclude VAT.

TABLE CCMA1 – TARIFF OF FEES

1 SECTION	2 SERVICE	3 TARIFF OF FEES
Advice and training		
115(3)	Providing advice or training to employees, employers, registered trade unions, registered employers' organisations, federations of trade unions, federations of employers' organisations or councils relating to the primary objects of the Labour Relations Act.	R1 125,00 – R1 250,00 for each day or part thereof.
Ballots and elections		
123(1)(b)	Conducting, overseeing or scrutinizing any election of ballot of a registered trade union or registered employers' organisation.	R1 125,00 – R2 250,00 for each day or part thereof
Procedurally unfair dismissals		
140(2)	If a commissioner appointed to resolve a dismissal dispute through arbitration finds that the dismissal is unfair only because the employer did not follow a fair procedure.	R1 125,00 for each day of the arbitration or part thereof.
Dispute resolution in exceptional circumstances		
147(1)	Resolving a dispute about the interpretation or application of a collective agreement if – (i) the collective agreement does not provide a procedure for resolving that dispute through conciliation and arbitration; (ii) the procedure provided in the collective agreement is not operative; or (iii) a party to a collective agreement has frustrated that resolution of the dispute.	R1 125,00 – R3 000,00 for each day or part thereof.
147(2)	Resolving a dispute between parties to a council if the council's dispute resolution procedures are not operative.	R1 125,00 – R3 000,00 for each day or part thereof.
147(3)	Resolving a dispute between parties who fall within the registered scope of a council if the council's dispute resolution procedures are not operative.	R1 125,00 – R3 000,00 for each day of part thereof.
147(5)	Resolving a dispute between parties to a collective agreement that provides for the resolution of that dispute by an accredited agency if the accredited agency's dispute resolution procedures are not operative.	R1 125,00 – R3 000,00 for each day of part thereof.
188A	Resolving a dispute by pre-dismissal arbitration.	R3 000,00 per day.

No. R. 1445

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**SECTION 189A(6) REGULATIONS**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby, under section 189A(6) of the Labour Relations Act, 1995 (Act No. 66 of 1995), and after consultation with NEDLAC, hereby issue the regulations in the Schedule hereto.

M M S MDLADLANA

MINISTER OF LABOUR

No. R. 1445

10 Oktober 2003

WET OP ARBEIDSVERHOUDINGE, 1995 (WET NO. 66 VAN 1995)**ARTIKEL 189A(6) REGULASIES**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, vaardig hierby, kragtens artikel 189A(6) van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), en na oorlegpleging met NEOAR, die regulasies vervat in die Bylae hierby, uit.

M M S MDLADLANA

MINISTER VAN ARBEID

REGULATIONS FOR THE CONDUCT OF FACILITATIONS IN TERMS OF SECTION 189A

1. How to request facilitation

- (1) A request for facilitation in terms of section 189A(3) must be made by submitting a completed LRA 7.20 form to the Commission.
- (2) A request in terms of subregulation (1) must be served and filed in accordance with the Commission's rules.

2. Notice of first meeting of facilitation

- (1) Not later than seven days after receiving a notice in terms of regulation 2, the Commission must notify the parties in writing of -
 - (a) the name of the facilitator; and
 - (b) after consulting the parties, the date of the first facilitation meeting.
- (2) A notice in terms of subregulation (1) must be issued at least seven days before the date of the first facilitation meeting.
- (3)
 - (a) The parties may agree to appoint a facilitator other than the facilitator named in the notice given in terms of subregulation (1).
 - (b) The Commission is not liable to pay the fees of a facilitator appointed by agreement between the parties.
- (4) The date of the first facilitation meeting set in terms of subregulation (1) may be changed by agreement between all the parties and the facilitator.

3. Conduct of first facilitation meeting

- (1) The facilitator must at the first facilitation meeting assist the parties to reach an agreement on -
 - (a) the procedure to be followed during the facilitation;
 - (b) the date and time of additional facilitation meetings; and
 - (c) the information the employer is required to disclose in terms of section 189(3)(a) and when that information must be disclosed.
- (2) A matter dealt with in subregulation (1) may be dealt with in any additional facilitation meetings that are held.

4. Powers and duties of a facilitator

- (1) Unless the parties agreed otherwise, the facilitator may –
 - (a) chair the meeting between the parties;
 - (b) decide any issue of procedure that arises in the course of meetings between the parties;
 - (c) arrange further facilitation meetings after consultation with the parties;
 - (d) direct that the parties engage in consultations without the facilitator being present.
- (2) A decision by a facilitator in respect of any matter concerning the procedure for conducting the facilitation, including the date and time of meetings, is final and binding.
- (3) By agreement between the parties, the facilitator may perform any other function.

5. Power to order disclosure of information

- (1) If there is a dispute about the disclosure of information the facilitator may, after hearing representations from the parties, make an order directing an employer to produce documents that are relevant to the facilitation.
- (2) Sections 189(4)(b) and 16(5) and (10) to (14) of the Act, read with the changes required by the context, apply to any dispute concerning the disclosure of information in terms of subregulation (1).

6. Facilitation meetings

- (1) A facilitator must conduct up to four facilitation meetings with the parties, unless the dispute is settled in a lesser number of meetings or the parties agree to a lesser number of meetings.
- (2) The Director, after consulting the facilitator, may increase the number of meetings that a facilitator must conduct with the parties.
- (3) The number of meetings specified in subregulation (1) does not include any meetings convened for the purpose of the facilitator arbitrating a dispute over the disclosure of information.

7. Status of facilitation proceedings

- (1) A facilitation is conducted on a with prejudice basis.

