



DIRECTIVE 01 OF 2025:

IMPLEMENTATION OF COURT ONLINE ELECTRONIC PLATFORM IN

THE LABOUR COURT

This Directive is effective 14 April 2025

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A. Introduction

On 12 August 2024, the Labour Court, in accordance with the strategic plan of the Office of the Chief Justice's policy, adopted a phased-in approach to implementing the Court Online digital case management Portal ("**Court Online**"). This Portal is aimed at providing a platform for legal practitioners ("**practitioners**") and litigants in general to electronically file pleadings and documents relevant to their litigation in the Labour Court.

The first phase was implemented through Practice Directive 1 of 2024. This Directive determined that all urgent applications be initiated through the Court Online Portal as of 12 August 2024.

After the successful implementation of the provisions of Directive 1 of 2024, the Labour Court determined that phase two of the implementation, being the piloting of the Court Online Portal for *all* applications brought before the Court, be put into effect. This applies nationally to all of the Labour Courts, namely, Johannesburg, Durban, Cape Town and Gqeberha.

It is now resolved that the Court Online Portal should be fully implemented for all aspects of cases initiated in the Labour Court, and accordingly, this Directive shall take effect.

This Directive replaces Directive 1 of 2024 as of the effective date, being 14 April 2025.

1. Registration and initiation

- 1.1. With effect from 14 April 2025, all new cases (including by in-person litigants) must be initiated on the Court Online Portal for issuing and enrolment.
- 1.2. No new cases (i.e. cases initiated after the effective date of this Directive) shall be issued manually (in person).



Registration on Court Online Portal

- 1.3. In preparation for the initiation of any matter on the Court Online Portal, practitioners and litigants are required to register their personal details on the Court Online Portal per the following website:
<https://www.courtonline.judiciary.org.za>
- 1.4. Further –
 - (a) Foreign nationals who are registered with the Legal Practice Council (LPC) but who do not possess a South African identity number should contact the Court Online Support helpdesk via email to CourtOnlineSupport@judiciary.org.za for assistance with registration. The practitioner's LPC number must be included in the email communication.
 - (b) Unrepresented or in-person foreign nationals who do not possess a South African identity number should contact the Court Online Support Helpdesk for assistance with registration using the email address quoted above.
- 1.5. The Judiciary screen, which is the home page of the Court Online Portal, provides general information regarding access to the entire Portal. This includes:
 - (a) frequently asked questions (FAQ);
 - (b) contact information;
 - (c) registration information; and
 - (d) video tutorials.
- 1.6. For technical support, practitioners and litigants must make contact with the Court Online Support Helpdesk during court hours (Monday to Friday: 09h00 to 16h00). The Support Helpdesk service can be contacted via:



Email: CourtOnlineSupport@judiciary.org.za

Tel no: 010 493 2600

Helpdesk Microsoft Teams Open Link:

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- 1.7. Unrepresented or in-person litigants¹ must be referred to the Court Online Service Desk located at the court, where designated court staff members can assist with case initiation. A record of all these cases must be kept by the Registrar responsible for the management of the Court Online Service Desk.
- 1.8. When initiating new cases, the Court Online Portal generates a reference number. This reference number is not the case number.
- 1.9. The case number will automatically be generated upon the issuing of the case on the Court Online Portal by the Registrar of the Labour Court.
- 1.10. The reference number may not be recorded on any papers filed in the case file – only the case number must be used.
- 1.11. All applications must be initiated in accordance with Rule 7 of the Rules of the Labour Court by uploading only the statement of claim or notice of motion on to the Court Online Portal. The statement of claim or notice of motion must be duly signed. This is for the purpose of obtaining a case number.

¹ The 'in person litigant' means a person who is representing himself or herself, in other words, a person who is litigating without the assistance of a legal representative.



1.12. The documents that follow after the case has been initiated² should be uploaded only once the case has been issued:

- (a) When uploading documents on the Court Online Portal, all documents must be uploaded in PDF format on to the case file.
- (b) Once the bundle is created for a particular hearing date (“scheduled event”), the documents relevant to the hearing must be included in (“added to”) the bundle from the Court Online case file.
- (c) The correct document type must be selected when filing a particular document in the case file.
- (d) Practitioners and litigants **should not** select “other” when uploading documents on the Court Online Portal.³
- (e) In the event that the document type selection list does not make provision for a specific document type, an email is to be sent to the Court Online Support Helpdesk per: CourtOnlineSupport@judiciary.org.za under the subject heading “Request to add a new document type on Court Online” with a description of the document type to be added to the document selection list.
- (f) Documents shall not be uploaded directly to the bundle in Caselines as Caselines can only be accessed through Court Online. Please note that the presiding judge will not be able to access documents that have been directly uploaded to Caselines. Court files (case bundles) created on the Court Online Portal can only be accessed through the Court Online Portal.

² In the case of motion proceedings, these would be the founding and answering affidavits, including replying affidavits. In the case of action proceedings, this would be the statement of case and statement of response, including all relevant documents related to the pleadings.

³ This is discouraged since the Presiding Judge cannot identify the document in this manner. It is for this reason that practitioners and litigants must refrain from selecting “other” from the document type selection list when documents are uploaded.



2. Delivery of the record of arbitration in accordance with Rule 37(2) and (7) of the Rules of this Court by the CCMA or bargaining councils

- 2.1. Upon receipt of the notice of motion in accordance with Rule 37(2) of the Rules of the Labour Court the Commission for Conciliation Mediation and Arbitration (CCMA) or bargaining councils must deliver the record of arbitration proceedings to the Registrar through a cloud-based service.
- 2.2. The Registrar shall notify all the parties of receipt of the record from the CCMA / bargaining council and that the applicant can upload such a record.
- 2.3. The CCMA/bargaining council must thereafter upload the Rule 37(2)⁴ read with (7) notice and the bundle of documents on to the Court Online Portal.
- 2.4. The Registrar must retrieve the digital record from the cloud-based service and store the complete record on the hard drive and the Court's SharePoint storage platform.
- 2.5. The Registrar must comply with Rule 37(11)⁵ of the Rules of this Court by giving the parties access to the specific case SharePoint Folder; uploading the Rule 37(9)⁶ notice on to the Court Online Portal and notifying the parties by email accordingly.
- 2.6. The parties must retrieve the digital record via the SharePoint link received from the Registrar or Registry.

