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COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

THE AMENDMENTS TO THE CCMA RULES AND REFERRAL FORMS RESOURCE GUIDE

2026

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BACKGROUND INFORMATION

1. Section 115(2)(cA)(iii) and (2A) of the Labour Relations Act 66 of 1995 (the Act) provides that the Commission may make Rules to regulate, amongst other items listed in subsection (2A), the practice and procedure for resolving a dispute through conciliation and arbitration proceedings

2. Section 115(1)(e) of the Act requires the Commission to, at least every second year, review any Rules made in terms of section 115.

3. Considering the above, a Rules Committee Task Team was established by the CCMA Director in 2025 and performed research and consultation in this regard. The Task Team was also required to make suggestions on the need for new referral forms and amendments to existing forms.

4. The Task Team consulted extensively, both internally and externally, and invited submissions and inputs from a range of stakeholders and role players. The Task Team carefully considered all inputs received in formulating its recommendations.

5. The Governing Body of the CCMA approved the amendments to the CCMA Rules and the Referral Forms on 27 August 2026, following which they were processed for publication in the *Government Gazette.*

6. This Resource Guide outlines the key amendments to the CCMA Rules and Referral Forms and provides an overview of the reasons behind these amendments.

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PART ONE: SERVING AND FILING DOCUMENTS

RULE 2: WHEN ARE THE OFFICES OF THE COMMISSION OPEN

2 When are the offices of the Commission open

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

~~(2) Documents may be filed with the Commission during the hours referred to in sub-rule (1).~~

~~(3) Notwithstanding sub-rule (2), documents may be e-mailed or referred using the official Commission electronic referral online portal at any time and on any day of the week to the Commission.~~

The purpose of the amendment to CCMA Rule 2(2) and (3) is to clarify the distinction between Rule 2, which regulates the CCMA's office hours and the times during which offices are open for business, and CCMA Rule 7, which regulates the filing of documents. This Rule is confined to regulating the days and hours during which the CCMA offices are open and does not cover procedures for the filing of documents. As the filing of documents is dealt with separately under Rule 7, titled "How to File Documents with the Commission", sub-rules (2) and (3) have been relocated to that Rule to ensure greater consistency between the content and headings of the Rules.

RULE 3: HOW TO CALCULATE TIME PERIODS IN THESE RULES

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

The purpose of the amendment and insertion of the footnote in CCMA Rule 3 is to clarify the distinction between the computation of time under the CCMA Rules and the computation of time under employment-law statutes. In this regard, the amendment recognises that the Interpretation Act 33 of 1957 supersedes the CCMA Rules in the calculation of prescribed time periods stipulated in legislation.

The clarification is proposed as a footnote rather than as part of the operative text of Rule 3 because it is explanatory and does not create, amend, limit or confer any substantive right, obligation or procedural requirement. The purpose of the footnote is merely to assist users of the Rules in understanding the interaction between Rule 3 and the Interpretation Act 33 of 1957.

RULE 5A: NOTICE OF PROCEEDINGS BEFORE THE COMMISSION

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

The amendment to CCMA Rule 5A seeks to extend the methods of electronic communication recognised for the issuing of notices by including WhatsApp as an approved platform for service and notification.

The amendment clarifies the difference between traditional SMS, which only transmits text and WhatsApp, a more versatile communication tool that can send documents, images, notices, and other material relevant to Commission proceedings. It also aligns the Rules with the Commission's increased use of technology and digital platforms, including the new CCMA WhatsApp Chatbot as an electronic referral option. By officially recognising WhatsApp as an acceptable communication method, the Rules support the Commission's goals to enhance accessibility, efficiency, and user engagement through digital channels. Additionally, WhatsApp provides electronic records of transmission, delivery, which aligns with the Electronic Communications and Transactions Act, 25 of 2002.

RULE 6: HOW TO PROVE THAT A DOCUMENT WAS SERVED IN TERMS OF THE RULES

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(2)	If proof of service in accordance with sub-rule (1) is provided, it is presumed, until the contrary is proved, that the party on whom it was served has knowledge of the contents of the document. The relevant provisions of the Electronic Communications and Transactions Act 25 of 2002 are applicable in respect of any issue concerning service by e-mail or the service of a notice of proceedings by short message service or WhatsApp as permitted by Rule 5A.
(3)	The Commission may accept proof of service in a manner other than prescribed in this Rule, as sufficient.

The amendment to Rule 6(2) provides for the addition of the word "WhatsApp". This amendment is consequential to and aligns with the amended Rule 5A, which recognises WhatsApp as a valid means of service. The amendment is intended to ensure consistency between the Rules and to accommodate contemporary methods of communication used in CCMA proceedings.

The purpose is also to ensure alignment with established jurisprudence in matters such as *CMC Woodworking Machinery (Pty) Ltd v Pieter Odendaal Kitchens* 2012 (5) SA 604 (KZD); [2012] 4 All SA 195 (KZD). and other decisions in which the courts have recognised electronic communication platforms, including WhatsApp, to be legitimate and effective means of communication and service where appropriate.

Also see:

Kgopana v Matlala (1081/2018) [2019] ZASCA 174.

Eskom Holdings SOC v Reddy and Others (2022) ZALCD 21

Nedbank Ltd v Pitt (2025) ZAGPJHC 699

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RULE 7: HOW TO FILE DOCUMENTS WITH THE COMMISSION

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

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

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

The amendment to CCMA Rule 7 sub-rule (1)(d) seeks to facilitate the electronic filing of documents through the Commission's electronic referral platforms. Given that electronic filing is available continuously, filing is no longer restricted to CCMA office hours and may be effected at any time and on any day.

The addition of CCMA Rule 7 sub-rule (1)(e) is necessitated by the current functionality of the CCMA WhatsApp Chatbot, which is designed exclusively for the referral of disputes. The Chatbot is not intended to facilitate the filing of pleadings, applications, supporting documents, or correspondence following referral. The sub-rule therefore clarifies the scope of the Chatbot platform's expanded capabilities filing requirements. The provision may be amended in due course to align with future technological enhancements and platform's expanded capabilities.

The purpose of the amendment to CCMA Rule 7 sub-rule (1)(f) is to clarify that, notwithstanding the Commission's office hours as contemplated in Rule 1, documents submitted by e-mail and referrals lodged through the Commission's official electronic referral platforms may be transmitted at any time and on any day of the week. The amendment recognises the continuous availability of electronic filing and referral systems and provides certainty regarding the submission of documents through these platforms.

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RULE 9: HOW TO SEEK CONDONATION FOR REFERRAL DOCUMENTS AND APPLICATIONS DELIVERED LATE

How to seek condonation for referral documents and applications delivered late

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

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

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

The purpose of these amendments serves to clarify that this Rule may be used for condonation applications received under the LRA, other applicable employment statutes, and the CCMA Rules (to be read with Rule 35 "Condonation for failure to comply with the Rules and Form").

In addition, the word "portal" was replaced with "platforms".

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PART TWO: CONCILIATION OF DISPUTES

RULE 10: HOW TO REFER A DISPUTE TO THE COMMISSION FOR CONCILIATION

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 prescribed LRA Form 7.11, which may include the Commission's electronic referral ~~online portal~~platforms.
~~(1)~~

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

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

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

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

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

The amendment to CCMA Rule 10(1) expressly recognises the Commission's electronic referral platforms as a mechanism for referring a dispute.

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The amendment to CCMA Rule 10(2) distinguishes referrals made through those official electronic platforms from referrals submitted by other permitted means.

Where a referral is made through a platform that automatically facilitates notification or service, the additional service requirements in CCMA Rule 10(2) do not apply. However, where a referral is made by any other method, the referring party remains responsible for serving the referral on the other party and providing proof of such service to the Commission. This approach clearly accommodates the CCMA WhatsApp Chatbot and future electronic referral platforms while preserving the service requirements for non-platform referrals.

The amendment to CCMA Rule 10 sub-rule (2)(d) was added to align the Rule with the provisions of section 21(1) and (2) of the Act that contain the word "must".

The use of the word "must" imposes something compulsory. Failure to comply results in an invalid act.

The amendments to the Rules are intended to align with the peremptory (mandatory) provisions of the Act. The amendments are further made to align with the established jurisprudence articulated in *SACCAWU v Speciality Stores Ltd* (1998) 19 *ILJ* 557 (LAC) and *Health and Hygiene Services v Seedat NO and Others* [1999] 11 BLLR 1153 (LC).

In *SACCAWU v Speciality Stores*, the Labour Appeal Court held that compliance with the requirements set out in section 21 of the LRA is a **jurisdictional prerequisite** for the acquisition of organisational rights. Failure to comply with the prescribed requirements set out in section 21(2), will render the CCMA with a lack of jurisdiction to determine the dispute.

In *Health & Hygiene Services v Seedat NO*, the Labour Court held that the requirements of section 21(2) are peremptory rather than merely directory. Non-compliance with those requirements deprived the CCMA of jurisdiction to determine the organisational-rights dispute. The court applied and followed the reasoning in *Speciality Stores*.

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RULE 11: WHEN MUST THE COMMISSION NOTIFY PARTIES OF A CONCILIATION OR FACILITATION

When must the Commission notify parties of a conciliation or facilitation

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

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

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

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

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

The purpose of this amendment to CCMA Rule 11(2) is to clarify that, while a shorter notice period may be permitted where reasonable circumstances exist, the decision to grant such a departure from the prescribed notice period is entirely within the Commission's discretion. The amendment further confirms that no party has an automatic entitlement to a shorter notice period and that the authority to grant such relief rests exclusively with the Commission.

The amendment aligns CCMA Rule 11 with the objects of the Act, particularly section 1(d)(iv), which identifies the effective resolution of labour disputes as one of the Act's primary purposes.

The amendment further recognises that labour disputes frequently require urgent intervention and that rigid notice periods may, in certain circumstances, impede the timely and effective resolution of disputes. By permitting the Commission to convene proceedings on shorter notice when the parties' consent or when reasonable circumstances justify such an approach, the amendment introduces a measure of procedural flexibility while safeguarding the principles of fairness, natural justice, and procedural integrity.

The amendment enhances the Commission's ability to respond appropriately to the exigencies of individual cases and to promote the expeditious resolution of labour disputes in accordance with the objectives of the Act.

The wording further clarifies that the decision to allow a shorter period of notice remains within the discretion of the Commission or commissioner and is not an automatic entitlement afforded to parties.

