



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Case No: J 580/22

Honourable Justice Moshwana ORDERED on the 16 May 2022.

(In Chambers)

In the matter between:

UNIVERSITY OF SOUTH AFRICA

Applicant

and

NATIONAL EDUCATION HEALTH AND ALLIED
WORKERS' UNION (NEHAWU)

First Respondent

MEMBERS OF THE FIRST RESPONDENT
LISTED IN ANNEXURE "X" TO THE NOTICE OF
MOTION

Second Respondents

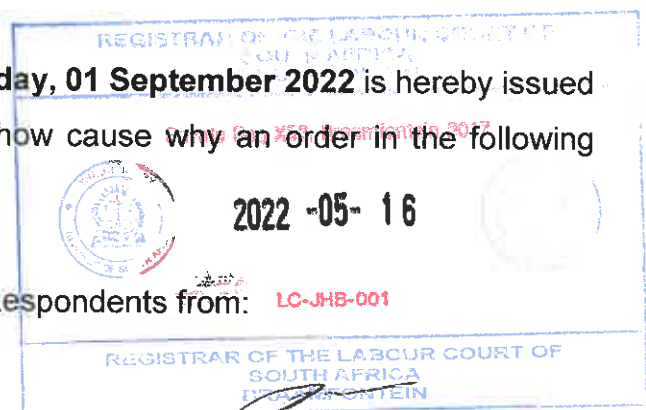
ORDER

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

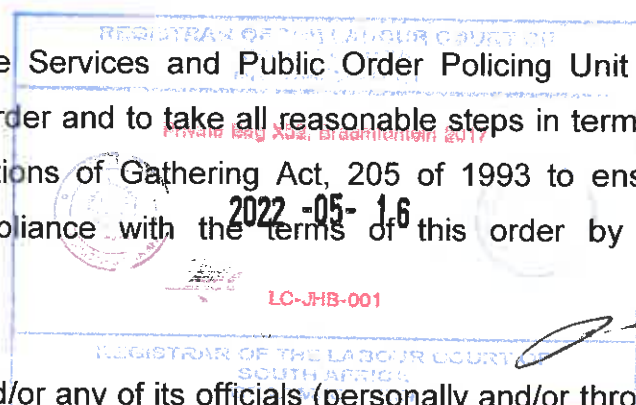
1. The forms and service provided for in the Rules of Court are dispensed with and this matter is heard as one of urgency in terms of Rule 8.
2. A *rule nisi* with a return date **Thursday, 01 September 2022** is hereby issued calling upon all Respondents to show cause why an order in the following terms should not be made final:
 - 2.1 Interdicting and restraining the Respondents from: LC-JHB-001

RP/



- 2.1.1. Entering the Applicant's campuses (including but not limited to the Muckleneuk Campus, Sunnyside Campus, UNISA Science Campus and Graduate School of Business Leadership) or from blocking entrances thereto, thereby preventing access for permitted person (including non-striking employees, students and visitors) access to the Applicant's campuses;
- 2.1.2. Infringing traffic rules or obstructing the flow of traffic to or from the Applicant's campuses;
- 2.1.3. From carrying firearms, knives, sharp objects, sticks or dangerous weapons as defined in the Dangerous Weapons Act 15 of 2013 at or near the entrance to any of the Applicant's campuses;
- 2.1.4. Preventing any person from tendering their employment and/or services to the Applicant;
- 2.1.5. In any way or manner interfering with the administration of the Applicant;
- 2.1.6. Participating in any unlawful protest action outside of the Applicant's campuses within 150 metres from the entrance(s) thereof;
- 2.1.7. From intimidating any employee, student or visitor of the Applicant or from committing any act of violence or other offence against them;
- 2.1.8. Damaging any of the Applicant's immovable and/or moveable property or the property of its employees, students or visitors in any way or manner whatsoever.

2.2. The South African Police Services and Public Order Policing Unit are directed to enforce this order and to take all reasonable steps in terms of section 9 of the Regulations of Gathering Act, 205 of 1993 to ensure adherence to and compliance with the terms of this order by the Respondents.



2.3. The First Respondent and/or any of its officials (personally and/or through any other person) is interdicted and restrained from intimidating,

threatening, persuading, encouraging, inciting and/or procuring any of its members, including the Second Respondents, in any way, to participate in any of the prohibited conduct set out in paragraph 2.1 supra or any other unlawful conduct;

2.4. The First Respondent is ordered to take all reasonable and necessary steps to ensure compliance with this Court order by *inter alia*:

2.4.1. Communicating by means of mass meetings and written memorandums to the Second Respondents in which notice is given to the Second Respondents of the contents of this Court order; and

2.4.2. By doing so ensure that the Second Respondents conduct themselves lawfully.

2.5. The Respondents opposing this application are ordered to pay the costs of this application, on a scale as between attorney and client, jointly and severally, such costs to include the costs of two counsel.

3. Paragraphs 2.1 to 2.4 hereof shall operate as an *interim* order with immediate effect pending the return date of the *rule nisi*.

4. Service of this Court order upon the Respondents is authorized by means of:

4.1. Affixing a copy of this order to the entrances to the Applicant's campuses;

4.2. By transmitting a copy of this order to the First Respondent by means of e-mail and telefax;

4.3. By handing copies of this order to the Second Respondents insofar same may be possible.

BY THE COURT

REGISTRAR

2022 -05- 16

LC-JHB-001

REGISTRAR OF THE LABOUR COURT OF
SOUTH AFRICA
BRAAMFONTEIN

RP/

Annexure X

- 1. David Khatsho**
- 2. Sello Bila**
- 3. Joy Sekwaila**
- 4. LUNATHI HONTOTI**
- 5. TSEMBANI AILLY VALOYI**
- 6. JULIA MAHLANGU**
- 7. CHANTAL LYNN ADAMS**
- 8. MS T MSABALA**