- (2) Despite subregulation (1), the parties may agree in writing that a part of the facilitation be conducted on a without prejudice basis.
- (3) The part of the facilitation conducted on a without prejudice basis may not be disclosed in any court proceedings.
- (4) No person may call a facilitator to give any evidence on any aspect of a facilitation in any legal proceedings.

8. Panel of facilitators

- (1) The Commission must maintain a panel of facilitators consisting of commissioners and other persons.
- (2) A person may only be placed on the panel of facilitators that person has proven knowledge, experience and expertise in conciliation, mediation or facilitation of labour relations disputes.

9. Referral of dispute to Labour Court

A dispute in terms of section 189A(7)(b)(ii) must be referred to the Labour Court within 90 days of the notice of termination or, if no notice is given, within 90 days of the dismissal.

10. Agreement

If employees who are likely to be affected by a proposed dismissal are represented in a facilitation by more than one consulting party, an agreement must be concluded by the consulting parties representing the majority of the employees concerned, for purposes of section 189A(2) of the Act or these regulations.

11. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Labour Relations Act, 1995 (Act No. 66 of 1995) shall bear such meaning, unless the context indicates otherwise –

“Act” means the Labour Relations Act, 1995 (Act No. 66 of 1995), and includes any regulation made in terms thereof;

“Commission” means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Act;

“Commission’s rules” means the Rules for the Conduct of Proceedings before the CCMA; and

"Facilitator" means a facilitator appointed in terms of section 189A(3) of the Act.

12. Short title

These regulations are known as the Facilitation Regulations, 2002.

No. R. 1446

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**GUIDELINES ISSUED IN TERMS OF SECTION 95(8)**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby, under section 95(8) of the Labour Relations Act, 1995 (Act No. 66 of 1995), and after consulting NEDLAC, issue the guidelines in the Schedule hereto.

M M S MDLADLANA

MINISTER OF LABOUR

No. R. 1446

10 Oktober 2003

WET OP ARBEIDSVERHOUDINGE, 1995 (WET NO. 66 VAN 1995)**RIGLYNE KRAGTENS ARTIKEL 95(8)**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, vaardig hierby, kragtens artikel 95(8) van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), en na oorlegpleging met NEOAR, die riglyne vervat in die Bylae hierby, uit.

M M S MDLADLANA

MINISTER VAN ARBEID

GUIDELINES ISSUED IN TERMS OF SECTION 95(8) OF THE LABOUR RELATIONS ACT, NO. 66 OF 1995

THE PURPOSE OF THIS DOCUMENT

Purpose

1. This document contains guidelines published by the Minister of Labour, in consultation with Nedlac, that are to be applied by the Registrar of Labour Relations in determining whether an applicant for registration in terms of the Labour Relations Act (LRA) is a genuine trade union or a genuine employers' organisation. In terms of section 95(7) of the Labour Relations Act, the Registrar may only register a trade union or an employers' organisation if the Registrar is satisfied that it is a genuine trade union or a genuine employers' organisation. In addition, in terms of section 106 (2A) of the LRA, the Registrar may cancel the registration of a trade union or an employers' organisation that is not, or has ceased to function as, a genuine trade union or employers' organisation, as the case may be.

Application

2. These guidelines deal separately with trade unions and employers' organisations.

Approach

3. In order to determine whether an organisation is genuine, it will be necessary for the Registrar to examine the actual operation of the organisation. In the case of an applicant, particular attention will have to be paid to the manner in which the organisation was established and formed. In the case of an existing organisation, attention will have to be paid to its actual activities and functioning. In evaluating whether a trade union or employer's organisation is genuine, the Registrar must take into account all relevant factors.
4. These guidelines are not concerned with evaluating whether the constitution of a trade union or employers' organisation complies with section 95(5) of the LRA.

TRADE UNIONS

The Definition of a Trade Union

5. The LRA defines a trade union as follows:

"An association of employees whose principal purpose is to regulate relations between *employees* and *employers*, including any *employers' organisations*."

6. Therefore, an organisation cannot be registered as a trade union or continue to operate as a registered trade union unless –

- (a) it is *in fact* an association of employees;
- (b) the *principal* purpose of the activities is to regulate relations between its members and their employers (or employers' organisations representing those employers).

It will therefore be necessary to raise and examine the actual process of forming a trade union, its composition and membership and the activities it undertakes on behalf of its members. These issues are examined in greater detail in this document.

Formation of a trade union

7. The process followed to form a trade union can give important indications as to whether an organisation is a genuine trade union.

Key aspects of the process that should be examined include –

- the number of founding members who attended the inaugural meeting(s) to establish the trade union and who completed signed registers indicating their names and place of work;

- the means by which the constitution of the trade union was drafted and adopted;
- the election of an executive committee or council of members and the election of office-bearers.

The crucial issue that must be addressed is whether the formation of a trade union involved employees associating with one another to establish an organisation to regulate relations with their employer(s).

Qualification for membership of a trade union

8. In terms of section 95(5)(b) of the LRA, the constitution of a trade union must prescribe the qualifications for membership. There is no requirement in the LRA that a trade union confine its membership to employees in a particular sector or sectors of the economy or a particular geographical region. However, the failure to place appropriate qualifications on membership may indicate, together with other factors, that the trade union is not a genuine trade union.

Membership of a trade union

9. The LRA does not create any membership threshold that trade unions must meet to register. Nevertheless, the size of the membership may

be an indication that a trade union is not a genuine trade union. It is legitimate for trade unions to restrict their membership to small groups of workers; for instance, the employees of one employer or within one bargaining unit or a small trade or profession. However, an extremely small membership in relation to the number of employees qualified to join, may indicate that the trade union is not a genuine trade union.

