

## DEPARTMENT OF LABOUR

NO. 537

20 MAY 2016

BCEA 7

**DETERMINATION IN TERMS OF SECTION 50**

The Minister of Labour, make the following determination in terms of Section 50(8)(c) of the Act:

**1. The following section of the Act are replaced or excluded:**

Section 12(2)(b), 14(1), 15(1)(a) and 17(1).

**2. Extent of the variation:**

- (a) To average hours of work over the agreed period with an average of ten hours' overtime per week;
- (b) To dispense with a formal meal interval for Miners, Artisans and Officials recognition units who work underground and in processing plants;
- (c) To reduce the daily rest period to not less than eight hours, for the purposes of rapid shift changeovers; and
- (d) That shifts commencing at or after 04:00 are not regarded as night work.

**3. Employers or employees in respect of whom the determination applies:**

Employees employed by Chamber of Mines of South Africa: Sibanye Gold "Category 4 to 8 employees", Miners & Artisans" and "Officials" on the entities listed in Annexure A, B and C engaged at Gauteng, Free State, Mpumalanga and North West Provinces.

**4. Conditions on which determination is granted:**

- (a) That overtime is worked voluntary or as agreed collectively;
- (b) That informal rest arrangements and opportunities to take sustenance are made and that existing meal arrangements with regards to employees in processing plants remain in place;
- (c) That rapid changeovers do not occur on more than two occasions per month per employee; and
- (d) That the collective agreement signed with the unions concerned be complied with.

**5. Period for which the determination is granted:**

From 16 October 2015 to 30 September 2018.

**SIGNED ON 10<sup>th</sup> day of December 2015**

**DIRECTOR GENERAL: LABOUR**

**ANNEXURE A****BCEA VARIATIONS PREVIOUSLY GRANTED FOR THE ENTITIES CONCERNED IN TERMS OF A PAST DETERMINATION OR DETERMINATIONS**

| COMPANY/<br>MINE                            | EMPLOYEES            | PERIOD<br>UNTIL | 12(2)(b) | 14 | 15(1)(a) | 17(1) |
|---|----------------------|-----------------|----------|----|----------|-------|
| AngloGold<br>Ashanti                        | Category<br>4 to 8s  | 30/9/15         | ✓        |    | ✓        | ✓     |
|   | Miners &<br>Artisans | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
| Gold Fields<br>Ltd                          | Category<br>4 to 8s  | 30/9/15         | ✓        |    | ✓        | ✓     |
|   | Miners &<br>Artisans | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
| Harmony<br>Gold Mining<br>Company<br>Ltd    | Category<br>4 to 8s  | 30/9/15         | ✓        |    | ✓        | ✓     |
|   | Miners &<br>Artisans | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/18         | ✓        | ✓  | ✓        | ✓     |
| Pan African<br>Resources<br>PLC             | Category<br>4 to 8s  | 30/9/15         | ✓        |    | ✓        | ✓     |
|   | Miners &<br>Artisans | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/18         | ✓        | ✓  | ✓        | ✓     |
| Rand<br>Uranium<br>Ltd: Cooke<br>Operations | Category<br>4 to 8s  | 30/9/15         | ✓        |    | ✓        | ✓     |
|   | Miners &<br>Artisans | 30/9/15         | ✓        | ✓  | ✓        | ✓     |
|   | Officials            | 30/9/15         | ✓        | ✓  | ✓        | ✓     |

**ANNEXURE B****BCEA VARIATIONS/EXCLUSION SOUGHT IN TERMS OF THIS APPLICATION**

| COMPANY / MINE        | EMPLOYEES         | PERIOD UNTIL | 12(2)(b) | 14 | 15(1)(a) | 17(1) |
|-----------------------|-------------------|--------------|----------|----|----------|-------|
| AngloGold Ashanti     | Category 4 to 8s  | 30/9/18      | ✓        |    | ✓        | ✓     |
|                       | Miners & Artisans | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
|                       | Officials         | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
| Harmony               | Category 4 to 8s  | 30/9/18      | ✓        |    | ✓        | ✓     |
|                       | Miners & Artisans | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
|                       | Officials         | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
| Pan African Resources | Category 4 to 8s  | 30/9/18      | ✓        |    | ✓        | ✓     |
|                       | Miners & Artisans | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
|                       | Officials         | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
| Village Main Reef     | Category 4 to 8s  | 30/9/18      | ✓        |    | ✓        | ✓     |
|                       | Miners & Artisans | 30/9/18      | ✓        | ✓  | ✓        | ✓     |
|                       | Officials         | 30/9/18      | ✓        | ✓  | ✓        | ✓     |

**ANNEXURE C****ENTITIES COVERED BY THE APPLICATION**

- 1 ANGLOGOLD ASHANTI LTD**, South African region, in respect of the workplace, comprises the following mines and operations, namely:  
  
Regional Services; Metallurgical Services (including Vaal River and West Wits Surface Sources); Kopanang Mine; Mponeng Mine; AngloGold Ashanti Health; Mine Waste Solutions (MWS); Moab Khotsong/Great Noligwa Mine; and Tau Tona/Savuka Mine.
- 2 HARMONY GOLD MINING COMPANY LTD**, South African workplace comprises of the following mines and operations, namely:  
  
Unisel Mine; AMF Shafts; Masimong Mine; Kusasaletu Mine; Kalgold Mine; Bambanani Mine; Joel Mine; Tshepong Mine; Phakisa Mine; Free State Business Services; Doornkop Mine; Central Services; Target One Shaft.
- 3 PAN AFRICAN RESOURCES PLC**, in respect of the workplace, comprises the following mine, namely:  
  
Evander Gold Mine.
- 4 VILLAGE MAIN REEF LTD**, in respect of the workplace, comprises the following mines and operations, namely:  
  
Buffelsfontein Mine; South Plant Operation and Tau Lekoa Mine.

It is agreed that the Mines and Operations of each Employer as described above constitutes a single workplace in respect of that Employer, for the purposes of section 23(1)(d) of the Labour Relations Act 66 of 1995.