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The amendment is also consistent with established labour-law jurisprudence, which recognises that the Commission's role is to resolve labour disputes as expeditiously and effectively as possible. In *NUMSA and Another v Voltex (Pty) Ltd* (2000) 21 *ILJ* 2611 (LC); (2000) 5 BLLR 619 (LC), the Labour Court emphasised that the dispute resolution mechanisms established by the Labour Relations Act are intended to provide a speedy, efficient, and effective means of resolving labour disputes.

RULE 12: COMMISSION OR COMMISSIONER MAY ATTEMPT TO RESOLVE A DISPUTE BEFORE CONCILIATION

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

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

The purpose of this amendment to CCMA Rule 12 is to empower the Commission, which for the purposes of this Rule includes designated and trained staff members as well as commissioners, to proactively facilitate a process that is not expressly regulated by the Act but is provided for in the CCMA Rules in order to give effect to, and align with, the objectives of the Act.

The amendment promotes the efficient resolution of disputes, reduces unnecessary proceedings, and clarifies the Commission's authority to communicate with parties by telephone or other appropriate means before conciliation begins.

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The amendment further aims to eliminate any uncertainty regarding the distinction between pre-conciliation proceedings, established under the CCMA Rules, and conciliations, regulated by the Act. In this regard, conciliations will be conducted by commissioners, whereas pre-conciliation proceedings may be conducted by designated and trained staff members. The amendment provides greater clarity regarding the respective roles of commissioners and staff members and promotes effective case management within the Commission.

RULE 16: CONCILIATION PROCEEDINGS MAY NOT BE DISCLOSED

Conciliation proceedings may not be disclosed

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

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

The amendment to CCMA Rule 16(1) seeks to strengthen the confidentiality protections applicable to conciliation proceedings by expressly recognising the provisions of the Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002 (RICA) and the Protection of Personal Information Act 4 of 2013 (POPIA). While RICA regulates the interception and recording of communications, POPIA governs the processing, use, storage, dissemination and disclosure of personal information. The amendment therefore reinforces the statutory framework applicable to the protection of information exchanged during conciliation proceedings.

The amendment is further intended to prohibit the unauthorised recording of conciliation proceedings, including recordings made during private caucus sessions held separately with individual parties. Such caucus discussions form an integral part of the conciliation process and frequently involve confidential disclosures, settlement proposals, strategic considerations, and information exchanged on a without-prejudice basis. The unauthorised recording, retention, or disclosure of these discussions undermines the trust and confidentiality upon which the conciliation process depends and may discourage parties from engaging openly, candidly, and constructively in settlement negotiations. The amendment seeks to safeguard the integrity of the conciliation process and to preserve the confidential environment necessary for the effective resolution of disputes. The amendment therefore promotes confidentiality, protects personal information, prevents unauthorised recordings, safeguards the integrity of caucus discussions, and reinforces the without-prejudice nature of conciliation proceedings, all in line with the objectives of effective dispute resolution contemplated by the Act.

The amendment also aligns with established jurisprudence protecting the integrity of conciliations. See, for example, *September and Others v CMI Business Enterprise CC* (2018) 39 *ILJ* 987 (CC) [2018] 5 BLLR 431 CC.

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

RULE 17: CONDUCT OF CON-ARB IN TERMS OF SECTION 191(5A) OF THE ACT

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

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

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

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

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

The purpose of the amendment to CCMA Rule 17 sub-rule (2) is to align with the judicial prudence captured in *Valinor Trading 133 t/a Kings Castle v CCMA and Others* (2023) ZALCJHB 10 by retaining the requirement that objections be filed seven days before the scheduled date, while providing for the condonation of late objections on good cause shown.

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

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

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

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

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The purpose of the amendments to CCMA Rule 17 subrule 4 is to align the Rule with the Labour Court judgment in *Netelek (Pty) Ltd v CCMA and Others* (Case No. C29/2024, dated 4 June 2025). The amendments seek to ensure that the Rule accords with the principles articulated by the court, promotes legal certainty, and provides clarity regarding the procedural requirements and powers contemplated by the Rule.

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

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

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

~~(5)~~

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

The amendment clarifies that, following the commencement of arbitration, any subsequent adjournment does not require the referring party to file a new LRA Form 7.13. The Commission must simply reschedule the arbitration and notify the parties in accordance with Rule 21, as the matter remains an ongoing arbitration proceeding.

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PART FOUR: ARBITRATIONS

RULE 18: HOW TO REFER A REQUEST FOR ARBITRATION TO THE COMMISSION

How to refer a request for arbitration to the Commission

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

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

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

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

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

~~(4) This Rule does not apply to con-arb proceedings held in terms of section 191(5A) read together with Rule 17.~~

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The amendment to Rule 18(4) gives effect to the principles articulated in *Netelek (Pty) Ltd v CCMA and Others* and aligns the Rule with the amendments to Rule 17. The amendment seeks to ensure consistency between related procedural provisions, enhance legal certainty, and promote coherence in the regulatory framework governing arbitration proceedings. In doing so, it supports the fair, expeditious, and effective resolution of disputes in accordance with the objectives of the Act.

RULE 20: WHEN THE PARTIES MUST HOLD A PRE-ARBITRATION CONFERENCE

When the parties must hold a pre-arbitration conference

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

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

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

(c) directed to do so by the Provincial ~~or~~ Regional or Senior Commissioner ~~or the Senior Commissioner in charge of a region~~ or the ~~presiding~~ commissioner appointed to determine the matter.~~.~~

The purpose of the amendment to Rule 20(1)(c) is to clarify and confirm that the authority to direct the holding of a pre-arbitration conference rests exclusively with the CCMA. Such a direction may therefore only be issued by the Provincial Senior Commissioner, Regional Commissioner, Senior Commissioner, or the commissioner appointed to arbitrate the dispute.

The amendment seeks to remove any uncertainty about the source of this authority and to ensure consistent application of the Rule. It further reinforces the CCMA's case management role by confirming that the decision to direct a pre-arbitration conference remains within the discretion of designated CCMA functionaries and appointed commissioners.

A pre-arbitration conference is intended to streamline the process and prepare a dispute for arbitration, ensuring the arbitration hearing proceeds as efficiently and effectively as possible. It provides an opportunity for parties to identify and narrow the issues in dispute, agree on common cause facts, exchange documents, identify witnesses, and address procedural matters that may facilitate the expeditious resolution of the dispute.

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	(q)	the right of representation; ~~and~~
	(r)	whether an interpreter is required and, if so, for how long and for which languages; and
	~~(r)~~(s)	the use of AI and AI-generated information and the nature and extent of such usage.
(4)		Unless a dispute is settled, the parties must draw up and sign a copy of the minutes of the pre-arbitration conference. ~~minute~~ setting out the facts on which the parties agree or disagree.
(5)		Minutes of the pre-arbitration conference~~A minute~~ in terms of sub-rule (4) may also deal with any other matter listed in sub-rule (3).
(6)		The referring party must ensure that a copy of the pre-arbitration conference minutes are ~~is~~ delivered to the appointed commissioner seven (7) days prior to the date scheduled for the arbitration.

The purpose of the amendment to Rule 20 sub-rule (3)(s) is to encourage parties to consider and, where possible, reach an agreement on the potential use of Artificial Intelligence (AI)[1] during arbitration proceedings.

By requiring this issue to be addressed in the minutes of the pre-arbitration conference, the amendment promotes transparency, procedural fairness, and the efficient management of proceedings, while ensuring that all parties are aware of, and have an opportunity to agree upon, the manner in which AI may be utilised.

For the avoidance of doubt, the reference to AI in this Rule is not intended to regulate or give effect to the Commission's internal policies governing CCMA employees' use of AI. Rather, it is directed at parties to the dispute and seeks to encourage transparency regarding the use of AI tools in the conduct of proceedings.

The amendment is intended to afford parties an opportunity to reach agreement on the nature and extent of any AI use during the arbitration process, including AI-assisted note-taking, transcription, document organisation, summarisation, research, or similar administrative functions.

The purpose of the amendment to CCMA Rule 20(4) and (5) is to improve clarity and consistency in the terminology used in the Rule by replacing the reference to a “minute” with “minutes of the pre-arbitration conference”. The amendment more accurately reflects the document contemplated by the Rule and aligns the wording with established arbitration practice.

[1] ‘Artificial Intelligence’ means any software or system capable of performing tasks that simulate human intelligence, including learning, reasoning or content generation.

The purpose of the amendment to Rule 20(6) is to improve grammar and consistency by replacing the word "is" with "are". The amendment aligns the verb with the plural subject "minutes of the pre-arbitration conference" and ensures that the Rule is linguistically correct and clear. The amendment is technical in nature and does not alter the substantive meaning or application of the Rule.

RULE 21: WHEN MUST THE COMMISSION NOTIFY THE PARTIES OF AN ARBITRATION

When must the Commission notify parties of an arbitration

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

The amendment is to ensure that the discretion to use short notice rests with the Commission.

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

RULE 24: WHERE A HEARING WILL TAKE PLACE

Where a hearing will take place

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

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

The purpose of the amendment of CCMA Rule 24(2) is to include the words "but is not limited to", which clarifies that the Commission's discretion in determining the venue for a hearing is not confined to the examples listed in the Rule.

This flexibility is particularly applicable in high-risk matters or in circumstances where practical, security, accessibility, or operational considerations require the Commission to determine an appropriate alternative venue, including, but not limited to, an online hearing conducted through a digital platform.

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RULE 25: REPRESENTATION BEFORE THE COMMISSION

Representation before the Commission

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

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

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

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

The amendment to Rule 25(1)(a)(ii) is intended to ensure that a trade union, employers' organisation, or trade union/employers' organisation federation is aware of, and has authorised, any appearance made in its name before the Commission. The amendment seeks to promote transparency, accountability, and proper governance by ensuring that representation undertaken in the name of a representative institution occurs with its knowledge and approval.

By requiring representatives to be duly authorised by the relevant trade union, employers' organisation, or federation, the Rule enhances legal certainty, reduces the potential for disputes regarding mandate and authority, and preserves the integrity and credibility of representative institutions. It also ensures that individuals appearing before the Commission are properly empowered to act on behalf of the parties they purport to represent.

Moreover, section 200 of the Act permits a registered trade union or employers' organisation to act on behalf of its members. That representative capacity derives from the organisation's lawful status, constitution, and authority. Requiring proof of authorisation where representation is conducted in the name of such an organisation is therefore consistent with the principles underlying section 200 and serves to safeguard against unauthorised representation. The amendment accordingly promotes effective case management and protects the interests of both represented parties and the organisations concerned.