⁴ Rule 37(2) of the Rules provides:

'(2) The notice of motion must:

- (a) call upon the person or body to show cause why the decision or proceedings should not be reviewed and corrected or set aside;
- (b) call upon the person or body to dispatch to the registrar, within 10 days after receipt of the notice of motion, the complete record of the proceedings sought to be reviewed, and to notify the parties that this has been done; and (c) subject to subrules (3) and (4), be supported by an affidavit setting out the grounds on which the applicant relies to have the decision or proceedings reviewed and corrected or set aside.

⁵ Rule 37(11) of the Rules provides: "The registrar must make available to the applicant the record which is received on such terms as the registrar deems appropriate to ensure its safety."

⁶ Rule 37(9) of the Rules reads: "The registrar must notify the parties when a record has been received and may be uplifted by the applicant".



2.7. Should difficulties arise in the retrieval of the record of arbitration from the Court's SharePoint, the practitioner or litigant must notify the Registry of the problem on the following email addresses and also provide the email address which ought to be granted access to the SharePoint case folder:

- (a) Johannesburg:- LabourCourt-BackOffice@judiciary.org.za;
- (b) Cape Town:- labourcourtcapetown@judiciary.org.za;
- (c) Durban:- durbanlabourcourt@judiciary.org.za;
- (d) Gqeberha:- GqeberhaLabourCourt@judiciary.org.za;

2.8. The parties must properly prepare and arrange the documentary record and transcribe the digital record.

2.9. Once the Rules in respect of service have been complied with, the practitioner or litigant must comply with Rule 37(13)⁷ of the Rules of the Labour Court by uploading the properly prepared and paginated record of arbitration proceedings (transcribed audio and pdf documents) on to the Court Online Portal.

3. Initiation and enrolment of urgent applications or restraint of trade applications

3.1. All urgent applications must be initiated on the Court Online Portal and must be marked as "urgent."

3.2. All urgent applications must comply with the provisions of Rule 38 of the Rules of the Labour Court.⁸

⁷ Rule 37(13) of the Rules reads: "The applicant must furnish the registrar and each of the other parties with a copy of the record or portion of the record, as the case may be, and a copy of the reasons filed by the person or body; provided that, should it transpire that the person or body upon whom a notice of motion is served in terms of subrule (2) has failed to deliver a complete record, the 60-day period contemplated in subrule (14) will commence running only once a complete record has been delivered".

⁸ 2 Rules Regulating the Conduct of Proceedings of the Labour Court GG 50608 GN 4475 dated 3 May 2024.



- 3.3. All urgent applications for restraint of trade must comply with Rule 39 of the Rules of the Labour Court.⁹
- 3.4. When initiating urgent proceedings, the applicant must only upload the initiating document to the Court Online Portal (see paragraph 2.5 below).
- 3.5. The case number must be sought through the Court Online Portal by uploading the notice of motion. Upon receipt of the request for a case number, the Registrar will approve and endorse the request on the system.
- 3.6. The issuing of case numbers for and/or enrolment of urgent applications should be dealt with between 08:00 and 16:00 on court days unless the initiation takes place outside of court hours, for a hearing which will take place outside of court hours. Where an urgent case is issued and simultaneously enrolled, the issuing Clerk/Registrar shall create the case on Court online and invite the Judge's Secretary. The applicant

⁹ 39. Applications in restraint of trade:

- (1) Unless circumstances warrant a more urgent hearing, an application in restraint of trade will be enrolled only where the procedure outlined below has been strictly adhered to by the applicant.
- (2) An applicant must make provision in its notice of motion for the exchange of four sets of affidavits.
- (3) An applicant when prescribing the time periods to be adhered to for the filing of affidavits in its notice of motion must afford:
 - (a) the respondent at least 7 days to file an answering affidavit;
 - (b) the applicant at least 5 days to file a replying affidavit; and
 - (c) the respondent at least 5 days to file a fourth affidavit.
- (4) At the time of launching the application, the applicant must apply to the registrar to allocate a provisional date for the hearing of the application, such date having been calculated so as to take into account the mandatory time periods prescribed above and the filing of heads of argument as contemplated below. The applicant must also insert a date, not less than 7 calendar days after launching the application, on which the application will be heard if it is unopposed.
- (5) The application will be provisionally enrolled for hearing during the week following the week in which heads of argument have been exchanged.
- (6) The applicant must ensure that its notice of motion and founding affidavit are properly paginated before launching the application.
- (7) The parties are required to paginate any subsequent affidavits (as contemplated in subrule (3)) before such affidavits are filed.
- (8) The parties must adhere to the prescribed time periods for the filing of their affidavits.
- (9) Upon receipt of the fourth affidavit, or upon the expiry of the dies for the filing thereof, if no fourth affidavit is filed, the applicant must immediately prepare an index for the application, and upon completion thereof serve it on the respondent.
- (10) The parties must simultaneously serve and file heads of argument within 5 days from the date of delivery of the index or upon the expiry of the dies for the filing thereof.
- (11) At the time of filing its heads of argument, the applicant must make application for final enrolment of the matter. The application will be finally allocated for hearing during the week following delivery of the heads of argument. Party's failure to file heads of argument in accordance with this subrule will not preclude the matter from being allocated for hearing."



must ensure to invite all other legal practitioners involved in the matter. This invitation must be sent via email and, if it cannot be ascertained by the applicant that such email has been received by the parties, via telephone.

