



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO. 081/23

Honourable Madam Justice PHEHANE ORDERED on 13 JUNE 2023.

In the matter between:

SEFAKO MAKGATHO HEALTH
SCIENCES UNIVERSITY (SMU)

Applicant

And

NATIONAL EDUCATION, HEALTH AND ALLIED
WORKERS UNION (NEHAWU)

First Respondent

MEMBERS OF NEHAWU EMPLOYED AT SMU

Second Respondent

AS SET OUT IN ANNEXURE "FA1"

ACADEMIC AND PROFESSIONAL STAFF

Third Respondent

ASSOCIATION (APSA)

MEMBERS OF APSA EMPLOYED AT SMU

Fourth Respondent

AS SET OUT IN ANNEXURE "FA2"

SOUTH AFRICAN PARASTATAL & TERTIARY

Fifth Respondent

INSTITUTION UNION (SAPTU)

MEMBERS OF SAPTU EMPLOYED AT SMU

Sixth Respondent

AS SET OUT IN ANNEXURE "FA3"

REGISTRAR OF THE LABOUR COURT OF SOUTH AFRICA Private and Confidential
2023-05-14
LC-JHB-002
REGISTRAR OF THE LABOUR COURT OF SOUTH AFRICA

ORDER

By agreement between the parties:

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 August 2023** why a final order in the following terms should not be granted:

2.1 The Respondents are directed to comply with the Protocols on Managing Strikes at Sefako Makgatho Health Sciences University approved on 25 November 2022 ("Strike Protocol"). In particular, the Respondents are specifically directed to comply with the following obligations placed on them in terms of the Strike Protocol:

2.1.1 To conduct themselves in a peaceful, unarmed and lawful manner;

2.1.2 To picket no less than 250 meters outside of the main gates of the Applicant's campus at 1 Molotlegi Street, Ga-Rankuwa, Pretoria ("Campus");

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- 2.1.3 Not to block any entrance or gate of the Campus;
- 2.1.4 To picket no less than 250 meters of any entrance or gate of the Campus;
- 2.1.5 Not to prevent or attempt to prevent any member of the public, including customers, other employees of the Applicant or service providers from gaining access to or leaving the Campus;
- 2.1.6 Not to commit any unlawful action, including violent action;
- 2.1.7 Not to intimidate, coerce, threaten or assault any employee or person participating or not participating in the picket;
- 2.1.8 Not to cause damage to property of the Applicant, any members of the public, including customers, other employees of the Applicant or services providers; and
- 2.1.9 Not to carry or possess any weapons or inflammable materials, rocks, sticks, or make any threatening gestures.

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

2.3 The Respondents are interdicted and restrained from conducting any violent and 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 student activities;

2.3.3 Interfering with road traffic and blockading points of access to an egress from the Campus; 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 and Fifth Respondents are directed to:

2.4.1 Bring this Court Order and its terms to the attention of their respective members;

2.4.2 Ensure compliance by their respective members with

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Bring this Court Order and its terms to the attention of their respective members;

2023-08-14

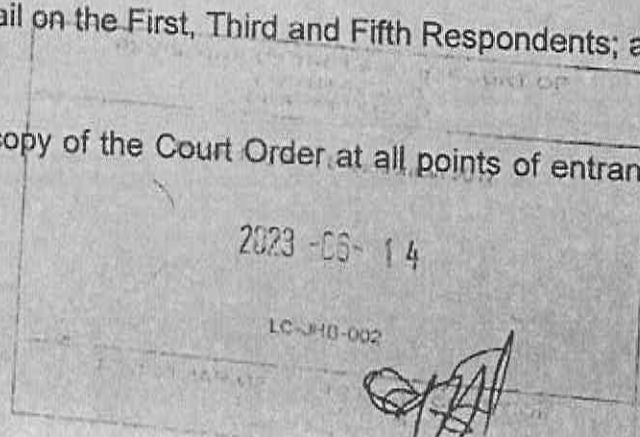
Ensure compliance by their respective members with

LABOUR COURT

this Court Order; and

2.4.3 Assist the Applicant in the identification of their respective members who breach the provisions of this Court Order by committing violent and unlawful acts in pursuance of the wage demands.

3. The orders under paragraph 2 above (including sub-paragraphs) are to serve as an interim interdict, with immediate effect against the Respondents, pending finalisation of proceedings on the above return date.
4. The South African Police Service is directed to do everything in its power to ensure compliance with this Court Order.
5. Any Respondent wishing to anticipate the above return date may do so on not less than 48 hours' written notice to the Applicant's attorney of record and at the following email address hardus@bakkerlaw.co.za.
6. Service of this Court Order is to be effected in the following manner:
 - 6.1 By posting the Court Order on the Applicant's official website;
 - 6.2 By way of email on the First, Third and Fifth Respondents; and
 - 6.3 By affixing a copy of the Court Order at all points of entrance to the Campus.



7. There is no order as to costs.

BY THE COURT

Private Bag X52, Braamfontein 2017

REGISTRAR 2023-06-14

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