



IN THE LABOUR COURT OF SOUTH AFRICA
HELD AT JOHANNESBURG

CASE NO: J 1381/23

Honourable Madam Justice **Phehane** ORDERED on **5 October 2023**.

In the matter between:

SIMBA (PTY) LTD

Applicant

and

CASUAL WORKERS ADVICE OFFICE

First Respondent

SIMUNYE WORKERS FORUM

Second Respondent

**EMPLOYEES CONTAINED IN ANNEXURES
"A" AND "B" TO THE NOTICE OF MOTION**

Third to further Respondents

ORDER

Having read the papers and having considered the matter;

IT IS ORDERED THAT:

1. The provisions of the Rules of this Court relating to times and manner of service referred to therein are dispensed with and the matter is dealt with as one of urgency in terms of Rule 8 of this Court's Rules.

MM/



2. The applicant's non-compliance with section 68(2) of the Labour Relations Act No. 66 of 1995 ("LRA") is hereby condoned.

3. The respondents are called upon to show cause on the return date of **15 November 2023** why the following order should not be made final in the following terms;

3.1. The third to further respondents are interdicted and restrained from;

3.1.1. continuing with, participating in, instigating or promoting the unlawful and unprotected strike action in pursuit of their demands in the dispute referred to the CCMA on 22 September 2023 ("CCMA Referral") and in terms of the strike notice issued on 2 October 2023 ("strike notice"); and

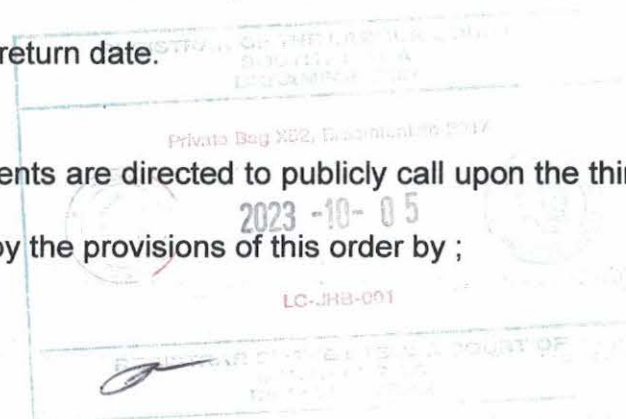
3.1.2. participating and embarking on any unlawful picket.

3.2. The first and second respondents from instigating, facilitating or promoting in any manner the third to further respondents in engaging in the unlawful and unprotected industrial action in support and in furtherance of the demands in the CCMA Referral and the strike notice, or any other acts of unlawful conduct.

4. Paragraphs 3.1, 3.1.1, 3.1.2 and 3.2 shall operate as an interim order with immediate effect pending the return date.

5. The first and second respondents are directed to publicly call upon the third to further respondents to abide by the provisions of this order by ;

MM/



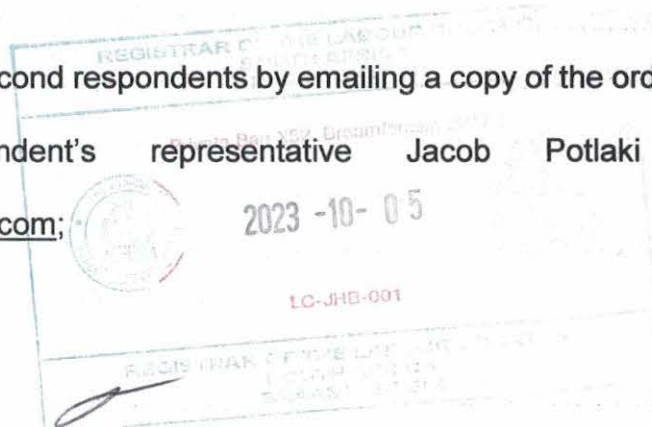
- 5.1. effective public announcement via loud hailer to those members of the third to further respondents who are present at the applicants' premises at the time, in such languages which are commonly used for communication on the applicant's premises; or
- 5.2. the distribution of Short Message Service ("SMS"), where possible, to the third to further respondents to be sent to their cell phone numbers that are on record with the applicant, which SMS must read –

"On 5 October 2023 the Labour Court issued an Order declaring that the strike which has commenced on 4 October 2023 constitutes a strike which is not in compliance with and is in breach of the relevant provisions of section 65 of the Labour Relations Act, 66 of 1995, as amended. Furthermore, the Order interdicts you from continuing with, participating in, instigating or promoting the unlawful and unprotected strike action in pursuit of your demands. We urge you to return to work immediately. Should you require further explanation of the Order, please approach CWAO, SWU, your union or management."

6. The first and second respondents must, by no later than 10h00 on Friday, 6 October 2023, deliver an affidavit demonstrating compliance with the terms of paragraph 5 of this order.

7. The service of this order shall be effected on the respondents as follows:

- 7.1. upon the first and second respondents by emailing a copy of the order to the first respondent's representative Jacob Potlaki at potlakijacob@gmail.com;



7.2. upon the third to further respondents by –

7.2.1. a posting on notice boards accessible to employees of the applicant at its premises;

7.2.2. distributing copies thereof to any third to further respondents who request such a copy;

7.2.3. as far as possible, to their cell phone numbers that are on record with the applicants which SMS must read –

“On 5 October 2023 the Labour Court issued an Order declaring that the strike which has commenced on 5 October 2023 constitutes a strike which is not in compliance with and is in breach of the relevant provisions of section 65 of the Labour Relations Act, 66 of 1995, as amended. Furthermore, the Order interdicts you from continuing with, participating in, instigating or promoting the unlawful and unprotected strike action in pursuit of your demands. We urge you to return to work immediately. Should you require further explanation of the Order, please approach management.”; or

7.2.4. by the terms of the Order being communicated via email to those email addresses on record for the Third to Further Respondents with the applicant.



8. The respondents may anticipate the return date on 48 hours' notice to all parties.

BY THE COURT

REGISTRAR



LABOUR COURT