



CCMA

MARCH 2025

INTOUCH



Meet CCMA's new Governing
Body Chairpeson



CCMA InTouch

MARCH 2025 Q4

IN THIS ISSUE



**NEWLY APPOINTED
CHAIRPERSON OF THE
CCMA'S GOVERNING BODY**

• 1 •



**PROPOSED AMENDMENTS
TO LABOUR LEGISLATION
VERSUS WORKPLACE
DEMOCRACY**

• 10 •



**ENHANCING SERVICE
DELIVERY WITH THE CCMA
WHATSAPP CHATBOT**

• 9 •

FROM THE DESK OF

CAMEEL CHETTY

**ACTING EXECUTIVE GOVERNANCE &
STRATEGY**

*Reflecting on a Remarkable Year:
Honouring Legacies, Celebrating
Achievements, and Looking Ahead*

**From the Desk of the Editor: Reflecting on
Progress and Embracing Innovation**

As we close out this quarter, it's my privilege to present the final newsletter edition of the Financial Year 2023/2024, packed with inspiring stories, innovative strides, and reflections on key themes driving transformation at the CCMA.

One of the highlights this quarter is our exclusive interview with the CCMA's newly appointed female Governing Body Chairperson, whose leadership marks a significant milestone in empowering inclusive governance. Her perspective offers a glimpse into the path forward for the institution as we navigate complex challenges in the labour market.

This edition also introduces the CCMA's groundbreaking own revenue generation model. This initiative promises to strengthen financial sustainability, enabling the CCMA to continue delivering its services effectively while adapting to future demands.

Another exciting launch is the CCMA WhatsApp chatbot, a user-friendly tool that expands accessibility and ensures that users from all communities, including rural and underserved areas, can easily interact with CCMA services.

In addition, read about Cameel Chetty's inclusion in the prestigious IRMSA Risk Report underscores the CCMA's commitment to leadership in risk management, highlighting



the strides made toward enhancing resilience and operational excellence.

We also celebrate language inclusivity within the CCMA's operations, recognizing the vital role of interpreters in bridging communication gaps and ensuring fairness for all parties involved.

Furthermore, this edition delves into the importance of whistleblowing in promoting accountability and transparency, emphasizing how it safeguards the integrity of workplaces and institutions alike.

Lastly, we explore the benefits of legal representation at CCMA arbitrations, providing insights into how effective representation ensures that parties can fully exercise their rights and achieve fair outcomes.

It has been a quarter marked by progress, innovation, and impactful initiatives. As we look ahead, may we continue to drive change, embrace challenges, and build a more equitable labour landscape.

Warm regards,

EXCLUSIVE INTERVIEW WITH THE NEWLY APPOINTED CHAIRPERSON OF THE CCMA'S GOVERNING BODY

DR. Cornelia Carol September

A Vision for the Future: Insights from the CCMA's New Governing Body Chairperson

The newly appointed Chairperson of the CCMA's Governing Body brings a wealth of experience and a deep commitment to social justice and labour rights. In this exclusive interview, the Chairperson shares personal insights, professional inspirations, and the strategic vision for the CCMA's future. From reflecting on their journey in trade union leadership to outlining key challenges and opportunities for the CCMA, the Chairperson provides a candid and thoughtful perspective on ensuring that the institution remains accessible, effective, and a true beacon of hope for all South Africans.

1. Introduction

I was born on the Cape Flats of Cape Town, where I did my primary and high school. Both areas had a significant number of people who were removed from District Six, Claremont, Constantia, and many other areas. As there was no means to send me to post-matric institutions, I found employment in what was then called African and Overseas "Rex Trueform" Clothing Company.

My trade union activity and leadership roles both in SACTWU and COSATU emanated from the industry I was employed at. I spent almost the same number of years in the clothing industry as well as in Parliament, which included the Cabinet. A short stint in the public service.

I studied continuously and obtained various degrees/Doctorate at different Universities both locally and internationally. I'm involved in the judiciary as well as the academic world.



2. What Inspired You to Take on the Role of the CCMA's Governing Body Chairperson, and What Key Changes Do You Hope to Bring During Your Term (If Any)?

Firstly, I am honoured to have been approached, nominated and accepted to become the Chairperson of the Governing Body of the CCMA. The CCMA continues to be a unique success story in our new democracy in the realm of dispute resolution and labour law. The CCMA, for many, holds a special appreciation in simply knowing that the institution is accepted and seen as belonging to the people, epitomising the democratic ideals of accessible justice and the yearn for peaceful resolutions. Even my doctor found it necessary to give me a special congratulations due to the institution being held in high regard. Congratulations to all those that continued to allow the institution to remain in good standing despite challenges that are there.

My inspiration to have accepted this position comes from being afforded the opportunity on behalf of workers in this country to have participated in the formation of the Reconstruction and Development Programme as adopted by Parliament in 1995, the participation in the Constitution (1996) of the Republic of South Africa, the formation and participation in NEDLAC and the subsequent new labour laws I was part of in the country. It's a bit of nostalgia in coming back to a part of the golden triangle as we referred to Labour, Business and Government again.

My term must be seen as being part of a collective team of the CCMA. The continued existence of the CCMA as part of ensuring

its accessibility, especially to vulnerable people. Whilst the CCMA is an independent institution governed by its own legislation; I would want that a closer relationship be continued with the broader justice system in the country.

3. What Are the Biggest Challenges Facing the CCMA Today, and How Do You Plan to Aid in Addressing Them?

The CCMA through its Commissioners (representatives of the state tasked with the resolution of disputes), both part-time and full-time, and all other officials of the institution must never be found being biased, impartial, unfair, not sufficiently equipped to the task at hand and allow the erosion of the qualitative service required, insufficient resources which might cause the institution to lose confidence and the trust of the people of South Africa.

The CCMA still has challenges of either not being accessible enough or members of society are simply unaware of the services that are provided



by the institution. Members of society can be assisted by knowing and understanding the mandatory functions as well as the discretionary functions of the CCMA.

The CCMA's jurisdiction is defined by the Labour Relations Act as amended. However, we are all united in achieving the objectives as set by the Constitution (1996) and the Bill of Rights. The high unemployment rate in the country brings with it many challenges, and a broader debate on what this means for the future of the CCMA will be necessitated.

4. How Will You Ensure That the CCMA Remains a Beacon of Hope Accessible Indiscriminately to All Its Users, Especially Those in Rural and Underserved Communities?

Our relationship with our different stakeholders must be valued, cherished and strengthened. Moreover, the founding principles and reasons for the existence of the CCMA must reign supreme.

Ensuring that those that are entrusted to perform the mandate of the institution remains above reproach, continues to be empowered by the institution and do so individually too. That the Board of the institution remains equipped with the task at hand without fear and favour. That we continuously find new ways to receive feedback from those who had accessed the service.