- 3.7. All urgent applications initiated by unrepresented litigants must be initiated on Court Online. During court hours, litigants must be referred to the Court Online Service Helpdesk for assistance with case initiation.
- 3.8. A record of all cases in terms of paragraph 3.7 must be kept by the Clerk responsible for the management of the Court Online Service Helpdesk. The contact details of the Service Helpdesk Clerk are as follows:
 - (a) Telephone number: 010 493 2600.
 - (b) Johannesburg:- labourcourt-admin@judiciary.org.za
 - (c) Cape Town:- labourcourtcapetown@judiciary.org.za;
 - (d) Durban:- durbanlabourcourt@judiciary.org.za;
 - (e) Gqeberha:- GqeberhaLabourCourt@judiciary.org.za;
- 3.9. In the event that the Court Online Service Helpdesk is closed, unrepresented litigants, must, before filing any papers, communicate with the Registrar or the urgent court Judge's Secretary to determine whether the Judge will authorise the filing of documents via email or physically at the premises of the Labour Court. In such cases, the Registrar will issue a case number manually to a litigant in person and, on the court day after the hearing, will refer the application and related documents, together with the contact details of the parties, to the Court Online service helpdesk for a case file to be created and the documents to be uploaded on Court Online.
- 3.10. Only where both the uploading on to the Court Online Portal or emailing of the papers is not possible, may a physical set of papers be delivered, as directed by the urgent court Judge, together with an affidavit



explaining, in full, why it was impossible to upload the papers via the Court Online Portal or by email.

- 3.11. Prior to initiating a matter on the Court Online Portal, the practitioner or litigant must contact the Registrar seeking a provisional date for the enrolment of the urgent application or application to enforce restraint of trade and confidentiality undertakings.
- 3.12. After obtaining the provisional date for the enrolment of the matter, the practitioner or litigant must:
 - (a) affix the provisional date on the notice of motion; and
 - (b) ensure compliance with the provisions of Rule 7(1) of the Rules of this Court by uploading the notice of motion on the Court Online Portal.
- 3.13. Every urgent application initiated on the Court Online Portal must be marked as “**urgent**” when creating the case on the Portal.
- 3.14. Failure to mark the matter as urgent shall result in the matter not being prioritised for issuing.
- 3.15. Matters which are not destined for the urgent court roll must not be marked as urgent.
- 3.16. Once the matter has been initiated for issuing, it shall then be issued with a case number on the Court Online Portal by the Urgent Court Judge’s Secretary or the Registrar.
- 3.17. Once the case number has been issued by the Registrar or Judge’s Secretary, the practitioner or litigant must:
 - (a) upload the complete founding documents(which would have been served) and fully comply with the Rules of this Court in respect of the filing and service of documents; and if the documents were served via email a service affidavit must be uploaded and



- (b) Create the case bundle.
- 3.18. The Judges' Secretaries doing Urgent Court duty shall, at **least a week** before commencing such duty, notify the respective Registrar who shall assign the appropriate role to the Secretaries which will enable them to issue applications on the Court Online Portal.
- 3.19. The following contact details may be used:
- (a) during afterhours: 010 494 9253/4
 - (b) during office hours: 081 350 4175
- 3.20. The Urgent Court Judge's Secretary shall, upon receiving the directions of the Presiding Judge, schedule the matter for hearing by creating an event for the matter on the allocated date and the appropriate urgent court roll.
- 3.21. The Urgent Court Judge's Secretary must inform the relevant Registrars of the changes in the court roll emanating from the Judge's directions.
- 3.22. Upon the conclusion of an urgent application, the Judge's Secretary must, in addition, unmark the matter as urgent for it to be removed from the urgent Court dashboard.

4. Enrolment of ordinary matters

- 4.1. Once a matter is ripe for a hearing, the practitioner or litigant must notify the Registrar (by email) of their complete compliance with the Rules of the Labour Court and must prepare and upload the notice of request for an enrolment date on the Court Online system, selecting the document type as "application for hearing or trial date".
- 4.2. The filing of the notice of request for an enrolment date and the notifying of the Registrar by email shall constitute the application for a hearing date.



- 4.3. There is no need to “invite” any office profile as the application for a hearing or trial date is automatically routed to the Registrar or Clerk responsible for enrolment.
- 4.4. The enrolment of matters on the Court Online Portal is subject to the general requirements for enrolment within the contemplation of the Rules of this Court.
- 4.5. Once the Registrar is satisfied that the matter is ripe for hearing; the Rules have been fully complied with; and that the pre-enrolment form has been counter-signed by all active parties, a provisional date shall be issued.
- 4.6. When applying for a hearing date, the practitioner or litigant must complete and upload the notice of request for enrolment date together with the pre-enrolment form, prior to inviting the relevant Registrar’s Office Profile. The Registrar shall in turn record the date allocated to the matter on the set-down notice whereafter it will be uploaded to the electronic case file on Caselines.
- 4.7. Practitioners and litigants are not permitted to record hearing dates on set down notices. It is strictly the Registrar’s function to record dates on the notice of set down.
- 4.8. Recording a hearing date on the set down notice or application for a hearing date will be regarded as gross misconduct and will result in the matter being struck off or removed from the roll.
- 4.9. The hearing date of the matter shall also be noted on the electronic case file on the Court Online platform.
- 4.10. After the above procedure has been complied with, the practitioner or litigant must create the case bundle and must create file sections in a format that makes it reader-friendly and strictly following the prescribed template by:



