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**No. 7847**

*Regulasiekoerant*

**Vol. 462**

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Desember

**No. 25797**



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## GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

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DEPARTMENT OF LABOUR  
DEPARTEMENT VAN ARBEID

No. R. 1744

5 December 2003

### LABOUR RELATIONS ACT, 1995 WITHDRAWAL OF REGULATIONS

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour,  
hereby withdraw the regulations made under section 208 of the Labour Relations Act, 1995 (Act  
No.66 of 1995) in Government Notice No. R938 as published in Government Gazette No 23611  
of 25 July 2002.

M M S MDLADLANA  
MINISTER OF LABOUR

No. R. 1744

5 Desember 2003

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### WET OP ARBEIDSVERHOUDINGE, 1995 INTREKKING VAN REGULASIES

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, trek hierby  
die regulasies uitgevaardig ingevolge artikel 208 van die Wet op Arbeidsverhoudinge, 1995  
(Wet No. 66 van 1995) in Goewermentskennisgewing No. R.938 soos gepubliseer in  
Staatskoerant No.23611 van 25 Julie 2002, in.

M M S MDLADLANA  
MINISTER VAN ARBEID

No. R. 1745

5 December 2003

**LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)****COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION****TARIFF OF FEES**

The Governing Body of the Commission for Conciliation, Mediation and Arbitration

hereby repeals the Tariff of Fees published in terms of the Labour Relations Act, 1995

(Act No. 66 of 1995) under Government Notice No. R. 939 published in Government Gazette

No 23611 of 25 July 2002.

No. R. 1746

5 December 2003

**LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)****SECTION 189A(6) REGULATIONS**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour, hereby  
withdraw the regulations in Government Notice No. R941 as published in Government  
Gazette No.23611 of 25 July 2002.

M M S MDLADLANA  
MINISTER OF LABOUR

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No. R. 1746

5 Desember 2003

**WET OF ARBEIDSVERHOUDINGE, 1995 (WET NO 66 VAN 1995)****ARTIKEL 189A(6) REGULASIES**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid,  
trek hierby, die regulasies in Goewermentskennisgewing No R941 soos gepubliseer in  
Staatskoerant No 23611 van 25 Julie 2002, in.

M M S MDLADLANA  
MINISTER VAN ARBEID

No. R. 1747

5 December 2003

**LABOUR RELATIONS ACT, 1995 (ACT NO 66 OF 1995)****GUIDELINES ISSUED IN TERMS OF SECTION 95(8)**

I, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister of Labour,  
hereby withdraws the guidelines in Government Notice No R942 as published in  
Government Gazette No 23611 of 25 July 2002.

**M M S. MDLADLANA****MINISTER OF LABOUR**

No. R. 1747

5 Desember 2003

**WET OP ARBEIDSVERHOUDINGE, 1995 (WET NO 66 VAN 1995)****RIGLYNE KRAGTES ARTIKEL 95(8)**

Ek, MEMBATHISI MPHUMZI SHEPHERD MDLADLANA, Minister van Arbeid, trek  
hierby die riglyne in Goewermentskennisgewing No R942 soos gepubliseer in Staats  
koerant No 23611, van 25 Julie 2002 in.

**M M S MDLADLANA****MINISTER VAN ARBEID**



No. R. 1748

5 December 2003

## LABOUR RELATIONS ACT, 1995 (ACT No. 66 OF 1995)

## COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

## RULES FOR THE CONDUCT OF PROCEEDINGS BEFORE THE CCMA

## CORRECTION NOTICE

Government Notice No. R. 1448 published in *Government Gazette* No. 25515 (*Regulation Gazette* No. 7781) of 10 October 2003, is hereby corrected as follows:

(1) Page 247 is substituted with the following page:-

**A**

(2) Page 262 is substituted with the following page:-

**B**

**PART FIVE****RULES THAT APPLY TO CONCILIATIONS AND ARBITRATIONS AND CON-  
ARBS**

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

**PART SIX****APPLICATIONS**

- 31. How to bring an application
- 32. How to apply to vary or rescind arbitration awards or rulings
- 33. How to apply to refer a dismissal dispute to the Labour Court



