

DEPARTMENT OF LABOUR

NO. 538

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; Gold Mining employees: "Category 4 to 8 Gold mining 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 15 October 2015 to 30 September 2018.

SIGNED ON 10th day of December 2015

DIRECTOR GENERAL: LABOUR

ANNEXURE A**BCEA VARIATIONS PREVIOUSLY GRANTED FOR SIBANYE GOLD IN TERMS OF THE 2013 DETERMINATION (Note that Sibanye Gold was then part of Gold Fields Ltd)**

COMPANY/ MINE	EMPLOYEES	PERIOD UNTIL	12(2)(b)	14	15(1)(a)	17(1)
Gold Fields Ltd	Category 4 to 8s	30/9/15	✓		✓	✓
	Miners & Artisans	30/9/15	✓	✓	✓	✓
	Officials	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)
Sibanye Gold	Category 4 to 8s	30/9/18	✓		✓	✓
	Miners & Artisans	30/9/18	✓	✓	✓	✓
	Officials	30/9/18	✓	✓	✓	✓

ANNEXURE C**ENTITY COVERED BY THE APPLICATION****1 SIBANYE GOLD**

- 1.1 Sibanye Gold Ltd's workplace comprises the following mines and operations, namely Driefontein, Kloof, Beatrix, Sibanye Gold Health Services, and Sibanye Gold Property Services.
- 1.2 Sibanye Gold Protection Services Ltd's workplace comprises its Head Office and all other places where its employees are stationed.
- 1.3 Sibanye Gold Academy (Pty) Ltd's workplace comprises the Academy and all other places where its employees are stationed.
- 1.4 Sibanye Gold Shared Services (Pty) Ltd's workplace comprises the Shared Services Offices and all other places where its employees are stationed.
- 1.5 The Cooke 1, 2 and 3 workplace consists of the mine registered as Rand Uranium (Pty) Limited.
- 1.6 The Cooke 4 workplace consists of the mine registered as Ezulwini Mining Company (Pty) Limited.

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.