



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: J 350/23

Honourable Justice **VAN NIEKERK ORDERED** on 8 March 2023

In the matter between:

MEC HEALTH GAUTENG

Applicant

and

NATIONAL HEALTH EDUCATION ALLIED

WORKERS UNION (NEHAWU)

First Respondent

ALL STRIKING EMPLOYEES OF THE APPLICANT

AS WELL AS ALL OTHER INDIVIDUALS, OFFICIALS

OR LEGAL PERSONS ACTING UNDER OR

ON BEHALF OF THE 1ST RESPONDENT

OR OTHERWISE IN DIRECT OR INDIRECT

SUPPORT OF THE ACTIVITIES WHICH THIS APPLIES

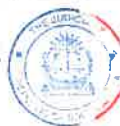
**Second to further
Respondents**

THE MINISTER OF POLICE

REGISTRAR OF THE LABOUR COURT OF
SOUTH AFRICA
BRAAMFONTEIN **Third Respondent**

Private Bag X52, Braamfontein 2017

ORDER



2023 -03- 08



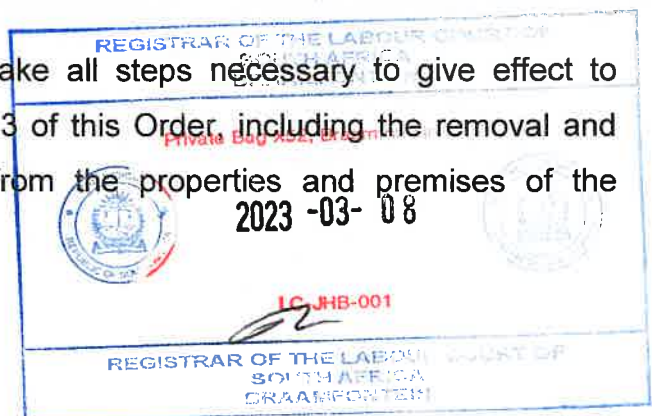
LG-JHB-001

REGISTRAR OF THE LABOUR COURT OF
SOUTH AFRICA
BRAAMFONTEIN

Having read the documents and having considered the matter:

IT IS ORDERED THAT:

1. The matter is heard on an urgent basis and the condonation is granted in respect of the applicant's non-compliance with the usual forms and manner of service as prescribed by the Uniform Rules of Court.
2. A *RULE NISI* is issued, calling upon the Respondents to show cause (if any) on **20 April 2023 at 10H00** on why a final order in the following terms should not be granted:
 - 2.1 The Respondents be prohibited from doing anything which directly or indirectly obstructs or impedes access to and from the applicant's health facilities across the Gauteng Province and damaging any property situated on the applicant's health facilities, whether movable or immovable and regardless of who the owner thereof may be;
 - 2.2 The Respondents be prohibited from barricading of entrances or buildings, molesting, assaulting, threatening or intimidating any member of staff, employee, in or out patient, contractor, visitor or official of the applicant, including any person present on the applicant's property who may not fall into one of these categories;
 - 2.3 The Respondents be prohibited from in any manner whatsoever inciting, taunting, encouraging, instigating, prompting and/or provoking other employees, individuals or students to perform any of the acts described in paragraphs 2.1 and 2.2 above or to abandon their posts;
 - 2.4 The First Respondent is ordered to issue a statement addressed to its members recording the content of this order and instructing its members to comply with its terms;
 - 2.5 The SAPS is directed to take all steps necessary to give effect to paragraphs 2.1, 2.2, and 2.3 of this Order, including the removal and expulsion of any person from the properties and premises of the Applicant.



3. The relief in paragraphs 2.1, 2.2, 2.3, 2.4 and 2.5 above shall serve as an interim interdict with immediate effect;
4. The costs of this application are reserved for determination on the return date.
5. Service shall be effected in the following manner:
 - 5.1. By serving a copy of this order on the 1st, 2nd and 3rd Respondents;
 - 5.2. By affixing a copy of this order to all official notice boards on the applicant's health facilities, institutions and properties;
 - 5.3. By keeping a copy of this order at the administration building of the applicant's health facilities, for inspection and so that any Respondent who requests a copy during normal office hours may be supplied with one;
 - 5.4. By the Sheriff of the Honourable Court or the members of the South African Police Services, if necessary, reading out the order, in ENGLISH, by megaphone at such places and occasions on the applicant's health facilities as may be deemed necessary to bring the order to the notice of the Respondents;
 - 5.5. By handing a copy of this order to any Respondents who are removed or expelled from the applicant's health facilities pursuant to paragraph 2.4 above;
6. If necessary, the applicant is granted leave to send a copy of this order to the Sheriff by way of e-mail or fax and that such e-mailed or faxed version may be used for purposes of service.

