



(1) Reportable: NO
(2) Of interest to other Judges: No
(3) Revised

Signature Date 6/02/2026

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Case no: JR877/2022

In the matter between:

BASANI SHEILLAH HLANEKI

Applicant

and

SOUTH AFRICAN LOCAL GOVERNMENT

BARGAINING COUNCIL

First Respondent

JOSEPH MPHAPHULI NO

Second Respondent

CAPRICORN DISTRICT MUNICIPALITY

Third Respondent

Heard: 4 September 2025

Delivered: 6 February 2026

JUDGMENT

GANDIDZE, J

Introduction

- [1] In an application brought on 25 August 2023, the applicant, Basani Hlaneki, seeks an order reinstating the review application filed under case number JR877/2022, together with leave to proceed with it. The applicant also seeks orders condoning the late filing of the reinstatement application and the record.
- [2] The review application, filed on 22 April 2022, seeks to set aside an arbitration award dated 16 March 2022, issued under the auspices of the South African Local Bargaining Council (the Bargaining Council), which dismissed an alleged unfair dismissal dispute that the applicant had referred to the Bargaining Council after her dismissal on 18 December 2019.
- [3] The reinstatement application was necessitated by clause 11.2.2 of the now-repealed Labour Court Practice Manual¹ (Practice Manual), which provides that the record in the review application must be filed within 60 days of the date on which the applicant is advised by the registrar that the record has been received. If the record is filed outside the 60-day period and consent to extend it was not obtained from the respondent or the Judge President, the review application will be deemed withdrawn. An application deemed withdrawn can be reinstated, on application to this Court. It is common cause that in this case, clause 11.2.2 was not complied with.
- [4] Another relevant provision is clause 11.2.7 of the Practice Manual, which provides as follows:

‘11.2.7 A review application is by its nature an urgent application. An applicant in a review application is therefore required to ensure that all the necessary papers in the application are filed within twelve (12) months of the date of the launch of the application (excluding Heads of Arguments) and the registrar is informed in writing that the application is ready for allocation for hearing. Where this time limit is not complied with, the application will be archived and be regarded as

¹ Practice Manual of the Labour Court of South Africa, effective 1 April 2013. The Practice Manual has been repealed by the new Rules of the Labour Court that came into effect on 17 July 2024.

lapsed unless good cause is shown why the application should not to be archived or be removed from the archive.'

- [5] Not all the necessary papers for the review application were filed within 12 months of its filing. As a consequence, the application was archived and is considered lapsed unless good cause is shown for unarchiving it.
- [6] Clause 16.2 of the Practice Manual provides for the retrieval of an archived file upon application.

Preliminary points

Late filing of the answering affidavit

- [7] Capricorn District Municipality (the Municipality), the third respondent, filed its answering affidavit on 23 October 2023. That was 29 days late, as it ought to have been filed within 10 days of service of the application.² Clause 11.4.2 of the Practice Manual provides that a party filing an answering or replying affidavit late need not apply for condonation unless the party on whom the affidavit is served objects to the late filing within 10 days of being served with the affidavit. The replying affidavit records that a Notice of Objection to the late filing of the answering affidavit was filed, and that the Municipality failed to apply for condonation for the late filing.
- [8] The answering affidavit incorporates a condonation application for the late filing, even though such an application is required only after an objection has been filed. The applicant could not object to the late filing of the answering affidavit once condonation had already been sought. Although rule 7 of the old Rules for the Conduct of Proceedings in the Labour Court³ (the rules) required applications to consist of a notice of motion and a supporting affidavit, ignoring a condonation application incorporated in an answering affidavit would put form over substance.

² See Rule 7(4)(b) of the old rules of the Labour Court.

³ These Rules were repealed and replaced by the Rules Regulating the Conduct of the Proceedings of the Labour Court (GN 50608), which came into effect on 17 July 2024.

- [9] The explanation for the delay in filing the answering affidavit is that the Municipality's attorneys were verifying whether the complete record had been filed. That is a reasonable explanation for the delay. In any event, it is in the interests of justice that the answering be considered in determining the current application.
- [10] For completeness, I note that the Municipality filed a supplementary affidavit after the replying affidavit. The applicant objected to its admission on the basis that it would prejudice her. The supplementary affidavit was abandoned.

