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THE JOURNAL

EOHCB and National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry High Court Application

Dear EOHCB Member,

As per previous communication, we confirm that an application has been lodged by the attorney of the EOHCB and National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry yesterday, 11 June 2020, in the Pretoria High Court.

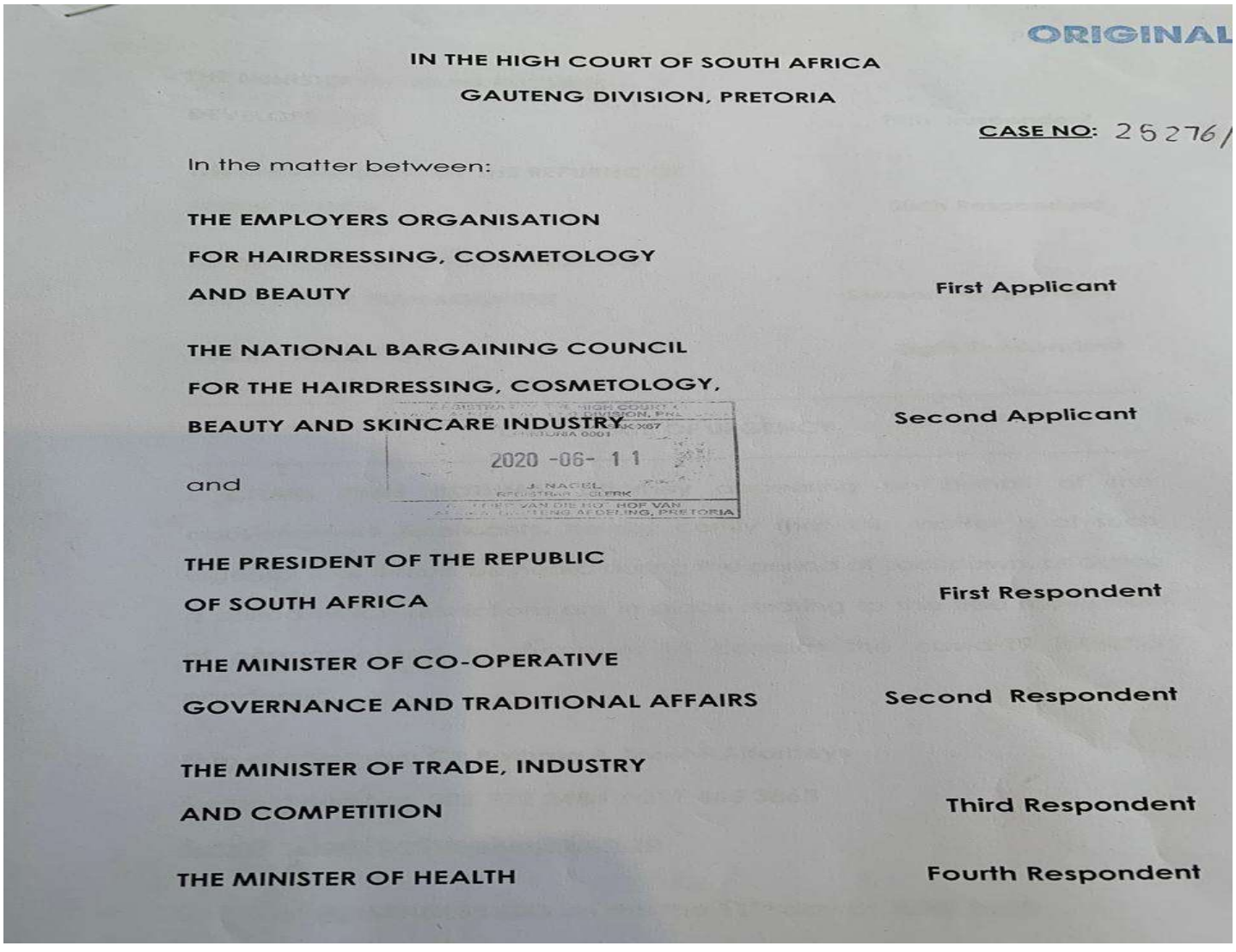
The purpose of the application is to:

- Review and set aside such parts of the Regulations published on 28 May 2020 in terms of the Disaster Act that postulates that Personal Care Services, including hairdressing, beauty treatments, make-up and nail salons and piercing and tattoo parlours, be excluded,
- Order to publish regulations replacing the impugned provisions to provide for Personal Care Services to be rendered during Alert Level 3,
- Those personal care services as defined in the scope of the Main Collective Agreement of the National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry, may be rendered by employers, sole proprietors and employees that are registered with the National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry,
- The rendering of Personal Care Services be restricted to Personal Care Services that are rendered in an establishment as defined in the scope of the National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry and specifically excluding the informal sector
- Allow employers, sole proprietors and employees that are registered with the National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry, pending the publishing of the amended regulations, be allowed to, with immediate effect, render, cause to render and be engaged in the rendering of Personal Care Services, as defined in the scope of the Main Collective Agreement of the National Bargaining Council for Hairdressing, Cosmetology, Beauty and Skincare Industry, in establishments.

It is declared that the impugned provisions:

- Materially and adversely effects the rights of employers, sole proprietors and employees that render personal care services,
- Are not rational; and
- Are invalid and unconstitutional and brings about an unjustified limitation of fundamental rights.

The court date is scheduled for **Tuesday, 23 June 2020 at 10h00**.



ORIGINAL

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 25276/

In the matter between:

THE EMPLOYERS ORGANISATION FOR HAIRDRESSING, COSMETOLOGY AND BEAUTY — First Applicant

THE NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING, COSMETOLOGY, BEAUTY AND SKINCARE INDUSTRY — Second Applicant

2020 -06- 11
J. NAGEL
REGISTRAR / CLERK
HOF VAN

and

THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA — First Respondent

THE MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS — Second Respondent

THE MINISTER OF TRADE, INDUSTRY AND COMPETITION — Third Respondent

THE MINISTER OF HEALTH — Fourth Respondent

SOUTH AFRICA — Sixth Respondent

INTER-GOVERNMENTAL COMMITTEE ON DISASTER MANAGEMENT — Seventh Respondent

UASA – THE UNION — Eight Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that **THE EMPLOYERS ORGANISATION FOR HAIRDRESSING, COSMETOLOGY AND BEAUTY** and **THE NATIONAL BARGAINING COUNCIL FOR THE HAIRDRESSING, COSMETOLOGY, BEAUTY AND SKINCARE INDUSTRY** (herein after referred to as "the *Applicants*") intends to make application to the above Honourable Court on **TUESDAY** the **23RD** of **JUNE 2020** at **10H00** or as soon thereafter as counsel for the Applicants may be heard, for an order in the following terms:

1. enrolling this application as an urgent application and authorising and allowing this application to be heard by way of