

IN THE INDUSTRIAL COURT OF SWAZILAND

CASE NO.107/87

In the matter between:

SWAZILAND MANUFACTURING & ALLIED WORKERS UNION

and Applicant

LANGA NATIONAL BRICKWORKERS LTD Respondent

CORAH

	J. A.	HASSANALI		President
MR	MUSA	HLOPHE	FOR	Applicant
MR	P.	DODDS	FOR	Respondent

AWARD

Delivered on 3/12/87 Hassanali, President This is an application brought by a Notice of Motion far an Order in the following terms -

- 1) directing the Respondent Company to allow the applicant to hold a meeting with the Respondent's employees at Respondent's premises at Kalanga (near Mpaka) on 5/12/87 at 2p.m.
- ii) directing the Respondent to show cause why the Order prayed for in (i) above herein should not be granted an or before the 19th November, 1987 at or around 9.30a.m.
- iii) that this application be heard ex-parte.

The question to decide in this matter is whether the refusal of permission by the General Manager of the Respondent Company to the applicant to hold a meeting of its members at the Respondent's establishment was unreasonable.

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The main thrust of Mr Dadd's argument was that there was no evidence that a branch of the applicant's Union existed in the Respondent's workplace. According to him the proposed meeting of the Union was nothing but a "public meeting" and therefore the General Manager of the Respondent Company was justified in refusing the application.

Mr Hlophe on the other hand maintained that some of the employees had Formed an interim Committee with the sole purpose of establishing a branch union. He said that the meeting for which permission was sought for was called with the specific purpose of explaining the aims and objects of the union. Therefore the refusal by the General Manager was unreasonable and contravened Sec. 74 (2) of the Industrial Relations Act No.4 of 1960.

Sec. 74 (2) postulates that it would be unreasonable far an employer to refuse permission for an organisation to hold meeting of its members on the premises of the employer during working hours. Reading this section, it seems to me that there should exist an organisation in the employer's premises and that Body should apply to the employer for permission to hold any such meeting. In the event the employer withholds such permission unreasonably or refuses access to any officer or au authorised officer as contemplated under Sec 74 (1) of the aforesaid Act, then it would entitle the aggrieved party to

apply to Court for relief.

In this case, there is the evidence of Mr Bennett that an interim committee of the union had been formed with the help of some workers with the sole purpose of establishing a branch of

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parent body. In my view the application to the General Manager For permission to hold a meeting should have been made by the said interim committee and not by the applicant Union. Therefore the General Manager's refusal was not unreasonable.

In the circumstances I dismiss the application.

J. A. HASSANALI

PRESIDENT

3/12/87