



PO Box 12758, Centrahil, Port Elizabeth, 6006 • 13 Mclean Rd, Mill Park, Port Elizabeth, South Africa, 6001
Tel: 041 373 4322 • Email: pa@vanzyrudd.co.za • www.sallrseminars.co.za

SLIP AND TRIP ALERT NOTICE 13 OF 2024

- The scenario is as follows: the labour court granted a final order against the Economic Freedom Fighters (EFF) and its members and all other persons acting on their instructions from engaging in unlawful action, which disrupted the business of an employer. The EFF distanced itself from the aforesaid protest action and unlawful activities and indicated that the local EFF branch official was not authorised by it to act on its behalf. How did the labour appeal court recently deal with the following issues:
 - the underlying dispute was the demotion by the employer of an employee. The EFF branch official demanded the reinstatement of such employee into his/her previous position and threatened to shut down the employer if the demand was not met. After the employer refused to comply with the demand, the branch official and a number of protestors then forced the employer to close its store. Does the doctrine of ostensible authority find application in these circumstances?
 - what is the difference between ostensible authority and estoppel?
- With reference to, *inter alia*, *Kali v Decotex (Pty) Ltd and Another* 1988 (1) SA 943 (A), what are the principles regarding the discretion of a court to either dismiss an application, direct that oral evidence be heard or direct that the matter goes to trial, so restated by the high court?
- What are the principles governing the granting of interim interdicts as restated by the high court, with reference to, *inter alia*, *National Gambling Board v Premier, KwaZulu-Natal and Others* 2002 (2) SA 715 (CC)?
- What are the principles applicable to establish whether a *prima facie* right exists, as restated by the high court, with reference to, *inter alia*, *Simon NO v Air Operations of Europe AB and Others* 1999 (1) SA 217 (SCA)?
- The high court recently had to deal with a scenario where a political party's regalia was worn by people participating in unlawful protest action. On what basis did the high court find that such political party cannot distance itself from liability on the basis that any





PO Box 12758, Centrahil, Port Elizabeth, 6006 • 13 Mclean Rd, Mill Park, Port Elizabeth, South Africa, 6001
Tel: 041 373 4322 • Email: pa@vanzylrudd.co.za • www.sallrseminars.co.za

member of the public can purchase its regalia and any member of the public can claim to be a member of it?

- What are the duties on a political party, identified by the high court, when evidence exists of unlawful conduct as to its responsibility to investigate the alleged acts and to hold people accountable?