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RULE 26: HOW TO JOIN OR SUBSTITUTE PARTIES TO PROCEEDINGS

26 How to join or substitute parties to proceedings

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

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

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

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

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

(a) on own accord;

(b) on application by a party; or

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

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

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

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

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

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

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

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

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

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

The amendments to CCMA Rule 26(5) to (8) are necessitated by judicial jurisprudence, as articulated in *Dawn Ltd and Others v Molefe and Others* (JR 2114/21) (2024) ZALCJHB 111, and are intended to align the Rule with the legal principles articulated by the Labour Court, ensuring clarity and consistency in its application.

A commissioner or arbitrator has no jurisdiction to make findings or grant relief against a party that has not been properly referred to conciliation and is therefore not properly before the CCMA. A party cannot simply be joined to proceedings after the fact if the dispute was not first referred against that party for conciliation.

The amendment also aligns with the earlier principle captured in *National Union of Metalworkers of SA v Intervalve (Pty) Ltd* (2015) 36 *ILJ* 363 (CC) ("*Intervalve*"), where it was held that referral for conciliation is indispensable.

The amendment is necessary to align the CCMA Rules with binding jurisprudence and to promote consistency in commissioners' rulings on these matters. Particular emphasis should be placed on the use of the word "notwithstanding" in the amendment. The amendment seeks to make it clear that, notwithstanding any contrary procedural practice or interpretation, an employer who was not cited in the referral initiating the proceedings may not subsequently be joined and subjected to an arbitration award unless there has been compliance with the applicable Rule governing joinder and service.

This approach is firmly grounded in the binding authority of the Constitutional Court described above. In *Intervalve,* the Constitutional Court held that referral to conciliation is a jurisdictional prerequisite and that an employer who was not cited in the referral and did not participate in the conciliation process cannot subsequently be joined to the proceedings. The court made it clear that prior conciliation against the party concerned is indispensable and that joinder cannot cure the jurisdictional defect.

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The Constitutional Court is the highest court on constitutional and labour law, jurisdictional questions. Its decision in *Intervalve* remains binding on the CCMA and its commissioners.

The principle has subsequently been reaffirmed in later jurisprudence. In *Dawn Ltd and Others v Molefe and Others*, the Labour Court again confirmed that joinder is not competent where there has been no prior referral to conciliation against the party sought to be joined, and that relief cannot be granted against a party not properly before the tribunal.

The amendment is therefore necessary to align the provision with binding jurisprudence and established jurisdictional principles. It will also promote consistency and legal certainty by preventing divergent and inconsistent rulings by commissioners on whether parties not cited in the initiating referral may nevertheless be joined at a later stage. Such consistency is essential to ensure that CCMA processes accord with the constitutional requirements of fairness, legality and procedural certainty.

Accordingly, the inclusion of the word “notwithstanding” serves an important clarificatory function by expressly preserving the jurisdictional principle established in *Intervalve*, namely that a party not cited in the referral to conciliation cannot subsequently be joined and bound by arbitration proceedings or an arbitration award.

RULE 29: DISCLOSURE OF DOCUMENTS OR MATERIALS BY THE PARTIES RELATING TO THE DISPUTE

~~Disclosure of documents or material related to the dispute~~Disclosure of documents or materials by the parties relating to the dispute

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

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

The amendment to the heading of CCMA Rule 29 is intended to clarify that Rule 29 applies exclusively to documents and material and does not extend to the attendance or participation of persons or non-parties in proceedings.

The purpose of the amendment to CCMA Rule 29 1(A) is to clarify the procedure to be followed where a party requires documents or other material from a person or entity that is not a party to the dispute. The amendment provides that such requests must be dealt with in terms of Rule 37, thereby ensuring a consistent and procedurally fair process for obtaining information from non-parties.

The amendment to the heading of Rule 29, by the inclusion of the words "by the parties", is intended to clarify that the Rule regulates the disclosure of documents or materials between the parties to the dispute. The amendment removes any ambiguity regarding whether Rule 29 may be used to compel disclosure from persons who are not parties to the proceedings. Such requests are instead regulated through the procedures applicable to non-parties, including Rule 37. The amendment promotes legal certainty, procedural fairness and a proper distinction between the disclosure obligations of parties and the mechanisms available for obtaining information from third parties.

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

The purpose of the amendment to CCMA Rule 29(5) clarifies that this Rule concerns the production of documents and material for the purposes of proceedings before the Commission and is distinct from disclosure of information disputes under section 16 of the Act, which may be pursued by majority trade unions or trade unions acting jointly (as part of organisational rights disputes).

RULE 30: WHAT HAPPENS IF A PARTY FAILS TO ATTEND ARBITRATION PROCEEDINGS BEFORE THE COMMISSION

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

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

- (a) was the referring party, the commissioner appointed to arbitrate, must attempt to establish the reason for non-attendance. If there appears to be a good reason for the absence, the commissioner must direct that the matter be rescheduled for arbitration; or
- (b) if the absence is, on the face of it, willful or unexplained, or the commissioner does not accept the explanation, the commissioner may dismiss~~remove~~ the matter ~~from the roll~~;
- (c) had not referred the matter to the Commission, the commissioner may -
  - (i) continue with the proceedings in the absence of that party; or
  - (ii) adjourn the proceedings to a later date.

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

The purpose of the amendment to CCMA Rule 30(1)(b) is to replace the reference to "removal from the roll" with "dismissal" in order to align the Rule with established jurisprudence, including the Labour Court's decision in *Mohube v CCMA and Others* (2023) ZALCJHB 17 ("*Mohube*"). The amendment gives effect to the court's interpretation of the appropriate consequence where a referring party fails to comply with the requirements of the Rule. By adopting the court-endorsed terminology, the amendment promotes legal certainty, consistency, and uniformity in the application of the Commission's procedures. It further ensures that the Rule accurately reflects the legal effect of such non-compliance and reduces the potential for uncertainty or procedural disputes arising from the use of inconsistent terminology.

The amendments relating to the removal of matters from the roll are necessary to restore alignment between the CCMA Rules and the proper interpretation of section 138(5) of the Act. Historically, the phrase "dismiss the matter" in section 138(5)(a) became the subject of conflicting judicial interpretations.

In *Solomons v Phokela N.O. and Others* (JR99) [2021] ZALCJHB 192 (2 August 2021) ("*Solomons*"), the Labour Court held that a decision made under section 138(5)(a) where the referring party failed to attend arbitration was essentially administrative in nature and should be treated as a removal of the matter from the roll rather than a dismissal. On that interpretation, the matter could subsequently be re-enrolled without the need for rescission proceedings. This judgment led to amendments to the CCMA Rules, the introduction of Rule 31C, and the adoption of a re-enrolment procedure.

However, the Labour Appeal Court in *Mohube* rejected the interpretation adopted in *Solomons*. The LAC held that the word "dismiss" in section 138(5)(a) must be given its ordinary meaning and that it cannot be interpreted to mean "struck off the roll" or "removed from the roll". The court specifically held that the interpretation adopted in *Solomons* created legal uncertainty and was inconsistent with the wording chosen by the Legislature.

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PART SIX: APPLICATIONS

RULE 31A: HOW TO APPLY FOR URGENT PICKETING RULES OR THE DETERMINATION OF DISPUTES RELATING THERETO

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

(1) This Rule applies to:

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

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

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

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

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

~~(4) Unless the parties agree otherwise, the Commission must set down the application within 2 (two) days of receipt of the application.~~

The deletion of CCMA Rule 31A(4) is intended to remove a procedural requirement that is neither prescribed by the Act nor necessary for inclusion in subordinate legislation. There is no statutory obligation to schedule collective bargaining disputes within two working days.

RULE 31B – HOW TO APPLY FOR THE ENFORCEMENT OF WRITTEN UNDERTAKINGS AND/OR COMPLIANCE ORDERS.

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

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

~~(4) An employer may, subject to the provisions of the BCEA, object to a written undertaking or compliance order being made an arbitration award by serving and filing an affidavit setting out its objections in accordance with the provisions of this Rule.~~

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

~~(6)~~(7) The party initiating the proceedings may deliver a reply within three (3) days from the day on which any answering affidavit or objection is served on it.

~~(7)~~(8) The reply must address only issues raised in the answering affidavit or objection contemplated ~~affidavit contemplated~~ in sub-rules 4 or 5 and may not introduce new issues of fact or law.

~~(8)~~(9) The Commission must, once a reply is delivered or the time limit for delivering a reply has lapsed, whichever occurs first, appoint a commissioner to determine the application by considering the documents filed in terms of this Rule.

~~(9)~~(10) Despite sub-rule 7, the commissioner may, if appropriate, request allocation of a hearing date, in which event the Commission must notify the parties of the date, time and place of the hearing of the application.

~~(10)~~(11) The application may be heard on a motion roll.

The purpose of the amendment to CCMA Rule 31B(4) and (5) is to distinguish between the separate statutory procedures applicable to written undertakings and compliance orders under the Basic Conditions of Employment Act. Although both section 68 and section 69 of the BCEA permit the Director-General to apply to the Commission to have a written undertaking or compliance order made an arbitration award, the mechanisms available to an employer to challenge those proceedings are materially different.

A compliance order issued in terms of section 69 of the BCEA is subject to a statutory objection procedure expressly created by the BCEA. By contrast, section 68 of the BCEA does not create a comparable objection process in respect of written undertakings. Where the Director-General applies to have a written undertaking made an arbitration award, the matter constitutes an application before the Commission, and the affected employer should therefore be entitled to oppose the application in accordance with CCMA Rule 31.

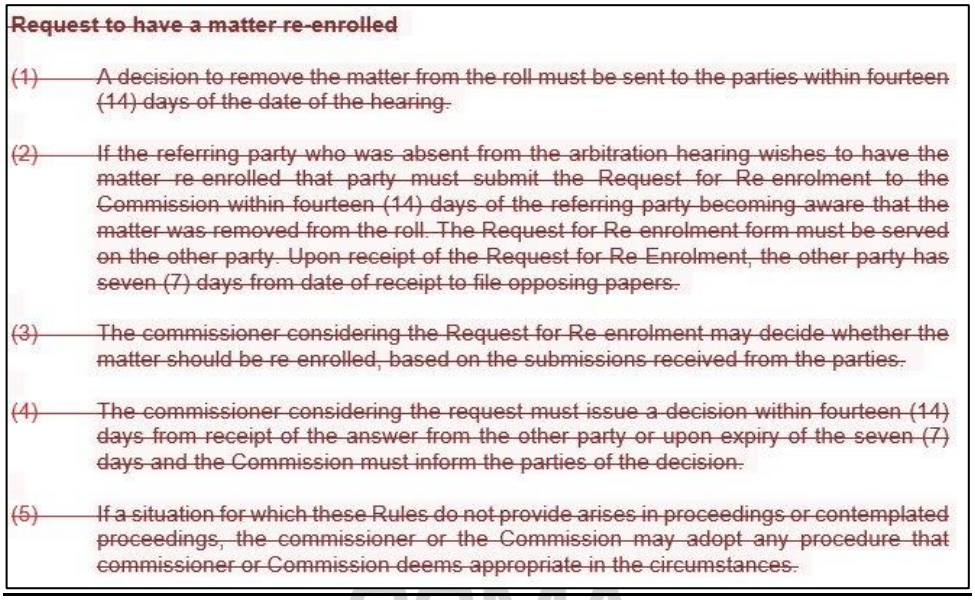
The amendment accordingly seeks to clarify the distinction between an “objection” to a compliance order and an “opposition” to an application concerning a written undertaking.

