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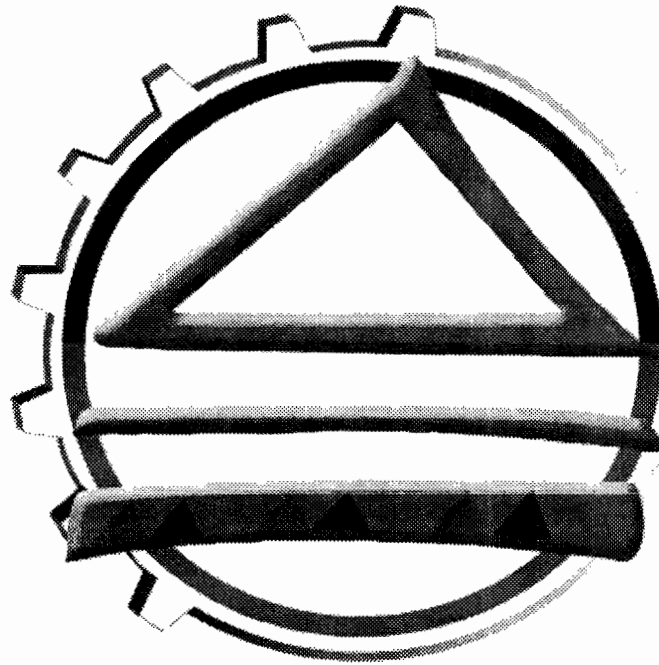
MANUAL

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**

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CCMA

COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

**PROMOTION TO ACCESS TO
INFORMATION ACT
MANUAL**

SECTION 14 MANUAL FOR THE COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION

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A. PARTICULARS IN TERMS OF SECTION 14**1. The functions and the structure of the Commission for Conciliation, Mediation and Arbitration [Section 14(1)(a)]****(a) What is the CCMA**

The Commission for Conciliation, Mediation and Arbitration (CCMA) is a dispute resolution body established in terms of the Labour Relations Act, No. 66 of 1995. The Commission is independent of the State, any political party, trade union, employer, employers' organisation, federation of trade unions or federation of employers' organisations.

The Governing Body is the supreme policy-making body of the CCMA. The tripartite structure is made up of:

- Three State representatives;
- Three representatives of organised labour;
- Three representatives from organised business;
- A chairperson; (all of whom are nominated by NEDLAC); and
- The Director of the CCMA (who is nominated by the Governing Body).

Vision

To promote social justice and economic growth, with the social partners, by transforming relations in the labour market. This will be achieved by delivering high quality, low cost dispute resolution and prevention service.

Mission Statement

For ourselves, we hold dear professionalism, integrity and service and the value of sharing trustworthy relationships.

For the CCMA, we hold ourselves accountable for sustaining our vibrant diverse community, united by a thirst for learning and strengthened by self-discipline.

For the public, we hold fast to our commitment to transforming labour relations by resolving disputes fairly and sharing our knowledge widely.

For Africa, we hold high the ideas of equity, social justice and shared prosperity.

(b). Functions of the CCMA

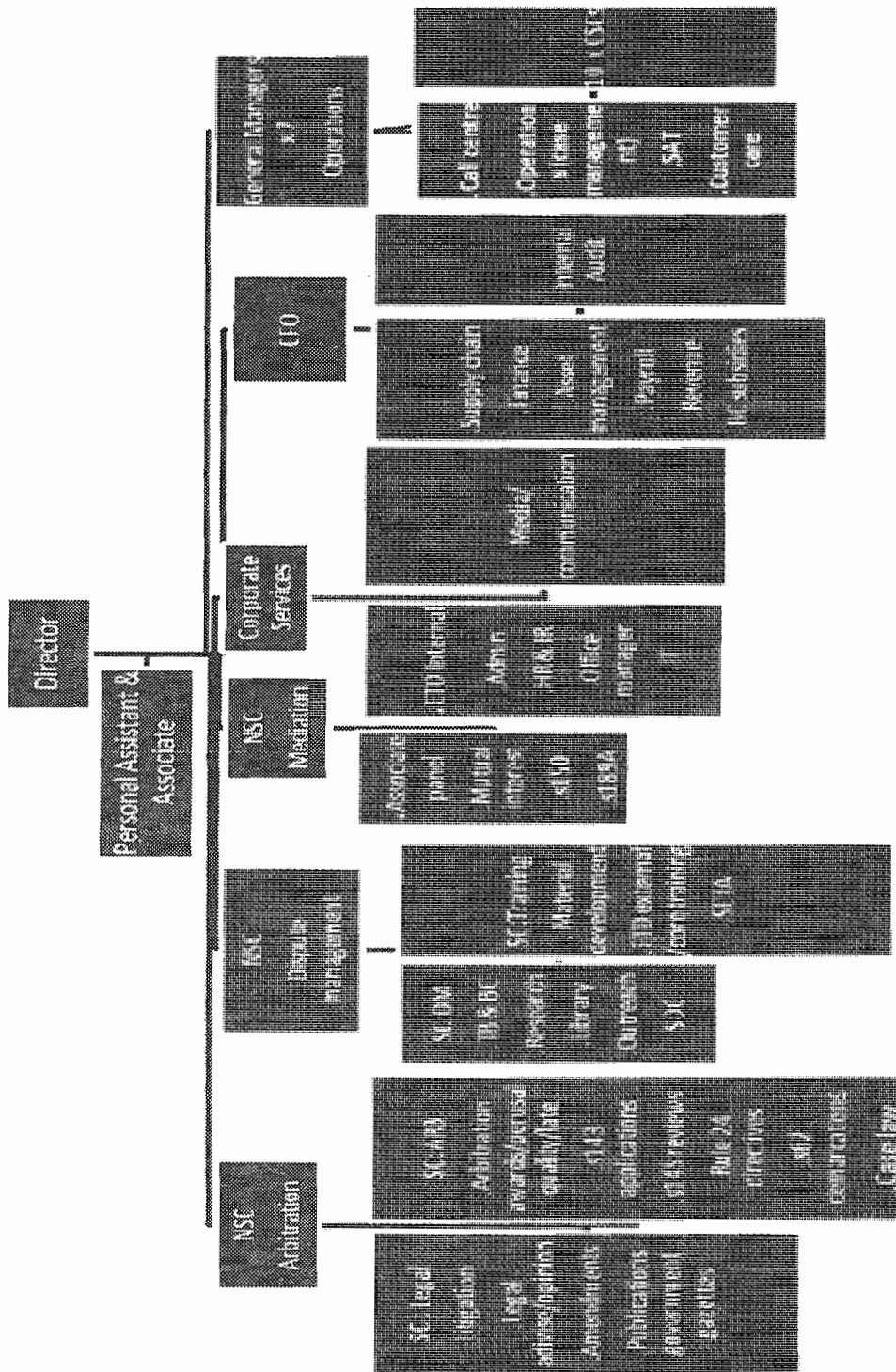
The CCMA will:

- Conciliate disputes;
- Arbitrate disputes that remain unresolved after conciliation;
- Facilitate the establishment of workplace forums and statutory councils;
- Compile and publish information and statistics about its activities; and
- Consider applications for accreditation and subsidy by Bargaining Councils and private agencies.

The CCMA may:

- Supervise ballots for unions and employer organisations;
- Give training and advice on: the establishment of collective bargaining structures; workplace restructuring; consultation processes; termination of employment; employment equity programmes and dispute prevention.

(c) Schematic diagram of the CCMA



PROVINCIAL CONVENING SENIOR COMMISSIONERS

Eastern Cape Provincial Office:	Fred Sauls
Free State:	Hlalele Molotsi
Gauteng (Johannesburg):	Bheki Khumalo
Gauteng (Pretoria):	Winnie Everett
Kwazulu Natal Provincial Office:	Eugene van Zuydam
Limpopo Provincial Office:	Piet Shai
Mpumalanga Provincial Office:	Leslie Ntuli
Northern Cape:	Carmen Ward (Senior Commissioner)
North West Office:	Elias Hlongwane
Western Cape Provincial Office:	Ronald Bernickow (Acting)

(d) The structure of the CCMA

The CCMA consists of a national office situated in Gauteng, and offices in all nine provinces. Each provincial office has a Convening Senior Commissioner responsible for the overall functioning of the Province and a Registrar overseeing support functions. Each province also has commissioners responsible for the conciliation and arbitration of disputes.

