

**IN THE LABOUR COURT**

**HELD AT DURBAN**

**CASE NO: D704/15**

In the matter between

HELGE JANSSEN

APPLICANT

and

THE ELRC MS. CINDY FOCA

1<sup>ST</sup> RESPONDENT

MR. A. DEYZEL (2<sup>ND</sup> ARBITRATOR)

2<sup>ND</sup> RESPONDENT

MR. CHARLES OAKES (1<sup>ST</sup> ARBITRATOR)

3<sup>RD</sup> RESPONDENT

MR. D. DUBE (2<sup>ND</sup> REPRESENTATIVE ED. DEPT.)

4<sup>TH</sup> RESPONDENT

MR. SIBISI (1<sup>ST</sup> REPRESENTATIVE ED. DEPT.)

5<sup>TH</sup> RESPONDENT

THE MEC FOR EDUCATION KWA-ZULU NATAL MS. N.P. NKONYENI

6<sup>TH</sup> RESPONDENT

**FAILURE TO COMPLY WITH 'NOTICE TO COMPEL'**

TO:

1. MACROBERTS INC. REPRESENTING 1<sup>ST</sup>, 2<sup>ND</sup> AND 3<sup>RD</sup> RESPONDENTS

ADDRESS: MACROBERT BUILDING

CNR JUSTICE MAHOMED & JAN SHOBA STREETS

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4. MR. D. DUBE (EDUCATION DEPARTMENT REP. 2<sup>ND</sup> ARB HEARING)

ADDRESS: AS BELOW C/O DEPT. OF EDUCATION

5. MR. SIBISI (EDUCATION DEPARTMENT REP. 1<sup>ST</sup> ARB. HEARING)

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6. THE MEC FOR EDUCATION KZN: MS. N.P. NKONYENI

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KINDLY TAKE NOTE THAT THE APPLICATION FOR REVIEW OF 07.09.15 SENT VIA

REGISTERED MAIL HAS BEEN MARKED

**URGENT**

The Education Labour Relations Council Lawyers MacRoberts Inc. have failed to meet the deadline for submission of records for case PSES627-09-10 by:

1.

- 1.1. Submitting the incorrect CCMA application forms from 2010. At the time I was told these forms were the incorrect forms and subsequently submitted the ELRC forms.

- 1.2. NOT supplying documents left by the APPLICANT with Mr. Charles Oakes at arbitration hearing case PSES627-09-10 or SUBSEQUENT CORRESPONDENCE prior to release of the first award received on 07.06.10 via email.
- 1.2. NOT supplying COPIES OF BOTH AWARDS issued by Mr. Charles Oakes on 28<sup>th</sup> May 2010. Mr. Charles Oakes has not replied to an affidavit sent on 02 NOVEMBER 2014.
- 1.3. NOT supplying the following items:
  - a) The recordings of hearing on: 20<sup>th</sup> January 2015, 13 March 2015 AND 25 May 2015.
  - b) ALL DOCUMENTS that the Applicant left with Mr. A. Deyzel at the hearing on 25 May 2015. My understanding is that these documents need to be submitted and filed with the ELRC post the hearing i.e. THAT THIS IS STANDARD POLICY and is not anything unusual or out of the ordinary.
  - c) Has failed to supply a copy of the "CLOSING ARGUMENT" sent to Mr. Deyzel via email and which has been acknowledge by him in his award.
- 1.4. The non compliance with the "NOTICE TO COMPEL" represents a gross dereliction of duty on the part of the ELRC and constitutes CONTEMPT OF COURT.
- 1.5. The non compliance represents yet ANOTHER PLOY to stall for time. This is completely unacceptable and echoes the SAME *time delay tactics* I encountered when dealing with MacRoberts Inc. between 01.07.10 and March 2011.

Helgé Janssen

HELGÉ JANSSEN APPLICANT

THIS 21<sup>ST</sup> DAY OF OCTOBER, 2015.

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