**25 REPRESENTATION BEFORE THE COMMISSION**

- (1)(a) In conciliation proceedings a party to the dispute may appear in person or be represented only by-
- (1) a *director* or *employee* of that party and if a close corporation also a member thereof; or
  - (2) any *office bearer* or *official* of that party's registered *trade union* or registered employer's organisation.
- (b) In any arbitration proceedings, a party to the *dispute* may appear in person or be represented only by:
- (1) a *legal practitioner*,
  - (2) a *director* or *employee* of that party and if a close corporation also a member thereof; or
  - (3) any *office-bearer* or *official* of that party's registered trade union or a registered *employers'* organisation.
- (c) If the *dispute* being arbitrated is about the fairness of a dismissal and a party has alleged that the reason for the *dismissal* relates to the employee's conduct or capacity, the parties, despite subrule(1)(b) are not entitled to be represented by a *legal practitioner* in the proceedings unless-
- (1) the commissioner and all the other parties consent;
  - (2) 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*
- (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 in terms of subrule (3), including constitutions, payslips, contracts of employment, documents and forms, recognition agreements and proof of membership of a trade union or employers' organisation.

**26. HOW TO JOIN OR SUBSTITUTE PARTIES TO PROCEEDINGS**

- (1) The Commission or a commissioner may join any number of persons as parties in proceedings if their right to relief depends on substantially the same question of law or fact.

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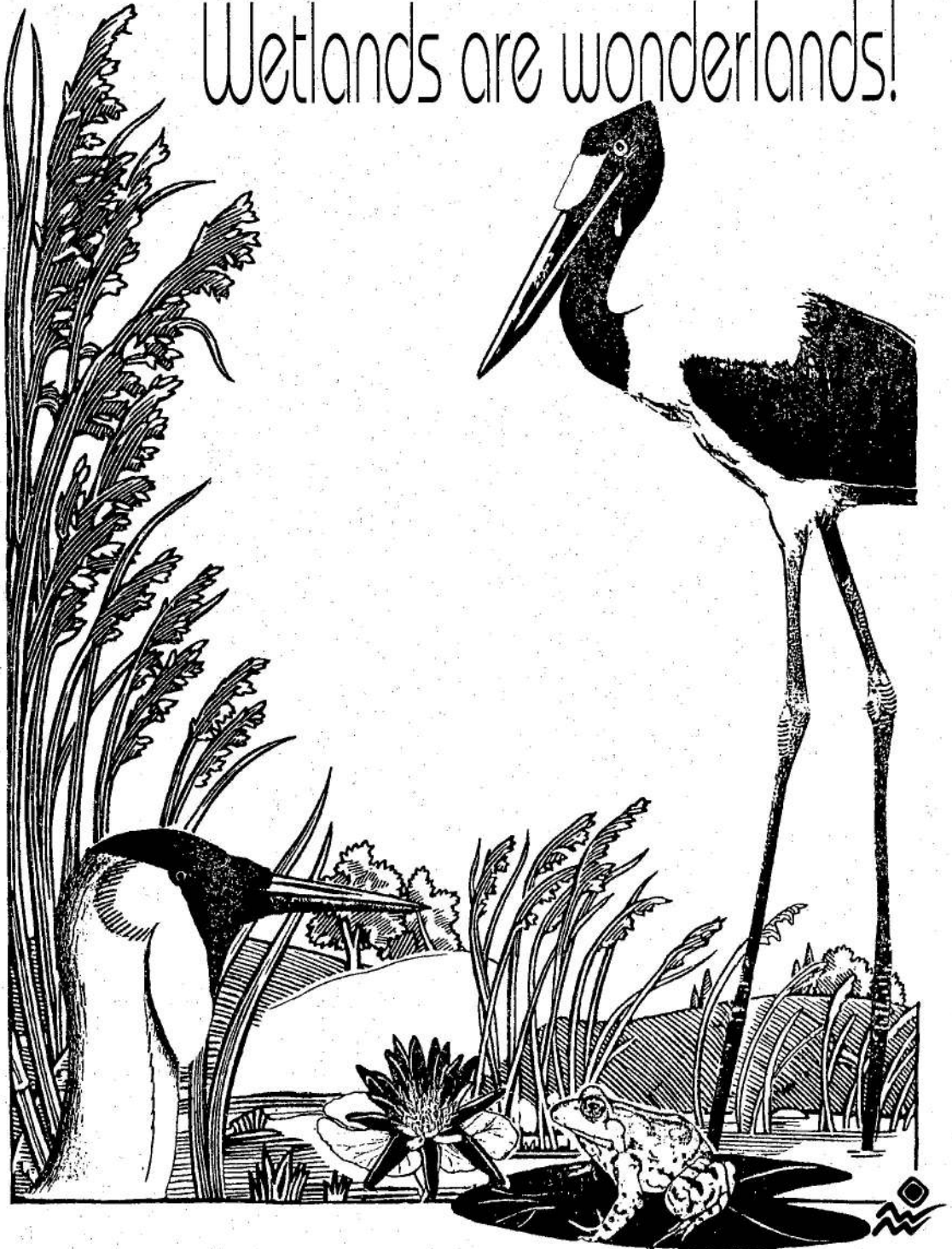
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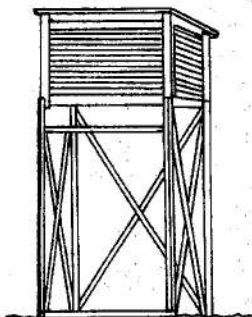
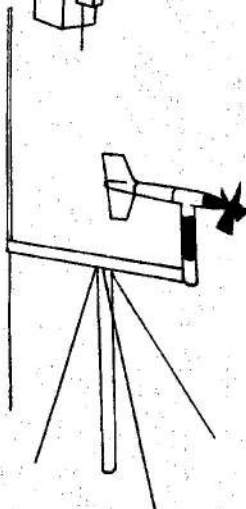
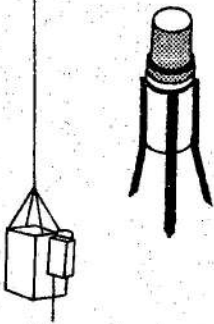