10. When evaluating the membership of a trade union, attention should be paid to its history. The fact that the membership of a trade union with a long history of representing its members' interests has declined to small numbers is not an indication in itself that it has ceased to be a genuine trade union.
11. The primary purpose of a trade union is to regulate relations between employees and employers (or employers' organisations). In particular, this includes the regulation of these relationships through collective bargaining. A trade union will only be able to seek organisational rights in terms of the LRA or demand collective bargaining where it recruits members from the employees of particular workplaces or bargaining units. The fact that a trade union has not sought to gain a critical mass of members in any particular workplace or bargaining unit that would allow it to gain organisational rights may be an indication that the trade union is not a genuine trade union.

12. In order to have a primary purpose of regulating relations between employees and employers (or employers' organisations) a trade union must recruit as members employees who are in employment. The fact that a significant proportion of a trade union's membership only become members after the termination of their employment is an indication, together with other factors, that the trade union is not a genuine trade union.

Activities of the trade union

13. A trade union may seek to regulate relations between its members and their employers and employers' organisations by –
- (a) seeking and/or obtaining organisational rights in terms of chapter 3 of the LRA;
 - (b) seeking and/or obtaining recognition from employers as the collective bargaining representative of its members;
 - (c) submitting and negotiating in respect of demands on behalf of their members for approved wages and working conditions.
14. Failure to engage in these activities does not in itself indicate that a trade union is not a genuine trade union. There may be reasons why a trade union had not succeeded in gaining organisational rights or

obtaining recognition. These may include difficulties in recruiting members and hostility from employers. However, the failure to seek to obtain organisational rights or recognition is a strong indication that the trade union is not a genuine trade union as these rights provide the basic platform for representing members' interests.

15. It is a legitimate function of a trade union to seek to resolve grievances on behalf of its members, including those who have been dismissed, and it can be expected that all genuine trade unions would undertake activities in this regard. However, the fact that a trade union's activities solely, or to a large extent, consist of referring disputes and cases on behalf of its members to the CCMA, the Labour Court or other courts, is an indication that a trade union is not a genuine trade union.

Independence from employers

16. A trade union may only be registered and continue to operate as a registered trade union if it is independent. In terms of section 95(2), a trade union is not independent if it is under the direct or indirect control of any employer or employers' organisation and is not free of interference or influence of any kind from any employer or employers' organisation. Factors that would indicate that a trade union is not independent are -

- (a) That any of the officials or office-bearers of a trade union are also officials or office-bearers of an employers' organisation;
- (b) That the trade union operates from the same premises or shares facilities with an employers' organisation;
- (c) an employer assisted with the formation of the trade union or that the trade union operates as a "sweetheart" union (i.e. a trade union that exists to further the interests of the employer or to undermine independent trade unions).

Association of employees

17. A trade union must be an association of employees. Indicators that a trade union is an association of employees are –

- (a) the establishment and effective functioning of branches;
- (b) the holding of regular meetings of members;
- (c) the election of shop stewards or other trade union representatives in workplaces;
- (d) the election of members as office-bearers.

Association not for gain

18. In terms of section 95(5)(a) of the LRA a trade union must state in its constitution that it is an association not for gain. The purpose of this requirement is to prevent trade unions from being used as vehicles for enriching individuals or as a cover for profit-making businesses. In evaluating whether a trade union is a genuine trade union, it is important to examine the actual financial operation of the trade union. Among the factors that may indicate that a trade union is operating in fact for the gain of certain individuals are the following :

- (a) Unrealistically high salaries and allowances are paid to the officials, office-bearers or employees of the trade union.
- (b) Interest-free or low interest loans are made to officials, office-bearers or employees, and those loans are not repaid.
- (c) Family members of office-bearers or officials are employed by the trade unions.
- (d) Income earned by the trade union is not used for the benefit of the organisation and its members but is paid out to officials, office-bearers or employees.

19. It must be borne in mind that it is not inappropriate for trade unions to pay competitive salaries to attract competent and qualified officials and employees. Likewise, there may be circumstances in which established trade unions may decide to provide loans on favourable terms to their officials, office-bearers or employees.

20. Usually the major source of revenue for trade unions is a subscription usually paid on a monthly basis. In general terms this will be a flat rate payment or a payment expressed as a percentage of the members' income. Trade unions may have other sources of income, such as investments.

21. The financial arrangements made with members of a trade union on behalf of whom litigation, particularly dismissal disputes, is instituted, is an indication of whether the trade union may not be a genuine trade union or may be operating as an association for gain. Where a trade union charges its purported members a substantial proportion of the settlement reached in disputes, this may be an indication that the trade union is not a genuine trade union. This does not mean that it is not appropriate for genuine trade unions to require members to make realistic contributions to the costs of bringing cases on their behalf. However, the fact that a member is required to pay a substantial percentage of the settlement to the union, would be a strong indication that the organisation is not a genuine trade union.

Federation affiliations

22. The fact that a trade union is affiliated to a federation of trade unions, the other members of which are genuine trade unions, is an indicator that the trade union is a genuine trade union.

EMPLOYERS' ORGANISATIONS

Definition of an employers' organisation

23. The LRA defines an employers' organisation as follows:

"Any number of employers associated together for the purpose, whether by itself or with other purposes, of regulating relations between *employers and employees or trade unions*".

24. Therefore, an organisation cannot be registered as an employers' organisation or continue to operate as a registered employers' organisation unless –

- (a) the employers who are members of the organisation have in fact associated together;

- (b) the purposes for which they have associated together include regulating relations between employers and employees or trade unions.

25. It will therefore be necessary to examine the actual process of forming an employers' organisation as well as its composition and membership and the activities it undertakes on behalf of its members.

