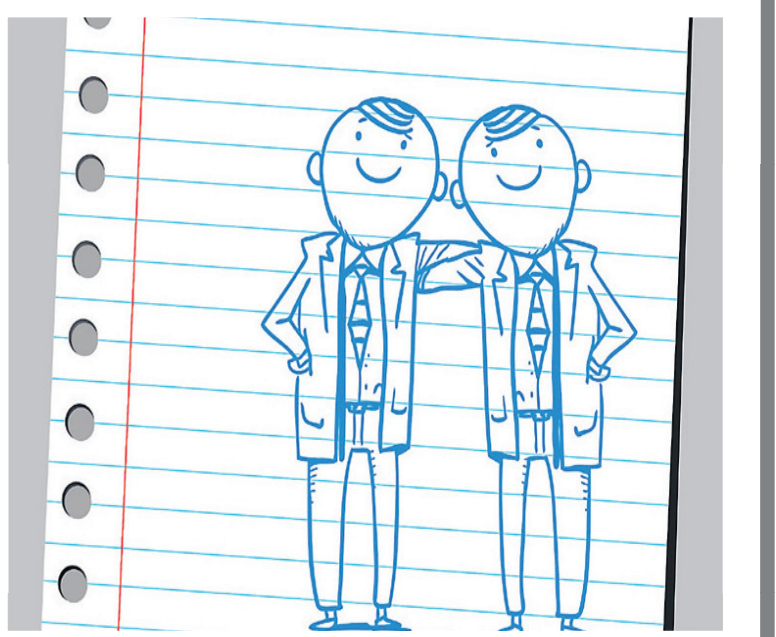


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The Star LEGALS



Several complex factors affect justification for "constructive dismissal"



When dismissing staff, employers must to ensure they are fired justifiably so that both parties can part on good terms, a labour law authority, has warned.

avoiding the disciplinary hearing is unlikely to constitute unfair constructive dismissal.

For example, in the case of Mvumelo vs AMG Engineering in 2003, the employee who was informed of a disciplinary hearing for theft resigned and claimed constructive dismissal but lost the case because it was found by the arbitrator that he had in fact resigned to avoid the disciplinary action.

However, where disciplinary steps have been taken unfairly and render the employment circumstances intolerable, this can constitute constructive dismissal. For example, in Pretoria Society for the Care of the Retarded vs Loots in 1997, the employer gave the employee a final warning for a number of offences and poor work performance.

The Labour appeal Court found that this disciplinary action constituted constructive dismissal because the employer had "thrown the book" at the employee, found her guilty of things for which she could not be held responsible - and had humiliated her.

"Employers need to be extremely careful that they do not discipline employees unfairly. Otherwise the employer might have to pay tens of thousands of rands in compensation and legal costs," Israelstam cautions.

3. There was no reasonable alternative at the time but for the employee to resign to escape the circumstances;
4. The unbearable situation was caused by the employer - intentionally or unintentionally; and
5. The employee must have been in control of the unbearable circumstances.

"However, employers need to be very cautious in interpreting the meaning of these five tests. For example, test number 3 - where the employee must show that he or she had no reasonable alternative but to resign - must not be simplistically interpreted. For instance, it is often the case that the employee theoretically has the option of remaining in the employment relationship and referring an unfair labour practice to the CCMA or other tribunal. Where the employee fails to do so and resigns instead, this will not always mean that he has failed test number 3. Passing this test will depend a great deal on whether, under the circumstances at the time, the employee could reasonably have been expected to stay on in the employer's employ while referring the unfair labour practice dispute."

Israelstam says employees must be equally careful not to misinterpret the law as a resignation by the employee for purposes of

TENDERS WRITER

"CONSTRUCTIVE dismissal" - the act when a staff member resigns and claims that the resignation occurred was caused by the employer's intolerable conduct - could cause a minefield of problems for employers, says Ivan Israelstam, CEO of Labour Law Management Consulting.

Israelstam says unbearable or intolerable circumstances in this context can refer to a wide variety of acts on the employer's part including the failure to pay the employee, verbal or physical assault, sexual or other harassment, victimisation, scapegoating, unfair demotion, unjustified unilateral changes in employment conditions, or unfair discipline.

To convince an arbitrator or judge that unfair constructive dismissal has in fact taken place the employee must show that:

1. The employment circumstances were so intolerable that the employee could justifiably not continue to stay on;
2. These unbearable circumstances were the cause of the resignation of the employee;

Legals

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GAUTENG GAMBLING ACT, 1995

APPLICATION FOR AN AMENDMENT OF A SITE OPERATOR LICENCE

● Ronelle Sadaoui trading as Mitchell Street Restaurant & Bar Restaurant of 252 Charlotte Maxeke Street, Pretoria West
● Marco Bezuidenhout trading as Cavernans Pub & Grill of Shop 01 Connoisseur Building, c/o Gerrit Maritz & Jack - Hiddon Street, Pretoria North, Pretoria

APPLICATION FOR A GAMING MACHINE LICENCE - VUKANI GAMING GAUTENG

● Jangacore Rivonia (PTY) Ltd trading as Teazars (Rivonia) of Remaining Extent of Erf 78, Henenburg, Shop 2, Atrium, Meyers Shopping Centre, 344 Rivonia Boulevard, Rivonia

Intend submitting applications to the Gauteng Gambling Board for an amendment of a gaming machine licenses from two to five machines. These applications will be open for public inspection at the offices of the Board from 14 May 2018

Attention is directed to the provisions of Section 20 of the Gauteng Gambling Act No 4 of 1995 (as amended), which makes provision for the lodging of written representations in respect of the application.

Written representations should be lodged with the Chief Executive Officer, Gauteng Gambling Board, Private Bag 15, Bramley, 2018, within one month from 14 May 2018

Such representations shall contain at least the following information:
(a) the name of the applicant to whom the representations relate;
(b) the ground or grounds on which representations are made;
(c) the name, address, telephone and fax number of the person submitting the representations;
(d) whether the person submitting the representations requests the board to determine that such person's identity may not be divulged and the grounds for such request; and
(e) whether or not they wish to make oral representations at the hearing of the application. (STAR 10911723)

Business Licence

NOTICE

MPUMALANGA GAMBLING ACT, 1995 (ACT NO. 5 OF 1995) AS AMENDED

APPLICATION FOR REMOVAL OF A BOOKMAKER LICENCE

MPUMALANGA (PTY) LTD, intends submitting an application to the Mpumalanga Economic Regulator (MER) for the REMOVAL OF BOOKMAKER'S LICENCE: from 39 ANDREW STREET, NELSPRUIT, 1200 TO THE MALLMEFULA, SHOPS 66, 67, 68 AND 72, CORNER 643 (BRAND STREET) AND N2 (CHURCH STREET) PIET RETIEF, MPUMALANGA, 2380.

The application will be open for public inspection and objection at the offices of the Board from 14 May 2018. Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995, that makes provision for the lodging of written objections or representations in respect of the application. Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Economic Regulator, Private Bag X9508, White River, Mpumalanga, 1240, within one month from 4 May 2018. (STAR 10907435)

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Public Notices

NOTICE OF AVAILABILITY OF DRAFT BASIC ASSESSMENT REPORT FOR REVIEW AND COMMENT FOR THE PROPOSED 30KV 88KV ESKOM ETNA - TRADE ROUTE POWER LINE WITHIN THE JURISDICTION OF CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY, GAUTENG PROVINCE

Notice is hereby given in terms of regulation 40 (1)(a) of the Environmental Impact Assessment (EIA) Regulations of December 2014, published in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for the purpose of applying for Environmental Authorisation for the aforementioned project.

PUBLIC REVIEW OF THE DRAFT BASIC ASSESSMENT REPORT

The Interested and Affected Parties are hereby notified of the availability of the draft Basic Assessment Report (BAR) for review and comment within the above mentioned dates. Copies of this report are available at the following addresses:

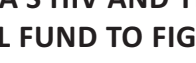
Venue	Address	Contact
Mount Olive Outreach Community Centre	2824 Onr Primrose & Goat Street, Lelae	Mthokozisi Gumbi
Nsovo Website	www.nsovo.co.za	Rejoice Aphane 011 041 3689

Please be informed that soft copies of the report may be made available upon request.

