

## **Femmes, emplois miniers et précarité dans les mines de platine d'Afrique du Sud: une analyse selon le sexe**

Asanda Benya

### *Résumé*

*La documentation existante sur la précarité des emplois en Afrique du Sud tend à utiliser les contrats de travail comme indicateurs de la sécurité d'emploi, ou de son absence. Pour le secteur minier, elle dépeint les travailleurs en sous-traitance comme les grands perdants d'un marché de dupes dans le milieu de travail d'après-apartheid. Les femmes, récemment intégrées aux emplois miniers souterrains, y sont souvent décrites comme les vraies gagnantes, puisque leurs emplois sont plus sûrs et qu'elles bénéficient d'avantages dont les sous-traitants sont privés. De plus, l'intégration des femmes au plus fort des compressions budgétaires dans les mines a engendré du ressentiment chez les travailleurs masculins, qui considèrent que les femmes « volent » leurs emplois. Le présent article présente les défis auxquels sont confrontés les mineurs en sous-traitance et les employées minières à temps plein. Il suggère que même si, dans un cadre étroit de relations de travail, les employées du secteur minier sont présentées comme les gagnantes du contrat minier d'après-apartheid, la réalité est plus complexe et nuancée. Tout en exposant les conditions déplorables auxquelles sont soumis les deux groupes, l'auteur emploie également une approche sexospécifique pour examiner ce que signifient la sécurité et la vulnérabilité dans les emplois miniers, particulièrement dans le travail souterrain.*

# Women, subcontracted workers and precarity in South African platinum mines: A gender analysis

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## Abstract

*Most of the extant literature on work insecurity in South Africa tends to focus on employment contracts and on this basis infers worker security or lack thereof. In mining, this literature portrays subcontracted workers as losers at the receiving end of a very raw post-apartheid workplace 'deal.' In this discourse, women, a group that was recently included in underground mining occupations, are often depicted as the 'real' winners because their jobs are more secure and they enjoy benefits that subcontracted workers do not. Further, women's inclusion at the height of retrenchments in the mines has caused some resentment among male workers who view women as 'stealing' jobs from men. In this paper I point to challenges faced by both subcontracted mineworkers and full time female workers. I argue that, while within a narrow labour relations framework women mineworkers are discursively constructed as winners in the post-apartheid mining deal, the real picture is multi-layered and nuanced. While exposing the deplorable conditions to which both subcontracted workers and women workers are subjected, I also employ a gender lens to examine meanings of security and vulnerability in mining-specifically in underground mine work.*

## Introduction

In an attempt to draw a nuanced picture which exposes tensions and strains in concepts of workplace securities, I move beyond a masculine industrial relations and labour rights framework to employ a feminist lens. I unpack the different positions occupied by full time (male and female) and subcontracted (male) workers. I show that while full-time female workers contractually have the same rights as full-time male workers, in reality they cannot exercise all those rights and cannot access all their privileges. Like subcontracted workers, they are also vulnerable. This is because masculinity permeates and defines mining occupational culture and

conceptions of mines and mineworkers. To illustrate my point that the vulnerability of subcontracted and female workers cannot be fully captured by the current industrial relations framework, I draw on specific examples from aspects of unionisation, employment contracts, health and safety, and wages. Using ethnographic evidence, I argue that insecurity and vulnerability in mining should not be understood merely in terms of employment contracts. For a more complete understanding we need also to employ a gender lens through which to view women mineworkers—their relationships to work, to fellow workers, to their unions and to their employers.

### **Legislative Background**

South Africa's post apartheid dispensation saw the inclusion of women in mining occupations. This was accelerated by the Constitution, the Bill of Rights (1996), the Mine Health and Safety Act (1996), the Mineral and Petroleum Resources Development Act (MPRDA 2002) and the Broad-Based Socio-Economic Empowerment Charter (Mining Charter 2002). The Mining Charter, for instance, sets six specific targets with time frames. One of these is a 10% participation of women in mining within five years (from 2004). Progress on targets is monitored by the Commission on Gender Equality, an independent Chapter Nine Institution (McEwan, 2001) which promotes gender equality and ensures the protection of gender rights. These policies and targets, which were strictly enforced with severe penalties (such as possible withdrawal of mining licences) were the bedrock of women's inclusion in mining (Benya, 2009). The overall aim of these legislative interventions was to protect and ensure the health and safety of mine employees, to remove racial and gender discrimination in the workplace and to protect the general interests of workers and mining communities.

