



COLLECTIVE BARGAINING CONFERENCE

“Knowledge is too important to be left in the hands of the bosses”

Date: 25th - 26th March 2021

DECLARATION

1. INTRODUCTION AND BACKGROUND

The National Union of Mineworkers convened its National Collective Bargaining Conference on the 25th - 26th March 2021 under its galvanising theme “Knowledge is too important to be left in the hands of the bosses”.

The conference was convened virtually in order to comply with the country’s COVID-19 protocols. Thus the conference itself was structured to accommodate all the delegates participating from the respective eleven regions of the union.

2. ANALYSIS AND STRATEGIC ORIENTATION

2.1 State of the Economy

As the delegates we undertake this conference at a time when many jobs, job opportunities, and workers themselves are under immense attack from employers, the state, and COVID-19 pandemic.

We also note that the South African economy was not performing well prior to COVID-19 and the disruptions to both the supply and demand side of the economy brought on by the global pandemic made matters worse.

However, we have noted that the general outlook for minerals performance in 2021 is relatively positive with certain exceptions like iron ore as an example. We believe this gives the union some space to manoeuvre successfully at the bargaining table.

This conference has taken into consideration the challenges presented by our economy in terms of the growing unemployment trajectory and view this as a direct result of the lack of political will to radically restructure the South African economy. In order for the national

economy to serve the interests of its entire people, in particular the majority who are largely working class and African.

In this regard this conference re-commits towards supporting all progressive struggles geared towards transforming the national economy as we believe this has a direct link to our poor working and living conditions in South Africa.

While the country experienced output contraction in 2020 we are however inspired by positive trajectory of positive performance displayed by some sectors. For instance some mining companies and sectors have been performing relatively better in terms of the last two quarters of 2020. A number of mining companies have publicly presented very positive and good overall annual financial performance.

We have also noted the low levels of investment by the public sector which has affected wages, working, and living standards of construction workers. However, we are inspired by the dedication of billions of rands into infrastructure development by government and believe that this will create jobs and contribute in reviving the economy. This speaks to the overall investment e promising picture for the period late 2020 and early 2021.

While there was generally economic decline at -7,0% we observed that the 3rd and 4th quarter of 2020 South Africa observed a significant positive net export which is due to the stability of the relative stability of the exchange rate since year 2015 - 2020 and mining sector remained profitable and commodity prices increasing.

We are also aware that there is a challenge of energy output and Eskom tariffs were on the increase in 2019 and 2020. The effect of this has been a decline of employment in the energy sector in 2020 as compared to two previous years. This affects our capacity to grow and hinders our ability to leverage continuously improving wages and working conditions for our members.

We realise that the metal sector remains relatively stable and continues to attract investment which the South African economy needs dearly. It is a growth opportunity for NUM as the sector has around 1, 121 000 million people employed as by the last quarter of 2020.

2.1.1 Relations of Exploitation

Having noted the state of the economy and our sectors we are fully aware that employment relations continue to constitute relations of exploitation. Such that whether the economy performs better or badly, companies remain committed towards making huge profit while bosses stand ready to take the lion's share of surplus with little spared for workers.

Thus our demands shall be guided by this fundamental understanding and characterised by the conviction to continuously improve wages and working conditions of our members.

While ensuring that every progress is not undercut by the brutal constant invocation of Section 189.

2.2 WAGE-NEGOTIATION SEASON

2.2.1 Wage Negotiations 2021

While the conference engaged on numerous issues that affect the financial, health, and overall wellbeing of the workers much focus was inevitably put on wages and working conditions. The union is locked in the Conference to prepare itself for wage negotiations in 2021.

Wages are important for workers and their families as they use these for transactional purposes. They also use their wages for consumption reasons such as paying for basic services, to buy food, to pay for their health, and support the education of their children to mention a few responsibilities.

Furthermore the conference has acknowledged that the 2021 wage negotiations would be difficult as many employers will take cover under the cloth of COVID-19 impact and claim poverty while others would present a relatively objective picture of their state.

The delegates agreed that negotiating teams should be in a position to determine the truth about the state of the situation of respective employers and their sectors, using the information provided by our experts and our own knowledge on the respective corporate tendencies within the sectors we organise.

2.2.2 Attack of Collective Bargaining Agreements

The conference observed that there are instances in which employers tend to undermine Collective Bargaining Agreements and act outside this regulation instrument. Delegates viewed this as typical characterisation of a class offensive by employers to reverse the gains made by the workers who are an advanced detachment of the working class.

