

**CODE OF GOOD PRACTICE ISSUED IN TERMS OF SECTION 203
OF THE LABOUR RELATIONS ACT, 66 of 1995:**

**CONSIDERATION OF NOTICES OF POSSIBLE PROTEST ACTION IN TERMS
OF SECTION 77 OF THE LABOUR RELATIONS ACT, 66 of 1995**

1. NEDLAC has issued this code of good practice in terms of section 203 of the Labour Relations Act, 66 of 1995 (“LRA”).
2. Any person who is required to interpret or apply the Act in order to determine whether a notice served on NEDLAC in terms of section 77(1)(b) of the LRA has been considered by NEDLAC in terms of section 77(1)(c) must take into account this code of good practice and the Procedure attached hereto that forms part of this code of good practice, marked Annexure A.

Circumstances in which the notice must be regarded as having been considered in compliance with section 77(1) (c)

3. A notice submitted in terms of the Act has been considered by Nedlac in compliance with section 77(1) (c) if the Procedure has been followed and
 - 3.1 The matter has been resolved and this is recorded in writing by the Nedlac secretariat and confirmed by the parties; or
 - 3.2 The referring party and the responding party concur that the matter has been considered; or

- 3.3 The majority of the Committee concurs that the matter has been considered by an appropriate structure other than Nedlac; or
- 3.4 At any time during or after the first meeting of the Committee to consider the section 77(1)(b) notice, the majority of the Committee agrees that the issues giving rise to the notice are not resolveable and agrees that the matter has been considered; or
- 3.5 One of the parties is no longer committed to resolving the issue giving rise to the dispute or the majority of the Committee resolves, in the light of the surrounding circumstances, that a party is no longer committed to resolving the matter in dispute; or
- 3.6 Where a panelist has not been appointed and a period of 45 (forty five) days (or such longer period as the parties may have agreed to) has elapsed since the notice was submitted to Nedlac and a Report has been produced in terms of clause 3.7 or clause 5 of the Procedure; or
- 3.7 Where a panelist has been appointed and a period of 45 (forty five) days as provided in clause 4.5.3 of the Procedure (or the period as provided for in clause 4.5.4 of the Procedure) has elapsed since the notice was submitted to Nedlac and the Committee has received a Report in terms of clause 4.7. or clause 5 of the Procedure.

Circumstances in which the notice shall not be regarded as having been considered in compliance with section 77(1) (c)

4. A notice submitted in terms of the Act shall not have been considered by Nedlac in compliance with section 77(1) (c) if:

- 4.1. the referring party has failed to attend meetings convened in terms of section 77 of the Act and the Procedure;
 - 4.2. the responding party has made written representations within 20 (twenty) calendar days of receipt of the notice by Nedlac, and the referring party has not responded to such written representations.
-