

NATIONAL UNION OF MINEWORKERS

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KWAZULU-NATAL REGION

MEMORANDUM OF GRIEVANCE TO THE MINING, ENERGY AND CONSTRUCTION SECTORS.

**FOR ATTENTION: MINING HOUSES, DEPARTMENT OF
MINERAL RESOURCES, DEPARTMENT OF LABOUR & THE
CONSTRUCTION INDUSTRY.**

We the exploited workers organized under NATIONAL UNION of MINEWORKERS (NUM), working in the mining, energy and construction sectors have decided to protest against deaths and injuries of workers while on duty.

We are today marching to raise our dissatisfaction to both government and industry about the high level of fatalities and injuries in the Kwazulu Natal Region.

This situation cannot be accepted because we come to work to offer our labour and not to die or be injured. We want to continue to contribute to the economy of this province and that of our country as workers and not to sell our lives and limbs.

Our families have mandated us to tell you that they want to see us alive and healthy at the end of each shift.

We cannot continue to watch our colleagues getting sick or injured and then repatriated to die poor leaving behind their dependents with no bread winners.

TODAY WE ARE SAYING, ENOUGH IS ENOUGH, NO MORE DEATHS

- **We call upon industry to put resources on health and safety to save lives.**
- **We call upon industry to put lives before profits.**
- **We call upon industry to allow workers to exercise their four basic rights without fear of victimization**
- **We call for the proper training of safety representatives and to be allowed to execute their duties.**
- **We call for the prosecution of bosses for killing workers.**

Today, we also take this opportunity to remind you that we will continue to mourn each death to give respect to our colleagues who were killed in the work places.

TO: THE DEPARTMENT OF MINERAL RESOURCES

We are saying in fifteen years of the Mine Health and Safety Act; we have not benefited the fruits of our struggle against the killing of mineworkers by mine bosses. We cannot continue to work in hazardous working conditions.

Nationally, about 3556 workers were killed and more than 50,000 injured from 2007 to 2010. To date hundreds of workers are injured or die and not a single person was arrested for murder. In fact, in South Africa it is not a crime to kill a person underground. We are saying to you today "killing a mineworker is also a crime". We therefore demand that,

MINE HEALTH and SAFETY ACT (MHSA) BE REVIEWED TO ALLOW THE FOLLOWING CHANGES TO BE EFFECTED:

- **National Prosecuting Authority (NPA) must prosecute the mine managers for killing mine workers**
- **Unions appoint their health and safety inspectors who should be empowered and trained by DMR**
- **The mining industry stop frustrating inquiries by bringing lawyers, the inquiries must be attended by internal stakeholders and not lawyers**

- **Sub-contractors to be integrated to mine health and safety committees and elect their full time health and safety representatives**
- **Lastly, the MHSA has given your department powers to enforce and you must exercise those powers.**

TO: THE DEPARTMENT OF LABOUR

The DoL has certain powers over these employers in our region and we therefore request the department to exercise these powers to correct the incorrect labour practices, we have observed:

- **Exploitation of workers working for labour brokers in the province**
- **Sub-contractors who are not registered and their working conditions are poor**
- **Workers are exposed to unhealthy conditions and no Personal Protective Equipment (PPE) is provided to them, especially with small scale mining companies and contractors**
- **The high incidents of deaths through collapsing trenches and walls with small contractors**
- **Lack of compensation to those injured or acquire diseases**

We therefore demand that:

- 1. The practice of using LABOUR BROKERS is terminated immediately.**
- 2. Proper registration of small contractors**
- 3. All employers be investigated and audited for compliance with all labour laws.**
- 4. The Inspectorate makes regular unannounced visits to these areas.**
- 5. All employers must be directly accountable to the DoL, whether sub- contracting or small scale.**

6. The DoL's Chief Inspector is visible and accessible to the trade unions.

TO: THE CONSTRUCTION FEDERATIONS AND ASSOCIATIONS

Your organisations should be committed to ensuring that your affiliates adhere to the basic conditions of the act and work towards reducing fatalities in the construction sector.

The high incidents of deaths within small contractors and sub-contractors must be eradicated immediately.

We demand that your organisations commit to ensuring **SAFE & HEALTHY** work conditions.

NUM expects a response for all the issues raised within seven working days.

On behalf of the NATIONAL UNION OF MINeworkERS (NUM)



S.M. Jivhuho
Principal Engineer of Mines
Date: 01/10/2011

On behalf of the DEPARTMENT OF MINERAL RESOURCES



Date: 01/10/2011

On behalf of the DEPARTMENT of LABOUR



Date:

On behalf of MASTER BUILDERS ASSOCIATION



Zuluwani Regional Manager
Date: 01/10/2011