

APPLICATION FOR CONDONATION IN RESPECT OF UNFAIR DISMISSAL DISPUTE

Case Number:

.....
(Applicant/Employee)

and

.....
(Respondent/Employer)

AFFIDAVIT

I, the undersigned,
(full name of Applicant/Respondent)

do hereby make oath and say:

1. Background

- 1.1 Applicant was dismissed on
- 1.2 Respondent refused to reinstate applicant on
- 1.3 The dispute arose on
 after all attempts to negotiate or follow other internal procedures at the respondent failed (appeal).

2. Degree of Lateness

- 2.1 The referral is days late.
- 2.2 Applicant did the following to pursue his/her rights after his/her dismissal:
 - 2.2.1 Applicant went to his/her union / Department of Employment and Labour / Community Advice Centre / Legal Advice Centre (delete whichever is not applicable) on.....
 - 2.2.2 Applicant telephoned.....
 on
 - 2.2.3 Applicant signed the referral form on

3. Reasons for Lateness

The reason/s that applicant referred the matter late is

.....

.....

.....

.....

4. **Prospects of Success**

Applicant believes that he/she has good cause because (explain with good reasons why dismissal is unfair)

.....

.....

.....

.....

5. **Prejudice**

As the applicant (employee), if condonation is not granted, I will be prejudiced because

.....

.....

.....

.....

As the respondent (employer), if condonation is granted, I will be prejudiced because

.....

.....

.....

.....

6. **General**

Any other relevant information

.....

.....

.....

.....

7. **The respondent must, within 14 days of receipt of this affidavit from the applicant, file an affidavit opposing an application for condonation by the applicant.**

8. **The respondent must forward a copy of the affidavit to the other party, as well as to the NBCRFLI, within the stipulated 5 days. Proof must be attached to show that the affidavit has been forwarded to the other party. This would be in the form of either a registered slip, fax transmission slip or an affidavit of hand delivery.**

9. **By completing this application form, 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 by completing this application form, my/our personal information may be used for the lawful and reasonable purposes in as far as the NBCRFLI (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 in as far as the NBCRFLI must fulfil its public legal duty. I/we furthermore understand that there are instances in terms of abovementioned Act where my express consent is not necessary to permit the processing of personal information, which may be related to litigation or when the information is publicly available. Further details are available on the NBCRFLI website**

.....
Applicant

.....
Respondent

Signed before me on at.....
by the deponent who acknowledges that he/she knows and understands the contents of the affidavit, has no objection to taking the oath/affirmation and considers it binding upon his/her conscience.

Commissioner of Oaths

Name

Address

.....

.....

Capacity