

**Ministry**

**Employment & Labour**

**Republic of South Africa**

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**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION NUMBER: 2384 [NW2756E]**

**2384. Ms C N Mkhonto (EFF) to ask the Minister of Employment and Labour:**

Whether his department has sent any labour inspectors to asses labour conditions at the (a) Gravellote charcoal mine between Tzaneen and Phalaborwa and (b) Foskor mine in Phalaborwa; if not, why not; if so, what was the report of the inspectors on the (i) general working conditions and (ii) remuneration of employees at the specified mines? NW2756E

**REPLY:**

**FOSKOR MINING PHALABORWA INSPECTIONS:**

**COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, NO 130 of 1993**

Inspections were conducted at Foskor Mining Phalaborwa from 12/08/2019 to 16/08/2019.Thirty eight (38) employers were inspected to determine compliance with COID Act. Twenty-four (24) employers complied and Fourteen (14) employers were found not complying with the COID Act. Compliance orders were issued and the employers complied before the expiry of the compliance order.

**UNEMPLOYMENT INSURANCE ACT, NO. 63 OF 2001 AND UNEMPLOYMENT INSURANCE CONTRIBUTIONS ACT, NO. 4 OF 2002**

Thirty-Three (33) inspections were conducted for the financial year 2019/2020 at Foskor Mining Phalaborwa from the period of 12/08/2019 to 16/08/2019 to determine the level of compliance with UI legislation. Eleven (11) employers complied and Twenty-two (22) employers were found not complying. Compliance orders were issued and the employers complied before the expiry of the orders.

**BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997 (BCEA) AND NATIONAL MINIMUM WAGE ACT (NMWA), NO 9 OF 2018**

Employers contracted to the mine were inspected in 2020/21 and 2021/22 to determine compliance of contractors with the Basic Conditions of Employment Act and the National Minimum Wage Act.

Seven (7) employers were inspected in 2020/21. Five (5) complied and two (2) were found not complying. Compliance orders were issued and the employers complied after 14 days.

Three (3) employers were inspected in 2021/22 and all complied.

The mine has a collective agreement providing for more favourable terms of employment than basic conditions of employment which are not enforceable in terms of the BCEA and NMWA and therefore it was not prioritised for inspection to establish compliance with these legislations.

More inspections to establish compliance with the BCEA and NMWA by employers contracted to the mine are planned for Q4 of 2021/22.

**GRAVELLOTE CHARCOAL MINE**

No recent inspections not conducted; planned for 3rd week of January 2022

**OCCUPATIONAL HEALTH AND SAFETY ACT, NO 85 OF 1993 INSPECTIONS**

The two workplaces (Foskor Mining and Gravellote Charcoal mine) constitute a ‘mine premise/s’ as defined in section 102 of the mine health and Safety Act, Act no.29 of 1996.

It is declared that the provisions of the Occupational Health and Safety Act, Act no.85 of 1993, as amended are not applicable to the workplaces as defined for in the provisions of Section 1(3)(a) of the Occupational health and safety Act, no.85 of 1993.

In terms of the above judicial confirmation, it is declared that the OHS Act, does not have jurisdiction to enforce compliance on the working conditions within the mine premises, and any further engagements on the health and safety conditions in the mine premises should be directed to the Ministry of Mineral Resources and Energy.