The wording promotes legal certainty, aligns the Rule with the different statutory schemes contemplated by sections 68 and 69 of the BCEA, prevents procedural confusion, and ensures that parties are directed to the appropriate mechanism for challenging the relief sought.

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The amendment further aligns the Rule with established motion proceedings before the Commission by recognising that applications relating to written undertakings should be dealt with in accordance with Rule 31, including the filing of answering and replying affidavits where appropriate, whereas objections relating to compliance orders remain regulated by the specific provisions of the BCEA. The amendment therefore promotes procedural fairness, consistency and the effective administration of enforcement proceedings before the Commission.

RULE 31C – REQUEST TO HAVE A MATTER RE-ENROLLED



~~**Request to have a matter re-enrolled**~~

~~(1) A decision to remove the matter from the roll must be sent to the parties within fourteen (14) days of the date of the hearing.~~

~~(2) If the referring party who was absent from the arbitration hearing wishes to have the matter re-enrolled that party must submit the Request for Re-enrolment to the Commission within fourteen (14) days of the referring party becoming aware that the matter was removed from the roll. The Request for Re-enrolment form must be served on the other party. Upon receipt of the Request for Re-Enrolment, the other party has seven (7) days from date of receipt to file opposing papers.~~

~~(3) The commissioner considering the Request for Re-enrolment may decide whether the matter should be re-enrolled, based on the submissions received from the parties.~~

~~(4) The commissioner considering the request must issue a decision within fourteen (14) days from receipt of the answer from the other party or upon expiry of the seven (7) days and the Commission must inform the parties of the decision.~~

~~(5) If a situation for which these Rules do not provide arises in proceedings or contemplated proceedings, the commissioner or the Commission may adopt any procedure that commissioner or Commission deems appropriate in the circumstances.~~

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The purpose of the amendment to CCMA Rule 31(c) is to delete the Rule in order to align the Commission's Rules with the Labour Court's decision in *Mohube*. The deletion seeks to ensure that the Rules are consistent with the interpretation and application of the law as articulated in that judgment. By removing the provision, the amendment eliminates the potential for inconsistency between the Commission's Rules and the prevailing legal position, thereby promoting legal certainty, procedural fairness, and the uniform application of the law. The amendment further ensures that the Commission's procedures remain aligned with binding judicial authority and the evolving jurisprudence of the Labour Court.

RULE 32: HOW TO APPLY TO VARY OR RESCIND ARBITRATION AWARDS OR RULINGS

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 (14) days of the date on which the applicant became aware of the arbitration award or ruling.
~~(2)~~	~~This Rule does not apply to a decision taken by the Commission or commissioner to remove a matter from the case roll in terms of Rule 30.~~

The purpose of the amendment to CCMA Rule 32(2) is to delete the sub-rule to align the Commission's Rules with the Labour Court's decision in *Mohube*. The deletion seeks to ensure that the Rules are consistent with the interpretation and application of the law as set out in that judgment and to avoid any inconsistency between the Commission's Rules and the prevailing legal position. The amendment further promotes legal certainty, procedural fairness, and consistency in the application of the Commission's dispute resolution processes by ensuring that the Rules accurately reflect the legal consequences of non-compliance as determined by the Labour Court.

The amendments relating to the removal of matters from the roll are intended to align the CCMA Rules with the binding interpretation of section 138(5)(a) of the Act and to promote legal certainty. Following *Solomons,* the CCMA amended its Rules and introduced Rule 31C on the basis that a matter not attended by the referring party was removed from the roll and could be re-enrolled without rescission. However, the Labour Appeal Court in *Mohube* rejected that interpretation and held that the word “dismiss” in section 138(5)(a) must be given its ordinary meaning and cannot be interpreted as “removed from the roll”.

RULE 33: HOW TO APPLY TO REFER A DISMISSAL DISPUTE TO THE LABOUR COURT.

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

(a) the reason for dismissal.

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

(c) the complexity of the dispute

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

(e) the public interest.

~~(3)~~(4) If any party to the dispute objects to the matter being referred to the Labour Court, that party must state the grounds for the objection within seven (7) days of receipt of the application.

~~(4)~~(5) The Commission must notify the parties of the Director, Acting Director or a duly appointed person ~~its decision~~ in terms of section 191(8) of the Act within fourteen (14) days of receiving the objection.

The purpose of the amendment to CCMA Rule 33(3) is to clarify the grounds that must be set out in an application requesting that a dispute be referred to the Labour Court for adjudication rather than be arbitrated by the Commission. The amendment requires an applicant to clearly identify and motivate the relevant considerations supporting such a request, including the reason for dismissal, any questions of law raised by the dispute, the complexity of the matter, the existence of conflicting arbitration awards, and any public interest considerations. This will assist the Commission in exercising its discretion consistently, transparently, and in accordance with the applicable legislative framework.

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The amendment further seeks to clarify the authority responsible for determining such applications by expressly including the Acting Director. This inclusion confirms that an Acting Director, when lawfully appointed to perform the functions of the Director, has the same powers and authority as the Director for purposes of the Rule. The amendment therefore promotes legal certainty, continuity in decision-making, and the efficient administration of the Commission's processes.

The purpose of the amendment to CCMA Rule 33(5) is to clarify that the power to make a decision in terms of section 191(8) of the Labour Relations Act may be exercised by the Director, an Acting Director, or a duly authorised delegate acting under delegated authority. The amendment seeks to remove any uncertainty regarding the validity of decisions

made by persons exercising powers on behalf of the Director and to expressly recognise the Commission's delegation framework.

The amendment further promotes legal certainty, administrative efficiency, and continuity in decision-making by confirming that an Acting Director has the same authority as the Director for purposes of the Rule, and that duly delegated officials may exercise such powers if authorised to do so. This clarification ensures the uninterrupted administration of the Commission's functions and reduces the potential for procedural challenges based solely on the identity of the decision-maker.

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

RULE 34: HOW TO REQUEST AN INQUIRY IN TERMS OF SECTION 188A OF THE ACT

(4)	Within seven (7) days of receiving a request in terms of sub-rule (1) and payment of the prescribed fee, the Commission must notify the parties to the inquiry of when and where the inquiry will be held.
(5)	Unless the parties agree otherwise, the Commission must give the parties at least seven (7) days' notice of the commencement of the Inquiry.
(6) ~~(6)~~	The Commission is ~~only~~ required to refund a fee paid where the Commission is informed by a party, prior to the issuing of a notice in terms of subrule (4), that the matter will not proceed; ~~in terms of sub-rule (3), if the Commission is notified of the resolution of the matt prior to issuing a notice in terms of sub-rule (4).~~
(6A)	The Commission will not affect any refund where, after the issuing of a notice in terms of sub-rule (4), the matter does not proceed at the instance of any party.

The purpose of the amendment to CCMA Rule 34(6) and (6A) is to clarify the circumstances under which fees paid to the Commission may be refunded. The amendment provides that a refund will be made only when the Commission is notified that the matter will not proceed before a notice contemplated in sub-rule (4) has been issued. It further clarifies that, once such notice has been issued, no refund will be payable, notwithstanding the subsequent withdrawal, settlement, postponement, or non-progression of the matter.

The amendment is intended to promote certainty, consistency, and transparency in the administration of fees by clearly identifying the point at which the Commission incurs administrative and case management costs associated with processing and scheduling of matters. It also provides parties with a clear understanding of the circumstances under which refunds will and will not be granted, thereby reducing disputes and inconsistencies in the Rule's application.

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RULE 37: HOW TO HAVE A SUBPOENA ISSUED AND SERVED TO SECURE THE PRESENCE OF A PERSON

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

The purpose of the amendment to CCMA Rule 37(1) is to address situations where documents or material are required from a non-party who cannot be compelled to produce such documents or material through the processes contemplated in CCMA Rule 29. In such circumstances, section 142(1) of the Act provides the appropriate mechanism to compel production. The amendment therefore promotes procedural certainty and clarifies the distinction between document production by parties and non-parties.

RULE 39: ORDER OF COSTS IN AN ARBITRATION

(4)	An award for costs in terms of sub-rule (3) must be in the amount of –	
	(a)	in respect of the first day of an arbitration (including any arbitration- concluded in a single hearing) – R 7 524~~000~~-00 (VAT inclusive);
	(b)	in respect of each additional day of an arbitration – R 4 911~~700~~-5~~00~~ (VAT inclusive).
(5)	An award for costs in respect of a candidate attorney must be 50 percent of the amount set out in sub-rule (4).	

The amendment to CCMA Rule 39(4) provides for an increase in the prescribed fee based on the average Consumer Price Index (CPI) rate of 4.5% since January 2023. The adjustment is intended to account for inflation and ensure that the fee remains appropriate and sustainable in the context of the Commission's operations.

The proposal to link the tariff automatically to the CPI was considered during the drafting process but was ultimately not incorporated for a variety of practical and administrative reasons. The inclusion of a CPI-linked adjustment mechanism would create significant implementation challenges. It would require ongoing calculations, periodic verification of the applicable CPI figures, and continuous monitoring of the effective tariff. This, in turn,

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could result in inconsistencies in application, uncertainty about the applicable amount at any given time, and disputes over the correct calculation and implementation of the tariff.

Furthermore, a CPI-based mechanism would introduce additional interpretive questions and application disputes that are presently avoided by the use of a fixed tariff. Such disputes would be inconsistent with the objective of promoting certainty, simplicity and administrative efficiency in the application of the Rules.

A fixed tariff contained in a gazetted Rule provides a clearer, cleaner and more administratively efficient framework. It promotes consistency of application, enhances legal certainty, and avoids the practical difficulties associated with the ongoing adjustment and administration of CPI-linked amounts.

