

New CCMA rules: What you need to know

The Commission for Conciliation, Mediation and Arbitration (CCMA) recently issued a new set of Rules for the Conduct of Proceedings before the Commission, which aim to enhance the efficiency of the dispute resolution process, ensure the protection of personal information, and improve virtual service delivery. These rules were promulgated in response to the Protection of Personal Information Act (PoPIA), recent case law, and the need for streamlined dispute resolution, according to Advocate Tertius Wessels, legal director at Strata-g.

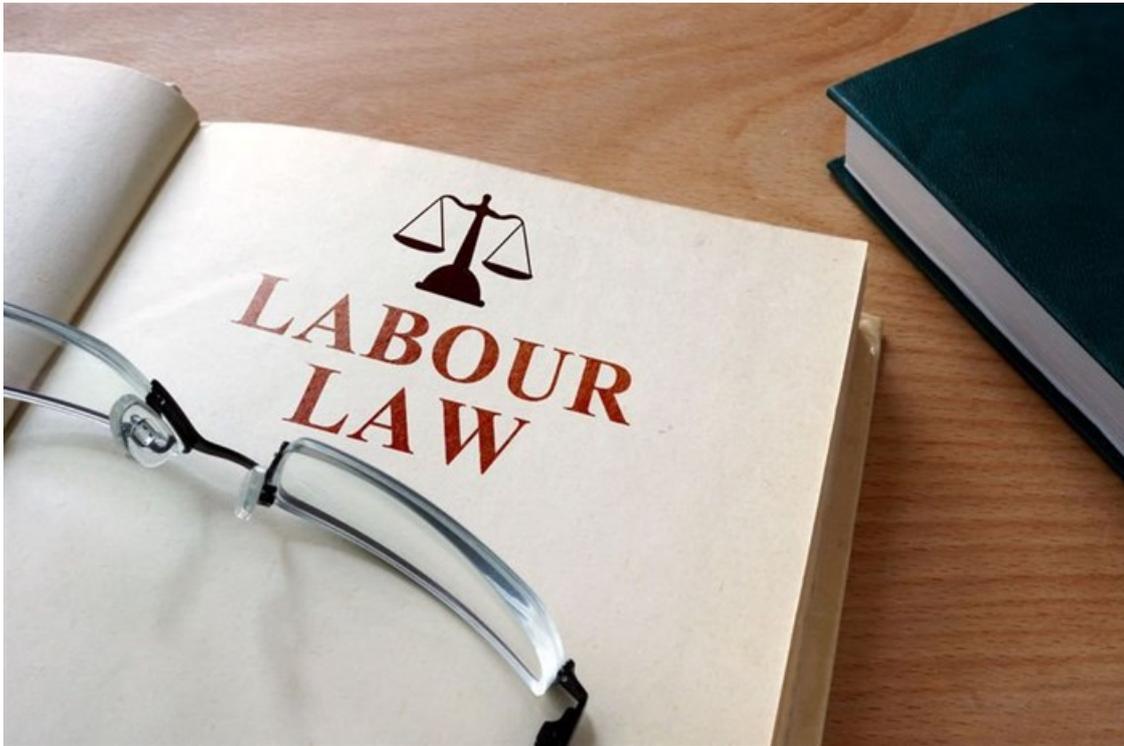


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Wessels explains that the new rules cover a variety of areas, including the service or filing of documents containing personal information, electronic referral options, and the calculation of referral periods. The objective of these rules is to provide clarity and structure for parties seeking resolution through the CCMA.

Important amendments

One of the key changes introduced by the rules is a provision governing the service or filing of documents containing personal information. Under the new rules, such documents may be filed with any regional office of the CCMA or any Department of Labour Office. In addition, the rules clarify the calculation of referral periods by specifying that the period between 16 December and 7 January should not be excluded for the purpose of calculating the days for the referral periods.

Another notable amendment is the introduction of a referral option for the CCMA's electronic referral online portals. The rules also permit the ratification of documents that are not signed or signed by a person who is not authorised to represent a party and allow for an electronic signature to be considered valid.



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Bradley Workman-Davies 30 Mar 2023



Wessels notes that the requirement for a referral to be signed has been removed, although proof of service and, where applicable, an application for condonation are still required. The new rules also redefine the consequences for parties who fail to attend scheduled conciliation hearings and introduce the jurisdiction to establish picketing rules before the issuance of a certificate of non-resolution.

Furthermore, parties requesting postponements should be aware that such requests are not automatically granted if no response is received from the CCMA. The commissioner has also been empowered to remove a case from the list if a party fails to appear for arbitration, and another change is outlined in the circumstances under which arbitration awards or rulings may be changed or cancelled if the CCMA or commissioner removes the case from the list.

“A favourable verdict at the CCMA relies on the understanding of the Labour Relations Act, alongside the application of the rules. As ignorance is not a defence admissible in any of South Africa’s legal courts, all parties must familiarise themselves with the rules and letter of the law or use the expertise of legal professionals to be properly represented,” concludes Wessels.

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