



employment & labour

Department:
Employment and Labour
REPUBLIC OF SOUTH AFRICA



Unemployment Insurance Fund

Dispute Resolution Guideline

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1. Introduction

On 15 March 2020, the President declared the Covid – 19 pandemic a National Disaster and announced several extraordinary measures to combat this grave public health emergency. The National Disaster has been declared in terms of the National Disaster Act, 2002 (Act No.57 of 2002). As a result of this declaration, the Minister of Cooperative Governance and Traditional Affairs (COGTA) has made regulations in terms of section 27(2) of the National Disaster Act, 2002 (Act). In terms of regulation 10(8), the Minister empowers various Ministers to issue Directives with regards to the national disaster in respect of matters falling within their respective mandates.

On 23 March 2020, the President announced the National lockdown in order to curb the spread of Covid–19.

In view of the declaration of the National Disaster and in terms of regulations 10(8), the Minister of Employment and Labour (Minister) issued a Direction making provision for the Covid–19 Temporary Employer/Employee Relief Scheme. A number of amendments were made to the Direction since March 2020.

The Covid-19 Temporary Employer /Employee Relief Scheme makes provision for the payment of the Covid-19 Temporary Relief Benefit (TERS Benefit) to workers subject to certain requirements.

2. Purpose

The purpose of this document is to set out the process that should be followed for the resolution of operational disputes.

Provision is made for a tiered approach by the Unemployment Insurance Fund (UIF), which can be summarised as follows:

Level 1:

The first level for the resolution of disputes is to have regard to the self help tools, namely:

- Frequently Asked Questions (FAQ) document.

- Social Media Campaign focused on common FAQ.

- Error Description Guide.
- “How to” Videos.
- The call center, which may bridge the gaps between the self help tools and the Employer/ Bargaining Council guides and videos. The number is **08000 30007**. Should the Employer/ Bargaining Council 's query not be satisfactorily addressed, the Employer/ Bargaining Council should proceed to Level 2.

All the above can be accessed through the following link:

<http://www.labour.gov.za/easy-guide-for-employers-on-covid19> .

Level 2:

The second level for the resolution of queries/disputes requires the Employer/ Bargaining Council to log an online inquiry.

- The enquiries will be routed to the appropriate UI official for review and resolution of enquiries.
- This process will be tracked by a case management system and reviewed for correctness and accuracy.
- The Employer/ Bargaining Council shall receive a response within [address to be provided] days indicating the outcome of the enquiry.

Should the Employer/ Bargaining Council 's query not be satisfactorily addressed, the Employer/ Bargaining Council should proceed to Level 3.

Level 3:

Matters that cannot be resolved at Level 2 will be routed to the UIF Senior Representatives for resolution . The Employer/ Bargaining Council shall receive confirmation that the matter has been received by the UIF Senior Representatives.

A meeting will be arranged between the Employer/ Bargaining Council and UIF Senior Representatives to address the matter.

The duties and responsibilities of the UIF's Senior Representatives and Employer/ Bargaining Council are -

- to consider the disputes of aggrieved Employer/ Bargaining Council against the Fund's prior decision / action in relation to the MOA and relating to the payment or non-payment of Covid - 19 TERS Benefits; and
- to keep minutes of meeting.

5. Glossary of Terms

GLOSSARY

INTERPRETATION

COMMISSIONER

Means the Unemployment Insurance Commissioner designated as such under section 43.

COVID-19 TERS BENEFITS

Means Covid-19 TERS benefits contemplated in the Direction of 25 March 2020, as amended.

UIF

Means the Unemployment Insurance Fund, a juristic person established by section 4(1) of the Unemployment Insurance Act, 2001 (Act. No. 63 of 2001).

MINISTER

Means the Minister of Employment and Labour.

DIRECTIONS

Means the Directives/Directions issued in terms of the National Disaster Act, 2002 (Act No.57 of 2002)