



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

TDM

28/07/2026

Signature

Date

## THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Case no: 2026-157870

In the matter between:

**THE REGISTRAR OF LABOUR RELATIONS**

**Applicant**

and

**SIPHO ERIC SONO *N.O***

**(Administrator of the Chemical, Energy, Paper,**

**Printing, Wood and Allied Workers' Union)**

**First Respondent**

**CHEMICAL, ENERGY, PAPER,**

**PRINTING, WOOD AND ALLIED WORKERS' UNION**

**(Under administration)**

**Second Respondent**

**GERHARD VOSLOO**

**Third Respondent**

**Heard: 14 July 2026**

**Delivered: 28 July 2026**

---

### JUDGMENT

---

**PRINSLOO, J**

Background

- [1] The Applicant (Registrar) approached this Court urgently, seeking an order that the First Respondent (Mr Sono) be found guilty of contempt for failing to comply with an order of the Labour Appeal Court (LAC), dated 6 May 2026, and that he be ordered to comply with the LAC order by immediately vacating the premises of the Second Respondent (the union or CEPPWAWU) and returning all the union's property.
- [2] The parties before Court have been embroiled in multiple applications, and it seems that the end of the litigation is still not in sight. Resulting from the various disputes, there are no less than 19 Orders and Judgments issued by various Courts between June 2020 and July 2025, involving the Applicant and Mr Sono, in one way or the other. The history of the litigation has been fully set out in detail in two recent judgments<sup>1</sup>, and I do not deem it necessary to repeat that in any more detail than what is necessary to provide context to the current application.
- [3] Relevant for purposes of this judgment is that the union was placed under administration, following an application by the Registrar in terms of section 103A(1)(c) of the Labour Relations Act<sup>2</sup> (LRA). Such an order was granted on 4 June 2020, and Ms Thulisile Mashanda was appointed as the administrator.
- [4] In December 2021, individual members of the union who were aggrieved with Ms Mashanda's administration brought an application before this Court, which resulted in Ms Mashanda's removal by agreement with the Registrar on 24 March 2022. Mr Sono was to assume the role of administrator on the same terms as applicable to Ms Mashanda, and he was mandated, within the *interim* period, to ensure the facilitation of a National Congress and handing over to the elected leadership.
- [5] On 21 May 2025, the Registrar filed an application seeking *inter alia*, orders that the administration of the Union be extended from 30 June 2025 until 30 September 2026; that Mr Sono be removed and replaced by the Third Respondent (Mr Vosloo) as the administrator until June 2026, or until Mr Vosloo has finalised the following:

---

<sup>1</sup> *Registrar of Labour Relations v Sono* (2025/075712) [2026] ZALCJHB 44; (2026) 47 ILJ 1375 (LC) (28 January 2026), *Registrar of Labour Relations v Sono N.O and Others* (2026/111287) [2026] ZALCJHB 179 (15 June 2026).

<sup>2</sup> Act 66 of 1995, as amended.

- 5.1 all the outstanding audited financial statements ('AFS') of 2018 - 2025 financial years;
- 5.2 convened a National Congress for the election of the Union national leadership and;
- 5.3 handed over the Union to such elected leadership, whichever comes first.

[6] The application was adjudicated by Tlhotlhemaje J, and judgment was handed down on 28 January 2026. The Court considered that the primary objective of section 103A of the LRA, other than regulating the appointment of an administrator of a union, is to enable it to regain its viability and the fulfillment of the purpose for which it was established, and to further restore its lawful and democratic functioning. In effect, the appointment of an administrator is compared to that of a business rescue practitioner in the case of an ailing company, with the objective of placing a trade union that is in financial distress on the road to a healthy recovery as the last step, before a winding-up application or, in the case of a union, its deregistration by the Registrar. The same grounds that are applicable under section 103A(2) when a union is placed under administration, ought equally to apply where an administrator's removal is sought. This is so in that, at the core of those statutory grounds, and where proven, is a state of dysfunctionality, coupled with material failures to place the union in a position to run its own affairs independently. The Court removed Mr Sono as administrator and appointed Mr Vosloo as administrator with effect from 1 March 2026 to 30 December 2026, or until he has finalised and concluded all outstanding audited financial statements, convened a national congress and handed over the union to such elected leadership, whichever comes first.

[7] Notwithstanding the order of 28 January 2026, Mr Sono continued with running the affairs of the union as administrator. On 10 February 2026, Mr Sono launched an application for leave to appeal the order of 28 January 2026. The application for leave to appeal suspended the operation of the order of 28 January 2026. The Registrar brought an urgent application on 16

February 2026, in terms of section 18(3) of the Superior Courts Act<sup>3</sup> for the interim enforcement of the said order, pending the application for leave to appeal or any further appeal process.

- [8] On 27 February 2026, an order was made in terms of section 18(3) for the interim enforcement of the order of 28 January 2026, pending any appeal. The order of 28 January 2026 was no longer suspended but was operative and had to be complied with by Mr Sono.
- [9] Also on 27 February 2026, Mr Sono noted an urgent automatic appeal in terms of section 18(4)(a)(ii) of the Superior Courts Act to the Labour Appeal Court (LAC), as the next highest Court from the Labour Court.
- [10] Whilst this section 18(4)(a)(ii) appeal was pending, on 16 March 2026, Mr Sono's application for leave to appeal was dismissed by Tlhotlhemaje J. In response, Mr Sono filed a petition for leave to appeal to the LAC. The petition was opposed by the Registrar and is currently still pending for determination by the LAC. The said appeal is on the merits of the main case.
- [11] In the section 18(4)(a)(ii) appeal, judgment was handed down on 6 May 2026. The LAC dismissed Mr Sono's appeal, with the effect that the interim enforcement of the order of 28 January 2026 pending any appeal was no longer suspended but was in full force and effect. In this instance, it is pending the outcome of Mr Sono's petition for leave to appeal. The legal effect was that full compliance with the order of 28 January 2026 by Mr Sono was required.
- [12] On 6 May 2026, the Registrar's attorneys sent a letter to Mr Sono, drawing his attention to the LAC order and seeking his facilitation regarding when Mr Vosloo should present himself to the union's offices to take over the administration of the union in terms of the order of 28 January 2026.
- [13] Mr Sono once again reacted with a legal challenge, and on 7 May 2026, he filed an application for leave to appeal to the Constitutional Court against the LAC's order of 6 May 2026. Mr Sono also responded to the letter of the Registrar's attorneys, stating that since he had filed an application for leave to appeal to the Constitutional Court, the operation of the LAC order was suspended.

---

<sup>3</sup> Act 10 of 2013.

- [14] The Registrar disagreed with the contention that the order of 27 February 2026 was suspended pending the application for leave to appeal to the Constitutional Court and demanded that Mr Sono vacate the union's premises and return the union property by close of business on 11 May 2026. Mr Sono's attorneys indicated that Mr Sono did not contend for a further automatic appeal under section 18(4), but his application for leave to appeal to the Constitutional Court was pursued under that Court's rules and jurisdiction, and that the filing of that application engaged section 18(1) read with section 18(5), of the Superior Courts Act, and thus a suspension was in order. Mr Sono sought specific relief concerning the stay and/or suspensive effect of the orders. In short, his position is that he had filed an application for leave to appeal the LAC order of 6 May 2026, which application is pending determination, and that the said order was therefore suspended.
- [15] The aforesaid impasse resulted in a contempt of Court application, which was heard on 8 June 2026. The Registrar sought an order, *inter alia*, to find Mr Sono in contempt of the LAC's order of 6 May 2026 and to direct him to comply with the LAC's order by vacating the union's premises and returning all the union's property to Mr Vosloo. The Registrar also sought an order to declare the LAC order operative, notwithstanding the application for leave to appeal to the Constitutional Court. Mr Sono contended that the interim enforcement order of 27 February 2026, followed by the order of the LAC on 6 May 2026 dismissing his appeal against it, is suspended because of the filing of his application for leave to appeal to the Constitutional Court.
- [16] Judgment<sup>4</sup> was handed down on 15 June 2026 and Snyman AJ considered the principles applicable to section 18(3) and (4) of the Superior Courts Act and contempt of Court applications. The Court in essence found that:
- ‘The order of 28 January 2026 remains operative and Sono remains obliged to comply with the same and give effect thereto, despite his pending application for leave to appeal to the Constitutional Court. This is because there exists no competent appeal to any final determination made by the applicable appeal Court under section 18(4). And even if such an appeal can be brought, an order under section 18(3) is an interlocutory order that does not in any manner

---

<sup>4</sup> *Registrar of Labour Relations v Sono N.O and Others* (2026/111287) [2026] ZALCJHB 179 at para 54.

determine the main appeal on the merits, and thus under section 18(2) the operation of such order is not suspended, unless exceptional circumstances are shown that it should be suspended, however Sono made out no such case. Lastly, even if it can be argued that an application for leave to appeal to the Constitutional Court under section 167(3)(b) *per se*, is competent, I do not think it engages the jurisdiction of the Constitutional Court because of the clear consequence, effect and purpose of sections 18(3) and (4) and the fact that it would be an appeal to the Constitutional Court concerning purely factual determinations. In the end, all must finish once the LAC pronounced on the issue under section 18(4).'

