

Status: Draft for consideration

PLATINUM SECTOR STABILITY ACCORD

INTRODUCTION AND BACKGROUND

The Platinum Sector has in recent times been the subject of significant levels of instability, which instability has affected the operations, functioning, security and safety of all the stakeholders in the Platinum Sector. In particular, the incidences of illegal strike action, intimidation and violence including the loss of life, illegal occupations of property, the existence of no-go zones for certain stakeholders as well as the bearing of weapons, are a source of grave concern.

This Stability Accord is intended to prevent and address occurrences of instability which may have the potential to threaten the sustainability of the entire platinum sector. In this respect, the signatories to this agreement (the Parties) confirm their commitment to bringing stability to the Platinum Sector and their adherence to the fundamental rights and principles detailed below.

The parties also confirm their commitment to the Stability Code and that they will work actively to promote adherence to it by them and their members and supporters.

The parties acknowledge that the provisions of this Stability Accord are subject to existing laws, rules and procedures and that new structures should not be created where appropriate existing structures exist or can be utilised. This Stability Accord shall also not detract from the validity of bi-lateral agreements between any of the parties. The parties accept the prerogative of the law enforcement agencies of the Republic of South Africa to carry out their duties and to assist such law enforcement agencies as and when that may be necessary.

The parties confirm their commitment to respect and adhere to current company policies and future agreements between parties and not, without good cause, to deviate from those policies and agreements.

The parties accept that issues of socio-economic development applicable to the Platinum Sector and the communities residing within the Platinum Sector are of paramount importance and must be addressed. In addressing issues of socio-economic development, the affected communities should be actively involved through a process of inclusive negotiations involving government, companies, organised labour, communities, experts and donors. Socio-economic development should facilitate the development of the economic and human resources of the communities referred to above.

In order to ensure stability in the Platinum Sector, the parties recognise and commit to uphold certain fundamental rights described below and the corresponding responsibilities underlying those rights.

FRAMEWORK PRINCIPLES FOR THE STABILITY ACCORD

The parties confirm the right of every organisation and individual to:

1. Freedom of speech and expression
2. Freedom of association with others and/or organisations
3. Peaceful assembly
4. Freedom of movement;
5. Equality;
6. Human Dignity.

STABILITY CODE

The parties recognise the essential role played by the companies and collective organisations in the workplace and confirm their commitment to the Constitution and laws of South Africa and, in so doing, respect the activities of all organisations in organising their respective structures, canvassing support, arranging and conducting meetings and also the right to organise in the workplace.

No organisation or any official, representative or member of any organisation or company employee shall:

- Apply violence to, intimidate or threaten any other person in connection with that person's beliefs, words, writings, actions, associations or expressions;
- Carry out or support an attack in any form which results in damage to the property of any of the parties. This shall include the private property of any of the parties and their members or supporters.
- Remove, disfigure, destroy, plagiarise or otherwise misrepresent any symbol or other material of any organisation;
- Interfere with, obstruct or threaten any other person or group travelling to or from or intending to attend any lawful gathering;
- Seek to compel by force or threat of force, any person to join any organisation, attend any meeting, make any contribution, resign from any post or office, boycott any occasion or commercial activity or with-hold his or her labour or fail to perform a lawful obligation; or
- Obstruct or interfere with any official or representative of any organisation or organisation's message to contact or address any group of people.

- Avoid the deliberate provocation of other individuals or organisations
- Use provocative or demeaning language in statements or documentation in relation to any organisation.

All Parties shall:

- Ensure that there is transparent and accurate communication of information between them and with the media. This shall also be applicable to their communication with their employees, members and supporters. This shall not detract from the rights of any party to communicate with their employees, members and supporters and shall also not detract from the provisions of any agreement between the parties pertaining to communication and the dissemination of information.
- Ensure that they are in compliance with their obligations in terms of the Mining Charter and that the transformation of the platinum sector be expeditiously addressed in an integrated and effective manner.
- Ensure that the appropriate authorities are properly informed of the date, place, duration and, where applicable, routing of each public meeting, rally, march or other event organised by the party or organisations.
- Take into account the foreseeable consequences, as well as any other meetings already arranged on the same date in close proximity to the planned event, provided that this shall not detract from the right of any organisation to freely assemble and propagate its views; and
- Immediately and at all times, establish and keep current effective lines of communication between one another at national, regional and local levels, by ensuring a reciprocal exchange of information, and by appointing liaison personnel within agreed identified areas to deal with any problems which may arise.
- Ensure that the recruitment of employees takes place in an equitable manner that balances the interests of local and non-local stakeholders and the needs of existing company and employee interests.
- With national, regional and local government, ensure that the serious issues relating to the socio economic deficits and development in communities in the platinum sector are urgently addressed. This shall include the clarification and allocation of responsibility in relation to the areas to be addressed.
- With national, regional and local government, address issues that impact on the stability of the Platinum Sector.

- Resolve disputes and issues that may give rise to conflict through existing structures and also through those structures to be established in terms of this Stability Accord.

The parties agree that the area of skills development should receive focussed attention. It is agreed that there needs to be further collaboration between the companies in order to advance skills development within the Platinum Sector, and also to establish schools of excellence which can address the needs of the entire sector in terms of skills development. This would include activities aimed at ensuring the dissemination of further knowledge and education in relation to the activities and the sustainability of the Platinum Sector.

The parties commit to peaceful dialogue between them in order to resolve differences and address issues of conflict that have arisen or which may arise in the future. This should ensure that there is common respect between the parties, the pursuance of ethical conduct in their relations with each other and a mutual commitment to the principles of “Ubuntu”.

STABILITY ACCORD SUPPORTING STRUCTURES

The parties agree that structural mechanisms will be created, which structures will have the objective of preventing and addressing disputes and conflict in the workplace and in the communities surrounding the workplace. These structural mechanisms will ensure that disputes and conflicts are effectively channelled and addressed as a matter of urgency so that their impact and consequences are limited.

The primary objective of these structures will be to give effect to the intentions and objectives of the Stability Accord and to support the operations of the Stability Accord. In this respect, the following structures have been agreed.

1. Mining Sector Stability Committee (across all commodities)
2. Platinum Sector Committee.
3. Regional Committees (Geographic areas – Western limb & Eastern limb of the platinum belt)
4. Company Stability Committee.
5. Mine Stability Committee.

Composition of Stability Committees

The parties agree that there should be one representative per party (signatory to the Stability Accord), and one alternative to be designated by each party in the event of non attendance by the

designated representative. In addition, each committee shall determine the extent and nature of participation in the committees by external invitees (eg. SAPS, government)

Frequency of Meetings of Stability Committees

1. Mining Stability Committee – Two per year
2. Platinum Sector Stability Committee- Four per year
3. Regional Stability Committee-Six per year
4. Company Stability Committee-Six per year
5. Mine Stability Committee-Six per year, alternatively monthly.

Functions of the Stability Committees

The parties have yet to define the specific objectives and functions for each committee, however the following broad functions were agreed between the functions and would have to be disaggregated per committee according to the jurisdiction and ambit of each committee.

1. Hear and resolve existing issues that may be the source of dispute or conflict.
2. Identify and develop measures that will prevent and address areas of potential dispute and conflict.
3. Shall , where appropriate, undertake investigative functions, or delegate such functions.
4. Monitor issues which may impact on stability in general.
5. Undertake dispute and conflict resolution processes.
6. Initiate research programmes.
7. To consult any relevant stakeholders.
8. Consider, where relevant, the imposition of a sanction/s by a party in instances where that may be appropriate and within the power of the committee.
9. Where appropriate, to report to and pass information to other Stability Committees