RULE 40A: PAYMENT OF AN ARBITRATION FEE IN TERMS OF SECTION 140 OF THE ACT

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

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

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

The purpose of the amendment to CCMA Rule 40 is to align the Rule with section 123(3) of the Act. The reference to the annual gazetting of the Tariff of Fees has been removed, as it is not necessarily published annually. In addition, section 123(3) of the Act does not prescribe a specific time period for the publication or amendment of the Tariff. The amendment therefore clarifies the position and ensures consistency between the Rule and the empowering statutory provision.

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RULE 41 WHAT WORDS MEAN IN THESE RULES

1. Any expression in these Rules that is defined in the Labour Relations Act, 1995 (Act 66 of 1995) and other employment law, has the same meaning as in that Act and -
2. **'Act'** means the Labour Relations Act, 1995 (Act 66 of 1995), and includes any regulation made in terms of that Act;

~~(2)~~(3) **'Artificial Intelligence'** means any software or system capable of performing tasks that simulate human intelligence, including learning, reasoning or content generation.

~~(3)~~(4) **'Association'** means any unincorporated body of persons;

~~(4)~~(5) **'BCEA'** means Basic Conditions of Employment Act (Act 75 of 1997).[1]

(6) **'Commission'** means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Act.

~~(5)~~(7) **'Commission's electronic referral platforms'** include the CCMA WhatsApp Chatbot and the website https://cmsonline.ccma.org.za, which allows parties to use digital forms for dispute referrals and online applications for condonation.

3. **'Artificial Intelligence'** means any software or system capable of performing tasks that simulate human intelligence, including learning, reasoning or content generation.
4. **'Association'** means any unincorporated body of persons;
5. **'BCEA'** means Basic Conditions of Employment Act (Act 75 of 1997).
6. **'Commission'** means the Commission for Conciliation, Mediation and Arbitration established by section 112 of the Act.
7. **'Commission's electronic referral platforms'** include the CCMA WhatsApp Chatbot and the website https://cmsonline.ccma.org.za, which allows parties to use digital forms for dispute referrals and online applications for condonation.
8. **'Commissioner'** means a commissioner appointed in terms of section 117 of the Act;
9. **'Con-arb'** means proceedings held in terms of section 191(5A) of the Act;

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~~(8)~~(10) **Data Message'** means data generated, sent, received or stored by electronic means. This might include voice messages and be stored by electronic means. Examples include, but not limited to, e-mails, sms and WhatsApp.

~~(9)~~(11) '**Data Subject'** in terms of the application of the Protection of Personal Information Act, 4 of 2013 (POPIA), means a person to whom personal information relates.

~~(10)~~(12) **'Deliver'** means serve on other parties and file with the Commission;

~~(11)~~(13) '**Digital Platform'** refers to any secure online system approved by the Commission for the submission, exchange, or management of case-related information.

~~(12)~~(14) '**Digitised Submission"** means a physical document converted into electronic format by the CCMA for use in digital workflows.

10. **'Data Message'** means data generated, sent, received or stored by electronic means. This might include voice messages and be stored by electronic means. Examples include, but not limited to, e-mails, sms and WhatsApp.
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12. **'Deliver'** means serve on other parties and file with the Commission;
13. '**Digital Platform'** refers to any secure online system approved by the Commission for the submission, exchange, or management of case-related information.
14. '**Digitised Submission'** means a physical document converted into electronic format by the Commission for use in digital workflows.
15. **'Director'** for the purposes of these Rules, means the Director or Acting Director of the Commission appointed in terms of section 118 and 119 of the Act, and includes any person delegated by the Director to perform any of the functions of the Director;
16. '**Electronic Communication'** means any communication transmitted electronically, including via secure digital platforms.
17. '**Electronic Communication and Transactions Act'** means Act 25 of 2002, as amended,

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~~(14)~~(18) '**Electronic Signature**" means data attached to, incorporated in or logically associated with other data and which is intended by the user to serve as a signature.

~~(15)~~(19) '**Employment Law'** for the purpose~~s~~ of these Rules, includes the Labour Relations Act, 66 of 1995, and any other Act of which the administration has been assigned to the Minister of Employment and Labour and any of the following Acts:

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

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

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

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

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

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

18. '**Electronic Signature**"" means data attached to, incorporated in or logically associated with other data and which is intended by the user to serve as a signature.
19. '**Employment Law'** for the purpose of these Rules, includes the Labour Relations Act, 66 of 1995, and any other Act of which the administration has been assigned to the Minister of Employment and Labour and any of the following Acts:
    a. The Basic Conditions of Employment Act (Act 75 of 1997)
    b. The Employment Equity Act (Act 55 of 1998)
    c. The Mine Health and Safety Act (Act 29 of 1996)
    d. The National Minimum Wage Act (Act 9 of 2018)
    e. The Skills Development Act (Act 97 of 1998)
    f. The Employment Services Act (Act 4 of 2014)
20. **'File'** means the delivery of a document with the Commission in terms of Rule 7;
21. **'Labour Court'** means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court;

~~(17)~~(22) '**Non-party'** means a person or entity that is not cited, joined or participating as a litigat party in a dispute at the Commission;

(23) **'Party'** means any party to proceedings before the Commission;

~~(18)~~(24) **'POPIA'** means the Protection of Personal Information Act (4 of 2013);

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22. '**Non-party'** means a person or entity that is not cited, joined or participating as a litigant party in a dispute at the Commission;
23. **'Party'** means any party to proceedings before the Commission;
24. **'POPIA'** means the Protection of Personal Information Act (4 of 2013)
25. **'Personal information'** (in terms of the application of POPIA) means **"**information relating to an identifiable, living natural person or juristic person, as far as applicable, an identifiable, existing juristic person, including but not limited to -.
    a. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
    b. information relating to the education or the medical, financial, criminal or employment history of the person;
    c. any identification number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
    d. the biometric information of the person;
    e. the personal opinions, views or preferences of the person;
    f. correspondence send by that person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
    g. the views or opinions of another individual about the person; and
    h. the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person."
26. **'Processing'** [in terms of the application of POPIA] means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including – (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
27. **'Provincial Senior Commissioner'** means the Senior Commissioner appointed in terms of section 117 of the Act to manage the operations of a province;
28. **'Public holiday'** means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994);

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29. **'Regional Senior Commissioner'** means the Senior Commissioner appointed in terms of section 117 of the Act to manage a region within a province.
30. **'Rules'** means these Rules and includes any footnote to a Rule;
31. **'Senior Commissioner'** means a Senior Commissioner appointed in terms of section 117 of the Act and includes any person delegated by the Senior Commissioner to perform any of the functions of the Senior Commissioner;

~~(25)~~(32) '**RICA Act'** means the Regulation of Interception of Communication and Provision of Communication-Related Information Act (Act 70 of 2002)

32. '**RICA Act'** means the Regulation of Interception of Communication and Provision of Communication-Related Information Act (Act 70 of 2002)
33. **'Serve'** means to deliver a document in accordance with Rule 5, and 'service' has a corresponding meaning.

(34) **'Staff Member'** means full-time and part-time employees and independent contractors used as Interpreters.

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(35) **'Virtual Hearing'** means a hearing conducted via video conferencing technology.

~~(26)~~(36) **"WhatsApp'** means an electronic communication sent, received, stored, or displayed through the WhatsApp application, including text, voice notes, images, videos, documents, emojis, location data, and other digital content transmitted between users.

35. **'Virtual Hearing'** means a hearing conducted via video conferencing technology.
36. **'WhatsApp message'** An electronic communication sent, received, stored, or displayed through the WhatsApp application, including text, voice notes, images, videos, documents, emojis, location data, and other digital content transmitted between users.

SCHEDULE ONE

ADDRESSES OF THE COMMISSION

National Office:
28 Harrison Street, Johannesburg, 2001
Tel: (011) 377 6650/01/00

Gauteng – Ekurhuleni
CCMA Place, Cnr. Woburn & Rothsay Streets, Benoni, 1501
Tel: (011) 845 9000
Email: Ekurhuleni@CCMA.org.za

Gauteng – Johannesburg
CCMA House, 127 Fox Street (Cnr. Eloff), Johannesburg, 2001
Tel: (011) 220 5000
Email: johannesburg@ccma.org.za

Gauteng – Tshwane
CCMA Towers, 1st Floor, 345 Pretorius Street, (Corner of Pretorius and Walter Sisulu Street, (opposite the State Theatre), Pretoria, 0002
Tel: (012) 317 7800
Email: pta@ccma.org.za

Gauteng – Vaal
Cnr. Kruger Avenue & Edward Street, Vereeniging, 1939
Tel: (016) 440 2700
Email: vaal@ccma.org.za

Eastern Cape – Gqeberha
97 Govan Mbeki Avenue, Gqeberha, 6001
Tel: (041) 509 1000
Email: pe@ccma.org.za

Eastern Cape – Kugompo City
73 Oxford Street, East London, 5201
Tel: (043) 711 5400
Email: el@ccma.org.za

Free State – Bloemfontein
60 Park Road, Willows, Bloemfontein, 9301
Tel: (051) 411 1700
Email: blm@ccma.org.za

Free State – Welkom
27 Mooi Street, Welkom, 9459
Tel: (057) 910 8300
Email: welkom@ccma.org.za

KwaZulu-Natal – Durban
Aquasky Building, 1st & 3rd Floors, 275 Anton Lembede Street,
Durban, 4001
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Email: kzn@ccma.org.za

KwaZulu-Natal – Newcastle
Rams TV Centre, 71 Scott Street, Newcastle, 2940
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Email: kzn@ccma.org.za

KwaZulu-Natal – Pietermaritzburg
188 Langalibalele Street, Pietermaritzburg, 3201
Tel: (033) 328 5000
Email: kzn@ccma.org.za

KwaZulu-Natal – Port Shepstone
10 McArthur Street, Port Shepstone, 4240
Tel: (039) 688 3700/02
Email: kzn@ccma.org.za

KwaZulu-Natal – Richards Bay
ABSA Building, 2nd Floor, Lakeview Terrace, 7 Trinidad Parking Area, Richards Bay, 3901
Tel: (035) 799 3300
Email: kzn@ccma.org.za

Limpopo – Polokwane
CCMA House, 104 Hans van Rensburg Street, Polokwane, 0699
Tel: (015) 287 7400
Email: ptb@ccma.org.za

Limpopo – Tzaneen
CCMA House, Elita no 7, Agatha Street and Short Street, Arbor Park, Tzaneen, 0850
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Email: ptb@ccma.org.za