Contact Details [Section 14 (1) (b)]**Head Office**

Information Officer: General Manager: Operations
 Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001
 Postal Address: Private Bag X94, Marshalltown, 2107
 Telephone: (011) 377 6650
 Fax: (011) 834 7351
 Website: www.CCMA.org.za
 E-Mail: ho@ccma.org.za

Provincial Information Officers

Eastern Cape: Port Elizabeth: Convening Senior Commissioner
 Physical Address: CCMA House, 107 Govan Mbeki Avenue, Port Elizabeth
 Postal Address: Private Bag X 22500, Port Elizabeth, 6000
 Telephone: (041) 505 4300
 Fax: (041) 586 4585
 E-Mail: pe@ccma.org.za

Eastern Cape East London: Convening Senior Commissioner
 Physical Address: Cnr. Church & Oxford Street, East London, 5201
 Postal Address: Private Bag X 9068, East London, 5201
 Telephone: (043) 743 0826
 Fax: (043) 743 0810
 E-Mail: pe@ccma.org.za

Free State Convening Senior Commissioner
 Physical Address: NBS Building, Cnr Elizabeth and Westburger Street, Bloemfontein, 9300
 Postal Address: Private Bag X20705, Bloemfontein, 9300
 Telephone: (051) 505 4400
 Fax: (051) 448 4468/9
 E-Mail: blm@ccma.org.za

Gauteng Johannesburg: Convening Senior Commissioner
 Physical Address: **CCMA House, 127 Fox Street**, Johannesburg, 2001
 Postal Address: Private Bag X 94, Marshalltown, 2109
 Telephone: (011) 220 5000
 Fax: (011) 200 5101/2/3/40
 E-Mail: gauteng@ccma.org.za

Gauteng Tshwane: Convening Senior Commissioner

Physical Address: Metro Park Building, 351 Schoeman Street, Pretoria, 0001
Postal Address: Private Bag X 176, Pretoria, 0001
Telephone: (012) 392 9700
Fax: (012) 392 9701/2
E-Mail: pta@ccma.org.za

Kwazulu Natal **Durban:** Convening Senior Commissioner
Physical Address: Embassy Building, 6th & 7th Floors, 199 Smith Street, Durban, 4001
Postal Address: Private Bag X54363, Durban, 4000
Telephone: (031) 362 2300
Fax: (031) 368 7387/7407
E-Mail: kzn@ccma.org.za

Kwazulu Natal **Pietermaritzburg:** Convening Senior Commissioner
Physical Address: 3rd Floor Gallwey House, Gallwey Lane, Pietermaritzburg, 3201
Postal Address: Private Bag X72, Pietermaritzburg, 3201
Telephone: (033)345 9271/49
Fax: (033) 345 9790
E-Mail: kzn@ccma.org.za

Kwazulu Natal **Richards Bay:** Convening Senior Commissioner
Physical Address: Suite 15, 1st Floor, Promenade Building, Cnr Tassel Berry & Lira Link Street, Richards Bay
Postal Address: Private Bag X1026, Richards Bay, 3900
Telephone: (035)789 0357/1415
Fax: (035) 789 7148
E-Mail: kzn@ccma.org.za

Limpopo Convening Senior Commissioner
Physical Address: CCMA House, 104 Hans van Rensburg Street, Polokwane
Postal Address: Private Bag X 9512, Polokwane, 0700
Telephone: (015) 297 5010
Fax: (015) 297 1649
E-Mail: ptb@ccma.org.za

Mpumalanga Convening Senior Commissioner
Physical Address: CCMA House, Foschini Centre, Eadie Street, Witbank
Postal Address: Private Bag X 7290, Witbank, 1035
Telephone: (013) 656 2800
Fax: (013) 656 2885/6
E-Mail: wtb@ccma.org.za

North West **Klerksdorp:** Convening Senior Commissioner
Physical Address: CCMA House, 47 Siddle Street, Klerksdorp
Postal Address: Private Bag X5004, Klerksdorp, 2570
Telephone: (018) 462 0700
Fax: (018) 462 4126
E-Mail: kdp@ccma.org.za

North West **Rustenburg:** Convening Senior Commissioner
Physical Address: Shop SG711B Sanlam Centre, 43-45 Boom Street, Rustenburg, 0299
Postal Address: Private Bag X82104, Rustenburg, 0300
Telephone: (014) 597 0890
Fax: (014) 538 2167
E-Mail: kdp@ccma.org.za

Northern Cape Convening Senior Commissioner
Physical Address: CCMA House, 5-13 Compound Street, Kimberley, 8301
Postal Address: Private Bag X6100, Kimberley, 8300
Telephone: (053) 831 6780
Fax: (053) 831 5947/8
E-Mail: kmb@ccma.org.za

Western Cape Convening Senior Commissioner

Physical Address: CCMA House, 78 Darling Street, Cape Town
 Postal Address Private Bag X9167, Cape Town, 8000
 Telephone: (021) 469- 0111
 Fax: (021) 465-7193/5/7
 E-Mail: ctn@ccma.org.za

3. **Access to the record held by the CCMA** [Section 14 (1) (d)]

(a) **Automatic disclosures** [section 14(1) (e)]

National Head Office

Operations and Information Department

- All policies and standard operating procedures

Research Unit:

- Information sheets
- CCMA Arbitration awards
- Selected Labour Court Judgments
- CCMAIL
- Codes of Good Practice
- Frequently Asked Questions
- Research documents
- CCMA Rules
- Contact details for labour related institutions
- Selected Labour Court Summaries
- Selected CCMA Arbitration award Summaries

Library:

The public is allowed to utilise the library but cannot take books on loan. The following resources are available from the CCMA library:

- Books
- Journals

Call Centre Unit:

- Dispute referral forms
- Information Sheets
- Contact details of labour related institutions
- Contact details of bargaining councils
- Information on the status of case-related queries
- Arbitration awards and rulings
- Information on substantive issues based on the Labour Relations Act, Basic Conditions of Employment Act and Employment Equity Act.

Finance Department

- All financial policies and standard operating procedures
- Annual financial statements

Administration Department

- All Administration policies and standard operating procedures

Human Resources Department

- All Human Resources policies and standard operating procedures

Information Technology

- All IT policies and standard operating procedures
- Minutes
- Project Status
- Strategic planning
- Security Standards
- IT Infrastructure (LAN/WAN)
- Software matrix
- Software version
- Backup selections and strategies

Dispute Prevention Department

- Best Practice Manuals

Institution Building Department

- List of bargaining councils and accredited agencies

Provincial Offices

All policies and procedures as indicated above

All referral forms

Information sheets

(b) Records that may be requested [section 14(1) (d)]

Description of the subjects and categories for records held by the CCMA:

Operations and Information Department

- Contracts with publishing companies:
- Legal information network
- Van Zyl Rudd
- Industrial Relations network
- Butterworths on line
- Butterworths CD's
- Juta CD's
- Monthly and annual reports

Finance Department

- Asset Register
- Monthly financial statement
- Budgets
- Strategic plans
- Finance statistics
- MTEF submissions

Administration Department

- Vendors
- Tenders
- Rental agreements
- Lease agreements

Human Resources Department

- Employment records
- Training manuals
- Salary structures
- Employment Equity plan
- Work on the Skills Development Act

CCMA Manual: PAIA – O&I – July 2009

Information Technology Department

Reports produced requiring consolidation, for example:

- IT project reports
- Anti virus report service level agreement reports
- Hardware/software procurement report
- SLA reports- system generated
- Inventory reports
- Server reports
- Ad hoc reports (any information required from the any of the databases can be extracted using Crystal report or queries on request)

Dispute Prevention Department

- Training Manuals

Institution Building Department

- Information on payouts to bargaining councils
- Accreditation documents
- Collective agreements between Bargaining Councils
- Private agency applications
- Institution building reports

Provincial requests

- Case files
- Provincial staff meeting minutes
- Provincial commissioner meetings minutes
- Statistics on settlement rates
- Case load by province
- Disputes by sector
- Awards

(c) The request procedures

A requester must be given access to a record of a public body if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request

- A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002] (Form A).
- The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the offices of the public body. Alternatively if the record is not a document it can then be viewed in the requested form, where possible [s 29(2)].
- If a person asks for access in a particular form then the requester should get access in the manner he/ she has asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it [s 29(3) and (4)].
- If, in addition to a written reply to their request for the record, the requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated [s 18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated [s 18(2) (f)].
- If a requester is unable to read or write, or has a disability, then they can make the request for the record orally. The information officer must then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

There are two types of fees required to be paid in terms of the Act, being the request fee and the access fee s22:

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of the request fee.
- After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.
- If the request is granted then a further access fee must be paid for the search, preparation, and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

4. **Services available** [Section 14(1) (f)]

(a) **Nature of the services**

The services of the CCMA are schematically depicted in the diagram on the following page.

