



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: J 1169/17

Honourable Justice Baloyi **ORDERED** on 19 May 2017.

In the matter between:

THE UNIVERSITY OF PRETORIA

Applicant

and

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

First Respondent

**EMPLOYEES OF THE APPLICANT THAT ARE
MEMBERS OF NEHAWU & PARTICIPANTS
IN UNLAWFUL PROTEST ACTION**

Second Respondents

JOSEPH MAKHASA

Third Respondent

MANDLA MATSHIANE

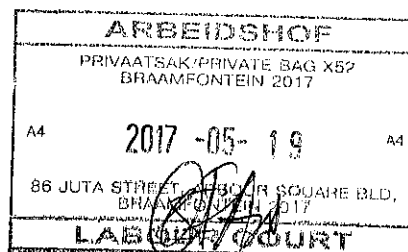
Fourth Respondent

ORDER

Having read the documents and having considered the matter:

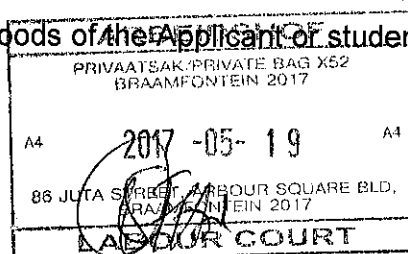
IT IS ORDERED THAT:

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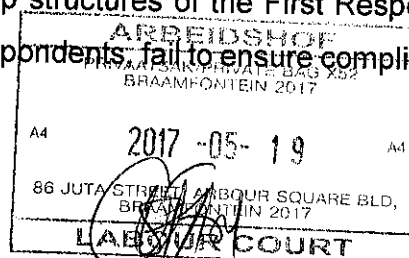
1. The provisions of the Rules of the above Honourable Court pertaining to times and manner of service referred to therein, are dispensed with, and that it is ordered that this matter is considered and dealt with as a matter of urgency in terms of Rule 8 of the Rules of the above Honourable Court;
2. The provisions of Section 68(2) of the Labour Relations Act No. 66 of 1995 ("LRA") pertaining to the giving of 48 (fourty eight) hours prior notice of this application, is dispensed with, and that it is ordered and determined that the applicant has shown good cause as contemplated by Section 68(2)(c) as to why this matter is considered and dealt with as a matter of urgency notwithstanding the fact that the applicant has not given such 48 (fourty eight) hours' notice;
3. A Rule Nisi be issued, calling upon the Respondents herein to appear and show cause, on 18 August 2017 at 10:00 why a final Order should not be granted in terms of the provisions of Section 68 of the LRA, which order shall be in the following terms:
 - 3.1 DECLARING that the Respondents' conduct is in breach of the agreed picketing rules;
 - 3.2 INTERDICTING AND RESTRAINING the Respondents from supporting, promoting, instigating, advancing, embarking upon or participating in any unlawful behaviour;
 - 3.3 INTERDICTING AND RESTRAINING the Respondents from picketing inside or on any of the Applicant's premises, excluding the agreed and designated picketing area;
 - 3.4 INTERDICTING AND RESTRAINING the Respondents from, in any way, hampering and/or interfering with any (prospective) student, parent, visitor, customer, supplier, vehicle, non-striking employees, replacement labourers, and property or goods of the Applicant or students;

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- 3.5 ORDERING the First, Third and Fourth Respondents to take all reasonable steps to ensure that the Second and further Respondents comply with this Order;
- 3.6 The leadership structures of the NEHAWU Union (University of Pretoria branch) in respect of any protest action organised by it in public areas outside the campus of the University of Pretoria are directed to take all reasonable steps to ensure that no entrance to the premises or property of the University of Pretoria is so barred by participants in protest action or barricaded that reasonable access is denied to visitors, students, staff and any person seeking access to such campus;
- 3.7 The Respondents and all participants in protest action at the University of Pretoria are restrained from participating in protest action at the University of Pretoria within 50 metres from any entrance to any campus;
- 3.8 The Respondents are interdicted from participating in unlawful protest action on the campus of the University of Pretoria;
- 3.9 The leadership structures of the NEHAWU trade union (University of Pretoria branch) are directed to take all reasonable and necessary steps to ensure compliance with this Court Order by its members and/or followers, by *inter alia*:
- 3.9.1 Requesting its members and followers to conduct themselves lawfully, and to refrain from participating in unlawful protest action in conflict with the Order as out above;
- 3.10 Should the leadership structures of the First Respondent, together with the Third and Fourth Respondents, fail to ensure compliance with this Order, they

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are called upon to advance reasons on the return date why they should not be held in contempt of Court;

3.11 The costs of this application be determined on the return date;

3.12 The provisions of paragraphs 3.1 - 3.10 shall operate and become effective immediately upon granting of the order, and shall operate as an interim order with immediate effect, pending the return date of this application, and the Respondents shall be obliged to immediately comply paragraphs 3.1 – 3.11.

3.13 The service of this interim order shall be effected by:

3.13.1 Posting this Court Order on the official website of the University of Pretoria;

3.13.2 Exhibiting a copy of this Court Order on the notice boards of the Applicant;

3.13.3 Telefaxing and/or emailing a copy of this Court Order to the First, Third and Fourth Respondents.

3.14 The Respondents may anticipate the return date on 48 hours written notice to the Applicant's attorneys;