Thus delegates resolved that Collective Bargaining is an important hard won right for workers nationally and internationally. As a result it should be defended and advanced by workers and members of NUM everywhere and in all the sectors we organise such as mining, energy, construction and metal industries.

2.2.3 Leadership of Negotiations

The conference also called for the effective deployment of office bearers to lead negotiation teams to tackle instances in which the employer uses its strategy of decentralisation to stretch unions.

2.3 JOB SECURITY AND RETRENCHMENTS

2.3.1 Retrenchments and Reskilling

The conference observed that the union did not feel the expected impact of the Mining Development Agency (MDA) particularly its role during retrenchments processes. There was a general feeling that there is a disconnect between retrenchment processes affecting our members and the interventionist role expected from the agency. In this regard, conference called for proper and visible re-alignment of the agency pertaining to retrenchments and the necessary MDA interventionist role to be enhanced.

The conference also observed that when companies apply for mining licences one of the conditions that facilitate their qualification is the commitment to allocate training, reskilling, or refocusing the budget for workers who would be affected by retrenchments due to pending closure of mining operations. Whatever determination that is made on the form of intervention to empower retrenched their voice remains legitimate and fundamental to the process and should be respected.

2.3.2 Severance Package

The NUM Bargaining Conference resolved that the minimum for Severance Package be R150 000.00 or 4 weeks per year of service.

2.3.3 4th Industrial Revolution and Digitisation Impact on the Workplace

The conference has observed that the 4th industrial revolution is a new dispensation that is gradually redefining the workplace and this is affecting the workers. The conference identified digitalization as a new key challenge. Therefore conference advised that the union should develop strategy to adapt and be aligned with these new developments.

The union must work with employers and institutions like MQA, and other relevant progressive entities to develop appropriate training schedules that would ensure proper training and empowerment is given to workers whose jobs face a threat from the introduction of new technology. Conference urged that the union in collaboration with employers and MQA should facilitate the reskilling and training of workers while they are still in employment and not when they are retrenched.

This should be done to present technology to be an enabler in improving smart working and not a brutal harbinger of displacement of workers. The training must also encompass the empowerment of surrounding mining communities. So that these communities are equally ready to get employed in these companies with requisite technological skills.

Furthermore, conference agreed on the need to identify opportunities created by digitalisation and for NUM to use these opportunities to empower workers guided by a proper strategy on how to work with the employer in this regard.

2.4. UNITY IS BARGAINING POWER

2.4.1 Workers Unity Imperative for Effective Collective Bargaining

The conference upon deliberations also observed the persistent sullied manoeuvres of employers which they use to weaken the negotiation power of workers. By pushing them to negotiate separately than being a united force. In this regard, noting that unity is power, the delegates agreed that this time around NUM should ensure that it promotes unity of all workers consciously at the bargaining table to manifest workers power in negotiations.

Delegates believed that this would leverage the ability of union negotiators in canvassing their demands successfully. Delegates agreed that NUM should identify possible allies to begin engaging them to unite on common approach and solidarity before the real wage negotiations process begin.

2.4.2 Close-shop Agreements and Right to Strike

Conference noted that the unions needed to protect their gains manifest in Collective Bargaining Agreements and not undercut by the tendency of retrenchments. Thus the conference agreed that it is high time to intensify the inclusion of close-shop agreements.

The conference also stressed the use of the right to strike to buttress bargaining and defending our gains. This should be introduced to fight and defeat the employers' manoeuvre which is to retrench workers as a clawback corporate strategy to reverse the gains already claimed by workers. It was also resolved that the union should not be hesitant to use closed shop agreements where it was a majority union.

2.4.3 Bargaining Councils

The conference noted that voluntary bargaining councils are unreliable and unsustainable. In this regard NUM should push for the creation of Bargaining Councils comprising of different chambers. In this regard the mining sector must also have a bargaining council as the Mineral Council is a voluntary entity whose affiliates are not obliged to its decisions. This Bargaining Council should cover all sub-sectors and commodities within the industry.

2.5 HEALTH AND SAFETY

2.5.1 COVID-19

The conference appreciated that COVID-19 has ravaged many communities, families, and workplaces where majority of working class poor are most vulnerable. Delegates also noted that employers undertook shortcuts to save costs while pushing workers to avail themselves at shop floors and production points that did not comply with COVID-19 safety and protection protocols.

In this regard, conference resolved that NUM should view the current pandemic trajectory as a new struggle for workers and for their protection and safety they should treat it as part of working class struggle which requires being defeated in order to create safe working conditions for workers.

In this regard delegates committed to resist any attempt by employers in mining, energy, construction, and metal industries to use the reality of COVID-19 as an opportunity to cut jobs, wages, and downgrade working conditions in chase of profits.

2.5.2 PPEs

The conference also called on all employers in our respective sectors to provide workers with all relevant Protective Clothing in line with COVID-19 protocols.

2.5.3 Allowing Qualifying Employers to Administer Vaccination

The conference further called on government to allow capable and competent employers to assist in the vaccination of their own employees. This call includes allowing such companies to access the vaccines in a transparent and legally compliant way. So that they can administer it on their employees which should save government time and money.

2.5.3 Voluntary vaccination

The conference also called on all companies to respect the individual choice made by any employee not to be vaccinated. The conference condemns any form of harassment of workers who exercise their right.

2.5.4 Employment Separation Perks (ESP).

The delegates also observed that many employers were retrenching workers using their co-mobilities as an excuse to subject them towards what is called Employment Separation Perks (ESP).

The direct purchase and administration of the vaccine for workers in the second phase of vaccination in our country should assist in tackling the challenge of workers with co-mobilities. As conference we commit ourselves to use our Health and Safety Structures to review health and safety policies and making them aligned to new challenges introduced by COVID-19.

2.6 ECONOMIC PARTICIPATION AND EMPOWERMENT

2.6.1 ESOPS Review

Conference advised that the union should re-visit policies dealing with ESOPS pertaining to respective companies. It urged delegates to ensure the union re-visits all the arrangements guiding economic participation and empowerment of workers within their companies. It

noted that some the arrangements left much to be desired and defeated the purpose of empowering workers. In this regard should be reviewed and constituted in a way that advances workers to real economic empowerment and participation.

The conference agreed that ESOPS review must be part of Collective Bargaining and no longer be attended on separate platforms in which the employer is able to undermine them. The delegates believe that this will enable the union to expose those companies that are not complying with relevant legislation. This means NUM must undertake analysis to determine progress pertaining to the compliance with mining charter three and construction charter.

2.6.2 Formulation of Synchronised Guidance Framework

Importantly, the union should formulate one clear policy position or framework which it will use for guidance of its members when they participate in these activities to advance meaningful worker participation and economic empowerment. The union must ensure that it establishes ESOPS were they do not exist as part of intensifying participation and economic empowerment of workers. Furthermore, once empowered always empowered must be done away with as it prejudice workers.

2.7 EDUCATION

2.7.1 Tertiary Education National Protest

As we seat in this conference we do so at a time when our children in the tertiary institutions of education have shut down learning activity in protest against financial exclusions. They cannot register and continue with their education. Their sin is that their parents mainly from working class background cannot afford to pay for them.

As this conference we wish to echo our support to the struggle of South African learners and students in tertiary institutions. We call on the Minister of Education and the President of the country to leave no stone unturned in ensuring that all our needy qualifying children be registered accordingly in all institutions of their choice with necessary financial support.

We call for the transformation of the structure of the national economy which will serve to advance free decolonised tertiary education linked to job demands and opportunities in our society.

2.8 ORGANISATONAL GROWTH AND DEVELOPMENT

2.8.1 Organising and Recruitment

The conference acknowledged that organising, recruiting, and servicing of workers is key to the growth and strengthening of the union. This will leverage its strength towards advancing its demands robustly and aggressively in all the sectors. In this regard delegates emphasised the urgent need for NUM to unleash aggressive recruitment plans in all the regions.

2.8.2 Brand Visibility Imperative

The conference also called for all NUM cadres to promote NUM visibility, and lodging a clear sustained service strategy to members. As delegates believe that a growing NUM should prioritise service to members in order to leverage achievements of all its demands successfully. As service promotes membership sustainability and competitive urge. Better service generates happy and trustworthy members and NUM should promote this.

2.8.2 Ten Year Plan

The union should revisit the plan to check how the union determined campaigns successfully and follow on those campaigns that could not complete. While using this experience to refurbish new relevant plans.

