**Labour Union referral processes to different dispute resolution platforms.**

When a union engages the CCMA, Labour Court, Labour Appeal Court, or a Bargaining Council on matters pertaining to their membership, there are specific processes and procedures that must be followed. These processes ensure that disputes are addressed in a structured and legally compliant manner.

**Engaging the CCMA**

1. **Referral of Dispute**
   * The union must complete and submit a referral form (LRA Form 7.11) to the CCMA. This form outlines the nature of the dispute and the relief sought.
   * The referral must be made within the prescribed time frames (usually 30 days from the date of the dispute for unfair dismissals and 90 days for unfair labor practices).
2. **Notification**
   * The CCMA schedules a conciliation meeting and notifies both parties of the date, time, and venue.
3. **Conciliation**
   * A commissioner facilitates the conciliation process, aiming to help the parties reach a mutually acceptable resolution.
   * If conciliation is successful, the agreement is recorded in writing.
4. **Certificate of Outcome**
   * If conciliation fails, the commissioner issues a certificate of outcome, allowing the union to refer the dispute to arbitration or the Labour Court.
5. **Arbitration (if applicable)**
   * The union must refer the dispute to arbitration by completing and submitting an arbitration referral form (LRA Form 7.13).
   * An arbitration hearing is scheduled, and both parties present their cases before a commissioner.
   * The commissioner makes a binding decision, known as an arbitration award.

**Engaging the Labour Court**

1. **Filing an Application**
   * The union files an application with the Labour Court, usually after receiving a certificate of outcome from the CCMA or if the dispute involves complex legal issues.
   * The application includes a notice of motion and a supporting affidavit detailing the nature of the dispute and the relief sought.
2. **Service of Documents**
   * The union serves the application documents on the respondent (employer) and files proof of service with the court.
3. **Response**
   * The respondent submits an answering affidavit in response to the union's application.
4. **Replying Affidavit**
   * The union may submit a replying affidavit to address any new issues raised by the respondent.
5. **Court Hearing**
   * The Labour Court schedules a hearing where both parties present their arguments, supported by legal representatives if necessary.
   * The judge makes a decision based on the evidence and legal arguments presented.
6. **Judgment**
   * The Labour Court issues a judgment, which is binding and enforceable.

**Engaging the Labour Appeal Court**

1. **Filing an Appeal**
   * If the union is dissatisfied with the Labour Court's decision, it can file a notice of appeal with the Labour Appeal Court within a prescribed time frame (usually 21 days).
2. **Notice of Appeal**
   * The notice of appeal outlines the grounds for the appeal and must be served on the respondent and the Labour Court.
3. **Record of Proceedings**
   * The union arranges for the preparation and filing of the record of the proceedings from the Labour Court.
4. **Heads of Argument**
   * Both parties submit written arguments (heads of argument) to the Labour Appeal Court.
5. **Appeal Hearing**
   * The Labour Appeal Court schedules a hearing where both parties present their arguments.
6. **Appeal Judgment**
   * The Labour Appeal Court issues a final judgment, which is binding and can only be challenged in the Constitutional Court under specific circumstances.

**Engaging a Bargaining Council**

1. **Referral of Dispute**
   * The union refers the dispute to the relevant bargaining council by completing and submitting a referral form specific to the council's procedures.
2. **Notification**
   * The bargaining council schedules a conciliation meeting and notifies both parties of the date, time, and venue.
3. **Conciliation**
   * A conciliator facilitates the conciliation process, aiming to resolve the dispute amicably.
4. **Certificate of Outcome**
   * If conciliation fails, the conciliator issues a certificate of outcome.
5. **Arbitration (if applicable)**
   * The union may refer the dispute to arbitration within the bargaining council. The process follows similar steps to the CCMA arbitration.
6. **Arbitration Hearing**
   * An arbitrator conducts the hearing, and both parties present their cases.
   * The arbitrator issues a binding arbitration award.

**Summary of Key Steps**

* **Referral:** Submit appropriate forms and documentation to the CCMA, Labour Court, Labour Appeal Court, or Bargaining Council.
* **Notification:** Attend scheduled meetings or hearings as notified.
* **Conciliation/Arbitration:** Participate in conciliation to attempt resolution; if unresolved, proceed to arbitration or court hearings.
* **Documentation:** Ensure all necessary documents (notices, affidavits, records) are correctly prepared and submitted.
* **Legal Representation:** Consider obtaining legal representation for complex cases, especially in Labour Court and Labour Appeal Court proceedings.
* **Compliance:** Adhere to all prescribed time frames and procedural requirements.

By following these processes, a union can effectively engage the relevant dispute resolution bodies to address and resolve labor disputes on behalf of its membership.