Formation of an employers' organisation

26. The process followed to form an employers' organisation can give important indications as to whether the employers who are members of the organisation have associated together. The key aspect of the process that should be examined include –

- the number and/or size of the founding members who attended the inaugural meeting to establish the employers' organisation;
- the means by which the constitution of the employers' organisation was drafted and adopted;
- the election of executive committee or council members and the election of office-bearers.

27. The crucial issue that must be addressed is whether the formation involved employers associating with one another to establish an employers' organisation.

Qualification for membership of an employers' organisation

28. In terms of section 95(5)(b) of the LRA, the constitution of an employers' organisation must set out the qualifications for admission to membership. There is no requirement in the LRA that an employers' organisation should confine its membership to employers in a particular sector or sectors of the economy or a particular geographical region. However the failure to place appropriate qualifications on membership may be an indication, together with other factors which are discussed below, that the employers' organisation is not a genuine employers' organisation. Where an employers' organisation has extremely wide qualifications for membership, it is appropriate to consider whether its members are in reality associating with each other for the purpose of regulating relations between themselves and their employees or the trade unions.

Membership of an employers' organisation

29. The LRA does not create any membership threshold that employers' organisations must meet to register. Nevertheless, the size of the membership (in terms of number of employers or number of employees

employed by them) may be an indication that the employers' organisation is not a genuine employers' organisation. It is legitimate for employers' organisations to restrict their membership to employers in small sectors of the economy.

Activities of an employers' organisation

30. The operation of an employers' organisation must involve employers associating with one another, *inter alia*, for the purpose of regulating relations between themselves and their employees or the trade unions to which the employees belong. This would be the case where the employer members meet together for the purposes of jointly engaging in collective bargaining with trade unions. The fact that the activities of the employers' organisation consist largely or solely of individual consultations between the employers who are members and officials of the employers' organisation, would be an indication that the employers' organisation is not a genuine employers' organisation.

Independence from trade unions

31. The fact that an employer's organisation is under the direct or indirect control of a trade union is an indication that it is not a genuine employers' organisation. Factors that would indicate that the employers' organisation is under the control of a trade union are -

- (a) that any of the officials or office-bearers of the employers' organisation are officials or office-bearers of a trade union;
- (b) that the employers' organisation operates from the same premises and shares facilities with a trade union.

Association not for gain

32. In terms of section 95(5)(a) of the LRA an employers' organisation must state in its constitution that it is an association not for gain. The purpose of this requirement is to prevent employers' organisations from being used as vehicles for enriching individuals or as a cover for profit-making in business. In evaluating whether an employers' organisation is a genuine employers' organisation, it is important to examine its actual financial operation. Among the factors that may indicate that an employers' organisation is in fact operating for the gain of individuals are the following:

- (a) Unrealistically high salaries or allowances are paid to the officials, office-bearers or employees of the employers' organisation.
- (b) Interest-free or low interest loans are made to officials, office-bearers or employees, and those loans are not repaid.

-
- (c) Family members of office-bearers or officials are employed by the employers' organisation.
 - (d) Income earned by the employers' organisation is not used for the benefit of the organisation and its members but is paid out to officials, office-bearers or employees.
33. It must be borne in mind that it is not inappropriate for employers' organisations to pay competitive salaries to competent and qualified officials and employees. Likewise, there may be circumstances in which established employers' organisations may decide to provide loans and favourable terms to their officials, office-bearers or employees.
34. Usually the major source of revenue for employers' organisations is likely to be a subscription paid on a regular basis. The financial arrangements made with members of an employers' organisation in respect of litigation, particularly dismissal disputes, may be an indicator whether the employers' organisation is in fact operating for the gain of certain individuals.

NOTICE ISSUED BY THE MINISTER OF LABOUR, AFTER CONSULTING NEDLAC, IN TERMS OF SECTION 33A(13) OF THE LABOUR RELATIONS ACT, NO. 66 OF 1995

- (1) An arbitrator conducting an arbitration in terms of section 33A of the Labour Relations Act, No. 66 of 1995 ("the Act") may impose a fine in terms of section 33A(8)(b) of the Act subject to the maximum fines set out in Tables One and Two of this item.
- (2) The maximum fine that may be imposed by an arbitrator in terms of section 33A(8)(b) of the Act –
- (a) for a failure to comply with a provision of a collective agreement not involving a failure to pay an amount of money, is the fine determined in terms of Table One;
- (b) involving a failure to pay an amount due in terms of a collective agreement, is the greater of the amounts determined in terms of Table One or Table Two.

Table One: Maximum permissible fine not involving an underpayment

No previous failure to comply	R100 per employee in respect of whom the failure to comply occurs
A previous failure to comply in respect of the same provision	R200 per employee in respect of whom the failure to comply occurs
A previous failure to comply within the previous 12 months or two previous failures to comply in respect of the same provision within three years	R300 per employee in respect of whom the failure to comply occurs
Three previous failures to comply in respect of the same provision within three years	R400 per employee in respect of whom the failure to comply occurs
Four previous failures to comply in respect of the same provision within three years	R500 per employee in respect of whom the failure to comply occurs.

Table Two: Maximum permissible fine involving an underpayment

No previous failure to comply	25% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within three years	50% of the amount due, including any interest owing on the amount at the date of the order
A previous failure to comply in respect of the same provision within a year, or two previous failures to comply in respect of the same provision within three years	75% of the amount due, including any interest owing on the amount at the date of the order

Three previous failures to comply in respect of the same provision within three years	100% of the amount due, including any interest owing on the amount at the date of the order
Four or more previous failures to comply in respect of the same provision within three years	200% of the amount due, including any interest owing on the amount at the date of the order

No. R. 1447

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION****RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA**

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby repeals the rules and LRA forms 7.16, 7.17, 7.18 and 7.18A made in terms of section 115(6) of the Labour Relations Act 1995 (Act No 66 of 1995) published under Government Notice No R961 of the 25th July 2002.

No. R. 1448

10 October 2003

LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)**COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION****RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA**

The Governing Body of the Commission for Conciliation, Mediation and Arbitration hereby, in terms of rule 115(6) of the Labour Relations Act, 1995 (Act No. 66 of 1995), publishes the rules and the amended LRA forms 7.16, 7.17, 7.18 and 7.18A in terms of section 115(2A)

RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA

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PART ONE**SERVING AND FILING DOCUMENTS****1. How to contact the Commission**

- (1) The addresses, telephone and telefax numbers of the offices of the Commission are listed in Schedule One to these rules.
- (2) Documents may only be filed with the Commission at the addresses or telefax numbers listed in Schedule One.

2. When are the offices of the Commission open

- (1) The head office and the provincial 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.
- (2) Documents may only be filed with the Commission during the hours referred to in subrule (1).
- (3) Notwithstanding subrule (2), documents may be faxed at any time to the Commission.

3. How to calculate time periods in these rules

- (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 subrule (2).
- (2) The last day of any period must be excluded if it falls on a Saturday, Sunday, public holiday or on a day during the period between 16 December to 7 January.

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.

- (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 list in writing, of the employees who have mandated the employee to sign on their behalf must be attached to the referral document.

5. How to serve documents on other parties

- (1) 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 in charge of the person's place of residence, business or place of employment premises at the time;
 - (iv) a person identified in subrule (2);
 - (b) by leaving a copy of the document at –
 - (i) an address chosen by the person to receive service;
 - (ii) any premises in accordance with subrule (3);
 - (c) by faxing or telexing a copy of the document to the person's fax or telex number respectively, or a 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 chairman 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;
 - (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.
- (3) If no person identified in subrule (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 order service in a manner other than prescribed in this rule.

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 of mailing the document by registered post to the other party;

(b) with a copy of the telegram or telex communicating 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; or

(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.

- (2) If proof of service in accordance with subrule (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.

- (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 handing the document to the office of the provincial registrar at the address listed in Schedule One;

- (b) by sending a copy of the document by registered post to the office of the provincial registrar at the address listed in Schedule One; or
 - (c) by faxing the document to the office of the provincial Registrar at a number listed in Schedule One.
- (2) A document is filed with the Commission when –
- (a) the document is handed to the office of the provincial Registrar;
 - (b) a document sent by registered post is received by the office of the provincial Registrar; or
 - (c) the transmission of a fax is completed.
- (3) A party must only file the original of a document filed by fax, 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 days of the request.

8. Documents and notices sent 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 days after it was posted.

9. How to seek condonation for documents delivered late

- (1) This rule applies to any referral document or application delivered outside of the applicable time period prescribed in the Act or these rules.
- (2) A party must apply for condonation, in terms of rule 31, when delivering the document to the Commission.
- (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 parties' 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

- (1) A party must refer a dispute to the Commission for conciliation by delivering a completed LRA Form 7.11 ("the referral document").
- (2) The referring party must –
 - (a) sign the referral document in accordance with rule 4;
 - (b) 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;
 - (c) if the referral document is filed out of time, attach an application for condonation in accordance with rule 9.
- (3) The Commission must refuse to accept a referral document until subrule (2) has been complied with.

11. What notice must the Commission give of a conciliation

The Commission must give the parties at least 14 days notice in writing of a conciliation hearing, unless the parties agree to a shorter period of notice.

12. Commission may seek to resolve dispute before conciliation

The Commission or a commissioner may contact the parties by telephone or other means, prior to the commencement of the conciliation, in order to seek to resolve the dispute.

13. What happens if a party fails to attend or is not represented at conciliation

- (1) The parties to a dispute must attend a conciliation in person, irrespective of whether they are represented.¹
- (2) If a party is represented at the conciliation but fails to attend in person, the commissioner may –
 - (a) continue with the proceedings;
 - (b) adjourn the proceedings; or
 - (c) dismiss the matter by issuing a written ruling.
- (3) In exercising a discretion in terms of subrule (2), 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 that party;
 - (d) the likely prejudice to the other party of the commissioner's ruling;
 - (e) any other relevant factors.
- (4) If a party to a dispute fails to attend in person or to be represented at a conciliation, the commissioner may deal with it in terms of rule 30.

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

¹ See Rule 25 (1) (a)

the referring party to prove that the Commission has the jurisdiction to conciliate the dispute through conciliation.

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

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

16. Conciliation proceedings may not be disclosed

- (1) Conciliation proceedings are private and confidential and are conducted on a without prejudice basis. No person may refer to anything said at conciliation proceedings during any subsequent proceedings, unless the parties agree in writing.
- (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.

PART THREE

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

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

- (1) The Commission must give the parties at least fourteen days notice in writing that a matter has been scheduled for con-arb in terms of section 191(5A) of the Act.
- (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 days prior to the scheduled date in terms of subrule (1).
- (3) Subrule (2) does not apply to a dispute concerning the dismissal of an employee for any reason related to probation or an unfair labour practice relating to probation.
- (4) If a party fails to appear or be represented at a hearing scheduled in terms of subrule (1), the commissioner must conduct the conciliation on the date specified in the notice issued in subrule (1).

- (5) Subrule (4) applies irrespective of whether a party has lodged a notice of objection in terms of subrule (2).
- (6) In con-arb proceedings a party to the dispute may appear in person or be represented only by –
 - (a) subject to subrule (7) a legal practitioner;
 - (b) a director or employee of that party; or
 - (c) any member, office bearer or official of that party's registered trade union or registered employers' organisation².
- (7) If the dispute concerns an unfair dismissal and the party has alleged the reason for the dismissal relates to the employee's conduct or capacity, a party may only be represented by a legal practitioner in the circumstances contemplated in section 140(1).³
- (8) The provisions of the Act and these rules that are applicable to conciliation and arbitration respectively apply, with the changes required by the context, to con-arb proceedings.
- (9) If the arbitration does not commence on the date specified in terms of the notice in subrule (1), the Commission must schedule the matter for arbitration either in the presence of the parties or by issuing a notice in terms of rule 21.

PART FOUR

ARBITRATIONS

18. How to request arbitration

- (1) A party may request the Commission to arbitrate a dispute by delivering a document in the form of Annexure LRA 7.13 ("the referral document").
- (2) The referring party must –
 - (a) sign the referral document in accordance with rule 4;

² Subrules (6) and (7) apply item 27(1)(c) of Schedule 7 to the Act.

³ The text of section 140(1) is reproduced in Rule 25 (1) (c)

- (b) attach to the referral document written proof that the referral document was served on the other parties to the dispute in accordance with rule 6; and
 - (c) if the referral document is served out of time, attach an application for condonation in accordance with rule 9⁴.
- (3) The Commission must refuse to accept a referral document until subrule (2) has been complied with.
 - (4) This rule does not apply to con-arb proceedings held in terms of section 191(5A).

19. When must the parties file statements

- (1) The Commission or a commissioner may direct –
 - (a) the referring party in an arbitration to deliver a statement of case; and
 - (b) the other parties to deliver an answering statement.
- (2) A statement in terms of subrule (2) must –
 - (a) set out the material facts upon which the party relies and the legal issues that arise from the material facts;
 - (b) be delivered within the time-period in the notice referred to in subrule (2).

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 subrule (2), if directed to do so by the Director.
- (2) 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;

⁴ In terms of section 136(1)(b), a party must request the Commission to arbitrate a dispute within 90 days after the Commission has issued a certificate that the dispute has not been resolved. A request made outside of this time-period may be condoned on good cause shown.

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

- (3) Unless a dispute is settled, the parties must draw up and sign a minute setting out the facts on which the parties agree or disagree.
- (4) A minute in terms of subrule (3) may also deal with any other matter listed in subrule (2).
- (5) The referring party must ensure that a copy of the pre-arbitration conference minute is delivered to the appointed commissioner within seven days of the conclusion of the pre-arbitration conference.
- (6) The commissioner may, after receiving a pre-arbitration minute –
 - (a) enrol the matter for arbitration;
 - (b) direct the parties to hold a further pre-arbitration conference; or
 - (c) make any other direction to the parties concerning the conduct of the arbitration.
- (7) If a party that has referred a matter to arbitration fails to attend a pre-arbitration conference, the commissioner may deal with the matter in terms of rule 30.
- (8) If any other party fails to attend a pre-arbitration conference without a justifiable reason, the commissioner may make an order of costs against that party.
- (9) The parties to an arbitration may agree to hold a pre-arbitration conference in terms of subrule (2).

21. What notice must the commission give of an arbitration

The Commission must give the parties at least 21 days notice, in writing, of an arbitration hearing, unless the parties agree to a shorter period.

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) An arbitration may be postponed –
 - (a) by agreement between the parties in terms of subrule (2);
or
 - (b) by application and on notice to the other parties in terms of subrule (3).
- (2) The Commission must postpone an arbitration without the parties appearing if –
 - (a) all the parties to the dispute agree in writing to the postponement; and
 - (b) the written agreement for the postponement is received by the Commission more than seven days prior to the scheduled date of the arbitration.
- (3) If the conditions of subrule (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, the Commission may –
 - (a) without convening a hearing, postpone the matter; or
 - (b) convene a hearing to determine whether to postpone the matter.

PART FIVE**RULES THAT APPLY TO CONCILIATIONS AND ARBITRATIONS AND
CON-ARBS****24. Where a conciliation or arbitration will take place**

- (1) A dispute must be conciliated or arbitrated in the province in which the cause of action arose, unless a senior commissioner in the head office of the Commission directs otherwise.
- (2) The Commission within a province determines the venue for conciliation or arbitration proceedings.

25. Objections to a representative appearing before the Commission.

- (1) If a 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 the Act, the commissioner must determine this issue.
 - (a) Section 135(4) provides that "In the conciliation proceedings a party to the dispute may appear in person or be represented only by –
 - (aa) a *director* or *employee* of that party; or
 - (bb) any member, *office bearer* or *official* of that party's registered *trade union* or registered *employers' organisation*."
 - (b) Section 138(4) provides that "In any arbitration proceedings, a party to the *dispute* may appear in person or be represented only by:
 - (aa) a *legal practitioner*;
 - (bb) a *director* or *employee* of the party; or
 - (cc) any member, *office-bearer* or *official* of that party's registered *trade union* or a registered *employers' organisation*."
 - (c) Section 140(1) provides that "If the *dispute* being arbitrated 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, the parties, despite section 138(4), are not entitled to be represented by a *legal practitioner* in the proceedings unless –
 - (aa) the commissioner and all the other parties consent;
 - (bb) the commissioner concludes that it is unreasonable to expect a party to deal with the *dispute* without legal representation, after considering –
 - (i) the nature of the questions of law raised by the *dispute*;
 - (ii) the complexity of the *dispute*;
 - (iii) the public interest; and
 - (iv) the comparative ability of the opposing parties or their representatives to deal with the *dispute*.
- (2) The commissioner may call upon the representative to establish why the representative should be permitted to appear in terms of the Act.
- (3) A representative must tender any documents requested by the commissioner, in terms of subrule (2), including constitutions, payslips, contracts of employment, documents and forms, recognition agreements and proof of membership of a trade union or employers' organisation.