[17] Ultimately, on the issue of contempt, the Court found that:<sup>5</sup>

'No matter how one may look at it, Sono's adopted position was at least *bona fide*, reasonably arguable, openly advanced at the outset when this issue arose, and was arrived at based on legal advice. As such, it cannot be said that the conduct of Sono was in wilful and *mala fide* non-compliance with the order granted under sections 18(3) and (4).'

[18] An order was granted declaring that the LAC order of 6 May 2026 was not suspended pending the final determination of any appeals pursued by Mr Sono. He was directed to immediately comply with the order granted by Tlhotlhemaje J on 28 January 2026, and to vacate the union's premises, and return all the union's property to Mr Vosloo. In the event of Mr Sono failing to comply with the order within seven days of the date of the order, the Applicant was given leave to immediately re-enrol, on an urgent basis, the contempt application based on the same pleadings, with any supplementary affidavit that may be necessary for establishing further non-compliance, for the purposes of holding Mr Sono in contempt of court and implementing an appropriate sanction.

[19] Also on 15 June 2026, Mr Sono launched an application for leave to appeal against the judgment of Snyman AJ to the LAC, alternatively to the Constitutional Court. Mr Sono filed an application for leave to appeal against the declarator that the order of the LAC of 6 May 2026 is not suspended pending the final determination of his appeals, the order that he be directed to comply with the order of 28 January 2026 and the leave granted to the

---

<sup>5</sup> Ibid at para 56.

Applicant to re-enroll the contempt application in the event of non-compliance.

- [20] The gist of Mr Sono's appeal is that the appeal does not target the factual finding of exceptional circumstances, but rather raises a question of law, namely whether the lodging of an application for leave to appeal to the Constitutional Court engages section 18(1) and suspends an order made at the conclusion of the section 18(4) process and the relationship between the finality conferred by section 18(4) and the jurisdiction of the Constitutional Court under section 167(3) of the Constitution. Mr Sono submitted that the Court erred in finding that his application for leave to appeal to the Constitutional Court is not competent and does not engage the jurisdiction of the said Court and that the Court has effectively pronounced finally on a question for the Constitutional Court and not for the Labour Court to decide. According to him, on a proper construction of section 18(1) read with section 18(5) the lodging of the application for leave to appeal to the Constitutional Court, suspended the operation and execution of the order.
- [21] Mr Sono further submitted that the Court erred in granting the declaratory relief, in that the operative status of the LAC order and whether it is suspended pending the Constitutional Court process are the very issues pending before the Constitutional Court. The declarator pre-empted the Constitutional Court's determination of the issue and its own jurisdiction.
- [22] On 6 July 2026, the Applicant approached this Court for an order, *inter alia*, to the effect that Mr Sono be found in contempt of Court for failing to comply with the LAC order of 6 May 2026. The Registrar deposed to a supplementary affidavit stating that Mr Sono is aware of the LAC order and that his non-compliance is willful and *mala fide*, as Snyman AJ rejected the basis for his non-compliance with the LAC order. Mr Sono can no longer hold the *bona fide* belief that he can continue to disobey the order by refusing to relinquish the administration of the union, vacate its premises, and return its property to Mr Vosloo.

#### This application

- [23] The Applicant's case is that the single basis on which Mr Sono sought to resist compliance, namely that his leave to appeal to the Constitutional Court has

suspended the orders, has been considered and rejected by the Court. Mr Sono has no further justification for his non-compliance, which is willful and *mala fide*.

[24] Mr Sono relies on his new application for leave to appeal the judgment of Snyman AJ to resist compliance, contending that the said application suspends the operation of the judgment, as contemplated in section 18(1) of the Superior Courts Act.

[25] The Applicant submitted that Mr Sono's contention is incorrect as Snyman AJ's order was just another order upholding an interlocutory order and directing that it would not be suspended pending any appeals. Mr Sono's refusal to hand over the administration of the union is contemptuous and an abuse of process, holding the union and its members hostage. He has employed Stalingrad tactics to delay his inevitable departure.

[26] Mr Sono's answer to the contempt application is that it is founded on what he describes as an:

'untenable proposition that the Snyman AJ order and the Labour Appeal Court order of 15 June 2026 (sic) remain operative and executable notwithstanding.'

[27] In his application for leave to appeal to the Court, filed on 15 June 2026. He submitted that he holds the *bona fide* view that his application for leave to appeal has suspended the operation and execution of Snyman AJ's order by virtue of the operation of sections 18(1), read with sections 18(3) and 18(5) of the Superior Courts Act.

[28] According to Mr Sono the contempt proceedings are premature as they are tantamount to the implementation of the said court order, in contravention of the provisions of section 18(1). The Applicant would effectively be granted the relief envisaged in section 18(3), without having made such an application.

[29] Mr Sono disputed that his conduct is willful, *mala fide*, contemptuous or calculated to undermine the authority of this Court or the LAC. As a result, the Applicant has not established the requirements for contempt.

[30] In argument, Mr Madima for the Applicant submitted that this application was brought pursuant to the order of Snyman AJ, which did not address the issue



of contempt but merely confirmed the previous orders. He submitted that the leave to appeal filed against the Snyman AJ judgment does not disturb the enforcement of the order granted in terms of section 18(3), which order was granted in respect of '*any other appeal*'. There would be no point in section 18(3) if any application for leave to appeal would have the effect of suspending all previous orders. It is not necessary for the Applicant to bring another section 18(3) application and contempt proceedings are the only available remedy.

- [31] Mr Madima argued that the aforesaid order is not suspended, and the Court should grant the relief sought. He submitted that Mr Sono is surviving as administrator on leave to appeal applications.
- [32] Mr Mpofu for Mr Sono, on the other hand, submitted that the order by Snyman AJ has nothing to do with the previous orders granted – it dealt with the issue of contempt, and it is a new judgment, dealing with different issues and if the Applicant seeks to enforce it pending the outcome of the leave to appeal, he has to bring a new section 18(3) application.
- [33] Mr Mpofu submitted that the order of Snyman AJ is suspended in view of the application for leave to appeal. Mr Sono cannot be found to be in contempt of Court as there is no operational Court order that he is in breach of, and he truly believes that the operation of the order is suspended.

### Analysis

- [34] In *Matjhabeng Local Municipality v Eskom Holdings Limited and Others; Mkhonto and Others v Compensation Solutions (Pty) Limited (Matjhabeng)*<sup>6</sup> the Constitutional Court confirmed the requisites for contempt of court as follows:

'I now determine whether the following requisites of contempt of court were established in *Matjhabeng*: (a) the existence of the order; (b) the order must be duly served on, or brought to the notice of, the alleged contemnor; (c) there must be non-compliance with the order; and (d) the non-compliance must be wilful and *mala fide*. It needs to be stressed at the outset that, because the relief sought was committal, the criminal standard of proof – beyond

---

<sup>6</sup> (CCT 217/15; CCT 99/16) [2017] ZACC 35 at para 73.; 2017 (11) BCLR 1408 (CC); 2018 (1) SA 1 (CC).

reasonable doubt – was applicable.’

- [35] The Applicant must prove the aforesaid requisites beyond reasonable doubt.
- [36] To establish non-compliance requires more than a failure to comply with the order. In *Matjhabeng*,<sup>7</sup> the Constitutional Court affirmed that contempt of court does not consist of mere disobedience of a court order, but of ‘*contumacious disrespect for judicial authority*’. The requirement of wilfulness and *mala fides* means that contempt is committed not by a mere disregard of the court order, but by the demonstration of a deliberate and intentional violation of the court’s dignity, repute or authority.<sup>8</sup>
- [37] Once the applicant has proved the order, service or notice, and non-compliance, the respondent bears an evidential burden to adduce evidence to rebut the inference that the non-compliance was not wilful and *mala fide*. If the respondent fails to advance evidence that establishes a reasonable doubt as to whether non-compliance was wilful and *mala fide*, contempt will have been established beyond reasonable doubt.<sup>9</sup>
- [38] It is common cause that Mr Sono is aware of the LAC order of 6 May 2026 and that he is not complying with the order by Thlothlomaje J in that he has not vacated his position as administrator or the premises of the union, nor has he returned the union’s property. The question is whether his non-compliance is willful and *mala fide*, and whether it constitutes contempt of court.
- [39] *In casu* Mr Sono filed an application for leave to appeal the judgment of 15 June 2026. He relies on the provisions of section 18(1) as a defence.
- [40] Section 18(1) of the Superior Courts Act provides that:
- ‘18 Suspension of decision pending appeal
- Subject to subsections (2) and (3), and unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal, is suspended pending the decision of the application or appeal.’

<sup>7</sup> Ibid at para 65.

<sup>8</sup> *Dibakoane NO v Van den Bos and Others; Van den Bos and Others v Gugulethu and Others* [2021] ZAGPJHC 652 at para 29.5.

<sup>9</sup> *Fakie NO v CCII Systems (Pty) Ltd* (653/04) [2006] ZASCA 52 at para 42.

- [41] It is trite that the default position is that the operation and execution of a decision (other than a decision not having the effect of a final judgment) is suspended pending the outcome of an application for leave to appeal or an appeal.
- [42] Mr Sono did not comply with the court order, following the filing of his application for leave to appeal. He believes that his non-compliance was not willful or *mala fide* and does not constitute contempt because the Court order finding that the order of 6 May 2026 was enforceable, is subject to appeal.
- [43] The threshold to find Mr Sono in contempt of Court is high, and the onus to prove it beyond reasonable doubt is on the Applicant.
- [44] In the previous contempt application, Snyman AJ found that Mr Sono was not in contempt of court as his adopted position was at least *bona fide*, reasonably arguable, openly advanced at the outset when this issue arose, and was arrived at based on legal advice. As such, it could not be said that the conduct of Mr Sono was in wilful and *mala fide* non-compliance with the orders granted under sections 18(3) and (4). Mr Sono's position was that his application for leave to appeal to the Constitutional Court suspended the operation of the said orders.
- [45] Snyman AJ considered the legal position and concluded that an application for leave to appeal to the Constitutional Court did not suspend the operation of the LAC order, issued in terms of section 18(4) of the Superior Courts Act.
- [46] Mr Sono seeks leave to appeal the Snyman AJ judgment *inter alia* on the ground that there is a question of law, namely whether the lodging of an application for leave to appeal to the Constitutional Court engages section 18(1) and suspends an order made at the conclusion of the section 18(4) process and the relationship between the finality conferred by section 18(4) and the jurisdiction of the Constitutional Court under section 167(3) of the Constitution.
- [47] It is not for this Court to make a final determination on the question whether the order of 15 June 2026 has the effect of a final judgment, or whether it is necessary for the Applicant to file another section 18(3) application. What this Court must decide is whether Mr Sono is guilty of contempt of Court by failing

to comply with the order of the LAC, issued on 6 May 2026.

- [48] In my view, the judgment of 15 June 2026 has some final effect, in that it decided the question whether the lodging of an application for leave to appeal to the Constitutional Court engages section 18(1) and suspends an order made at the conclusion of the section 18(4) process. To the extent that the judgment or order has final effect, the provisions of section 18(1) of the Superior Courts Act are triggered when an application for leave to appeal is filed.
- [49] Non-compliance with a suspended Court order is not willful or *mala fide* and does not constitute contempt. Mr Sono's adopted position that he is not in contempt, as he believed that the operation of the order has been suspended when an application for leave to appeal was filed, was *bona fide*, reasonably arguable, and was arrived at based on legal advice.
- [50] The Applicant could not prove contempt beyond reasonable doubt and failed to satisfy the requirements to prove that Mr Sono is in contempt of Court.
- [51] As a result, this application has to fail.

### Obiter

- [52] The primary objective of section 103A of the LRA, other than regulating the appointment of an administrator of a union, is to enable it to regain its viability and the fulfillment of the purpose for which it was established, and to further restore its lawful and democratic functioning. The administration of a trade union is meant to be a temporary measure to restore proper governance and ultimately facilitate democratic leadership through congress.
- [53] CEPPWAWU has been under administration since 2020, with Mr Sono as the administrator since 2022. The administration process, which has been ongoing for six years, clearly failed to achieve any of the objectives alluded to *supra*.
- [54] On 28 January 2026 the Court removed Mr Sono as administrator and appointed Mr Vosloo instead, after finding that:<sup>10</sup>

'The position the Union finds itself in cannot continue, nor is there justification

---

<sup>10</sup> *Registrar of Labour Relations v Sono NO and others* (2026) 47 ILJ 1375 (LC) at para 97.

for its administration to continue indefinitely, and in circumstances where such as in this case, there is an obvious solution to this state of affairs, which Sono has unreasonably rebuffed for over three years.'

