

| Sneller Verbatim/JduP

IN THE LABOUR COURT OF SOUTH AFRICA

BRAAMFONTEIN

CASE NO: JR385/01

2001-10-09

In the matter between

HARMONY GOLD MINING CO LIMITED

Applicant

and

CCMA AND OTHERS

Respondents

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J U D G M E N T

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LANDMAN, J: The third respondent in this matter was dismissed by the applicant. Thereupon an arbitration hearing took place on 25 August 2000 before an arbitrator of the CCMA, the second respondent in these proceedings.

The arbitrator recorded the evidence which was delivered in the

course of the arbitration. He sets out the evidence of one van Zyl, the principal witness on behalf of the applicant. His summary of the evidence of Mr van Zyl, conflicts with the statement which was handed in at the arbitration by consent, and with so much of the record as I have been able to read.

That being so, the award which stems from this is not justifiable in relation to the material which served before the commissioner. The arbitration award is set aside and the draft order is made an order of court.

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A A Landman

Judge of the Labour Court of South Africa

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