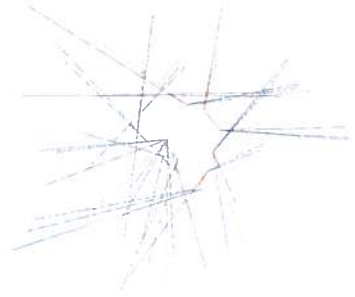


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Your reference
Mr T Ningiza

Our reference
Mr N Robb/ih
3011519

Date
28 July 2016

Dear Sirs

BEMAWU AND 3 OTHERS / SABC: LABOUR COURT CASE NUMBER: J1592/16

We enclose a copy of the Order handed down by Gush J this morning. Please take particular note of the costs order, appearing in paragraphs 7, 8 and 9. We shall furnish you with the signed and stamped Order as soon as we receive it from the Labour Court.

Yours faithfully

WEBBER WENTZEL

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Webber Wentzel is associated with ALN

**IN THE LABOUR COURT OF SOUTH AFRICA
HELD IN JOHANNESBURG**

CASE NO: J1592/16

In the matter between:

BEMAWU First Applicant

BUSISIWE NTULI Second Applicant

LUKHANYO CALATA Third Applicant

THANDEKA GQUBULE-MBEKI Fourth Applicant

and

**SOUTH AFRICAN BROADCASTING
CORPORATION (SOC)** Respondent

DRAFT ORDER

BEFORE GUSH J on 28 July 2016

it is ordered that:

1. The forms and rules of this Court are dispensed with and this matter is dealt with as a matter of urgency.
2. Thandeka Gqubule-Mbeki is joined as the fourth applicant to these proceedings.
3. The respondent's dismissals of the second to fourth applicants are unlawful and void *ab initio*.

4. The second to fourth applicants are entitled to return to work at the SABC and to continue with their respective duties and responsibilities in accordance with their job descriptions.
5. The respondent is interdicted from proceeding with the disciplinary proceedings initiated against the second to fourth applicants prior to their dismissal.
6. The respondent is interdicted from instituting new proceedings in relation to the same facts that gave rise to the disciplinary proceedings that form the subject matter of this application, against the second to fourth applicants.
7. Within five days of this order, the respondent shall file an affidavit indicating which of its official(s) were involved in the decisions to terminate the second to fourth applicants' contracts of employment with effect from 19 July 2016 in the case of the second and third applicants, and 18 July 2016 in the case of the fourth applicant.
8. Within five further days, the official(s) concerned, referred to in paragraph 7, shall file an affidavit showing cause why he/she/they should not be held personally liable for the costs of this application, such costs to be paid on the attorney-client scale and to include the costs of two counsel.
9. The determination of the final apportionment of liability for payment of the applicants' costs of the application (such costs to be paid on the attorney-client scale and including the costs of two counsel), as between the

respondent and any of its officials or employees is postponed *sine die*, and
may be enrolled by any party for determination once 20 days have elapsed
from the date of this order, provided that this matter shall be dealt
with together with the matter of Solidarity and others v
SABC (SOC) J 1343 /16

BY ORDER OF COURT

REGISTRAR
THE LABOUR COURT OF SOUTH AFRICA