Mpumalanga – Emalahleni
CCMA House, Gerrymann Building, 4/6 Athlone Street, Emalahleni, 1039
Tel: (013) 655 2600/1/2
Email: wtb@ccma.org.za

Mpumalanga – Mbombela
Bell Towers, 2nd Floor, 18 Bell Street, Mbombela, 1200
Tel: 013-755 7500
Email: nlp@ccma.org.za

Mpumalanga – Secunda
Kiewiet Office Park, Block B, corner Walter Sisulu & Kiewiet Drive, Extension 28, Secunda, 2302
Tel: 017-634 9780
Email: wtb@ccma.org.za

Northern Cape – Kimberley
CCMA House, 5-13 Compound Street, Kimberley, 8301
Tel: (053) 836 7300
Email: kmb@ccma.org.za

North West – Klerksdorp
CCMA House, 47 Siddle Street, Klerksdorp, 2570
Tel: (018) 487 4600
Email: kdp@ccma.org.za

North West – Rustenburg
CCMA House, 1st Floor, 111 Klopper Street, Rustenburg, 0299
Tel: (014) 591 6400
Email: kdp@ccma.org.za

North West – Vryburg
15 Molopo Street, Vryburg, 8600
Tel: (053) 928 3090
Email: kdp@ccma.org.za

Western Cape – Cape Town
CCMA House, 78 Darling Street, Cape Town, 8001
Tel: (021) 469 0111
Email: ctn@ccma.org.za

Western Cape – George
2 Cathedral Square, 62 Cathedral Street, George, 6529
Tel: (044) 805 7700/1
Email: George@ccma.org.za

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COMMISSION'S ELECTRONIC REFERRAL PLATFORM

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

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

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

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

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Mthatha 8 Cnr Madeira & Elliot Streets, Mthatha, 5099 (047) 501 5600	Gqeberha 116–134 Goven Mbeki Avenue, VSN Building, Gqeberha, 6000 (041) 506 5000	Komani 10 Robinson Road, Komani, 5319 (045) 807 5400	Kariega 15A Chase Street, Kariega, 6229 (041) 260 0608
Bethlehem 37 Louw Street, Bethlehem (058) 122 0150	Bloemfontein Allied Building, Cnr Charlotte Maxeke & West Burger Streets, Bloemfontein (051) 285 0685	Botshabelo Canone Shopping Centre, Stand 158 (051) 531 7011	Ficksburg 28 Voortrekker Street, Ficksburg (051) 933 2299
Harrismith 42 Stuart Street, Harrismith (058) 624 3300	Kroonstad Cnr 2 Buitekant and Station Streets, Kroonstad (056) 307 0327	Petrusburg 34 Ossewa Street, Petrusburg (053) 285 0601	Sasolburg Die Akker, 2 Fichardt Street, Sasolburg (016) 976 2284
Phuthaditjhaba Cnr Lieta and Moropotsane Streets, Phuthaditjhaba (058) 713 037	Welkom 53 Mooi Street, Welkom (057) 065 0594	Zastron 24A Gustavus Street, Zastron (051) 673 9401	Kokstad 59 Hope Street, Kokstad (039) 201 0501
Dundee 63 Victoria Street, Dundee (034) 299 7029	Durban 16 Beach Grove, Durban (031) 336 1500	Estcourt 57 Harding Street, Estcourt (036) 307 0970	Pinetown 49 Kings Road, Pinetown, 3610 (031) 701 7740
Ladysmith 35 Keate Street, Ladysmith (036) 307 0927	Newcastle 29 Scott Streets, Newcastle (034) 328 2340	Pietermaritzburg 370 Langalibalele Street, Pietermaritzburg (033) 341 5300	Richmond 60 Shepstone Street, Richmond (033) 212 2768
Port Shepstone 17 Bisset Street, Port Shepstone (039) 682 2406	Prospecton N3 Prospecton Place, Prospecton (031) 065 0100	Richards Bay 11 Lira Rink Road, Richards Bay (035) 780 8781	Vryheid 99 Landrose Street, Vryheid (034) 285 0368
Stanger 12 Cator Street, Stanger (032) 307 0989	Ulundi Unit A, Wombe Street, Block 2C, Ulundi (035) 879 8800	Verulam 13 Wick Street, Verulam (032) 541 5600	Lebowakgomo Magistrate's Complex, Lebowakgomo (015) 061 0000
Burgersfort 216 Ribbok Street, Burgersfort (013) 231 8913	Giyani Old Government Building, Giyani Main Road, Giyani (015) 811 9635	Groblersdal 1 Second Avenue, Groblersdal (013) 285 0538	Mokopane 52 Rabe Street, Mokopane (015) 409 1002

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Lephalale 4 Muller Street, Nicolet Building, Lephalale, 0555 (014) 065 0571	Makhado 102 Krogh Street, Louis Trichardt (015) 516 0207	Modimolle 84 Limpopo Street, Modimolle (014) 285 0850	Thohoyandou Kenneth Phalanndwa Street, UIF Building, Thohoyandou (015) 815 7301
Phalaborwa Potgieter Street, Phalaborwa (015) 781 9947	Polokwane 99A Landdros Marais Street, Polokwane (015) 299 5000	Seshego 4004 G Nelson Mandela Drive, Seshego (015) 223 7020	Carolina Cnr Voortrekker & Fersveldt Street, Carolina (017) 843 1077
Tzaneen Boulevard Building, 73 Agatha Street, Tzaneen (015) 306 2600	Barberton Shop No 11, Eurika Centre, Nourse Street, Barberton (013) 712 3066	Bethal 9 Vuyisile Mini Street, Bethal (017) 285 0130	KwaMhlanga Government Building, KwaMhlanga (013) 065 0495
Emalahleni (Witbank) 36 Mandela Avenue, Corner Escombe & Nelson Mandela Street, Emalahleni (013) 653 3800	Eestehoek 89 Embhuleni Hospital Road, Elukwatini (017) 883 2414	Ermelo 14 De Klerk Street, Ermelo (017) 811 1548	Middelburg 175 Cowen Ntuli Street, Middelburg (013) 283 3600
Malelane 19 Lorenco Road, Malelane (013) 790 1528	Mashishing (Lydenburg) 51 De Klerk Street, Lydenburg (013) 235 2368	Mbombela (Nelspruit) 29 Brown Street, Nelspruit (013) 753 2844	Standerton 14 Vry Street, Standerton (017) 712 1351
Mkhondo (Piet Retief) 42 Kotze Street, Piet Retief (017) 826 1883	Sabie 10th Avenue, Sabie (013) 764 2105	Secunda 4 Waterson Street, Secunda (017) 065 0031	Lichtenburg 45 Church Street, Lichtenburg (018) 632 4323
Brits Cnr McClean and Korporasie Streets, Brits (012) 252 3068	Christiana 3 Pretorius Street, Christiana (053) 441 2120	Klerksdorp Cnr Voortrekker and Anderson Streets, Klerksdorp (018) 464 8700	Rustenburg Cnr Steen and Mandela Roads, Rustenburg (014) 592 8214
Mafikeng Tillard Street, Mafikeng (018) 381 1010	Mogwase Mogwase Shopping Complex, Mogwase (014) 555 5693	Potchefstroom 90 Church Street, Potchefstroom (018) 297 5100	De Aar 23 Main Street, De Aar (053) 631 0455

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Taung Stand 232, Taung Station (053) 994 1679	Vryburg 27 Nelson Street, Vryburg (053) 927 5221	Calvinia 21 Dorp Street, Calvinia (027) 341 1280	Springbok 126B Overberg Avenue, Springbok (027) 718 1058
Kimberley Cnr Pniel & Compound Streets, Kimberley (053) 838 1500	Kuruman 818 Seweding Road, Kuruman (053) 712 3870	Postmasburg 46 Main Street, Postmasburg (053) 313 0641	Cape Town 22 Parade Street, Cape Town (021) 468 5500
Upington Schroder Street, Upington 066 414 0297	Beaufort West 4 Voortrekker Street, Beaufort West (023) 414 3427	Bellville 20 Charl Malans Street, Bellville (021) 468 5500	Vredenburg 85 Main Road, Vredenburg (022) 065 0815
George Van Der Stel Plein, George (044) 801 1200	Knysna 13 Clyde Street, Knysna (044) 302 6800	Mitchell's Plain 321 Merrydale Avenue, Mitchell's Plain (021) 065 4990	Mossel Bay Cnr Marsh & Church Street, Mossel Bay (044) 285 0260
Oudtshoorn 13 Regent Street, Oudtshoorn (044) 203 6100	Paarl 68 Breda Street, Paarl (021) 872 2020	Somerset West 117 Main Road, Somerset West (021) 852 6535	Vereeniging 22 Merriman Avenue, Vereeniging (016) 430 0000
Worcester 90A Durban Street, Worcester (023) 346 5200	Alberton 89 Voortrekker Road, Alberton (010) 061 0630	Atteridgeville Cnr WF Nkomo Street and Kalafong Road, Pretoria West (012) 065 2270	Benoni 10 Woburn Avenue, Benoni (011) 747 9600
Boksburg Cnr Market and Bank Street, Boksburg (010) 061 3078	Bronkhorstspruit 40 Botha Street, Bronkhorstspruit (013) 065 2052	Carletonville Cnr Osmium and Amethyst Streets, Carletonville (018) 788 3281	Krugersdorp Foley Street, Luipaardsvlei (011) 955 4420
Garankuwa Setlalentoa Street, Garankuwa (012) 700 0290	Johannesburg 56 Main Street, Johannesburg (011) 843 4000	Kempton Park Cnr Voortrekker and Wolff Streets, Kempton Park (011) 975 9301	Randburg Cnr Oak & Hill Street, Randburg (011) 781 8144
Mamelodi 17281 Makhubela Street, Mamelodi (012) 812 9502	Nigel 4th Avenue and Hendrik Verwoerd Street, Nigel (010) 061 1482	Tshwane (Pretoria) Cnr Nana Sita and Thabo Sehume Streets, Pretoria (012) 309 5000	Soshanguve Block F, Soshanguve (012) 730 0500
Randfontein 2 Main Reef Road, Randfontein (011) 693 3618	Roodepoort 125 Main Reef Road, Roodepoort (010) 061 1532	Sandton 9th Street, Sandton (011) 444 7631	Vanderbijlpark 64 Eric Louw Street, Vanderbijlpark (016) 981 0280

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Soweto 2 Khumalo Road, Soweto (010) 061 3060	Springs Cnr 7th Street and Park Avenue, Springs (010) 061 0352	Temba Jubilee Mall, Temba (012) 727 1364	Germiston 241 President Street, Standard Bank Towers, 1401 (010) 061 2000