Department of Environmental Affairs and Tourism

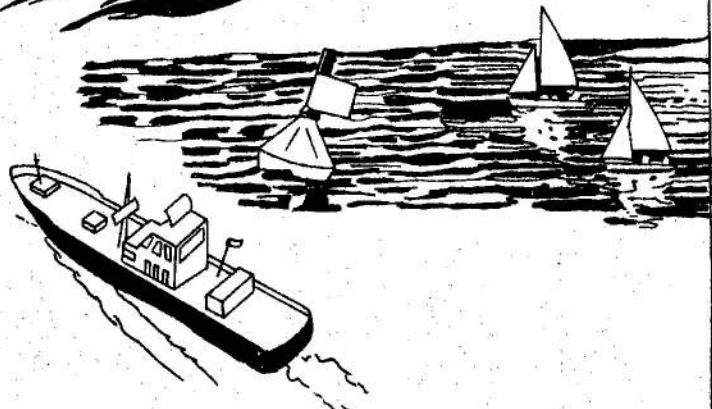
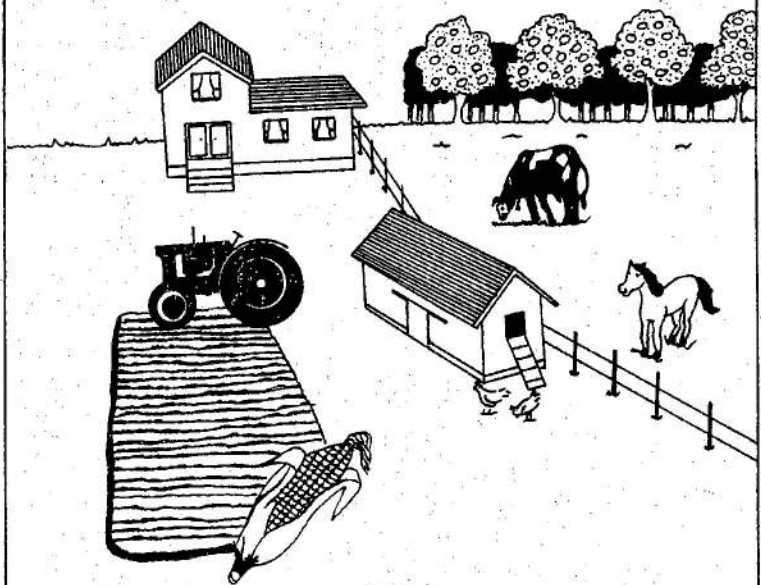
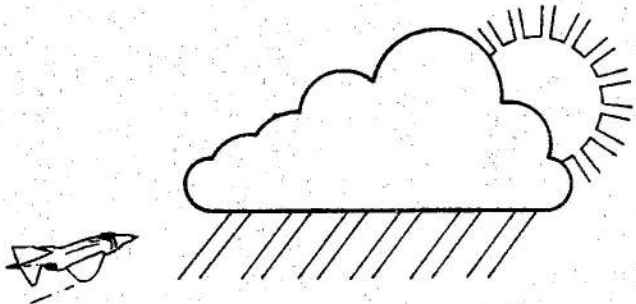




