



IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)

AMENDED ORDER

Case No. 4288/2019

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)
CAPE TOWN: TUESDAY 23 JUNE 2020
BEFORE THE HONOURABLE MR JUSTICE DESAI

In the matter between:

UCT ACTIVISTS

Applicant

And

UNIVERSITY OF CAPE TOWN

Respondent

Having heard the Legal Representatives for the Applicant and the Respondent
and having read the documents filed of record;

IT IS ORDERED:

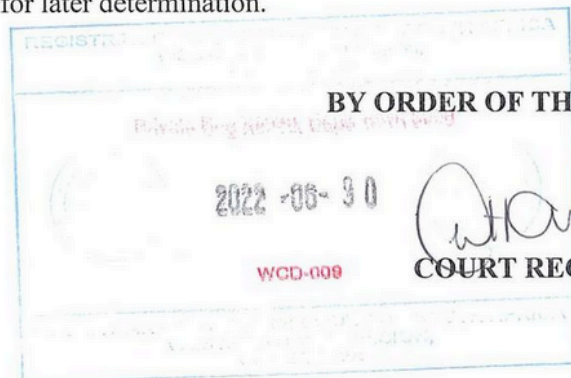
That this matter is referred for oral evidence on this issue alone which is raised in paragraph 1 of the Applicant's Notice of Motion.

That the parties are to pursue the relevant rules with regard to the matter being followed up by oral evidence, and the matter is postponed sine die for the process to be followed.

That the costs are to stand over for later determination.

43 Bowman Gilfillan Inc.
CAPE TOWN

/mdz



REPUBLIC OF SOUTH AFRICA



From: Sibusiso Mpendulo [mailto:pastormpendulo@icloud.com]

Sent: Tuesday, 30 March 2021 10:40

To: Ruanne David <RDavid@judiciary.org.za>

Cc: Antoinette Marinus <AMarinus@judiciary.org.za>; Leandi L.F. Esterhuizen <LEsterhuizen@judiciary.org.za>; Lizette Potgieter <EPotgieter@judiciary.org.za>; Rhoda Patel <RPatel@judiciary.org.za>; Zane Booysen <ZBooyesen@judiciary.org.za>

Subject: Re: Re: Re: Re: HAWKS

Dear Mrs David

We appreciate your offer.

Please pause everything until you receive my next email after 3:00 pm on Tuesday, 6 April 2021.

The Respondent and their attorney stole some of our annexures from the file before the case went to trial last year.

We have officially asked the HAWKS to investigate it.

I must first attend my appointment with the HAWKS.

Our next email will address the entire process.

BACKGROUND

GROOTE SCHUUR COMMUNITY IMPROVEMENT DISTRICT

[UNIVERSITY OF CAPE TOWN]

1.

The name **Groote Schuur Community Improvement District** does not even make commercial sense because “**Groote Schuur**” is a provincial hospital that is situated in Observatory, close to the area of operation of security guards who work for **Groote Schuur Community Improvement District**.

2.

The security guards of **Groote Schuur Community Improvement District** do not patrol any premises of the **Groote Schuur Hospital**.

3.

Further, the **Groote Schuur Hospital** does not pay security guards from the **Groote Schuur Community Improvement District**.

4.

The tender entirely belongs to the **University of Cape Town**.

5.

I read from the website of the **University of Cape Town** some years back that the university wanted to work with partners on this contract.

6.

The **University of Cape Town** has exclusive access to contractual details on this part.

7.

The security guards in this contract have worked every day for almost ten (10) years from 6:00 am until 4:00 pm or 4:00 pm until 6:00 am up to date, which is approximately the same period as that of the former Group 4 Securicor (G4S) security guards at the University of Cape Town who became permanent employees in 2015 through our activism for free education and an end to outsourcing of workers at the University of Cape Town.

8.

It started with a spike in crime on the periphery of the University of Cape Town in 2010 and after a student from the Health Sciences Faculty of the University of Cape Town got shot and killed by gangsters who were driving a car near the train station in Observatory.

9.

The premises of the University of Cape Town are spread over five suburbs from Salt River to Observatory, Mowbray, Rosebank and Rondebosch.

10.

The GSCID security guards patrol the entire area on foot and in mobile response vehicles.

11.

It includes student residences, the campus of the Faculty of Health Sciences, the Lung Institute, Student Housing and Accommodation offices with Upper Campus, Middle Campus and Lower Campus of the main campus of the University of Cape Town in Rondebosch.

12.

A few of them also patrol the route of shuttles for staff members and students from Claremont, which is the busiest public transport link to the University of Cape Town.

LUNG INSTITUTE

[UNIVERSITY OF CAPE TOWN]

13.

The contracts for cleaning and security at the **Lung Institute** of the **University of Cape Town** are as old as other contracts that were once run by **Supercare** (cleaning on campus), **Metro** (cleaning in student residences) and **G4S** (security on campus and in student residences).

14.

The contracts of **Supercare**, **Metro** and **G4S** ended together at the end of 2015 with our campaign for **free education** and an **end to outsourcing of workers** at the **University of Cape Town** under the now defunct national **#FeesMustFall** movement.

15.

The cleaning and security contracts on this site should have ended with the abovementioned cleaning and security contracts in student residences, **Upper Campus**, **Middle Campus** and **Lower Campus** of the **University of Cape Town**.

16.

They have worked every day for more than ten (10) years from 6:30 am until 3:00 pm up to date, which is approximately the same period as that of the other abovementioned workers at the University of Cape Town who became permanent employees in 2015 through our activism for free education and an end to outsourcing of workers at the University of Cape Town.

MAINTENANCE

[UNIVERSITY OF CAPE TOWN]

17.

This group is based at the **Forest Hill** student residential complex in **Mowbray**, but its area of operation covers the entire campus of the **University of Cape Town**.

18.

Their work is to paint, partition and renovate buildings.

19.

The contract is as old as the other cleaning, cooking, maintenance and security contracts at the **University of Cape Town**, but contractors and staff members have changed over the years.

20.

These maintenance workers have worked every day for more than ten (10) years from 7:00 am until 4:00 pm up to date, which is approximately the same period as that of the other abovementioned workers at the University of Cape Town who became permanent employees in 2015 through our activism for free education and an end to outsourcing of workers at the University of Cape Town.

SUBMISSION

21.

We submit that the initial attempts of the Respondent to ignore the Applicants and the later conspiracy to undermine the Applicants at the **Commission for Conciliation, Mediation and Arbitration (CCMA)** violated the rights of the Applicants to **Access to Courts** in terms of **Section 34** and **Freedom of Association** in terms of **Section 18** of the **Constitution of South Africa**.

22.

This violation includes the rights of Applicants to Just Administrative Action in terms of Section 33 (1) and (2) due to recent constitutional amendments in labour law through this case, Assign Services (Pty) Limited v National Union of Metalworkers of South Africa and Others (CCT194/17) [2018] ZACC 22.

23.

The Applicants now have legitimate demands for benefits and conditions of employment that are already being enjoyed by other previously outsourced workers.

24.

The Applicants are legally entitled to send anyone to negotiate on their behalf with the Respondent.

25.

The University of Cape Town is not the CCMA or the Labour Court.

26.

We are not aware of any labour law or rule in the Uniform Rules of Court that allows the Respondent, in any event, to act in that capacity.

27.

The High Court does have authority to deal with this matter beyond the arbitration process that the Applicants mentioned in the Notice of Motion as the Applicants have since proven the efforts to sort this matter twice at the CCMA in vain.

28.

We, therefore, pray for the following order;

1. The Defendant must resume with the arbitration process as agreed with Mr Clyde Henney on the 19th of March 2018 at the Commission for Conciliation, Mediation and Arbitration (CCMA) in Cape Town and/or insource or employ on a permanent basis the workers who form part of this application.
2. The Respondent must pay for the cost of this application.
3. Further and/or alternative relief.

UCT ACTIVISTS
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CAPE TOWN
8000

EMAIL: uctactivists@gmail.com or pastormpendulo@icloud.com

DATED AT CAPE TOWN ON THIS 19TH NOVEMBER 2019.