

Employment and Labour Relations (General)

G.N. No. 47 (contd.)

CMA F.2

**APPLICATION FOR CONDONATION OF LATE REFERRAL OF
A DISPUTE TO THE COMMISSION FOR MEDIATION AND ARBITRATION**

(Made under Regulation 34(1))

DETAILS OF EMAIL AND PHYSICAL ADDRESS, TELEPHONE NOS. AND FAX NOS.
OF HEAD OFFICE AND AREA OFFICES OF THE COMMISSION TO BE
INSERTED HERE

READ THIS FIRST:

A. PURPOSE OF THE FORM

This form enables a party that has failed to comply with the time periods for referring a dispute to the Commission, to apply to have the dispute processed by the Commission. A dispute concerning termination of employment must be referred to the Commission within 30 days. All other disputes must be referred to the Commission within 60 days. The Rules for Mediation and Arbitration proceedings issued by the Commission set out the criteria to be applied in Determining condonation applications.

B. WHO FILLS IN THE FORM?

The party seeking application for condonation e.g. employer, employee, union or employers' organisation.

C. WHERE DOES THE FORM GO?

To the other party to the dispute and a copy to the Commission in the area where the dispute has arisen, together with proof of the form having been served on the other party.

D. HOW CAN THE FORM BE SEVED?

By hand, registered post or fax. Proof of service on any other party must accompany the form served on the Commission. The following constitutes proof of service:

- By Hand: receipt signed by the party or a person who appears to be at least 18 years old and in charge of the party's place of residence or place of employment,
Or a signed statement by the person who served the document;
- By registered post: proof of posting from postal authorities;
- By fax: fax transmission slip confirming the fax was successfully transmitted.

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E. WHAT HAPPENS AFTER THE FORM IS SERVED?

The other party to the dispute may within 14 days oppose the application by filling written Submissions in accordance with the rules for Mediation and Arbitration proceedings. Thereafter the party seeking condonation may within 7 days submit a written reply to the opposition, in terms of the Rules.

A mediator appointed to deal with the dispute may decide the application for condonation according to the criteria specified in the Rules either on the basis of the parties' written Submissions or by calling the parties to a hearing to consider the matter.

IMPORTANT

THE FORM REFERRING THE DISPUTE TO THE COMMISSION MUST ACCOMPANY THIS FORM

Tick the correct box

1. DETAILS OF PARTY REFERRING THE DISPUTE

If you are an employee fill in
(a) Below.
If you are an employer, union
Official or representative or an
Employers' organization, fill in
(b) Below

As the referring party, are you:

- An employee
- An employer
- A union official or representative
- An employers' organisation

(a) If the referring party is an employee

Surname: _____

First Name: _____

Employee Identity Number: _____

Postal address: _____

physical address: _____

Contact Person: _____

Tel: _____ Cell : _____

Fax: _____ Email: _____

(b) If the referring party is an employer, an employer's Organization or union

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Name: _____
Postal address: _____

physical address: _____

Tel: _____ Cell: _____
Fax: _____ Email: _____
Contact person: _____

Tick the correct box
If there is more than one other
Party, write the details of the
Additional parties on a separate
Page and staple it to this form

2. DETAILS OF THE OTHER PARTY (TO THE DISPUTE)

An employee
An employer
A union
An employers' organisation
Name: _____
Postal address: _____

physical address: _____

Contact Person: _____
Tel: _____ Cell: _____
Fax: _____ Email: _____
Contact person: _____

This may for example be the
date that an employee was
dismissed.

3. DATE THE DISPUTE AROSE

(give date, day, month and year)

Additional pages may be
attached if the space below is
Insufficient.

4. SUBMISSION IN SUPPORT OF THE APPLICATION
FOR CONDONATION, IN RESPECT OF THE
FOLLOWING CRITERIA:-

Provide details on the degree of
lateness e.g how many days/weeks
late is the application

(a) degree of lateness

Provide reasons why the
Dispute was referred late

(b) reasons for lateness

Comment on your prospects of
Succeeding in obtaining the
Outcome you seek, if the
Dispute is processed by the

**(c) the referring party's prospects of success in the
dispute referred**

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Commission	_____

Comment on how the parties to The dispute would be affected By a granting or a refusal of the Condonation application	(d) Any prejudice to the other party _____ _____
Provide any other comments That may be relevant	(e) Any other relevant factors _____

Proof that a copy of this form
Has been sent could be: _____

- A fax slip/a registered
OTHER PARTY
Slip from the post Office
 - A signed receipt if hand
has been sent to the
Delivered
this is
 - A signed statement by the
Person delivering the form
5. INFORMING THE
I confirm that a copy of this form
other party/parties to the dispute and proof of
attached to this form.

Signature Name Positive Date