



THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Not Reportable
Case No: JS177/23

In the matter between:

MARTHA NYATHELA MASHABA

Applicant

and

DAVID MALCOLM MACDONALD

Respondent

Decided: In Chambers

Delivered: 7 May 2025 (This judgment was handed down electronically by circulation to the parties' legal representatives by email, publication on the Labour Court website and release to SAFLII. The date and time for handing-down is deemed to be 10h00 on 7 May 2025.)

JUDGMENT

PHEHANE J

[1] The applicant was employed as a domestic worker by initially, the respondent's parents, and subsequently by the respondent.

[2] The applicant brings a contractual claim in terms of section 77 of the Basic Conditions of Employment Act¹, seeking the payment of one month's notice and her severance package following her dismissal in 2014.

[3] The respondent did not oppose the referral. Consequently, the applicant seeks judgment by default.

[4] The applicant's claim, as pleaded, is based on contract. Her claim has prescribed in accordance with the provisions of the Prescription Act².

[5] In the premises, the following order is made:

Order

1. The default judgment application is dismissed.

M. T. M. Phehane
Judge of the Labour Court of South Africa

¹ Act 75 of 1997.

² Act 68 of 1969.