



LEGAL SERVICES LABOUR LAW COMPLAINT FORM

TEL: 012 644 4300
FAX: 012 664 1228 / 011 388 7927
E-MAIL: legalservices@solidarity.co.za

PERSONAL DETAILS:

SURNAME: _____

FULL NAMES: _____

ID NUMBER: _____

GENDER: MALE FEMALE OCCUPATION: _____

POSTAL ADDRESS: _____

CODE: _____

PHYSICAL ADDRESS: _____

CODE: _____

TEL (H): _____ TEL (W): _____ CEL: _____

FAX: _____ E-MAIL ADDRESS: _____

DATE OF JOINING SOLIDARITY: _____ MEMBER NO.: _____

ALTERNATIVE CONTACT DETAILS OF NEXT OF KIN/FRIEND:

SURNAME: _____ NAME: _____

TEL: _____ CELL: _____

DETAILS OF EMPLOYER WITH WHOM YOU ARE IN DISPUTE:

NAME OF EMPLOYER: _____

WHAT IS THE EMPLOYER'S LEGAL PERSONALITY? Sole owner Company Trust

Close corporation Registration number: _____

POSTAL ADDRESS: _____

CODE: _____

PHYSICAL ADDRESS: _____

CODE: _____

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TEL: _____ CELL: _____

FAX: _____ E-MAIL ADDRESS: _____

CONTACT PERSON: _____

NATURE OF DISPUTE : (Tick appropriate box.)

- Unfair dismissal Salary/overtime/remuneration Amendment of conditions of service
- Disciplinary action Refusal of leave Severance payment
- Retrenchment Unfair labour practice Unemployment insurance
- Other (specify) _____

Please complete the OHS/IOD form for any dispute related to occupational injury, occupational safety or occupational decease.

EXPOSITION OF THE PROBLEM: (Attach comprehensive report, if necessary.)

How did you address the problem? _____

JOB PARTICULARS:

Date of employment: _____ Gross salary: _____

Date on which problem originated: _____

Date of disciplinary hearing: _____ Date of appeal: _____

Date of dismissal: _____

City/town where problem originated: _____ Province: _____

Sector in which you work:

- Mining Construction Security Metal/engineering
- Food Motor industry Agriculture Public service
- Municipal service Road Freight Other (specify) _____

LEGAL SERVICES MANDATE

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APPENDIX A

I, _____,
(Full names and surname)

with ID number _____ hereby authorise Solidarity to handle on my behalf any and all disputes and problems that I may encounter in terms of labour legislation and to act on my behalf in all relevant forums/courts.

- I authorise Solidarity to negotiate any settlements on my behalf in any manner and for any amount that Solidarity may deem just and fair in the circumstances.
- I authorise Solidarity to sign any referral documents or settlement documents on my behalf and I hereby exempt Solidarity's representatives of the necessity to obtain further authorisation or permission from me in order to sign such documents or enter into such settlements on my behalf.
- I authorise Solidarity to call for and obtain, as if I had done so myself, any personal documents that are relevant to my problem at the discretion of the Solidarity representative dealing with the matter.
- I note and acknowledge the fact that unless I am a fully paid-up Solidarity member and had been one for a period of three (3) months prior to the beginning of my labour dispute and at the time of the dispute's being heard, I shall not be eligible for any assistance of any nature whatsoever from Solidarity, except if I had been transferred from another trade union and Solidarity is recognised by the employer as a bargaining agent.
- I note and acknowledge that the onus rests with me to approach Solidarity for assistance as soon as possible following the beginning of my problem and, in the case of an alleged unfair dismissal, not more than twenty (20) days. Should I approach Solidarity after this period, I realise that referral of my problem to the relevant forums/courts may be too late for acceptance by these forums.
- I note and acknowledge that, should it be found at any time that I had uttered any untruths relating to my case, whether to my representative or while giving testimony in the matter, and which untruths may have had a deleterious effect on the outcome of the matter or may have placed Solidarity or its representative in a poor light, that I will repay on demand all money that Solidarity had spent in pursuing the case on my behalf. In such an instance Solidarity will be entitled to withdraw from the matter forthwith and will not be obliged to provide me with any further assistance.
- I hereby exempt Solidarity and/or any of its employees and/or representatives from any negligence in the conduct of any matter on my behalf and undertake to bring no claims of any nature whatsoever against Solidarity or its representatives for any matter that may arise from the handling of any matter on my behalf.
- I acknowledge that the resolution of issues with regard to labour law may take long to resolve and that, should it be found that I had placed unfair pressure on or had exhibited untoward behaviour towards any Solidarity employee, Solidarity may decide to withdraw from my case forthwith and that I would henceforth have to conduct it myself.
- I undertake to make good any cost orders that may be made in favour of the employer at the conclusion of my case and to pay such orders on demand, should it be found that such cost order had been issued on the grounds of my conduct and/or pressure from my side.
- I abide by the decisions and advice of Solidarity and its representatives whether or not it would be advisable to take action in the prevailing circumstances, to withdraw action or not to bring action at all.
- By signing this document I irrevocably declare that I have read and understood the contents of this mandate form and Appendix B and that I accept the contents as binding and imperative.

