

# Brief from Martin & Benford

14 December 2018

## Consequences of illegal actions



### *South Deep: Saving jobs & securing our future*

Dear Colleagues,

Yesterday employees started returning to the mine, after almost six weeks of strike action. This follows the NUM regional and national offices calling of the strike. We are managing the return to work carefully, with the safety of our employees foremost in our minds, especially considering the continued intimidation and violence by a small group of individuals.

We saw this again yesterday when these individuals violently tried to stop people from accessing the mine. These individuals are a minority that do not have the interest of our people, our communities or the mine, at heart.

Their actions are unlawful and carry significant consequences for those found guilty of being in contravention of our country's laws and the court interdicts that South Deep has received, prohibiting violence and intimidation.

We want to again outline the consequences of these actions, not as a threat, but to provide clarity for those participating or those persuaded to participate in these illegal actions:

1. Disciplinary action, which could result in the dismissal of current employees partaking in what now constitutes an unprotected strike. Employees not presenting themselves for work, may also be charged for unauthorised absenteeism.
2. Claiming damages resulting from the unprotected strike. These damages would include damages for losses due to production being halted or hindered by the unprotected strike. These damages could be claimed personally from employees participating in the unprotected industrial action;
3. Should protestors continue to block roads, intimidate employees of the Company, become violent, or partake in any conduct which is contrary to the two Court Interdicts obtained, these individuals could be found in contempt of Court. The Labour Court can fine and/or imprison persons for contempt. There is no limit placed on the length of imprisonment, nor the amount of the fine that can be set if found in contempt of Court. Therefore, theoretically, extremely harsh sentences could be handed out to those found guilty. More commonly though the Labour Court orders imprisonment of 90 days, or fines of R60,000.
4. Damages suffered as a result of any unlawful conduct. These damages would also be claimed personally from individuals committing the unlawful conduct.
5. Further fines or imprisonment could be set for any other unlawful acts.
6. It is further important to point out that those found guilty of misconduct as outlined above will also have a criminal record, which will make future employment almost impossible.

The Company would prefer not to take any of the actions, or get involved in altercations with a small minority of individuals. However, our people and our mine cannot be held to ransom by intimidation, violence and other illegal activities in an unprotected strike. The Company will take appropriate action to protect its interests and is working closely with law enforcement agencies in this regard.



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We therefore urge all employees and other individuals to desist from these illegal action. If you are aware of violence, intimidation and other illegal activities please report such conduct to our Helpline at 066 2516568.

It has also been brought to our attention that public office bearers, yesterday at a mass meeting, called for the strike to continue, notwithstanding the fact that the NUM has formally called off the strike. The call for the strike to continue is highly irresponsible, as it is not only provoking unprotected industrial action, but also contravening the interdicts obtain by the Company. The Company will formally lodge its objections against this behaviour in writing today. Our great country is built on sound democratic principles and it is important that the wishes of the majority of employees to return to work is respected.

In conclusion, we must again re-iterate that South Deep faces an untenable financial position, if the 2019 business plan is not achieved. Any disruptive action has the potential to seriously jeopardise the future of the mine. In the aftermath of the strike, it is more important than ever that we join hands to shape a sustainable and prosperous future for South Deep.

Kind Regards



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