[55] The Applicant has obtained an order removing Mr Sono as administrator and appointing Mr Vosloo as administrator, with effect from 1 March 2026. Mr Sono, however, refuses to let go and instead digs in to evade vacating the position of administrator of CEPPWAWU. In fact, he clings to the position by pursuing one appeal after the other.

[56] I agree with the sentiments expressed by Tlhotlhamaje J and Snyman AJ. Tlhotlhamaje J held that:<sup>11</sup>

'One can only comment that the continuous litigation, which effectively amounts to a war of attrition between the feuding parties in this matter, is hardly to the benefit of the long-suffering members of the union. Since 2020, the union members have remained helpless bystanders in countless legal battles waged allegedly in their interests, and which battles in an ironic twist, they have funded through their subscriptions. A point is reached where the disputants in these legal battles, especially the administrator in this case, need to take a step back, pause the charade and the bravado, and seriously reflect on what is genuinely in the interests of the union and its members.'

[57] In the judgment of 15 June 2026 Snyman AJ remarked that<sup>12</sup>:

'This all makes for quite distressing reading, considering that the very purpose of placing CEPPWAWU under administration is to save it from going under, which would leave its entire membership without the benefit of union representation, which is one of the fundamentals under the LRA. It would seem that this objective has been lost in the fight for earning fees from the administration, rather than achieving the nursing of CEPPWAWU back to health. As a general comment, if the first respondent could not restore CEPPWAWU to being a healthy trade union in a period of about three years, then surely, he should step aside and allow someone else to try.'

'But even if exceptional circumstances are considered, the concept of the interest of justice as part of such consideration would work squarely against Sono. It has been decided by no less than three Courts that he must vacate

---

<sup>11</sup> Ibid at para 111.

<sup>12</sup> Id fn 4 at paras 3 and 53.

his position as administrator, and if he does not do so, there would be irreparable prejudice to [the] very victim of all of this, being CEPPWAWU. Sono's right to challenge his removal as administrator on the merits is in the first instance fully protected by his pending appeal to the LAC, which must still be decided. But in the meantime, there can be no reason why the dispensation as contemplated by the Court order of 28 January 2026 should not find immediate application, as found to be the case by this Court, and the LAC.'

[58] In *Zuma v Secretary of the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector Including Organs of State and Others*<sup>13</sup> the Constitutional Court said that: '*Like all things in life, like the best of times and the worst of times, litigation must, at some point, come to an end.*'

[59] The same applies *in casu*.

[60] This Court must express concern about the parties' conduct and its effect on the union. It is evident from the litigation history that Mr Sono has litigated at his heart's content and sought leave to appeal every order that was granted against him. The ongoing litigation in the administration process has diverted attention from the process's primary objectives and rendered the interests of the union and its members insignificant.

[61] Applications for leave to appeal and/or appeals should not be pursued with the intention of frustrating and tiring out an opponent or because it may be tactical. This kind of approach was aptly identified in *Zuma v Downer and Another*<sup>14</sup> as a fight from '*burning house to burning house*', hoping for victory by attrition, where the actual substance of the case is lost or is meritless. This approach not only undermines the rule of law but also overburdens the courts' limited resources to the detriment of everyone.

[62] The position CEPPWAWU and its members find themselves in cannot continue, and it should not be prolonged by tactical applications for leave to appeal.

[63] The Applicant and the union's frustration with the current situation is palpable.

<sup>13</sup> 2021 (11) BCLR 1263 (CC).

<sup>14</sup> 2024 (2) SA 356 (SCA) at para 28.

It is a situation that cannot continue, but unfortunately for them, frustration and allegations about abuse of process and resources do not establish contempt of Court.

[64] Insofar as costs are concerned, this Court has a broad discretion in terms of section 162 of the LRA to make orders for costs according to the requirements of the law and fairness.

[65] Counsel for both parties argued that costs should be awarded. However, in my view this is a case where the interest of justice will be best served by making no order as to costs.

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

Order

1. The application is dismissed;
2. There is no order as to costs.

---

Connie Prinsloo

Judge of the Labour Court of South Africa

Appearances:

|                           |                          |
|---------------------------|--------------------------|
| For the Applicant:        | Advocate T Madima SC     |
| Instructed by:            | State Attorney, Pretoria |
| For the First Respondent: | Advocate D C Mpofu SC    |
| Instructed by:            | KMNS Inc Attorneys       |