26. How to join or substitute parties to proceedings

- (1) The Commission or a commissioner may join any number of persons as parties in proceedings if their right to relief depends on substantially the same question of law or fact.

- (2) A commissioner may make an order joining any person as a party in the proceedings if the party to be joined has a substantial interest in the subject matter of the proceedings.
- (3) A commissioner may make an order in terms of subrule (2) -
 - (a) of its 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.
- (4) An application in terms of this rule must be made in terms of rule 31.
- (5) When making an order in terms of subrule (2), 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.
- (6) If in any proceedings it becomes necessary to substitute a person for an existing party, any party to the proceedings may apply to the Commission for an order substituting that party for an existing party, and a commissioner may make such order or give appropriate directions as to the further procedure in the proceedings.
- (7) 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, unless the person concerned or that person's representative is already in possession of the documents.
- (8) Subject to any order made in terms of subrules (5) and (6), 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 may, on application and on notice to the parties concerned, correct the error or defect.

28. When the Commission may consolidate disputes

The Commission or a commissioner, of its own accord or on application, may consolidate more than one dispute so that the disputes may be dealt with in the same proceedings.

29. Disclosure of documents

- (1) Either party may request a commissioner to make an order as to the disclosure of relevant documents.
- (2) The parties may agree on the disclosure of documents.

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

- (1) If a party to the dispute fails to attend or be represented at any proceedings before the Commission, and that party -
 - (a) had referred the dispute to the Commission, a commissioner may dismiss the matter by issuing a written ruling; or
 - (b) 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 subrule (1).
- (3) If a matter is dismissed, the Commission must send a copy of the ruling to the parties.

PART SIX
APPLICATIONS

31. How to bring an application

- (1) This rule applies to any –
 - (a) application for condonation, joinder, substitution, variation or rescission;
 - (b) application in a jurisdictional dispute;
 - (c) other preliminary or interlocutory application.
- (2) An application must be brought 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;
 - (c) the relief sought;
 - (d) the address at which the party delivering the document will accept delivery of all documents and proceedings;
 - (e) that any party that intends to oppose the matter must deliver a notice of opposition and answering affidavit within fourteen 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 sub-paragraph (e);
 - (g) that a schedule is included listing the documents that are material and relevant to the application.
- (4) The application must be supported by an affidavit. The 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 arise 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 affidavit within fourteen days from the day on which the application was served on that party.
- (b) A notice of opposition and an answering affidavit must contain, with the changes required by the context, the information required by subrules (3) and (4) respectively.
- (6) (a) The party initiating the proceedings may deliver a replying affidavit within seven days from the day on which any notice of opposition and answering affidavit are served on it.
- (b) The replying affidavit must address only issues raised in the answering affidavit and may not introduce new issues of fact or law.
- (7) A commissioner may permit the affidavits referred to in this rule to be substituted by a written statement.
- (8) 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.
- (9) (a) The Commission must allocate a date for the hearing of the application once a replying affidavit is

delivered, or once the time limit for delivering a replying affidavit has lapsed, whichever occurs first.

- (b) The Commission must notify the parties of the date, time and place of the hearing of the application.
 - (c) Applications may be heard on a motion roll.
- (10) Despite this rule, the Commission or a commissioner may determine an application in any manner it deems fit.

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

- (1) An application for the variation or rescission of an arbitration award or ruling must be made within fourteen days of the date on which the applicant became aware of—
 - (a) the arbitration award or ruling; or
 - (b) a mistake common to the parties to the proceedings.
- (2) A ruling made by a commissioner which has the effect of a final order, will be regarded as a ruling for the purposes of this rule.

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 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 days of the referral for arbitration being filed.
- (2) Despite subrule (1), a party that requests arbitration may not thereafter make an application in terms of section 191(6).
- (3) The application must state the grounds on which a party relies in requesting that the dispute be referred to the Labour Court.

- (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 days of receipt of the application.
- (5) The Commission must notify the parties of its decision in terms of section 191(8) within fourteen days of receiving the objection.

PART SEVEN

PRE-DISMISSAL ARBITRATION IN TERMS OF SECTION 188A

34. How to request a pre-dismissal arbitration in terms of section 188A

- (1) An employer requesting the Commission to conduct a pre-dismissal arbitration, 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 consented in terms of section 188A(4)(b)⁶ to pre-dismissal arbitration in a contract of employment, in which case a copy of the contract 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 only be made by -
 - (a) bank guaranteed cheque; or
 - (b) electronic transfer into the bank account of the Commission.
- (4) Within twenty-one days of receiving a request in terms of subrule (1) and payment of the prescribed fee, the Commission must notify the parties to the pre-dismissal arbitration of when and where the pre-dismissal arbitration will be held.
- (5) Unless the parties agree otherwise, the Commission must give the parties at least fourteen days notice of the commencement of the pre-dismissal arbitration.

⁶ Only an employee whose earnings exceed the amount determined by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act, (currently R115 572 per annum), may consent to pre-dismissal arbitration in a contract of employment.

- (6) The Commission is only required to refund a fee paid in terms of subrule (3), if the Commission is notified of the resolution of the matter prior to issuing a notice in terms of subrule (4).

PART EIGHT

GENERAL

35. Condonation for failure to comply with the rules

The Commission or a commissioner may condone any failure to comply with the time frames in these rules, on good cause shown.