Alongside the above mining industry legislation, there were also shifts in the broader industrial relations framework towards greater inclusivity, promotion of workplace security and equal opportunities for workers regardless of race, gender and sex. This involved the introduction of a new labour relations regime, consisting of six core statutes—the National Economic Development and Labor Council (NEDLAC) Act, 1994, the Labor Relations Act, 1995 (LRA), the Basic Conditions of Employment Act, 1997 (BCEA), the Skills Development Act, 1998, the Employment Equity Act, 1998, and the Social Plan Act, 1998. These innovations were designed

to position South Africa on a “high road”--a route that emphasizes skills through training and high wages, through effective collective bargaining and through incentive schemes. For workers, especially black mineworkers, these legislative changes promised security and workplace citizenship denied them during apartheid. In concrete terms they symbolized a shift away from a system of migrant labour, low wages, and unfair and unsafe workplace practices, sustained by a despotic labour regime, towards recognition of workers as deserving protection and having a voice in the workplace. For women the shifts meant that mining doors, which were historically shut to them, were now opened. However, because women’s inclusion came at a time when men, who had worked in the industry for a century and a half, were facing retrenchments, women tended to be seen as undeserving and their inclusion a threat.

### **Retrenchments and subcontracting**

Historically, South Africa has been renowned for its gold, diamond and coal mining, employing workers from different parts of the continent and providing considerable revenues for the country. Mining was a crucial force in South Africa’s industrialization and modernization process (Hamann and Bezuidenhout, 2007). From the 1990s, however, the mining sector witnessed production decline, shaft closures and, consequently, unprecedented levels of retrenchments. Employment in gold mining, for instance, declined to an average of 220 000 in 1998 from 474 000 in 1990 (Malherbe, 2000) and this decline continued in the 2000s as demonstrated in Table 1 below. Employment in platinum, however, was steadily rising and absorbed some retrenched gold mineworkers, but often as subcontracted workers with no claims to the protection afforded workers by the recently adopted labour legislation.

**Table 1. Number of Employees in Gold and Platinum**

| <b>Commodity</b>    | <b>1999*</b>    | <b>2004*</b>    | <b>2009*</b>    | <b>2010**</b>   | <b>2011**</b>   | <b>2012**</b>   | <b>2013**</b>   |
|---------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Gold                | 222, 389        | 179, 964        | 159, 925        | 157, 019        | 144, 799        | 142, 201        | 131, 591        |
| Platinum            | 90, 000         | 150, 630        | 184, 162        | 181, 969        | 194, 980        | 197, 847        | 191, 286        |
| Gold & Platinum     | 312, 389        | 330, 594        | 314, 087        | 338, 685        | 339, 779        | 340, 048        | 322, 877        |
| <b>Total Mining</b> | <b>437, 028</b> | <b>448, 909</b> | <b>491, 794</b> | <b>498, 906</b> | <b>512, 878</b> | <b>524, 632</b> | <b>510, 099</b> |

Sources: Facts & Figures \*2008 and \*2011, \*\*2015, Chamber of Mines.

Increasingly the platinum industry has relied on labour brokers to provide them with workers. Theron *et al.* (2005) argue that employers have responded to the Labour Relations Act of 1995 by opting to use labour brokers and subcontracted workers instead of hiring them directly. There are different types of subcontracting (Sikakane, 2003) it can be labour only subcontracting (whereby the contractor is paid for the number of employees supplied and time spent at work) or job subcontracting (which is based on task completion and delivery) (Crush et al, 2001). There has also always been specialized subcontracting whereby a company is hired to provide a special skill, such as shaft sinking. In mines in the nineteenth century there was also gang subcontracting and this type of subcontracting has re-emerged in contemporary mining. It involves a team of workers hired by a former supervisor or senior worker to do core mining activities.

