

# **FRAMEWORK FOR PEACE AND STABILITY IN THE MINING INDUSTRY**

## **1 BACKGROUND**

The mining industry has been plagued by violence and intimidation for some time now and this has had only negative consequences for the industry and the country. Lives have been lost and injuries have been suffered. Mines have come to a standstill with a consequent loss of income for employees and of production for the companies. This has increased the already existing economic pressures experienced by the industry, *inter alia* caused by the international economic downturn. The image of the industry and of the country has been tarnished and investor confidence in the industry and the country has been negatively impacted.

The stakeholders agree that they want an industry which flourishes.

## **2 OBJECTIVES OF THE STAKEHOLDERS**

The stakeholders appreciate that to achieve growth in the mining industry everything possible must be done to ensure stability. Violence, intimidation, lack of respect and intolerance for different views, association and disassociation should be eradicated. This must be replaced by respect for life and property, rule of the law and existing agreements and policies, and for the right to freedom of association enshrined in the Constitution and the Labour Laws of the country.

The stakeholders thus commit themselves to work together to create an industry where peace and stability reigns supreme and stakeholders are allowed to pursue their respective legitimate objectives for the ultimate benefit of the industry and of the country.

## **3 STRATEGIES TO ACHIEVE THE OBJECTIVES**

The strategies to achieve the objectives must be in conjunction and with due regard to the Constitution and the laws of the country. The stakeholders have identified the following strategies to achieve their objectives:

- 3.1 The leadership of the stakeholders will collectively and publicly denounce violence, intimidation, lack of respect for life and property.
- 3.2 The leadership of the stakeholders will collectively and publicly call for respect for the laws of the country and for different views.
- 3.3 The leadership of the stakeholders and their members will collectively and publicly commit themselves to ensure and promote peace and stability. Accordingly, the stakeholders and their members commit to the following:
  - 3.3.1 respect for life, safety of others and property;

- 3.3.2 adhere to the law, including the Constitution, the labour laws and those laws regulating the mining industry, specifically those pertaining to health and safety;
- 3.3.3 tolerate different views, including freedom of association and disassociation;
- 3.3.4 refrain from intimidation and violence of any nature anywhere in the mine or surrounding communities;
- 3.3.5 honour existing and future agreements and policies;
- 3.3.6 take accountability for all actions and utterances and refrain from inflammatory language;
- 3.3.7 all parties to have access to their membership and constituencies; this includes management's rights to communicate with their employees;
- 3.3.8 no carrying or harbouring of any weapons on company property at any time;
- 3.3.9 in order to resolve disputes, parties must act in accordance with the law, existing agreements, processes and communication channels;
- 3.3.10 communicate these objectives and commitments through engagement with members, the media and other interested parties such as mining communities and investors.

#### **4 PROCESSES TO ACHIEVE AND IMPLEMENT THE OBJECTIVES**

- 4.1 Collective and public statements will be made by the leadership of the stakeholders to communicate the commitments set out in clause 3 above.
- 4.2 The leaders of the various stakeholders will actively engage with
  - 4.2.1 their constituencies;
  - 4.2.2 the public;
  - 4.2.3 mine security and SAPS;
  - 4.2.4 investors;

and communicate the commitments through various platforms such as meetings with members, media (i.e. radio, television, news papers), road shows etc.

- 4.3 Companies and the unions operating in a company that does not have a Code of Conduct in place may sign a Code of Conduct which regulates company/mine level daily interaction primarily focused on healing wounds and building mutual trust and respect in the workplace.
- 4.4 Where deemed appropriate by the relevant stakeholders, a healing process could be instituted at mines through discussions and engagements to heal the wounds and the suffering of which workers have experienced during the violence and to work towards building mutual trust and respect.
- 4.5 Stakeholders will continue to engage each other during the next fourteen days to put the necessary structures, processes and timeframes in place to ensure commitment, adherence and implementation of the objectives stated in clause 3 above.

SIGNED at \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_ 2013.

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of: Department of Mineral Resources

2. \_\_\_\_\_

\_\_\_\_\_

Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of the Department of Labour:

2. \_\_\_\_\_

\_\_\_\_\_

Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of the Chamber of Mines:

2. \_\_\_\_\_

\_\_\_\_\_  
Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of: NUM

2. \_\_\_\_\_

\_\_\_\_\_  
Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of: AMCU

2. \_\_\_\_\_

\_\_\_\_\_  
Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of: UASA

2. \_\_\_\_\_

\_\_\_\_\_  
Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of: Solidarity

2. \_\_\_\_\_

\_\_\_\_\_

Signatory:

Capacity:

Date:

**AS WITNESSES:**

1. \_\_\_\_\_

For and on behalf of: NUMSA

2. \_\_\_\_\_

\_\_\_\_\_

Signatory:

Capacity:

Date: