

## DEPARTMENT OF LABOUR

NO. 539

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 is replaced or excluded:**

Section 10(2), 12(2)(b), 15(1)(a) and 16(1) of the Act.

**2. Extent of the variation:**

- (a) To retain the collectively bargained arrangements in respect of compensation for overtime on ordinary working days for Miners and Artisans and Officials employed on the collieries listed in annexure C,
- (b) To average hours of work over the agreed period with an average of ten hours' overtime per week (Category 4 to 8 employees, Miners & Artisans, Officials, B Band and C Band employees employed on collieries listed in Annexures C, D and E)
- (c) To reduce the daily rest period to not less than eight hours, for the purposes of rapid shift changeovers, with details to be worked out at mine level (Category 4 to 8, Miners & Artisans, Officials, B Band and C Band employees employed on collieries listed in Annexures C, D and E); and
- (d) To retain the collectively bargained arrangements in respect of compensation for work on Sundays (Miners & Artisans and Official employed on collieries listed in Annexure C).

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

Employees employed on the Collieries by the Chamber of Mines of South Africa: Category 4 to 8 employees; Miners & Artisans; Officials; B Band and C Band employees on entities listed in Annexures C, D and E.

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

- (a) That all overtime is worked voluntarily or as agreed collectively;
- (b) That informal rest arrangements and opportunities to take sustenance are made;
- (c) That rapid shift 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 2017.

SIGNED ON 12<sup>th</sup> day of April 2016

DIRECTOR GENERAL: LABOUR

## ANNEXURE A

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

COMPANY/ MINE	EMPLOYEES	PERIOD UNTIL	10(2)	12(2)(b)	15(1)(a)	16(1)
Anglo American Coal	Category 4 to 8s	30/09/15		x	x	
	Miners & Artisans	30/09/15	x	x	x	x
	Officials	30/09/15	x	x	x	x
Exxaro Coal Mpumalanga (Pty) Ltd	Category 4 to 8s	30/09/15		x	x	
	Miners & Artisans	30/09/15	x	x	x	x
	Officials	30/09/15	x	x	x	x
Kangra Coal	Category 4 to 8s	30/09/15		x	x	
	Miners & Artisans	30/09/15		x	x	
	Officials	30/09/15		x	x	
Kuyasa Mining-Delmas Coal (Pty) Ltd	Category 4 to 8s	30/09/15		x	x	
	Miners & Artisans	30/09/15		x	x	
	Officials	30/09/15		x	x	
Optimum Coal (of which Koorfontein Mine was a part)	B Band	30/09/15		x	x	
	C Band	30/09/15		x	x	
Xstrata Coal SA (now known as Glencore Operations SA)	Category 4 to 8s	30/09/15		x	x	
	Miners & Artisans	30/09/15	x	x	x	x
	Officials	30/09/15	x	x	x	x

## ANNEXURE B

## VARIATIONS SOUGHT IN TERMS OF THIS APPLICATION

COMPANY/ MINE	EMPLOYEES	PERIOD UNTIL	10(2)	12(2)(b)	15(1)(a)	16(1)
Anglo American Coal	Category 4 to 8	30/09/17		x	x	
	Miners & Artisans	30/09/17	x	x	x	x
	Officials	30/09/17	x	x	x	x
Exxaro Coal Mpumalanga (Pty) Ltd	Category 4 to 8	30/09/17		x	x	
	Miners & Artisans	30/09/17	x	x	x	x
	Officials	30/09/17	x	x	x	x
Kangra Coal	Category 4 to 8	30/09/17		x	x	
	Miners & Artisans	30/09/17		x	x	
	Officials	30/09/17		x	x	
Koorfontein Mines	B Band	30/09/17		x	x	
	C Band	30/09/17		x	x	
Kuyasa Mining-Delmas Coal (Pty) Ltd	Category 4 to 8	30/09/17		x	x	
	Miners & Artisans	30/09/17		x	x	
	Officials	30/09/17		x	x	
Msobo Coal	Category 4 to 8	30/09/17		x	x	
	Miners & Artisans	30/09/17	x	x	x	x
	Officials	30/09/17	x	x	x	x
Glencore Operations SA	Category 4 to 8	30/09/17		x	x	
	Miners & Artisans	30/09/17	x	x	x	x
	Officials	30/09/17	x	x	x	x

**ANNEXURE C, D & E**

<b>ANGLO AMERICAN COAL</b>	1.1	Goedehoop Colliery
	1.2	Greenside Colliery
	1.3	Kriel Colliery
	1.4	New Denmark Colliery
	1.5	New Vaal Colliery
	1.6	Kleinkopje Colliery
	1.7	Landau Colliery
	1.8	AATC Centralised Services
	1.9	Zibulo Colliery
	1.10	Isibonelo Colliery

<b>EXXARO COAL MPUMALANGA (PTY) LTD</b>	2.1	Arnot Colliery
	2.2	North Block Complex
	2.3	Matla Coal
	2.4	New Clydesdale Colliery

<b>MSOBO COAL</b>		Msobo Coal
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<b>GLENCORE OPERATIONS SA</b>	3.1	Twefontein Complex
	3.2	iMpunzi Complex (Excluding employees on the Gate Wage)
	3.3	Goedgevonden Complex
	3.4	Group Services, Witbank

**ANNEXURE D**

<b>KANGRA COAL</b>	4.1	Savmore Colliery
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<b>KUYASA MINING</b>	5.1	Delmas Coal Pty Ltd
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**ANNEXURE E**

<b>KOORNFONTEIN MINES (PTY) LIMITED</b>	6.1	Koornfontein Mines
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