CCMA TIME LIMITS AT A GLANCE

The periods for referring the most common workplace disputes. Miss one and the referral needs a condonation application.

DISPUTE	REFER TO	WITHIN	COUNTED FROM	SOURCE
Unfair dismissal	CCMA or bargaining council	**30 days**	The date of dismissal, or the date of the employer's final decision to dismiss or uphold the dismissal	LRA s191(1)(b)(i)
Unfair labour practice (for example suspension, promotion, benefits)	CCMA or bargaining council	**90 days**	The act or omission, or the date the employee became aware of it	LRA s191(1)(b)(ii)
Unfair discrimination	CCMA	**6 months**	The act or omission	EEA s10(2)
Request for arbitration after conciliation fails	CCMA or bargaining council	**90 days**	The date of the certificate of outcome	LRA s136(1)(b)
Dispute that goes to the Labour Court for adjudication	Labour Court	**90 days**	The date of the certificate of outcome	LRA s191(11)(a)
Review of an arbitration award	Labour Court	**6 weeks**	The date the award was served	LRA s145(1)(a)

HOW TO COUNT

- ☐ Count calendar days. Leave out the first day and include the last.
- ☐ If the last day is a Sunday or a public holiday, the period ends on the next day that is neither.
- ☐ Do not wait for the last day. A referral rejected for a defect must still be filed again within the period.
- ☐ An internal grievance does not, on its own, pause the 90-day period for an unfair labour practice.

IF THE DATE HAS PASSED

- ☐ File the referral with a condonation application that shows good cause.
- ☐ Explain the whole period of the delay, day by day if needed.
- ☐ Show your prospects of success and address prejudice to the other party.
- ☐ File as soon as you know you are late. Each further day weakens the explanation.

LRA: Labour Relations Act 66 of 1995. EEA: Employment Equity Act 55 of 1998. Counting under the Interpretation Act 33 of 1957, section 4. Bargaining council rules may set additional periods; check the council's rules where it has jurisdiction.

Need it prepared for your matter? We reply within one business day. WWW.WILLAWINC.CO.ZA