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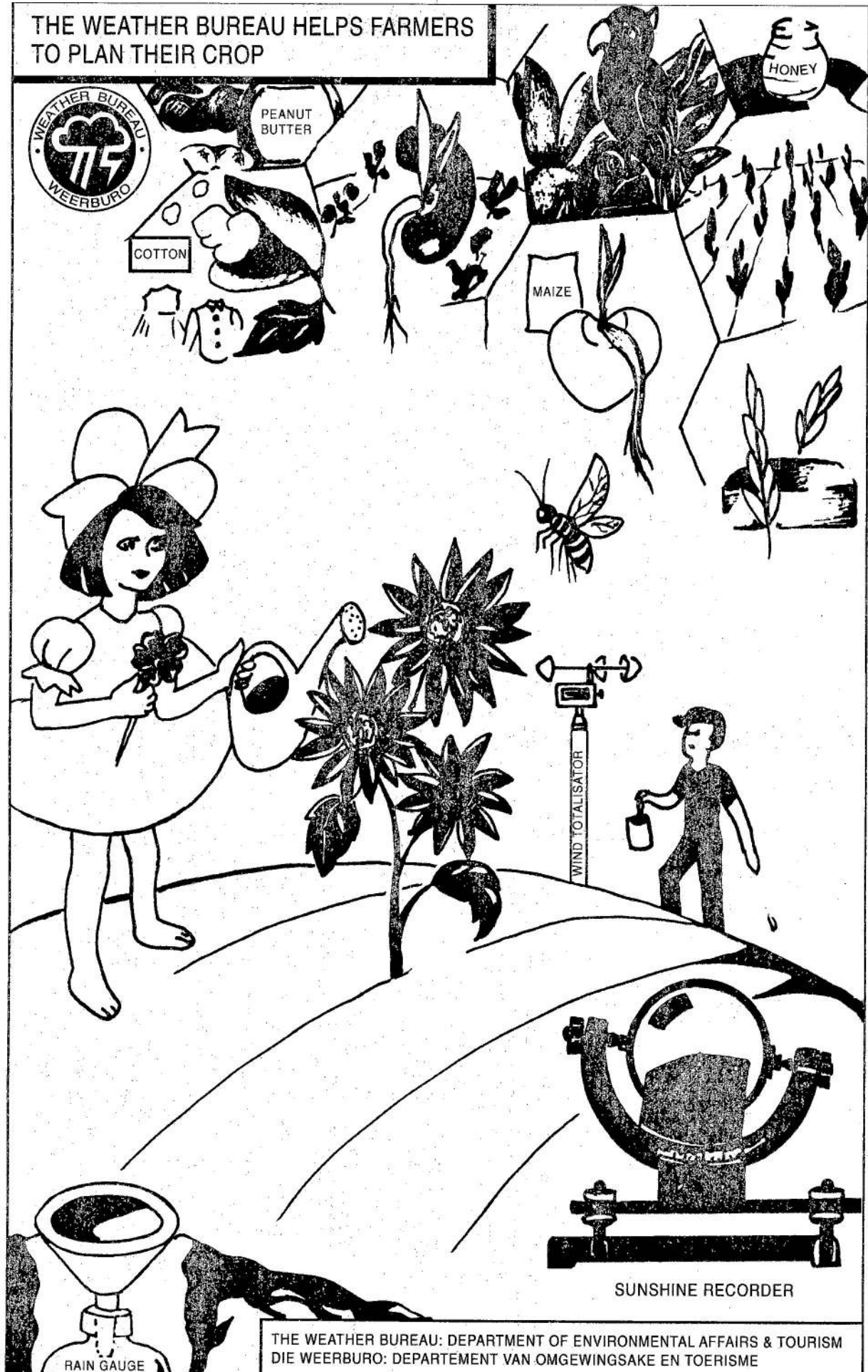
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