- (a) using the automatic index to identify every document uploaded;
and
 - (b) include an additional index (if necessary) that cross-references both Caselines page numbers and another page number sequence; where this is done, such index must be in a single document.
- 4.11. When reference is made to the uploaded documents, the heads of argument must cross-reference the Caselines page number and the paragraph, where applicable.
- 4.12. If case law is uploaded, copies must be legible, and the automatic index must be capable of identifying the case name.
- 4.13. It is very important that the uploaded file be suitably sectioned, ordered, and bundled in a logical chronological order, containing legible copies of every document uploaded as an individual document.
- 4.14. There must be a full description of all documents uploaded on the Court Online Portal and where an annexure to an affidavit or other document is uploaded, it is insufficient to describe it as, e.g., FA1 or R13.
- 4.15. The sections, unless logic dictates differently, shall include the following:
- (a) Pleadings – a full set of pleadings applicable as at the hearing date.
 - (b) Pre-amendment pleadings, if any: a full set.
 - (c) Notices.
 - (d) Discovery (in the case of trial proceedings): the discovery affidavits of all parties, the plaintiff's first, and the defendant's thereafter.



- (e) A statement that discovery is complete must be filed; if not complete, a full explanation of why not, and what steps were taken, and which remain necessary to achieve completion.
- (f) In the case of trial proceedings, a signed pre-trial conference minutes meaningfully address all the issues must be filed.
- (g) If the parties do not agree to the contents of the minutes, a minute signed by the party filing the document must in accordance with Rule 25(3)¹⁰ of the Rules of this Court be filed together with the insufficiently signed pre-trial minutes, an explanation why the parties cannot agree.
- (h) Practice notes in chronological sequence.
- (i) Trial bundle: a single bundle of all documents the parties intend to use at the trial and a statement as to the agreed or disputed evidential status. Where a party includes unnecessary documents in the bundle, the court may, on application of any party to the trial, or on its own accord, make a punitive costs order in respect thereof.
- (j) Previous court orders in chronological order.

4.16. The practitioner or litigant is responsible for timeously uploading pleadings, notices and other legal process under the respective sections in all cases created by them.

5. Matters uploaded on Caselines

5.1. In matters where the case has been created on Caselines but pleadings have not closed as pleadings are still being exchanged, the responsibility to upload the relevant pleading or document lies with the party

¹⁰ Rule 25(3) reads: "If the parties have not filed a pre-trial minute as required by rule 22, or the judge decides that the pre-trial minute is inadequate, the judge must direct that a supplementary pre-trial minute be filed within 10 days of the date of the directive. If the parties are unable to file a pre-trial minute on account of any disagreement between them, the plaintiff must file an explanation of why agreement on the content has not been obtained, and the judge must then issue an appropriate directive".



responsible for each particular pleading/notice/legal process and in line with the Rules of the Labour Court.

- 5.2. These are matters that were initiated on Caselines before 31 March 2025. Except where so directed by the Presiding Judge or Judge President, no matter shall be initiated on Caselines after 31 March 2025. The system will reject any attempt of initiating a case on Caselines.
- 5.3. The Parties must grant access to the Registrars' Office Profile to all cases.
- 5.4. The Registrars and Registrars' Clerks manage the designated Caselines Profiles diligently to ensure that matters are attended to timeously.
- 5.5. Caselines has a 'refresh' function to assist in noticing and attending to all developments and activities taking place in Caselines files.
- 5.6. The emails may not be sent to the various Caselines Registrars' Office Profiles referred to throughout this Directive.
- 5.7. These Caselines Profiles do not exist as the email addresses are for Caselines invitation purposes only.
- 5.8. The Judge's Secretary is permitted to "freeze" the case bundle and amend the Parties' case permissions to prohibit the late filing of pleadings, notices and any legal process in line with the Rules of the Labour Court and in particular five days before the enrolment date.
- 5.9. In the event that the case bundle is frozen, the Judges' Secretaries are instructed to remove the "change the case" permissions of attorneys, advocates, litigants and other persons invited to the case by legal representatives (the court user group), i.e. all persons other than court staff members, Judges and Caselines Support personnel. Only the Judge's Secretary is authorised to use the Bundle Freeze feature.



- 5.10. The “change the case” permissions of the court user group must not be restored. Practitioners should therefore ensure that provision is made for all anticipated court processes that the case may follow by creating all necessary sections before the matter is enrolled for the first time.
- 5.11. The Rules of the Labour Court in respect of service and filing remain strictly enforceable. The digital uploading of properly served pleadings / notices / legal process shall be regarded as factually compliant only if it complies with the Rules of the Labour Court.
- 5.12. The filing of hardcopy pleadings and other documents is strictly prohibited unless so directed by the Presiding Judge.
- 5.13. Unrepresented or in-person litigants who require assistance in initiating a case on the Court Online Portal shall be referred to the relevant and identifiable court officials for assistance.
- 5.14. The Office of the Registrar is specifically directed and mandated:
- (a) to disregard/reject matters that are non-compliant with this Directive,
 - (b) not to allocate dates for matters that are noncompliant with this Directive,
 - (c) to un-invite the case creator from the matter, to prefix the case with “NO TEMPLATE”, and to mark the case as complete in order to archive the case where the practitioner or litigant fails to use the COURT USER template.
 - (d) Where the case has been archived due to failure to use Court User template the case creator must then create the case afresh, using the COURT USER template as described in the Directive before the case can proceed.



