

# CCMA FEES AND COSTS



## FEES

The CCMA does not generally charge fees for its dispute resolution work, but may do so in exceptional circumstances as outlined below.

### WHEN CAN THE CCMA CHARGE FEES

The CCMA may charge fees in the following circumstances:

When resolving disputes that are referred to it, in circumstances in which the labour legislation allows fees to be charged (all listed below);

When conducting, overseeing or scrutinising any election or ballot at the request of a registered trade union or employers' organisation. The fee is between R750 to R1000 for each day or part thereof;

When asked by employees, employers, registered trade union, registered federation of trade unions, federations of employers' organisations or councils to provide advice or training relating to-

- establishing collective bargaining structures;
- designing, establishing and electing workplace forums and creating deadlock-breaking mechanisms;
- the functioning of workplace forums;
- preventing and resolving disputes and employees' grievances;
- disciplinary procedures;
- procedures in relations to dismissals;
- the process of restructuring the workplace;
- affirmative action and equal opportunity programmes; and
- sexual harassment in the workplace;

The fee is between R750 and R1500 for each day or part thereof.

The CCMA may charge an employer with an arbitration fee in dismissal matters relating to conduct / capacity where the commissioner finds that a dismissal is procedurally unfair in terms of s140(2) – in addition to the provisions of s194(1).

The CCMA may charge R750 to R2000 for each day or part thereof when resolving a dispute about the interpretation of a collective agreement when:

- the collective agreement does not provide a procedure for resolving that dispute;
- the procedure provided in the collective agreement is not operative;
- a party to a collective agreement has frustrated the resolution of the dispute;
- resolving a dispute between parties to a council if the council's dispute resolution procedures are not operative;
- resolving a dispute between parties to a collective agreement that provides for the resolution of that dispute by an accredited agency's dispute resolution procedures are not operative.

### WHEN AND WHERE DO YOU PAY CHARGES / FEES

You would pay only after receiving an invoice issued by the provincial CCMA Finance Department. Payment must be paid to that office, and no person is authorised by the CCMA to collect such charges from the party's premises. Fees are charged in accordance with the tariff of fees established by the CCMA Governing Body.

### COSTS

The meaning of costs: the term refers to an order by a commissioner for the party to pay the other party for certain expenses incurred in having the dispute resolved through the CCMA e.g. legal costs and disbursements for subsistence and travelling.

Present situation: CCMA commissioners may not include an order for costs in an arbitration award unless a party or his/her representative conducted the case in a manner that lacked seriousness, or proceeded with or defended the dispute in arbitration without sufficient grounds in order to annoy the other party. Therefore if the party acted in a frivolous or vexatious manner, he/she may have costs awarded against him/her. No loss of professional earnings may be claimed from the CCMA, and only witness fees may be paid if that witness was called by the CCMA.

Amendments (situation when they come into effect): a commissioner may make an order for the payment of costs according to the requirements of law and fairness in accordance with rules made by the Commission in terms of section 115(2A)(j) and having regard to any relevant code of Good Practice of NEDLAC and any relevant guidelines which may be issued by the CCMA itself.

### BILL OF COSTS AND TAXATION

If a commissioner grants costs, a bill of costs must be drawn up and served on the other parties and on the CCMA. The CCMA will then tax the bill, which means that it will assess the amount claimed against the amount that is allowed to be claimed as set out in the Tariff. Once it has been taxed, that is the amount which the allowed by the taxing officer which can be claimed from the other party.

### RELEVANT LEGISLATION

Labour Relations Act: s115(3), s123(1)(b), s138(10), s140(2) and s147 as amended.