Confirmatory affidavits signed before the answering affidavit

- [11] The applicant raised the issue that the confirmatory affidavits annexed to the answering affidavit do not comply with Regulations 1(1), 2(1)(a), and 2, issued in terms of the Justices of the Peace and Commissioners of Oaths Act⁴, which require (i) a declaration by the deponents that the contents are true, so help me God, (ii) that the deponents were asked whether they know and understand the contents of the affidavits, and (iii) that the deponents indicated that they had no objection to taking the prescribed oath. The issue is that the confirmatory affidavits were signed two days before the answering affidavit. Reliance was placed on an unreported decision of *Masoeu v Masoeu and Others*⁵ (*Masoeu*).
- [12] The Municipality did not explain how the confirmatory affidavits were signed before the answering affidavit.
- [13] The Regulations relied upon do not address the fact that the confirmatory affidavits were signed two days before the answering affidavit. The case authority relied upon addressed Regulations 3(1) and 4(1), which differ from those relied upon in this case. While it is ideal for confirmatory affidavits to be signed after the main affidavit, I accept that in some cases deponents of confirmatory affidavits are furnished and confirm the contents of an unsigned affidavit, which is then signed after the confirmatory affidavit has been signed.

⁴ Act 16 of 1963.

⁵ (2039-2022) [2023] ZAFSHC 220 (2 June 2023).

Whether this is what occurred in this case was not explained to the Court. Nevertheless, the Court has exercised its discretion to admit the confirmatory affidavits.

Issue for determination and the legal principles

- [14] The applicant seeks reinstatement of a review application, which is deemed withdrawn for failure to file the review record within the period set out in clause 11.2.2 of the Practice Manual. The applicant also seeks condonation for the late filing of the reinstatement application and the record.
- [15] It is trite that an application to reinstate a review application is akin to a condonation application.⁶
- [16] A condonation application must be *bona fide*, and the applicant must show good cause for failing to comply with the rules. The application must address the degree of lateness, the reasons for lateness, the prospects of success, and the prejudice to the parties.⁷ Other considerations include the importance of the case, the respondent's interest in the finality of the dispute, the court's convenience, and the avoidance of an unnecessary delay in the administration of justice.⁸ There is also the consideration that labour disputes must be resolved expeditiously.⁹ In considering a condonation application, the court exercises discretion, and ultimately, the question is whether it is in the interests of justice to grant condonation.¹⁰

Degree of lateness

- [17] There are two degrees of lateness, one in filing the reinstatement application and the other in filing the record. I deal with the latter first.
- [18] Clause 11.2.2 of the Practice Manual provides that the record must be filed within 60 days of the Registrar's notice advising the applicant that the record

⁶ *Samuels v Old Mutual Bank* (2017) 38 ILJ 1790 (LAC); [2017] 7 BLLR 681 (LAC).

⁷ *Melane v Santam Insurance Co Ltd* 1962 (4) SA 531 (A).

⁸ *Dengetenge Holdings (Pty) Ltd v Southern Sphere Mining and Development Company Ltd and others* [2013] 2 All SA 251 (SCA) para 11.

⁹ *Toyota SA Motors (Pty) Ltd v Commission for Conciliation, Mediation and Arbitration and Others* (2016) 37 ILJ 313 (CC).

¹⁰ *Grootboom v National Prosecuting Authority and Another* (2014) 35 ILJ 121 (CC).

had been filed. On 17 May 2022, the Registrar informed the applicant that the Bargaining Council had filed the record. Accordingly, the record was required to be filed by 11 August 2022.

- [19] The applicant's contention that the deadline for filing the record is calculated from the date the complete record became available is incorrect in light of clause 11.2.2 of the Practice Manual, which governed records in 2022, when the review application was filed. The new and current Rules of this Court, which became effective on 17 July 2024, provide that the 60 days for filing the record are calculated from the date the complete record became available. The amendment must have been made recognising that applicants in review proceedings often encounter challenges in filing a complete record timeously due to circumstances beyond their control.
- [20] The next question is: when was the record filed?
- [21] The applicant's account of whether a record was filed and, if so, when, was difficult to follow. At one stage, it was accepted that the complete record was available in March 2023, but that it had not been filed because feedback was awaited from the Municipality's attorneys on whether it was now complete. Another version was that the complete record became available in April 2023, after the Municipality's attorneys added missing evidence to the record, and that counsel had to be briefed and advise on which portions must be filed. Based on this last version, it was admitted that when the reinstatement application was filed in August 2023, the record had not yet been filed because counsel's guidance was required. There is also the version that the complete record was filed in August 2022.
- [22] The Municipality submitted that, when the matter was heard in September 2025, the applicant had not filed the record and had misrepresented to the court that it had been filed.
- [23] The initial incomplete record was served and filed in August 2022. A further incomplete record was served in January 2023. Then in March 2023, the applicant's attorneys served what they regarded as a complete record on the

Municipality's attorneys. This record was not filed with the court, and the applicants contend that this was because they were awaiting confirmation from the Municipality's attorneys that they agreed that all the evidence had now been filed.