SERVICES THE CCMA PROVIDES TO THE PUBLIC**MEDIATION
DEPARTMENT****Commissioners**

- Conciliations
- Arbitrations
- Facilitations
- Pre-Dismissals
- Con/Arb processes

**DISPUTE PREVENTION
DEPARTMENT**

- Workshops on appropriate workplace procedures
- Effective workplace, trade union, employer and CCMA case screening training
- CCMA Best Practice training and guidelines
- National and provincial stakeholder discussion forums
- Research and information on dispute resolution trends

**INSTITUTION BUILDING
DEPARTMENT**

- Accreditation and subsidisation of bargaining councils and private agencies
- Training, facilitation and monitoring of bargaining councils and private agencies
- Supervising of ballots for unions and employer organisations
- Demarcation disputes
- Establishment of workplace forums

**OPERATIONS &
INFORMATION
DEPARTMENT****Research Unit**

- Arbitration awards and selected Labour Court judgements
- Research publications
- CCMAil, information sheets, FAQs, etc

Library Unit

- Labour related publications and journals
- Access to electronic libraries

Call Centre Unit

- Client services

Case Management Unit

- User support and client services

OPERATIONALISATION**Case Management Departments in all nine Provinces**

Assisting the public with labour related information

Case administration

(b) How to gain access to these services

To gain access to the above services at the CCMA, requests must be made to the relevant department as indicated below: Refer to Contact Details [Section 14(1) (b)] for details related referring to the CCMA's provincial offices.

CCMA Call Centre

Sandra Mathebula - Call Centre Manager

E-Mail: sandram@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2000

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: 0861 16 16 16

Fax: (011) 834 7351

Legal & Arbitration

Eugene van Zuydam – National Senior Commissioner

E-Mail: eugenevz@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: (011) 377 6650

Fax: (011) 834 7351

Dispute Prevention Department

Jeremy Daphne – National Senior Commissioner

E-Mail: jeremyd@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: (011) 377 6650

Fax: (011) 834 7351

Mediation Department

Afzul Soobedaar – National Senior Commissioner

E-Mail: afzuls@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: (011) 377 6650

Fax: (011) 834 7351

Operations Department

Nersan Govender & Ronald Bemickow – Operations Managers

E-Mail: nersang@ccma.org.za/ronaldb@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: (011) 377 6650

Fax: (011) 834 7351

Corporate Services Department

Itumeleng Masege - Corporate Services Manager

E-Mail: itumelengm@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: (011) 377 6650

Fax: (011) 834 7351

Finance Department

Obed Sekgololo - Chief Financial Officer

E-Mail: obeds@ccma.org.za

Physical Address: CCMA House, 28 Harrison Street, Johannesburg, 2001

Postal Address: Private Bag X94, Marshalltown, 2107

Telephone: (011) 377 6650

Fax: (011) 834 7351

5. **Arrangement allowing for public participation** [Section 14(1) (g)]

If members of the public have any queries or concerns regarding the CCMA and would like to participate in the formulation of policy, they would have to apply through the Director or contact any member of the social partners under whose constituency such member belongs to. For example, if the member of the public were a unionist, he would have to refer the matter to the constituency that represents labour.

6. **The remedies available if the provisions of this Act are not complied with** [Section 14(1) (h)]

The requester can lodge an internal appeal with the Director of the CCMA (Information Officer). The requester can lodge an appeal related to:

- A decision not to grant access to a record;
- The fee charged;
- A decision to extend the time period to deal with the request; or
- The body refusing to give the requester the record in the form he or she asked for.

The procedure is as follows:

- The requester would be required to complete the relevant appeal form C, within 60 days.
- After completing the form, the requester must send the form to the information officer.
- A requester may request to be informed of the outcome of the appeal in any manner other than a written reply, for example, by e-mail or telephone.
- The person appealing must supply their contact details and may also be required to pay an appeal fee. (The fee is not payable when not asking for private information, the current fee is currently R35 for public bodies)
- The information officer must respond to the request within 10 working days and if the request was refused the information officer must give reasons for refusing in terms of the Act.

7. **Other information as prescribed in terms of the Act** [Section 14(1) (l)]

There is currently no information available from the Minister of Justice and Constitutional Development in terms of Section 92 to be placed here.

8. **Updating of the manual** [Section 14(2)]

A public body must, if necessary, update and publish its manual referred to in subsection (1) of Section 14, at intervals of not more than a year.

9. **Availability of the manual** [Section 14(3)]

Regulation No. R 187 of 15 February 2002 prescribes, in Section 4(1) that the manual of a public body must be made available in the following manner:

- A copy in each of the three official languages must be made available to every place of legal deposit as defined in Section 6 of the Legal Deposits Act, 1997; the South African Human Rights Commission; and every office of that public body.
- The manual is to be published in three of the official languages in the Gazette.
- The manual is to be made available on the website, if any, of the public body.

10. **Request to the Minister of Justice and Constitutional Development for the compilation of one manual** [Section 14(4) (a) and Section 14(4) (b)]

If the functions of two or more public bodies are closely connected, the Minister may, on request or of his or her own accord, determine that the two or more bodies compile one manual only.

The public bodies in question must share the cost of the compilation and making available of such manual as the Minister determines.

11. **Exemption by the Minister of Justice and Constitutional Development from any provision of this section for a determined period** [Section 14(5)]

For security, administrative or financial reasons, the Minister may, on request or of his or her own accord, by notice in the Gazette, exempt any public body or category of public bodies from any provision of this section for such period as the Minister thinks fit.

B. **PRESCRIBED FEES FOR PUBLIC BODIES**

**PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002
FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1a-e) and 7(3) (1a-e) are as follows:

Type of copy requested	Fees
For every photocopy of an A4-size page or part thereof	R0, 60
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0, 40
For a copy in a computer-readable form on Stiffy disc	R5, 00
For a copy in a computer-readable form on Compact disc	R40, 00
For a transcription of visual images, for an A4-size page or part thereof	R22, 00
For a copy of visual images	R60, 00
For transcription of an audio record, for an A4-size page or part thereof	R12, 00
For a copy of an audio record	R17, 00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. The access fees payable by a requester referred to in regulation 7(3) (1) (f) are as follows:
 - To search for and prepare the record for disclosure, R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
5. For purposes of section 22(2) of the Act, the following applies:
 - Six hours as the hours to be exceeded before a deposit is payable; and
 - One third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.

C. PREScribed FORMS FOR ACCESS TO A RECORD OF A PUBLIC BODY

ANNEXURE B OF NOTICE 187 IN THE GOVERNMENT GAZETTE ON THE 15 FEBRUARY 2002

FORM A
REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY
 [Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)]
 [Regulation 2]

FOR DEPARTMENTAL USE	
Request received by:	Reference number:
(state rank, name and surname of information office / deputy information officer) on	(date)
at	(place)
Request fee (if any): R	
Deposit (if any): R	
Access fee: R	
..... Signature of Information Officer / Deputy Information Officer	

A. PARTICULARS OF PUBLIC BODY

The Information Officer / Deputy Information Officer:

.....

