



IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

CASE NO: J 3699/18

Honourable Justice Tlhotlhlalemaje ORDERED on 3 November 2018

In the matter between:

SOUTH DEEP GOLD MINE JOINT VENTURE

Applicant

and

THE NATIONAL UNION OF MINeworkERS

First Respondent

**THE INDIVIDUALS WHOSE NAMES APPEAR
LISTED IN ANNEXURE "A" TO THE NOTICE
OF MOTION**

Second to Further Respondents

ORDER

REGISTRAR OF THE LABOUR COURT OF SOUTH AFRICA BRAAMFONTEIN		
Private Bag 902, Braamfontein 2017		
	2018 -11- 03	
LG-JHB-003		
GRIFFIER VAN DIE ARBEIDSAPPELHOF SUID-AFRIKA BRAAMFONTEIN		

Having read the documents and having considered the matter, an order is made with an amendment to prayer 3 of the original Notice of Motion:

IT IS ORDERED THAT:

1. The application is enrolled as an urgent application, and the provisions of the Rules of this Honourable Court relating to forms 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 the Labour Court Rules.
2. A *Rule Nisi* is issued calling upon the Respondents herein to appear and show cause on a **1 February 2019 at 10:00am** or soon thereafter, why a final Order should not be granted, in the following terms:
 - 2.1. **INTERDICTING** and restraining the First Respondent and Second Respondent to further Respondents from assisting, encouraging or inciting any person from blocking entrances to, and exits from, the Applicant's premises including but not limited to the main access road to the Applicant's premises, and the public roads surrounding the Applicant's premises and leading to the Applicant's premises including but not limited:
 - 2.1.1. Twin Shaft Access Road R500 Interlink Road
 - 2.1.2. Haul Road intersection on R500 Interlink;
 - 2.1.3. Glenharvie /Hillshaven South Deep R500 Interlink;
 - 2.1.4. Main Entrance Road to South Shaft Complex;
 - 2.1.5. Circle to South Shaft Residential Area and Shaft Access Road; and



- 2.1.6. South Shaft old Main Gate and access to R28.
- 2.2. **ORDERING** that the First Respondent hold a mass meeting with its members by 13h00 on Sunday, 4 November 2018 communicating the provisions of this order;
- 2.3. **ORDERING** that the First Respondent place this order on all of its social media platforms;
- 2.4. **ORDERING** that the persons performing the services in Clause 24 of the Recognition Agreement be granted access to the Applicant's premises;
- 2.5. **ORDERING** that the First Respondent report back to this Court on the return date showing how it has complied with paragraphs 2.1 and 2.3;
- 2.6. **ORDERING** that the South African Police Service to enforce the court order and to remove any persons blocking entrances to Applicant's premises including but not limited to the locations in paragraph 2.1.1 to paragraph 2.1.6; and
- 2.7. **ORDERING** such Respondents who oppose this application to pay the costs of the application, jointly and severally, the one paying the other to be absolved.
3. The provisions of paragraphs 2.1 to 2.6 shall operate with immediate effect, as an interim order, pending the finalisation of this application.
4. **The service of the *Rule Nisi* shall be effected as follows:**
- 4.1. Upon the First Respondent per e-mail to the following e-mail addresses: nrakau@num.org.za and Thulani.Mashibini@goldfields.com



4.2. Upon the Second to Further Respondents by displaying copies thereof at the entrances of the Applicant's premises.

BY THE COURT