5. In a Rapidly Changing Labour Market, How Prepared is the CCMA to Adapt to the Looming Amendments to Labour Legislation in South Africa?

Any change to legislation must be necessitated not by undue pressure, but by enhancing the work of the CCMA, the purpose of social justice which is premised on universal and lasting peace.

The review of the NDP 2030 necessitates a broad overview of the design and programmes of implementation of conflict sensitivity. Its purposeful contribution to peace as identified by the International Labour Organisation.

6. What Legacy Would You Like to Leave at the CCMA When Your Term Comes to an End?

At various international fora the yearning for analysing the drivers of conflict and peace are deepening. The legacy of the CCMA is a legacy we will carve in unison responding to the external epistemological influences as well as the ever-changing nature of our economic and political discourses. There are great international lessons to learn from.

7. What is Your Favourite Book at the Moment and Why?

I always read more than one book at a time. Currently, it is *Swamp Full of Dollars* by Michael Peel. The other *Critical Insights* by Dr. Ali M. Al-Khouri. I read a lot of PhD and Master's thesis/dissertations as part of academic supervision.

8. Could You Share Five Things About Yourself That Our Stakeholders May Not Know?

1. I love the Arts, the stage. I'm the Patron of the Cape Ballet Africa. So, I spend quite a bit of time with the Ballet dancers.
2. I grow my own vegetables and find a lot of peace in enhancing my skill as they grow.
3. I was one of the people that was sent around the world before 1994 as part of a delegation that included Judge Arthur Chaskalson, Frances Wilson, Adelaide Tambo and many others to explain to various people and institutions what the Reconstruction and Development Plan is.
4. Judge Denis Davis and I investigated the fact that workers were overpaying tax in the country, due to the apartheid system. This led to workers receiving huge sums of money in returns, as well as changes to the tax law post-1994.
5. I'm good at singing and collect music from many places I'm able to go to.

It is with no doubt that the new CCMA Governing Body Chairperson brings a wealth of experience, a deep understanding of labour issues, and a strong commitment to social justice.

How CCMA's Strategic Partnerships and CSR Initiatives Are Driving Social Change

Since the launch of its Imvuselelo Strategy in 2020, the Commission for Conciliation, Mediation and Arbitration (CCMA) has been working to strengthen its social responsibility footprint and enhance its impact on South Africa's labour market through strategic partnerships and community-focused initiatives. As the strategy approaches its end on the 31 March 2025, a comprehensive review of its successes and challenges offers valuable insight into how the CCMA has positioned itself not only as a key player in labour dispute prevention and resolution but also as a catalyst for broader social change.

A Vision for Recovery and Renewal

The Imvuselelo Strategy, named after the isiZulu word for "revival" or "restoration," was introduced in response to the economic and social challenges caused by the COVID-19 pandemic and the longstanding structural issues within South Africa's labour market. The strategy's core objective is to leverage strategic partnerships to strengthen the CCMA's capacity to resolve disputes, protect workers' rights, and support national economic recovery. Since 2020, the CCMA has handled a growing number of workplace disputes and unfair labour practice cases, reflecting the rising tensions in the labour market. In 2023 alone, the CCMA processed over 120,000 dispute referrals, achieving an impressive settlement rate of 75%. This marks a significant improvement from pre-strategy levels and highlights the effectiveness of the CCMA's enhanced dispute resolution mechanisms.

Building Stronger Partnerships

A key pillar of the Imvuselelo Strategy has been the establishment and strengthening of strategic alliances with key stakeholders, including government departments, trade unions, employer organisations, and civil society groups. The CCMA has forged partnerships with entities such as the Department of Employment and Labour, the National Economic Development and Labour Council (NEDLAC), and various provincial governments to streamline dispute resolution and promote fair labour practices. Furthermore, engagements with trade unions, including COSATU and FEDUSA, have enhanced the CCMA's responsiveness to workplace conflicts, reducing the time taken to resolve disputes by approximately 20%. Collaborations with employer organisations such as Business Unity South Africa (BUSA) have facilitated better communication between management and labour, contributing to a reduction in the frequency and intensity of industrial action. Additionally, the CCMA's

partnership with the Department of Justice and Constitutional Development has improved access to dispute resolution services in rural and underserved communities. The rollout of 30 mobile dispute resolution units has extended the CCMA's reach to previously neglected areas, ensuring that even workers in remote locations can access professional mediation and arbitration services.

Corporate Social Responsibility (CSR) Initiatives Driving Impact

Alongside its strategic partnerships, the CCMA has also strengthened its commitment to corporate social responsibility (CSR) through a range of targeted initiatives. One notable programme is the Tracker Tomorrow's Man Programme, aimed at empowering boy children by exposing them to positive role models, career guidance, and the working world. On 16 March 2022, the CCMA hosted the programme for boy children from Simunye Secondary School, equipping them with critical life skills and insights into future career opportunities. In line with the CCMA's Nelson Mandela Legacy Programme, the Commission also contributed R26,081.93 sourced from employee and independent contractor donations to the Get Informed Youth Development Centre in Tembisa on 25 March 2022. This funding supported youth development activities and educational initiatives, reinforcing the CCMA's commitment to uplifting disadvantaged communities. Another key CSR initiative was the Youth in Labour Think Tank, held with the CCMA youth and the youth of Tembisa. This hybrid event, featuring speakers from Stellenbosch University, National Youth Development, and Harambee, focused on reflections on the COVID-19 mandatory vaccination rollout in South African workplaces. The platform facilitated a robust exchange of ideas and highlighted the importance of youth engagement in shaping workplace policies and practices. In the 2022/23 financial year, the CCMA's CSR efforts continued to make a significant impact. As part of the Presidential Youth Employment Initiative, the CCMA hosted a Youth in Labour Think Tank at the South African Association of Youth Clubs (SAAYC) in Etwatwa East, Gauteng. The CCMA collaborated with the National Youth Development Agency and Harambee Youth Employment Accelerator to provide computer classes and ICT training to young people, covering areas such as cloud computing, software development, data centre management, and business support services. This initiative equipped young people with essential skills to enhance their employability and entrepreneurial potential. Furthermore, the CCMA Provincial and National Offices hosted boy children from Wedela Technical High School for a mentorship and skills-building programme. The boys were given practical exposure to CCMA operations and were paired with experienced mentors for personal and professional guidance.

