



**THE LABOUR COURT OF SOUTH AFRICA
JOHANNESBURG**

Not reportable

Case number: J 2578/2015

ASSOCIATION OF MINEWORKERS AND

CONSTRUCTION UNION (AMCU)

INDIVIDUALS WHOSE NAMES ARE LISTED IN

ANNEXURE "A"

First Applicant

Second to further

Applicants

and

BAFOKENG RASIMONE MANAGEMENT

SERVICES (PTY) LTD

First Respondent

THE NATIONAL UNION OF MINEWORKERS

Second Respondent

UASA – THE UNION

Third Respondent

THE MINISTER OF LABOUR

Fourth Respondent

THE MINISTER OF JUSTICE AND

CONSTITUTIONAL DEVELOPMENT

Fifth Respondent

THE CHAMBER OF MINES

Sixth Respondent

(*AMICUS CURIAE*)

Decided: In Chambers

Judgment : 21 February 2017

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

PRINSLOO J.

- [1] The Applicants filed an application for leave to appeal against the whole of the judgment and order of this Court handed down on 19 December 2016 in which the Court dismissed the Applicants' application with no order as to costs.
- [2] The application for leave to appeal is opposed by the First and the Sixth Respondents. The First Respondent filed comprehensive written submissions and the Sixth Respondent indicated that it was opposing the application for leave to appeal for the reasons set out in the First Respondent's written submissions.
- [3] I have considered the grounds for appeal as raised by the Applicants and the comprehensive written submissions filed by the Applicants. I also considered the submissions made in opposition thereof and I do not intend to repeat those herein.
- [4] It is trite that in order to be entitled to leave to appeal, an applicant in the application for leave to appeal must satisfy this Court that it has reasonable prospects of success on appeal and that based on the facts and the law another court would arrive at a conclusion different than the one reached by the Court *a quo*. Appeals should be limited to matters where there is a reasonable prospect that the factual matrix could receive a different treatment where there is some legitimate dispute on the law.

[5] Section 17(1)(a)(ii) of the Superior Courts Act¹ provides that leave to appeal may be granted if there is a compelling reason why the appeal should be heard. *In casu* important questions of law are raised and there is a legitimate dispute on the law that should be decided and that requires the appeal to be heard.

[6] In my view this is a case where the appeal should be heard.

Order

[7] I therefore make the following order:

7.1 Leave to appeal is granted.

7.2 There is no order as to costs.

Connie Prinsloo

Judge of the Labour Court

¹ Act 10 of 2013.