



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 25 MARCH 2015

The Chief Justice has issued the following directions:

1. The application is set down for hearing on Tuesday, 18 August 2015 at 10h00.
2. The applicant is directed to serve a copy of the application for leave to appeal, and this Court's directions related thereto, on the first and second respondents in accordance with the rules of this Court, and file proof of service, on or before Wednesday, 1 April 2015.
3. The first and second respondents must, if they so wish, file their respective answering affidavits on or before Tuesday, 14 April 2015.

4. Should the first and/or second respondent oppose the application, they are directed to file short written submissions (no longer than 20 pages) on or before Wednesday, 22 April 2015, on the following issues:
 - a) whether an order for reinstatement of an employee is competent in circumstances where such employee 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 just administrative justice;
 - c) who bears the onus or obligation to produce a proper and complete record of proceedings in anticipation of the adjudication of review proceedings; and
 - d) what the consequences in review proceedings are when the Commission for Conciliation, Mediation and Arbitration (CCMA) or the parties to the dispute are unable to produce a proper and complete record of the proceedings.
5. The National Economic Development and Labour Council and the Minister of Labour must, upon receipt of these directions, if they so wish, file short written submissions (no longer than 20 pages) on or before Wednesday, 22 April 2015, on the issues set out in (a) to (d) in paragraph 4 above.
6. The cited parties must, on or before Wednesday, 29 April 2015, file an agreed statement of facts based on the factual findings of the CCMA and the Labour Court that are pertinent to the issues. If no agreement can be reached:
 - a) The applicant must, on or before Monday, 4 May 2015, file a statement setting out the factual findings of the CCMA and the Labour Court necessary for the hearing, together with only those portions of the record that are relevant to the impugned findings.
 - b) The respondents must, on or before Friday, 8 May 2015, if they so wish, file a statement setting out the factual findings of the CCMA and the Labour Court necessary for the hearing, together with only those portions of the record that are relevant to the impugned findings.

7. The applicant must, on or before Friday, 15 May 2015, file a newly paginated record that comprises the statement of facts agreed upon, or the parties' respective statements of facts and the portions of the record considered relevant by them, as well as a copy of the award in the CCMA and the judgment of the Labour Court.
8. Further directions may be issued.

MR LOUW
ACTING SENIOR REGISTRAR
CONSTITUTIONAL COURT

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Second Respondent

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