

**Ministry**

**Employment & Labour**

**Republic of South Africa**

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**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 2020 [NW2363E]**

**2020. Ms C N Mkhonto (EFF) to ask the Minister of Employment and Labour:**

(a) What are the reasons that it has taken so long to resolve the matter of the more than 395 workers of the Mbhaba Estate, who were unfairly dismissed by their employer in 2015 when they demanded wage increases, (b)(i) who is responsible for the specified case and (ii) why have the workers been left in limbo and (c) on what date will he release a report as promised to the workers by the President of the Republic, Mr M C Ramaphosa, in 2017?NW2363E

**Reply:**

 The CCMA has reviewed progress on the case file and reports as follows:

1. FAWU obo Mahlalela & Others v Umbhaba Estates (Pty) Ltd initially relating to an Organizational Rights dispute under case MP6595-14 which, led to a strike following which employees were dismissed for misconduct.
2. The dismissal dispute was referred to the CCMA under case number MP10027 – 15 for dismissal of employees for participating in a strike. The dismissal was not related to wages as per the EFF parliamentary question but emanates from the dispute about Organizational Rights.

**Chronology of Events**

1. The matter commenced 03 September 2014 when FAWU referred an organizational rights dispute to CCMA against Umbhaba. The matter was conciliated on 23 September 2014.
2. The matter remained unresolved and a certificate of non-resolution was issued.
3. FAWU opted for a strike route.
4. The strike was long and protracted,in between there was intimidation and later employer dismissed the employees.
5. After the dismissal, the union referred an unfair dismissal dispute to CCMA under case MP10027-15 on 18 November 2015.
6. On 03 December 2015, a jurisdictional challenge was lodged.
7. On 30 June 2015, the Respondent forwarded a withdrawal notice of review under Labour Court case number JR640/2016.
8. On 01 July 2016, the parties were directed to hold a pre-arbitration conference scheduled for 25 July 2016.
9. On 03 July 2017, the Applicant attorney forwarded a notice of attorney of record withdrawal.
10. On 04 October 2018, the Respondent attorney sought a postponement of the arbitration which was opposed by the Applicant.
11. On 12 April 2019, the Respondent attorney forwarded a notice of attorney of record withdrawal.
12. On 28 October 2019, the dispute was postponed without a date and the file closed on account of the intention of the Respondent to file a review application at the Labour Court.
13. The CCMA received the review application on 18 November 2019.
14. To date, the matter remains before the Labour Court.