

New CCMA RULES

**HALF-DAY
WORKSHOP**

**THE NEW CCMA RULES ARE EFFECTIVE
FROM 1 JANUARY 2019**



**the highest return on
your investment will
probably be ...**

*participating in
this workshop*



Reservation Enquiries: Taryn van der Merwe

Tel: (041) 373 4322 • Email: pa@vanzyrudd.co.za • www.sallr.co.za  South African Labour Law Reports

In the workbook and during the workshop, the following approach will be adopted:

- each rule will be analysed with reference to the following periods:
 - the rule before 1 April 2015
 - the rule from 1 April 2015 to 31 December 2018
 - the rule from 1 January 2019
- cross-references will be made to statutory provisions, especially the LRA Amendment Act 2018, effective from 1 January 2019, the National Minimum Wage Act 2018, effective from 1 January 2019 and the Basic Conditions of Employment Amendment Act 2018, effective from 2 January 2019
- all relevant case law has been incorporated
- where necessary, reference has been made to similar provisions applicable in the labour court, the labour appeal court, the high court and the magistrate's court
- the LRA forms utilised by the CCMA have also been extensively amended and these will receive special attention, specifically LRA Form 7.11, annexure 'A' to LRA Form 7.11, LRA Form 7.16, LRA Form 7.20, LRA Form 7.22, LRA Form 7.23 and LRA Form 7.25
- specific attention will also be paid to BCEA Form 15 utilised by the CCMA in respect of written undertakings or compliance orders to be made arbitration awards
- as usual, various diagrams and specially designed guidelines will be provided in respect of complicated topics

SPECIAL FEATURES OF THE WORKBOOK?

The workbook will also contain:

- a comprehensive table of cases
- a comprehensive table of rules, with cross-references to the various pages in the workbook where such rules are dealt with
- a comprehensive table of statutory provisions, with cross-references to the various pages in the workbook where these are dealt with
- lastly, but not least, a comprehensive index of phrases, words and terminology

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SOME OF THE ISSUES THAT WE WILL SPECIFICALLY DEAL WITH DURING THE WORKSHOP?

Specific attention will be given to the following:

- the alignment of the new rules with the Electronic Communications and Transaction Act
- the alignment of the new rules with the rules of the labour court
- despite the CCMA offices only being operational from Monday to Friday, the faxing or emailing to the CCMA on any day of the week and any time of the day
- eliminating the confusion in respect of the service requirements set out in rule 5 of the CCMA rule and other service requirements set out elsewhere in the CCMA rules, e.g. rule 37
- the amended rule 5(1)(a)(iii) relaxing the burden of proof to be satisfied when service takes place on a person who appears to be at least 16 years' old and in charge of the person's place of residence, business or place of employment
- reconciling the methods of service contained in rule 5(1) with the specific methods contained in rule 5(2) of the CCMA rules
- the amendment to the rules ensuring mandatory attendance at conciliation and arbitration in the absence of a notice transmitted via post, fax, email or personal service but by sms
- proving that a document was served by sms
- limiting the filing of documents by post and fax to CCMA offices and excluding offices of the Department of Labour in this regard
- the compatibility required when filing documents by email to the CCMA
- the change to the timelines applicable when service takes place by registered post
- the consequences of the failure to comply with the CCMA's or a specific appointed commissioner's request for a party to file original documents
- the content of the amended LRA Form 7.11 and the incorporation of such form into various rules of the CCMA, including rule 10
- dealing with a referral document of a dispute that is defective
- the shorter notification period for set down of matters of mutual interest and large scale retrenchments
- the extension of the conciliation period in terms of s135(2B) of the LRA, introduced by the LRA Amendment Act 2018

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- the newly-introduced LRA Form 7.25 to be attached to the certificate of outcome
- the incorporation of the principles formulated by the constitutional court in *September and Others v CMI Business Enterprise* into the amended rule 16
- the distinction at conciliation between the process relating to settlement negotiations and the process relating to all other facts or issues unrelated to settlement negotiations
- the true meaning of the following phrase ‘no person may refer to anything said at conciliation proceedings’
- the true meaning of the following phrase: ‘no person, including a commissioner, may be called as a witness during any subsequent proceedings’
- the consequences of a mandatory con-arb process in respect of disputes pertaining to underpayment in terms of s73A of the BCEA Amendment Act 2018 as well as compliance orders in terms of such amendment Act
- the alignment of rule 17(4) with s191(5A)(c) of the LRA relating to the peremptory commencement with arbitration immediately after certifying that the dispute remains unresolved, where no objection is allowed or filed
- the creation of the newly-inserted rule 17(4)(c) in line with the principles set out by the labour court in *Pioneer Foods (Pty) Ltd t/a Sasko Milling v CCMA and Others*
- the new principles regulating a request for arbitration
- the new principles regulating the filing of statements
- the new principles contained in the amendments to rule 20 regulating the holding of a pre-arbitration conference with the object of ensuring greater reliance on this process, as of 1 January 2019

WHO SHOULD ATTEND?

