9th May 2020

To: Sarbac Users, Sarbac Staff, Part time Commissioners, Employer Bodies, Unions, Companies, Employees, etc.

Dear All

DIRECTIVE IN RESPECT OF DISPUTE RESOLUTIONS

Yesterday we were briefed by the Director of the CCMA via web-cam on the way forward for the CCMA and Bargaining Councils. It was indicated that new regulations were approved and that it was published yesterday. This will be made available to councils over the weekend where after we will distribute it and put it on our website.

COVID 19 has resulted that a lot of things we have done in the past will no longer be possible in future and that we all will have to adapt to a new way of doing things. All parties will have to accept that it will not be business as usual and that some of the changes will take a long time to get used to or even accept. This virus have no boundaries and we cannot expect to go back to how to how we have done things in the past if we want to preserve life. The life of people will always take precedence above our believes, political views, ideologies, trusts issues, etc.

I will not deal with the issues that apply to the CCMA, those you can get from their webpage.

The following announcements has been made for implementation in relation to the council:

1. We need to ensure high levels of hygiene and avoid interaction as far as possible in order not to spread the virus

2. All offices to have enough PPE’s for staff

3. All offices to have hand held Thermometers to check all visitors to offices before entry

4. No people without a mask to be allowed entry into offices.

5. Hearing rooms to be disinfected after every hearing.
The most important announcement is as follow:

- Referrals will be accepted as from **Monday the 11/05/2020**
- **Hearings will start to commence as from 18/05/2020**
- Cases from March and April will receive preference
- Commissioners will travel to workplaces and other venues as far as possible
- Hearings such as conciliations can be done via telephone to speed up the process
- Commissioners to be allowed to work remotely if it speed up the process
- Web-base hearings is allowed on consent from both parties (this to be explored as the preferred option for the future)
- Councils to invest in this technology

**Hearing Processes:**

- Processes that can be done on paper must be done as far as possible, this include matters such as condonations, interpretation of terms and conditions, etc.

**Hearings to be held as far as possible at employer premises:**

1. This will include dismissals
2. Unfair labour practice cases
3. Unilateral changes to terms of terms and conditions
4. To eliminate lots of people attending hearings tele/web-cam testimony from witnesses to be conducted as far as possible.

**Exceptional Circumstances:**

- Large scale dismissals in terms of S198A (the CCMA directive will apply)
- Matters of Mutual Interest matters may be set down once it become a matter of public interest at identified and prepared venues for such matters

The Council encourages our parties and the industry at large to take every precaution necessary to avoid the spreading of this virus and to contact the Emergency 24-hour hot line on 0800 029 999 or WhatsApp 060 012 3456, or visit [www.nicd.ac.za](http://www.nicd.ac.za) for assistance if necessary.
It was further advised that permits are not required for Bargaining councils or for people attending processes at the council, the only document that must be produced is the set down notice if stopped by law enforcement agencies.

We appeal that parties please advise their respective organisations, staff and officials dealing with IR matters to prepare and adhere to the following procedures as outlined.

Any queries can be directed to me if unclear.

Regards

Gary Wilson
General Secretary