LINK TO CONTACT DETAILS OF DEL CENTRES:

https://www.labour.gov.za/contacts/labour-centres/pages/default.aspx

QR Code:

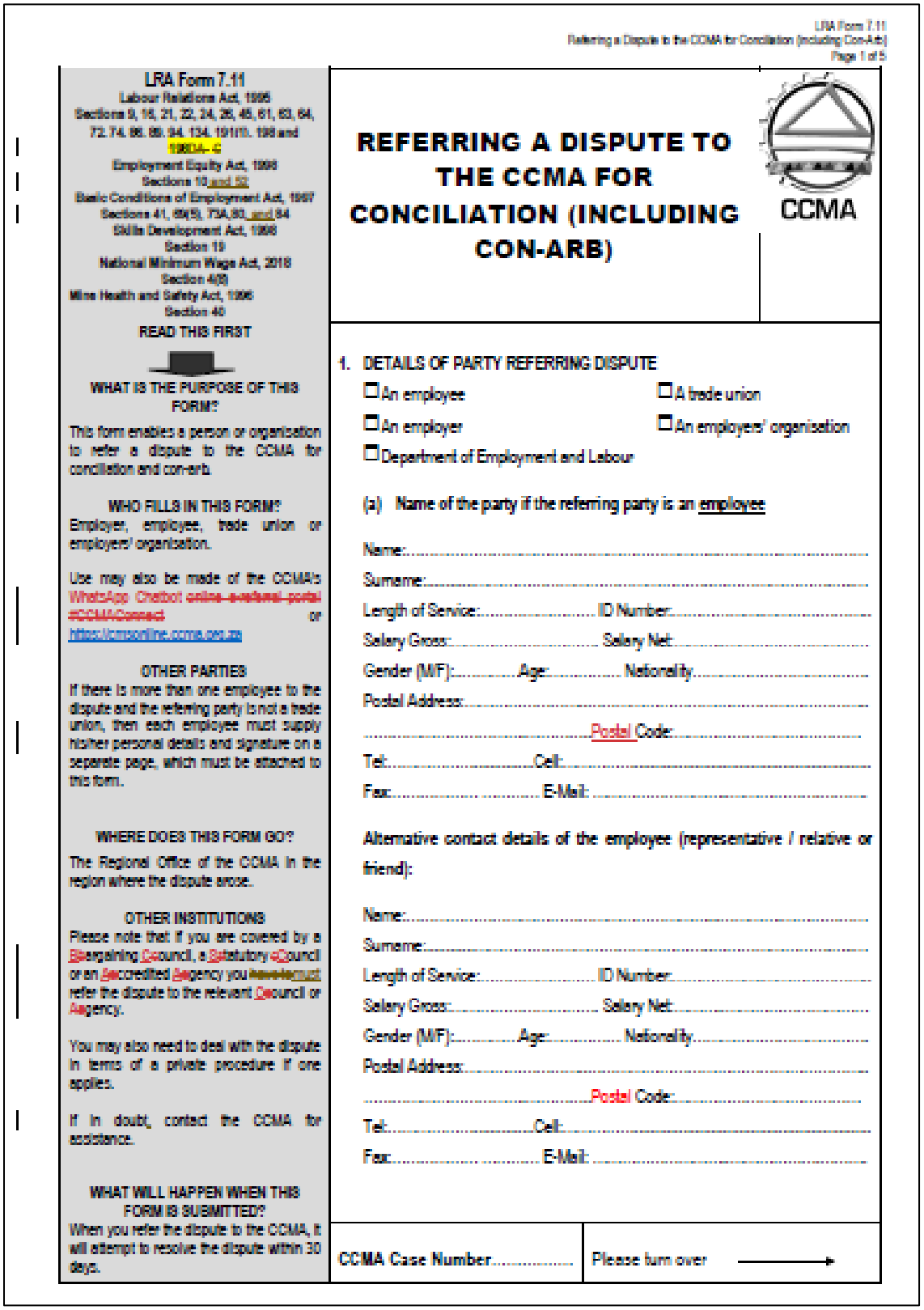
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SUMMARY OF THE AMENDMENTS TO THE EXISTING REFERRAL FORMS

FORM NO.	FORM TITLE
LRA 4.2	Referring disputes for Determination of an Essential Service
LRA 4.2A	Referring a dispute relating to negotiations concerning a Minimum Service Agreement for Determination
LRA 4.3	Employer applies for a Maintenance Service Determination
LRA 4.6	Subpoena by Essential Services Committee
LRA 4.7	Bargaining Council request for Essential Services Investigation
LRA 4.7A	Interested party's request for Essential Services Investigation
LRA 4.8	Request for ratification of a Minimum Service Agreement
LRA 4.8A	Referring disputes for the conclusion of a Minimum Service Agreement
LRA 4.8B	Request for the determination of minimum numbers to be maintained during Strike Action
LRA 4.8C	Application to vary or revoke a Minimum Service Agreement
LRA 4.9	Application to vary or cancel a Maintenance Services Designation
LRA 5.1	Representative Trade Union applies to establish a Workplace Forum
LRA 5.2	Representative Trade Union applies to establish a Trade Union-based Workplace Forum
LRA 7.1	Council applies for Accreditation or Renewal of Accreditation
LRA 7.2	Private Agency applies for Accreditation or Renewal of Accreditation
LRA 7.5	Council or Private Agency applies to Amend its Accreditation
LRA 7.8	Accredited Council applies for Subsidy or Renewal of Subsidy
LRA 7.11	Referring a dispute to the CCMA for Conciliation, including Con-arb
LRA 7.13	Referral of a dispute to the CCMA for Arbitration
LRA 7.18A	Application to certify Bargaining Council Award
LRA 7.19	Request for Inquiry by Arbitrator
LRA 7.20	Request for section 189A Operational Requirements Facilitation
LRA 7.21	Request for an Advisory Award on whether a person is an employee
LRA 7.23	Application for Extension of Conciliation

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AMENDMENTS TO LRA FORM 7.11



LRA Form 7.11
Referring a Dispute to the CCMA for Conciliation (including Con-Arb)
Page 1 of 5

LRA Form 7.11
Labour Relations Act, 1995
Sections 9, 16, 21, 22, 24, 26, 45, 61, 63, 64, 72, 74, 86, 89, 94, 134, 191(1), 198 and 198D(4) - C
Employment Equity Act, 1998
Sections 10 and 50
Basic Conditions of Employment Act, 1997
Sections 41, 69(5), 73A,80 and 84
Skills Development Act, 1998
Section 19
National Minimum Wage Act, 2018
Section 4(3)
Mine Health and Safety Act, 1996
Section 40

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS FORM?

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

WHO FILLS IN THIS FORM?

Employer, employee, trade union or employers' organisation.

Use may also be made of the CCMA's WhatsApp Chatbot ~~online e-referral portal #CCMAConnect~~ or https://conpooling.ccma.org.za

OTHER PARTIES

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

WHERE DOES THIS FORM GO?

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

OTHER INSTITUTIONS

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

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

If in doubt, contact the CCMA for assistance.

WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED?

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

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

CCMA

1. DETAILS OF PARTY REFERRING DISPUTE

☐ An employee ☐ A trade union
☐ An employer ☐ An employers' organisation
☐ Department of Employment and Labour

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

Name:.....
Surname:.....
Length of Service:..... ID Number:.....
Salary Gross:..... Salary Net:.....
Gender (M/F):..... Age:..... Nationality.....
Postal Address:.....
..... Postal Code:.....
Tel:..... Cell:.....
Fax:..... E-Mail:.....

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

Name:.....
Surname:.....
Length of Service:..... ID Number:.....
Salary Gross:..... Salary Net:.....
Gender (M/F):..... Age:..... Nationality.....
Postal Address:.....
..... Postal Code:.....
Tel:..... Cell:.....
Fax:..... E-Mail:.....

CCMA Case Number..... Please turn over ⟶

FURTHER INSTRUCTIONS

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

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

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

Attach supporting documents

The CCMA may be requested to assist with service.

UNFAIR LABOUR PRACTICE

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

NATIONAL MINIMUM WAGE DISPUTES

Disputes emanating from the NMWA and referred either in terms of 84(8) of the NMWA or 873A of the BCEA may be referred by any person who works for another and who receives or is entitled to receive any payment for that work.

MUTUAL INTEREST DISPUTES

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

DISPUTES RELATING TO ~~C~~COMPLIANCE ORDERS AND WRITTEN UNDERTAKINGS

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

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

Name:.....

Surname:.....

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

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

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

Postal Address:.....

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

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

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

Contact Person:.....

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

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

The other party is:

☐ An employer
☐ An employee
☐ An employer's organisation
☐ A trade union
☐ Department of Employment and Labour
☐ Other, Specify.....

(E.g. Temporary Employment Service, owner of the premises or person who controls access to the premises where employees work if it's an organisational rights dispute etc.)

Full Name(s):.....

(If company or close corporation, the name of the company or close corporation)

Postal Address:.....

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

Physical Address:.....

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

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

Fax:.....EMail:.....

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

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

CCMA Case Number.....

Please turn over →

DISPUTES RELATING TO ORGANISATIONAL RIGHTS (S21 OF THE LRA)

If you are referring a dispute relating to organisational rights a dispute relating to organisational rights, please attach a copy of the written notice to the employer and the trade union's certificate of registration as contemplated in Ss21(1) & (2) of the LRA.

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

If your dispute involves money owed to you by your employer, please specify the amount owed, the date from which it is owed, and whether it is owed under a contract of employment, a collective agreement, or a sectoral determination.
Where the parties are in dispute about the interpretation or application of a collective agreement, then the dispute should be referred under S24 of the LRA.
If you earn more than the BCEA earning threshold, you may not refer a S73A claim to the CCMA. Instead, CCMA rules provide that you may refer your claim to either the Labour Court, the High Court or, subject to their jurisdiction, the Magistrates' Court or the Small Claims Court.

This section must be completed

~~(If referring a dispute relating to amounts owing in terms of section 73A of the BCEA, please provide details relating thereto.)~~

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

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

3. NATURE OF THE DISPUTE

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

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

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

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

Other .....

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

.....

.....

.....

.....

.....

CCMA Case Number.....

Please turn over →

This section must be completed!

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

5. DATE AND PLACE WHERE DISPUTE AROSE:

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

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

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

7. FAIRNESS/UNFAIRNESS OF DISMISSAL (if applicable)

(a) Procedural Issues

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

.....

.....

(b) Substantive Issues

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

.....

.....

8. RESULT REQUIRED

.....

