



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: J 183/24

Honourable Justice **MAKHURA ORDERED on 27 February 2024**

In the matter between:

**UNIVERSITY OF PRETORIA (UP)**

**Applicant**

And

**NATIONAL EDUCATION, HEALTH AND ALLIED  
WORKERS UNION (NEHAWU)**

**1<sup>st</sup> Respondent**

**MEMBERS OF NEHAWU EMPLOYED AT UP  
AS SET OUT IN ANNEXURE "FA1"**

**2<sup>nd</sup> Respondent**

**UNIVERSITY OF PRETORIA WORKERS  
ORGANISATION (UPWO)**

**3<sup>rd</sup> Respondent**

**MEMBERS OF UPWO EMPLOYED AT UP  
AS SET OUT IN ANNEXURE "FA1"**

**4<sup>th</sup> Respondent**

**TLOU MATUBA**

**5<sup>th</sup> Respondent**

**GOITSEMANG MATHEKGA**

**6<sup>th</sup> Respondent**

**CHRIS HATTINGH**

**7<sup>th</sup> Respondent**

**PARTICIPANTS IN PROTEST ACTION AT UP**

**8<sup>th</sup> Respondent**

**THE SOUTH AFRICAN POLICE SERVICES**

**9<sup>th</sup> Respondent**

**ORDER**

REGISTRAR OF THE LABOUR COURT OF  
SOUTH AFRICA  
BRAAMFONTEIN

Having read the documents and having considered the matter:

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LC-JHB-001

REGISTRAR OF THE LABOUR COURT OF  
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NT/

IT IS ORDERED THAT:

1. Non-compliance by the Applicant with the Rules in respect of form, service and time periods as provided for in Rule 8 in the Rules of Conduct of Proceedings in the Labour Court is condoned and the matter is treated as one of urgency.
2. A *rule nisi* is issued calling upon the Respondents to show cause, if they wish, on **17 May 2024** why a final order in the following terms should not be granted:

2.1 The First to Eighth Respondents are directed to comply with the Picketing Rules as agreed to on 18 January 2024 ("Picketing Rules"). In particular, the First to Eighth Respondents are specifically directed to comply with the following obligations:

2.1.1 Not to picket anywhere except in the demarcated area of the University's Hatfield Campus' Engineering Gate (as agreed in the Picketing Rules meaning: the driveway area between the public road and the gates of the "Engineering Gate" but not on the public road, public sidewalk parallel to the road or inside the barrier at the "Engineering Gate");

2.1.2 Not to picket near or on any other of the University's campuses (Prinshof, Hillcrest, Groenkloof, Mamelodi, Onderstepoort and Illovo), except in the demarcated area of the University's Hatfield Campus' Engineering Gate in terms of the Picketing Rules;

2.1.3 Not to intimidate non-striking employees, replacement labour or any other person or student;

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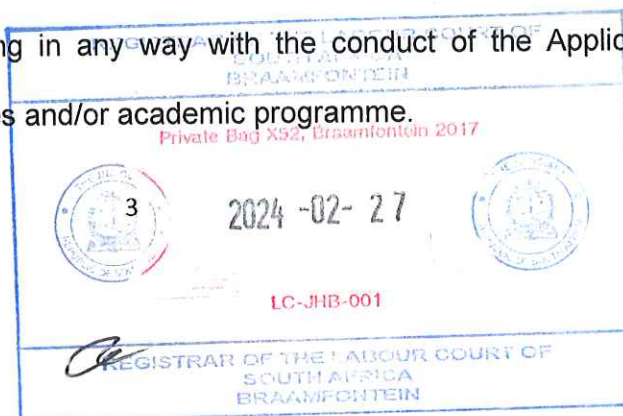
REGISTRAR OF THE LABOUR COURT OF SOUTH AFRICA  
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- 2.1.4 Not to obstruct vehicles or traffic entering or leaving any University premises;
- 2.1.5 Not to block any entrance or gate of the Hatfield Campus or any other of the University's campuses;
- 2.1.6 Not to prevent or attempt to prevent any member of the public, including visitors, other employees of the Applicant, students, persons or service providers from gaining access to or leaving the Hatfield Campus or any other of the University's campuses;
- 2.1.7 Not to commit any unlawful action, including violent action;
- 2.1.8 Not to intimidate, coerce, threaten or assault any employee or person participating or not participating in the picket;
- 2.1.9 Not to cause damage to property of the Applicant, students, any members of the public, including visitors, other employees of the Applicant or services providers;
- 2.1.10 Not to carry or possess any weapons or inflammable materials, rocks, sticks, or make any threatening gestures; and
- 2.1.11 To conduct themselves in a peaceful, unarmed and lawful manner.