36. Recordings of Commission proceedings

- (1) The Commission must keep a record of –
- (a) any evidence given in an arbitration hearing;
 - (b) any sworn testimony given in any proceedings before the Commission; and
 - (c) any arbitration award or ruling made by a Commissioner.
- (2) The record may be kept by legible hand-written notes or by means of an electronic recording.
- (3) A party may request a copy of the transcript of a record or a portion of a record kept in terms of subrule (2), on payment of the costs of the transcription.
- (4) After the person who makes the transcript of the record has certified that it is correct, the record must be returned to the provincial Registrar.
- (5) The transcript of a record certified as correct in terms of subrule (4) is presumed to be correct, unless the Labour Court decides otherwise.

37. How to have a subpoena issued

- (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.

- (2) A party requesting the Commission to waive the requirement for the party to pay witness fees in terms of section 142(7)(c) 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.
- (3) An application in terms of subrule (1) must be filed with the Commission at least fourteen days before the arbitration hearing, or as directed by the commissioner hearing the arbitration.
- (4) The Commission or a 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 a reasonable period in which to comply with the subpoena;
 - (c) the Commission or a commissioner is not satisfied that the party has made arrangements to pay the witness fees and the reasonable travel costs of the person subpoenaed.
- (5) A subpoena must be served on the witness subpoenaed —
 - (a) by the person who has requested the issue of the subpoena or by the Sheriff, at least seven days before the scheduled date of the arbitration; and
 - (b) if so directed by the Commission, accompanied by 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.
- (6) Subrules 4(c) and 5(b) do not apply if the Commission in terms of section 142(7)(c), has waived the requirement to pay witness fees.

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 issue 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 subrule (1), the commissioner may, in appropriate circumstances, order that a witness receive no fee or only part of the prescribed fee.

39. Taxation of bills of cost

- (1) The basis on which a commissioner may make an order as to costs in any arbitration, is regulated by section 138(10) of the Act.⁷
- (2) The Director may appoint taxing officers to perform the functions of a taxing officer in terms of these rules.
- (3) The taxing officer must tax any bill of costs for services rendered in connection with proceedings in the Commission on Schedule A of the prescribed Magistrates' Court tariff, in terms of the Magistrates' Courts Act, No 32 of 1944, unless the parties have agreed to a different tariff.
- (4) At the taxation of any bill of costs, the taxing officer may call for any book, document, paper or account that, in the taxing officer's opinion, is necessary to properly determine any matter arising from the taxation.
- (5) Any person requesting a taxation must complete LRA Form 7.17 and must satisfy the taxing officer -

⁷ Section 138(10) of the Act provides: "The commissioner may not include an order for costs in the arbitration award unless a party, or the person who represented that party in the arbitration proceedings, acted in a frivolous or vexatious manner –

- (a) by proceeding with or defending the *dispute* in the arbitration proceedings; or
- (b) in its conduct during the arbitration proceedings.

- (a) of that party's entitlement to be present at the taxation; and
 - (b) that the party liable to pay the bill has received notice of the date, time and place of the taxation.
- (5) Despite subrule (4), notice need not be given to a party -
- (a) who failed to appear or to be represented at the hearing; or
 - (b) who consented in writing to the taxation taking place in that party's absence.
- (6) Any decision by a taxing officer is subject to review by the Labour Court.

40. Certification and enforcement of arbitration awards

- (1) An application to have an arbitration award certified must be made on or contain the information in -
- (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 Act that orders the payment of an amount of money, may be executed:
- (a) by using the warrant of execution in the LRA Form 7.18 or LRA Form 7.18A; or
 - (b) the warrant of execution prescribed in the Rules for the Conduct of Proceedings in the High Court.
- (3) For the purposes of subrule (2), an arbitration award includes an award of costs in terms of section 138(10), a taxed bill of costs in respect of an award of costs and an arbitration fee charged in terms of section 140(2).

41. What words mean in these rules

Any expression in these rules that is defined in the Labour Relations Act⁶, 1995 (Act No. 66 of 1995), has the same meaning as in that Act and

“Act” means the Labour Relations Act, 1995 (Act No. 66 of 1995), and includes any regulation made in terms of that Act;

“association” means any unincorporated body of persons;

“Commission” means the Commission for Conciliation Mediation and Arbitration established by section 112 of the Act;

“commissioner” means a Commissioner appointed in terms of section 117 of the Act;

“con-arb” means proceedings held in terms of section 191(5A);

“deliver” means serve on other parties and file with the Commission;

“Director” means the Director of the Commission appointed in terms of section 118 of the Act, and includes any person delegated by the director to perform any of the functions of the director;

‘file’ means to lodge with the Commission in terms of rule 7;

“Labour Court” means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court;

“party” means any party to proceedings before the Commission;

“provincial registrar” means the provincial registrar of the Commission appointed in terms of section 120 of the Act in each of the provinces, or any other person authorised to act in the place of the Provincial Registrar;

“public holiday” means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994);

“rules” means these rules and includes any footnote to a rule;

⁶ The following words used in the rules are defined in section 213 of the Act : dispute, dismissal, employee, employers' organisation, trade union, and workplace.

“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;

“serve” means to serve in accordance with rule 5 and **“service”** has a corresponding meaning; and

“taxing officer” means any employee of the Commission appointed by the Director in terms of rule 39.

SCHEDULE ONE

ADDRESSES OF THE COMMISSION

The addresses of the head office of the *Commission* are as follows:

CCMA HEAD OFFICE

Physical address: The National Registrar
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CCMA EASTERN CAPE

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Port Elizabeth
6000

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CCMA FREE STATE

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Bloemfontein
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9300

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