[24] On 4 April 2023, the Municipality's attorneys provided the applicant's attorneys with additional evidence that had not been included in the record served in March 2023.

[25] The applicant's concession that the record had not been filed when the reinstatement application was made is correct.

[26] When the matter was argued in September 2025, the Municipality insisted that a complete record had not been filed, and hence there was non-compliance with rule 7A(6) which provides as follows:

'(6) The applicant must furnish the registrar and each of the other parties with a copy of the record or portion of the record, as the case may be, and a copy of the reasons filed by the person or body.'

[27] The rule 7A(6) notices I could find in the court file are dated 22 August 2022 and 25 June 2024. The court file comprised six lever-arch files. Therefore, when the reinstatement application was heard in September 2025, a record had already been filed.

[28] The incomplete record was filed on 26 August 2022, and the 60-day period prescribed for its filing had already expired. When the complete record was filed in June 2024, it was 22 months late. That delay is significant and is best understood in light of its explanation.

[29] The Practice Manual addressed a situation in which the record could not be filed within 60 days. An applicant could obtain the respondent's consent to extend the period, and, if such consent was withheld, apply to the Judge President for an extension of the 60-day period. The record was due on 11 August 2022, and, if an extension of time was required, the Municipality's attorneys could have been approached for their consent.

- [30] The applicant submitted that the Municipality's consent to extend the 60-day period was not sought, as the applicant awaited counsel's engagement, as advised by her attorneys of record, given the nature and volume of the matter. However, attempts to engage counsel were made after March 2023, long after the 60-day period had expired.
- [31] As it relates to the condonation for the late filing of the reinstatement application, it is common cause that it was filed in August 2023, almost a year after the review application was deemed withdrawn. Again, the delay is significant, but, as with the late filing of the record, it is best understood in light of the explanation.

Explanation for the delay

- [32] The Registrar's notice that the record was ready for collection is dated 17 May 2022. The applicant (or her attorneys) collected the record and arranged for transcription. Upon receiving the transcript from the transcribers, the applicant informed her attorneys on 11 August 2022 that some evidence was missing.
- [33] On 12 August 2022, the applicant's attorneys informed the Municipality's attorneys of the incomplete transcript and served it, comprising pages 1-790, on 23 August 2022. The incomplete transcript was filed on 26 August 2022.
- [34] The Bargaining Council was notified of the incomplete record. On 25 August 2022, it advised that the commissioner would be engaged to address the missing evidence. There was back-and-forth over the venue, with the applicant requesting that it be held in Centurion and the Municipality contending that it should be in Polokwane, where its attorneys and the involved employees were based.
- [35] The Bargaining Council set 4 October 2022 as the date for the reconstruction meeting in Polokwane.

- [36] The applicant attended the reconstruction meeting with the Municipality's attorneys,¹¹ and it was agreed that the recordings on the applicant's cell phone could be used to supplement the incomplete record.
- [37] On 17 October 2022, the Bargaining Council informed the applicant's attorneys that it had filed the record of the reconstruction meeting.
- [38] The record was uplifted from the court and sent for transcription. The transcribers informed the applicant that transcription was taking longer than expected. Her attorneys followed up with the transcribers, and on 2 December 2022, the transcribers confirmed they were working on the transcript.
- [39] The applicant received the transcript on 17 January 2023 and realised it was incomplete because some witnesses' evidence was still missing. She informed her attorneys of this on 18 January 2023.
- [40] Her attorneys nevertheless served the updated transcript, comprising pages 1-789 and 1-212, on the Municipality's attorneys on 19 January 2023 and advised them that the record remained incomplete. This version was not filed with the court.
- [41] On 23 January 2023, the Bargaining Council set 17 March 2023 as the date for the second reconstruction meeting.
- [42] Ahead of the meeting, the applicant transcribed the recording stored on her cell phone and provided the transcript to the Municipality's attorneys on 16 March 2023. The parties agreed to dispense with the reconstruction meeting after the applicant indicated she was satisfied with the record.
- [43] The Municipality's attorneys advised that they required until 21 April 2023 to consider the voluminous record. The applicant's attorneys disagreed and proposed that they revert by 31 March 2023. They said the applicant would be prejudiced because the record could not be filed until the Municipality's attorneys agreed to it.

