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FOUNDED 28 NOVEMBER 2000

EMPLOYMENT LAW REVIEW

THE 2026 CCMA AMENDED RULES

NOVEMBER 2026





Dear clients

INTRODUCTION

1. The CCMA's Governing Body has published amended Rules for proceedings before the Commission for Conciliation, Mediation and Arbitration (CCMA). They were issued under section 115(2A) of the Labour Relations Act 66 of 1995 (LRA) in Government Notice 4208, Government Gazette 55620, and took effect on 23 October 2026.
2. This is not a new rulebook. It is a modernising and tidying exercise. The CCMA says the purpose is to clarify practice and procedure, make procedure more certain, and bring dispute resolution in line with legislation, case law, technology and current practice.
3. Most of the changes deal with how cases are run, not with substantive rights. For employers, though, they matter in practice.

KEY CHANGES AND WHY THEY MATTER

4. Digital communication and filing

4.1. The Rules recognise electronic signatures and the CCMA's online referral platforms, including its WhatsApp Chatbot and cmsonline.ccma.org.za.

4.2. Hearing notices may be sent by SMS, including WhatsApp. Employers should keep CCMA contact details current and assign responsibility for monitoring email and relevant messaging channels.

4.3. Specified referrals and applications, including LRA Forms 7.11 and 7.13 and condonation applications may be filed electronically at any time (including WhatsApp and online platforms).

4.4. Parties serving or filing documents containing personal information must continue to comply with POPIA and take appropriate security measures. The Rules also address recording of conciliation proceedings and the CCMA's record-keeping for conciliation and mediation.

5. Conciliation and con-arb

5.1. The CCMA may contact parties before conciliation in an effort to settle a dispute. The 30-day conciliation period may be extended on request by a commissioner or party. The Director must decide within two days; the new LRA Form 7.23 provide for a five-day extension and do not permit an extension where the State is the employer.

5.2. An objection to con-arb must ordinarily be lodged at least seven days before the hearing, unless good cause is shown for a shorter period. The Rules identify categories of disputes in which an objection is not permitted (ie, probation-related disputes and compliance order under section 69(5) of the BCEA, etc).

5.3. Employers should lodge objections in writing as early as possible and obtain advice promptly if a late objection arises.

6. Artificial intelligence (AI)

6.1. The agenda for a pre-arbitration conference must now address whether AI or AI-generated information has been used and, if so, the nature and extent of that use. The definition of AI is broad and includes software used to generate content. Employers should establish a consistent protocol for use of AI in preparing chronologies, witness statements, bundles and submissions, including how use will be disclosed and how accuracy, confidentiality and privilege will be protected.

7. Representation and joinder

7.1. A member of a registered trade union or employers' organisation may represent a party in conciliation only if authorised by that organisation. Non-lawyer representatives may not charge a fee or receive a financial benefit for representing a party.

7.2. The existing restrictions on legal representation in certain misconduct and incapacity arbitrations remain.

7.3. A party not cited in the referral form cannot simply be joined. The applicant must first serve and file a referral form on the proposed party and seek condonation where required. Employers should check whether the correct legal entity has been cited and raise joinder objections promptly.

8. Disclosure, subpoenas and expert evidence

8.1. Disclosure of documents between parties proceeds under Rule 29. The application may be brought after the certificate has been issued or the 30-day period has expired, and at least 14 days before the hearing. The other party has five days to respond.

8.2. Documents held by non-parties must be sought by subpoena under Rule 37. A subpoena is not the route for obtaining documents from another party. Parties have an opportunity to oppose subpoenas.

8.3. A party calling an expert must give seven days' notice, together with a summary of the proposed evidence and the basis of the expert's expertise.

9. Organisational rights and non-attendance

9.1. A union referring an organisational-rights dispute under section 21 of the LRA must attach its written notice to the employer and its certificate of registration. Employers should check these jurisdictional and procedural requirements and raise deficiencies at conciliation.

9.2. Where the referring party fails to attend, the commissioner must enquire into the reason. A good reason may result in the matter being rescheduled; a wilful or unexplained absence may lead to dismissal of the referral rather than merely removal from the roll. Employers should ensure that the correct representative attends and that any inability to attend is communicated and supported.

10. Costs, fees and enforcement

10.1. The legal costs tariff has increased to R7,524 (VAT included) for the first day and R4,911.50 for each additional day. Candidate attorneys recover 50% of those amounts. For section 188A inquiries, fees must be paid by electronic transfer; the Rules provide that a refund is available only if the CCMA is informed before the notice of inquiry is issued that the matter will not proceed. An arbitration fee ordered under section 140 must be paid within 14 days.

11. Revised forms and discrimination referrals

11.1. The revised referral forms include POPIA consent wording and enquire whether a party can attend an online hearing. Form 7.11 permits only one dispute per form.

11.2. For discrimination disputes, the form enquires whether the referring party attempted to resolve the dispute internally, reflecting the requirement in section 10 of the EEA. Employers should check whether the internal-resolution step has been attempted and whether the referral is procedurally premature.

EMPLOYER ACTION CHECKLIST

12. Update CCMA contact details and designate primary and backup staff to monitor email, SMS and WhatsApp notices.

13. Make provision for internal diarising procedures.

14. Adopt a written protocol for AI-assisted legal and HR work, including procedures for disclosure, verification, confidentiality and issues of legal privilege.

15. Train HR and employee-relations teams on the new joinder, disclosure, subpoena and expert-notice procedures.

16. Check organisational-rights referrals for the union's written notice and certificate of registration.

17. Budget for the revised costs tariff and diarise payment deadlines for applicable CCMA fees.

18. Use the current prescribed forms and verify procedural requirements against the official amended Rules.

CONCLUSION

19. These amendments are procedural, not substantive. Their main effect is to make CCMA practice more digital, more certain and more consistent with recent case law.

20. This memorandum is for general information purposes only and does not constitute legal advice. It is simply a summary of the important new amendments to the CCMA rules.

21. Please contact us if you require any assistance interpreting or applying these new rules.
The link to the Government Gazette, 23 October 2026 is below.

https://www.gov.za/sites/default/files/gcis_document/202610/55620gen4208.pdf



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