Anybody who utilises the services of the CCMA, including the following:

- human resources and industrial relations practitioners
- CCMA officials
- trade unions
- employers’ organisations
- attorneys
- advocates
- candidate attorneys



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WHEN AND WHERE?

DATE	CITY	VENUE
Monday, 1 April 2019	Bloemfontein	Kopano Nokeng Conference Centre
Tuesday, 2 April 2019	East London	East London International Convention Centre
Wednesday, 3 April 2019	Port Elizabeth	Protea Marine Hotel
Thursday, 4 April 2019	Johannesburg	Birchwood Hotel
Tuesday, 9 April 2019	Durban	Coastlands Umhlanga Hotel and Convention Centre
Wednesday, 10 April 2019	Johannesburg	The Maslow, Sandton
Thursday, 11 April 2019	Pretoria	Time Square
Monday, 15 April 2019	Cape Town	Table Bay

IMPORTANT TIMES

Registration:	07h15 – 08h00
Tea, coffee and refreshments:	07h15 – 08h00
First session:	08h00 – 10h15
Tea and coffee break:	10h15 – 10h45
Second session:	10h45 – 12h50
Concluding comments:	12h50 – 13h00
End of workshop:	13h00

WHO IS THE PRESENTER?

Dr Brian van Zyl is the co-author of various publications, which include the following: *The Final Codes on Broad-Based Black Economic Empowerment: An Analysis*, Part 1 and Part 2, *The Business of Restructuring* and *Guide to the CCMA Rules*, 1st and 2nd editions. Brian has been the presenter of *The South African Labour Law Reports* seminar since 1990. He has recently written *Changes to Employment Laws*. His latest publication titled *CCMA Rules Including Rules of Various Courts* was launched towards the end of 2018 and is currently turning out to be a best seller. Brian also regularly practices in the labour courts and the CCMA.

REGISTRATION FEES?

- **Fees include free parking**
- **The fee for one delegate is R2 600 + VAT at 15%**

A discount for multiple delegates from one organisation may be requested by contacting Taryn van der Merwe on 041 373 4322 or pa@vanzylrdudd.co.za.

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REGISTRATION FORM FOR THE NEW CCMA RULES WORKSHOP

Post/E-mail/Fax to: Van Zyl, Rudd and Associates SA (Pty) Ltd
 P O Box 12758
 Centrahil 6006

Enquiries: Taryn van der Merwe
 Tel: 041-373 4322 • Fax: 041-373 4323
 E-mail: pa@vanzylrudd.co.za

NOTE:

NOTE: UPON RECEIPT OF THE COMPLETED REGISTRATION FORM BY VZR, THE WORKSHOP FEE PER DELEGATE WILL IMMEDIATELY BE DUE AND PAYABLE.

NOTE: SHOULD A DELEGATE REGISTER FOR THE WORKSHOP AND NOT BE ABLE TO ATTEND, FOR WHATEVER REASON, SUCH CANCELLATION MUST BE IN WRITING AND RECEIVED BY VZR AT LEAST 15 CALENDAR DAYS BEFORE THE DATE OF THE WORKSHOP. IF SUCH CANCELLATION CONDITIONS ARE NOT MET, THE DELEGATE WILL BE HELD LIABLE FOR THE FULL WORKSHOP FEE.

REGISTRATION FEES (Inclusive of VAT and free parking): 1 Delegate: R2 990.00

<input type="checkbox"/> BLOEMFONTEIN KOPANO NOKENG COUNTRY LODGE MONDAY, 1 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.	<input type="checkbox"/> EAST LONDON INTERNATIONAL CONVENTION CENTRE TUESDAY, 2 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.	<input type="checkbox"/> PORT ELIZABETH PROTEA MARINE HOTEL WEDNESDAY, 3 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.
<input type="checkbox"/> JOHANNESBURG BIRCHWOOD HOTEL THURSDAY, 4 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.	<input type="checkbox"/> DURBAN COASTLANDS UMHLANGA HOTEL TUESDAY, 9 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.	<input type="checkbox"/> JOHANNESBURG THE MASLOW, SANDTON WEDNESDAY, 10 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.
<input type="checkbox"/> PRETORIA TIME SQUARE THURSDAY, 11 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.	<input type="checkbox"/> CAPE TOWN TABLE BAY MONDAY, 15 APRIL 2019 <hr/> FULL NAME OF DELEGATE(S) 1. 2. 3. 4.	

KINDLY INSERT YOUR VAT NUMBER IN RESPECT OF INVOICING:

Banking details of Van Zyl, Rudd and Associates SA (Pty) Ltd: ABSA - Newton Park - Account No: 40 8094 0399
 Branch code: 632-005

KINDLY COMPLETE THE FOLLOWING SO THAT VZR WILL BE ABLE TO ISSUE THE RELEVANT INVOICE AND STATEMENT:

Organisation: Postal address:.....
 ID no: Company reg no:

Relevant order no:

Postal code: Tel: Fax:.....

Contact person name and surname:

E-mail address of delegate(s):

Name and surname of person responsible for payment of this account:

Email address and landline of person responsible for the payment of this account:

Date:..... Name and surname: Signature: