



NATIONAL ECONOMIC DEVELOPMENT AND LABOUR COUNCIL

**NEDLAC CERTIFICATE ON THE SECTION 77 (1) (B) NOTICE
FILED BY THE ASSOCIATION OF MINeworkERS AND CONSTRUCTION UNION IN
RESPECT OF
REGULATING AND IMPLEMENTATION OF THE MINERALS AND PETROLEUM
RESOURCES DEVELOPMENT ACT**

1. INTRODUCTION

- 1.1. NEDLAC received a notice, dated 29 August 2017, in respect of Regulating and Implementation of the Minerals and Petroleum Resources Development Act, in terms of Section 77 (1) (b) of the Labour Relations Act (LRA) 66 of 1995, from the Association of Mineworkers and Construction Union (AMCU).
- 1.2. The notice outlined the Applicant's demands in respect of economic crisis in South Africa.
- 1.3. It cited the Department of Mineral Resources as its Respondent.

2. PROCESS AT NEDLAC

- 2.1. The Section 77 Standing Committee convened meetings with the Applicant and Respondents as follows:
 - 2.1.1. 29 September 2017
 - 2.1.2. 09 November 2017

2.2. Summary of proceedings:

- 2.2.1. The Standing Committee agreed that the notice was compliant, and a meeting in this regard was convened on 29 September 2017. It was agreed that the Applicant and Respondents would engage in a bilateral process and report to the Standing Committee with regards to the progress.
- 2.2.2. The Applicant however reported that it tried to arrange a bilateral with the Respondent and was not successful. The Applicant subsequently requested for intervention from the Secretariat to arrange the bilateral.
- 2.2.3. The Secretariat thereafter requested that the Respondent provide the Applicant with a date for the bilateral; however no response was received from the Respondent.
- 2.2.4. The Standing Committee therefore agreed that a plenary session should be convened to engage on the matter. The plenary was subsequently convened on 09 November 2017.
- 2.2.5. The Respondent submitted an apology on the morning of the meeting and stated that it was not available, and had requested that the meeting should be postponed.
- 2.2.6. The Standing Committee convened the meeting with the Applicant and stated that the Respondent submitted its apology on the morning of the meeting. The Standing Committee therefore agreed to close the Application as the Respondent appeared to no longer be committed to engage on the issue.

3. DECLARATION

Given these circumstances, the Standing Committee resolved that the Respondents appeared to no longer be committed to engage on this notice. The Standing Committee subsequently deemed this Section 77 (1) (b) notice filed by AMCU as having been considered in terms of the Section 77 (1) (c) of the LRA.

Signed at ROSEBANK on this 17TH day of NOVEMBER 2017.



MADODA VILAKAZI
EXECUTIVE DIRECTOR