



**IN THE CONCILIATION, MEDIATION AND ARBITRATION
COMMISSION (CMAC)**

HELD AT MANZINI

CMAC NO: STK 145/09

In the matter between:

THOBILE MAHWAYI

APPLICANT

And

WORLD VISION (MPOLONJENI ADP)

RESPONDENT

CORAM:

ARBITRATOR

VELAPHI ZAKHELE
DLAMINI

FOR APPLICANT:
DLAMINI

MR. NDABENHLE

FOR RESPONDENT

MS. ZANDILE
MABUNDZA

ARBITRATION AWARD

1. PARTIES AND HEARING

1.1 The Applicant is Thobile Mahwayi, a Swazi female adult of P.O.Box 683, Siteki. The Respondent is World Vision (Mpolonjeni ADP) of P.O.Box 206, Siteki.

1.2 The Applicant was represented by Mr. Ndabendle Dlamini of C.Z Dlamini Attorneys. The Respondent was represented by Ms Zandile Mabundza of Magagula Attorneys.

2. PRELIMINARY ISSUES

By consent the parties amended the Respondent's citation from Mpolonjeni ADP- World Vision to World Vision (Mpolonjeni ADP); as the latter was the proper citation.

3. ISSUES IN DISPUTE

The Applicant alleges that she was constructively dismissed, and claimed the following;-

- (a) One Month's Notice
- (b) Additional Notice
- (c) Severance allowance
- (d) 20 days leave
- (e) Pension Fund
- (f) Maximum Compensation
- (g) Certificate of Service

These claims were disputed by the Respondent

4. BACKGROUND OF THE DISPUTE

4.1 The Applicant reported a dispute to the Commission for Constructive Dismissal. The dispute was conciliated, however it remained unresolved, hence, the issuance of a certificate of unresolved dispute No-094/10. The parties requested for arbitration under the auspices of the Commission and I was appointed to determine the matter.

4.2 The matter was scheduled for arbitration on the 13th July 2010, and during the hearing, the Respondent made an offer to settle which was accepted by the Applicant. The parties agreed that the dispute be settled amicably, consequently they signed a Memorandum of Agreement which encapsulated their agreement.

5. AWARD

Having heard both parties, it is hereby ordered that, based on the Memorandum of Agreement attached hereto, the following award is made;-

- (a) That the Applicant hereby abandons the following claims;
 - (i) Notice Pay
 - (ii) Additional Notice Pay
 - (iii) Severance allowance

- (iv) 12 months compensation
- (b) That the Respondent shall pay the Applicant in lieu of 5.5 days leave.
- (c) That the Applicant has been issued with the Certificate of Service by the Respondent on the 14th June 2010.
- (d) That the pension due to the Applicant is the sum of E7817.36 and the Applicant has been paid the sum of E 4191.39 of the total amount of pension due.
- (e) That the Respondent undertakes to assist the Applicant to recover the balance of the pension from AKANI Swaziland Retirement Fund Administrators.
- (f) That the Arbitrator shall make the agreement an award.

DATED AT MANZINI ON THIS 26th DAY OF AUGUST 2010

VELAPHI Z. DLAMINI
CMAC ARBITRATOR