



Energy  
Mineral Resources

Media statement

To all media

1 May 2020

### **DMRE WELCOMES LABOUR COURT ORDER**

The Department of Mineral Resources and Energy (DMRE) welcomes the legal certainty provided by the order granted in the Labour Court today, 01 May 2020. Employers in the mining industry have been ordered to prepare and implement a code of practice in terms of section 9(2) of the Mine Health and Safety Act, in accordance with guidelines to be published by the Chief Inspector of Mines in the *Government Gazette* by 18 May 2020.

The order resolves the existing uncertainty as to whether the Minister of Mineral Resources and Energy and Chief Inspector of Mines are empowered under the Mine Health and Safety Act to introduce enforceable measures to deal with the outbreak of Covid-19 at mines.

Subsequent to mines being allowed in terms of the Disaster Management Regulations to ramp up to 50% capacity, the Chief Inspector of Mines issued start-up instructions which had to be complied with in addition to existing Guiding Principles issued by Chief Inspector on 26 March this year. Furthermore, the Minister of Mineral Resources and Energy published Directions in terms of the Disaster Management Regulations to ensure measures were put in place.

AMCU, which brought this application, sought as its main relief, an order directing the Minister to declare Covid-19 an occupational health risk and to issue mandatory directions to mines under section 76(2) of the Mine Health and Safety Act or alternatively requiring the Chief Inspector to act under section 9 of the Act. AMCU also sought, as further alternative relief, the setting aside of the Disaster Management Regulations insofar as they authorized mining. We welcome the fact that the court has not made an order in this regard.

Although no relief as to the establishment of interim measures was sought by AMCU, the Minister of Mineral Resources and Energy agreed that such measures should be included in the court order, which make specific reference to the Minister's Direction. The court order requires mines to implement a standard operating procedure that has been agreed to between the parties as an interim measure, and which must also be in line with the Regulations, the Minister's Direction and directives issued by the Chief Inspector on 26 March 2020.

The DMRE will publish the court order in the gazette in due course and urges employers to act in strict compliance with these, while the process of preparing guidelines and codes of practice under s9 of the Mine Health and Safety Act is completed.

Ends –

**Issued by the Department of Mineral Resources and Energy**