- (e) Attorneys and litigants may not un-invite (remove) any person from the PEOPLE list unless the person to be removed from the case was erroneously invited by themselves.
- 5.15. Attorneys and litigants may not alter or delete endorsements or remove documents from any case on Caselines.
- 5.16. Where an attorney is found to have tampered with endorsements or removed documents, such attorney will be reported to the Legal Practice Council for investigation for unprofessional conduct or unethical conduct as the case may be.
- 5.17. A notice for a request for a hearing date/provisional hearing date, containing the correct case information e.g. case number and parties' details, must be done per the Rules of the Labour Court, only on court days and between the hours of 08h00 to 15h00.
- 5.18. A request for a hearing date/provisional hearing date is done by uploading a properly completed application with the blank space for a date and by specifying the case type where "other" is selected and after that only the relevant Registrar's Office Caselines Profile must be invited to the electronic file to the case.
- 5.19. The relevant Registrar's Office Caselines Profiles to be invited to particular cases are as follows:
- a. Johannesburg: The Registrar, Ms Francinah Nelisiwe Ntuli at Fntuli@judiciary.org.za;
 - b. Durban: The Registrar, Mr Siphesihle Mjwara at SMjwara@judiciary.org.za;
 - c. Cape Town: The Registrar, Ms Farzaana Ismail at FIsmail@judiciary.org.za;
 - d. Gqeberha The Registrar, Ms Lauren Marshal-Reen at GqeberhaLabourCourt@judiciary.org.za;



6. Trial procedure on set-down

- 6.1. A party who contends that a matter is ripe to be allocated a trial date shall apply in the prescribed form, to the Registrar for a certificate of trial readiness and together with such application, shall further provide the following in a statement, signed by the attorney for the party applying for the certificate, confirming that:
- (a) They have personally verified full compliance with the prescripts of this Directive.
 - (b) There are no interlocutory applications that are outstanding or anticipated.
 - (c) A copy of a pre-trial minute signed by all parties, which was held not earlier than 30 calendar days before the date the application is made, accompanies the statement and is compliant with the provisions of this Directive.
 - (d) All documentation has been uploaded to the electronic file on Caselines and is compliant with the prescribed format.
- 6.2. The Registrar shall upon receipt of an application that is fully compliant with these prescripts issue a certificate in the prescribed form.
- 6.3. The notice requesting a date and the accompanying documents shall be made available to the Presiding Judge in due course, and the attorney applying for the certificate must ensure that a copy of the application and the accompanying documents is retained in his or her safekeeping, and that the documents are available at the hearing.
- 6.4. In the event that any misrepresentation is intentional, the certificate shall automatically be invalid, and the attorney and/or Counsel responsible for the application shall be referred to the Deputy Judge President for an investigation into the misrepresentation and may be referred to the Legal Practice Council, for a further investigation into whether or not professional misconduct has been committed.



- 6.5. The Plaintiff or Applicant shall invite the relevant office profile to the court file as uploaded on Caselines in accordance with the prescribed format.
- 6.6. The court file must be suitably sectioned, ordered, and bundled in a logical chronological order, containing legible copies of every document (uploaded as an individual document, appropriately described and without duplication) as follows:
- (a) under "01 Master bundle" with separate sections:
 - (i) for pleadings - a full set of the pleadings,
 - (ii) for pre-amended pleadings – a full set of pre-amended pleadings, (4) or notices - all notices,
 - (iii) for discovery - the discovery affidavits of all parties with a statement that discovery is complete, alternatively if not complete, a full explanation why not, and what steps are necessary to achieve completion,
 - (iv) for pre-trial minutes – the signed pre-trial minutes subject to the Rules of this Court;
 - (v) for practice notes - all required practice notes;
 - (vi) for trial bundle - all documents that the parties intend to use at the trial.
 - (vii) A single bundle of legible copies, without duplication, in logical order, whether chronological or thematic, as needs be, and indexed in accordance with Caselines indexing page numbering. Disagreement, if any, about the contents of the bundle must be raised with the allocated Judge at the hearing.
 - (b) Where a party includes unnecessary documents in the bundle, the Court may, on the application of any party to the trial, or on its own accord, make a punitive costs order in respect thereof.



- (c) Parties must not create separate sections for every document. They must upload the individual document to the appropriate group/section to which the document belongs and fully describe such document.
- (d) The attorney responsible for the reports' procurement is accountable for compliance in this regard, and failure to adhere hereto may imperil certification.

7. **Return dates**¹¹

7.1. A return date shall be issued by the Presiding Judge at the hearing of a rule *nisi*, or an *ex parte* application and the following shall apply:

- (a) The return date obtained must be confirmed in the same manner and form as a provisional date application in order for the matter to be added to the provisional roll and the date to be entered by the Registrar's office to the file on Caselines.
- (b) Failure to attend to provisional enrolment will result in the return date being forfeited.
- (c) The confirmation of the date must be accompanied by the postponement order and a note to the Registrar on Caselines Notes requesting that the date stipulated in the order be updated on the file and the case to be included on the Registrar's provisional roll.
- (d) Attorneys are not to seek return dates in any manner other than described herein.
- (e) Compliance with this part of the Directive is mandatory to ensure the successful enrolment of matters on the final roll.

¹¹ The Registrar shall provide three dates to the Secretary of the Presiding Judge for allocation. The Presiding Judge shall evenly distribute dates.



- (f) Should the request/application for a hearing date/provisional hearing date be in order and approved, the respective Court official must enter the hearing date and where applicable, clearly marked as “provisional” date on the electronic file.

8. Procedures to obtain set downs

- 8.1. Once there is compliance with the Rules of the Labour Court and the provisions of this Practice Directive, the Applicant’s legal representative must no later than the prescribed time periods, upload the notice of request for enrolment, which must correspond with the Registrar’s Provisional Roll, in the correct section titled “Final notice of set down” on the case file and invite the set-down office to the case.
- 8.2. The Registrar will review the notice of request for enrolment for compliance with the relevant timeframes in the Rules of the Labour Court and applicable Directives; and confirm the final enrolment and hearing date by noting the description of the roll whereon the matter is enrolled.
- 8.3. The Registrar may further communicate defects and/or discrepancies by email or on the case file using Caselines Notes.
- 8.4. The Registrar shall place the matter on the Court roll and invite the Judge’s Secretary to the electronic file.
- 8.5. The Judge’s Secretary shall invite the Judge to the case.
- 8.6. Before the hearing date, the Judge’s Secretary shall take note of any filed notices of withdrawal, and of matters removed from the roll by notice.
- 8.7. The Judge’s Secretary must implement the bundle freeze date when the period for filing of documents has expired per the applicable Practice Directives at least not later than five clear court days before the enrolment date.