2.8.3 METAL INDUSTRY

2.8.3.1 On Metal Sector and its Linkages to Existing One

The conference indicated that It's important to recognise that our exiting sector is linked to our existing sectors in term of value chains of production (e.g. mining of minerals in mining industry would be converted into product in metal sector). It is due to this recognition that the metal sector expansion for the NUM will provide an opportunity to consolidate and strengthen power of the union towards bargaining effectively on behalf of members.

The conference in this way also resolved to fast track the recruitment campaigns by regions to ensure that bargaining threshold requirements are met.

It further resolved that the union should conduct workshops about the metal sector to structures of NUM. Including conducting socialisation programme to existing LIMUSA members in order to know and understand NUM culture and policies.

2.8.4 Follow up on New Subscription

The conference realised that there were instances in which NUM conducted successful recruitment but the weakness was that ensuring that subscription were deducted remains a challenge.

Such that some members who would have joined the necessary deduction do not appear in their payslips. In this regard, the conference urged union leadership to find a workable mechanism that shall ensure that due deductions are conducted immediately members join the union. It was noted that this affects the membership numbers and the morale of the newly recruited members and it must be addressed.

2.8.5 Consolidating Membership Numbers

The conference also urged the regions to ensure proper capturing of membership details. It was noted that this will assist the national membership system in order to be populated appropriately. In this regard proper smart card membership should also be investigated which will assist in branding the union.

2.9. WOMEN AND GENDER

2.9.1 Child Care Facilities

The conference called on NUM to lead by example in creating child care facilities in its premises for women who attend organisational meetings to do so effectively. The delegates also called for the union to push for such facilities to be created in workplaces as part of women empowerment and recognition of their roles in workplaces and society.

2.9.2 Collective Bargaining Leadership

Women leaders in NUM must be given the opportunity to participate in leading collective bargaining processes to build their confidence.

2.9.3 Retrenchments

Women should be cushioned from retrenchments as they are few in numbers in our sectors and most vulnerably due to patriarchal arrangement in our society and the workplaces.

2.9.4 Maternity Leave

The conference agreed to ensure that 6 months maternity leave is bargained for in the current negotiations and is achieved as a demand. If needs be, this should be a strikeable matter.

2.9.5 Sexual Harassment and Gender Violence

The conference urged that sexual harassment and gender violence should be profiled at workplaces given the widespread prevalence of these crimes against women in society and the workplaces. This should be undertaken as part of generating awareness and mobilising sensitivity.

10. NEDLAC AND NUM PARTICIPATION

- Reduction of working hours - To 40 hour work per week principle without reduction of wages
- BCEA- increase threshold must run concurrently with the minimum wage
- The forum should be used to win compulsory retirement benefit

11. COSATU

- The conference noted the loud and consistent manner in which the Federation handled public sector related matters of its affiliates. Thus delegates called upon the Federation to exercise a balanced posture by advocating vociferously matters affecting non-public sector unions. So that the Federation does not appear to be tilting towards one side of the coin pertaining to all its affiliates which are involved in both private and public sectors.
- The conference called upon COSATU to strengthen its voice on Eskom matters in support of its affiliates affected by developments at the utility.

12. MEDIA AND PROPAGANDA

The conference urged that in order to bring improvements the following should be embraced by the responsible unit:

- The website should be updated frequently and social platforms be used more frequently
- The union should continue with limited print of the newsletter
- The media unit should upscale the use of social media
- The website should continue to be updated to remain relevant
- The media should assist the recruitment programme of the union by propagating through reporting the gains already made by NUM in advancing workers interests

14. CONCLUSION

As delegates of NUM believe the drive for a living wage is achievable through collective bargaining and that the latter regulatory framework should be defended at all times as it is an embodiment of freedom of association and the right to organise.

The delegates hold that the working conditions of workers in mining, energy, construction and metal must improve at all times because worker salaries and benefits are affected by tax and inflation. A consistent fight is also a mitigation of the adverse effects of exploitation relations.

Thus as delegates we hereby declare that we shall not rest, nor betray our members, keep unity, be consultative, realistic and resolute in ensuring that the demands conference has moulded bear the organisational legitimacy in being blessed by all the branches of NUM in promoting a bottom up approach that is members driven in the union .

We promise not to falter in advancing reasonable demands for our members to create a better life within the momentum of the changing political landscape and economic prosperity. We also commit ourselves to maximum victory and nothing less.