



IN THE LABOUR COURT OF SOUTH AFRICA, HELD AT JOHANNESBURG

CASE NO: JS751/22

In the matter between:

**SOUTHERN AFRICAN CLOTHING AND
TEXTILE WORKER'S UNION**

First Applicant

**AGRICULTURAL FOOD AND
GENERAL WORKERS' UNION**

Second Applicant

KUNENE B & 189 OTHERS

Third and Further Applicants

and

AGRI POULTRY (PTY) LTD

t/a DAYBREAK FARM

Respondent

Delivered: 26 Sep 2025

JUDGMENT-LEAVE TO APPEAL

MAHALELO, AJ

[1] The applicants filed an application for leave to appeal against paragraphs 58 to 64 of the judgment and paragraph 2 of the order of this Court handed down on 24 July 2025. Specifically, the applicants seek leave to appeal against the

Court's decision to decline to order reinstatement and instead awarded compensation.

- [2] There is no opposition to the application.
- [3] I have considered the grounds for appeal raised by the applicants as well as submissions made in support thereof, and I do not intend to repeat those herein.
- [4] It is trite that, to be entitled to leave to appeal, an applicant must satisfy the 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 from the one reached by the court *a quo*.¹ Therefore, appeals should be limited to matters where there is a reasonable prospect that the factual matrix could receive a different treatment or where there is some legitimate dispute on the law.
- [5] I have considered the grounds of appeal and the submissions made and am of the view that the applicants have reasonable prospects of success on appeal.
- [6] In the result, the following order is made:
1. Application for leave to appeal to the Labour Appeal Court is granted.
 2. There is no order as to costs.

M B Mahalelo
Acting Judge of the Labour Court

¹ Section 17(1)(a) of the Superior Court Act 10 of 2023

This judgment was handed down electronically by circulation to the parties' legal representatives by email and by uploading to case lines. The time and date of delivery is 10H00 on 21 January 2022