

## The imperative of time frames in labour disputes

The PSA in Mthatha observed a spike in cases that reach the office after the lapse of time, leading to condonation applications. As such the PSA wishes to advise members as follows:

- South African labour law sets strict deadlines for referrals of various disputes which can make or break your case: unfair dismissal disputes must be referred within **30 days**, unfair labour practice disputes within **90 days**, and discrimination claims within **6 months**. Missing these deadlines may result in losing the right to pursue your case.
- When lodging a grievance with the employer in terms of PSCBC Resolution 14/2002, it must be referred within **90 days** of becoming aware of an act or omission. It is important that the grievance is lodged immediately upon becoming aware without delay, however if the employer fails to respond within 30 days, the rights dispute must be lodged with the relevant Council with jurisdiction or the Commission, or the matter must be referred to the Public Service Commission (PSC). Members should not wait for a response from the employer that will come after 90 days as this will destroy your case if it requires the dispute resolution route and the same employer will be the one to raise jurisdictional points about failing to comply with time frames.

**Please note** that internal procedures, as noted in *NTEU obo Moeketsi v CCMA and Others (2002)*, pursuing internal employer grievance does not stop the clock for referring disputes to the CCMA or Bargaining Council, and failing to refer within 90 days of an unfair labour practice requires a condonation application which is an indulgence requiring 'good' cause. In the event of dismissal, appeal must be lodged with the Appeals Authority within **5 days** from the date of dismissal and unfair dismissal disputes should be referred within **30 days** from the date the appeal outcome is received. Members are reminded that time is critical in labour matters. If you believe you have a dispute, seek advice immediately and act within the prescribed timeframe.

### Important points to remember

- Report issues immediately to your shop steward or nearest PSA Provincial office.
- Keep records of incidents, dates, and communications.
- Stay informed about deadlines under labour law and union procedures.

**Remember:** Justice delayed can become justice denied. Protecting our rights means respecting the timelines that protect us.

Noting the importance of this matter, our Organising Marketing Officers can be reached at [Zizipho.shukuma@psa.co.za](mailto:Zizipho.shukuma@psa.co.za) / 082 880 2936) and [Zingisile.mgxaji@psa.co.za](mailto:Zingisile.mgxaji@psa.co.za) /082 880 8959.

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