



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 228/14

In the matter between:

TOYOTA SA MOTORS (PTY) LIMITED

Applicant

and

**COMMISSION FOR CONCILIATION, MEDIATION
AND ARBITRATION**

First Respondent

COMMISSIONER: TERRENCE SERERO

Second Respondent

RETAIL AND ALLIED WORKERS UNION

Third Respondent

MAKOMA MAKHOTLA

Fourth Respondent

DIRECTIONS DATED 18 FEBRUARY 2015

The Chief Justice has issued the following directions:

1. The parties are directed to file short heads of argument (no longer than 15-20 pages) on the following issues:
 - a) whether an order for reinstatement of an employee is competent in circumstances where such employee had resigned prior to the grant of such order;
 - b) whether the dismissal of a review application by the Labour Court, on the basis that the record of the arbitration proceedings is incomplete, is a denial of the applicant's right to fair administrative justice;

- c) who bears the onus/obligation to produce a proper and complete record of proceedings in anticipation of the prosecution of review proceedings; and
 - d) what are the consequences in review proceedings when the Commission for Conciliation, Mediation and Arbitration or the parties to the dispute are unable to produce a proper and complete record of the proceedings.
2. The short heads of argument referred to in paragraph 1 must be lodged by—
 - a) the applicant, on or before 6 March 2015; and
 - b) the respondents, on or before 12 March 2015.
3. Further directions may be issued.

MR LOUW
ACTING SENIOR REGISTRAR
CONSTITUTIONAL COURT

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