



CONSTITUTIONAL COURT OF SOUTH AFRICA

**SABELO ZWANE AND OTHERS
v
ALERT FENCING CONTRACTORS CC**

CCT 87/10

Date of Judgment: 23 November 2010

MEDIA SUMMARY

The following media summary is provided to assist in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On Tuesday 23 November 2010 the Constitutional Court will hand down judgment in a case about the meaning of a Labour Court Rule which allows a party to set a case down for judgment if the other party does not attend a pre-trial conference. Lawyers for the respondent, the employer, failed to attend a pre-trial conference and default judgment was granted against the employer without notice given to it. The employer applied to the Labour Court for rescission of the default judgment.

On appeal, the Labour Appeal Court held that the Rule required notice to be given to the employer before default judgment is granted. The applicants lodged their application for leave to appeal against the judgment of the Labour Appeal Court with the Constitutional Court and the Court dismissed the application.

The Constitutional Court expressed concern about the fact that the claim of the applicants for unlawful dismissal had not yet been finalised even though six and a half years had passed since the date of the dismissal. In the circumstances the Judge President of the Labour Court is urged to do everything possible to ensure that this case is heard as a matter of urgency.