Stakeholder Engagement Conference 2024

21 September 2021

COMMUNICATION IN RESPECT OF DISPUTE RESOLUTION REFERRALS TO THE NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT AND LOGISTICS INDUSTRY

It has come to our attention that there are parties who are not aware that the NBCRFLI is accredited by the CCMA to provide dispute resolution function to the industry. Parties who are in dispute refer their cases to the CCMA instead of the NBCRFLI. The NBCRFLI is accredited to perform dispute resolution by using CCMA accredited commissioners.

DISPUTE RESOLUTION REFERRALS TO THE NBCRFLI

It is important to note that the NBCRFLI checks the following things before an unfair dismissal or unfair labour practice dispute is set down;

- Is the correct citation of the party (legal name of the company, legal names of individuals) provided on the referral form?
- Are the terms of reference correctly cited on the form e.g. unfair dismissal or unfair labour practice?
- Did the applicant sign the referral form?
- Have the correct timeframes been adhered to?

CONDONATION APPLICATION

If the referring party refers a disputes outside the time frames as provided for in the Act e.g 30 days for conciliation and 90 days for arbitration such referrals must be accompanied by Condonation application for the late referral.

WHO CAN ACCES DISPUTE RESOLUTION SERVICES OF THE NBCRFLI

All employees who fall under the scope of the NBCRFLI can approach our offices to assist in the resolution of a dispute, over which the council has jurisdiction. As an employee (or former employee), you can approach the nearest NBCRFLI regional office. After having made contact with the NBCRFLI office, either by visiting or telephone, fax or email, you will be provided with a referral form which should also be forwarded to the other party you are having a dispute with. Proof of service must accompany the form sent to the NBCRFLI so that the NBCRFLI can schedule your dispute for hearing.

TYPES OF DISPUTES YOU CAN REFER TO THE NBCRFLI

• Disputes about the interpretation or application of the provisions of Chapter II (Section 9)
• Disputes regarding a proposed strike or lockout (Section 64(1))
• Disputes in essential services (Section 74)
• Disputes about unfair dismissals (Section 191)
• Disputes about severance pay (Section 196)
• Disputes about unfair labour practices (Item 2 in Schedule 7
• Disputes about temporary employment service-Section 198, 198A, 198B, 198C and 198D.

LRA Form 7.3
Certificate of Accreditation of Council
Section 127(5)(a)(ii)

CERTIFICATE OF ACCREDITATION OF COUNCIL

This is to certify that:

NATIONAL BARGAINING COUNCIL FOR THE ROAD FREIGHT AND LOGISTICS INDUSTRY

has in terms of Section 127 of the Labour Relations Act of 1995, been accredited to perform dispute resolution functions, subject to the conditions as imposed by the Governing Body and subject to the terms set out in the accompanying attachment. The Bargaining Council has been accredited to conduct conciliation and arbitration (including inquiry by arbitrator) on condition that the postponement rate is improved upon. This certificate is valid from –
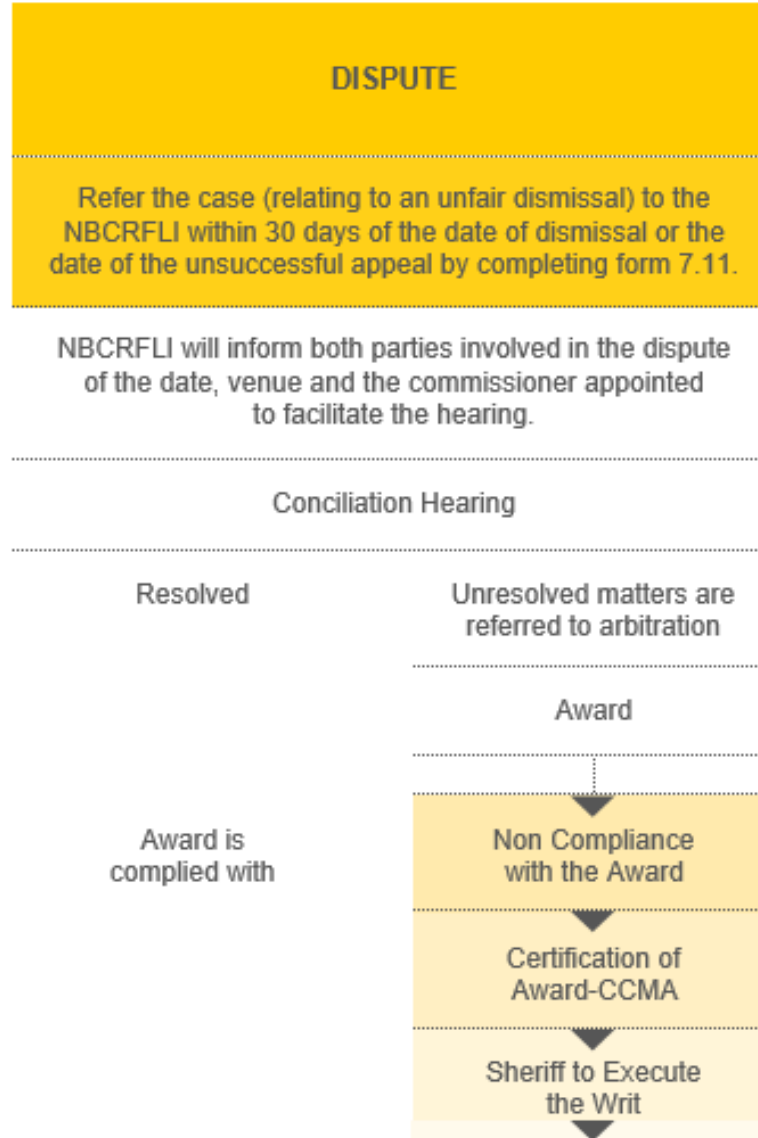
01 MARCH 2022…. ..………….... to …………………….…. **28 FEBRUARY 2025** ……………

………………………………………………………………………………
COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

Date……02 FEBRUARY 2022……………

Registration Number:LR2/6/6/55………

Dispute Resolution Process

The diagram below shows the dispute resolution process for dispute of right i.e. dismissal and unfair labour practice disputes. If an employer has no appeal process, the employee may refer a dispute once he/she has been informed of the outcome.

DISPUTE

Refer the case (relating to an unfair dismissal) to the NBCRFLI within 30 days of the date of dismissal or the date of the unsuccessful appeal by completing form 7.11.

NBCRFLI will inform both parties involved in the dispute of the date, venue and the commissioner appointed to facilitate the hearing.

Conciliation Hearing

Resolved

Unresolved matters are referred to arbitration

Award

Award is complied with

Non Compliance with the Award

Certification of Award-CCMA

Sheriff to Execute the Writ

THANK YOU