Signed at _____ on this _____ day of _____ 20_____.

SIGNATURE

LEGAL SERVICES INFORMATION SHEET

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APPENDIX B

IMPORTANT MEMBER INFORMATION:

- You must have been a Solidarity member for three (3) months or longer prior to the onset of a problem in order to be eligible for free assistance with labour law issues.
- Your membership dues must have been fully paid up at the time of the onset of the problem and during the hearing of the dispute in the relevant forum, and the onus rests with you to check your bank statements/salary advices every month to ensure that the membership fees are in fact being paid.
- You may be granted representation in a disciplinary hearing if you submit written authorisation from your employer that a Solidarity official is allowed. Such written authorisation must accompany your complaint form. Representation will depend on the availability of a legal official.
- If you wish to lay claim to legal assistance, you must lodge the complaint with Solidarity no more than twenty (20) days after dismissal, in order to allow for the necessary administrative processes and merit determination.
- If your complaint is lodged after the period of twenty (20) days, no guarantee can be given that your case will be accepted by the relevant forum, since a case of unfair dismissal has to be referred to the relevant forum within thirty (30) days. If the complaint is lodged with Solidarity after a period of thirty (30) days without a valid reason, Solidarity will be under no obligation to render further assistance in the matter.
- In the case of complaints relating to promotion, demotion, the withdrawal or refusal of benefits and fringe benefits and unfair suspensions the internal grievance procedures must be exhausted before Solidarity can take the matter further. A copy of your grievance, the outcome thereof and all relevant documentation must accompany the complaint form. Such matters must be referred to the relevant forums within ninety (90) days [thirty (30) days for public servants] after conclusion of the matter.
- Complaints relating to overtime, leave, mealtimes, allowances, salaries and similar matters are handled by the Department of Labour and complaints must be referred directly to the Department in order to avoid delays. A labour inspector will be assigned to you by the Department of Labour to visit the workplace and investigate the complaint. Should it be found that the employer had acted incorrectly; a compliance order will be served on the employer to compel him to rectify the matter. Solidarity does not have the legal powers enjoyed by labour inspectors and it can therefore not act on your behalf in matters of this nature.
- After referral of a case of unfair dismissal, a conciliation process must be followed in an attempt to settle the matter between the parties.
- If no settlement is reached after completion of the conciliation process, the Commissioner will issue a certificate to refer the matter for arbitration.
- All these referral documents will be completed by the Solidarity representatives and if referrals are done directly by members, Solidarity will be under no obligation to pursue the matter any further.
- The average period for the conclusion of arbitrations by the CCMA and other bargaining councils is generally at least six (6) months. Labour Court matters take at least two (2) years.
- Dates for the disposal of cases are assigned by the relevant forums and Solidarity has no say in the assigning of dates. Delays in certain matters are therefore unavoidable and beyond the control of Solidarity.
- We request you not to visit our Legal Department without an appointment, as our legal officials may not be available due to other scheduled appointments.
- You can visit www.solidaritylegalservices.co.za to view the flowcharts indicating the flow of processes within the General Litigation Department and Labour Court Department.

(Please keep a copy of this appendix.)

