

SOUTH AFRICA / JUDGMENT

Mashaba v Macdonald (JS177/23)

[2025] ZALCJHB 260 (7 May 2025)

[2025] ZALCJHB 260**COURT**

Labour Court Johannesburg

BEFORE

M T M Phehane

CASE / FILE NUMBER

JS177/23

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Source record**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 Act[1], 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 Act[2].
- [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.

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