.....

.....

.....

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which the information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

.....

Fax number:

Telephone number:

E-Mail address:

Capacity in which request is made when made on behalf of another person:

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. PARTICULARS OF RECORD

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Description of record or relevant part of the record:

.....

.....

Reference number (if available):

Any further particulars of record:

.....

.....

E. FEES

- (a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason therefor.

Reason for exemption from payment of fees:.....

.....

.....

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 – 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

**Mark the appropriate box with an 'X'.*

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

- copy of record*
- inspection of record*

2. If record consists of visual images:

This includes photographs, slides, video recordings, computer-generated images, sketches, etc.

- view the images*
- copy of the images*
- transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack (audio cassette)*
- transcription of soundtrack (written or printed document)*

4. If record is held on computer or in an electronic or machine-readable form:

- printed copy of record*
- printed copy of information derived from the record*
- copy in computer-readable form (stiffy or compact disc)*

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you. A postal fee is payable.

- Yes
- No

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available

In which language would you prefer the record?

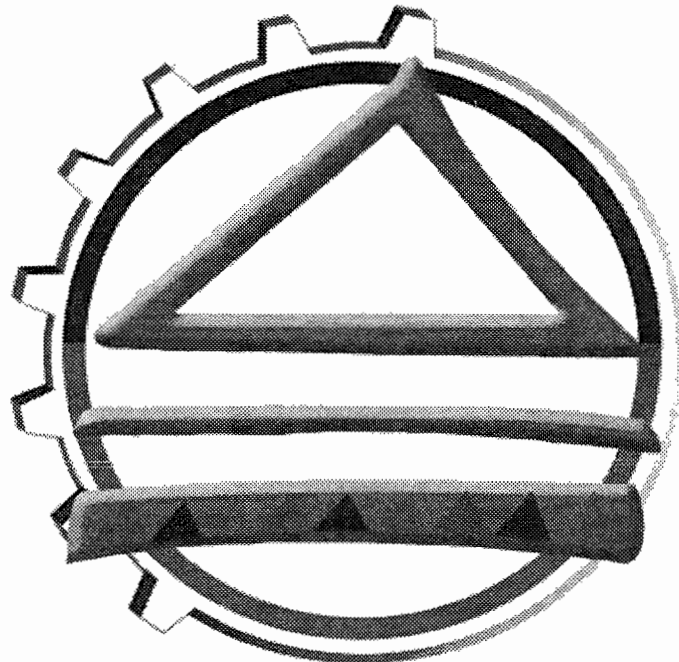
G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record:.....
.....
.....

Signed on this day of

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE



CCMA

COMMISSION FOR CONCILIATION, MEDIATION & ARBITRATION

**WET OP DIE BEVORDERING VAN
TOEGANG TOT INLIGTING
HANDLEIDING**

ARTIKEL 14 HANDLEIDING VIR DIE KOMMISSIE VIR VERSOENING, BEMIDDELING EN ARBITRASIE

INHOUD

A. BESONDERHEDE INGEVOLGE ARTIKEL 14

1. Die werksaamhede en struktuur van die Kommissie vir Versoening, Bemiddeling en Arbitrasie [Artikel 14(1)(a)]
 - (a) Wat is die KVBA?
 - (b) Werksaamhede van die KVBA
 - (c) 'n Skematiese voorstelling van die struktuur van die KVBA
 - (d) Struktuur van die KVBA
2. Kontakbesonderhede [Artikel 14(1)(b)]
Inligtingsbeampte / Adjunk-Inligtingsbeampte en kontakbesonderhede
3. Toegang tot rekords gehou deur die KVBA [Artikel 14(1)(d)]
 - (a) Outomatiese openbaarmaking [Artikel 14(1)(e)]
 - (b) Rekords wat versoek mag word [Artikel 14(1)(d)]
 - (c) Die versoekprosedures
4. Dieste beskikbaar [Artikel 14(1)(f)]
 - (a) Aard van die dienste
 - (b) Hoe om toegang tot hierdie dienste te verkry
5. Maatreëls wat vir publieke deelname voorsiening maak [Artikel 14(1)(g)]
6. Die remedies beskikbaar indien die bepalings van hierdie Wet nie nagekom word nie [Artikel 14(1)(h)]
7. Ander inligting, soos voorgeskryf ingevolge die Wet [Artikel 14(1)(i)]
8. Bywerking van die handleiding [Artikel 14(2)]
9. Besikbaarheid van die handleiding [Artikel 14(3)]
10. Versoek aan die Minister van Justisie en Grondwetlike Ontwikkeling vir die samestelling van 'n enkele handleiding [Artikel 14(4)(a) en Artikel 14(4)(b)]
11. Vrstelling, deur die Minister van Justisie en Grondwetlike Ontwikkeling, van enige bepalings van hierdie artikel vir 'n bepaalde tydperk [Artikel 14(5)]

B. VOORGESKREWE FOOIE VIR OPENBARE LIGGAME

C. VOORGESKREWE VORMS VIR TOEGANG TOT 'N REKORD VAN 'N OPENBARE LIGGAAM

A. BESONDERHEDE INGEVOLGE ARTIKEL 14**1. Die werksaamhede en struktuur van die Kommissie vir Versoening, Bemiddeling en Arbitrasie [Artikel 14(1)(a)]****(a) Wat is die KVBA?**

Die Kommissie vir Versoening, Bemiddeling en Arbitrasie (KVBA) is 'n geskilbeslegtingsliggaam ingestel ingevolge die Wet op Arbeidsverhoudinge, Nr. 66 van 1995. Die Kommissie is onafhanklik van die Staat, enige politieke party, vakbond, werkgewer, werkgewersorganisasie, federasie van vakbonde of federasie van werkgewersorganisasies.

Die Beheerliggaam is die primêre beleidmakingsliggaam van die KVBA. Die driedelige struktuur bestaan uit:

- Drie Staatsverteenwoordigers;
- Drie verteenwoordigers van georganiseerde arbeid;
- Drie verteenwoordigers van georganiseerde besigheid;
- 'n Voorsitter (waarvan almal deur NEOAR genomineer word); en
- Die Direkteur van die KVBA (wat deur die Beheerliggaam genomineer word).

Visie

Om maatskaplike geregtigheid en ekonomiese ontwikkeling te bevorder, deur die transformasie van verhoudinge binne die arbeidsmark. Dit word bereik deur die lewering van 'n hoë gehalte, goedkoop geskilbeslegtings- en geskilvoorkomingsdiens.

Missieverklaring

Vir onself, ons heg waarde aan professionalisme, integriteit, dienslewering en aan die waarde om betroubare verhoudinge te deel.

Vir die KVBA, ons hou onself verantwoordelik vir die handhawing van ons lewende, diverse gemeenskap, verenig deur leergierigheid en versterk deur self-dissipline.

Vir die publiek, ons hou gestand ons verbondenheid tot die transformasie van arbeidsverhoudinge deur geskille regverdig en billik te besleg en ons kennis wyd te versrei.

Vir Afrika, ons hou hoog die ideale van gelykheid, maatskaplike geregtigheid en gemeenskaplike voorspoed.

(b) Werksaamhede van die KVBA

Die KVBA sal:

- Geskille versoen;
- Geskille arbitreer wat onbesleg is na versoening;
- Bystand verleen met die instelling van werkplekforums en statutêre rade;
- Inligting en statistieke oor sy bedrywighede saamstel en publiseer; en
- Aansoek vir akkreditasie en subsidies deur bedingingsrade en private agentskappe oorweeg.

Die KVBA mag:

- Toesig hou oor stemming per stembrief vir vakbonde en werkgewersorganisasies;
- Opleiding en advies verskaf in verband met: die instelling van kollektiewe bedingingstrukture; herstrukturering van die werkplek, oorlegplegingsprosesse; beëindiging van dienskontrakte; gelyke geleentheidsprogramme en geskilvoorkoming.

