

IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NUMBER: []

Honourable [] **ORDERED** on 24 November 2015

In the matter between:-

PIKITUP JOHANNESBURG (SOC) LIMITED

Applicant

And

SOUTH AFRICAN MUNICIPAL WORKERS UNION

First Respondent

**THE PERSONS WHOSE NAMES ARE LISTED IN
ANNEXURE "A" TO THE NOTICE OF APPLICATION**

Second to Further
Respondents

DRAFT ORDER

Having read the documents and having considered the matter:-

IT IS ORDERED THAT:

1. The Applicant's non-compliance with the forms and service provided for in the Rules of the Labour Court is condoned and this application is treated as one of urgency in terms of Rule 8;
2. A *rule nisi* is hereby issued calling upon the First and Second to Further Respondents ("the Respondents") to show cause on _____ why an order should not be granted in the following terms:-
 - 2.1 Declaring that the concerted obstruction or retardation or collective

refusal by the Second to Further Respondents, with effect from 23 November 2015, to work in accordance with their normal terms and conditions of employment (as they have always done in the past) with the Applicant is an unprotected strike as contemplated in sections 68 and 213 of the LRA

- 2.2 Interdicting and restraining the Second to Further Respondents from participating in such unprotected and unlawful strike action;
- 2.3 Interdicting and restraining the Second to Further Respondents from interfering with the business operations of the Applicant by:-
 - 2.3.1 blocking, in any way, access to and egress from the Applicant's Head Office at 63 Juta Street, Johannesburg, ("the Applicant's premises") and/or at any of the Pikitup Depots ("the Depots");
 - 2.3.2 preventing, in any way, non-striking employees from entering or leaving the Applicant's premises or tendering their services at the Applicant's premises and/or the Depots; and
 - 2.3.3 intimidating and/or harassing and/or threatening with violence, in any way, any of the Applicant's non-striking employees and/or any of the Applicant's customers, clients or business associates;
- 2.4 Interdicting and restraining the First Respondent or any of its officials from persuading, encouraging, inciting and/or procuring any of its members, including the Second to Further Respondents, in any way to participate in any other unlawful conduct in contemplation or in furtherance of the said unprotected and unlawful strike action;
- 2.5 Directing the First Respondent and/or its officials and/or shop stewards to take immediate and urgent steps or measures to relay to all of its members, including the Second to Further Respondents, the contents

and terms of this Order;

- 2.6 Directing the First Respondent and/or its officials and/or shop stewards to take immediate steps or measures to ensure that all its members, including the Second to Further Respondents, comply with the terms of this Order.
3. The First Respondent is ordered and directed to pay the costs of this application on a scale as between attorney and client.
4. The relief set out in prayers **Error! Reference source not found.** to 2.6 above shall operate as an interim order with immediate effect pending the final adjudication of this application.
5. Service of this Order must be effected as follows:-
- 5.1 Upon the First Respondent per telefax at its head office on telefax number (011) 331-1008;
- 5.2 Upon the Second to Further Respondents by a duly authorised employee of the Applicant, reading out the terms of the Order to such of the Second to Further Respondents who may be present at the Applicant's premises and/or Depots.
6. The Applicant is hereby granted leave to supplement its founding papers prior to the return date should it consider necessary to do.

BY THE COURT

REGISTRAR