- 2.2 The First to Eighth Respondents are interdicted and restrained from unlawfully interfering in any way with the conduct of the Applicant's operations, activities and/or academic programme.

NT/





2.3 The First to Eighth Respondents are interdicted and restrained from conducting any violent or unlawful conduct in pursuit of their wage demands, including:

2.3.1 Harassing, intimidating, assaulting, threatening to assault or harm any employee, contractor, service provider, supplier, student or member of the public;

2.3.2 Preventing or attempting to prevent any of the Applicant's employees, contractors or service providers from tendering their services to the Applicant and preventing or attempting to prevent any student from engaging in any academic or other student activities;

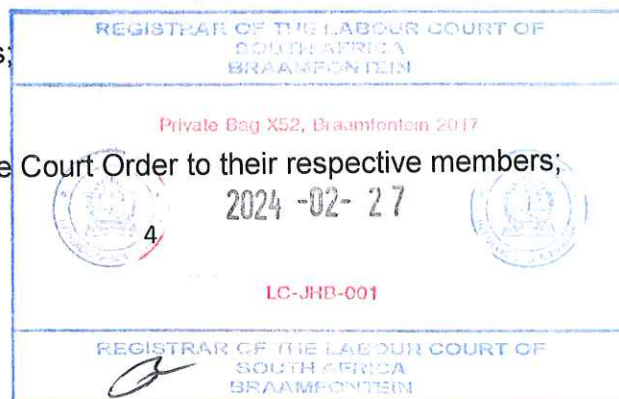
2.3.3 Interfering with road traffic and blockading points of access to an egress from any of the University's campuses; and

2.3.4 Damaging or threatening to damage the Applicant's property or property under the Applicant's control and interfering with the proper working of the Applicant's property or property under the Applicant's control.

2.4 The First, Third, Fifth, Sixth and Seventh Respondents are directed to:

2.4.1 Bring the Court Order, and its terms, to the attention of their respective members by reading out the Court Order to the picketers;

2.4.2 Email the Court Order to their respective members;



- 2.4.3 Publish the Court Order on the First and Third Respondents' websites;
- 2.4.4 Publish the Court Order on the First, Third, Fifth, Sixth and Seventh Respondents' social media platforms;
- 2.4.5 Take all reasonable and necessary steps to ensure compliance by their respective members with the Court Order; and
- 2.4.6 Assist the Applicant in the identification of their respective members who breach any of the provisions of the Court Order.
3. The orders under paragraph 2 above (including sub-paragraphs) are to serve as an interim interdict, with immediate effect against the First to Eighth Respondents, pending finalisation of proceedings on the above return date.
4. The Ninth Respondent (South African Police Service and Public Order Policing Unit) is directed to take all reasonable steps in terms of Section 9 of the Regulation on Gatherings Act, 205 of 1993 to ensure:
- 4.1 Compliance with the Court Order;
- 4.2 That access to any campus of the University is not impeded by the picketers;
- 4.3 That the vehicle traffic or pedestrian traffic is not impeded;
- 4.4 That picketing does not take place anywhere except in the demarcated area of the University's Hatfield Campus' Engineering Gate (as per the Picketing Rules).

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5. Any Respondents wishing to anticipate the above return date may do so on not less than 48 (forty-eight) hours' written notice to the Applicant's attorney of record and at the address as set out herein below.
6. Service of the Court Order is to be effected in the following manner:
  - 6.1 By posting this Court Order on the official website of the University;
  - 6.2 By way of email on the First, Third, Fifth, Sixth and Seventh Respondents;
  - 6.3 By affixing a copy of the Court Order at all points of entrance to the Hatfield Campus;
  - 6.4 By serving a copy of the Court Order on the Ninth Respondent by hand, as well as by email.
7. Costs of the application are reserved for determination on the return date of the rule nisi.

BY THE COURT

REGISTRAR

