

Deaths at Marikana 'were foreseeable'

INQUIRY | The families of the men who were shot and killed by police in Marikana on August 16 last year were in no position to accept that their deaths were unforeseeable, counsel for the families Dumisa Ntsebeza SC proposed to the head of police specialised units, Maj-Gen Charl Annandale, yesterday. The policeman denied that the deaths of the 34 men were foreseeable. "It will be our submission that you knew and you foresaw that those units would use sharp ammunition because they use sharp ammunition ... with any situation," Mr Ntsebeza said. Ernest Mabuza

Lonmin, Amcu fail to solve dilemma of rights

Union wants NUM cast out

Wiseman Khuzwayo

THE CONCILIATION talks at the Commission for Conciliation, Mediation and Arbitration (CCMA) between Lonmin and the Association for Mineworkers and Construction Union (Amcu) have deadlocked, marking a possible escalation of the feud between the union and the National Union of Mineworkers (NUM).

This may lead to a shutdown of all 13 Lonmin shafts as Amcu is allowed by law to embark on a protected strike to force Lonmin to grant it recognition if conciliation fails.

The collective bargaining agreement between Lonmin and the NUM lapsed in October last year and Amcu now wants the rights under the agreement to be conferred on it. The conciliation process adjourned on Tuesday and will reconvene today. Lonmin said that senior commissioners had issued a non-resolution certificate.

The hurdle to the conciliation process is Lonmin's insistence that the threshold for a minority union to be granted organisational rights should be 20 percent, which would favour the NUM, whose representation at the company has dwindled to that figure following defections to Amcu.

Jimmy Gama, the treasurer of Amcu, said that the union wanted a 30 percent threshold as this was the benchmark.

He said: "This is not a new thing. You can go to any company, you will find it is the same. Amcu, as the referring party to the CCMA, has the right to decide which route to take, and a strike is likely."

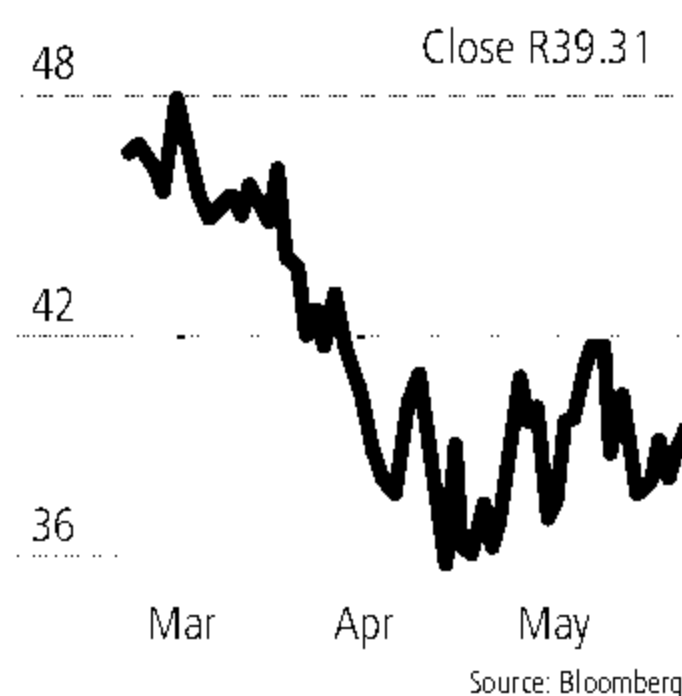
Amcu has 70 percent representation at Lonmin. Wage negotiations in the platinum sector are due to start shortly.

A minority union that has organisational rights is allowed to recruit at the workplace, have its members' subscriptions deducted from the payroll and represent its members in disciplinary hearings.

It would appear Lonmin is sticking to its guns that it wants to find a way forward to work together with the unions

Lonmin

Share price, rand **Feb 21-May 22**



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towards a new recognition agreement which is "inclusive and fair", "democratic" and "multi-union".

Lonmin, the third-largest platinum producer, said that senior commissioners would meet today to attempt to move the process forward.

"If no agreement can be reached at that meeting, the process will then move to formal arbitration," it said.

Simon Scott, the acting chief executive, said: "This is a lengthy and complex process and whilst we have not yet reached an agreement, we are committed to a labour relations environment that can sustain peace and stability at our mines and in our mining communities."

Last week, Lonmin said it had begun the process of de-recognising the NUM in respect of workers in categories four to nine.

It said some aspects of this process would be accelerated in order to ease tensions on the ground at its Marikana mine following a two-day unprotected stoppage at its 13 shafts in Rustenburg by members of Amcu, who wanted the NUM ejected from its offices.

Oliphant 'looks for scapegoats' in Lonmin unrest

Donwald Pressly

LABOUR Minister Mildred Oliphant missed an opportunity yesterday to address the current labour unrest from her department's perspective and instead launched a time-lagged response to Lonmin's departed chief executive, Ian Farmer.

During her budget vote in Parliament, Oliphant laid the blame for the labour crisis on the huge gap between the monthly pay cheque of Lonmin's chief executive and those of ordinary workers, saying it was a key ingredient of the unrest at Marikana.

"You must be well aware at Lonmin in particular, the [former] chief executive [Ian

Farmer] is earning R845 000 a month... the rock driller is earning R4 000," Oliphant said, explaining the roots of the problems last year, and earlier this month, at the Lonmin mine.

Analysts said her comments were "a red herring" to deflect from her own lack of involvement in resolving the crisis.

Labour lawyer Michael Bagraim, the chairman of the human capital committee at the Cape Town Chamber of Commerce, said groundbreaking developments had occurred under the watch of the minister, including Marikana and the farming insurrection at De Doorns, but Oliphant had been "entirely absent" from both.

The reference to the former

Lonmin chief executive was "clutching for a scapegoat", he said. Oliphant faced a conundrum with the ANC's alliance partner, Cosatu, losing ground in the mining sector and the rise of the non-aligned Association of Mineworkers and Construction Union (Amcu). She was unable to make sense of her responsibilities as a political referee, he said.

The minister told MPs during her vote in an extended public committee in Parliament that the low incomes of sub-contracted workers were a reason the government was clamping down on labour brokers.

Bagraim said that where there was a call to work with the new big boys on the block,

Amcu, the minister had shown no direction.

"It is easy to blame management as they don't shout and scream. I would suggest the minister is being reckless not intervening in the power struggle between the National Union of Mineworkers and Amcu... she hasn't seen the elephant in the room, which is Amcu."

Adcorp labour analyst Loane Sharp said the ANC ministers had failed to get a grip on the substantial changes that had taken place in the labour market. There was a general decline in union influence across the board while a deeply conservative black middle class had grown exponentially.

Ministers like Oliphant

found it difficult to breach the divide. The ANC was caught up in ideological confusion and did not know which way to turn. "The ANC is going from crisis to crisis without leadership," Sharp said.

Meanwhile, much of yesterday's debate focused on the unreasonable wage demands of unionised workers, a theme of the DA and African Christian Democratic Party speakers during the vote, but Oliphant dismissed this stance.

"First, you must understand the situation in that particular area [at Marikana]... and what was the cause of the unrest. It was not caused by organised labour but by the company itself," she said.

Relatives of dead miners break down as cop sympathises

SOME relatives of striking miners shot dead in Marikana last year needed medical attention yesterday outside the venue where the Farlam Commission of Inquiry was sitting.

Commission spokesman Tshepo Mahlangu said the victims were affected by remarks senior police officer Major-General Charl Annandale made in the morning.

"They were overcome with emotions... following the awakening of wounds by Annandale's (words)," he said.

"Three of them experienced distress. One was stabilised at the civic centre. Two of them were taken to a local hospital where one was later discharged with a referral letter to

receive counselling," said Mahlangu.

The third person was still receiving medical attention.

Annandale, who headed the police's tactical response team during the unrest, offered his condolences to the families of the deceased during his cross-examination.

The families of the killed miners and members of the Association of Mineworkers and Construction Union walked out of the auditorium

as Annandale delivered his condolences.

Annandale said: "My heart goes out to each and every family of anyone who lost their lives... I'm aware of the gap that this leaves in everyday lives."

Some of the relatives broke down as he spoke.

"My wife always refers to this as a ripple effect... I know that this is so much broader than a lover missing a loved one," he said.

"I know there were breadwin-

ners, fathers, sons, brothers and also husbands."

Annandale told the commission that the lives of police officers had also been deeply affected.

Dali Mpofu, for the injured and arrested miners, and Dumisa Ntsebeza, for the families of the deceased, noted the families' grief.

They agreed the commission was not an appropriate platform for Annandale to have delivered his condolences and said a private meeting should have been held.

They said the commission had seen a similar reaction when national police commissioner Riah Phiyega delivered her condolences to the families.

Only a handful of the dead miners' relatives returned to hear the rest of the proceedings yesterday afternoon.

The commission, chaired by retired judge Ian Farlam, is investigating the deaths of 44 people during the Marikana unrest last year. Police shot dead 34 striking

mineworkers on August 16. Ten people, including two police officers, were killed in the preceding week.

After weeks of delivering evidence, Annandale concluded his testimony. Phiyega was expected to be at the commission today so her cross-examination could continue.

Earlier, the commission was told that the specialised units deployed to Marikana during the unrest were given the means to kill striking miners.

Ntsebeza said the special task

force, the national intervention unit and tactical response team were only armed with live ammunition when they embarked on the operation to disperse Lonmin platinum workers. He added that it would be submitted that the police knew the specialised units would use the live ammunition, as they had been trained to do so. He said the families of the victims would not accept that the killings were unplanned.

"The families of the deceased mineworkers are not in a position to accept that the deaths... were something unexpected," he said.