(c) 'n Skematiese voorstelling van die struktuur van die KVBA

Gauteng	Tshwane: Senior Saamroepende Kommissaris
Straatadres:	Metro Park Gebou: Schoemanstraat 351, Pretoria, 0001
Posadres:	Privaatsak 176, Pretoria, 0001
Telefoon:	(012) 392 9700
Faks:	(012) 392 9701/2
E-Pos:	pta@ccma.org.za
Kwazulu Natal	Durban: Senior Saamroepende Kommissaris
Straatadres:	Embassy Buidling, 6th & 7th Floors, SmithStraat 199, Durban, 4001
Posadres:	Privaatsaak X54363, Durban, 4000
Telefoon:	(031) 362-2300
Faks:	(031) 368 7387/7407
E-Pos:	kzn@ccma.org.za
Kwazulu Natal	Pietermaritzburg: Senior Saamroepende Kommissaris
Straatadres:	3rd Floor Gallwey Building, Gallwey Lane, Pietermaritzburg, 3201
Posadres:	Privaatsaak X72, Pietermaritzburg, 3201
Telefoon:	(033) 345 9271/49
Faks:	(033) 345 9790
E-Pos:	kzn@ccma.org.za
Kwazulu Natal	Ricahrds Bay: Senior Saamroepende Kommissaris
Straatadres:	3rd Floor Gallwey Building, Gallwey Lane, Pietermaritzburg, 3201
Posadres:	Privaatsaak X72, Pietermaritzburg, 3201
Telefoon:	(033) 345 9271/49
Faks:	(033) 345 9790
E-Pos:	kzn@ccma.org.za
Limpopo:	Senior Saamroepende Kommissaris
Straatadres:	CCMA House, Hans van Rensburg Straat 104, Polokwane
Posadres:	Private Bag X 9512, Polokwane, 0700
Telefoon:	(015) 297 5010
Faks:	(015) 297 1649
E-Pos:	ptb@ccma.org.za
Mpumalanga:	Senior Saamroepende Kommissaris
Straatadres:	CCMA House, Diederichsstraat, Witbank, 1035
Posadres:	Private Bag X 7290, Witbank, 1035
Telefoon:	(013) 656 2800
Faks:	(013) 656 2885/6
E-Pos:	wtb@ccma.org.za
Noordkaap	Senior Saamroepende Kommissaris
Straatadres:	CCMA House, Compundstraat 3-15, Kimberley, 8301
Posadres:	Privaatsak X6100, Kimberley, 8300
Telefoon:	(053) 831 6780
Faks:	(053) 831 5947/8
E-Pos:	kmb@ccma.org.za
Noordwes	Senior Saamroepende Kommissaris
Straatadres:	CCMA House, 47 Siddlestraat, Klerksdorp, 2570
Posadres:	Private Bag X5004, Klerksdorp, 2571
Telefoon:	(018) 462 0700
Faks:	(018) 462 4126/4053
E-Pos:	kdp@ccma.org.za
Wes-Kaap	Senior Saamroepende Kommissaris
Straatadres:	CCMA House, 78 Darlingstraat, Cape Town, 8001
Posadres:	Private Bag X9167, Cape Town, 8000
Telefoon:	(021) 469- 0111
Faks:	(021) 465-7193/5/7
E-Pos:	ctn@ccma.org.za

PROVINSIALE SAAMROEPENDE SENIOR KOMMISSARISSE

Gauteng Kantoor:	Bheki Khumalo
Gauteng Tshwane:	Winnie Everitt (Waamemend)
Kwa-Zulu Natal Provinsiale kantoor:	Eugene van Zuydam
Limpopo Provinsiale Kantoor:	Piet Shai
Mpumalanga Provinsiale kantoor:	Leslie Ntuli (Waamemend)
Noordwes Katoor:	Elias Hlongwane
Noord - Kaap Kantoor:	Camen Ward
Oos-Kaap Provinsiale Kantoor:	Fred Sauls
Vrystaat Kantoor:	Hlalele Molotsi (Waamemend)
Wes-Kaap Provinsiale Kantoor:	Ronald Bernickow (Waamemend)

(d) Struktuur van die KVBA

Die KVBA bestaan uit 'n nasionale kantoor geleë in Gauteng en kantore in al nege provinsies. Elke provinsiale kantoor het 'n Saamroepende Senior Kommissaris, wat verantwoordelik is vir die algemene werksaamhede van die provinsiale kantoor en 'n griffier, wat toesig hou oor die ondersteuningswerksaamhede. Elke provinsie het ook kommissaris wat verantwoordelik is vir die versoening en arbitrasie van geskille.

2. Kontakbesonderhede [Artikel 14(1)(b)]**Hoofkantoor**

Inligtingsbeampte: Algemene Bestuurder: Bedryfswerking
 Straatadres: CCMA House, 28 Harrison Straat, Johannesburg, 2001
 Posadres: Privaatsak X94, Marshalltown, 2107
 Telefoon: (011) 377 6650
 Faks: (011) 834 7351
 Webwerf: www.CCMA.org.za
 E-Pos: ho@ccma.org.za

Provinsiale Inligtingsbeamptes

Oos-Kaap Port Elizabeth: Senior Saamroepende Kommissaris
 Straatadres: CCMA House, Govan Mbeki Laan 107, Port Elizabeth
 Posadres: Privaatsak X 22500, Port Elizabeth, 6000
 Telefoon: (041) 505 4300
 Faks: (041) 586 4585/4410
 E-Pos: pe@ccma.org.za

Oos-Kaap Oos London: Senior Saamroepende Kommissaris
 Straatadres: Hv Kerk & Oxfordsstraat, Oos – London, 5201
 Posadres: Privaatsak X 9068, Oos – London, 5200
 Telefoon: (043) 743 0826
 Faks: (043) 743 0810
 E-Pos: pe@ccma.org.za

Vrystaat Senior Saamroepende Kommissaris
 Straatadres: CCMA House, H/v Elizabeth & West-burger straat, Bloemfontein, 9301
 Posadres: Private Bag X20705, Bloemfontein, 9300
 Telefoon: (051) 505 4400
 Faks: (051) 448 4468/9
 E-Pos: blm@ccma.org.za

Gauteng Johannesburg: Senior Saamroepende Kommissaris
 Straatadres: CCMA House, Foxstraat 127, Johannesburg, 2001
 Posadres: Private Bag X 94, Marshalltown, 2107
 Telefoon: (011) 220 5000
 Faks: (011) 220 5101/2/3/4
 E-Pos: gauteng@ccma.org.za

3. **Toegang tot rekords gehou deur die KVBA** [Artikel 14(1)(d)]

(a) **Outomasie openbaarmaking** [Artikel 14(1)(e)]

Nasionale Hoofkantoor

Bedryfswerking en inligtingsdepartement

- Alle beleidsdokumente en standaard bedryfsprosedures

Navorsingseenheid:

- Inligtingstukke
- KVBA arbitrasietoekennings
- Geselekteerde Arbeidshofbeslissings
- CCMAIL
- Goeie Praktykskodes
- Vrae wat herhaaldelik gevra word
- Navorsingsdokumente
- KVBA Reëls
- Kontakbesonderhede van arbeidsverwante instansies
- Samevatting van geselekteerde Arbeidshofbeslissings
- Samevatting van geselekteerde KVBA arbitrasietoekennings

Biblioteek

Die publiek word toegelaat om die biblioteek te gebruik maar mag nie boeke uitneem nie. Die volgende bronne is beskikbaar by die KVBA biblioteek:

- Boeke
- Joernale

Kliëntedienssentrum:

- Geskilverwysingsvorme
- Inligtingstukke
- Kontakbesonderhede van arbeidsverwante instansies
- Kontakbesonderhede van bedingingsrade
- Inligting in verband met die posisie van sake by saakverwante navrae
- Arbitrasietoekennings en arbitrasiebeslissings
- Inligting oor materiële aangeleenthede met betrekking tot die Wet op Arbeidsverhoudinge, Wet op Basiese Diensvoorwaardes en die Wet op Gelyke Indiensneming

Finansiële Departement

- Alle finansiële beleidsdokumente en standaard bedryfsprosedures
- Jaarlikse finansiële state

Administratiewe Departement

- Alle administratiewe beleidsdokumente en standaard bedryfsprosedures

Departement Menslike Hulpbronne

- Alle menslike hulpbron beleidsdokumente en standaard bedryfsprosedures

Inligtingstechnologie (IT)

- Alle Inligtingstechnologie beleidsdokumente en standaard bedryfsprosedures
- Notules
- Status van projekte
- Strategiese beplanning
- Sekuriteitstandaarde
- IT Infrastruktuur (LAN/WAN)
- Sageware matriks
- Uitgawes van sageware
- Rugsteun kopiëe en strategieë

Geskilvoorkomingsdepartement

- Beste Praktyk Handleidings

Institusionele Ontwikkelingsdepartement

- Lys van bedingingsrade en geakkrediteerde agentskappe

Provinsiale Kantore

- Alle beleidsdokumente en prosedures soos hierbo aangedui
- Alle verwysingsvorme
- Inligtingstukke

(b) Rekords wat versoek mag word (artikel 14(1)(d))

Beskrywing van die onderwerpe en kategorieë van rekords gehou deur die KVBA:

Bedryfswerking en Inligtingsdepartement

- Kontrakte met uitgewersmaatskappye:
- Legal Information network
- Van Zyl Rudd
- Industrial Relations network
- Butterworths on line
- Butterworths CD's
- Juta Intranet
- Maandelikse en jaarlikse verslae

Finansiële Departement

- Bateregisters
- Maandelikse finansiële state
- Begrotings
- Strategiese planne
- Finansiële statistieke
- MTEF voorleggings

Administratiewe Departement

- Verskaffers
- Tenders
- Huurooreenkomste
- Bruikhuurooreenkomste

Departement Menslike Hulpbronne

- Diensrekords
- Opleidingshandboeke
- Salarisstrukture
- Diensbillikheidsplan
- Werk in verband met die Wet op die Ontwikkeling van Vaardighede

Inligtingstechnologie (IT)

- Verslae wat samesmelting vereis, byvoorbeeld:
- IT projekverslae
- Anti-virus diensvlakoooreenkomsverslae
- Hardeware/sagteware aankoopverslae
- Diensvlakoooreenkomste – rekenaar gegenereerde verslae
- Invetarisverslae
- Bedienerverslag
- Ad hoc verslae (enige inligting vereis, van enige databasisse, kan ontrek word deur gebruik te maak van Crystal verslag of navrae op versoek)

Geskilvoorkomingsdepartement

- Opleidingshandboeke

Institusionele Ontwikkelingsdepartement

- Inligting oor uitbetalings aan bedingingsrade
- Akkrediasie dokumente
- Kollektiewe ooreenkomste tussen bedingingsrade
- Privaatagentskapsaansoeke
- Institusionele ontwikkelingsverslae

Provinsiale versoeke

- Saakleërs
- Provinsiale personeelvergaderingsnotules
- Provinsiale kommissarisvergaderingsnotules
- Statistieke oor skikkingsyfers
- Saakias per provinsie
- Geskille per sektor
- Toekennings

(c) Die versoekprosedures

'n Versoeker moet toegang tot 'n rekord van 'n openbare liggaam gegee word indien die versoeker voldoen aan die volgende:

- Die versoeker voldoen aan al die prosessuele vereistes in die Wet met betrekking tot die versoek van toegang tot daardie rekord; en
- Toegang tot daardie rekord nie geweier word op enige grond vir weiering genoem in die Wet nie.

Aard van die versoek:

- 'n Versoeker moet die vorm gebruik wat in die Staatskoerant gedruk is [Kennisgewing R187- 15 Februarie 2002] (Vorm A).
- Die versoeker moet ook aandui of die versoek is vir 'n afskrif van die rekord en of die versoeker die rekord in die kantore van die openbare liggaam wil insien. Alternatiewelik, indien die rekord nie 'n dokument is nie, kan dit insae in die versoekte formaat verkry word, waar moontlik [artikel 29(2)].
- Indien 'n persoon vra vir toegang in 'n spesifieke formaat, behoort die versoeker toegang verkry in die formaat wat hy/sy versoek het. Dit geld tensy deur so te doen, onredelik met die bestuur van die openbare liggaam sou inmeng of die rekord sou beskadig of inbreuk sou maak op 'n kopiereg wat nie deur die Staat besit word nie. Indien, vir praktiese redes, toegang nie gegee kan word in die versoekte formaat nie, maar wel in 'n ander formaat, dan moet die fooi bereken word volgens die formaat waarop die versoeker die rekord in die eerste instansie aangevra het. [artikel 29(3) and (4)].
- Indien bykomend tot 'n skriftelike antwoord op die versoek vir die betrokke rekord, die versoeker van die besluit in kennis gestel wil word, op enige ander wyse, bv. telefonies, moet dit aangedui word [artikel 18(2)(e)].
- Indien 'n versoeker inligting namens iemand anders versoek, moet die hoedanigheid waarin die versoek gemaak word ook aangedui word [artikel 18(2)(f)].
- Indien 'n versoeker nie kan lees of skryf nie of gestremd is, dan kan hulle die rekord mondeling versoek. Die inligtingsbeampte moet dan die vorms namens so 'n versoeker voltooi en 'n afskrif aan hulle gee [artikel 18(3)].
- Daar is twee tipes fooie wat betaling vereis ingevolge die Wet, naamlik die versoekfooie en die toegangsfooie [artikel 22]:
- 'n Versoeker wat toegang tot 'n rekord versoek wat persoonlike inligting aangaande daardie versoeker bevat, hoef nie die versoekfooie te betaal nie. Ander versoekers, wat nie persoonlike versoekers is nie, moet die voorgeskrewe versoekfooie betaal.
- Die inligtingsbeampte moet die versoeker (anders as 'n persoonlike versoeker) in kennis stel by wyse van kennisgewing van die vereiste dat die versoeker die voorgeskrewe fooie (indien enige) moet betaal, voordat verdere verwerking van die versoek sal geskied.
- Die versoekfooie betaalbaar aan openbare liggame is R35. Die versoeker mag inteme appél aanteken, waar loepaslik, of 'n aansoek aan die hof rig teen die tender of betaling van die versoekfooie.
- Nadat die inligtingsbeampte 'n besluit aangaande die versoek geneem het, moet die versoeker in kennis gestel word van sodanige besluit, op die wyse waarop die versoeker in kennis gestel wou word.

- Indien die versoek toegestaan word, dan moet 'n verdere toegangsfooi betaal word vir die nasproing, voorbereiding en kopieering en vir enige tyd, wat die voorgeskrewe ure oorskry het, vir die nasproing en voorbereiding van die rekord vir openbaarmaking.

4. **Dienste beskikbaar** [Artikel 14(1)(f)]

(a) **Aard van die dienste**

Die dienste van die KVBA word skematies uitgebeeld in die diagram op die volgende bladsy.

DIENTE WAT DIE KVBA AAN DIE PUBLIEK VERSKAF

BEMIDDELINGSDEPARTEMENT

Kommissaris

- Versoenings
- Arbitrasies
- Fasilitering
- Voor-ontslag arbitrasie
- Versoen/Arb prosesse

GESKILVOORKOMINGS- DEPARTEMENT

- Werkswinkels: toepaslike prosedures in die werksomgewing
- Effektiewe werkplek, vakbond, werkgewer en KVBA saakkeuring
- Nasionale en provinsiale besprekingsforums
- Navorsing en inligting met betrekking tot dispuutvoorkomingstendense

Biblioteek

- Arbeidsverwante publikasies en joernale
- Toegang tot elektroniese biblioteek

INSTITUSIONELE ONTWIKKELINGSDEPARTEMENT

- Akkreditering en subsidieering van bedingingsrade en privaatagentskappe
- Opleiding, bemiddeling en raadgewing aan bedingingsrade en privaatagentskappe
- Toesighouding oor vakbond- en werkgewersorganisasieverwante stem prosesse
- Afbakeningsgeskille
- Oprigting van werkplekforums

BEDRYFSWERKING EN INLIGTINGSDEPARTEMENT

Navorseenheid

- Arbitrasietoekenings en geselekteerde Arbeidshofuitsprake
- Navorsingspublikasies
- CCMAil, (interne inligtingspublikasie), inligtingstukke, standaard vrae, ens

Biblioteek

- Arbeidsverwante publikasies en joernale
- Toegang tot elektroniese biblioteke

Kliëntedienssentrum

- Kliëntediens

Saakbestuur Departement

- Kliënte-ondersteuning en kliëntediens.