Benchmarking and Knowledge Sharing

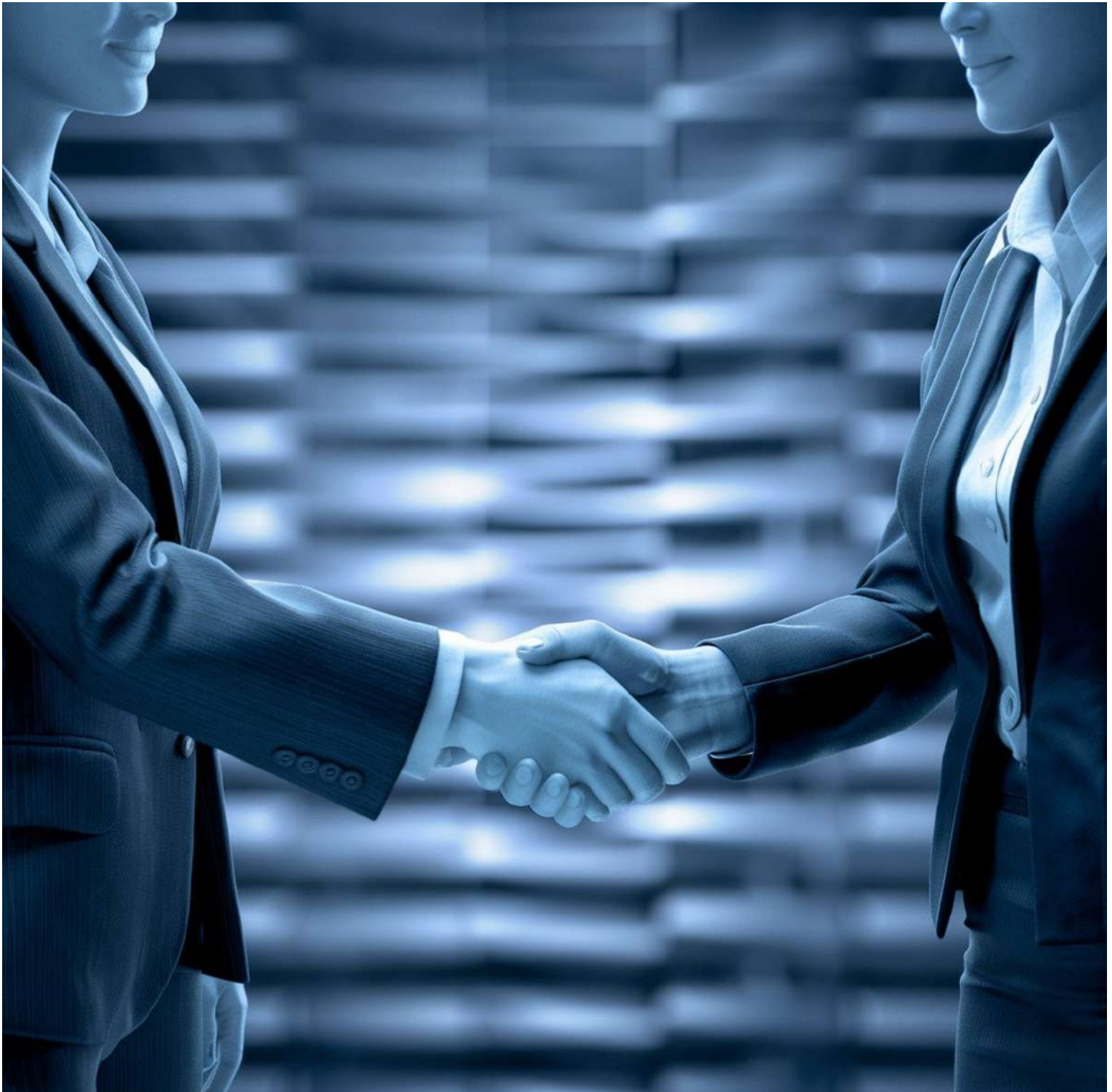
The CCMA has also played a pivotal role in extending its expertise to other Southern African countries through benchmarking and knowledge-sharing initiatives. In August 2024, the CCMA hosted a five-day visit by the Namibian Office of the Labour Commissioner (OLC) at the CCMA National Office. The purpose of the visit was to enable Namibian arbitrators, administrative officials, and IT personnel to familiarize themselves with the CCMA's Case Management System (CMS). The visit provided the OLC with insights into alternative dispute resolution (ADR) industry best practices, corporate governance, and legislative frameworks critical components for improving dispute resolution processes in Namibia. Additionally, the CCMA had previously hosted the Namibian Office of the Labour Commissioner for a benchmarking visit in the 2022/23 financial year. The study provided the Namibian delegation with strategic insights into corporate governance, case management, and legislative frameworks, which are now being incorporated into Namibia's labour dispute resolution infrastructure.

Looking Ahead

As the Imvuselelo Strategy approaches its ending anniversary, the CCMA is preparing to enter a new phase of strategic realignment. Plans are already underway to expand partnerships with the private sector and enhance engagement with small and medium-sized enterprises (SMEs). The CCMA is also working closely with the Department of Employment and Labour to improve worker protection in the informal economy, where labour rights violations remain prevalent.

“The past five years have been a learning curve,” said a senior CCMA official. “We’ve made significant progress, but there’s still work to be done. Strengthening our partnerships and improving our operational efficiency will be key to ensuring that the CCMA remains a trusted and effective institution in South Africa’s labour market.”

The CCMA’s ability to adapt to changing labour market conditions while maintaining a focus on social justice and worker protection underscores the enduring relevance of the Imvuselelo Strategy. As





G20 SOUTH
AFRICA
2025

CCMA's Acting Executive: Governance and Strategy Featured in Prestigious IRMSA Risk Report

The Commission for Conciliation, Mediation and Arbitration (CCMA) proudly celebrates a major milestone as its Acting Executive: Governance and Strategy, Cameel Chetty, has been featured in the esteemed *Institute of Risk Management South Africa (IRMSA) 2024/25 Risk Report*. This prestigious report, now in its 10th edition, serves as a vital industry resource, identifying and analysing the most pressing risks facing South Africa.

