



IN THE INDUSTRIAL COURT OF ESWATINI

Case No. 166/18

In the matter between:

ZAMOKUHLE HLANZE

Applicant

And

PATPO INVESTMENTS (PTY) LTD

t/a THUTHUKA BUTCHERY

Respondent

Neutral citation: Zamokuhle Hlanze v Patpo Investments (Pty) Ltd t/a Thuthuka Butchery (166/2018) [2018] SZIC 108 (05 October 2018)

Coram: **S. NSIBANDE JP**

(Sitting with Nominated Members of the Court Mr N. Manana and Mr M. Dlamini)

Heard: 02 October 2018

Delivered: 05 October 2018

RULING

- [1] The Applicant seeks an order that the unresolved dispute between himself and the Respondent be referred to the Conciliation, Mediation and Arbitration Commission (CMAC) for arbitration in accordance with **Section 85 (2) of the Industrial Relations Act 2000 as amended.**
- [2] The Applicant claims an amount of E26 308. 62 (Twenty-six thousand three hundred and eight emalangeni, sixty two cents) in respect of terminal benefits and compensation for unfair dismissal on the basis that she was substantively and procedurally dismissed. The Applicant claims that there was no proof of the commission of the offences that she was accused of and that although the charges were dismissed when a ruling in her favour was made by the Chairman of the hearing, the Respondent continued with the hearing and dismissed her. She further claims to have been denied her right to appeal.
- [3] The application before Court is not opposed as there was no appearance by or on behalf of the Respondent. Nevertheless, the President of the Court, is enjoined to consider whether or the circumstances of the matter is one suited to be referred to arbitration.

[4] The facts of this matter appear not to be complicated and the claim is not substantial even for a butchery business. I envisage that there may be disputes of fact with regard to what happened after the initial charges were dismissed by the disciplinary hearing Chairman and whether the Applicant gave up her right to be heard at the disciplinary hearing by not attending and whether she appealed out of time. My view though is that it should not be too difficult to resolve the answers there to are based on written documents new change sheet (as alleged by the Respondent etc)

[5] In the circumstances I direct that the unresolved dispute between the parties be referred to arbitration under the auspices of CMAC.

I make no order as to costs.



S. NSIBANDE

PRESIDENT OF THE INDUSTRIAL COURT

For the Applicant: Mr M. Manana

For the Respondent: No appearance