

Response to 'Basotho miners speak'

As NUM, we do not define workers on the basis of tribes. The problem of contractors is not a Basotho miners problem, it is a problem facing NUM in the industry, the labour movement in general in the economy and the labour movement globally. It is about replacing quality jobs with inferior jobs. It is about destroying the national social security net as it is put together. The narrow approach in Ulicki's article is not helpful and does not put the problem of contracting into perspective.

It would be helpful for the *Bulletin* to do a comparative study on the extent of casualisation of work, part-time work, outsourcing/contracting out in various sectors of the economy, for example mining, commercial and hospitality, state institutions etc. This study should also look at the degree of unionisation of these workers and what unions in the respective sectors are doing about these forms of employment.

NUM has been dealing with this issue in negotiations since 1995. Our agreements and current negotiations are proof that NUM has seriously put sub-contracting on the agenda. We must however, highlight the complication brought about by sector demarcations. If security is out-sourced who should organise those workers? Is it NUM or TGWU? If Grinaker is mining at Target, should CAWU or NUM organise those workers?

Contracting is a challenge facing us and

*by Gwede Mantashe, NUM
general secretary.*

the entire labour movement – we must fight any lowering of work standards and give workers, who find themselves in these lower quality jobs, security and access to the National Social Security Net.

Extracts from agreements

□ *Subcontracting agreement between the Chamber of Mines and NUM, 1995*

'The parties acknowledge that it is custom and practice in the mining industry throughout the world that aspects of the mining process and other matters associated with the operating of mines are sourced out or contracted out by mining companies to other persons. Whilst this practice of outsourcing or subcontracting offers various advantages to mining companies and supports the development of small business enterprise it might contain threats for employees and members of trade unions operating in the mining industry. Therefore the parties agree that when considering subcontracting, the company shall adhere to the following principles and procedures...

The provisions of this agreement shall not apply to tasks which require

special skills equipment and/or resources and for which tasks mines do not ordinarily employ categories one to eight employees...

Within 30 days of signing this agreement the NUM shall be advised of existing subcontracting agreements.

Mines undertake:

- to advise the NUM's mine level structures of new subcontracting plans;
- to disclose to the NUM on a regular basis information relevant to subcontracting...;
- where the unemployment of subcontractors might lead to the retrenchment or downgrading of an existing employee, the NUM's representatives will be involved in discussions...

To facilitate the implementation of this agreement the question of contracting out will be a subject for discussion in management/NUM meetings.

The parties agree that the purpose of this agreement is to promote harmonious relationships and in this regard commit themselves that where incidents of conflict arise between mine employees and employees of contractors all parties will become involved to defuse the situation.

A subcontractor is required to comply with applicable legislation, including the Aliens Act, the LRA, the BCEA, Minerals Act, Unemployment Insurance Act and the Compensation for Occupational Injuries and Diseases Act.

It is acknowledged that mine management cannot interfere with the contractual relationship between the contractor and his employees but good practice dictates that there should be sound employment practices.

- ☐ The parties agree upon the effective implementation of the 1995 agreement

on sub-contracting regarding, amongst other matters, advice to the NUM's mine level structures of new sub-contracting plans and disclosure to the NUM on a regular basis of information relevant to sub-contracting. The Chamber undertakes to bring to the attention of its gold and coal members which recognise the NUM the need to fulfil their obligations under the terms of the 1995 sub-contracting agreement.

Draft wording: current negotiations

'The mines shall set up joint structures at mine level which shall monitor contractor's compliance with the requirements set by the mines... The mines shall ensure compliance with codes of conduct agreed at mine level...

Subcontractors shall be expected to comply with all health, safety and labour legislation or with such exemptions that may have been granted, and shall have to provide written confirmation, where applicable, of their registration in terms of the Unemployment Insurance Fund Act, 30 of 1996 (the UIF Act), the Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (the COIDA) and the Occupational Diseases in Mines and Works Act, 78 of 1973 (the ODMWA).

The mines shall require proof from contractors that they are paying the required assessments and levies in terms of the COIDA and the ODMWA.

The mines are responsible for the health and safety of all employees on the mines, including those of subcontractors. The decision-making criteria when awarding contracts shall include the occupational health and safety performance of contractors. The mines undertake to negotiate at mine level, agreements of conduct relating to the implementation of the above. ★