



**IN THE LABOUR COURT OF SOUTH AFRICA
HELD AT JOHANNESBURG**

CASE NO: J809/24

Honourable Madam Justice Whitcher **ORDERED** on **21 July 2024**.

In the matter between:

**KHUMALO BONGANI MINING (PTY) LTD
(REG NO: 2018/048647/07)**

Applicant

and

**EVANDER GOLD MINING (PTY) LTD
(REG NO: 2012/084164/07)**

First Respondent

**ASSOCIATION OF MINeworkERS
AND CONSTRUCTION UNION**

Second Respondent

**THE PERSONS WHOSE NAMES ARE
LISTED IN ANNEXURE "A" ANNEXED
TO THE NOTICE OF MOTION**

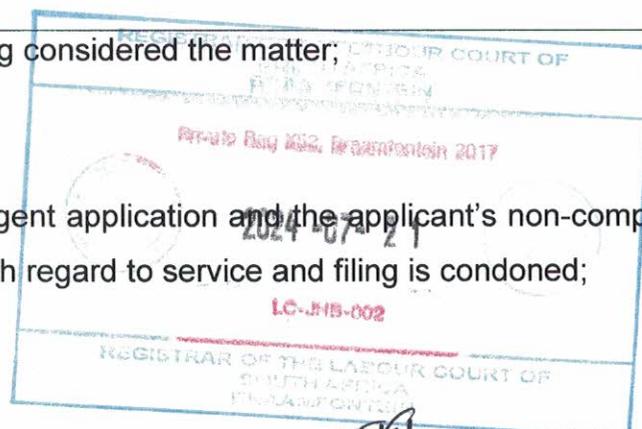
Third to Further Respondents

ORDER

Having heard Counsel and having considered the matter;

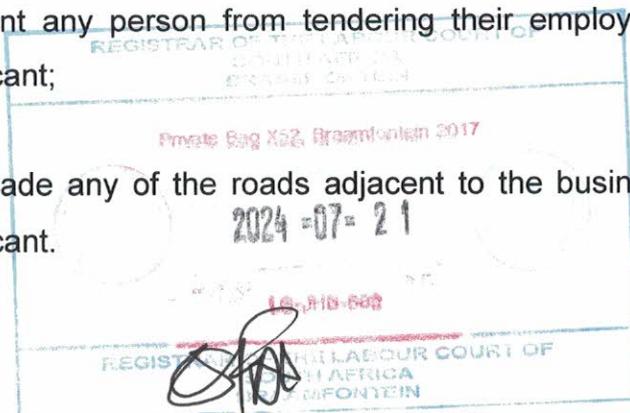
IT IS ORDERED THAT:

1. The matter is heard as an urgent application and the applicant's non-compliance with the rules of this Court with regard to service and filing is condoned;

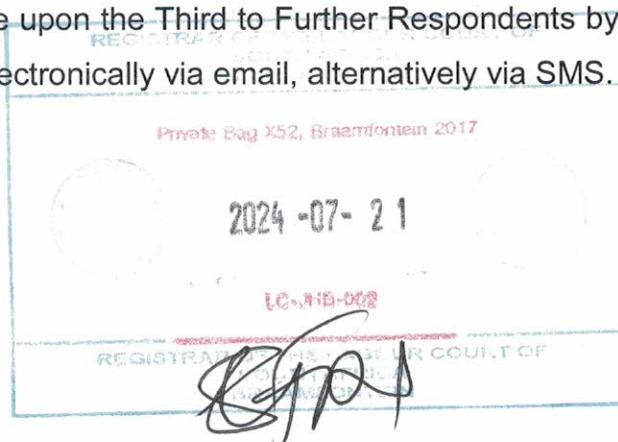


2. A rule *nisi* is issued calling upon the Second to Further Respondent herein to appear and show cause on **05 September 2024** at 10h00 or as soon thereafter as Counsel for the Respondents may be heard why an Order should not be granted in terms of section 158 or section 68(1)(a) of the LRA in the following terms:

- 2.1. Declaring the strike action by the Third to Further Respondents as an unprotected and unlawful strike action;
- 2.2. Interdicting and restraining Third to Further Respondents from participating in such unprotected and unlawful strike action or any conduct in contemplation or in the furtherance of the unprotected strike action;
- 2.3. Interdicting and restraining Third to Further Respondents (personally and/or through any other person) from participating in such unprotected and unlawful strike action or any conduct in contemplation or in furtherance of the unprotected and unlawful strike action, and more particularly interdicted and restrained to:
- 2.4. Return and restore full possession of the Applicant's business premises;
- 2.5. Preventing, restricting and/or obstructing in any way the Applicant's business interest, representatives of the Applicants, non-striking employees, contractors and or visitors to the Applicants premises being situated at Evander Gold Mine.
- 2.6. Threaten and intimidate the persons as referred to in 2.5 above;
- 2.7. Prevent any person from tendering their employment service to the Applicant;
- 2.8. Barricade any of the roads adjacent to the business premises of the Applicant.



- 2.9. Interdicting and restraining the Second Respondent or any of its members from persuading, encouraging, inciting and/or procuring any of its other members, to participate in any other unlawful conduct in contemplation or in furtherance of the said unprotected and unlawful strike action;
- 2.10. Directing the Second Respondent and its officials to take immediate action and urgent steps or measures to relay to all of its members, the contents and terms of this Application.
- 3 Pending the finalisation of the application an interim interdict is issued against the Respondents in terms of prayers 2.
4. A copy of the interim order and the application are to be served on the Respondents by close of business on 22 July 2024 in the manner set out in orders 4.1 – 4.2 below;
- 4.1 upon the First Respondent's offices situated at The First, 2nd Floor, Office 204, Cnr of Biermann and Cradock Avenue, Rosebank;
- 4.2 upon the Second Respondent's offices situated at 8 Nicol Street, Witbank, Emalahleni, Mpumalanga, 1035;
- 4.3 Upon the Third to Further Respondents by displaying the order on the main access gate at the Applicant's premises at Evander Gold Mine and/or at 8 Shaft Evander Gold Mine;
- 4.4 Furthermore upon the Third to Further Respondents by sending a copy of the order electronically via email, alternatively via SMS.



BY THE COURT

REGISTRAR

2024-07-21

LC-JHS-602

REGISTRAR OF THE LABOUR COURT OF
SOUTH AFRICA
BRAAMFONTEIN

LABOUR COURT