¹¹ It is unclear whether her attorneys were also in attendance.

- [44] The Municipality's attorneys then requested the audio recordings, which were subsequently provided.
- [45] Until March 2023, the Municipality accepted that the applicant had acted diligently to ensure that a complete record was filed, but thereafter no diligence was shown in taking the necessary steps to file it. Is there merit in the submission?
- [46] On 4 April 2023, the Municipality's attorneys wrote to the applicant's attorneys, providing further evidence.
- [47] According to the applicant, given the voluminous record, her attorneys advised that counsel who had assisted with the arbitration proceedings should be engaged to determine whether the record was complete. This was done on 17 April 2023. The applicant explained that, unlike the Municipality's attorneys, her attorneys were not involved in the arbitration proceedings and, for that reason, could not advise on the adequacy of the record. Other than alleging that the applicant was legally represented by attorneys, the Municipality did not suggest that those attorneys, who were not involved in the arbitration proceedings, could advise on the adequacy of the record.
- [48] On the same day, SAMWU was also approached to approve the engagement of counsel in the matter. Thereafter, the applicant consistently followed up with SAMWU. As feedback from SAMWU was delayed, the applicant raised funds from family to pay the deposit required by counsel to consider the record.
- [49] The applicant continued to follow up with SAMWU, which approved the appointment of a junior counsel (not the counsel who had represented the applicant in the arbitration proceedings) in July 2023. However, the deposit to cover counsel's fees was never recovered from SAMWU.
- [50] At that stage, the applicant was informed by her attorneys that a reinstatement application was required because the review application had been deemed withdrawn. It was agreed that such an application would be filed while awaiting funds from SAMWU. The Municipality contends that its

attorneys raised the issue regarding the deemed-withdrawn review application.

- [51] A new practitioner was assigned the applicant's file and advised that a consultation with the applicant was required. The applicant, based in Limpopo, could not undertake the trip immediately, as she needed to raise funds for the travel expenses to Johannesburg. The consultation could take place only on 12 August 2023. The draft application was ready by 21 August 2023, and a further draft was ready on 22 August 2023. The reinstatement application was filed on 25 August 2023.
- [52] As noted above, the record was filed in June 2024, twenty-two months late. The reinstatement application filed in August 2023 did not, and could not, address the period from August 2023 to June 2024, when the record was filed.
- [53] When the reinstatement application was argued, the record had already been filed. The Court could not ignore this fact and took it into account in deciding whether to grant the application before it.
- [54] Although the Municipality was not approached for its consent to extend the 60-day period, which expired on 11 August 2022, it was kept abreast of the situation regarding the record, participated in two reconstruction meetings, and took the opportunity to attend the third reconstruction meeting scheduled for 17 March 2023. This explains why the Municipality conceded that, until March 2023, the applicant did not sit on her hands in filing the review record. The concession was well made.
- [55] By March 2023, both parties agreed that the record, comprising more than 1100 pages, was voluminous.
- [56] The Municipality's attorneys, who were involved in the arbitration proceedings, required more than a month to review the record and to determine whether it was complete. When the applicant's attorneys declined the request for a month to consider the record, the Municipality's attorneys concluded that the transcript filed in March 2023 remained incomplete.