While subcontracting is not entirely new in mining (Bezuidenhout, 2006), what is particular to recent shifts in platinum is that mines are subcontracting core mining operations (Sikakane, 2003). Yet subcontracted workers doing similar work to full time workers are not remunerated or treated the same way and are also not protected by labour legislation. They are also excluded from contributory schemes since such schemes are premised on standard employment relationships (Theron, 2005). In South Africa, employers have used subcontracting as a strategy to evade labour laws, to lower labour costs and to make it easy to hire and fire. In essence, working conditions for subcontracted workers, with the exception of those with high-level skills such as in the specialized subcontracting category, are vastly different from, and often more dangerous and insecure than, those of their full time co-workers.

In 2012 Statistics South Africa estimated that 29% of mining industry employees were subcontracted (Mining Industry Report No. 20-01-02) and only 377 388 (71%) workers had direct full time contracts with the mines as indicated in Table 2 below. In Table 2 capital employees refers to those who work on projects outside the daily scope of business operations, labour broker employees are workers who work on behalf of recruiting agents and employees of subcontractors are those who work for outsider contractors who are involved in mining production on a fee or contract basis.

**Table 2. Employment by type of contract (end of June 2012)**

| <b>Employment Contract</b> | Mine Employees  | Capital Employees | Labour Broker Employees | Employees of subcontractors |
|----------------------------|-----------------|-------------------|-------------------------|-----------------------------|
| <b>Number</b>              | <b>377, 388</b> | <b>23, 829</b>    | <b>34, 125</b>          | <b>100, 115</b>             |
| <b>Percentage</b>          | <b>71%</b>      | <b>4%</b>         | <b>6%</b>               | <b>19%</b>                  |

Source: Statistics South Africa Mining Industry Report No. 20-01-02 (2012).

For platinum specifically the figures were higher than the general industry figures. In 2006 Bezuidenhout estimated that they were lingering around 36%. The Bench Marks Report (2012:44) states that in 2012 at Aquarius platinum mine, out of a total of 11 072 workers, 9 434 were subcontracted. For Anglo Platinum, the biggest platinum producer in South Africa, in 2009 about 14 014 workers were subcontracted although in 2010 they reduced this figure to 5 513. This was because it is easier to retrench subcontracted workers and Amplats felt obliged to reduce the size of their workforce because of the slump in the platinum industry. For the same year Impala (including Zimbabwe operations), according to the Bench Marks (2012), had 15 819 subcontracted workers out of 38 317. In 2009, Lonmin had 23 915 permanent workers and 10 497 subcontracted.

Mining and labour scholars such as Kenny and Bezuidenhout (1999), Kenny and Webster (1999), Sikakane (2003), Theron (2005) Theron *et al* (2005), Bezuidenhout (2006) and Webster *et al* (2008) have weighed in on the effects of these changes in employment contracts. They argue quite correctly that subcontracted workers have lost out on workplace security while full time workers continue to enjoy these benefits, despite the looming threats (and realities) of retrenchments. In these studies, however, workers who have full time employment contracts are not differentiated according to gender. In this article I shall seek to demonstrate that while full time mineworkers have the same legislative protection and thus purported job security, in reality gender, along with subcontracting, plays a significant role in deciding who is able to access legal protections who is not. To illustrate this point, I draw on ethnographic data to examine realities on the ground for full time, subcontracted and female workers.

I argue that subcontracted workers are not the only precarious and insecure workers on the fringes of the mining labour market, female workers are also vulnerable, albeit for different

reasons. Despite employment contracts which purport to allow them workplace security and access to social security benefits, female workers' gender renders them precarious in an industry noted for its masculine dominance. Such insecurities are, however, muted if we adopt a traditional industrial relations and labour rights perspective.

Data presented in this paper was gathered in three research interventions. The first phase of the research began in 2007 where I conducted in depth and structured interviews with twenty (male) mine workers across Rustenburg. On the basis of this preliminary data, follow up ethnographic research, focused on women in one platinum mine, was undertaken in 2008. I spent three months underground doing general labour; installing ventilation, water and compressed air pipes, transporting equipment, marking the drilling face, loading ore and working as a *pikinini* (a shift supervisor assistant).