- 8.8. Practitioners/ litigants may not alter or request alteration of the bundle freeze date to upload documents out of time.
- 8.9. Where a Judge establishes from the Caselines audit trail that a practitioner uploaded documents out of time without condonation having been granted for such late filing, the matter may be struck from the roll and a cost order *de bonis propriis* may be made against the errant practitioner.
- 8.10. Should the matter be withdrawn, the practitioner or litigant shall upload a notice of withdrawal to the electronic file at least five clear court days before the hearing of the matter and shall simultaneously notify the Secretary of the Judge hearing the matter, per email, of the withdrawal of the matter.
- 8.11. The Judge's Secretary shall inform the parties whether or not their attendance is necessary in light of the withdrawal or removal notices. Subject to the Presiding Judge's discretion, the matter shall on the hearing date be removed from the roll.

9. Court orders and judgments

- 9.1. The Judges' Secretary or the Typing Office must take note that the outcome of the matters shall be recorded on the Court Online Portal.
- 9.2. The outcomes shall not be available to Court Online Portal users until such time that the order is generated, uploaded and published to the court file, the order will appear in the Court Online Portal under "my case documents".
- 9.3. The Judge's Secretary shall endorse the case file on Court Online, upload the order or judgment and publish the documents to the litigant Portal for it to appear under "my case documents" on that Portal.
- 9.4. The Judge's Secretary shall endorse the case file on Court Online and assign the matter to the relevant typist team for the order to be



generated, uploaded and published to the case file on the litigant Portal under “my case documents”.

- 9.5. For the purposes of verifying the authenticity of a court order, the Sheriff, or other interested parties or institutions may access the cases by selecting “access a case” on the Court Online Portal.
- 9.6. A draft order must be uploaded in a PDF format, and a Word format of the same draft order should be emailed to the presiding Judge’s Secretary.
- 9.7. A draft order which is granted by a Judge must be amended by the Judge’s Secretary to read “Court Order” prior to the Judge’s signature being affixed. The order signed by the Judge must be stamped and signed by the Registrar prior to the Judge’s Secretary uploading the order to the electronic file.
- 9.8. There shall be no order that will be typed by the Court typist to accompany an order so signed by a Judge. In exceptional circumstances, where an order must be typed by the Court typist, the Judge’s Secretary shall notify the Chief typist to the case upon disposal of the matter to generate the typed Court order.
- 9.9. The turnaround time for the uploading of stamped and signed orders by the Judge’s Secretary shall be no longer than one day in the case of urgent applications, or whatever the circumstances dictate or seven court days in the case of ordinary proceedings.
- 9.10. Where exceptional circumstances exist for the typing of the Court order by the Typing Office, there must be an endorsement on the front covers of the electronic files on Caselines by the Secretary of the Judge followed by a notification to the Typing Office by the Secretary in which the Typing Office is alerted to generate a typed order. The Typing Office shall in turn provide the designated scanning office with the typed order.



9.11. The typed order shall be signed and stamped by the Registrar whereafter it shall be uploaded to the electronic case file. The uploaded order shall be the original order, and no signed orders will be provided on paper.

9.12. Where a judgment is issued, the Judge's Secretary shall publish the judgment on the Court Online Portal and notify the parties and the Registrar by email of the issuance of the judgment.

10. Taxation

10.1. Once a case reaches the post-hearing stage, taxation becomes available. The Registrar of the Labour Court shall ensure that the taxation avenue becomes available after endorsing the case outcome.

- (a) All bills of costs must be uploaded together with the notice of intention to tax a bill of costs.
- (b) Where the bills of costs become resolved, the settled bills must be uploaded as settled bills and must be accompanied by the opponent's acceptance of offer.
- (c) The taxation date must be sought in the same manner and form as a provisional date application in order for the matter to be added on to the provisional roll and the date to be entered by the Registrar's office to the file on Caselines.

11. Application for leave to appeal filing procedure

11.1. The application for leave to appeal must be uploaded on to the Court Online Portal.

11.2. Once the Application for leave to appeal together with the proof of service has been uploaded, the practitioner or litigant must invite the Registrar of the Labour Court to the case file.



- 11.3. The relevant Judge's Secretary or Registrar of the Labour Court shall review the documents for compliance and completeness and may communicate any non-compliance and/or other defects and/or discrepancies by email or on the case file using Caselines Notes.
- 11.4. The parties must file the requisite written submissions in accordance with the Rules of the Labour Court and notify by email the Registrar of the Labour Court and Judge's Secretary of the compliance.
- 11.5. Upon the finalisation of the leave to appeal, and where a mere court order is issued, the Judge's Secretary shall endorse the case file cover (front page) and notify the Typing Office in order to generate the typed Court order.
- 11.6. The typed order shall be signed by the Registrar of the Labour Court whereafter must be uploaded to the case file. The uploaded order shall be the original order, and no signed orders will be provided on paper.
- 11.7. Where judgment on leave to appeal is issued, the Judge's Secretary shall publish the judgment on the Court Online Portal and notify the parties and the Registrar of the Labour Appeal Court by email of the issuance of the judgment.
12. Representatives of the media shall have access to the proceedings before the Labour Court after registering on the Court Online Portal and complying with the provisions of Rule 73 of the Rules of the Labour Court.
13. The failure to comply with the Directive will be viewed in a serious light and will be addressed by an appropriate order, including but not limited to the removal / strike off of the matter or a punitive costs order.

