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MANUALS

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Closing times for **ORDINARY BI-WEEKLY** *MANUALS GAZETTE* 2025

*The closing time is **15:00** sharp on the following days:*

- **02 January,** Thursday for the issue of Thursday **09 January 2025**
- **23 January,** Thursday for the issue of Thursday **30 January 2025**
- **06 February,** Thursday for the issue of Thursday **13 February 2025**
- **20 February,** Thursday for the issue of Thursday **27 February 2025**
- **06 March,** Thursday for the issue of Thursday **13 March 2025**
- **19 March,** Wednesday for the issue of Thursday **27 March 2025**
- **03 April,** Thursday for the issue of Thursday **10 April 2025**
- **15 April,** Tuesday for the issue of Thursday **24 April 2025**
- **30 April,** Wednesday for the issue of Thursday **08 May 2025**
- **22 May,** Thursday for the issue of Thursday **29 May 2025**
- **05 June,** Thursday for the issue of Thursday **12 June 2025**
- **19 June,** Thursday for the issue of Thursday **26 June 2025**
- **03 July,** Thursday for the issue of Thursday **10 July 2025**
- **24 July,** Thursday for the issue of Thursday **31 July 2025**
- **07 August,** Thursday for the issue of Thursday **14 August 2025**
- **21 August,** Thursday for the issue of Thursday **28 August 2025**
- **04 September,** Thursday for the issue of Thursday **11 September 2025**
- **17 September,** Wednesday for the issue of Thursday **25 September 2025**
- **02 October,** Thursday for the issue of Thursday **09 October 2025**
- **23 October,** Thursday for the issue of Thursday **30 October 2025**
- **06 November,** Thursday for the issue of Thursday **13 November 2025**
- **20 November,** Thursday for the issue of Thursday **27 November 2025**
- **04 December,** Thursday for the issue of Thursday **11 December 2025**
- **17 December,** Wednesday for the issue of Wednesday **24 December 2025**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	**Page Space**	**New Price (R)**
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at R**3026.32** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works** (**GPW**) has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe* Forms. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

Closing Times for Acceptance of Notices

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

   All re-submissions will be subject to the standard cut-off times.
   All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
Extraordinary Gazettes	As required	Any day of the week	*Before 10h00 on publication date*	*Before 10h00 on publication date*
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days **after** submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days **after** submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.

5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat* / *Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.

6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.

7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.

8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.

   8.1. Each of the following documents must be attached to the email as a separate attachment:

      8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.

         8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form

         8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.

      8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. *(Please see Quotation section below for further details)*

      8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order**. Non-Government Printing Works** account customer needs to submit the proof of payment for the notice

      8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. *(Please see the Copy Section below, for the specifications)*.

      8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.

10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE.**

11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.

12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.

    13.1. ***Take note:*** **GPW**'s annual tariff increase takes place on ***1 April*** therefore any quotations issued, accepted and submitted for publication up to ***31 March*** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.

14. Each quotation has a unique number.

15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.

    15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.

    15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.

16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS**:

    16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.

    16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.

        16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).

17. **APPLICABLE ONLY TO CASH CUSTOMERS:**

    17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.

18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).

19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.

    19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES

COPY (SEPARATE NOTICE CONTENT DOCUMENT)

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm; Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Approval of notices

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

Government Printer Indemnified Against Liability

27. The Government Printer will assume no liability in respect of—

27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;

27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

Liability of advertiser

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

Customer inquiries

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.
GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.
Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre ONLY.

30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Payment of cost

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.

32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.

33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.

34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.

35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.

36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.

37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

Proof of publication

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.

39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:	**Postal Address:**	**GPW Banking Details:**
Government Printing Works	Private Bag X85	**Bank:** ABSA Bosman Street
149 Bosman Street	Pretoria	**Account No.:** 405 7114 016
Pretoria	0001	**Branch Code:** 632-005

For Gazette and Notice submissions: Gazette Submissions:	**E-mail:** submit.egazette@gpw.gov.za
For queries and quotations, contact: Gazette Contact Centre:	**E-mail:** info.egazette@gpw.gov.za
	Tel: 012-748 6200
Contact person for subscribers: Mrs M. Toka:	**E-mail:** subscriptions@gpw.gov.za
	Tel: 012-748-6066 / 6060 / 6058
	Fax: 012-323-9574

DEPARTMENT OF WOMEN, CHILDREN AND PEOPLE WITH DISABILITIES

MANUAL

IN ACCORDANCE WITH

COMMISSION FOR GENDER EQUALITY ACT (39/1996)

COMMISSION FOR GENDER EQUALITY COMPLAINTS HANDLING MANUAL 2025

COMPLAINTS HANDLING MANUAL 2025

LEGAL DEPARTMENT



Commission for Gender Equality

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CHAPTER 1: DEFINITIONS

In this complaints-handling manual (manual), any word or expression to which a meaning has been assigned in the Commission for Gender Equality Act 39 of 1996 (CGE Act), bears the meaning so assigned and, unless the context otherwise indicates:

"**Appellant**" means a person who lodges an appeal against a determination, decision, or finding made by the Commission for Gender Equality in terms of this manual.

"**Assessment**" means the process of screening a complaint by the Legal Officer to confirm jurisdiction and determine its further handling.

"**Association**" means a group of persons organized for a joint purpose.

"**CEO**" means the Chief Executive Officer of the Commission for Gender Equality.

"**Chairperson**" means the Chairperson of the Commission for Gender Equality.

"**CGE Act**" means Commission for Gender Equality Act, 39 of 1996.

"**Commission**" means the Commission for Gender Equality established in terms of the CGE Act.

"**Commissioner**"' refers to the Commissioner of the Commission for Gender Equality appointed in terms of section 3(2) of the CGE Act.

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"**Complainant**" means any natural person, juristic person, group, or class of persons, association, organization or organ of state who lodges a complaint with the Commission for Gender Equality.

"**Complaint**" means an allegation of gender discrimination relating to the restriction, exclusion, and discrimination on the grounds of gender, sex, sexual orientation, or pregnancy or any matter that is gender-related, reported to the Commission for Gender Equality or where the Commission for Gender Equality initiates investigation of its own accord.

"**Conciliation**" means the process of dispute resolution wherein an impartial third party assists in the settlement of a dispute between the parties.

"**Constitution**" means the Constitution of the Republic of South Africa, 1996.

"COO" means the Chief Operations Officer of the Commission for Gender Equality.

"**Day**" means business day and excludes Saturdays, Sundays, and public holidays.

"**Discrimination**" means any act or omission including policy, law, rule, practice, condition or situation as defined in terms of section 1 of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 which directly and indirectly imposes burdens, obligations, disadvantages, on or withholds benefits, opportunities, or advantages from any person on one or more of the prohibited grounds. It further means any act of distinction, exclusion, or restriction as defined in terms of Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which has the intent /purpose or effect of nullifying, impairing, or denying the enjoyment of rights even where discrimination was not intended.

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"Enquiry" means any request for information made orally, telephonically, or in writing by a person seeking advice on whether a particular complaint is within or outside the mandate of the Commission for Gender Equality.

"**Finding**" means a determination or conclusion stemming from an investigation or hearings conducted by the Commission for Gender Equality.

"**Gender**" means social attributes or an individual's actual or perceived sex, gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned at birth.

"**Hearing**" means a formal investigation conducted in terms of Chapter 6 of this manual.

"**HOD**" means the Head of the Legal Department of the Commission for Gender Equality.

"Legal Research Specialist" means the Legal Researcher of the Legal Department of the Commission for Gender Equality.

"**Investigation**" means an investigation as contemplated by Section 11(1)(e) read with Section 12(4)(a) & (b) of the CGE Act.

"**Investigative Report**" means a written account given formally after finalization of an investigation of a complaint which contains the findings and recommendations of the Commission for Gender Equality.

"**Jurisdiction**" means the geographical area where the cause of action arose and /or where the complainant or respondent is ordinarily domiciled. In these instances,

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the HOD will have the discretion to determine which Provincial Office will attend to a complaint where jurisdiction is in dispute.

"**Legal Committee**" means the oversight structure of the Commission's plenary formed in terms of section 6 of the CGE Act to oversee operations of the Commissions' Legal Department comprising of, Head of the Legal Department, Legal Research Specialist and/or other staff duly authorized/delegated by the Commission's CEO/Chairperson.

"**Legal Officer**" means a legal practitioner who is admitted and enrolled as such and is employed by the Commission for Gender Equality to provide dedicated legal services.

"Mediation" means a process by which a mediator assists the parties in a legal dispute by facilitating discussions between the parties, assisting them in identifying issues, exploring areas of compromise, and generating options in an attempt to resolve the dispute.

"**Negotiation**" means the process of discussion with the parties in an attempt to reach an agreement.

"**Organ of State**" means an organ of state as defined in Section 239 of the Constitution.

"Panel" means a delegation comprising of the Commissioners and Staff of the Commission assigned to conduct a formal investigation in terms of Chapter 6 of this manual.

"**PEPUDA**" means the Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000.

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"**Provincial Office**" means the office of the Commission for Gender Equality as contemplated in terms of Section 187 of the Constitution, in each of the nine Provinces.

"**Respondent**" means any person, group or class of persons, association, organization or organ of state against whom a complaint as defined in this manual is lodged.

"**Sex**" means the biological or physiological reality of being male, female, or intersex. A person's sex may not be aligned with their gender identity.

"**Sheriff**" means a person appointed in terms of Section 2 of the Sheriff's Act 90 of 1986 or appointed in terms of Section 5 and Section 6 as an acting sheriff and deputy sheriff, respectively.

"**Urgent Complaint**" means a complaint in which there is a threat of imminent harm or prejudice thereby requiring immediate intervention by the Commission with due regard to the circumstances of each case and which may justify deviation from the process of handling a complaint or timeframes stipulated in Chapter 3 of this manual.

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CHAPTER 2: PREAMBLE, PURPOSE OF PROCEDURES AND INTERPRETATION

2.1 INTRODUCTION

The Constitution of the Republic of South Africa, 1996 established the Commission for Gender Equality and entrusted it with the powers to promote gender equality as its main function. Given the historical context in which the Constitution was adopted, and the extent of the violation of fundamental rights that had preceded it, the effectiveness of the Commission in the performance of its responsibilities is of critical importance.

In terms of its constitutional mandate and as amplified in the Commission for Gender Equality Act 39 of 1996, the investigation of complaints is one of the principal ways by which the Commission discharges its functions. In addition, the Commission is mandated to conduct research, disseminate information, and develop educational programmes to foster the understanding of matters pertaining to the promotion of gender equality.

2.2 PURPOSE OF THE MANUAL

The purpose of this complaints handling manual is to determine the reviewed procedure for the investigation of complaints as prescribed in sections 11(e) and 12 (1) of the CGE Act.

Section 12(1) of the CGE Act states that the procedure to be followed in conducting an investigation referred to shall be determined by the Commission with due regard to the circumstances of each case.

In accordance with section 12(2) of the CGE Act, the manual which will make known the particulars of the procedure which the Commission has determined for

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investigation of complaints shall come into operation after a notice has been issued in the *Government Gazette*.

As such, this manual will outline the following:

a) The procedure to be followed for lodging complaints with the Commission.
b) The procedure to be followed for processing and screening complaints.
c) The procedure to be followed for rejecting, referring, or accepting complaints.
d) The procedure to be followed for investigating complaints.
e) The procedure to be followed for the resolution of complaints.
f) The procedure to be followed for conducting hearings.
g) The procedure to be followed regarding appeals.
h) The procedure to be followed regarding the conclusion of complaints.
i) Timeframes regarding the handling of complaints.
j) The procedure to be followed regarding the institution of legal proceedings.
k) The procedure to be followed in sourcing complaints.
l) The procedure to be followed when conducting searches and seizures.
m) The procedure to be followed when entering and searching premises.
n) The attachment and removal of articles that would assist in the resolution or finalization of complaints and/or investigations.

The Commission is committed to the *Batho Pele* Principles and the provision of quality services in dealing with complaints and ensuring that as far as possible, its processes are accessible, simple, and are provided on time. In addition, the development of this manual reflects the Commission's commitment to procedural fairness and a transparent complaint handling process.

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This manual must be interpreted in a manner that gives effect to section 187 of the Constitution and the CGE Act and must take into account the context of the complaint.

This manual describes the administrative procedures for dealing with the complaints that are lodged with the Commission. These procedures must be measured against the Constitution as a backdrop and the CGE Act as empowering legislation. In the event that this manual is silent on a procedure, interpretation should be applied to give effect to the purpose of the CGE Act.

2.3 LEGAL FRAMEWORK

2.3.1 The Constitution

(i) The Commission is established in terms of Chapter 9 of the Constitution as one of the institutions supporting constitutional democracy. Section 181 of the Constitution provides that these institutions are independent and subject only to the Constitution. They must be impartial and exercise their powers, and perform their functions, without fear, favour, or prejudice. It further provides that other organs of state, through legislative and other measures, must assist and protect these institutions to ensure their independence, impartiality, objectivity, dignity, and effectiveness. It further states that no person or organ of state may interfere with the functioning of these institutions. The powers of the Commission include the power to investigate and to report on the observance of gender equality.

(ii) Chapter 2 of the Constitution, as the Bill of Rights, sets out in sections 9 to 35 each of the rights that are constitutionally protected, subject only to the limitations contained in section 36.

2.3.2 The Commission for Gender Equality Act 39 of 1996

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(i) The CGE Act states that the Commission shall perform its functions impartially and independently. In addition to the powers, duties, and functions set out in Section 187 of the Constitution, the CGE Act provides that the Commission shall maintain close liaison with constitutional bodies or authorities similar to the Commission in order to foster common policies and practices and to provide for co-operation in relation to the handling of complaints in cases of overlapping jurisdiction.

(ii) Further to the powers of investigation, the Commission has the power to enter and search premises, attach and remove articles as well as powers to subpoena persons to either provide information to the Commission or submit documents or articles relevant to the investigation.

(iii) Section 12(1) of the CGE Act provides that the procedure to be followed in conducting an investigation referred to in section 11(1)(e) shall be determined by the Commission with due regard to the circumstances of each case. Furthermore, section 12 (2) provides that the Commission shall from time to time by notice in the *Government Gazette* make known the particulars of the procedure which it has determined in terms of section (1).

2.3.3 The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000

Section 20(1)(f) of the Promotion of Equality and the Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA) empowers the Commission to institute the proceedings in terms of or under PEPUDA at the Equality Court.

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Section 25(2) of PEPUDA provides that the relevant constitutional institutions may, in addition to any other obligations, in terms of the Constitution or any law, request any other component falling within the definition of 'the State' or any person to supply information on any measures relating to the achievement of gender equality including where appropriate, on legislative and executive action and compliance with legislation, codes of practice and programmes.