The third phase of the research covered the period from 2011 and 2012, with short stints in 2013 and 2014. The 2011-2012 research involved a prolonged period of eleven months working underground mainly as a winch operator and sometimes as a general worker. During this phase I kept a research diary and conducted informal and formal interviews as well as focus group discussions that, overall, generated qualitative data on women's experience underground.

### **Unionisation as security?**

Certain key rights undermined by job subcontracting are fundamental labour rights; the right to organize, to strike and to join an independent trade union (Crush et al, 2001). While most full time workers at the mines where this study was conducted were unionized (despite union rivalry between the National Union of Mineworkers NUM and the Association of Mineworkers and Construction Union AMCU), subcontracted workers mainly belonged to unions administered by their broker employers, in what one might call sweetheart unions. Most members of such "unions" reported being instructed to join them or forfeit their jobs. One should note that membership in a union is a prerequisite for mine employment. When workers fill in work application forms, union membership forms are part of the package that all aspiring employees MUST fill. They were thus obliged to take up such "phony" union membership even as they signed their employment contracts.

Many subcontracted workers interviewed were therefore not legitimately unionized, and were thus without voice or bargaining power. Without proper representation, subcontracted workers were left in insecure employment relationships since contracts of employment could be terminated with no challenge from unions (see also Bezuidenhout, 2006).

Virtually all women in mining, as full time workers, could choose to join any of three legitimate trade unions: the National Union of Mineworkers (NUM), Association of Mineworkers and Construction Union (AMCU) or United Association of South Africa (UASA). They complained, however, that unionization did not necessarily offer the representation they required. Most women were only nominal members of their unions and did not actively participate in union meetings or activities. Several reasons were given for failure to participate. Some cited family responsibilities that obliged them to skip union meetings usually held late in the afternoon. Others remarked that the unions focused “too much on ANC politics”, and that some of them were “always on TV for politics... no care for us workers”. Most significantly, very few issues raised by women were seriously taken up by unions. As I illustrate below, most were dismissed as “women’s complaints” and not linked to workplace culture.

Most women interviewed felt they were not adequately represented by their union. The only area where they felt fully represented was when it came to negotiating wages. In other matters, such as making sure that there is suitable personal protective equipment (PPE) for women and taking sexual harassment complaints seriously, women felt let down by their unions. The mining unions in particular (Benya, 2013) seem to have a masculine bias in servicing workers and in taking up issues worthy of investment of resources.

From the interviews it emerged that in cases where women faced sexual harassment at work, they choose not to report it for fear of victimisation by union officials and human resource personnel who are often friends with perpetrators (considered ‘untouchable’ production bozzas, i.e. those who are highly productive). When interviewed, Lizzy, for example, remarked, “Union officials are friends with Human Resource officials and they sometimes gang up against us (women) and disregard our complaints, labelling us lazy”. In another example, Thuli asserted the “union does not push much for women’s struggles; they just think we are here to look pretty.



They do not take our complaints seriously”. Such views were held by many of the women interviewed. While represented by legitimate unions, women nevertheless evinced vulnerabilities, many of which were a direct result of the masculine culture pervading unions.

### **Contracts as protection from dismissal**

The employment agreements that unions utilize to hold employers accountable are usually written agreements and they detail employment relationship. Subcontracted workers are often employed without any contracts, written or verbal. This renders them susceptible to arbitrary dismissal and this is exacerbated by the fact that they have no bona fide unions to speak on their behalf.

It emerged from my research that while some subcontracted workers hired by larger brokers and directly by the mine did have written contracts, many workers hired by small labour brokers had only verbal contracts. Subcontracted workers indicated it was easier to fire them since they had no enforceable written contracts nor unions to speak on their behalf. Employment contracts for full time employed workers seemed to offer a degree of protection and security from arbitrary dismissal, since they clearly stipulated employment conditions, remuneration and duration of employment and were backed by union representation.