WERKING

Saakbestuursdepartemente in al die nege Provinsies

Verleen hulp aan die publiek met betrekking tot arbeidsverwante inligting

Saakadministrasie

(b) Hoe om toegang tot hierdie dienste te verkry

Om toegang tot bogenoemde dienste by die KVBA te verkry, moet versoeke aan die toepaslike departement, soos hieronder aangedui, gerig word. Verwys ook na kontakbesonderhede [Artikel 14(1)(b)] vir addisionele inligting met verwysing na die provinsiale kantore van die KVBA.

KVBA Kliëntedienssentrum

Sandra Mathebula – Kliëntedienssentrum bestuurder

E-Pos: sandram@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak X94, Marshalltown, 2107

Telefoon: 0861 16 16 16

Faks: (011) 834 7351

Regs - en Arbitrasie department

Eugene Van Zuydam – Nasionale Senior Kommissaris

E-Pos: eugenevz@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak x94, Marshalltown, 2107

Telefoon: (011) 377 6650

Faks: (011) 834 7351

Geskilbestuursdepartment

Jeremy Daphney – Nasionale Senior Kommissaris

E-Pos: jeremyd@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak x94, Marshalltown, 2107

Telefoon: (011) 377 6650

Faks: (011) 834 7351

Bemiddelingsdepartment

Afzul Soobedaar – Nasionale Senior Kommissaris

E-Pos: afzuls@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak x94, Marshalltown, 2107

Telefoon: (011) 377 6650

Faks: (011) 834 7351

Bedryfswerkingsdepartment

Nersan Govender & Ronald Bernickow – Algemene Bestuurders

E-Pos: nersanq@ccma.org.za/ronaldb@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak x94, Marshalltown, 2107

Telefoon: (011) 377 6650

Faks: (011) 834 7351

Department Korporatiewe Dienste

Itumeleng Masege – Korporatiewe Dienste Bestuurder

E-Pos: itumelengm@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak x94, Marshalltown, 2107

Telefoon: (011) 377 6650

Faks: (011) 834 7351

Finansiële Department

Obed Sekgololo – Hoof Finansiële Offisier

E-Pos: obeds@ccma.org.za

Fisiese adres: CCMA House, Harrisonstraat 28, Johannesburg, 2001

Posadres: Privaatsak x94, Marshalltown, 2107

Telefoon: (011) 377 6650

Faks: (011) 834 7351

5. **Maatrêels wat vir publieke deelname voorsiening maak** :[Artikel 14(1)(g)]

Indien lede van die publiek enige navrae het of begaan is oor die KVBA en graag wil deelneem in die formulering van beleid, sal hulle deur die Direkteur aansoek moet doen of enige lid van die beheerliggaam moet kontak, binne wie se kiesafdeling so 'n persoon val, bv. indien 'n lid van die publiek aan 'n vakbond behoort, sal daardie persoon die saak na die kiesafdeling wat arbeid verteenwoordig moet verwys.

6. **Die remedies beskikbaar indien die bepalings van hierdie Wet nie nagekom word nie** [artikel 14 (1) (h)]

Die versoeker mag 'n interne appèl aanteken by die Direkteur van die KVBA (Inligtingsbeampte). Die versoeker mag appèl aanteken in verband met:

- 'n Besluit om toegang tot 'n rekord te weier;
- Die fooi gehêf;
- 'n Besluit om die tydperk te verleng waarin die versoek oorweeg word; of
- Die liggaam weier om die rekord te lewer in die formaat waarvoor hy of sy gevra het.

Die prosedure is soos volg:

- Daar sal van die versoeker vereis word om die relevante appèlvorm C, binne 60 dae, te voltooi.
- Na voltooiing van die vorm, moet die versoeker, die vorm aan die inligtingsbeampte stuur.
- 'n Versoeker mag versoek om van die uitslag van die appèl in kennis gestel te word, op enige wyse, anders as 'n geskrewe antwoord, bv. per e-pos of telefonies.
- Die persone wat appèl aanteken moet hul kontakbesonderhede verstrek en daar kan van hulle vereis word om 'n appèlfooï te betaal. (Die fooï is nie betaalbaar indien private inligting aangevra word nie. Die huidige fooï is R35 vir 'n openbare liggaam)
- Die inligtingsbeampte moet antwoord op die versoek, binne 10 werksdae en indien die versoek geweier was, moet die inligtingsbeampte redes vir die weiering verstrek.

7. **Ander inligting, soos voorgeskryf ingevolge die Wet** [artikel 14(1)(l)]

Daar is tans geen inligting van die Minister van Justisie en Konstitusionele Ontwikkeling beskikbaar, ingevolge die voorskrifte van artikel 92, om hier te plaas nie.

8. **Bywerking van die handleiding** [artikel 14(2)]

'n Openbare liggaam moet, indien nodig, sy handleiding, waarna verwys word in subartikel (1) van Artikel 14, bywerk en publiseer met tussenposes van nie meer as 'n jaar nie.

9. **Beskikbaarheid van die handleiding** [Artikel 14(3)]

Regulasie Nr R 187 van 15 Februarie 2002 skryf in artikel 4(1) voor dat die handleiding van 'n openbare liggaam beskikbaar gemaak moet word op die volgende wyse:

- 'n Afskrif in elk van die drie amptelike tale moet beskikbaar gemaak word by elke plek van pliglewering soos uiteengesit in artikel 6 van die Wet op Pliglewering, 1997; die Suid-Afrikaanse Menseregtekommissie; en elke kantoor van daardie openbare liggaam.
- Die handleiding moet gepubliseer word in drie van die amptelike tale in die Staatskoerant.
- Die handleiding moet beskikbaar gemaak word op die webwerf, indien enige, van die openbare liggaam.

10. **Versoek aan die Minister van Justisie en Grondwetlike Ontwikkeling vir die samestelling van 'n enkele handleiding** [artikel 14(4)(a) en artikel 14(4)(b)]

Indien die werksaamhede van twee of meer openbare liggame nou verwant is, mag die Minister, op versoek of uit eie beweging, bepaal dat die twee of meer openbare liggame slegs een handleiding opstel.

Die betrokke openbare liggame moet die kostes vir die opstel en beskikbaarstelling van sodanige handleiding deel soos deur die Minister bepaal.

11. **Vrystelling, deur die Minister van Justisie en Grondwetlike Ontwikkeling, van enige bepalings van artikel 14 vir 'n bepaalde tydperk** [artikel 14(5)]

Vir sekuriteits-, administratiewe - of finansiële redes, kan die Minister, op versoek of uit eie beweging, by wyse van kennisgewing in die Staatskoerant, enige openbare liggaam of kategorie van openbare liggame vrystel van enige bepaling van hierdie artikel en vir sodanige tydperk wat die Minister goedvind.