- [57] In April 2023, additional evidence was added to the record.
- [58] It was not, and could not be, seriously disputed that the applicant's attorneys were on the back foot, as they were not involved in the arbitration proceedings. While an attorney can compile a review record, it was not unreasonable to recommend that the counsel who had represented the applicant during those proceedings be briefed on the matter, given the record's volume. Unfortunately, the union approved the briefing of a junior counsel other than the one who had represented the applicant during the arbitration proceedings. It is undeniable that becoming familiar with a record exceeding 1100 pages takes time, but the supplementary affidavit to the Court did not explain why it was not filed until June 2024.
- [59] Notwithstanding this, I have considered that the applicant played an active role in compiling the record. She ensured that the recordings on her mobile phone were transcribed, so a complete record was filed with the court. She followed up with the transcribers. She provided the Municipality's attorneys with transcripts ahead of meetings to reconstruct the record. She attended the meeting(s) to reconstruct the record. All of this was done to progress the review application.
- [60] There is no gainsaying that the union delayed approving the appointment of counsel. The applicant's account of regularly following up with the union was not seriously disputed. Even so, despite being unemployed, she raised R70 000 to cover the counsel's required deposit. The reinstatement application, incorporating a condonation application for the late filing of the record, was filed in August 2023 after consultation with the new attorney who had been allocated the file. That consultation was also delayed because the applicant needed to raise funds to travel to Gauteng for it.
- [61] I am satisfied that the failure to file the record in time was not the applicant's fault, and that the explanation offered for the delay in filing the record is reasonable and acceptable.

- [62] I am also satisfied that an acceptable explanation has been provided for the timing of the reinstatement application. The applicant was advised in July 2023 (whether by her attorneys or the Municipalities' attorneys) that a reinstatement application was required, and it was filed in late August 2023 following consultation with the attorney.
- [63] Although the Court had no explanation for the period after August 2023, the reinstatement application sought condonation for the late filing of the record. That reinstatement application was filed after it was established in April 2023 that the record was complete, with the only remaining issue being for counsel to consider the record and advise on what must be filed for the purposes of the review.
- [64] The reason it took until June 2024 to file the record was neither explained nor could it be explained in the reinstatement application papers. A supplementary affidavit could have been filed to explain that, as of September 2025, when the matter was heard, the record had been filed, and to explain why it took until June 2024 to file the record.
- [65] The applicant objected to the admission of the Municipality's supplementary affidavit into evidence. It is not known whether that supplementary affidavit addressed events that occurred after the pleadings in the reinstatement application had closed. It would have been ideal for the applicant to have filed an affidavit apprising the Court of developments between the filing of the reinstatement application and the hearing date. This was not done, but I cannot lay the blame at the applicant's door, given the diligence she showed in pursuing this matter since the review application was filed.
- [66] I am satisfied that in the reinstatement application, the applicant has provided a reasonable and acceptable explanation for the delay in filing the record.
- [67] I am also satisfied that the applicant has provided a reasonable explanation for the timing of the reinstatement application.

Prospects of success

- [68] In condonation applications, an applicant need not fully address the merits of a dispute to establish that they will succeed. What is required is for an applicant to set out facts which, if established, would result in the relief sought being granted or refused.
- [69] Neither party has set out the facts, and all the court knows about the award is that it upheld the applicant's dismissal for misconduct relating to tender irregularities.
- [70] The submissions on this issue are scant. The reinstatement application records that the founding affidavit in the review application states, *inter alia*, that the commissioner failed to apply his mind to the evidence; that the findings are disconnected from the evidence and/or unsupported by it; that the commissioner accepted the Municipality's witnesses' evidence, which was hearsay; that the finding of guilt ignores concessions made by the Municipality's main witness; and that there was insufficient evidence to prove guilt. It was also submitted that the commissioner deferred to the employer's sanction, which was unreasonable and unsupported by evidence. It was further submitted that the award is one no reasonable decision-maker would have reached, and that the reviewing court is best placed to determine the merits of the review application.
- [71] The Municipality submitted that the applicant was employed by the Municipality as Manager, Operations and Maintenance Unit, Infrastructure Department, and that she was dismissed for gross misconduct relating to tender irregularities, which destroyed the trust relationship between her and the Municipality.
- [72] The court remains none the wiser about the circumstances of the applicant's dismissal.
- [73] Be that as it may, the applicant has raised several grounds of review. These include the commissioner's findings being disconnected from the evidence and the commissioner's failure to consider concessions. If these contentions

can be supported by reference to the evidence led, then, *prima facie*, the applicant will have prospects of success in the review application. I blame the applicant's legal representatives for failing to set out the facts from which the court could determine whether the review application has prospects of success.

[74] The Municipality did not provide any facts to support the claim that the review application lacked prospects of success, except for stating that the applicant sought to appeal the award.