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CHAPTER 3: NATURE AND HANDLING OF COMPLAINTS

3.1. COMPLAINTS THAT MAY BE LODGED WITH THE COMMISSION

3.1.1. A complaint may be submitted to the Commission by the complainant or initiated by the Commission on its own accord, alleging systemic failures under the following categories:

CATEGORY	DETAIL
Gender Discrimination	Any practice or conduct relating to the restriction, exclusion, and discrimination on the grounds of gender, sex, sexual orientation or pregnancy. It is inclusive of sexual, domestic, physical, verbal, psychological, and socio-economic violence.
Maintenance	Any failure by the State, an organ of the state, or its officials to perform functions in respect of maintenance matters.
Education	Exclusion from any educational institution or area of study based on gender, sex, sexual orientation, or pregnancy.
Health Care	Any disparate benefit or exclusion of a benefit based on gender, sex, sexual orientation, or pregnancy by any medical aid scheme, health care provider, insurance company, financial service provider or health care supplier inclusive of State hospitals and clinics.
Labour	Labour matters include the following subcategories:

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	• *Harassment;* as defined by the Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace 2022. • *Sexual Harassment* • *Hostile working environment* • *Ground of Pregnancy*; non-compliance with the Code of Good Practice on Pregnancy and After-Birth, 1998. In accordance with its mandate, the Commission's role in handling the aforementioned matters is confined to investigating the employers' failure to create an enabling work environment. Claims seeking monetary compensation, reinstatement, appointment, any form of rewards or benefits must be referred to the appropriate forum. The Commission may in terms of section 11(e) of the CGE Act at any stage refer a complaint to any other authority appropriate to handle the matter.
Emerging issues	Any emerging issues that may not be included in the above categories that amount to a violation of gender equality and gender rights.

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3.2. COMPLAINTS THAT MAY NOT BE INVESTIGATED BY THE COMMISSION

3.2.1. The Commission will not investigate any complaint that:

(a) Occurred before 27 April 1994.

(b) Occurred more than three years after the act or omission that is the cause of the complaint; or in the case of a continuing practice, the date that the conduct or practice ceased. Such delayed reporting of complaints impact the ability of the Commission to investigate or otherwise effectively deal with the matter and may cause prejudice to the respondent.

(c) is not gender related.

(d) involves the pursuit of redress that constitutes:

i) seeking an award of damages of a civil nature;

ii) initiating or defending civil proceedings;

iii) defending criminal proceedings;

iv) seeking a remedy, or requiring the exercise of powers, falling within the exclusive jurisdiction of another competent authority;

v) is subject to:

i. any court proceeding;
ii. any internal remedies or processes of a relevant party or body at the time the complaint is made, except where the context of the complaint necessitates systemic investigation by the Commission; or

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vi) is couched in offensive language.

3.2.2. A complaint contemplated in paragraph 3.2.1 (vi) above that appears to involve the significant violation of gender rights may be resubmitted for assessment with the offensive language omitted.

3.2.3. A complaint that is based on hearsay, rumors, or media reports, may be investigated by the Commission on its own accord. The Commission may close or refer such a complaint at any stage when the investigation reveals that the complaint is not gender related.

3.3. LODGING OF COMPLAINTS

3.3.1. A complaint must be lodged with the Commission in a prescribed complaint form and must be registered in the Complaints Register.

3.3.2. A complaint that is received online, orally, in writing, telephonically, or by email that is not in a prescribed complaint form must be registered in the Enquiries Register. The complainant must be requested to complete the prescribed complaint form, and the complaint can only be registered in the Complaints Register upon the completion of the prescribed complaint form.

3.3.3. If a complainant is unable to complete the complaint form for whatever reason, the complainant may be assisted by another person or the Commission.

3.3.4. Where the complainant is not a natural person, the prescribed complaint form must be completed by a duly authorized person or a delegated representative.

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3.3.5. A complainant must set out the nature of the complaint in detail, including:

(a) what occurred;
(b) when it occurred;
(c) who the complaint is against;
(d) the details regarding the alleged unfair treatment; and
(e) the details of any possible witnesses to the complaint.

3.3.6. By completing and submitting the prescribed complaint form, the complainant undertakes and gives consent for the Commission to use the information provided for the intended purposes and for those purposes only. The complainant has the right to withdraw the complaint at any time and has the right to contact the designated Information Officer of the Commission in terms of the Protection of Personal Information Act 4 of 2013, should they require any further information.

3.4. CONFIDENTIALITY

3.4.1. The issue of confidentiality is left to the discretion of the Commission subject to section 12(3) of the CGE Act which states as follows:

'(a) If it is in the interests of justice or to any person who might otherwise ensue, the Commission or a member thereof may direct that any person or category of persons shall not be present at the proceedings during the investigation or any party thereof.

(b) No person shall disclose to any other person the contents of any document in the possession of the member or member of the staff of the Commission or the record of evidence given before the Commission during an investigation, unless the Commission determines otherwise.'

3.4.2. Having regard to the aforementioned, the following must be considered:

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- If it is in the interests of the public and in the interest of justice and if no harm comes to any person, hearings of the Commission should be open to the public.
- Whether the complaint has been referred to mediation.

3.4.3. It must be noted that privacy during the investigation process should enable such a process to proceed speedily and maximise the opportunities to ultimately resolve the matter by conciliation, negotiation, or mediation. Thus, it should build a more efficient and effective way of dealing with the complaint. Where a complaint is dealt with in this matter, the Commission may with the consent of the complainant publish the outcome if it is in the interest of promoting respect for human rights and educating the public about particular issues. Where it does so, it must ensure the continuing privacy of the parties concerned, especially if disclosure of any person's identity is not necessary for the achievement of the broader educative objective.

3.4.4. The Commission may not at any stage publicise the names and the detail of the complainant without obtaining their written consent. In cases where publicising of the complaint is in the interest of justice, false names and details shall be used.

3.4.5. If the complainant is a mental health care user or a child complainant, the personal information of the complainant must be kept confidential and may not be made public. The complainant's identity may only be disclosed, where necessary to assist the complainant to secure appropriate redress.

3.4.6. A complainant may request that their personal particulars and any documentation provided be kept confidential and not be disclosed to any person outside the Commission's offices during the investigation. This request must be supported by a written statement explaining why the information is confidential.

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3.4.7. If a complainant requests that their particulars be kept confidential and the Commission is of the view that these particulars must be disclosed in order to resolve the complaint, it must, in writing –

3.4.7.1 inform the complainant as soon as is reasonably possible after receipt of such request of its view;

3.4.7.2 explain its reasons to the complainant; and

3.4.7.3 request the complainant's written consent to disclose such particulars.

3.4.8 Should the complainant fail to provide the Commission with written consent to disclose their particulars the Commission may decline to investigate the complaint and as soon as reasonably possible, inform the complainant, in writing, of this decision, giving reasons.

3.4.9 No person may disclose to any other person the contents of any document in the possession of a Commissioner or a member of staff, or the record of evidence given before the Commission during an investigation; unless the Commission determines otherwise.

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3.5. OWN ACCORD INVESTIGATIONS

3.5.1. Where a Legal Officer is of the view that the Commission should undertake an investigation of a gender-related issue on its own accord, as contemplated in section 11(1)(e) of the CGE Act, the Legal Officer must send a memorandum to the HOD requesting permission to undertake the investigation.

3.5.2. The memorandum contemplated in 3.5.1above must set out:

(a) the nature of the matter, introduction, facts, issues, law and conclusion; and

(b) the reasons why the Commission should undertake the investigation.

3.5.3. The HOD must approve or refuse the request to investigate as contemplated in 3.5.1 and notify the Legal Officer of their decision in writing.

3.5.4. An own accord that is approved by the HOD amounts to a complaint and must be registered in the Complaints Register.

