



Labour Policy Digest

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Contributors

Frans Barker (FSB)
 Elize Strydom (EMLS)
 Corinna Gardner (CG)

Mailing List

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Mine Health and Safety Tripartite Leadership Summit

The Mine Health and Safety Tripartite Leadership Summit took place on 5 September 2008 under the theme of “Zero Harm Through Collaborative Action”.

All the stakeholders shared the concern that the mining industry is not achieving the health and safety targets that had been agreed in 2003. There was also common agreement that an action-driven plan to achieve significant improvements in mine health and safety performance is required. Such an action-driven plan was adopted and signed at the Summit. The action-driven plan aims to:

- strengthen a culture of health and safety;
- promote a learning industry and building capacity; and
- make workplaces safer and healthier.

The parties have agreed on actions to develop and implement a culture transformation framework which will address such issues as

compliance and enforcement, the right to refuse dangerous work and production bonuses. A joint campaign will be launched to ensure compliance, with emphasis on contractors and small companies. Tripartite partnerships will also be developed at various levels to ensure joint responsibility for health and safety.

Emphasis has also been placed on promoting learning in the mining industry. To this end it has been agreed to accelerate capacity building in skills relating to health and safety and to reduce the rate of illiteracy in the industry. In addition, an autonomous Centre of Excellence is to be established to help the mining sector with research, research implementation and capacity building by establishing partnerships as far as possible with existing institutions. The centre will focus on rock engineering, human factors (including appropriate incentive systems), mining, engineering and occupational health and hygiene.

With regard to safer and healthier workplaces, industry level policies and actions will be developed with regard to the adoption of best practices, the purchasing of equipment and machinery that is safe and quiet, and policies to address falls of ground. The quality of accommodation also needs to be improved due to the impact of lifestyle on health and safety in mining.

Responsibility for the implementation of the actions outlined in the plan has been assigned to the various stakeholders and the resources required have been identified, as have timeframes and desired outcomes. Furthermore, the stakeholder have agreed that

the Mine Health and Safety Council must monitor the implementation of the action-plan and that an expanded Council meeting involving the principals of all stakeholders must be held at least annually to improve the health and safety partnership.

The key note address at the Summit was given by Ms Buyelwa Sonjica, Minister of Minerals and Energy. The President of the NUM, Mr Senzeni Zokwana, addressed the Summit, as did the President of the Chamber of Mines, Mr Siphon Nkosi. In his address, Mr Nkosi stressed the commitment of the mining industry's leadership to strengthening a culture of health and safety and to making the working environment safer and healthier. He also indicated that the industry recognises that safety is a core value and will always take precedence over production. Mr Nkosi stressed the need for all the industry stakeholders to work in partnership on health and safety and he committed the Chamber of Mines to making adherence to a culture transformation framework a condition of its membership. He also stated that obstacles to partnership such as incentive schemes with an overwhelming emphasis on production will have to be abandoned in favour of schemes where health and safety are critical elements.

The Summit was preceded by a two-day roundtable of Chief Executives of companies that are members of the Chamber. They gave serious consideration to the ways in which a culture of health and safety can be strengthened in the industry and how working environments can effectively be made safer and healthier. The Chief Executives have actively endorsed the target of zero harm. All the participants have also agreed to undergo

regular assessment of their effectiveness as health and safety leaders.

FSB

Bargaining Council – Contractors

Dr Kent McNamara has concluded his survey of mining contractors and has presented his final report to the South African Association of Mining Contractors and the unions.

The survey covers some 88 mining contracting companies employing 80 589 employees. The contractors are mostly limited proprietorships or close corporations less than 10 years old, but also include some long-standing companies. The contractors range from 10 employees in the smallest company to 14 390 in the largest. 42 of the firms surveyed employ less than 250 people.

Most of the mining contractors are located in the Northwest platinum region, the central Mpumalanga coal field and the Gauteng mixed mining region. There are very few contractors in the diamond sector. Most contractors provide full or extended mining services, as well as secondary and other support, with a smaller proportion providing specialist development or production services.

The unions and the South African Association of Mining Contracting Companies are currently in the process of studying Dr McNamara's report and also discussing it with their principals. Thereafter, a decision will be taken about an appropriate way forward.

CG

NUM

On 25 July 2008, the NUM issued a media statement after a meeting of its National Executive Committee (NEC) held the previous day.

In this statement, amongst other things, the NUM indicated that it was considering embarking on protest action over the lack of transformation in the mining industry.

According to the media statement the NEC took a decision that "given the continuous reluctance of the mining industry to transform in order to ensure that senior management, professionals and artisans in its ranks reflect the demographics of the country, the NUM will later this year embark on protest action to highlight the plight of the previously disadvantaged".

The NUM has now advised the Chamber that it has organised a national protest march to take place on Saturday, 4 October 2008. The march is aimed at highlighting the NUM's frustration regarding transformation in the minerals and energy sector. A memorandum will be handed to the Chamber of Mines.

EMLS

Section 77 Standing Committee

As a result of Mr Eric Nwedo's departure from the Chamber, a vacancy arose for an alternate representative to serve on the NEDLAC section 77 Standing Committee which deals with all notices of protest action in terms of section 77 of the Labour Relations Act.

