

**CONSTITUTION
OF THE NORTH WEST (RTB)
HEALTH & SAFETY
TRI-PARTITE FORUM**

CONTENT

1.	INTERPRETATION		1
2.	FORUM PRINCIPLES	1	
3.	PURPOSE AND OBJECTIVES	1	
4.	COMPOSITION AND REPRESENTATION	2	
5.	NOMINATION OF REPRESENTATIVES	2	
6.	TERMS AND VACATION OF OFFICE	2	
7.	MEETINGS, COMMUNICATIONS AND TIME OFF	3	
8.	FOCUS, AGENDA & MINUTES OF MEETINGS	4	
9.	DISCUSSION RULES	5	
10.	SUB-COMMITTEES / TASK TEAMS	6	
11.	EXPERT ADVICE	7	
12.	COMMUNICATION TO STAKEHOLDERS	7	
13.	DISCLOSURE OF INFORMATION	7	
14.	DEFINITIONS	7	
15.	REVIEW/AMENDMENTS TO THE CONSTITUTION		8
16.	EXTENSION TO OTHER PARTIES	8	
17.	SIGNING	8/9	
	ANNEXURE A: Roles and responsibilities of administrator Steercom.		10
	ANNEXURE B: List of Employers, organised labour and DME representatives		11

CONSTITUTION OF THE NW (RTB) HEALTH & SAFETY TRI-PARTITE FORUM

1. INTERPRETATION

The terms of this constitution must be interpreted, with the necessary changes required by context, and extended to give effect to the Tri-partite Health & Safety Structure.

2. FORUM PRINCIPLES

- 2.1 Defining their relationship in a spirit of the Health & Safety Tri-partite Forum
- 2.2 Developing collective relationships within the spirit of the Health & Safety NW H&S (RTB) Forum
- 2.3 Share values, common understanding and guidance within the tri-partite structure
- 2.4 Participating in interventions and implementation of code of practices, best practices / policies and procedures/ guidelines which support superior performance with regard to Health and Safety

3. PURPOSE AND OBJECTIVES

The purpose of the Tri-partite Structure is to give effect to and ensure proper representation within the North West Region (RTB) to establish good relationships between DME, employers and recognized organised labour.

SPECIFIC OBJECTIVES OF THE FORUM INCLUDE:

- 3.1 To submit issues of concern regarding Health & Safety to the Tri-partite structure.
- 3.2 Input from all stakeholders and concerted inputs.
- 3.3 Development of structures – similar to national structures (tri-partite forum) which encourage effective communication and participation at all levels within the structure.

-
- 3.4 Encourage common understanding with DME to achieve synergy in achieving zero harm and collaboration in Health & Safety.
 - 3.5 Communication of aspects pertaining to its role in a manner that is understood by all stakeholders.

4. COMPOSITION AND REPRESENTATION

- One representative per employer (2a / 4.1 and/or alternative)
- DME (Senior. Inspector)
- Major Contractors
- One representative per recognized trade union as per employer
- Ex-officio (regional) on invitation or request by the Forum
- Interested parties on invitation by the Forum

5. NOMINATION OF REPRESENTATIVES

- 5.1 The DME / employer (as above) and recognized trade unions will nominate such representation from amongst their shop stewards as per their constitution and the constituency they represent.
- 5.2 Steercom must appoint the nominees from respective stakeholders.
- 5.3 Senior members of all stakeholders should avail themselves for all meetings.

6. TERMS AND VACATION OF OFFICE

- 6.1 Representatives will hold office as for a period determined by their own constitutions.
- 6.2 DME/employer and organized labour will endeavour to keep their representatives the same throughout the year to ensure continuity as far as possible.
- 6.3 A representative of the Forum must vacate office-
 - 6.3.1 When the representative's resignation takes effect.
 - 6.3.2 If the representative is promoted or transferred out of the North West (RTB) Area

6.3.3 If the constituency that nominated the representative removes the representative.

6.3.4 If the representative's employment is terminated

6.3.5 If the constituency that nominated the representative, removes the representative

6.4 STEERCOM / COUNCIL WILL CONSIST OF:

6.4.1 Two AMMSA Members, preferably from Major Employers

6.4.2 Two DME members, from the NW regional office

6.4.3 Three NUM members, preferably from Major Employers

6.4.4 Three UASA members, preferably from Major Employers

6.4.5 One Solidarity member

6.4.6 One Alliance member

6.4.7 One Administrator (RTB RPM)

12 Members and a rotating chairperson between AMMSA & DME

7. MEETINGS, COMMUNICATIONS AND TIME OFF

7.1 **Steercom to** meet once per month – first Thursday of every month

7.2 The Chairpersons of the Forum shall convene a meeting of the Forum at least once every second (initially)/third month, and more often if necessary under special circumstances.

7.3 Requests for special meetings must be forwarded in writing to the Dual Chairpersons, for a final decision.

7.4 Meetings will be scheduled ahead on an annual basis.

7.5 Meetings will be held during normal office hours.

7.6 The date, time and venue of a scheduled monthly meeting will be confirmed not later than seven days prior to a meeting.

7.7 Time off for members of the Forum:

7.7.1 A representative of the Forum is entitled to take reasonable time off during working hours with pay for the purpose of -

-
- 7.7.1.1 Performing the duties and functions required of a representative.
 - 7.7.1.2 Undergoing training relevant to the performance of those functions and duties as determined by Steercom.
 - 7.7.1.3 Communicating with other representatives as determined Steercom.

8. FOCUS, AGENDA AND MINUTES OF MEETINGS

- 8.1 The specific focus of the Forum is to address the 2013 Milestones
 - 8.1.1 Review Safety Performance results in respect of the Platinum Sector and related mines in the RTB area
- 8.2 In order to promote the objectives of the Forum and make every endeavor to reach consensus, the parties commit to the disclosure of sufficient and relevant information, so as to create a common base of understanding for decision-making.
- 8.3 The agenda of the meeting should cover the following issues:
 - 8.3.1 Welcoming and Priorities
 - 8.3.2 Confirmation of the Agenda
 - 8.3.3 Confirmation of the Minutes
 - 8.3.4 Issues from the previous Minutes
 - 8.3.5 Health and Safety 2013 Milestones
 - 8.3.6 Issues to be discussed
 - Best Practices
 - FOG's
 - Truck & Tram
 - Machinery
 - Noise induced hearing loss
 - Explosives
 - Dust
 - 8.3.7 New issues – change/s of legislation / feedback from DME.
 - Disclosure of Section 54's and remedial actions / trend

analysis

- 8.3.8 Proposal's, presentations and discussion of visits to Best Practice areas.
- 8.4 Specific agenda points under the main headings mentioned in paragraph 8.3 must be forwarded in writing to the Chairperson to reach him / her fourteen days before the meeting, for the compilation of the final agenda and distribution to representatives.
- 8.5 The final agenda will be forwarded to representatives together with confirmation of the meeting, not later than 7 days before the meeting.
- 8.6 Steercom will be responsible for the finalisation of the minutes. Minutes of every meeting must be distributed to all Forum members not later than seven days after the meeting.
- 8.7 The agenda for special meetings will be limited to the specific issue(s) for which the meeting was called.

9 DISCUSSION RULES

9.1 No topics are taboo

Any topics which are relevant to the agenda and purpose / function of the Forum can be discussed during the meeting so as to create mutual understanding. The Chairperson will decide whether a specific topic is relevant to the meeting or whether it should be referred to a different Forum and / or handled in a different manner. Individual / personal issues will not be discussed by the Forum.

9.2 Rational and non-emotional discussions

Discussions should at all times be rational, dignified and non-emotional.

9.3 Holistic perspective

Discussions should be aimed at creating wider and deeper understanding so that representatives are able to participate effectively.

9.4 Systematic discussion

Discussions should be logical and should issues be dealt with in a systematic way i.e. point by point. Should a question be raised, or a contribution be made, which is not relevant to the specific agenda item under discussion, it should be reserved for discussion under the relevant agenda item, i.e. put on a Parking Bay.

9.5 Never to hurt, only to learn

Representatives would always treat one another with respect and never attack one another but address the problem or issue at hand. Should any form of criticism be necessary, it should always be with the objective of being constructive.

9.6 Objectivity of the Chairperson

The Chairperson should remain objective as far as possible and facilitate honest and transparent discussion. Every representative should enjoy an equal opportunity to make a contribution.

10. SUB-COMMITTEES / TASK TEAMS

10.1 The Forum may establish sub-committees / task teams to deal with specific issues e.g., Health & Safety, best practices and any other matters as determined by the Forum. Such sub-committees/Task Teams may be tasked to investigate and report back to the Forum, making specific recommendations.

10.2 Representatives on sub-committees/Task Teams will nominated by the Forum. Sub-committees/Task Team must reflect the broad representation of the Forum and may include ad-hoc specialists who are not part of the Forum.

12. EXPERT ADVICE

12.1 The Forum may request experts / specialists to assist in the performance of any of its functions. Experts / specialists can also be used to highlight / explain certain aspects to create the necessary holistic understanding.

12.2 All requests for specialist / expert assistance must be made in writing to the Steercom Chairperson at least one week (7 days) in advance.

12.3 In order for an expert / specialist to make a meaningful contribution, relevant information to which the Forum is entitled should be disclosed, as appropriate.

13. COMMUNICATION TO STAKEHOLDERS

14.1 The Administrator shall circulate the minutes to all members of the Forum, for adoption at the next meeting.

14.2 The Administrator must circulate a copy of the minutes within ten (10) days of the Forum meeting.

14. DISCLOSURE OF INFORMATION

14.1 All relevant information with regards to the functioning of the Forum must be availed to representatives to ensure proper consultation.

14.2 The following information is excluded:

14.2.1 Information that is protected by law.

14.2.2 Information that enjoys legal privilege.

14.2.3 Information that is confidential and if divulged, could harm employees or the employer.

14.2.4 Personal and private information of an individual, unless such an individual agrees to it.

15. DEFINITIONS

As per Mine's Health & Safety Act.

16. REVIEW / AMMENDMENTS TO THE CONSTITUTION

Once the constitution has been finally agreed upon, amendments must be effected in a consultative manner. In this, the Forum must endeavour to reach consensus and the outcome must be reduced to an agreement in writing.

17. EXTENSION TO OTHER PARTIES

This constitution is extended to all Stakeholders of the Rustenburg Area and all members of any stakeholder group that may join the Forum at a later stage. This constitution will be 'equally acceptable' to all stakeholders of RTB Area and all members of any stakeholder group that may join the Forum at a later stage.

8. SIGNING

DME -----

Employers:

1) Impala -----

2) Anglo Platinum
- *Rustenburg* -----

- *Union* -----

- *BRPM* -----

- *Amandelbult* -----

3) Lonmin -----

4) Northam -----

5) Aquarius -----

6) X-Strata -----

7) Samancor Chrome -----

8) Eastplats -----

9) Lanxess -----

Contractors

- *JIC* -----

- *MRC* -----

- *Shaft Sinkers* -----

- *Newrak* -----

10) Organised Labour

- *NUM* -----

- *UASA* -----

- *Solidarity* -----

- *Alliance* -----

1.1 The Role and Responsibility of the Administrator Steercom shall be *inter alia* to:

- Carry out his / her responsibilities in terms of the tri-partite forum
- Co-ordinate all the Forum activities;
- Liaise with the tri-partite forum;
- Facilitate effective communication;
- Facilitate ETD of Forum Members as required;
- Participate in Steercom and Forum meetings;
- Facilitate support for the Forum Vision and Strategy;
- Support Health and Safety initiatives;
- Prepare Minutes of Meetings;
- Co-ordinate all Forum activities
- Co-ordinate administrative support for the constituency Steercom
e.g. e-mails, contacts etc;
- Assist the Steercom in finalising a budget to support the above responsibilities.

-----o0o-----

ANNEXUREB: List of Employers and recognised organised labour

Employers:

- 11) Impala
- 12) Anglo Platinum
 - *Rustenburg*
 - *Union*
 - *BRPM*
 - *Amandelbult*
- 13) Lonmin
- 14) Northam
- 15) Aquarius
- 16) X-Strata
- 17) SAMANCOR
- 18) Eastplats
- 19) Lanxess

Contractors

- *JIC*
- *MRC*
- *Shaft Sinkers*
- *Newrak*

- 20) Org Labour
 - *NUM*
 - *UASA*
 - *Solidarity*
 - *Alliance*

-----oOo-----