

DEPARTMENT OF LABOUR

NO. 692

24 MAY 2019

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:

Sections 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 on the basis that informal rest arrangements and opportunities to take sustenance, are made and existing meal arrangements with regards to employees in processing plants remain in place;
- (c) To reduce the daily rest period to not less than eight hours, for the purposes of rapid shift changeovers; and
- (d) To ensure 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:

Gold employees employed by **Minerals Council South Africa**: "Category 4 to 8 employees", "Miners and Artisans" and "Officials" at the entities listed in **Annexure A**.

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 agreements signed with the unions be complied with.

4. Period for which the determination is granted:

From 14 December 2018 to 30 September 2021.

SIGNED under delegated authority in terms of section 85 of the Basic Conditions of Employment Act, 1997 at Pretoria on this the 7th day of March 2019.



ACTING DIRECTOR GENERAL: LABOUR

BASIC CONDITIONS OF EMPLOYMENT ACT, 1997 APPLICATION FOR MINISTERIAL DETERMINATION

ACTING DIRECTOR GENERAL: LABOUR

ANNEXURE A

VARIATION GRANTED FOR ENTITIES CONCERNED IN TERMS OF
SECTION 50

COMPANY/ MINE	EMPLOYEES	SEC: 12(2)(b)	SEC: 14(1)	SEC: 15(1)(a)	SEC: 17(1)
AngloGold Ashanti	Category 4 to 8s	✓	✓	✓	✓
	Miners & Artisans	✓	✓	✓	✓
	Officials	✓	✓	✓	✓
		✓	✓	✓	✓
Harmony Gold Mining Company Ltd	Category 4 to 8s	✓		✓	✓
	Miners & Artisans	✓	✓	✓	✓
	Officials	✓	✓	✓	✓
Village Main Reef Ltd	Category 4 to 8s	✓		✓	✓
	Miners & Artisans	✓	✓	✓	✓
	Officials	✓	✓	✓	✓
Sibanye- Stillwater	Category 4 to 8s	✓		✓	✓
	Miners & Artisans	✓	✓	✓	✓
	Officials	✓	✓	✓	✓