

WG 4
WG 5 [Appropriate legislation]

FEDERATION OF MINING UNIONS

PHONE F00N 834-5261

P.O. BOX POSTBUS 1168
JOHANNESBURG 2000

FEDERASIE VAN MYNVAKBONDE

SECRETARY
SEKRETARIS

AMALENG DE VLIERSSTRAAT 6 DE VLIERS STREET JOHANNESBURG 2001

REF
VFRW

The Secretariat
CODESA

ATTENTION: WORKING GROUP 4

FAX NO. 397-2211

28 February 1992

Dear Sirs,

RE. INDUSTRIAL RELATIONS PROBLEMS OF SOUTH AFRICAN CITIZENS EMPLOYED IN BOPHUTHATSWANA

We are aware that Working Group 4 of CODESA is dealing with the question of the future of the TVBC States and that the problem we are raising is, in essence, a problem of the present. However, as no other institution or arm of Government is prepared to deal with the problem, then we wish to address this problem to you as, if it is not resolved, then it will surely become an even greater problem in the future.

The problem is very simply explained. The employees of Impala Platinum Limited, which operates in Bophuthatswana, is managed by GENMIN, Limited, a Company based in Johannesburg, South Africa. Many of the employees are members of unions affiliated to the Federation of Mining Unions but because of present legislation in Bophuthatswana the Unions are denied the right of representing their members who live in South Africa but are employed in Bophuthatswana, both in respect of their salaries and conditions of employment and in dealing with any grievance or dispute which may arise. The Union Representatives have made numerous representations to GENMIN to enter into negotiations but the Company states that whilst it wishes to enter into negotiations it is prevented by legislation from doing so. This is, of course, a transparent ploy to enable them to evade their responsibilities. This results in grave dissatisfaction amongst the employees concerned, leading to a virtual intimidation of the employees because of the Company's insistence that any negotiations must be conducted only between the Company and its employees with no assistance from the Union which represents them.

Constituent Unions -

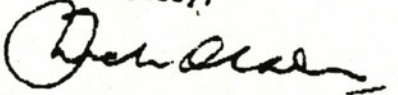
Amalgamated Engineering Union of S.A. Amalgamated Society of Woodworkers of S.A. Amalgamated Union of Building Trade Workers of S.A. S.A. Electrical Workers' Assoc. S.A. Hosiery, Iron & Steelworkers' Shipbuilders' & Welders' Society

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The Federation of Mining Unions requests, therefore, that in the first instance, Working Group 4 of CODESA arranges a meeting between Representatives of the Department of Manpower in Bophuthatswana and the Federation of Mining Unions to discuss a solution to this problem particularly if the Bophuthatswana Authorities can be persuaded to grant an exemption to GENMIN to enable that Company to negotiate with the Federation of Mining Unions on behalf of its members despite the existing legislation. The long-term solution to the problem would, of course, be the reincorporation of the TBVC states into South Africa, but as that may take some time to achieve we believe it is in the interests of all concerned, to seek a solution immediately, particularly along the lines suggested above.

We look forward to your positive and speedy response.

Yours faithfully,



E. NICHOLSON
CHAIRMAN