



EFF STATEMENT ON DYSFUNCTIONAL LABOUR COURT SYSTEM

Friday, 02 August 2024.

The Economic Freedom Fighters (EFF) is outraged by the ever-growing backlogs plaguing the Labour Court. Recent reports expose a disgraceful reality of over three years of backlogs, highlighting an unacceptable and deteriorating situation that demands immediate intervention.

The backlog is a result of several factors, including the Labour Court's jurisdiction expansion over the past 25 years without a corresponding increase in personnel. Shockingly, over 50% of cases enrolled as far back as 2022 remain unresolved, and the court has been unable to enrol any new trials since then.

Additionally, the number of legislations falling within the Labour Court's domain has increased exponentially over the past ten years, tripling the court's workload. Despite this surge, the number of Labour Court Judges has remained stagnant at 14. Yet, even if more justices were to be employed, there are no court rooms for them to hear cases.

As it stands, the bulk of Labour Court cases are concentrated in Johannesburg, which has only six courtrooms. Furthermore, the courtrooms in Durban and Cape Town are unable to function during load shedding or load reduction because they do not have generators, and promises of generator installations have never materialised.

This terrible situation is worsened by the fact that the Basic Conditions of Employment Act and the Labour Relations Act allow litigants to utilise both the CCMA and the Labour Court to challenge dismissals. In the instance of the CCMA the number of commissioners, and the huge caseload, are totally incompatible, and this overload of cases negatively impact on the quality of outcomes, and the rulings made.

With the Judiciary Annual Report regularly listing the Labour Court as the worst performer among our superior courts, it is crucial to remember that when retiring Chief Justice Raymond Zondo was President of the Labour Court more than twenty years ago, these issues were already identified as serious problems that needed urgent attention. Yet, Zondo did absolutely nothing to correct them.

Even during his term as Chief Justice, Zondo allowed this outrageously dysfunctional administrative situation to persist. Despite identifying the serious problems at the Labour Court and Labour Appeal Court as "administrative challenges" during his Judicial Service Commission (JSC) interview for Chief Justice, and pledging to prioritize their resolution, he has done nothing. Instead, the situation has only significantly worsened.

This is characteristic of Zondo as the most ineffective and incompetent Chief Justice that South Africa has ever had. His term was marked by mediocrity and administrative procrastination. Zondo's sad legacy is that he extended the paralysis and administrative chaos he left behind at the Labour Court to the entire judicial system in South Africa.

Our Labour Court is a critically important component of our judicial system, and its current dysfunctional state has a serious impact on the lives of thousands of workers and employees who rely on the CCMA and the Labour Court for justice when they are mistreated and illegally dismissed by employers.

As a workers' party, the EFF will closely monitor progress in this regard, particularly under the leadership of the new Chief Justice, Mandisa Maya, who must address this as a priority. Furthermore, we will take appropriate steps in Parliament to address this crisis in the delivery of justice decisively if the situation is not adequately addressed in the short term.

ISSUED BY THE ECONOMIC FREEDOM FIGHTERS

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