



MEDIA RELEASE

# AMCU DRUMS UP SUPPORT FOR COURT CASE FORCING MINING MINISTER TO SET MINIMUM STANDARDS

21 April 2020

*The Association of Mineworkers and Construction Union (AMCU) has brought two court applications against the Department of Minerals and Energy (DMRE) for its lacking regulation of the safe return to work of workers in the mining and energy sector. The one application by the Union is heard at the Gauteng High Court today, while the other is set down at the Labour Court. AMCU is positive that their applications will force the DMRE to set national minimum standards for health and safety during the scourge of the Covid-19 coronavirus pandemic. Whilst the Union is supportive of a return to work and ramping up production, it will not support such if the safety of its members are not guaranteed by national minimum standards.*

Yesterday, AMCU filed an urgent application to the Labour Court challenging Mineral Resources Minister Gwede Mantashe's staggering decision to send more than two hundred thousand mineworkers back to the mines with no meaningful regulation to protect them from the scourge of Covid-19.

Instead of regulating, the Department of Mineral Resources and Energy has issued permits allowing mines to operate if they comply with the "directive from the Minister's speech."

"This is totally unacceptable", said AMCU President Joseph Mathunjwa. "The Minister's decision is an abdication of his duty to protect mineworkers' lives under the Mine Health and

Safety Act. While some mining companies may well take good measures, it is not enough for the Minister to rely on all companies' voluntary goodwill. This is reckless and will endanger the lives of many", he added.

AMCU has previously in numerous correspondences to the DMRE expressed its concern that this state of affairs will lead to the infection of mineworkers, who are uniquely vulnerable to Covid-19 given the nature of the workplace and the hidden pandemic of lung diseases such as silicosis and tuberculosis that mineworkers face because of previous government failures to protect mineworkers from mining companies. AMCU fears this will lead to widespread infection amongst mineworkers **as well as the vulnerable communities that host them.**

AMCU's repeated pleas that the Minister issue regulations have all been ignored.

"We have tried our level best to show the Minister that our submissions are made in good faith, and that it is the only way to ensure the health and safety of mineworkers", said Mathunjwa. "Even some progressive employers agree with us that we need a national standard that is binding on all mines. They simply ignored our letters, and even letters from our legal teams, so now we are forced to go to court", he said.

AMCU's application is supported by an expert opinion from some of South Africa's foremost experts in public health and occupational medicine: **Professors Rodney Erlich, Jill Murray, Rajen Naidoo, and David Rees.** Their expert opinion concludes:

*"The original question required of us of was whether at a national level, adequate measures have been put in place to ensure that mineworkers will return to a working environment that is not harmful to their health and safety or the communities where they reside.*

*If the decision is made to return to work and without more from the Department of Mineral Resources and Energy, we must conclude that the current instruments described do not adequately address the safety concerns of mineworkers, their families and extended communities. More is required."*

"It is very disappointing that the honourable Minister, the Chief Inspector of Mines, and the Minerals Council (formerly known as the Chamber of Mines) immediately opposed our application. It is hard to believe that they will send mineworkers underground with no proper health and safety regulations being in place", said Mathunjwa. "We again call on the honourable Minister to act decisively under the Mine Health and Safety Act to protect the lives of mineworkers and the communities where they live," Mathunjwa added.

AMCU has brought two applications against the DMRE. The first one was to set aside the Minister's decision to exempt 129 mines from the Covid-19 regulations for being essential mining services. This issue has become less urgent since the amended regulations announced by the Minister of Cooperative Governance and Traditional Affairs, Honourable Dr Nkosazana Dlamini-Zuma on 16 April 2020. This case will sit today at the Gauteng High Court in Pretoria, and AMCU will formally remove the matter from the urgent role, to be argued later during the normal course.

The second application is to the Labour Court, and it is heard over two days. This afternoon at 14:00 will be part A of the application. It is purely procedural and seeks orders regarding how AMCU is giving notice of the application to the mining industry as a whole. Next Tuesday, on 28 April 2020 will be part B of the application. Then AMCU will seek a final order that either the Minister or the Chief Inspector have failed to issue binding regulations to be gazetted, and ordering them to do so.

“We are very positive about our prospects of success in these cases”, said Mathunjwa. “It is as clear as daylight that there needs to be minimum standards for the health and safety of mineworkers to protect them against this virus, and that these standards must be set at national level to be binding on all mines. We are not opposed to the mines ramping up for production and for the workers to return to work, but safety must come first. Since these amended regulations has now become law, we have urged our members to comply but reminded them of their right to refuse to work in dangerous conditions”, Mathunjwa concluded.

**\*ENDS\***

**802 words excluding summary and headings**

**For interviews: President Joseph Mathunjwa**