3.6. ASSESSMENT OF COMPLAINTS

3.6.1. Upon receipt of a complaint, the complaint must be assessed by a Legal Officer who must decide whether the complaint should be accepted, rejected, or referred.

3.6.2. The Legal Officer must consult the complainant when additional information is required before an assessment can be completed.

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3.6.3. Further consultations may be arranged post the assessment if necessary.

3.6.4. The handling of gender-related complaints by its nature requires the exercise of judgment and discretion throughout the process. This manual is designed to guide the decision-making and ensure that, within the available resources, complaints are dealt with as ethically, efficiently and effectively as possible.

3.6.5. When assessing a complaint in terms of paragraph 3.6.1 above, the Legal Officer must determine whether the complaint:

3.6.5.1 constitutes a form of discrimination based on gender, sex, sexual orientation, or pregnancy by way of exclusion, distinction, or restriction;

3.6.5.2 otherwise falls within the jurisdiction of the Commission in terms of section 11 of the CGE Act; or

3.6.5.3 cannot be dealt with by another appropriate body created, constituted, or established to deal with such a complaint.

3.6.6. The Legal Officer must complete an assessment form and develop an Action Plan with stipulated timeframes.

3.6.7. The Action Plan must indicate whether an accepted complaint will be investigated, mediated, conciliated, negotiated, or litigated.

3.6.8. The Action Plan may be reviewed at any stage by the HOD.

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3.6.9. When handling a complaint, the Legal Officer should exercise discretion independently and should perform their duties without fear, favour or prejudice. In particular, the Legal Officer must:

(a) conduct their duties ethically, objectively and professionally;

(b) avoid involving themselves in matters where a conflict of interest exists or might exist;

(c) be sensitive to the needs of the complainants and do justice between the complainants, the respondents, and the community, act in accordance with the law and the highest standard of the legal profession;

(d) preserve professional confidentiality; and

(e) adhere to the code of conduct as well as internal policies of the Commission.

3.7. ACCEPTANCE OF COMPLAINTS

3.7.1. If the Legal Officer assessing a complaint is of the view that the complaint falls within the mandate of the Commission, the complaint must be accepted.

3.7.2. Upon acceptance of the complaint, the Legal Officer must notify the complainant in writing that their complaint has been accepted by the Commission.

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3.7.3. The notification of the acceptance of the complaint must be done by way of a standard acceptance letter.

3.7.4. The following may be applied in providing a prima facie advice:

- Prior to registering a complaint, the Legal Officer, duly authorised by the HOD may attempt to advise the complainant on whether a *prima facie* gender-related right violation exists in the complaint.

- The Legal Officer will also inform the complainant of any alternative remedies or institutions they should consider first to address the complaint.

- If the complainant accepts the advice of the Legal Officer to use alternative remedies or institutions to address the complaint, this interaction must be recorded as an enquiry.

- However, where the complainant does not accept the advice of the Legal Officer, the Legal Officer must proceed to register the complaint in the Enquiry or Complaints Register as it deems fit and in accordance with the process of handling a complaint in paragraph 3.14 below.

- Where the Legal Officer determines, at any point during its engagements with the complainant under this section, that the complaint in question in fact falls within the jurisdiction of another Provincial Office of the Commission, the Legal Officer must immediately advise the Complainant of this and direct the Complainant to lodge the complaint with the appropriate Provincial Office.

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3.8. MEDIATION

3.8.1. The procedure for resolving a complaint through mediation as contemplated in Section 11(1)(e) of CGE Act, involves the following steps:

(a) The Legal Officer assesses the complaint and determines if mediation could be an appropriate resolution method.

(b) The Legal Officer engages the parties involved in the complaint. This involves discussing the possibility of mediating and explaining the mediation process. Both parties must agree to mediation as a voluntary process.

(c) If the parties agree to mediation, the Legal Officer must seek approval from the HOD. The Legal Officer must submit a request to the HOD to approve that the complaint be resolved through mediation.

(d) The HOD must review the request and, if deemed appropriate, approves the use of mediation to resolve the complaint.

(e) Once approved, the Legal Officer will manage the process, and another official of the Commission, who has not been involved in the assessment and handling of the matter, will facilitate the mediation as a mediator. The mediator shall not be involved in any other processes relating to the complaint, should the matter proceed to investigation, hearing, or litigation for any reason, except with the express permission of all parties. The mediator will assess presentations, facilitate discussions, and examine the parties' positions during the mediation sessions. The principles of mediation must be observed during the mediation.

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(f) In case any party decides to withdraw from or is no longer participating in the mediation, the Commission will explore alternative resolutions.

(g) If mediation leads to a resolution, the agreement must be drafted and signed by both parties. The Legal Officer must monitor compliance with the mediation agreement and ensure that the resolution is effectively implemented.

3.8.2. Should mediation fail, the Legal Officer must prepare a report on the outcome of the mediation and submit it to the HOD for consideration and direction on the further handling of the matter.

3.9. CONCILIATION AND NEGOTIATION OF COMPLAINTS

3.9.1. Where a Legal Officer is of the view that a complaint could be resolved by way of conciliation or negotiation, as contemplated in section 11(1)(e) of the CGE Act, the Legal Officer must engage the parties and request the HOD to approve that the complaint be resolved by way conciliation or negotiation.

3.9.2. The HOD must approve or refuse the Legal Officer's request.

3.9.3. The Legal Officer must direct the proceedings, develop and propose the terms of a settlement and issues being conciliated or negotiated.

3.9.4 If parties fail to reach an agreement through conciliation or negotiation, the Legal Officer must prepare a report on the reasons for failure to resolve the complaint and submit it to the HOD for consideration and direction on the further handling of the matter.

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3.10. REJECTION OF COMPLAINTS

3.10.1. If the Legal Officer assessing a complaint is of the view that the complaint does not fall within the mandate of the Commission, the complaint must be rejected.

3.10.2. A Legal Officer assessing a complaint may also reject a complaint on the basis that the complaint appears to be:

(a) frivolous;
(b) vexatious;
(c) misconceived;
(d) unwarranted; or
(e) manifestly incompatible with fundamental rights.

3.10.3 A rejection of the complaint amounts to its closure and a closure report must be submitted to the HOD to approve the closure of any complaint.

3.10.4. Upon rejection of the complaint, the Legal Officer must notify the complainant in writing:

(a) that their complaint has been rejected;
(b) the reasons for the rejection; and
(c) that they have a right to appeal the decision to reject the complaint.

3.10.5. The notification of the rejection of the complaint must be done by way of a standard rejection letter.

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3.11 REFERRAL OF COMPLAINTS

3.11.1. Upon assessment of the complaint, the Legal Officer may directly or indirectly refer it to another competent authority. A direct referral means that the Legal Officer is formally sending the complaint to another competent authority. An indirect referral means that the Legal Officer is providing the details of the competent authority to the complainant, allowing them to pursue the alternative authority themselves.

3.11.2. If the Legal Officer assessing a complaint is of the view that the complaint will best be handled by the appropriate body established to deal with the complaint, the complaint must be referred accordingly. Upon referral of the complaint, the Legal Officer must:

(a) notify the complainant in writing that their complaint has been referred by the Commission to the appropriate body.

3.11.3 The Commission may in terms of section 11(e) of the CGE Act at any stage refer any complaint to any other authority appropriate to handle the matter. This includes the complaints that have already been accepted.

3.11.4. The Legal Officer must observe trends in the complaints handling and identify systemic issues that must be addressed.

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3.12. CLOSURE OF COMPLAINTS

3.12.1. A Legal Officer must close a complaint when:

(a) the complaint has been resolved; or

(b) the complainant has failed to respond to the Legal Officer's repeated attempts to contact the complainant, and the Legal Officer is unable to contact the complainant.

