

IN THE INDUSTRIAL COURT OF SWAZILAND

CASE NO. 30/85

In the matter between:

THE WORKERS COMMITTEE

Applicant

and

MONDI TIMBERS

1st Respondent

MONDI ESTATE

2nd Respondent

C O R A M :

MR J. A. HASSANALI

President

MR S. MOTSA For

Applicant

MR P. DODDS For

Respondents

MESSRS B. STEPHEN AND A. N. MATSEBULA ASSESSORS

AWARD

Delivered on 15/01/87

Hassanali, President

This is an application for an order against the Respondent Company on the following grounds:-

a) that the Respondent be ordered to pay the employees listed in Annexure B, a fixed pay per month as it was previously done prior to 1981.

b) that the Respondent be ordered to pay such pay at the end of each month.

On perusing the papers presented to Court by the applicant, it seems to me that this action has been wrongly constituted. There seems to be no justification for the applicant to have joined Mondi Forests as one of the Respondents, since the claim was against Mondi Timbers Swaziland.

2

The employees listed in Annexure "B" were originally employed by Peak Timbers but they continued to work for their new employer, Mondi Timbers Swaziland after it had changed hands. While they worked for Peak Timbers, each employee received a fixed pay at the end of each month. This system of payment was however discontinued and the management effected changes in the way of paying the employees on a calculated daily rate, and paying them during the middle of the month. This led to agitation among the employees who requested the Management to revert to the old system of payment. The Management however refused to accede to this request, and this action led to numerous meetings and discussions between the parties which did not lead them anywhere. Consequently the matter is now before Court.

There is no doubt that this dispute has been dragging on since 1982. It appears that every effort had been made to bring about a settlement between the parties, but due to the negative attitude adopted by the Respondent Company no reasonable solution had been found. The Court also got the impression that there was a total lack of communication between the parties, which perhaps could lead to strained Industrial relations. This could be most unfortunate because this section of the industry is vital to the country's economy and any disruption could lead to serious consequences. As such it should be avoided

at all costs.

Mr Motsa who represented the applicant maintained that the new system which was unilaterally introduced by the Management had caused financial loss to the employees. He stated that under the old system if an employee was absent from work, he still received a fixed pay irrespective of whether he was absent or not. In support of this, he called L. Mazibuko, Frank Mavuso and J. Zulu

3

but their evidence in no way supported his case. Certain pay slips issued prior to 1981 were handed in and these showed certain deductions, which the Respondent claimed were in respect of absentism. Since there was no other evidence to the contrary, I am reluctantly compelled to accept the Respondent's story. Mr Dodds however for the Respondent Company maintained that the employees were in no way affected financially by this change and I am inclined to agree with him in view of the scanty evidence produced by the applicant.

Mr Motsa also maintained that as a result of the employees being paid during the middle of the month, they were unable to budget their expenditure realistically. Also since the wages were paid on different dates the workers found it hard to calculate the number of days they had worked. Mr Dodds on the other hand took up the position that this change was done to improve the administrative control of the Company. Mr Motsa again failed to put forward sufficient evidence in support of his contention.

Mr Dodds very rightly pointed out that the applicant did not represent the entire workforce in the Company. The applicant Workers Committee, he said, had been replaced by a new Committee and there was no evidence that the new Committee supported this application. He further contended that Annexure B contained a minority workforce and therefore the applicant had no right to speak on behalf of the others, with which submissions. I quite agree as the applicant had failed to satisfy Court that it had the mandate to represent the entire or at least the majority of the workforce.

4

Therefore taking all these into consideration. I have no other alternative but to dismiss the applicant's application.

Application dismissed. My Assessors agree with my decision.

J. A. HASSANALI

PRESIDENT