NAME OF APPLICANT - Eskom Holdings SOC Ltd
NAME OF CONSULTANT AND CONTACT - For further information and/or to submit your comments relating to this project, please contact us through the details below.

NSOVO ENVIRONMENTAL CONSULTING	
Contact:	Rejoice Aphane
Email:	ppp@nsovo.co.za or admin@nsovo.co.za
Tel:	011 041 3689
Fax:	086 602 8821
Postal address:	Postnet Suite 697, Private Bag X29, Gallo Manor, 2052

Please quote Reference Number (F010-16) in all correspondence.



This newspaper advert is prepared on behalf of Eskom Holdings SOC Limited.

SOUTH AFRICAN NATIONAL AIDS COUNCIL (SANAC)

CALL FOR APPLICATIONS

The South African National AIDS Council (SANAC) leads South Africa's response to the national HIV and AIDS, TB & STIs epidemics. SANAC is building a dynamic team that can facilitate its effective leadership of the national response.

CALL FOR APPLICATIONS TO SERVE AS PRINCIPAL RECIPIENTS OF SOUTH AFRICA'S HIV AND TB REQUEST FOR FUNDING TO THE GLOBAL FUND TO FIGHT AIDS, TB AND MALARIA

The South Africa Global Fund Country Coordinating Mechanism (GF CCM) is preparing to submit a request for funding (RFF) to the Global Fund to Fight AIDS, TB and Malaria (GF) covering the period from 1 April 2019 to 31 March 2022. The GF CCM has determined that it will need six (6) Principal Recipients (PRs) to implement this grant and has ring-fenced three PR spots for the National Department of Health (NDOH), a civil society organisation (CSO) to focus on advocacy with key population networks and a private sector body to bring co-investment and drive alignment to the National Strategic Plan for HIV, TB and STIs (NSP) hence improving efficiency and effectiveness of investment of the private sector for the benefit of employees and their communities. The other three PRs are open to government and CSOs.

Hence the GF CCM calls for applications from government departments, civil society and private sector organisations that wish to serve as PRs for the HIV and TB grant. The GF CCM has therefore issued the following two calls for applications to nominate four PRs:

- Bid CCM/PR/2018/01 – To nominate three PRs that will manage the implementation of the GF grant by sub-recipients across the country.
- Bid CCM/PR/2018/02 – To nominate one PR that will mobilise private sector investment and drive alignment to the NSP thereby improving efficiency and effectiveness of private sector investment for the benefit of employees and their communities.

The terms of reference, other reference materials and the application forms can be downloaded from the SANAC website, <http://sanac.org.za/category/global-fund/>. Applicants are advised to watch the SANAC website for any updates to this call and to check their eligibility against the pre-qualification criteria before submitting their applications.

There will be a compulsory briefing session on 10 May 2018 10h00 at: the SANAC offices 2nd Floor, Block E, Hatfield Gardens, 333 Grosvenor Street, Hatfield, Pretoria, 0001.

Applications can be submitted electronically to GFCM@sanac.org.za or deposited in the tender box located at the SANAC offices on 2nd Floor, Block E, Hatfield Gardens, 333 Grosvenor Street, Hatfield, Pretoria, 0001.

All applications must be clearly marked with the bid number.

THE CLOSING DATE AND TIME IS: 28 MAY 2018 AT 12H00.

NO LATE SUBMISSIONS WILL BE ACCEPTED.

www.sanac.org.za

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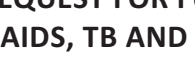
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Court Orders

CASE NO.: 2017/06983

IN THE HIGH COURT OF SOUTH AFRICA GAUTENG LOCAL DIVISION, JOHANNESBURG

BEFORE THE HONOURABLE ACTING JUDGE NKOSI

In the matter between: