

Negotiations begin over mine Code of Conduct

THE NUM and Anglo are in the process of negotiating a Code of Conduct for mineworkers and minebosses.

Anglo has proposed its code while the NUM has drawn up one which reflects the needs of mineworkers as they struggle for higher wages and better working conditions.

As general secretary Cyril Ramaphosa said: "the purpose of this Code of Conduct is therefore to eliminate harassment, victimisation, racial discrimination, union bashing tactics, mass dismissals and unnecessary violence and conflict by promoting and maintaining acceptable norms of behaviour and restoring the fundamental human rights to mineworkers."

The NUM announced its Code of Conduct at the Anti-Repression rally at Wits in February.

At the beginning of the year Anglo and NUM were involved in

a "war of words" in the press over the issues of violence and repression.

The system of housing thousands of workers in single sex compounds creates a highly volatile environment that gives rise to violence.

The migratory labour system has not only given rise to violence, it has resulted in the suppression of the fundamental human rights that are the hallmarks of successful business enterprises and societies world-wide.

The migratory labour system has also resulted in the authoritarian control of workers, in fact a hard dictatorship, paternalistic attitudes, a crude form of racial discrimination and a denial of basic human and social rights to workers.

Workers' rights have remained the possession of mine owners, rationed out to them as subjects rather than as their own inalienable possessions as free men.

The NUM is proposing a code of conduct which will include:

- the right to freedom of association;
- the right to assembly;
- the right to freedom from discrimination;
- the right to privacy;
- the right to freedom of expression;
- the right of freedom of movement;
- the right to fair disciplinary inquiry;
- the right to have democratically elected worker committees to run hostels;
- the right to strike;
- the right to picket during strikes;
- the right to practice one's culture and traditions.

The time has come to have a code that will grant mineworkers their human rights on the mines, a move which the NUM believes will eliminate violence.



The "right to privacy" and "freedom of movement" is part of NUM's proposed Code of Conduct for the mines

THE NUM CODE OF CONDUCT

1. Preamble

In order to establish an environment of social harmony and industrial peace to achieve economic growth, employers and employees acknowledge that the substantive causes of conflict generation have to be addressed if this is to be achieved.

In furtherance of this, employers and employees recognise that the payment of living wages, decent and acceptable working and living conditions and the respect for basic human rights are imperative if equitable and socially conducive relationships are to be developed.

This requires the parties to conduct themselves in accordance with internationally recognised industrial relations standards which respects the rights of each party.

2. Joint AAC/NUM undertaking

The Anglo American Corporation and the National Union of Mineworkers acknowledge that the relationship between management and workers is characterised by common and conflicting interests.

In certain instances, despite the existence of channels and procedures to resolve differences, harassment, victimisation, racial discrimination, union bashing tactics, mass dismissals, gross violation of basic human rights and unnecessary violence and conflict have occurred which the parties agree should be prevented.



The purpose of this Code of Conduct is therefore to eliminate harassment, victimisation, racial discrimination, union bashing tactics, mass dismissals and unnecessary violence and conflict by promoting and maintaining acceptable norms of behaviour and restoring the fundamental human rights to mineworkers.

To this end the Corporation and its administered mines as well as the union and its members commit themselves to a Code of Conduct for regulating the conduct of all managerial and auxiliary personnel, the union and its members.

3. Principles

3.1 The parties to this agreement accept that each will be accountable and accept responsibility on

the part of AAC for the action of Team Leaders, Miners, Shift Overseers, Mine Overseers, Section Managers, Production Managers, Personnel Managers, Mine Managers or equivalent officials as well as the security personnel. And on the part of the union:- union members and officials.

That all these persons will take all steps available individually and collectively to ensure that all persons act at all times in the interest of industrial peace and a creation of an environment that is aimed at achieving better working and living conditions on the mines.

3.2 The parties will at all times seek to uphold and protect the following fundamental rights of workers:

- the right to work;
- the right to strike;
- the right to picket during strikes;
- the right to freedom of association;
- the right to freedom of movement;
- the right to fair disciplinary hearings with shaft stewards representation;
- the right to assembly;
- the right to freedom from discrimination;
- the right to freedom of expression;
- the right to privacy;
- the right to have democratically elected workers committees to run hostels;
- the right to practice one's culture and traditions.

3.3 The parties will not promote or support the use of unlawful actions including the use of the police to deal with strikers or use any form of violence, cohesion or

intimidation to achieve any objective.

3.4 The Corporation undertakes not to engage in provocative actions such as:

- 3.4.1 patrols of armoured vehicles -caspis and hippos;
- 3.4.2 forcing legal strikers back to work;
- 3.4.3 video taping workers meetings and movements;
- 3.4.4 dissemination of hostile propaganda against the union.

3.5 The parties agree that in the normal course of events or in the event of a lawful strike, lock-out or any other form of industrial action, management, workers and union representatives shall endeavour that the following activities are maintained:

- the hostels and all facilities inherent in the administration of hostels shall function normally and be under the responsibility of democratically elected hostel committees with management having an advisory role on technical and other matters;
 - the mine and agreed essential services shall function normally under the responsibility of management;
 - normal access to the hostel and the mine shall be accorded to management, workers and union officials;
 - normal access to working places for those employed who choose to work during industrial action;
 - picketing;
- The corporation undertakes further that during the course of industrial action:-
- the security forces shall remain in their barracks and not be used against strikers;

-there will be no mass dismissals;

-that the union shall have the right to have meetings and counsel and/or meet their members at any time;

-The SAP or SADF shall not be called in to deal with industrial relations matters;

4. Implementation and monitoring of the code of conduct

4.1 Details giving effect to the principles embodied in this code will be negotiated at shaft, mine or other appropriate level. Such details may include remedies open to the parties in the event of one party breaching the code of conduct.

4.2 Co-ordinating committees at shaft, mine, regional or, if necessary, head office level shall be established to monitor the implementation of an adherence to the details included in terms of Section 4.1 above.

4.3 This committee shall be composed of equal numbers of management and the union representatives and shall hold meetings on a regular basis.

4.4 Failing resolution, disputes concerning implementation and operation of the Code may by agreement be referred to the head office co-ordinating committee by either party of a committee.

4.5 Should the head office co-ordinating committee be unable to resolve a dispute, the aggrieved parties may agree to refer the dispute to Arbitration.

5. This Code of Conduct shall not derogate from the rights either party may have in law, which rights either party may exercise at any time.