While all full time workers, including women interviewed, had written employment contracts which protected them from arbitrary dismissal, women still faced constructive dismissals. Such indirect dismissal took the form of isolation and alienation of female mineworkers where they were excluded from the day-to-day workings of teams and obliged to work as *pikininis*. A *pikinini* is not a recognized job category, it is informal and often means one does not do underground work and therefore lacks the appropriate underground knowledge necessary for promotion. Such exclusions occurred primarily because women were seen as ‘illegitimate’ workers, what Puwar (2004) calls ‘space invaders’ because they do not have the right bodies (were not male and or masculine) and thus were not trusted. Women were informally pushed out of occupations, tasks and spaces that were seen as masculine. Male team members invoked “protection discourse”, arguing they are “assisting and helping” the women by removing them from work teams and productive mine work.

As stated above, the exclusion of women happened in two ways; through isolation and alienation. They were thus “excluded while included”. Women were isolated when they were physically removed from their work-teams and placed farther away through informal job allocations underground. For example, female stope winch operators (the winch closest to the face where drilling takes place) were often moved from stope winches to winches farthest from everyone and especially from spaces men deemed masculine. Or, if a woman was appointed as a stope operator, instead of doing her job inside the stope (a space and occupation seen as masculine), male co-workers re-allocated her to informal (usually non-core) work such as fetching water for the team or painting direction lines, all of which took place outside the stope.

Not only were women physically isolated from teams and given informal non-core mining or non-production responsibilities but they were also alienated from performing skilled underground work. Alienation from work took the form of women being given domestic chores underground instead of the jobs they were hired and trained to do. Instead of contributing directly to production, they were given supplementary service roles such as cleaning the working place, bringing working material/equipment, removing water from the walkway and fixing pipes. None of these tasks constituted core mine work necessary for promotion. Both of these processes, isolation and alienation, resulted in women being excluded from the day-to-day mining processes and teams, while nominally being included in the industry. Mineworkers were therefore recreating the gender division of labour seen above ground where men do remunerative work while women provide support by fetching water, cleaning and cooking.

While female workers have written contracts which protect them from effective dismissal, women are daily side-lined in the production line, isolated from their teams and alienated from their work, a form of constructive dismissal that happens regardless of the employment contract they may possess. They are isolated and alienated because they are perceived to have bodies that are not automatically ‘trusted’ or associated with productivity. Their inclusion in the industry is mainly treated as a fulfilment of a mandatory legal requirement and thus women mineworkers are viewed with suspicion at best, and a threat at worse.

## **The limits of the law: Health and Safety Act**

Underground mine work is hazardous and mines have put into place measures to minimize health and safety concerns for all workers. These include, but are not limited to, the provision of correct protective gear (the PPE), which includes a one-piece overall, gumboots, a belt which holds the headlamp battery around one's waist, a hard hat, and sometimes a rescue pack. According to the Mine Health and Safety Act of 1996, mines, and not subcontractors, are responsible for health and safety. They have an obligation to provide PPE to their employees and to replace it after a year or six months based on wear and tear.

While all workers must work under the same hazardous conditions, the health and safety concerns are different for different groups. Many of the subcontracted workers are not provided with any of the above mentioned PPE by the mines where they are employed. Mines expect subcontracted workers to acquire their own PPE or purchase them from the mine through a credit system. The money is then automatically deducted from workers' wages. To have the required PPE, some subcontracted workers solicit old torn PPE from permanently employed friends. A subcontracted employee said, "I have never been given gloves and I work with chemicals every day; if I get burned or injured it's my responsibility. They told me that if I want gloves I must bring them from home." Another, who was cleaning toilets underground reported he did receive basic PPE from his employer when he started work. However, once it needs to be replaced he has to pay for it.

Without access to proper PPE, most subcontracted workers are exposed to health and safety hazards. Some subcontracted rock drill operators (RDOs) had no access to earplugs and others reported being partially deaf because of the noise they are exposed to for eight or more hours they spend underground. As their hearing deteriorates, so do their chances of renewing their contracts. During the first research phase while visiting the union (NUM) offices in Rustenburg, I found several workers queuing outside, seeking intervention since they had been dismissed by various contractors for several ailments. By far the most common ailment was partial or total hearing loss, followed by loss of sight and other machine related injuries.