Following a nomination by the Chamber's IRS, BUSA has appointed a senior manager from AngloGold Ashanti to serve on the committee.

CG

Housing

At a recent meeting of the HIV / AIDS Principals' Committee the members had felt that not enough was being done by the industry regarding housing and that there was scope for improvement. The Minister had thus asked that a tripartite Housing Committee be established. This has been done. The Committee has agreed that its terms of reference will be:

- standards of housing;
- setting targets to be achieved over time; and
- the utilisation of the LOA for housing.

It has also identified some key constraints that need to be addressed, namely:

- tax incentives for funding of housing by companies;
- addressing the lack of delivery and capacity among local authorities; and
- availability of land for housing.

The Minister has appointed Dr Frans Barker, Senior Executive of the Chamber of Mines, to chair this Committee.

CG

Review of the Mining Charter

The Chamber has commissioned a study to determine the progress being made by its members in implementing the Mining Charter. The intention is that the Chamber and its members should have a clear understanding of the industry's performance to-date in meeting its obligations. The Chamber's IRS has been responsible for gathering and assessing information on housing and living standards, employment equity and mine community and rural development.

In particular, attention has been given to:

- measures to improve the standard of housing, including the upgrading of hostels, conversion of hostels to family units and the promotion of home ownership options for mine employees;
- steps to improve the nutrition of mine employees;
- the formulation of integrated development plans for communities where mining takes place and for major labour-sending areas, with special emphasis on the development of infrastructure;
- targets for employment equity, particularly in the junior and senior management categories;
- focusing training programmes on historically disadvantaged South Africans; and
- ensuring higher levels of inclusiveness and advancement of women in the mining industry.

EMLS

Community Development Forum

The Chamber has established a Community Development Forum to foster co-ordination and co-operation in regard to community development programmes between members of the Chamber, and with other stakeholders. Responsibility for the Forum has been assigned to IRS and it is chaired by the Industrial Relations Adviser.

The main purpose for the establishment of the Forum is to create an internal platform to deliberate on pertinent strategic issues to ensure a collaborative and sustainable community development strategy in the mining industry. The Forum also serves as a platform to share best practice on issues related to sustainable community development.

The Forum will deal with the following issues:

- determine quantitative and qualitative indicators in respect of community development issues such as rural and urban development programmes;
- identify challenges and/or concerns relating to community development issues and develop solutions to address them;
- sharing best practice on issues related to sustainable community development, including consultation with communities about developmental issues;
- determine areas of duplication by Chamber members on community development initiatives and best methods of collaborating on large scale and value-add local economic development programmes;

- serve as an important point of contact between TEBA Development or the MDA/TEBA Development merged entity and the mining industry in respect of all community development-related issues in order to facilitate collaboration between mining companies; and
- facilitate strategic partnerships with relevant Government departments, trade unions and other developmental organisations both locally and internationally.

CG

International Labour Organisation (ILO): Decent Work Country Programme

The ILO's Decent Work Country Programme is currently the subject of debate in NEDLAC. The ILO's objective with its Decent Work Country Programme is to promote opportunities for women and men to obtain decent and productive work in conditions of equity, security and human dignity. Given its tripartite nature, the ILO has engaged employers and organised labour about the operational framework for programme priorities. IRS, through BUSA, has participated in the processes to formulate a BUSA position paper on the programme. This is important, since the discussions on atypical forms of employment have now been located within the decent work initiative.

BUSA has argued that the following principles should underpin the Decent Work Country Programme:

- that a balance should be struck between the need to compete on business terms as well as the need to address the social dimension of globalisation;
- technological advancement must be embraced, but there is also a need to ensure that workers who are vulnerable as a result are catered for in order to enhance employability; and
- the importance of flexibility in the labour market must be recognised, but balanced with the right of workers to be protected against abuse.

Discussions on the Decent Work Country Programme are continuing in NEDLAC.

CG

Review of the NEDLAC Social Plan Agreement

A review of the Social Plan Agreement is currently underway in NEDLAC. A representative nominated by the Chamber is representing business on the NEDLAC Task Team dealing with this issue. The purpose of the original Social Plan has been to regulate large-scale retrenchments and the current Plan only requires reporting in respect of employers which are retrenching 500 or more employees or 10% of their workforces.

Government has proposed that, because employers have not in the past advised the Department of Labour regarding proposed retrenchments, section 189 of the Labour Relations Act be amended to impose an obligation on employers to inform the Department in the event of every retrenchment. Business is arguing that this should not apply in respect of smaller companies for which it would be unduly onerous.

New proposals from government regarding the threshold to trigger a social plan intervention, migrant workers and future forums are also being discussed by the NEDLAC Task Team.

CG

Immigration

BUSA has established an ad hoc Task Team to deal with immigration-related issues. IRS has nominated a representative from TEBA Ltd to serve on this Task Team to ensure that the interests of the mining industry are taken into account in the BUSA deliberations. This representative has also been appointed to serve on the statutory Immigration Advisory Board.

CG