



Labour Courts  
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11 August 2020

## **FROM OFFICE OF THE JUDGE PRESIDENT**

### **SUPPLEMENTARY DIRECTIVE TO THE DIRECTIVES OF 01 JULY 2020 IN RESPECT OF MEDIA ACCESS TO THE LABOUR COURT'S VIRTUAL PROCEEDINGS AND PHYSICAL HEARINGS DURING ALERT LEVEL THREE LOCKDOWN OF THE NATIONAL STATE OF DISASTER**

This directive is issued to make provision for the Media's access to virtual Court hearings and physical hearings. The previous directives issued by the Judge President on 01 July 2020 remain in force.

#### **1. Virtual Court Hearings:**

- 1.1 Members of the Media who wish to attend a virtual Court hearing may direct a request to the Secretary of the Presiding Judge in instances where the details of the Judge hearing the matter are known.

1.2 In instances where the details of the Presiding Judge are unknown, the request may be directed to the relevant Registrar of the Court, in respect of which the case has been filed, who will direct the request to the Secretary of the Presiding Judge. Any communication which has to be addressed to the Registrars must be sent by email to:

1.2.1 [FNtuli@judiciary.org.za](mailto:FNtuli@judiciary.org.za) (in **Johannesburg**)

1.2.2 [Flsmail@judiciary.org.za](mailto:Flsmail@judiciary.org.za) (in **Cape Town**)

1.2.3 [TVilakazi@judiciary.org.za](mailto:TVilakazi@judiciary.org.za) (in **Durban**)

1.2.4 [SGerber@judiciary.org.za](mailto:SGerber@judiciary.org.za) (in **Port Elizabeth**)

1.3 The Labour Court rolls are posted weekly on the Office of the Chief Justice (OCJ) and Department of Justice (DOJ) websites on Fridays. However, the Court roll for the urgent applications changes as and when cases are lodged, with the result that new cases cannot be added on the web roll that is published.

1.4 It remains the decision of the Presiding Judge to grant Media access to Virtual proceedings with due regard to the nature of the proceedings, public interest in Court proceedings and the principles of open justice.

1.5 On direction of the Presiding Judge, the Secretary will render such assistance as may be necessary to ensure that the members of the Media are linked to virtual hearings.

1.6 Virtual hearings should ideally be recorded. Subject to direction by the Presiding Judge, the responsibility for recording and management of the audio recording will be undertaken by the Court and/or by a Party that has arranged the virtual hearing as may be directed by the Presiding Judge.

The Party that has organised the virtual hearing must, immediately following the hearing, provide the Registrar and the Secretary to the Presiding Judge with a link to the video conference record.

1.7 Virtual hearing proceedings may not be downloaded or screen shots thereof may not be taken either before, during or after the proceedings without an application to and permission of the Presiding Judge.

1.8 Members of the Media granted access to virtual hearings must mute their microphones and switch off their cameras at all times so as to minimise interference with the proceedings.

## 2. Physical Court Hearings:

2.1 As set out in Directive 4 of 01 July 2020 the general principle to be observed is that physical contact among persons ought to be eliminated or limited to instances of necessity.

2.2 Directive 16 - 20 of the Directives issued on 01 July 2020 outline the general conditions under which parties may enter the Court building where a physical hearing has been directed by a Judge and continues to be valid and of full force and effect.

2.3 The Media may have access to physical court hearings provided that health and safety measures are adhered to and on conditions set out in Directives 17-18 of the Directives issued on 01 July 2020.

2.4 Where there are various Media houses or agencies seeking access to physical Court hearing, for purposes of complying with health and safety measures and social distancing standards, the Presiding Judge may make an order limiting the number of Media observers, provided that the Media house(s) attending the proceedings shall be required to provide or make available any footage/recording obtained during the proceedings to other Media houses/agencies requesting it.

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On behalf of the Judge President

MV Phatshoane

Acting Deputy Judge President

The Labour Courts