

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 216/2005

In the matter between:

SIBUSISO MAZIYA

Applicant

and

**CHEMICAL LOGISTICS SPECIALITY
INDUSTRIAL (PTY) LIMITED**

Respondent

CORAM:

P. R. DUNSEITH	:	PRESIDENT
JOSIAH YENDE	:	MEMBER
NICHOLAS MANANA	:	MEMBER
FOR APPLICANT	:	S. DLAMINI
FOR RESPONDENT	:	NO APPEARANCE

**JUDGEMENT ON APPLICATION FOR
REFERRAL TO ARBITRATION – 6/06/07**

1. The Applicant has applied to the President of the Industrial Court for the above matter to be referred to arbitration under the auspices of CMAC in terms of section 8 (8) as read with section 85 (2) of the

Industrial Relations Act 2000 (as amended).

2. The Respondent filed notice of intention to oppose the application, but on the date set down for arguments there was no appearance by or on behalf of the Respondent. After attempts were made to alert the Respondent's attorneys of the matter, the application proceeded in their absence.
3. The Applicant alleges that the dispute does not involve any complex issues of fact or law, and the amount claimed is not substantial. Since the court roll is congested, the dispute will not be given a hearing date for about two years, whereas a date for arbitration can be obtained relatively soon.
4. After perusing the pleadings filed of record and considering the issues arising for determination and the quantum of the claim, I am of the view that no prejudice will be suffered by the Respondent if the matter is referred to arbitration. The issues are simple and straightforward, and the matter can be expeditiously and inexpensively determined by arbitration conducted by a CMAC Commissioner. The Respondent has not furnished any reasons for its opposition.
5. It is ordered that:
 - 5.1 the dispute between the parties certified by CMAC as unresolved on 26th April 2005 under CMAC Reference DSPT 373/05 is referred to arbitration under the auspices of CMAC;

5.2 the Applicant is directed to deliver a copy of this order together with copies of the application for determination of an unresolved dispute and the reply filed of record in Case No. 216/05 to CMAC within 14 days.

PETER R. DUNSEITH

PRESIDENT OF THE INDUSTRIAL COURT