



**IN THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG**

**Case no: 3099/18**

**Honourable Justice Van Niekerk Ordered on 4 September 2018**

In the matter between

IMPERIAL MANAGED SOLUTIONS SOUTH AFRICA  
A DIVISION OF IMPERIAL LOGISTICS SOUTH AFRICA  
GROUP (PTY) LTD

First Applicant

LSC MASAKHE (PTY) LTD

Second Applicant

and

GLADYS THAANE AND 138 OTHERS WHOSE NAMES  
APPEAR ON ANNEXURE "A" TO THE  
NOTICE OF MOTION

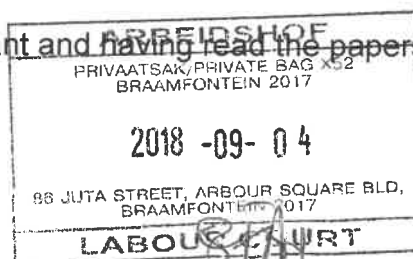
First to Further Respondents

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**ORDER**

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Having heard counsel for the Applicant and having read the papers filed on record:



**IT IS ORDERED THAT:**

- 1     Condoning non-compliance with and dispensing with the requirements of Rule 7 of the Rules of this Court and section 68(2) of the Labour Relations Act 66 of 1995 ("the LRA") and dealing with this matter as one of urgency in terms of Rule 8;
- 2     Issuing a rule *nisi* calling upon the Respondents to show cause on **25 October 2018**, why a final order should not be granted in the following terms:-
  - 2.1     **DECLARING** that the intended strike action by the First to Further Respondents constitutes an unprotected and unlawful strike;
  - 2.2     **INTERDICTING AND RESTRAINING** the First to Further Respondents from participating and embarking on any unprotected and unlawful strike or any intended conduct in furtherance, or in contemplation of such strike and to comply with their contracts and any other conditions of employment.
- 3     Pending the return day, directing that the order in terms of paragraphs 2.1 to 2.2 above shall operate as an interim order with immediate effect.
- 4     Directing that the costs of the application shall be reserved for determination on the return date, at which time the Applicants shall move for an order that the First to Further Respondents pay the costs of the application jointly and severally, the one paying the other to be absolved.
- 5     Directing that any party affected hereby, may anticipate the return date on 48 hours' notice to all other parties.
- 6     Directing that service of this order shall be effected:
  - 6.1     on the First to Further Respondents by way of fax to 011 873 0902 and by email, in terms of Rule 4 of the Rules of this Honourable Court to the



following email addresses, namely: [info@cwao.org.za](mailto:info@cwao.org.za) / [meme@cwao.org.za](mailto:meme@cwao.org.za) and [heinekenworkerscouncil@gmail.com](mailto:heinekenworkerscouncil@gmail.com);

- 6.2 by attaching a copy thereof on the front gate and notice boards of the premises of the Heineken Sedibeng Breweries where it will come to the attention of the First to Further Respondents; and
- 6.3 by communicating the provisions of the Order to the First to Further Respondents by handing a copy thereof to as many of them that are at the Premises.



LABOUR COURT