Subcontracted workers are thus not only taking risks with their lives, they also face dismissal without compensation when the

contractor suspects an ailment. One old man who could no longer hear said to us (through an interpreter): “they have fired me because I’m sick, I’m of no use to them now, and they are done with me”. The easy dismissal of injured subcontracted workers further illustrates their lack of job security and exposure to health and safety hazards. This is even more pronounced for cross-border migrants who are undocumented.

Even when a subcontracted worker is injured on duty he does not automatically gain access to the services of the mine hospital. From personal experience and as a result of observations of several instances and from interviews, I noted that before one is serviced at the hospital nurses always ask for a company personnel number. Subcontracted workers, of course, do not possess such a number since they are not “company” employees.

Subcontracted workers say they are taken to the state hospital in Rustenburg when injured so the company can avoid paying medical costs, leaving the government and their family to absorb the cost. Undocumented migrant workers usually avoid public hospitals where they run the risk of being reported to the police or the Department of Home Affairs. They therefore ‘treat’ themselves, or are treated by family, at home. Not only are subcontracted workers not allowed to use mine hospitals to treat workplace injuries, especially minor injuries, they are also actively discouraged from reporting these injuries since that will impact the Accident Free Shift records and thus reflect negatively on a shaft. Since mines are obliged by law to report all work-related injuries to the Department of Mineral Resources, these statistics are ‘protected,’ and accidents of all scales are under-reported, especially where subcontracted workers are concerned. For example, in the Financial Mail, a story entitled “Unnatural Selection” reported that while deaths and accidents were common in the mines the Chamber of Mines distorted these figures by only reporting accidents with four or more deaths (Mathe, 2007).

Subcontracted workers who are injured on duty are also not able to claim compensation using the Occupational Diseases in Mine and Works Act (Act No. 78 of 1973) or the Workmen’s (and women’s!) Compensation Act. Since contractors actively encourage their workers to hide injuries and take them to public hospitals instead of mine hospitals, they are unable to prove that their injuries were indeed workplace injuries. By going to public hospitals for

their injuries and lying about them (in fear of losing their jobs), workers disqualify themselves from compensation. Should a worker demand injury compensation, the company threatens to fire him. “You dare not ask for injury compensation unless you want to go home and rest; they will fire you on the spot if you ask for compensation...or if they hear you have been talking about seeking compensation”, I was told. Another worker said, “I’m not even sure if we are entitled to compensation; we are contract workers and most of us are foreigners.” By virtue of both employment contracts and citizenship status, subcontracted workers felt vulnerable, unsure if they could apply for any form of workplace compensation.

The second way in which the health and safety of subcontracted workers is at risk has to do with legal powers which give workers the “right to refuse to work in a dangerous place”. While on paper this provision gives power to the workers, in reality not all workers can exercise it. In other words, the supposedly universal “right to refuse to work in a dangerous place”, is not a right subcontracted workers can actively exercise, precisely because of the conditions of their employment and because they are often brought in to work in dangerous places. One subcontracted worker said, “We are sometimes forced to work in dangerous conditions or forfeit our jobs”. Often a contractor is brought in by the mine to work in a dangerous stope in which full time workers with the support of their union are refusing to work. If subcontracted employees refuse to work in a dangerous stope, it amounts effectively to an invitation to be dismissed. For subcontracted labour, then, to refuse work is to fail to support and provide for their family. Most subcontracted workers simply cannot afford to exercise that “right”. The right to refuse to work is therefore a luxury, and it is an affront to assume that all workers have this right if mines continue to use subcontracted labour to mine in dangerous places-and usually with impunity.

If a subcontracted worker reports a contractor or takes any form of action against the contractor after being injured, or exercises his right to “refuse to work in a dangerous place” he risks being blacklisted through-out Rustenburg and at TEBA- the labour brokering company that provides mining houses with workers. A worker explained that “what happens is that JIC (contractor) goes to TEBA and instructs the clerks to list you as an unworthy former employee, so every time you go to look for a job, TEBA clerks tell you that you will never get a job because you have been blacklisted

by your former employer”. While existing legislation in principle protects workers and ensures that employers abide by the highest health and safety standards, in reality not all workers have access to this protection. In fact the law is sometimes used against some subcontracted workers and their rights violated by employers who are hired by the mines to mine places deemed unsafe to be mined by full time employees.