[75] The undeniable facts are that the applicant has diligently pursued the review application, and that she cannot be non-suited because her attorneys failed to put forward facts showing that the review application had prospects of success, even though she chose them. The interests of justice require the court hearing the review application to determine its merits and pronounce on them.

Prejudice and the interests of justice

[76] The applicant submitted that the review application must be heard to determine the status of the parties' relationship. She remains unemployed and unable to support her family.

[77] The Municipality submitted that it has been prejudiced by wanton and reckless delays, which undermine and defeat one of the objectives of the Labour Relations Act¹² (LRA), namely the expeditious resolution of labour disputes. The Municipality also refers to the practical difficulties arising from a dismissal in 2019 and an award issued three years later.

[78] I have already determined that the delays in filing the review record cannot be laid at the applicant's door. The review record has now been filed, and there is no impediment to it being set down for hearing, so that this dispute, which has been ongoing since 2019, can finally be resolved.

¹² Act 66 of 1995, as amended.

Alleged non-compliance with section 145(5) of the LRA

[79] The Municipality submitted that the applicant failed to explain her non-compliance with section 145(5) of the LRA, which provides:

‘(5) Subject to the rules of the Labour Court, a party who brings an application under subsection (1) must apply for a date for the matter to be heard within six months of delivery of the application, and the Labour Court may, on good cause shown, condone a late application for a date for the matter to be heard.’ (My underlining)

[80] Section 145(5) is subject to the Rules of the Court. The Rules of the Court in force at the time the review application was filed in April 2022 did not specify a time limit for processing review applications. However, the Practice Manual sets time limits for processing review applications. Clause 11.2.7 provides as follows:

‘11.2.7 A review application is by its nature an urgent application. An applicant in a review application is therefore required to ensure that all the necessary papers in the application are filed within twelve (12) months of the date of the launch of the application (excluding Heads of Arguments) and the registrar is informed in writing that the application is ready for allocation for hearing. Where this time limit is not complied with, the application will be archived and be regarded as lapsed unless good cause is shown why the application should not to be archived or be removed from the archive.’

[81] Therefore, in my view, because section 145(5) is subject to the Court's Rules, the Practice Manual takes precedence. Instead of the six months prescribed in that section, an applicant must apply for a hearing date within twelve months of launching a review application.

[82] In this case, the 12-month period was not complied with, hence, the application to reinstate the review application.

Concluding remarks

[83] While it is correct that condonation will not be granted in disputes involving individuals, this court exercises its discretion in deciding whether to grant it. Although the delays were significant, the applicant was not to blame for failing to file a complete record timeously. The Bargaining Council did not file a record containing all the evidence. The Municipality was apprised of the situation, and on at least two occasions, the parties held meetings to reconstruct the record. The period that was not explained and could not have been explained, given the timing of the reinstatement application, is the period between April 2023 and June 2024. I have determined that the applicant should not be punished for her attorney's failure to file a supplementary affidavit apprising the court of developments between the filing of the reinstatement application and its hearing, for the reasons I gave.

The review application ought to be reinstated, and the applicant must be granted leave to proceed with it. The 'late' filing of the reinstatement application, as well as the late filing of the record, must likewise be condoned.

Costs

The applicant sought costs in the event of opposition, and although she has been successful, in this court, costs do not follow the result. The decisions of *Public Protector v South African Reserve Bank*¹³ and *MEC for Education, KwaZulu Natal v Shange*,¹⁴ (*Shange*), relied upon by the applicant, are not concerned with labour matters. In addition, the applicant was seeking the court's indulgence for failing to comply with the Practice Manual, the Rules of this Court, and the LRA, and costs are inappropriate where a party seeks the court's indulgence, unless opposition was unreasonable. The *Shange* decision cited by the applicant makes that point. It cannot be said that the Municipality acted unreasonably in opposing the application.

In the result, the following orders are made:

Order

The late filing of the answering affidavit is condoned.

The late filing of the reinstatement application is condoned.

The review application in case number JR877/2022 is reinstated.

The late filing of the record is condoned.

There is no order as to costs.

¹³ 2019 (6) SA 253 (CC).

¹⁴ [2013] JOL 30039 (SCA).

T. Gandidze

Judge of the Labour Court of South Africa

LABOUR COURT

Appearances:

For the Applicant: Advocate RV Mudau

Instructed by: Phakedi Attorneys

For the Third Respondent: Advocate NA Carrim SC

Instructed by: Lebea and Associates

LABOUR COURT