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Unearthing the unseen:

Underground sit-ins epidemic
in South African mining

2024

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Overview

Mining has long been the backbone of South Africa's economy. Alongside agriculture, it is the biggest sector of the economy, employing almost half a million people. But beneath its surface lies a growing crisis – the surge in underground sit-ins. This illegal and unprotected form of protest reached exceptional levels in 2023, posing a significant threat to both employees and the industry. As we investigated this issue, we discovered compelling reasons why this should matter to all stakeholders and we propose actionable strategies for employers to navigate this unsettling trend.





Why should we care about the surge in underground sit-ins in the South African mining industry?

The answer lies in what it says about the industry in the 30th year of our democracy and the profound impact this has on the stability of an essential sector of the nation's economy. Beyond the legal and economic ramifications, these sit-ins jeopardise health and safety and the livelihoods of countless individuals.

In the last months of 2023, there were no less than five impromptu underground sit-ins. They were all unprotected actions, meaning that the procedures for legitimate strike action were not followed and they were all categorised by violence – a recurring theme that conjures up images of past conflict that we would wish to never repeat. Some of these sit-ins included hostage-taking and assaults with a troubling racial undertone. We suggest these sit-ins were motivated by the concatenation of three incendiary causes.

Inter-union rivalry as a catalyst

For almost three decades from its formation in 1982, the National Union of Mineworkers (NUM) was the dominant union representing the interests of employees in the industry. This all changed by 2012 when the Association of Mineworkers and Construction Union (AMCU) reached significant levels of representation to rival the NUM, culminating in the Marikana Massacre. The mining industry navigated this inter-union rivalry with some success over the past decade, but the closed-shop (single union) regime is intricately tied to this intensifying inter-union rivalry and was the cause of the sit-ins at Gold One's Modder East Operations. The decade of peace is over, and the mines have again become battlegrounds for dominance. Opportunism abounds when any unhappiness, regardless of its merit, can simply be laid at the door of the recognised union, so creating the perception of exclusionism and a fertile ground for militance.



Downsizing fears amplifying dissent

While downsizing is a familiar term in the mining sector and one that often rears its head in a commodity down-cycle as we currently experience, inter-union rivalry lays the foundation for more demonstrative dissent when unions hear rumours of retrenchments. Employees, faced with the spectre of unemployment, resort to unprotected sit-ins to voice their concerns and demand job security. At the heart of it is a union's fear that cooperation on retrenchments will be perceived as weakness, which in turn will erode membership. It sheds light on why employees, fuelled by their unions, would be willing to risk their employment in an unprotected sit-in to protest against possible retrenchments, as occurred at Wesizwe Platinum's Bakubung shaft complex.

Political undercurrents in the mines

It would be naive in the extreme to pretend that the political landscape of South Africa does not extend into the mining industry, introducing a third dimension to the surge in underground sit-ins. 2024 is an election year and perhaps one of the most important since the start of our democracy. The historically loyal organised labour and political alliances have been under strain for several years and over the past decade have undergone a continental drift to reveal a new political landscape. This third dimension to these sit-ins can no longer be ignored.

The **decade of peace is over**, and the mines have again become battlegrounds for dominance.

What guidance can employers take to navigate this?

As 2024 rolls on, industry decisions will impact on employees, and union-fuelled industrial relations conflict is most likely to flare up, as it did in recent months.

- Don't take your collective bargaining structures for granted. A "we have always done it this way" approach may leave you unprepared and exposed.
- A real-time awareness of the underground tremors in your specific industrial relations arena will give you the open-minded critical thinking that you need to avoid disruption to your mining operations.

| Plan for the worst,
hope for the best.

- Don't assume your proposed retrenchments will simply follow due process. If downsizing is unavoidable, and for some it may be, then it is best to anticipate that such news will be met by a far more vocal dissenting union than what you may have experienced previously.

Anticipating this will ensure that you choose your timing and form of communication carefully, and if dissent cannot be quelled, then you are at least ready to prevent it escalating to sporadic sit-ins and violence.

- Plan for the worst, hope for the best. This is an obvious maxim, but one which appears most apt in the circumstances. Plan the decisions further in advance; leave room for manoeuvring and don't delay your actions until the last minute.



Looking ahead

The surge in underground sit-ins within the South African mining industry is a critical issue demanding attention and action by all stakeholders. This cannot be left to employers alone to control. Unions, the Departments of Labour and Mineral Resources, as well as the Chief Inspector of Mines, all need to condemn these sit-ins publicly and unambiguously.

They represent an unacceptable breakdown of the collective bargaining systems and the health and safety obligations that rest on employers and employees jointly. Beyond the legal implications, it also threatens the well-being of the workforce and the stability of a vital economic sector. It is a call to action for all stakeholders to unite in safeguarding the interests of the industry that powers the nation's economic engine.



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