

IN THE LABOUR COURT OF SOUTH AFRICA
Held at Johannesburg

Case No : J504/97

In the matter between :

IMPALA PLATINUM (PTY) LTD

Applicant

and

NATIONAL UNION OF MINEWORKERS

Respondent

**J APADILE AND THE PERSONS LISTED
 ON ANNEXURE “W1” ATTACHED TO THE
 INTERIM ATTACHED TO THE INTERIM ORDER**

Second to Further
 Respondents

JUDGEMENT

On 4 August 1997, at approximately 11h00, Mr Le Roux of the Applicant's attorneys of record and Counsel for the Applicant, Mr Van As came to my house to bring an urgent application in respect of which I had granted an order that same night. Due to the fact it was late at night no recording services could be obtained and there is no formal record in this matter.

Before granting the order, I listened to the evidence of a Ms Tiendero and a Mr Stevens, both of the Applicant's management.

In this matter a wage dispute was referred to the Commission for Mediation and Arbitration (CCMA) which remains unresolved. The ensuing strike embarked upon by the Respondents was a protected strike. The CCMA was approached on 4 August 1997, earlier during the day, to set down rules for picketing. According to Ms Tiendero, the First Respondent could not send someone on its behalf to attend this matter. Ms Tiendero then approached Mr L Shear of the CCMA about the picketing rules. He set down some picketing rules apparently as an interim measure.

As I understood Mr Stevens there was no peaceful picket on the mines premises. Picketing rules weren't adhered to despite discussions. Several of the individual Respondents intimidated temporary workers and prevented them from attending to their duties. Vehicles were not allowed access to the mine and generally the disruptions were of such a nature that the mine could not function normally and there was a great possibility of a chemicals leak.

Mr Stevens testified that the Applicant's main concern was the fact that dangerous chemicals are used at its mine and that the actions of several of the individual Respondents could possibly lead to a leak of these chemicals which could cause harm to human life and the general operation of the mine.

After hearing the evidence under oath I was of the view that the circumstances I granted warranted interim relief. I regarded the matter as serious enough in the circumstances. I felt that the balance of convenience clearly favoured the Applicant. I was also satisfied, that in the time available to the Applicant's attorneys of record and the Applicant, no papers could be settled and served in accordance with the rules of the Labour Court.

JUDGE E REVELAS
LABOUR COURT OF SOUTH AFRICA

Dated at Johannesburg on this 8th day of August 1997