B. VOORGESKREWE FOOIE VIR OPENBARE LIGGAME

DEEL II VAN KENNISGEWING 187 IN DIE STAATSKOERANT VAN 15 FEBRUARIE 2002

FOOIE MET BETREKKING TOT OPENBARE LIGGAME

1. Die fooi vir 'n afskrif van die handleiding soos beoog in regulasie 5(c) is R0, 60 vir elke fotostaat van 'n A4 grootte bladsy of 'n deel daarvan.
2. Die fooie vir fotostate soos uiteengesit in regulasie 7(1a- e) en 7(3) (1a-e) is soos volg:

Tipe afskrif versoek	Foioe
Vir elke fotostaat van 'n A4 grootte bladsy of 'n deel daarvan	R0, 60
Vir elke gedrukte afskrif van 'n A4-grootte bladsy of 'n deel daarvan wat op 'n rekenaar of in elektroniese- of masjien-leesbare formaat gehou word.	R0, 40
Vir 'n afskrif in rekenaar-leesbare formaat op stifie-skyf	R5, 00
Vir 'n afskrif in 'n rekenaar-leesbare formaat op kompakskyf (CD)	R40, 00
Vir 'n transkripsie van visuele beelde, vir 'n A4 grootte bladsy of 'n deel daarvan daarvan	R22, 00
Vir 'n afskrif van visuele beelde	R60, 00
Vir transkripsie van 'n oudio rekord, vir 'n A4 grootte bladsy of 'n deel daarvan	R12, 00
Vir 'n afskrif van 'n oudio rekord	R17, 00

3. Die versoekfooie betaalbaar deur elke versoeker, anders as 'n persoonlike versoeker, verwys na in regulasie 7(2), is R35,00.
4. Die toegangsfooie betaalbaar deur 'n versoeker, verwys na in regulasie 7(3)(1) (f) is as volg:
 - Die nasporing en voorbereiding van die rekord vir openbaarmaking, R15,00 per uur of 'n deel van 'n uur, uitsluitend die eerste uur, wat redelikerwys vereis word vir sodanige nasporing en voorbereiding.
5. Vir die doeleindes van artikel 22(2) van die Wet, is die volgende van toepassing:
 - Ses ure, as die ure wat oorskry moet word, voordat 'n deposito betaalbaar is, en
 - Een derde van die toegangsfooie is betaalbaar as 'n deposito, deur die versoeker.
6. Die werklike posgeld is betaalbaar wanneer 'n afskrif van 'n rekord aan 'n versoeker gepos moet word.

C. VOOGESKREWE FORMS VIR TOEGANG TOT 'N REKORD VAN 'N OPENBARE LIGGAAM**BYLAE B OF KENNISGEWING 187 IN DIE STAATSKOERANT OP 15 FEBRUARIE 2002****VORM A****VERSOEK VIR TOEGANG TOT REKORD VAN OPENBARE LIGGAAM**

[Artikel 18(1) van die Wet op die Bevordering van Toegang tot Inligting, 2000 (Wet Nr. 2 van 2000)]

[Regulasie 2]

VIR DEPARTEMENTELE GEBRUIK	
	Verwysingsnommer:
Versoek ontvang deur:	
(stipuleer rang, naam en van, van die inligtingsoffisier / adjunk-inligtingsoffisier) op	(datum)
by	(plek)
Versoekfool (indien enige): R.....	
Deposito (indien enige): R.....	
Toegangfool: R.....	
..... Handtekening van die Inligtingsoffisier / Adjunk-Inligtingsoffisier	

A. BESONDERHEDE VAN OPENBARE LIGGAAM

Die Inligtingsoffisier / Adjunk-Inligtingsoffisier:

.....

.....

.....

.....

B. BESONDERHEDE VAN DIE PERSOON WAT TOEGANG TOT DIE REKORD VERSOEK

- (a) Die besonderhede van die persoon wat toegang tot die rekord versoek moet hieronder aangeteken word.
- (b) Verstrek 'n adres en/of faksnommer in die Republiek waarheen die inligting gestuur moet word.
- (c) Bewys van die hoedanigheid waarin die versoek gemaak word, indien van toepassing, moet aangeheg word.

Volle name en van:

Identiteitsnommer:

Posadres:

.....

Faksnommer:

Telefoon nommer:

E-Pos adres:

Hoedanigheid waarin versoek gemaak word, wanneer gemaak word namens 'n ander persoon:

C. BESONDERHEDE VAN PERSOON NAMENS WIE DIE VERSOEK GEMAAK WORD

Hierdie afdeling moet voltooi word slegs as 'n versoek vir inligting gemaak word namens 'n ander persoon.

Volle name en van:

Identiteitsnommer:

D. BESONDERHEDE VAN REKORD

- (a) *Verskaf volle besonderhede van die rekord waartoe toegang versoek word, insluitende die verwysingsnommer indien dit aan u bekend is, om te help dat die rekord gevind word.*
- (b) *Indien die spasio voorsien, onvoldoende is, gaan voort op 'n aparte folio en heg dit aan hierdie vorm. Die versoeker moet all die bykomende folios teken.*

Beskrywing van rekord of relevante deel van die rekord:

.....

.....

Verwysingsnommer (indien beskikbaar):

Enige verdere besonderhede van rekord:

.....

.....

E. FOOIE

- (a) *'n Versoek vir toegang tot 'n rekord, anders as 'n rekord wat persoonlike inligting oor uself bevat, sal slegs verwerk word nadat die versoekfooi betaal is.*
- (b) *U sal in kennis gestel word van die vereiste bedrag betaalbaar as versoekfooi.*
- (c) *Die bedrag betaalbaar vir toegang tot 'n rekord hang af van, die formaat waarin toegang tot 'n rekord vereis word en die redelike tydperk vereis vir die nasporing en voorbereiding van 'n rekord.*
- (d) *Indien u kwalifiseer vir vrystelling van die betaling van enige fooi, verklaar asseblief die rede daarvoor.*

Rede vir vrystelling van die betaling van fooie:

.....

.....

F. FORMAAT VAN TOEGANG TOT REKORD

Indien u deur gestremdheid verhinder word om te lees, sien of luister na die rekord in die formaat van toegang waarvoor voorsiening gemaak word in 1 – 4 hieronder, verklaar u liggaamsgebrek en dui aan in watter formaat die rekord vereis word.

Liggaamsgebrek:

Formaat waarin die rekord vereis word:

**Merk die toepaslike blokkie met 'n 'X'.*

- (a) *U aanduiding van die vereiste formaat van toegang hang af van die formaat waarin die rekord beskikbaar is.*
- (b) *Toegang in die formaat versoek, mag geweier word in sekere omstandighede. In sodanige geval sal u in kennis gestel word indien toegang toegestaan word in 'n ander formaat.*
- (c) *Die fooi betaalbaar vir toegang tot die rekord, indien enige, sal gedeeltelik bepaal word deur die formaat waarin toegang versoek word.*

1. Indien die rekord in geskrewe of gedrukte formaat is:

- afskrif van rekord*
- inspeksie van rekord*

2. Indien die rekord bestaan uit visuele beelde:

Dit sluit in foto's, skyfies, video opnames, rekenaar-gegenereerde beelde, sketse, ens.

- kyk na beelde*
- afskrif van beelde*
- transkripsie van beelde*

3. Indien die rekord bestaan uit 'n opname van woorde of inligting wat gekopieer kan word:

- luister na die klankbaan (audio kasset)*

transkripsie van die klankbaan (geskrewe of gedrukte dokument)*

4. Indien die rekord gehou word op 'n rekenaar of in 'n elektronies- of masjien-leesbare formaat:

gedrukte afskrif van rekord*

gedrukte afskrif van inligting ontleen aan die rekord*

afskrif in rekenaar-leesbare formaat (skyfie of kompakskyf)*

Indien u 'n afskrif of transkripsie van 'n rekord (hierbo) versoek, wil u hê dat die afskrif of transkripsie aan u gepos moet word. 'n Posfooi is betaalbaar.

Ja

Nee

Neem kennis dat indien die rekord nie beskikbaar is in die taal wat u verkies nie, mag toegang verleen word in die taal waarin die rekord beskikbaar is.

In watter taal sou u die rekord verkies?

G. KENNISGEWING VAN BESLUIT MET BETREKKING TOT DIE VERSOEK VIR TOEGANG

U sal skriftelik in kennis gestel word of u versoek goedgekeur of afgekeur is. Indien u daarvan in kennis gestel wil word op 'n ander wyse, moet u asseblief die wyse spesifiseer en die nodige besonderhede verskaf om voldoening aan u versoek te verseker.

Hoe sou u verkies om in kennis gestel te word van die besluit met betrekking tot u versoek vir toegang tot die rekord:

.....

.....

Geteken op hierdie dag van

HANDTEKENING VAN VERSOEKER / PERSOON NAMENS WIE VERSOEK GEMAAK WORD