3.12.2. Before closing a file, the Legal Officer must send a closure report to the HOD, requesting approval to close the file and setting out the reasons for the closure.

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3.13. APPEAL REGARDING REJECTION OR CLOSURE OF A COMPLAINT

3.13.1 A complainant may appeal a decision to reject or close the complaint where the decision:

(a) is not in line with the Constitution, the CGE Act, or any policy of the Commission;

(b) is based on an error in law or fact; or

(c) is motivated by bias or impartiality.

3.13.2. An appeal must be made to the Chairperson of the Commission in accordance with Chapter 8 of this manual, setting out the basis for the appeal.

3.13.3. The Chairperson may either uphold or overturn the decision to reject the complaint.

3.13.4 The Office of the Chairperson must advise the complainant in writing of the Chairperson's decision.

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3.14. THE PROCESS FOR HANDLING A COMPLAINT

3.14.1. Upon the receipt of the complaint the following processes must be adhered to:

i. Acknowledgement of the Complaint

a. A standard acknowledgment letter must be dispatched to the complainant within three working days of receipt by the Provincial Office indicating that the complaint is acknowledged.

b. The complaint must be printed upon receipt and date stamped. The date on the stamp will be used to determine the date of receipt by the Commission.

c. The surname of the complainant may be used in the acknowledgment letter temporarily until the file reference number has been allocated.

d. A reference number will only be confirmed upon assessment by the Legal Officer and upon determination of whether the information received amounts to a complaint or an enquiry.

ii. Assessment of the Complaint

a. The Legal Officer must assess the information received within ten working days of receipt of the complaint (as per the date stamp).

b. Register the complaint in the Complaints Register.

c. Request for consultation or further information to enable the completion of the Action Plan.

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d. Complete an Action Plan.

e. Further timelines, due dates, or file diarizing will be determined by the Legal Officer as per the Action Plan or as per the method of resolution.

iii. Where Necessary, Arrange for Consultation or Request for More Information

a. Engage the complainant to arrange for a consultation in person or telephonically where necessary.

b. Dispatch a letter arranging for, or confirming a consultation, or requesting more information due to lack of information enabling the completion of assessment where applicable.

c. Request completion of the prescribed complaint form.

iv. Obtain HOD Approval Where Applicable

a. Own Accord and Anonymous Complaints must be approved by the HOD before registration in the Complaints Register.

v. If It Amounts to a Complaint, Register in the Complaints Register

a. All registered complaints must have physical files with the completed complaint form, checklist, assessment form, letters, and supporting documents if any.

b. Use a standard reference number for a complaint e.g., GP/2526/01/01 (GP-Province, 2526- Financial year, 01-January Month, 01- file number).

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c. The file numbers must be allocated in numerical order from the first file of the financial year as number 1.

vi. Completion of the Action Plan

a. Upon assessment, the Action Plan must be completed and outlined.

b. The Legal Officer must handle the complaint in accordance with the Action Plan until its finalization.

c. The Action Plan must aim to finalize the matter as soon as reasonably possible, taking into account factors beyond the control of the Commission and Batho Pele principles.

d. The Action Plan must indicate the due date of any action required or the date to which the matter has been diarized to.

e. Accord the respondent 21 business days to investigate the complaint and submit its response/report to the Commission except for urgent complaints for which a period less than 21 business days may be determined.

f. The Action Plan may be amended at any stage when necessary, subject to the approval of the HOD or upon the HOD's instruction to amend it.

vii. Complaint File Closure

a. The Legal Officer must submit a closure report to the HOD requesting approval to close a complaint file.

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b. Close all complaints registered in the Complaints Register upon approval.

c. Approval is not required to close an enquiry because it does not amount to a complaint.

d. Dispatch closure letters to the complainant or respondents where applicable.

3.15 MONITORING OF THE COMPLAINTS HANDLING

3.15.1. The Legal Officer must record all actions and activities such as telephone calls, consultations, updates, follow-ups, and written correspondence in the file diary and keep them in the physical file.

3.15.2. Utilize a checklist that is completed and signed by the Legal Officer and the Provincial Manager for all registered complaints.

3.15.3. The Legal Officer, Specialist Legal Researcher, Provincial Manager, and HOD must regularly inspect and monitor the physical files to ensure completion of the relevant checklist and that complaints are handled in accordance with this manual.

3.15.4 The HOD must regularly monitor complaints handling and provide feedback to the Legal Officer and the Provincial Manager on a quarterly basis as a minimum.

3.15.5 The HOD must regularly submit plans to visit Provincial Offices to conduct file inspections and the reports therefore to the CEO.

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3.16. ENQUIRIES

3.16.1. An enquiry is any request for information made telephonically, in person, or in writing by a person seeking advice on how to handle a particular issue within or outside the mandate of the Commission.

If a request amounts to an Enquiry, Register in the Enquiry Register

a. Use a standard reference number for the enquiry e.g., EQ/GP/01/2526 (EQ-Enquiry-GP-Province, 01-Enquiry number- 2526 Financial year).

b. Where the prescribed complaint form is completed and submitted but the issue does not fall within the Commission's mandate, it may be registered as an enquiry in the Enquiry Register.

3.16.2 The Legal Officer exercises discretion when handling an enquiry.

3.16.3 The Legal Officer must keep a written record of each enquiry and its handling.

3.16.4. The Legal Officer must analyse and report on trends of the enquiries.

3.16.5 The Legal Officer does not need the approval of the HOD to close enquiries.

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3.17. Hotline and Website Complaints

3.17.1. Upon receipt of a complaint from the Commission hotline and website, the Legal Officer must follow the same process of handling the complaints and enquiries stipulated above.

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CHAPTER 4: INVESTIGATION OF COMPLAINTS

4.1. Unless otherwise determined by the HOD, the format of an investigation may include the following, or any combination thereof:

(a) Communication by telephone, email, or any other form of correspondence.

(b) Research, on-site inspections, fact-finding missions, surveys, or questionnaires.

(c) Meetings with affected parties or individuals reasonably believed to possess relevant information for the investigation.

(d) Arrange for a person to appear before the Legal Officer or any other authorized staff member to provide or clarify information, or to produce any articles or documents as outlined in section 12(4)(b) of the CGE Act.

4.2. During the investigation of a complaint, the HOD or any other duly authorized person may exercise the powers outlined in section 12 of the CGE Act.

4.3. The Legal Officer, in consultation with the HOD, shall issue a notice to the respondent to attend a meeting or hearing as part of the investigation. The respondent may be compelled to produce any articles or documents in their possession, custody, or under their control that are necessary for the investigation, as detailed in section 12(5)(i) and (ii) of the CGE Act.

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4.4. Any member of the Commission, designated staff member, or police officer authorized by the Commission may enter and search premises and collect evidence as outlined in section 13 of the CGE Act.

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CHAPTER 5: RESOLUTION OF COMPLAINTS

5.1. METHODS OF RESOLVING COMPLAINTS

5.1.1. The Legal Officer must endeavour to resolve a complaint at the earliest possible opportunity in accordance with the manner provided for in the Act and this manual, including but not limited to the following:

(a) Where insufficient information has been provided, request the complainant to provide further information.

(b) Where sufficient information has been provided, send an allegations letter to the respondent, and request a response.

(c) Where all the required information has been received, proceed with negotiation or conciliation process, if necessary.

(d) Where the complaint cannot be resolved by negotiation or conciliation process, proceed with the mediation process.

(e) Where the complaint cannot be resolved by mediation process, proceed with a request to conduct a hearing process.

