

IN THE LABOUR COURT OF SOUTH AFRICA
(held at Johannesburg)

CASE NO: []

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

**NOTICE OF APPLICATION IN TERMS OF RULE 8 OF THE
LABOUR COURT RULES**

BE PLEASED TO TAKE NOTICE that the Applicant will make application to the above Honourable Court on **TUESDAY, 24 NOVEMBER 2015** at **15H00**, or so soon thereafter as the matter may be heard, for an order in the following terms:

1. Condoning the Applicant's non-compliance with the forms and service provided for in the Labour Court Rules and treating this application as one of urgency in terms of Rule 8;

2. Issuing a *rule nisi* calling upon the First to Further Respondents (“the Respondents”) to *show cause*, on a time and date to be determined by the above Honourable Court, why an order should not be made 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 to be 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 Applicant’s Depots (“the Depots”);

2.3.2 preventing, in any way, non-striking employees from entering or leaving the Applicant’s premises and/or the Depots and/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 and/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 the Order granted in this matter;
 - 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 the Order granted in this matter.
3. Directing that the relief set out in prayers 2.1 to 2.6 above operate as an interim Order with immediate effect pending the final adjudication of this application.
4. Ordering the First Respondent to pay the costs of this application on a scale as between attorney and client, **alternatively** ordering the First to Further Respondents to pay costs of the application on a scale as between attorney and client, jointly and severally, the one paying the

others to be absolved, irrespective of whether this application is opposed or not.

5. Granting the Applicant further and/or alternative relief.
6. Service of the Order granted in this matter to be effected as follows:
 - 6.1 Upon the First Respondent per telefax at its head office on telefax number (011) 331-1008;
 - 6.2 Upon the Second to Further Respondents by the Sheriff of the High Court, alternatively 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.

TAKE NOTICE FURTHER that the founding affidavit of **JONATHAN THEKISO** and all annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER that the Applicant has appointed **BOWMAN GILFILLAN INCORPORATED** as its attorneys and will accept service of all process in these proceedings at the below-mentioned address.

TAKE NOTICE FURTHER that if any of the Respondents intend opposing this application, they are required to:

- (a) Serve and file an answering affidavit by **14h00** on **Tuesday, 24 November 2015**;

(b) Attend Court in person or through a representative at **15h00** on **Tuesday, 24 November 2015.**

KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY

DATED AT JOHANNESBURG ON THIS 24th DAY OF NOVEMBER 2015

BOWMAN GILFILLAN INC.
Applicant's Attorneys
165 West Street
SANDTON
Tel: (011) 669-9000
Fax: (011) 669-9001
Ref: Mr Jerry Kaapu/ 6154634

TO: REGISTRAR OF THE LABOUR COURT
6th and 7th Floors Arbour Square Building
86 Juta Street (Corner Melle and Juta Streets)
Braamfontein
Fax: (011) 403-9327
Ref: Ms Nelly Ntuli

AND TO: SOUTH AFRICAN MUNICIPAL WORKERS UNION
For First and Second to Further Respondents
84 Fredericks Street
Johannesburg
Fax: (011) 331 1008
Ref: Mr V Singozo
Email: vsingonzo@yahoo.com