9. SECTOR

Indicate the sector or service in which the dispute arose.

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

CCMA Case Number.....

Please turn over →

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

10. INTERPRETER SERVICES

Is an interpreter required? Yes / No

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

☐ Other .....

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

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

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

11. DISCRIMINATION MATTER

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

Yes		No	

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

.....

.....

.....

.....

(If written confirmation is available, please attach)

12. POPIA CONFIRMATION

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

13. CONFIRMATION OF ABOVE DETAILS

Form submitted by:

.....

(Please print name)

Signature: .....

Position: .....

Date: .....

Place: .....

Annexure 'A' to LRA Form 7.11
Labour Relations Act, 1995
Section 64

INFORMATION RELEVANT FOR THE DETERMINATION OF PICKETING RULES

CCMA

READ THIS FIRST

WHAT IS THE PURPOSE OF THIS ANNEXURE?

This annexure will place the commissioner in possession of relevant information so as to enable him to meaningfully assist the parties in the establishment of picketing rules in line with s64.

WHEN MUST THIS ANNEXURE BE COMPLETED?

- When refering a Matter of Mutual Interest, which might give rise to a strike and there is no collective agreement regulating picketing; or
- When referring a request for the establishment of picketing rules.

The information sought in this annexure is required.

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

NOTE: There will be no protected picket without picketing rules and rules.

1. DETAILS RELATING TO THE POSSIBLE PICKET:

(a) Nature of the workplace

.....

(e.g. a shop, a factory, a mine, etc)

(b) Describe the particular situation of the workplace:

.....

.....

.....

.....

(e.g. distance from a place to which public has access, living accommodation situated on the employer's premises, etc)

(c) the number of employees taking part in the picket inside the premises:

.....

(d) Is there a potential for violence and other unlawful acts: ☐ Yes ☐ No

.....

.....

(e) Physical address of the premises where the picket will be conducted:

.....

.....

.....

CCMA Case Number:..... Please turn over →

(f) Areas identified for the picket:

.....

.....

(g) Time when the picket will start:.....

(h) Duration of the picket:.....

(i) The proposed movement of persons participating in the picket:

.....

.....

.....

(j) Measures proposed by the trade union to exercise control over the picket:

.....

.....

.....

(k) Any other relevant information:

.....

.....

.....

Signature:.....

Date: .....

RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA, *GOVERNMENT GAZETTE* NO. 55620, 23 OCTOBER 2026

CCMA
COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

DEPARTMENT OF EMPLOYMENT AND LABOUR

NOTICE 4208 OF 2026

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

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

Act

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

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

COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

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

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

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PART ONE
SERVING AND FILING DOCUMENTS

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1 How to contact the Commission

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

1A Compliance with legislation regarding personal information

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

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

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

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

2 When are the offices of the Commission open

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

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

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

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

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

---

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

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

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

4 Who must sign documents

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

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

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

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

5 How to serve documents on other parties

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

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

(i) the person concerned;

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

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

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

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

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

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

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

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

(2) A document may also be served -

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

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

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

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

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

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

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

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

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

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

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

5A Notice of proceedings before the Commission

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

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

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

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

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

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

(d) if a document was served by hand -

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

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

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

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

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

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

7 How to file documents with the Commission

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Presumption when service is done by registered post

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

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

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

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

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

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

(a) the degree of lateness;

(b) the reasons for the lateness;

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

(d) any prejudice to the other party; and

(e) any other relevant factors.

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

PART TWO
CONCILIATION OF DISPUTES

10 How to refer a dispute to the Commission for conciliation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 What happens if a party fails to attend the conciliation

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

(a) continue with the proceedings;

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

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

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

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

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

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

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

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

(e) any other relevant factors.

14 How to determine whether a commissioner may conciliate a dispute

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

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

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

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

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

(a) consider whether:

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

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

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

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

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

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

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

16 Conciliation proceedings may not be disclosed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART FOUR
ARBITRATIONS

18 How to refer a request for arbitration to the Commission

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

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

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

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

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

19 When must the parties file statements

(1) The Commission or a commissioner may direct -

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

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

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

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

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

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

20 When the parties must hold a pre-arbitration conference

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

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

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

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

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

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

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

(b) facts that are agreed between the parties;

(c) facts that are in dispute;

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

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

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

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

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

(i) which party must begin;

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

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

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

(m) the exchange of witness statements;

(n) expert evidence;

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

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

(q) the right of representation;

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

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

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

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

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

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

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

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

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

21 When must the Commission notify parties of an arbitration

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

22 How to determine whether a commissioner may arbitrate a dispute

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

23 How to postpone an arbitration

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

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

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

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

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

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

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

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

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

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

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

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

PART FIVE

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

24 Where a hearing will take place

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

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

25 Representation before the Commission

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

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

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

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

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

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

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

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(i) a legal practitioner;

(ii) a candidate attorney; or

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

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

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

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

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

(b) the complexity of the dispute;

(c) the public interest; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) prejudice to the other party; and

(g) any other relevant factors.

26 How to join or substitute parties to proceedings

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

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

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

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

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

(a) on own accord;

(b) on application by a party; or

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

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

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

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

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

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

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

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

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

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

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

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

27 How to correct the citation of a party

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

28 When the Commission may consolidate disputes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) adjourn the proceedings to a later date.

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

PART SIX
APPLICATIONS

31 How to bring an application

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

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

(b) application in a jurisdictional dispute; and

(c) other preliminary or interlocutory application.

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

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

(a) the title of the matter;

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

(c) the relief sought;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) This Rule applies to:

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

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

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

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

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

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

(1) This Rule applies to any -

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

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

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

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

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

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

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

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

(f) any other relevant documents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) the reason for dismissal

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

(c) the complexity of the dispute

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

(e) the public interest.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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PART EIGHT
GENERAL

35 Condonation for failure to comply with the Rules and form

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

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

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

36 Recordings of Commission proceedings

(1) The Commission must keep a record of -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) residential address;

(ii) place of business or employment; or

(iii) post office box or private bag number.

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

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

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

37A Expert witnesses

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

38 Payment of witness fees

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

(2) The witness fee must be paid by -

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

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

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

39 Order of costs in an arbitration

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

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

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

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

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

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

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(ii) in its conduct during the arbitration proceedings.

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

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

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

(h) any other relevant factor.

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

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

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

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

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

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

40 Certification and enforcement of arbitration awards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 What words mean in these Rules

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHEDULE ONE

ADDRESSES OF THE COMMISSION

The addresses of the Commission are as follows:

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COMMISSION'S ELECTRONIC REFERRAL PLATFORM

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

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Lephalale 4 Muller Street, Nicolet Building, Lephalale, 0555 (014) 065 0571	Makhado 102 Krogh Street, Louis Trichardt (015) 516 0207	Modimolle 84 Limpopo Street, Modimolle (014) 285 0850	Thohoyandou Kenneth Phalanndwa Street, UIF Building, Thohoyandou (015) 815 7301
Phalaborwa Potgieter Street, Phalaborwa (015) 781 9947	Polokwane 99A Landdros Marais Street, Polokwane (015) 299 5000	Seshego 4004 G Nelson Mandela Drive, Seshego (015) 223 7020	Carolina Cnr Voortrekker & Fersveldt Street, Carolina (017) 843 1077
Tzaneen Boulevard Building, 73 Agatha Street, Tzaneen (015) 306 2600	Barberton Shop No 11, Eurika Centre, Nourse Street, Barberton (013) 712 3066	Bethal 9 Vuyisile Mini Street, Bethal (017) 285 0130	KwaMhlanga Government Building, KwaMhlanga (013) 065 0495
Emalahleni (Witbank) 36 Mandela Avenue, Corner Escombe & Nelson Mandela Street, Emalahleni (013) 653 3800	Eestehoek 89 Embhuleni Hospital Road, Elukwatini (017) 883 2414	Ermelo 14 De Klerk Street, Ermelo (017) 811 1548	Middelburg 175 Cowen Ntuli Street, Middelburg (013) 283 3600
Malelane 19 Lorenco Road, Malelane (013) 790 1528	Mashishing (Lydenburg) 51 De Klerk Street, Lydenburg (013) 235 2368	Mbombela (Nelspruit) 29 Brown Street, Nelspruit (013) 753 2844	Standerton 14 Vry Street, Standerton (017) 712 1351
Mkhondo (Piet Retief) 42 Kotze Street, Piet Retief (017) 826 1883	Sabie 10th Avenue, Sabie (013) 764 2105	Secunda 4 Waterson Street,	Lichtenburg 45 Church Street,

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Mafikeng Tillard Street, Mafikeng (018) 381 1010	Mogwase Mogwase Shopping Complex, Mogwase (014) 555 5693	Potchefstroom 90 Church Street, Potchefstroom (018) 297 5100	De Aar 23 Main Street, De Aar (053) 631 0455
Taung Stand 232, Taung Station (053) 994 1679	Vryburg 27 Nelson Street, Vryburg (053) 927 5221	Calvinia 21 Dorp Street, Calvinia (027) 341 1280	Springbok 126B Overberg Avenue, Springbok (027) 718 1058
Kimberley Cnr Pniel & Compound Streets, Kimberley (053) 838 1500	Kuruman 818 Seweding Road, Kuruman (053) 712 3870	Postmasburg 46 Main Street, Postmasburg (053) 313 0641	Cape Town 22 Parade Street, Cape Town (021) 468 5500
Upington Schroder Street, Upington 066 414 0297	Beaufort West 4 Voortrekker Street, Beaufort West (023) 414 3427	Bellville 20 Charl Malans Street, Bellville (021) 468 5500	Vredenburg 85 Main Road, Vredenburg (022) 065 0815
George Van Der Stel Plein, George (044) 801 1200	Knysna 13 Clyde Street, Knysna (044) 302 6800	Mitchell's Plain 321 Merrydale Avenue, Mitchell's Plain (021) 065 4990	Mossel Bay Cnr Marsh & Church Street, Mossel Bay (044) 285 0260
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Boksburg Cnr Market and Bank Street, Boksburg (010) 061 3078	Bronkhorstspruit 40 Botha Street, Bronkhorstspruit (013) 065 2052	Carletonville Cnr Osmium and Amethyst Streets, Carletonville (018) 788 3281	Krugersdorp Foley Street, Luipaardsvlei (011) 955 4420
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Soweto 2 Khumalo Road, Soweto (010) 061 3060	Springs Cnr 7th Street and Park Avenue, Springs (010) 061 0352	Temba Jubilee Mall, Temba (012) 727 1364	Germiston 241 President Street, Standard Bank Towers, 1401 (010) 061 2000

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