Judge E. Molahlehi
Judge President
Labour and Labour Appeal Courts of South Africa
28 March 2025



Compliance Checklist for Referrals and Adjudication

(STATEMENTS OF CLAIM & DEFAULT JUDGMENTS)

CASE NO: _____

DATE CHECKED: _____

BEFORE THE MATTER IS ENROLLED FOR HEARING, CHECK IF:

| <u>REFERRAL AND ADJUDICATION</u> | YES / NO | DATE | COMMENTS/DIRECTION |
|--|---------------|------|--|
| Is there a Labour Court case number allocated and does the case number appear on the document | | | |
| Is the statement of claim filed in terms of Rule 11: 1. Original? 2. Fully completed? 3. Signed? | 1. 2. 3 | | |
| Is there proof of service of the statement of claim on the respondent(s) and a service affidavit (Proof of service in terms of Rule 9) | | | |
| Is there a copy of the certificate of outcome attached to the papers ? (This is not necessary when the claim is brought in terms of the Basic Conditions of Employment Act) | | | |
| Is the statement of case filed within 90 days of the date of the certificate of outcome? | | | |
| If not, there must be an application for condonation for the late filing of the referral | | | |
| Notice of intention to defend? Rule 12 A notice to defend without a statement of response is not sufficient, unless the respondent(s) raised a special plea or exception.) | | | Must be filed within 10 days of the date on which the statement of claim is delivered to the respondent(s) |
| Is there a statement of response? (Rule 13) | | | Within 15 days of the date on which the notice of intention to defend is delivered (Rule 13 (3)) |
| Is a point <i>in limine</i> raised? (Exceptions, Strike out) Rule 14 | | | |



| | | | |
|--|--|--|--|
| Replication and plea in reconvention Rule 15 | | | Within 15 days of the service of the statement of response |
| Close of pleadings Rule 18 | | | If parties agree, and where there is no agreement, Registrar to refer to Judge to declare pleadings closed |
| Pre-Trial conference Rule 22 | | | Within 15 days of the close of pleadings |
| Filing of pre-trial minutes by PLAINTIFF Rule 22 (4) | | | Within 5 days of the conclusion of the conference, but no later than 30 days after the close of pleadings. |
| Is there a Notice of Bar? (Rule 16) | | | Party failing to deliver any pleadings in terms of the rules given 5 days within which it would be barred |
| Is there Notice of Extension and removal of bar by defaulting party? Rule 17 | | | |
| If the <i>dies</i> for filing a statement of response expired and the matter is not opposed, is there an application for default judgment? Application to be served on all defendants and filed with Registrar. (FORM 2) Rule 21 | | | DJs to be dealt with by Judge in Chambers |
| Fast tracking request? When the issue in dispute concerns the dismissal of 10 or more employees whose reinstatement is sought. Rule 24 | | | |
| Pagination, indexing, binding By Plaintiff within 10 days of close of pleadings. Rule 29 | | | |
| Practice Note (By Plaintiff - Ten days before trial date) Rule 31 | | | |
| Archiving: When a period of 6 months has elapsed from the date of delivery of the statement of claim without any steps, or the date on which the last process was filed; Rule 69 | | | |



| | | | |
|--|--|--|--|
| IF MATTER IS ARCHIVED IT CANNOT BE SET DOWN UNLESS A REINSTATEMENT APPLICATION HAS BEEN RECEIVED ito Rule 69 (3) | | | |
| Recommendation: | | | |
| NAME & SURNAME : FIRM'S NAME : SIGNATURE : DATE: | | | |



Compliance Checklist for Reviews

CASE NO: _____

DATE CHECKED: _____

BEFORE THE MATTER IS ENROLLED FOR HEARING, CHECK IF:

| PLEADINGS/NOTICES TO BE FILED | DATE FILED | YES / NO | COMMENTS |
|--|------------|----------|---|
| 1. Is there a Labour Court case number allocated and does the case number appear on the document | | | |
| 2. Is there proof of service of the application on the respondent(s) and a service affidavit (Proof of service in terms of Rule 9(2)) If one of the respondents is a State department, ensure that service was effected on the State Attorney | | | |
| 3. Notice of Motion with a founding affidavit filed | | | CHECK COMPLIANCE OF RULE 37(2) |
| 4. Is the arbitrator cited as a party | | | |
| 5. Is the CCMA or bargaining council cited as a party | | | |
| 6. Is a copy of the award/ ruling attached to the application | | | |
| 7. Is the copy of the award / ruling complete and signed | | | |
| 4. Notice of intention to oppose, if any | | | Within 10 days from the day on which the application is served Rule 37 (2) |
| 5. Rule Notice 37(14) (Transcribed record) | | | CHECK WHEN RULE 37(9) and (11) NOTICE WAS SENT TO PARTIES (RECORD TO BE FILED WITHIN 60 DAYS THEREAFTER) |
| 6. Rule 37(20) Notice | | | within 5 days after the transcribed record has been filed |
| 7. Supplementary affidavit (This is not compulsory) | | | |
| 8. Answering affidavit (In the event that the application is opposed) Rule 37(22) | | | WITHIN 10 DAYS AFTER RECEIPT OF THE RECORD AND NOTICE OF AMENDMENT OR NOTICE THAT THE APPLICANT |