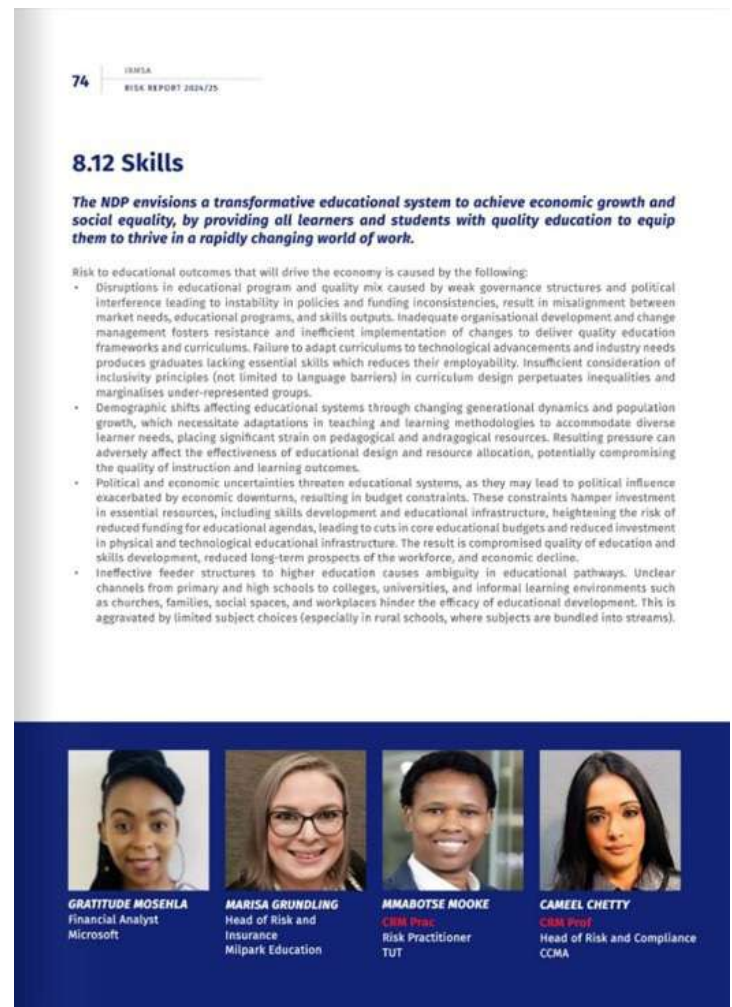
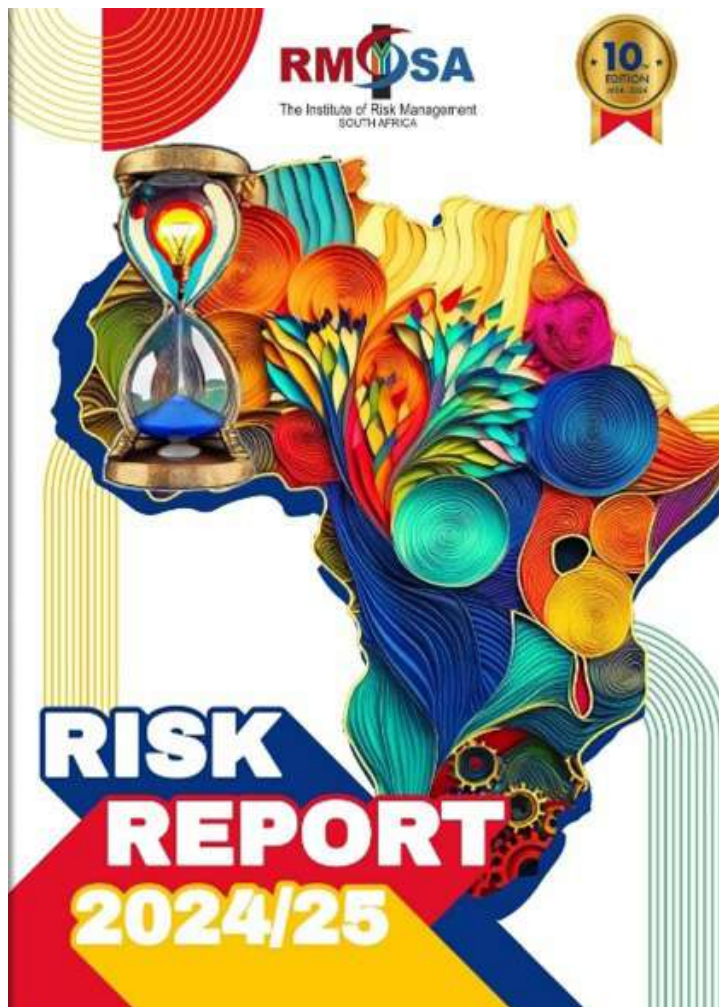
Cameel Chetty contributed to the *Resources, Skills, and Education* section of the report, where she provided expert insights into the challenges affecting workforce readiness, education policies, and skills development. As a Certified Risk Management Professional (CRM Prof), Chetty highlighted the significant risks posed by disruptions in education and training on employment and economic stability.

This recognition underscores the CCMA's leadership and expertise in risk management, governance, and compliance. Chetty's inclusion in the IRMSA Risk Report reflects the CCMA's proactive approach to addressing complex challenges within the labour market and enhancing South Africa's economic resilience.

Reflecting on this achievement, Chetty said, *"It is an incredible honour to contribute to such a pivotal industry report. Addressing the challenges in education and skills development is essential for building a resilient workforce and strengthening economic stability. Being part of this report allows me to share valuable insights that can help shape future strategies in risk management and workforce readiness."*

This recognition underscores the CCMA's leadership and expertise in risk management, governance, and compliance. Chetty's inclusion in the IRMSA Risk Report reflects the CCMA's proactive approach to addressing complex challenges within the labour market and enhancing South Africa's economic resilience.

As the year unfolds, this achievement sets a strong foundation for the CCMA's ongoing efforts to address workforce challenges and strengthen economic resilience. The IRMSA Risk Report 2024/25 is now available for those seeking deeper insights into the key risks and opportunities shaping South Africa's future.



Whistleblowing and Corporate Integrity: Encouraging a Speak-Up Culture

In South Africa's evolving corporate and labour landscape, maintaining integrity is essential for the sustainable success of any organisation—especially one such as ours. Whistleblowing plays a critical role in ensuring transparency, preventing workplace misconduct, and upholding labour rights. As a key institution in dispute resolution, the CCMA emphasises the importance of fostering a speak-up culture, where employees feel empowered to report unethical or unfair labour practices without fear of victimisation or retaliation.

The Role of Whistleblowing in Workplace Governance

Whistleblowing serves as an early detection tool, enabling the CCMA to address fraud, corruption, and other ethical breaches before they escalate.

A strong whistleblower protection framework supports corporate governance and fair labour relations by:

- Promoting accountability and ethical decision-making in the workplace.
- Mitigating financial, reputational, and legal risks.
- Encouraging compliance with labour laws and regulatory standards, including the Protected Disclosures Act (PDA) and other relevant legislation.
- Strengthening trust among employees, trade unions, employers, and regulatory bodies.

To ensure whistleblowers feel safe and confident in reporting misconduct, the CCMA has established confidential and independent reporting mechanisms—including the BeHonest Hotline, accessible via telephone, WhatsApp, email, and chatbot.

Building a Culture of Trust and Transparency

Encouraging whistleblowing is not merely a compliance measure; it is a fundamental step toward enhancing workplace integrity and fostering a culture of transparency. Promoting a speak-up culture is a shared responsibility within the CCMA family and we encourage that other organisations do the same. As fostering transparency and ethical workplace practices, we can collectively build a fair, compliant, and high-integrity corporate environment.



Enhancing Service Delivery with the CCMA WhatsApp Chatbot

The CCMA is introducing a new WhatsApp Chatbot to improve users' access to information, complaints submission, and interaction with CCMA services. This initiative is part of our ongoing efforts to enhance efficiency, reduce response times, and make key services more accessible to the public.

