

10 July 2017

ASSIGN LABOUR APPEAL COURT JUDGMENT

The Labour Appeal Court (LAC) handed down judgment today (10 July 2017) in the Assign labour broking / deeming clause appeal. The LAC has granted the appeal.

In summary, the LAC has set aside the Labour Court judgment. With respect to the learned Judges, our legal team has identified numerous grounds of appeal and accordingly instructions have been issued for the judgment to be taken on appeal.

Importantly, the Labour Appeal Court found that:

- Contractually, it is permissible for the TES to remain involved – for example paying remuneration; and
- for so long as the TES remains involved, joint and several liability remains

It is important to note that the taking of the LAC judgment on appeal stays the effect of the LAC judgment. **Accordingly, from the time of the lodging of the application for leave to appeal until finalisation of the appeal, the law remains as per the Assign Labour Court judgment (per Brassey AJ).**

Should you have any queries relating to this matter or require context to the case, please do not hesitate to contact Assign's Attorney of Record, Craig Kirchmann of Kirchmanns Incorporated on 043 721 0963.

GENERAL ENQUIRIES:

CAPES Public Relations

Attention: Natalie Singer

Email: pr@capes.org.za

Website: www.capes.org.za

ABOUT CAPES

The Confederation of Associations in the Private Employment Sector (CAPES) is an umbrella body, formed in 2002, when the need for a unified voice for the South African staffing industry became apparent. CAPES was created specifically to act as the lobbying organisation for the four primary staffing associations, who represent thousands of SME staffing businesses, and several of South Africa's largest corporate staffing companies.