| | | | |
|--|--|--|---|
| | | | STANDS BY ITS NOTICE OF MOTION |
| 9. Replying Affidavit (This is not compulsory) Rule 37(24) | | | WITHIN 5 DAYS FROM THE DAY ON WHICH ANY NOTICE OF OPPOSITION AND ANSWERING AFFIDAVIT ARE DELIVERED. |
| 10. Is the file paginated in compliance with Rule 23 (3) Rule 37(2) | | | |
| 11. Request for Set down. If such a request is filed, the file must be processed for set down Rule 37(25) | | | TO BE FILED WITHIN 12 MONTHS OF THE FILING OF THE APPLICATION |
| 12. If a request to archive a file is filed, it must be dealt with immediately and such request should not be merely placed in the file with no further action | | | |
| 13. Where there is no formal request for the archiving of a file, the provisions of Rule 69(2) apply and files are to be dealt with accordingly when the record was filed late, or a period of 6 months has elapsed without any steps taken by the applicant from the date of filing the application or the date of last process filed | | | |
| Applicant's heads of argument Rule 40 (2) | | | WITHIN A PERIOD OF 15 DAYS AFTER THE DATE ON WHICH PLEADINGS CLOSE. REQUIRED IN UNOPPOSED REVIEW APPLICATIONS ONLY |
| Respondent's heads of arguments Rule 40(4) | | | MUST DELIVER HEADS OF ARGUMENT NO LATER THAN 15 DAYS PRIOR TO THE HEARING OF AN OPPOSED APPLICATION. |
| IF MATTER IS DEEMED WITHDRAWN OR ARCHIVED MATTER WILL NOT BE SET DOWN UNLESS A REINSTATEMENT APPLICATION HAS BEEN RECEIVED. Rule 69(3) | | | |
| Recommendation: | | | |



NAME & SURNAME :

FIRM'S NAME :

SIGNATURE :

DATE:



Compliance Checklist for Application(s)

CASE NO: _____

DATE CHECKED: _____

| PLEADINGS/NOTICES TO BE FILED | DATE TO COMPLY | DATE FILED | COMMENTS |
|--|----------------|------------|---|
| 1. Is there a Labour Court case number allocated and does the case number appear on the document | | | |
| 2. Is there proof of service of the application on the respondent(s) and a service affidavit (Proof of service in terms of Rule 9) If one of the respondents is a State department, ensure that service was effected on the State Attorney | | | |
| 3. Notice of Motion with a founding affidavit filed | | | CHECK COMPLIANCE OF RULE 35 |
| 4. Notice of intention to oppose, if any | | | |
| 5. If the application is opposed, is there an answering affidavit | | | CHECK TIME FRAMES – FILED WITHIN 10 DAYS AFTER RULE 35 HAS BEEN RECEIVED. |
| 6. Replying Affidavit (this is not compulsory as the applicant may elect not to file a reply) | | | TO BE FILED WITHIN 5 DAYS ON RECEIPT OF ANSWERING AFFIDAVIT. |
| 7. Is the file paginated? | | | |
| 8. Request for Set down. If such a request is filed, the file must be processed for set down | | | TO BE FILED WITHIN 12 MONTHS OF THE FILING OF THE APPLICATION |
| 9. If a request to archive a file is filed, it must be dealt with immediately and such request should not be merely placed in the file with no further action | | | |
| 10. Where there is no formal request for the archiving of a file, the provisions of the Rule 69(2) apply and files are to be dealt with accordingly when a period of 6 months has elapsed without any steps taken by the applicant from the date of filing the application or the date of last process filed | | | |
| Applicant's heads of argument Rule 40(2) Heads to comply with Rule 48 | | | WITHIN A PERIOD OF 15 DAYS AFTER THE DATE ON WHICH PLEADINGS CLOSE |
| Respondent's heads of argument. | | | NO LATER THAN 15 DAYS PRIOR TO THE HEARING OF AN OPPOSED APPLICATION. |
| Applicant to file Practice Note Rule 40(12). Practice Note to comply with Rule 31 | | | AT LEAST 10 COURT DAYS BEFORE THE SET DOWN DATE Rule 31(2) |



IF MATTER IS ARCHIVED, IT CANNOT BE SET DOWN UNLESS A REINSTATEMENT APPLICATION HAS BEEN RECEIVED ITO RULE 69(3)

Recommendation/comments:

NAME & SURNAME:

FIRM'S NAME :

SIGNATURE :

DATE:



Compliance Checklist for Section 158(1)(c) Applications

CASE NO: _____

DATE CHECKED: _____

| PLEADINGS/NOTICES TO BE FILED | DATE FILED | YES / NO | COMMENTS |
|--|------------|----------|---|
| 1. Is there a Labour Court case number allocated and does the case number appear on the document | | | |
| 2. Is there proof of service of the application on the respondent(s) and a service affidavit (Proof of service in terms of Rule If one of the respondents is a State department, ensure that service was effected on the State Attorney | | | |
| 3. Notice of Motion with a founding affidavit filed | | | CHECK COMPLIANCE OF RULE 35(4) |
| 4. Is a copy of the arbitration award or settlement agreement attached to the application | | | |
| 5. Notice of intention to oppose, if any | | | |
| 6. If the application is opposed, is there an answering affidavit | | | CHECK TIME FRAMES – FILED WITHIN 10 DAYS AFTER RULE 35 HAS BEEN RECEIVED. |
| 7. Replying Affidavit (this is not compulsory as the applicant may elect not to file a reply) | | | TO BE FILED WITHIN 5 DAYS ON RECEIPT OF ANSWERING AFFIDAVIT. |
| 8. Is the file paginated in terms | | | |
| Archiving | | | |
| Rule 69 | | | |
| Applicant's heads of argument (Not required) | | | |
| Respondent's heads of argument. (Not required) | | | |
| IF MATTER IS ARCHIVED MATTER CANNOT BE SET DOWN UNLESS A REINSTATEMENT APPLICATION HAS BEEN RECEIVED. Rule 69(3) | | | |
| Recommendation/ comments: | | | |
| NAME & SURNAME: | | | |
| FIRM'S NAME : | | | |
| SIGNATURE : DATE: | | | |



