

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 106/2008

In the matter between

**SWAZILAND TEXTILE AND
EXPORTERS ASSOCIATION**

Applicant

and

**SWAZILAND MANUFACTURING AND
ALLIED WORKERS UNION**

1st Respondent

**THE STRIKING EMPLOYEES OF
THE APPLICANTS MEMBERS**

Further Respondents

CORAM

P. R. DUNSEITH PRESIDENT

JOSIAH YENDE MEMBER

NICHOLAS MANANA MEMBER

FOR APPLICANT M. SIBANDZE

FOR RESPONDENTS S. NDLELA-KUNENE

RULING ON THE QUESTION OF COSTS - 19/03/08

The Applicant has obtained an order limiting the Respondent's picketing rights. This order was granted on the basis of allegations of violence committed by the

Further Respondents. No allegations have been made which suggest that the 1st Respondent's executive officers participated in, or instigated or condoned acts of violence. The 1st Respondent has been joined in these proceedings as representative of the striking workers, not because the union as an organization has committed unlawful acts.

The Applicant sought an order that the Further Respondents are not to approach within 500 metres of the premises of the Applicant's members. Such an order would have effectively denied the right to picket.

We do not condemn the 1st Respondent for opposing the application in order to minimize the limitation of the right to picket. The 1st Respondent withdrew its opposition after the court granted an interim order which imposed less stringent limitations than those sought by the Applicant.

In these circumstances the court declines to make a costs order against the 1st Respondent.

The Further Respondents are not individually cited or identified and it is not possible to order any Further Respondent to pay costs.

We make no order as to the costs of the application.

The members agree.

P. R. DUNSEITH
PRESIDENT OF THE INDUSTRIAL COURT