Annandale denied the use of live ammunition was part of the police plan. - Sapa

FAMILIES of miners shot dead by police in Marikana last year walked out of the Farlam Commission of Inquiry in Rustenburg yesterday when a senior police officer conveyed his condolences to them.

Major-General Charl Annandale, who headed the police tactical response team during the unrest, was testifying about the events at Marikana.

He asked if he could address the relatives of the dead as he was not sure if he would ever get a chance to do so again.

Marikana families walk out

“My heart goes out to each and every family of anyone who lost their lives... I’m aware of the gap that this leaves in everyday lives,” he said.

Some family members broke down while Annandale was speaking. Almost all of them left the auditorium.

Association of Mineworkers and Construction Union (Amcu) members also left.

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this as a ripple effect... I know this is so much broader than a lover missing a loved one.” Annandale said. “There were breadwinners, fathers, sons, brothers and also husbands.”

He told the commission the lives of police were also deeply affected by the incident.

Dali Mpofu, for the injured and arrested miners, and Dumisa Ntsebeza, for the families of the dead, said the com-

mission was not the appropriate platform for Annandale to have given his condolences.

During the sitting, Ntsebeza said the specialised police units deployed were given the means to kill striking miners.

They were armed with live ammunition when they embarked on the operation to disperse Lonmin workers.

It would be submitted, he said, that police knew the units would use the live ammunition, as they had been trained to do so. Sapa

Families walk out of Marikana inquiry

FAMILIES of miners shot dead by the police in Marikana last year walked out of the Farlam Commission of Inquiry, sitting in Rustenburg yesterday, when a senior police officer offered them his condolences.

Major-General Charl Annandale, who headed the police's tactical response team during the unrest, was testifying about the events at Marikana.

“My heart goes out to each family of anyone who lost their life ... I'm aware of the gap that this leaves in [their] everyday lives,” he said. — *Sapa*

Chrome mine on strike

Ten miners injured after altercation between security guards who fired rubber bullets at them

LUYOLO MKENTANE

THE wildcat strike at Lanxess chrome mine continued yesterday amid attempts by mine management to reach an "amicable resolution" with the National Union of Mineworkers (NUM).

Lanxess spokesperson Sibonile Dube said in a meeting on Tuesday the company had presented a "fair offer" to NUM and Cosatu regional representatives but to no avail.

"The proposal consisted of an additional payment which would recognise the effort of the workforce in terms of safety and production. This offer was rejected and the illegal strike activities continue," she said.

Talks between Lanxess and the unions continued yesterday.

The workers downed tools on Thursday, embarking on a strike over performance bonuses they claimed were approved by Lanxess' London head office in 2011, according to NUM Rustenburg regional coordinator Mxhasi Sithethi.

Management said the money was not meant for all employees "but for certain individuals in management positions".

However Dube said the annual performance payment bonus scheme depended on the company's global performance and was only applicable to "eligible employees".

"In operation for the mining employees in Rustenburg, it is a bonus scheme based on production. This bonus scheme is commonly implemented in the

South African mining industry and the Lanxess bonus scheme is very competitive within the industry," she said, adding the workforce was not entitled to participate in the annual bonus.

NUM Rustenburg regional organiser Comfort Xhala said the company proposed that workers would receive R7 000 each on condition they produced 8 000 tons

of chrome this month.

"In the annual bonus the lowest-paid officials received R23 000 and all the workers are demanding is R20 000 each," Xhala said, adding they would meet with Lanxess' board of directors today.

"We want them to put something tangible on the table so that the strike can be resolved," he said.

Dube called on employees to return to work in order for operations to resume.

Management was doing its utmost best to avoid "all forms of escalation and is seeking a constructive dialogue with the employees and the union representatives in order to reach a fair solution".

When asked about the impact of the strike on production,

Dube said: "We don't reveal figures relating to our production at the mines. Our main priority and focus is the safety of our employees and reaching an amicable solution to the state of affairs." On Tuesday, 10 mineworkers were injured when they clashed with Lanxess mine security guards who apparently fired rubber bullets.

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Marikana families in walkout

EXODUS: *Grieving people leave inquiry during apology by police*

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Major-General Charl Annandale, who headed the police's tactical response team during the unrest, was testifying about the events at Marikana.

Speaking about the role of the police, he asked if he could address the relatives of the deceased. Maj-Gen Annandale told the commission he was not sure if he would ever get a chance to address them again.

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They agreed that the commission was not the appropriate platform for Maj-Gen Annandale to have delivered his condolences, and suggested that this should have happened in a private meeting.

They said the commission saw a similar reaction when National Police Commissioner Riah Phiyega delivered her condolences.

The commission, chaired by retired judge Ian Farlam, is investigating the circumstances surrounding the deaths of 44 people during the unrest in Marikana last year.

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UPSET BY REMARKS

Marikana miners' relatives treated

Naledi Mailula
Sapa

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