

SOUTH AFRICA / JUDGMENT

Mngomezulu and Another v Nestle South Africa (Pty) Ltd (JS235/17) [2017] ZALCJHB 441 (24 November 2017) [2017] ZALCJHB 441

COURT

Labour Court Johannesburg

BEFORE

Lagrange

CASE / FILE NUMBER

JS235/17

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THE LABOUR COURT OF SOUTH AFRICA,

HELD AT JOHANNESBURG

Case No: JS235/17

In the matter between:

SIPHO AMOS MNGOMEZULU First Applicant PHILLIP MABUYI Second Applicant and NESTLE
SOUTH AFRICA (PTY) LTD Respondent

Heard: 21 November 2017

Delivered: 24 November 2017

Default

judgment

LAGRANGE J

- [1] Having considered the contents of the statement of claim as confirmed on affidavit by the applicants, I am satisfied that the applicants were unfairly dismissed for exercising their rights to seek a determination under s 198 of the Labour Relations Act, 66 of 1995 declaring them to be permanent employees and for participating in proceedings under that section. Accordingly their dismissals were automatically unfair in terms of sections 187(d) (i) and (ii) of the Labour Relations Act 66 of 1995.

- [2] There being no evidence why they ought not to be reinstated, reinstatement appears to be the appropriate relief.

Order

- [1] The applicants dismissals at the end of June 2016 were automatically unfair and the respondent must reinstate the applicants with retrospective effect to the date of their dismissal within 5 days of the applicants tendering their services to the respondent and provided that a copy of this order has been served on the respondent on or before the date they tender their services.
- [2] The applicants must tender their services within 10 days of receipt of this order.
- [3] No order is made as to costs.

Lagrange J

Judge of the Labour Court of South Africa

APPEARANCES

APPLICANTS:

In person

RESPONDENT:

No appearance

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