(f) At any stage and on approval by the HOD, institute legal proceedings in a competent court or tribunal as contemplated by the provisions of the Act.

(g) At any stage and on approval by the HOD, institute legal proceedings as contemplated in section 20 of PEPUDA.

(h) At any stage an investigative report with findings and recommendations may be drafted.

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5.2. GENERAL PROVISIONS RELATING TO THE RESOLUTION OF COMPLAINTS

5.2.1. The Legal Officer may resolve a complaint by applying a combination of one or more methods of dispute resolution or by any other means appropriate in the circumstances.

5.2.2. If any party fails to attend a conciliation, negotiation, or mediation process, or fails to come to an agreement after such proceedings, the Legal Officer may resolve the matter by any appropriate method and take any action provided for in the Act.

5.2.3. In deciding on an appropriate method of resolving a complaint as contemplated in paragraph 5.2.2 above, the Legal Officer must take into account:

a) whether the party has previously failed to co-operate with proceedings of the Commission;

b) any reason given for that party's failure to attend the proceedings or to cooperate;

c) whether the proceedings can continue effectively in the absence of that party;

d) the impact of the decision of the Legal Officer on the other party;

e) whether or not the party has been properly notified of the date, place of the proceedings; and

f) any other factor the Legal Officer may deem fit.

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5.2.4. Once the parties reach an agreement after the conclusion of conciliation, negotiation or mediation proceedings, the Legal Officer must ensure that such an agreement is reduced to writing and signed by the parties.

5.2.5. The Legal Officer may, on request of a party to the proceedings or by agreement of the parties to the proceedings, decide on the disclosure of relevant documents.

5.2.6. The Legal Officer may close a complaint if the complainant fails to provide the required information, participate in the conciliation, negotiation or mediation process, or fails to attend any other proceedings on invitation by the Commission.

5.2.7. The Legal Officer must notify the parties about the outcome in writing.

5.2.8. If the complaint is resolved during the investigation, a closure report must be prepared and submitted to the HOD for approval before the file can be closed.

5.2.9. The Legal Officer must keep the complainant informed about the status of the complaint on a monthly basis in writing until its finalisation.

5.3 Intimidation and Harassment of the Commission's Officials

To maintain the independence of the Commission in terms of section 10 of the CGE Act, the Legal Officer may close any matter upon HOD approval under investigation if the complainant is interfering, hindering, threatening, or intimidating them or any member of the Commission, or attempting to

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influence the outcome of the investigation at any stage. They may also report any harassment or criminal conduct to the relevant authorities.

In addition to engaging the HOD, the Provincial Managers must report incidents referred to above to the COO/CEO.

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CHAPTER 6: CONDUCTING GENDER TRANSFORMATION HEARINGS

6.1. CIRCUMSTANCES UNDER WHICH A GENDER TRANSFORMATION HEARING/INVESTIGATION WILL BE CONDUCTED

The circumstances set out herein are not exhaustive and serve as a guide only. The discretion of the HOD will generally prevail when deciding whether to conduct a formal hearing/investigation. The term 'gender transformation hearing/investigation' refers to a formal investigation/hearing aimed at determining whether any conduct or practice complies with or contravenes any gender-related legislation, including national, regional, or international instruments, or addressing any other gender-related infringements.

6.2. FACTORS CONSIDERED FOR INITIATING A FORMAL HEARING/INVESTIGATION

The Commission considers the following factors when deciding to initiate a formal hearing or investigation:

(a) Reasonable grounds: The Commission may initiate a hearing/investigation on its own accord if there are reasonable grounds to do so.

(b) Unsuccessful alternative dispute resolution: If mediation, conciliation or negotiation efforts have been unsuccessful in resolving a complaint.

(c) HOD's discretion: The HOD may decide that a hearing/investigation is the most appropriate course of action under the circumstances, particularly when it is in the public interest or when it serves to promote gender equality and address systemic injustices.

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(d) Collective interest: If the HOD believes that a collective approach through a hearing/investigation would serve the interests of multiple complainants with similar complaints.

(e) Widespread infringements: The Commission may intervene when there are widespread infringements of the right to gender equality.

(f) Systemic violations: The Commission may intervene when trends in complaints indicate systemic violations of a gendered nature.

(g) Inability to resolve complaints through other means: The Commission may take action when systemic violations that are gender related cannot be resolved through other means.

6.3. MANDATORY INITIATION OF FORMAL HEARING/ INVESTIGATION

In addition to the above, the HOD must initiate a formal hearing/investigation when the plenary or legal committee has formally resolved to do so.

6.4 DELEGATED POWERS IN RESPECT OF FORMAL INVESTIGATIONS

6.4.1. The authority to conduct any hearing/investigation in terms of the CGE Act is delegated to the CEO, who further delegates this responsibility to the HOD.

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6.4.2. The Commission has jurisdiction to conduct formal investigations under sections 10, 11, 12, 13, 14, 15, 17, and 18 of the CGE Act. Accordingly, this chapter must be read in conjunction with these provisions of the CGE Act.

6.4.3. The panel presiding over the hearing represents the Commission and it must consist of the following persons:

(a) The Chairperson or any other Commissioner designated by the Chairperson to lead the Panel.

(b) At least two additional Commissioners.

(c) The HOD.

6.5. OTHER PARTIES THAT MAY PARTICIPATE IN THE FORMAL HEARING/INVESTIGATION

6.5.1. Unless specifically excluded in writing by the Chairperson or any other Commissioner designated to lead the hearing/investigation, the following persons may participate:

(a) Chief Executive Officer of the Commission.

(b) Heads of Departments, Chief Operating Officer, Provincial Managers and Managers of the Commission.

(c) Legal Officers or staff employed by the Commission.

(d) The Complainant.

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(e) The Respondent (any party subject to an investigation).

(f) Lead Commissioner (refers to the Chairperson of the Commission or their designated replacement leading the Panel).

(g) Any other person permitted by the Chairperson or designated Commissioner.

6.6. NOTICE OF HEARING

6.6.1. The HOD will issue a Notice in terms of Section 12(4)(b) to all relevant parties in formal investigations, as follows:

(a) The notice must be issued under the hand of the Chairperson of the Commission, or any other Commissioner designated by the Chairperson.

(b) The notice must be delivered by a Sheriff of the Court to any person believed to be able to furnish any information on the subject of the investigation or to have control of any book, document, or other object with a bearing on the matter.

(c) The notice must contain the following information and instructions:

i. The place where the hearing will be held.

ii. The time and date of the hearing.

iii. The aspects in respect of which evidence will be required.

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iv. An indication of whether any document(s) or article(s) must be brought to the investigation venue.

v. Any other necessary information, such as the right to be represented, the right to privilege, penalties for non-compliance, the requirement for all persons to be in attendance for the duration of the investigation unless extended indulgence by the Chairperson, and the obligation of all persons to answer questions related to the investigation.

(d) All notices, processes, related documents and relevant correspondence must be held on file by the Legal Officer and made available to the panel upon request during the formal investigation.

(e) Copies of the file referred to in (d) must be provided to the panel before the date of the formal investigation or hearing, except for urgent complaints.

(f) The Commission will receive both written and oral submissions from the respondents and interested parties for the purposes of the hearing/investigation.

6.7. PERSONS WHO MAY ATTEND FORMAL HEARING/INVESTIGATION

6.7.1. The formal hearing/investigation should be open to members of the public and the media having regard to the:

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(a) public interest nature of the matter; and

(b) constitutional obligations of the Commission to observe the principles of accountability, openness and impartiality.

6.7.2 However, the Commission is obliged to direct which persons or categories of persons shall not be present at an investigation in terms of Section 12(3)(b), particularly when their presence may compromise the integrity of the proceedings or when it is not in the public interest to do so. The following persons may be excluded:

(a) Minors.

(b) Members of the media.

(c) Any person who may unduly influence or interfere with the proceedings.

(d) Any person who poses a threat to the security of any person involved in the investigation.

6.7.3 Where a minor is involved, the Chairperson may direct that any person or all persons whose presence is not necessary, or undesirable be excluded.

6.7.4 The Chairperson may, at the Legal Officer's request, issue a directive regarding the disclosure of any information obtained during the investigation.

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6.7.5 In the case of a child or person with a mental disability, their identity may not be disclosed.

6.8. NATURE OF THE HEARING/INVESTIGATION AND ROLE OF THE PANEL

6.8.1. *Process of the hearing/investigation*

6.8.1.1 The procedure in any formal investigation, in terms of Sections 12(1), (4), (5), (6) and (7) read with Section 11(1)(e) may be inquisitorial rather than prosecutorial in nature. Notwithstanding this, the Commission is entitled to present evidence and examine any person involved in an investigation.

6.8.1.2 The investigation must be conducted in a structured and formal manner comprising of; the Commission presents its analysis and evidence, the respondent presents its submissions and evidence, the Commission questions the respondent who responds, the Commission notes its observations and may close the proceedings, the Commission communicates its preliminary findings and recommendations in writing, and the Commission issues a final report concluding the investigation.

6.8.1.3 The Legal Officer / Commissioner Panel will lead evidence and examine any party during the formal investigation. The Panel:

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(a) is competent to put any question to a witness or any other person including the Legal Officer during a formal investigation;

(b) may rephrase a question for the benefit of any party or person;

(c) may elicit any information from any party during the formal investigation;

(d) may advise any party, complainant, or person involved in the formal investigation of their rights and obligations in terms of the CGE Act or any other law where necessary;

(e) can consider any request or application made and hand down a suitable decision;

(f) may retain any book, document or other object for examination until the investigation has been finalized or for a longer period for good cause;

(g) must administer an oath or affirmation to any party who will be subject to any examination or who provides any evidence before the Panel;

6.8.1.4 All members of the Panel are competent to ask questions through the Chairperson, but decisions are made by consensus and handed down by the Chairperson or Lead Commissioner of the Panel.

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6.9. PROCEDURE DURING A FORMAL INVESTIGATION

6.9.1. The Chairperson, Lead Commissioner of the Panel or delegated person must formally open the session and briefly explain:

(a) the purpose of the investigation;

(b) the inquisitorial nature of the proceeding; and

(c) the procedures that will be followed during the investigation.

6.9.2 The Chairperson or a delegated person will introduce all the participants and officials, stating their roles in the investigation as briefly as possible.

6.9.3. The Chairperson will declare the session open and permit the Legal Officer to present their evidence or analysis, comprising information collated during the preliminary investigation, inspections, consultations, and interviews. This presentation may include leading evidence from any witnesses for the Commission.

6.9.4. The Panel will pose any questions of clarity or elicit any necessary information from the Legal Officer or the witnesses to establish the truth or accuracy of the evidence.

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6.9.5. Any relevant document or article must be handed to the Chairperson.

6.9.6. Once the Legal Officer has completed their presentation, the Chairperson will call on the respondent to take an oath or make an affirmation before presenting their case to the Panel.

6.9.7. If the respondent has a legal representative permitted by the Chairperson to make a presentation, the legal representative will not be required to take an oath or make an affirmation. However, the respondent will be required to affirm at the end of the session that all information presented and declared on their behalf was the truth.

6.9.8. The Panel must make determinations regarding any article, document or information that is to be disclosed during the investigation.

6.9.9. The Panel must give direction on any aspect of the investigation.

6.9.10. The Panel may receive evidence in any manner it deems fit, including teleconference, video conference, affidavit, or through an intermediary in the case of a child. In such instances, the Panel is entitled to receive an affirmation that the evidence is given under oath.

6.9.11. Any party in an investigation is entitled to be represented by an advocate or an attorney and may peruse any non-privileged document or record to refresh their memory.

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6.9.12. Any party involved in an investigation must be given an opportunity to respond to any evidence including the opportunity to question other witnesses either personally or through their legal representative in terms of Section 12(7) of the CGE Act.

6.9.13. A party may in response to any evidence presented to the Panel:

(a) give evidence;
(b) call witnesses;
(c) hand in documents; or
(d) submit written submissions.

6.9.14. The Panel must conduct the investigation fairly and impartially, taking necessary steps to establish the truth and accuracy of any statements, submissions, or evidence.

6.9.15. The Chairperson is responsible for postponements, excusing witnesses, calling witnesses, making adjournments, administering oaths/affirmations, and closing sessions and the investigation. The Chairperson may delegate the administering of oaths/affirmations to any attorney/legal officer employed by the Commission.

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6.10. ENTERING AND SEARCHING IN TERMS OF SECTION 13 OF THE CGE ACT

6.10.1. At any stage during an investigation, if any article, document, or information pertinent to the investigation is being withheld and cannot be obtained by other means, the Commission must obtain a warrant to enter, search, attach, and remove the item in terms of Section 13(5) of the CGE Act.

6.10.2. The warrant referred to in Section 13(5) of the CGE Act must be sought by the relevant Legal Officer from a magistrate's court having jurisdiction. If the magistrate's court is unable to grant such a warrant, then the relevant High Court must be approached.

6.10.3. The warrant to enter, search, and remove any article will be executed by the relevant Legal Officer in the presence of a police officer.

6.10.4. Upon removal of an article or document, a receipt will be issued, and the item will be placed in safekeeping until the investigation has been finalized.

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6.11. CONCLUSION OF FORMAL HEARING/INVESTIGATION

6.11.1 At the end of the hearing/investigation, the Commission is obliged to provide written correspondence indicating the preliminary findings, recommendations, or requests for additional information as soon as reasonably possible.

6.11.2. Upon evaluation of the information received before, during, and after the hearing, the Commission will produce a final report with findings and recommendations as soon as reasonably possible or in line with its annual performance plan. All findings and recommendations are final and not subject to any appeal in terms of the CGE Act. This concludes the formal hearing/investigation.

6.11.3. A final report will be prepared comprising the following:

(a) the complaint and the issue that was subject to the investigation;

(b) the evidence presented at the formal investigation;

(c) the findings of the Commission;

(d) the recommendations of the Commission;

(e) The final report of each formal hearing/investigation will be tabled in Parliament during the first quarter of the following financial year.

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6.12. COMPLIANCE AND PENALTIES

6.12.1 The Commission will at all times conduct any hearing/investigation with due regard to decency and order as contemplated in Section 13(2) of the CGE Act. If any party refuses to cooperate and conducts itself unlawfully, the Commission will pursue the requisite remedies in the following circumstances:

Table of Contraventions and Probable Remedies

CONTRAVENTION	REMEDY
Refusal or failure to comply with a Section 12(4) (b) Notice	Warrant to enter, search and remove and a criminal charge in terms of Section 18
Refusal or failure to furnish particulars or information as required in terms of 12(4) (c)	Warrant to enter, search and remove and a criminal charge in terms of Section 18
Willfully providing false information after taking an oath /affirmation.	Criminal charge in terms of Section 18
Willfully interrupting the proceedings during an investigation or misbehaving during an investigation	Criminal charge in terms of Section 18
Defaming the Commission or any member of the Commission in their capacity as a member	Criminal charge in terms of Section 18

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Attempting to influence the proceedings or any finding	Criminal charge in terms of Section 18
Committing any act which, in a court of law, constitutes contempt of court	Criminal charge in terms of Section 18
Contravening Section 10(2) of the CGE Act	Criminal charge in terms of Section 18

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CHAPTER 7: CONCLUSION OF COMPLAINTS

7.1. FACTORS CONSIDERED IN FINALIZING COMPLAINTS

7.1.1. A complaint is concluded under the following circumstances:

(a) After the conclusion of an assessment if the complaint is rejected, or in the case of a direct referral, if no further action is required.