RECRUITMENT FORM

TEL: 012 644 4300
FAX: 012 664 1228 / 011 388 7927
E-MAIL: legalservices@solidarity.co.za

Dear Member

We request that you provide us with contact details of your colleagues and friends who are interested in membership so that we can provide even better service and so that our work may be sustained. It is essential that Solidarity should grow – that is why we ask you to assist us today. We shall contact these people and ask them to become members of Solidarity, just like you. One of our agents will contact them with more information. Please return this form with your completed complaint form.

Your Information	
Name and Surname	
Telephone number	
Membership number	

	Name and Surname	Telephone number	Email address
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

SOLIDARITY OFFICES

TEL: 012 644 4300
FAKS: 012 664 1228 / 011 388 7927
E-MAIL: legalservices@solidarity.co.za

HEADOFFICE

Street address: Cnr DF Malan Drive and Eendracht Street
Kloofsig, Centurion
Tel: 012 644 4300
Fax: 012 664 1228

BLOEMFONTEIN

Street address: 58C Kellner Street
Westdene, Bloemfontein
Tel: 051 430 6152/3
Fax: 051 430 6163

CARLETONVILLE

Street address: 74 Van Zyl Smit Street
Oberholzer, Carletonville
Tel: 018 788 4861/018 786 2785
Fax: 011 788 5102/011 388 9854

KLERKSDORP

Street address: 48 Buffeldoorn Avenue
Buffelpark Centre, Klerksdorp
Tel: 018 468 8533
Fax: 018 468 8563

LYDENBURG

Street address: Cnr Viljoen and Maasdorp Streets
Versekeringsforum Building, Lydenburg
013 235 3698/013 235 4985
Tel: 013 235 1814
Fax: 013 235 1814

PIETERSBURG / POLOKWANE

Street address: 79 (3A) Biccard Street
Pietersburg
Tel: 015 297 0287
Fax: 015 297 1589

CENTURION

Street address: C/O DF Malan & Eendracht Streets
Kloofsig
Tel: 012 644 4442/8
Fax: 012 349 8880

RUSTENBURG

Street address: Cnr Heystek and Thabo Mbeki Streets
Total Garage, Rustenburg
Tel: 014 592 4336
Fax: 014 592 4371

VAALDRIEHOEK

Street address: 130 Rossini Boulevard
Vanderbijl Park
Tel: 016 931 3160/2/4
Fax: 016 931 3171

WITBANK

Street address: 2B Bureau de Paul, Corridor Crescent
Route N4 Business Park, Ben Fleur x11
Tel: 013 656 3871
Fax: 013 656 6846

BELLVILLE

Street address: 18 Du Toit Street
Bellville
Tel: 021 946 4440/4418
Fax: 021 949 4259

BOKSBURG

Street address: 232 Rondebult Road,
Libradene, Boksburg
Tel: 011 913 0783/1101
Fax: 011 913 3850

ELLISRAS

Street address: Shop 4, Marula Mile Centre
35 Louis Botha rd. Ellisras
Tel: 014 763 1174
Fax: 014 763 1264

KATHU

Street address: Rietbok Street
7 Theque Building, Kathu
Tel: 053 723 1604
Fax: 053 723 1407

NEWCASTLE

Street address: 79 Harding Street
Sanlam Park B, Newcastle
Tel: 034 312 9711 / 9917
Fax: 034 312 5170

PORT ELIZABETH

Street address: 52, 6th Avenue
Newton Park
Tel: 041 364 3219
Fax: 041 364 2927

RICHARDSBAY

Street address: 12 Anglers Rod Street
Meerensee, Richards Bay
Tel: 035 753 1935/1936
Fax: 035 753 1937

SECUNDA

Street address: Cnr Joe Slovo and Moore Streets
Secunda
Tel: 017 634 5296
Fax: 017 634 5297

WELKOM

Street address: Shop 5, The Strip, Metro Village
312 Stateway, Welkom
Tel: 057 352 6839
Fax: 057 357 2072

Commented [k1]: Insurance Forum Building



Solidariteit
Beweging

☎: 012 644 4300 • 📠: 012 664 6493 • ✉: Posbus / PO Box 11760, Centurion, 0046

🏠: H.v. D.F. Malanrylaan en Eendrachtstraat, Kloofsig, Centurion
Cnr DF Malan Dr. and Eendracht str., Kloofsig, Centurion

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