Why Chatbots Are the Future

Chatbots are revolutionising customer service and public sector engagement. They provide instant responses, operate 24/7, and reduce the workload on human agents—ensuring faster service delivery. By integrating AI-driven automation, the organisation will enhance accessibility, streamline processes, and improve overall user satisfaction.

What is the WhatsApp Chatbot?

The chatbot is an automated tool that allows users to communicate with the CCMA directly through WhatsApp. Instead of calling or visiting a CCMA office, users will be able to:

- ❖ Find information quickly through a frequently Asked Questions (FAQ) feature.
- ❖ Submit complaints and compliments about CCMA services.
- ❖ Make case-related inquiries and receive real-time updates.
- ❖ Submit essential information forms, such as referral documents for unfair dismissal or unfair labour practices
- ❖ Access to an integrated case management system for smoother

The Benefits of Introducing the Chatbot

The chatbot will:

- ❖ Provide instant assistance, reducing wait times.
- ❖ Increase accessibility by allowing users to engage via WhatsApp.
- ❖ Improve efficiency by handling common queries automatically.
- ❖ Free up human resources for more complex cases.
- ❖ Enhance user experience through faster and more convenient communication.

Where We Are Now

The chatbot is currently in its final stages of development, with 95% of the deployment completed. The ICT team is working to ensure a smooth rollout by addressing challenges such as staffing for live chat support.

What's Next?

To prepare for a successful launch, the team will:

- ❖ Train dedicated staff to assist users with the chatbot.
- ❖ Promote awareness so that more people can benefit from the service.
- ❖ Finalise testing and officially launch the chatbot by 1 April 2025.

Why This Matters

By using WhatsApp, one of the most widely used messaging platforms, the CCMA is making its services more accessible than ever. This chatbot will empower users

with instant access to information and support, improving service delivery and overall user experience.

Stay tuned for more updates as we prepare to go live!

Submitted by Nonhlanhla Hlatshwayo and Jacob Bahula



WhatsApp Chatbot

Proposed Amendments to Labour Legislation versus Workplace Democracy – An Opinion Piece by Glen Cormack

There is a growing body of research that speaks to employers finding ways of by-passing labour legislation that they deem too onerous to comply with, especially small and medium businesses– either by just ignoring it outright or making it extremely difficult for employees to obtain fairness and compliance with the respective legislation.

This can be seen in –

- i. the number of s'73A BCEA disputes which now constitute 30% of the CCMA's case load.
- ii. research from the National Minimum Wage Commission by UCT academics that found that since 2019 when the NMWA was introduced, employers have expressed their frustration by merely by-passing the requirements by reducing the hours worked by employees or retrenching them.
- iii. NEASA's repeated and on-going opposition to extending Bargaining Council collective agreements to non-parties.
- iv. the non-monitoring of township businesses such as spaza and retail outlets.
- v. the use of undocumented foreign labour who do not insist on compliance with legislation by their employers; and
- vi. the shocking numbers of labour disputes (the highest level in the world) referred to the CCMA and BC's.

The DEL compliance statistics arising from worksite inspections highlight the non-compliance factor mentioned above – as can be seen in the following compliance levels for inspections done in Mpumalanga in 2023/24 –

- BCEA 82%
- COIDA 37%
- EEA 24%
- OHSA 58%
- UIF 35%

My humble analysis of the current socio-economic realities of our country aggravated by investor perceptions shows that current policy and labour related legislation generally militates against economic investment and job creation, especially in the SME sector of our labour market - the heartbeat of job creation globally. One must ask what benefit there is for the 9 million unemployed citizens to have such robustly fair and protective labour legislation when what they are seeking (and needing) are jobs providing reasonable incomes and dignified working conditions. And then I again humbly posit that it is for organised labour to increase their deepening of workplace democracy and collective bargaining – key tenets of the LRA, at plant levels, not just relying on government determinations but through organising and giving workers voice in their respective workplaces. NEDLAC may be a fine platform for national consultation between stakeholders in the labour market, but just how effective are their outcomes that proceed to legislation?

Workers should know who their 'heroes' are, who is carrying the fight for decent work forward – not some faceless political party or government structure. Unions did not rely on government determinations when they headed the fight for basic workers' rights in the '80's and '90's, Employers respected their influence in workplaces where collective agreements on matters of mutual interest concerning terms and conditions of work were struck by the parties, taking cognizance of what the circumstances were on the ground at the respective workplaces. And only a foolhardy employer would try and ignore or by-pass those agreed terms and conditions.

In my further opinion, increased organization of workers by unions would greatly reduce unfair working conditions, limiting unnecessary labour disputes. It should be noted that 17% of referrals were settled through telephonic conciliations; 42% of conciliations were withdrawn by the applicants, and 50% of disputes set down for arbitration were settled. How many of these disputes would have proceeded to referrals if the respective workplaces were organized by well-trained union officials and shop stewards? And one cannot ignore that these disputes arose despite all prevailing labour legislation! This highlights the fact that with only 23% of workers being unionized, legislation may only have limited effect on actual realities.

Makes one think, doesn't it?

Navigating the Minimum Wage Increase: A Guide for Employers and Employees

Overview of the post 2018 amendments to the Basic Conditions of Employment Act (BCEA)

The BCEA amendments of 2018 were introduced generally to improve the enforcement of provisions of the Act, and particularly the effective enforcement of the proposed National Minimum Wage Act. Amongst other things, the amendments were aimed to:

- extend the provisions for the labour inspectorate's monitoring and enforcement to include compliance with the national minimum wage and unemployment insurance requirements.
- extend the jurisdiction of the CCMA to include enforcement procedures and claims for underpayment in terms of the Act, the national minimum wage, unemployment insurance legislation, and claims arising from employment contracts and collective agreements.
- extend the jurisdiction of the CCMA to the arbitration of disputes relating to the interpretation and application of matters arising from section 80 (protection of employees against discrimination).

The National Minimum Wage Act N0.9 of 2018

The purpose of the Act is to advance economic development and social justice by-

- improving the wages of lowest-paid workers;
- protecting workers from unreasonably low wages;
- preserving the value of the national minimum wage;
- promoting collective bargaining; and
- supporting economic policy.



The Act applies to all workers and their employers except members of the South African National Defence Force, National Intelligence Agency, the South African Secret Service and volunteers (a person who performs work for another person and who does not receive or is not entitled to receive any remuneration for his or her services).