(b) If the complaint is resolved by means of conciliation, negotiation, or mediation.

(c) After the conclusion of an investigation where it is found that:

i. There is no gender violation.

ii. There is no violation of fundamental rights.

i. The Commission is not mandated to provide a remedy for the said violation.

(d) If a complaint is withdrawn by the complainant and the Legal Officer is satisfied that there are no compelling reasons to proceed with the investigation.

(e) If a complainant does not provide further particulars as requested, provided that the complaint may be reopened upon good cause shown by the complainant.

(f) After the resolution of a matter subsequent to the institution of legal proceedings at the Equality Court or other appropriate tribunal.

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(g) If the complainant fails to attend scheduled meetings or hearings without providing a valid reason, and efforts to re-engage the complainant have been unsuccessful.

(h) If the respondent has taken corrective actions that satisfy the complainant and the Commission.

(i) If the issues relevant to the complaint have been addressed through policy changes or systemic reforms prompted by the complaint.

(j) If the complainant has passed away and no other party has expressed interest in continuing the complaint.

(k) If the complaint falls outside the jurisdiction of the Commission and the complainant has been indirectly referred to the appropriate body or institution.

(l) If the complainant provides written confirmation that they are satisfied with the outcome of preliminary actions taken by the Commission and no further investigation is required.

7.2. NOTIFYING THE PARTIES OF THE OUTCOME OF THE COMPLAINT

7.2.1. The Legal Officer must notify the complainant and respondent of the outcome of the complaint in writing.

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CHAPTER 8: APPEAL PROCESS

8.1. Any party to proceedings under this manual who feels aggrieved by a determination, rejection of a complaint, decision, or finding, except for a finding made at a transformation/investigative hearing as contemplated in this manual, may lodge an appeal with the Office of the Chairperson of the Commission.

8.2. The appeal must be made within 30 days from the date of receiving notification of such determination, rejection of the complaint, decision, or finding.

8.3. The appeal must be in writing and must be submitted on the prescribed format.

8.4. Upon receipt of the appeal, the Chairperson of the Commission or an authorized designated person must, within 14 days, acknowledge receipt thereof, advise the Appellant of the reference number allocated to the appeal, and provide an explanation of the process that shall ensue.

8.5. The Chairperson of the Commission must provide written reasons to either uphold or dismiss the appeal within 90 days of receipt of the appeal.

8.6. Where any of the prescribed time frames in this manual cannot be met by the Commission due to factors beyond its control, the Chairperson must, within 10 days of the expiry of the time frames, inform the appellant of the outcomes or reasons for any delay.

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CHAPTER 9: JOINT INVESTIGATIONS

9.1. JOINT INVESTIGATION

The Legal Officer may conduct a joint investigation with another entity or organ of state if:

(a) The mandate of that institution or organ of state overlaps with the mandate of the Commission in respect of the resolution of the complaint.

(b) The objective of the investigation is mutually shared.

(c) Should there be any dispute as to the findings of the investigations, the Commission's decision shall be final and supersede that of the entity or organ of state.

9.2. COMMUNICATION

In line with the Action Plan, the Legal Officer must engage the said organ of state and shall dispatch in writing to the entity or organ of state confirming the joint investigation and the means or process of proceedings.

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CHAPTER 10: MEANS OF SOURCING COMPLAINTS

10.1. The following means can be utilized to popularize the mandate of the Commission and source complaints:

(a) Public Education and Information Programs.

(b) Research and Monitoring Initiatives.

(c) Communication initiatives.

(d) Stakeholder Management.

(e) Court monitoring initiatives which include Criminal, Equality, Magistrates, Civil and High Courts, Tribunals, Specialized and Traditional Courts.

(f) Inspections and other initiatives the Commission deems necessary to monitor and promote respect for gender equality,

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CHAPTER 11: LITIGATION PROCEEDINGS

11.1. Litigation requests, approval, process, and management will be handled in terms of the applicable Strategy of the Commission's Legal Department.

11.2. The Commission may initiate litigation on receipt of a complaint or on its own accord.

11.3. The obligations of the Commission in addition to the litigation mandate will be executed in terms of the PEPUDA and any other empowering legislation.

End.

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Constitution Hill
Braamfontein
South Africa
2017

Postal address:
P O Box 32175
Braamfontein
2017

Tel: 011 403 7182
Gender-enquiries@cge.org.za

COMMISSION FOR GENDER EQUALITY

COMPLAINT FORM

For office use only

Province:		Reference No/File Number	

Please write clearly and use **CAPITAL LETTERS**. If there is not enough space on this form for your answer, please use a separate page and send it to us together with this form.

If there is more than one person who would like to send a complaint to us, each person must complete a separate form.

PART A: YOUR DETAILS

Name and surname	
ID Number	
The address where we can send letters to	
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E-mail address	
Telephone or alternative number	

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PART B: THE COMPLAINT

1. Date:

On what date did the incident happen _____

2. Where did it happen:

Place _____ Town/City _____ Province _____

3. If you know, the full name(s) and surname(s) of person(s), association, organisation or organ of state who violated these rights, please tell us

_____

_____

4. In your own words, tell us exactly what happened (if you have more information to provide that the space available on this form, please continue on a separate page)

_____

_____

_____

_____

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_____

5. Have you reported this complaint to another institution/authority/office/organ of state?

Yes _____ No _____

If yes, which office? _____

6. Were any steps taken by the institution/authority/office/organ of state to resolve the matter

Yes _____ No _____

If yes, please tell us what

_____
_____
_____

7. What outcome do you propose or expect from this complaint (tell us what you would like to achieve with this complaint and the relief sought)

_____

_____

_____

_____

_____

_____

_____

_____

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By completing, signing, and submitting this prescribed complaint form, the complainant undertakes and gives consent for the Commission to use the information provided for the intended purposes and for those purposes only. The complainant has the right to withdraw the complaint at any time and has the right to contact the designated Information Officer of the Commission in terms of the Protection of Personal Information Act of 2013, should they require any further information.

Please sign and date the form:

Complaint's Signature: …… **Date: ……**

(**Append CGE Stamp here):**

COMPLAINANT

Remember:

To attach a copy of your ID, birth certificate, passport or proof of the registration number of an association, organisation or organ of state, if available.

To attach any copies of documents which can assist in this matter.

End.

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Commission for Gender Equality

ASSESSMENT FORM AND ACTION PLAN

ASSESSMENT

Date of assessment: _____

Reference number: _____

Category:_____

Summary of **complaint**:

_____

_____

_____

_____

_____

Outcome desired:

_____

_____

_____

MARK APPROPRIATE: ACCEPTED, REFERRED, REJECTED OR CONSULTATION REQUIRED

(CONSULTATION DATE:_____).

CGE COMPLAINTS HANDLING MANUAL 2025

Basis for Referral or Rejection:

HOD'S COMMENTS WHERE APPLICABLE

ACCEPTED: ACTION PLAN

Action/s to be taken:

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Timeline for the Action/s to be taken:

_____

_____

_____

_____

_____

_____

HOD Reviews, if any:

_____

_____

_____

_____

_____

Legal Officer: _____**Date:** _____

Signature _____

Date of Closure: _____

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