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SLIP AND TRIP ALERT NOTICE 6 OF 2024

- The LRA contains a statutory timeframe within which an aggrieved party may apply to the labour court for an order setting aside an arbitration award, this being within six weeks. Is this time period also applicable to reviews in terms of s158(1)(h) of the LRA?
- With reference to regulation 7(1) of the Regulations issued in terms of the Justices of the Peace and Commissioners of Oaths Act 16 of 1963, on what basis did the labour court recently find that an initiator of an internal disciplinary hearing may commission affidavits in review applications concerning the matter that he initiated?
- With reference to, amongst others, *SA Revenue Services v CCMA and Others* (2016) 37 ILJ 655 (LAC) and *Oudekraal Estates v City of Cape Town* 2004 (6) SA 222 (SCA), how is an employer, operating in the private and public sectors, respectively, required to deal with the decision made by the presiding officer of an internal enquiry, which decision such employer finds unacceptable?
- With reference to *S v Vilakazi* 2012 (6) SA 353 (SCA), what is the approach recently taken by the labour court as to the role of personal circumstances of the employee when it is clear that the misconduct committed is deserving of the sanction of dismissal?
- With reference to *Robinson v Randfontein Estate Gold Mining Co* 1921 AD 177, how did the labour court recently interpret and apply the principles regulating an employee employed in a fiduciary position?

