



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO.: J 493/19

In the matter between:

TRUDY FORBAY

First Applicant

PATRICK DOYLE

Second Applicant

PETER STANDER

Third Applicant

CARL PRETORIUS

Fourth Applicant

and

UNIVERSITY OF SOUTH AFRICA (UNISA)

Respondent

Decided: In Chambers

Delivered: This judgment was handed down electronically by circulation to the parties' representatives through email. The hand-down date is deemed to be 09 September 2025.

JUDGMENT – LEAVE TO APPEAL

Mahosi, J

[1] The first to fourth applicants brought an application for leave to appeal against the judgment and order granted by me on 20 June 2025. The respondent opposed the application.

[2] Section 166(1) of the Labour Relations Act¹ (LRA) provides for a party to proceedings before the Labour Court to apply to the Labour Court for leave to appeal to the Labour Appeal Court (LAC) against any final judgment or final order of the Labour Court. The test for the granting of leave to appeal pertinent to the present matter is set out in section 17(1) of the Superior Courts Act 10 of 2013 as follows:

‘Leave to appeal may only be given where the judge or judges are of the opinion that–

- (a) (i) the appeal would have a reasonable prospect of success; or
- (ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;
- (b) The decisions sought on appeal do not fall within the ambit of section 16(2)(a) and
- (c) where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issue between the parties.’

[3] Considering the grounds of appeal, my judgment and the parties’ submissions, I am not persuaded that another Court would come to a different conclusion or that there is some other compelling reason why leave to appeal should be granted.

[4] In the circumstances, I make the following order:

1. The application for leave to appeal is dismissed.
2. There is no order as to costs.

D. Mahosi

Judge of the Labour Court of South Africa

¹ Act 66 of 1995, as amended.