The Minister of the Department of Employment and Labour established a National Minimum Wage Commission whose primary function is to review the national minimum wage and to make recommendations on an annual basis for its adjustment. If the National Minimum Wage Commission deems it necessary, the national minimum wage is adjusted yearly. One of the Commission's ancillary functions is to investigate the impact of the national minimum wage on the economy, collective bargaining and the reduction in income differentials and to make such information available to the public. The national minimum wage is calculated as the amount payable for the ordinary hours of work. This means that a worker is entitled to receive the minimum wage for the number of hours that the worker works in a day. This does not include the payment of allowances to enable a worker to work, (such as transport, tool, food, or accommodation allowances, unless otherwise included in a sectoral determination), payments in kind including board or accommodation (unless specified otherwise in a sectoral determination), gratuities including bonuses, tips, or gifts, or any other prescribed category of payment. A provision is made for the Minister to exclude other forms of payment by regulation. From 1 March 2025 the national minimum wage payable was adjusted to R28.79 for each ordinary hour worked. This represents an increase of 4.4% from the previous 2023/2024 hourly rate of R27.58 per hour. This applies to all workers, except those on learnerships (different hourly rates apply as set out in the amended schedule to the National Minimum Wage Act) and those employed on expanded public works programmes (R15.83 per hour).

Case Overview

In **O'Reilly v CCMA and Others JR2395/19 (LC)**, the court held that there is no provision in the BCEA that indicates that the CCMA has jurisdiction to determine a dispute in relation to section 34 (1) of the BCEA (disputes concerning deductions from remuneration). It further re-emphasised that the Labour Court has jurisdiction to determine disputes arising from the BCEA unless stated otherwise. In **Kgasane v MEC Department of Health: Free State and Department of Health: Free State C507-2022** (judgment handed down on 19 November 2024) the applicant brought a claim under s77(3), read with s73A(1) and (3) of BCEA. The Employee claimed payment of 37.9 leave days in terms of Resolution 7 of the Public Service Co-ordinating Bargaining Council (PSCBC). The Respondents raised a preliminary issue relating to jurisdiction, stating that as the leave pay is payable in terms of Resolution 7 of the PSCBC Resolution of 2000 the matter should be dealt with under section 33A of the LRA, as the Court cannot enforce collective agreements concluded at Bargaining Councils.

The LC rejected this argument and stated that s73A of the BCEA deals with the payment of monies owed to employees and workers who earn at or below the BCEA threshold. Sections 73A(1) and (3) apply to employees who earn above the BCEA threshold (the Employee earned above the threshold). Section 73A(3) provides that an employee who earns above the threshold may refer a dispute of this nature to the LC. The Court held further that section 33A of the LRA relates only to disputes between the Bargaining Council itself and the parties to the Bargaining Council. Furthermore, as it is only the Bargaining Council that may refer a dispute to arbitration under section 33A, there was no clash between section 157(5) of the LRA, and section 73A of the BCEA. In **Venter v Symington and De Kok (JS418/15) [2017]** the court held that an Employee must establish that he/she is entitled to a claim under the BCEA, and therefore the onus of establishing the claim rests on the Employee. It is only after the Employee has established a *prima facie* claim that the Employer must then prove (through records it is required to keep in terms of section 76) that they are not liable for the claim and that they acted in compliance with provisions of the BCEA. In **Obed J Nimfashe and 55 Others v Bokwe's Trading CC T/A Bokwe's Security Services (C444-2021)** the court held that the Employees earning an amount equal or below the BCEA threshold and who wish to lodge a claim for payments owed by the Employer must refer such matters to the CCMA in terms of section 73A of the BCEA and not to the Labour Court in terms of section 77A(e). As we navigate with this new project of the national minimum wage and other BCEA matters, it is of great importance to highlight to the employees and employers' issues of importance.

Employers' issues to remember:

- **Understand Your Legal Obligations**
Employers must comply with the BCEA by ensuring employees are paid correctly and on time. To avoid disputes, familiarize yourself with the Act's specific requirements regarding wages, overtime, benefits, and deductions.
- **Maintain Accurate Records:**
Keep detailed and accurate records of employee wages, working hours, leave, and other entitlements. This documentation will be crucial if a dispute arises, as it helps demonstrate compliance with the BCEA and the National Minimum Wage Act.
- **Respond Promptly:**
If an employee files a Section 73A claim, respond promptly and respectfully. If payment has already been made to the employee / worker, provide the necessary proof of such payment. Delays or failure to engage may complicate the resolution process.
- **Seek Legal Advice:**
If the dispute escalates or you are unsure about the legal aspects, consult with an employers' organisation or a legal practitioner to understand your rights and obligations. Legal experts can guide you through the section 73A process to ensure legal compliance.

Employees issues to remember:

- **Know Your Rights:**
Familiarize yourself with your rights under the BCEA and the National Minimum Wage Act, especially regarding wages, working hours, overtime, and leave.
- **Keep Records:**
Keep track of your working hours, pay slips, and any correspondence related to your wages or employment. This documentation will be essential when first approaching your employer to sort out your payment query, or lodging a dispute under Section 73A (or the Labour Court if you earn above the BCEA threshold).
- **Follow the Correct Procedure:**
Section 73A claims must follow the prescribed process. First, try to resolve the issue directly with your employer. If that fails, you can approach the Department of Employment and Labour, a bargaining council with jurisdiction, or the CCMA for assistance.
- **Be Prepared for Dispute Resolution:**
Ensure you are well-prepared if the claim progresses to a formal dispute resolution process. This means having all your records, including pay slips, contracts, and written correspondence, organized and accessible.

In conclusion, by following these guidelines, employers and employees can collaboratively navigate BCEA Section 73A claims, ensuring effective and efficient resolution and mitigating the risk of protracted and costly disputes.



The Unspoken Benefits of Legal Representation at CCMA Arbitrations

Legal representation in arbitration proceedings before the Commission for Conciliation, Mediation and Arbitration (CCMA) remains a contentious issue. Rule 25 of the CCMA Rules allows legal practitioners to represent parties in arbitrations. However, in dismissal disputes concerning an employee's conduct or capacity, representation is generally restricted unless all parties' consent or the commissioner deems it necessary. Commissioners consider factors such as case complexity, legal questions involved, public interest, and the parties' ability to present their cases. These restrictions are intended to maintain the CCMA's efficiency and informality. However, they often overlook the significant advantages legal practitioners bring to arbitration. Lawyers operate under strict regulatory oversight through the Legal Practice Act (LPA), its Regulations, and the Rules of the Legal Practice Council (LPC), ensuring adherence to best legal practices. Their training, ethical obligations, and accountability mechanisms provide essential safeguards that benefit both clients and the dispute resolution process.

Legal practitioners must meet rigorous academic and practical training requirements, equipping them with expertise in labour law, dispute resolution, constitutional law, administrative law, and the law of evidence. Their professional code of conduct mandates thorough case preparation, proper documentation, and precise presentation of evidence. This ensures that cases are correctly framed, legal principles are properly applied, and procedural fairness is upheld. Lawyers must also assist commissioners by formulating sound legal arguments, advising clients on case merits, and discouraging frivolous claims.

A fundamental distinction between legal practitioners and other CCMA representatives is the financial and ethical safeguards provided by regulatory oversight. Lawyers must maintain audited trust accounts subject to stringent financial compliance, and the Legal Practitioners Fidelity Fund (LPFF) protects clients against the theft of trust funds—an assurance unavailable when engaging non-lawyer representatives. In addition, all legal practitioners benefit from automatic professional indemnity insurance under the Legal Practitioners Insurance Indemnity Fund (LPIFF), providing cover ranging from R1 562 500 to R3 125 000, depending on firm size. This ensures clients have recourse in cases of professional negligence, a safeguard absent in non-legal representation.

For parties using non-legal representatives, there is no requirement for safeguarding of funds, no cover for negligence, no minimum education or qualification standards, and no regulatory oversight. Unlike legal practitioners, non-lawyer representatives are not subject to professional discipline, meaning clients have no formal recourse if they suffer financial loss due to incompetence or misconduct. The claim that lawyers complicate CCMA proceedings is not always sound either. On the contrary, competent legal representation enhances efficiency by ensuring clarity, fairness, and adherence to legal principles. While the CCMA prioritises swift dispute resolution, fairness must not be sacrificed for expediency.

Legal practitioners operate within a well-established accountability framework, while other representatives do not. Given the significant protections offered through regulatory oversight, insurance, and professional training, the restriction of legal representation in CCMA disputes warrants serious reconsideration.



Thriving Beyond Budget Cuts: Lessons in Innovation and Revenue Generation

The CCMA: Embracing Change to Secure the Future

The Commission for Conciliation, Mediation, and Arbitration (CCMA) is also another public entity that has equally grappled with a dwindling fiscus and is in the process of adopting new revenue generation strategies through effective change management processes. With the recurring budgetary constraints impacting its ability to deliver on its mandate, the CCMA has been propelled to focus on innovative solutions while managing the transition internally.

At the heart of the CCMA's revenue generation efforts is a strong commitment to change management. As organisations evolve, the ability to adapt, innovate, and engage employees in new ways of working becomes crucial. The shift towards income-generating initiatives is not just a financial strategy but a transformational journey that requires cultural change, leadership alignment, and staff participation. The Chief Financial Officer (CFO), as the Chair of the Own Revenue Task Team, plays a key role in guiding this shift by fostering a structured and inclusive approach to change. By aligning financial sustainability with strategic change management principles, the CCMA aims to not only diversify revenue streams but also build a workforce that is empowered, future-focused, and committed to organisational sustainability.

A case-study of the Department of Home Affairs

One of the most prominent examples of a government institution's response to budget cuts is the Department of Home Affairs (DHA)'s introduction of a series of innovative initiatives, such as the ones outlined in the below, which were aimed at enhancing revenue generation and improving sustainability.

Digital Transformation: The DHA digitised its key services, including its Visa application processes, its passport renewals processes, and the processing of Civic documents. This not only improved the Department's efficiency and reduced operational costs but also created new revenue streams through the fees charged for these revamped services. For instance, the introduction of the Remote Work Visa in 2024 attracted foreign professionals who contributed to local economic activity while paying visa fees.

Public-Private Partnerships (PPPs): The Department partnered with private entities to establish Visa facilitation centres. These centres improved service delivery and provided a steady revenue source while reducing the financial burden on the Department.

These initiatives enabled the DHA to maintain critical services despite budget cuts, ensuring operational continuity and enhancing public trust. The additional revenue generated from these projects also funded further digital upgrades, creating a positive feedback loop for sustainability.

A Call to Action

Imagine a CCMA where digital platforms allow for streamlined dispute resolution processes, where virtual mediation services, offered for a fee, can connect parties across the country, providing quicker resolutions while generating vital revenue for the organisation. Employees can take pride in offering accessible and efficient services that bring real value to CCMA Users.

Picture the CCMA as a hub of expertise, offering specialised training programmes for mediators, arbitrators, and HR professionals. These programmes can serve as a beacon for professional development while providing the CCMA with an additional income stream. Employees can take ownership of these initiatives, sharing their knowledge and building a legacy of excellence.

Continuing to collaborate with private sector entities to sponsor its events, workshops, or conferences can enhance the CCMA's visibility and generate funding. These partnerships also provide opportunities for employees to engage with industry leaders, exchange ideas, and expand their horizons.

Now is the time for CCMA employees to reimagine their roles. Everyone has the power to influence the future of the organisation. By embracing innovation, working collaboratively, and thinking creatively, CCMA employees can ensure that the organisation thrives despite financial challenges. Change is not just necessary—it is an opportunity to lead, grow, and make a lasting impact.

Change management within the CCMA is about more than systems and processes; it is about inspiring people. By fostering open communication, providing training, and celebrating the small wins, employees can feel empowered to contribute to the organisation's sustainability.

References

National Treasury. (2024). *Public sector innovation and revenue diversification report*. South African Government.

University of Pretoria. (2023). *Digital transformation in public administration: Case studies from South Africa*.

World Bank. (2023). *Public-private partnerships for sustainable development*. World Bank Publications.

Harvard Business Review. (2022). *Change management strategies in public institutions*.

Department of Home Affairs. (2024). *Innovative Revenue Generation through Digital Transformation and Public-Private Partnerships*. Government of South Africa.

CCMA CONNECT

A GREAT
MOBILE APP
FOR YOU



Easy To Use,
Anywhere, Anytime



Track and Trace
your case



Streamlined User
Interface



24 Hours
Access



Celebrating Language Inclusivity: The Power of Multilingualism in the Workplace

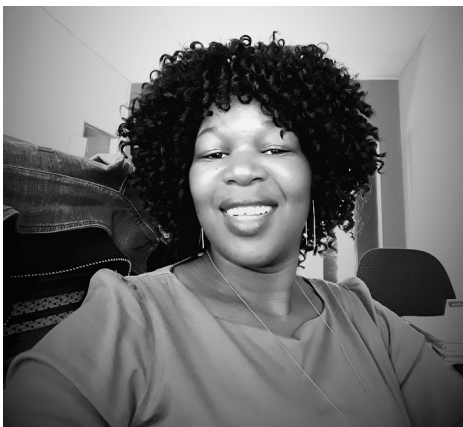
In commemoration of International Mother Language Day on 21 February, the CCMA celebrates the vital role language plays in fostering inclusivity and social justice in the workplace. Language is more than just a tool for communication, it shapes identity, culture, and relationships. Embracing linguistic diversity allows organizations to create more inclusive and harmonious work environments where every employee feels heard and valued.

As part of this celebration, we invited our colleagues to share their thoughts on the importance of language inclusivity in the workplace. Their responses reflect the power of language in breaking down barriers, building trust, and promoting a sense of belonging. Through their responses, it was deduced that by acknowledging and respecting the diverse linguistic backgrounds of employees, we can drive greater collaboration and understanding across teams.

Below are some insightful messages from our colleagues on why language inclusivity matters and how it contributes to a more equitable and cohesive work environment.

1. Martha Moloto (JHB-Convening Senior Commissioner Associate)

Since joining the CCMA in 2010 as an interpreter, I've had the privilege of using my mother language, Sepedi, to bridge communication gaps. I've interpreted complex terms like evidence in chief as *bohlatse bja go kgahla kgoro* and translated documents from Sepedi to English to help non-Sepedi speakers understand complaints. I also interpret in Xitsonga, Tshivenda, and IsiNdebele, which has broadened my understanding of language diversity. I've witnessed cases where a Chinese employer speaking Mandarin and a Zimbabwean employee speaking IsiNdebele needed interpreters to communicate effectively. The CCMA's commitment to social justice and diversity ensures that all parties can express themselves clearly in their mother language, fostering fairness and mutual understanding. Interpreters play a crucial role in resolving disputes, ensuring that language barriers do not hinder justice. South Africa's diverse linguistic landscape reflects the richness of our rainbow nation — Danko social justice, Danko!



2. Nompilo Nkomo (DBN-Commissioner)

International Mother Language Day serves as a reminder of the value of linguistic inclusion in all professional settings. In addition to being a means of communication, language is an essential component of our culture and identity. It is the reason why there is a compelling need to preserve our languages by utilising them in the places we spent most of our time in, which is the workplace. In South Africa we have bodies like Pan South African language board (PanSALB, whose role is to promote the development, use, and status of all official languages of South Africa, ensuring that they are recognized and protected. Organisations can foster more collaboration and a sense of belonging by supporting multilingualism. Offering translation and interpreting services as the CCMA does is part of that preservation. It honours users and employees use of their mother tongues. In the end, encouraging linguistic inclusivity in the workplace.



3. Matome Selapisa (Tshwane - Commissioner: DPWO)

Language inclusivity in the workplace is important because it allows you to express yourself freely and removes shyness. It also welcomes and supports people with all kinds of differences and makes employees feel comfortable asking for what they need. An inclusive workplace understands that people have different ways of processing information and interacting with others.



4. Vuzumuzi Lawu (WKM-Case Management Officer)

Words have power! They can make or break a person, inclusive mother tongue in the workplace can create an environment where one feels valued and respected. However inclusive language is not just a cultural imperative, it is also crucial for mitigating legal risks. It can lead to discrimination in the workplace, in addressing social justice CCMA's processes are done in one's mother tongue with the assistance of an interpreter.



5. Mthobisi Elias Ngcobo (JHB-Commissioner)

Using mother language in the workplace serves the CCMA its purpose and values, such as being a diverse institution recognizing our users mother language. It portrays positive image about the CCMA mandate. Make CCMA users feel comfortable and welcomed when rendering day to day services. When you interact with the language people understands better, it simplifies even the CCMA processes when you explain to parties.



6. Bekamuzi Maluleke (Administration Clerk -Tshwane)

The use of inclusive language paves a way to communicate with people in a way that is respectful and includes everyone in the conversation. Organisations may create a guide to develop inclusive language.



7. Aubrey Motebang Mokoena (EKU-Commissioner)

I am proud to be a citizen of a rainbow nation that embraces diversity and confers the Constitutional right upon everyone to use the language and to participate in the cultural life of their choice. I am proud to be an employee of an organization that believes that diversity and inclusivity help us to learn from each other and to celebrate who we are. An organisation that believes in making information and justice accessible, hence the use of mother tongues as far as possible. This fosters not only inclusivity but supports personal growth of its employees and more importantly its Users. It is a privilege to witness this Constitutional right upheld daily at the CCMA, my workplace, which ultimately ensures the dispensation of social justice.



8. Siyanda Ndimande (DBN-Commissioner)

Fostering language inclusivity in the workplace is vital for creating a culture of belonging, where all employees feel seen, heard, and valued. Inclusive language helps break down barriers, challenge biases, and promote diversity, equity, and inclusion. Thus, using respectful and inclusive terminology, organizations can enhance communication, foster collaboration, and drive business success. Ultimately, language inclusivity is a powerful tool for building trust, empowering employees, and creating a workplace where everyone can thrive. I believe that embracing these principles can significantly benefit our team dynamics and overall organisational culture.



10. Thandile Christopher Kona (Tshwane-Commissioner)

According to Kenyan writer, Ngugi wa Thiong'o, "language is the carrier of culture." My interpretation of this is that language is not only a part of a person's identity, but it is also the essence of who they are. Communicating with a person in their mother tongue signifies an acknowledgement of their being and their inherent dignity. As people who encounter vulnerable people on a daily basis, it is our duty to ensure that these people see, know and feel that we recognize their humanity, and we can only do this by allowing them to be who they really are.



9. Likhona Cita (CTN-Commissioner)

Language inclusivity in the workplace is important as it creates a sense of belonging, improves the experience, and enhances engagements in a workplace. It also creates a warm and welcoming environment where everyone feels valued. I have personally experienced that as a commissioner even users feel more at ease to narrate their stories or argue their cases when they speak their mother language. Being a commissioner, whose mother tongue is isiXhosa, in cases where all parties speak isiXhosa, I too have found processes to be much easier and to the point when they are run in the language. Allowing for language inclusivity in workplaces will help in putting an end to the stereotype and stigma associated with being unable to express oneself through the English language. Our people have been indoctrinated to use articulation of the English language as a measure of intelligence of people, which is highly untrue. All languages are equally important and should be respected as such in all workplaces.



**CCMA INTOUCH NEWSLETTER IS
PUBLISHED BY**

ACTING CHIEF EDITOR

CAMEEL CHETTY

ACTING EXECUTIVE GOVERNANCE &
STRATEGY

CAMEELC@CCMA.ORG.ZA

EDITOR

BOITUMELO RAKAU -

MANAGER: BUSINESS RESEARCH
INTELLIGENCE & COMMUNICATIONS
BOITUMELOR@CCMA.ORG.ZA

EDITORIAL TEAM

KEFENTSE MOLOTSANE -

TEAM LEADER: COMMUNICATIONS
KEFENTSEM@CCMA.ORG.ZA

PIKOLOMZI QABA-INTERNAL
COMMUNICATIONS OFFICER
PIKOLOMZIQ@CCMA.ORG.ZA

DITEBOHO SIMELANE -

EXTERNAL COMMUNICATIONS OFFICER
DITEBOHOS@CCMA.ORG.ZA

CONTRIBUTORS

GLEN CORMACK

KARISHTA MAHARAJ

TEBOGO MOKWEBU

MARTUS DE WET

KGAUGELO MEHLAPE

CHRISTOPHER BLAYI

NONHLANHLA HLATSHWAYO

JACOB BAHULA

