

REGISTRAR OF THE LABOUR COURT OF
SOUTH AFRICA,
PORT ELIZABETH

Private Bag 86004, Port Elizabeth 6006

2022 -05- 03

LC-PE-001

REGISTRAR OF THE LABOUR COURT OF
SOUTH AFRICA,
PORT ELIZABETH



IN THE LABOUR COURT OF SOUTH AFRICA, GQEBERHA

CASE NO: P47/22

Honourable Justice Lallie ORDERED on the 3 May 2022.

In the matter between:

MEMBER OF THE EXECUTIVE COUNCIL

DEPARTMENT OF HEALTH, (EASTERN CAPE)

AND

NEHAWU

HOSPERSA

DENOSA

PSA

NUPSAW

YNITU

PAWUSA

ESSENTIAL SERVICES COMMITTEE

PERSONS LISTED IN ANNEXURE "A" NINTH AND FURTHER RESPONDENTS

APPLICANT

FIRST RESPONDENT

SECOND RESPONDENT

THIRD RESPONDENT

FOURTH RESPONDENT

FIFTH RESPONDENT

SIXTH RESPONDENT

SEVENTH RESPONDENT

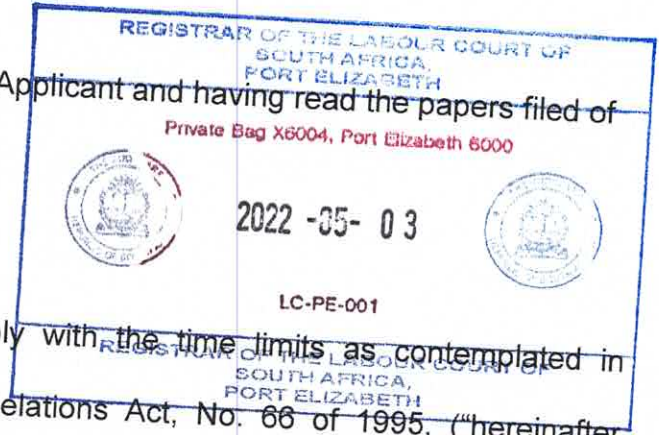
EIGHT RESPONDENT

ORDER

Having heard Mr Thys, Counsel for the Applicant and having read the papers filed of record:

IT IS ORDERED THAT:

1. The Applicant's failure to comply with the time limits as contemplated in Sections 68(2) of the Labour Relations Act, No. 66 of 1995, ("hereinafter referred to as the LRA") is condoned and the Applicant is permitted to bring this application on shorter notice;
2. The Applicant's failure to comply with the requirements of the rules on time and service is condoned and the Applicant is allowed to bring the application urgently;
3. A *rule nisi* is hereby issued, calling upon the First to Seventh Respondents and the Ninth and Further Respondents to show cause, if any, to the above Honourable Court on 08 JUNE 2022 AT 09H30 or as soon thereafter as the matter may be heard why the following order should not be made final:
 - 3.1 The strike action of the Respondents save for the Eight Respondent, is declared to be an unprotected strike as contemplated in Section 68(1) of the LRA.
 - 3.2 The Respondents, excluding the Eight Respondent, are hereby interdicted and restrained from participating or taking part in the unprotected strike action or any conduct in contemplation or in furtherance of the strike or intimidating or inciting others to participate in



the strike or carry out any conduct in contemplation or in furtherance of the said strike.

- 3.3 The Respondents, excluding the Eight Respondent, are hereby interdicted and restrained from engaging in or continuing with any unlawful activity such as throwing stones that is related to or in any way connected to or in furtherance of the strike action.
- 3.4 The Respondents, excluding the Eight Respondent, are hereby interdicted and restrained from causing any harm or damage to the property of the Applicant as listed in Annexure "B" attached to this order and/or harm to any employee, representative, patient or visitor to the said property.
- 3.5 The Respondents, excluding the Eight Respondent, are hereby interdicted and restrained from unlawfully blocking or obstructing the access to or egress from the premises of the Applicant's respective workplaces, in the Nelson Mandela Bay district, listed in Annexure "B" attached to this order.
- 3.6 The Respondents, excluding the Eight Respondent, are hereby interdicted and restrained from performing any act or making any threat, intimidating or instigating or inciting any act or threat or engaging in any or continuing with any unlawful activity that is related to or in any way connected to or in furtherance of the unprotected strike action.



- 3.7 The Respondents, excluding the Eight Respondent, be and are hereby interdicted and restrained from interfering in any way whatsoever with the proper functioning of the property listed in Annexure "B".
- 3.8 The First to Seventh Respondents, are hereby ordered to take all reasonable and necessary steps to ensure that paragraphs 3.1 — 3.7 of this order are complied with.
- 3.9 Pending the return date paragraphs 3.1 to 3.7 will operate as an interim order with immediate effect.
- 3.10 The Respondents may anticipate the return date on forty-eight hours' notice.
- 3.11 The service of this order will be effected as follows:
- 3.11.1 Upon the First to Seventh Respondents by serving a copy of the Order on their respective offices;
- 3.11.2 By email on the First to Seventh Respondents' email addresses
- 3.11.3 On the Eight Respondent:

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3.11.3.1 That service of this order be effected by email on the Eight Respondent at esc@ccma.org.za

3.11.4 On the Ninth to Further Respondents:

3.11.4.1 By placing a copy of the Order on at least one notice board at the Applicant's respective workplaces, where the Ninth to Further Respondents work.

3.11.4.2 By handing a copy of the Order to the trade union representatives of the Ninth to Further Respondents.

3.11.4.3 By uploading a copy of the application and order on the applicant's intranet website, which the ninth and further respondents have direct access to.

3.12 Costs will stand over for determination on the return date.

By order of this Court

Registrar

NM/SG

