CONDONATION APPLICATION CHECKLIST

For employees whose CCMA referral is late. The commissioner may allow a late referral on good cause (Labour Relations Act, section 191(2)). The application has to make that case on paper.

DISMISSAL OR FINAL DECISION DA | LAST DAY TO REFER | DAYS LATE

1. WHAT THE APPLICATION MUST SHOW

- [ ] **How late.** The exact number of days, counted from the last day of the referral period.
- [ ] **Why.** A full explanation covering the whole period of the delay, not only part of it.
- [ ] **Prospects of success.** Why the dismissal or practice was unfair, in brief, with the key facts.
- [ ] **Prejudice.** Why allowing the late referral is fair to the employer, and the prejudice to you if it is refused.
- [ ] **Importance.** What the matter means to you, for example loss of income or career.

2. DOCUMENTS TO GATHER

- [ ] The completed referral form (LRA Form 7.11)
- [ ] The dismissal letter or outcome, showing the date
- [ ] Any appeal outcome and its date
- [ ] Proof of the reasons for the delay: medical certificates, correspondence, travel or other records
- [ ] Your contract and recent payslips

3. FILING

- [ ] Set out the application on affidavit, signed before a commissioner of oaths, unless the CCMA's form allows otherwise.
- [ ] Serve the referral and the condonation application on the employer.
- [ ] File both with the CCMA, with proof of service.
- [ ] Keep copies and the filing confirmation.

A good explanation does not make up for weak prospects, and strong prospects may not make up for a long delay with no explanation. File as soon as you know you are late.

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