Female mineworkers on the other hand are covered and have access to the rights extended to full time workers through the Mine Health and Safety Act (1996). However, they remain vulnerable, albeit for different reasons from the ones stated above. The vulnerability or workplace health and safety insecurities suffered by women go to the very conception of health and safety informing the Mine Health and Safety Act. The way in which mine health and safety is conceptualized tends to imagine a male body and a quintessentially masculine worker. This imagining of a male body and masculine worker informs the policy and how it is articulated and implemented. When a health and safety issue does not have a direct negative impact on productivity or work process, it is not seen in that light. Such an articulation dis-embodies workers or treats them as gender neutral beings.

Sexual harassment, rape and murder of women underground are clearly safety and health issues (especially for women workers), but mining houses, the unions and the Chamber of Mines argue that these are ‘gender issues’. They thus cannot be included under mining health and safety, and consequently they are not recorded under ‘injuries and fatalities’. While women continue to be sexually harassed underground, to be raped while at work and some even murdered underground, they are not taken seriously and these crimes are not considered for inclusion under the Mine Health and Safety Act, which could otherwise be used to hold mines accountable. This is a clear case of how definitions adopt a masculine bias and are used to protect powerful institutions and men while collectively exposing women to traumatic workplace atrocities. Union officials also remain unwilling to discuss such gender, health, and safety issues and are certainly not pushing for them to be included under the current Act. Women workers view unions as protecting the male perpetrators, while leaving women vulnerable to further victimization (see Benya, 2013).

Another health and safety matter which affects women’s

day to day lives underground has to do with the PPE, which mines provide for their workers. As full-time employees women get adequate PPE, but the challenge they face, which makes them vulnerable to health and safety threats, is the design of the PPE. As already noted elsewhere (Benya, 2009; 2013), it is designed for men or male bodies and is not women friendly. The current work-suits in most mines are one-piece and mines refuse to buy two piece work suits for women citing costs as reasons. One piece work suits present challenges when women want to use ablution facilities. When wearing the one piece work suits, women have to take off all of their clothes; the head lamp first, then the hard hat, the battery belt tied to the waist, and then the whole work-suit and finally get to their underwear. There is no way a woman can use the toilet unless they take off everything. This is done in dark passages, where rocks threaten to fall and in the face of the sexual harassment.

Taking off one's clothes, including the hard hat, directly contravenes the Mine Health and Safety Act. This could be easily fixed by providing women with two piece overalls and head lamps that do not have batteries tied to the waist, but are instead attached to the hat, as are provided to underground engineering staff and management. Currently, however, this is not the case. Uniforms do not ensure safety underground and women continue to be forced to 'strip' before using toilets. This is a serious health and safety issue affecting those with female bodies (as opposed to the imagined bodies for which the current uniforms are designed) and exposes them to vulnerabilities to which male full time workers are not exposed.

### **A living wage, *asijiki* (no turning back)!**

In 2012 South Africa saw a wave of violent strikes in the mining industry, especially in platinum mines. Chinguno (2013a; 2013b; 2015), Alexander et al (2012), Alexander (2013) and Sinwell (2015; 2016) detail the strikes and the grievances that led to workers downing tools and staying on the hill for days on end. Low wages and harsh working conditions were at the centre of the grievances. Workers demanded a living wage of R12 500 (then about 1200 USD). The strike at Lonmin ended in a massacre of 34 workers at Marikana by the South African police. It is important to acknowledge that while the 2012 massacre shook the country and the world, low wages and dangerous working conditions have always characterized

the mining industry in South Africa. Mineworkers have all been subject to low wages, but I want to argue that this is especially the case for subcontracted workers.

While it is true that all mine workers' wages are low, the wages paid to subcontracted workers are particularly low. I would argue that subcontracted workers are hired for the purpose of reducing the cost of production in mines. Precarious conditions for subcontracted workers in the platinum industry are further perpetuated by a lack of centralized collective bargaining agreements. Unlike gold and coal, which have centralized bargaining through the Chamber of Mines, the platinum industry does not have any form of collective bargaining on behalf of its platinum members. Instead, platinum mines have decentralized bargaining whereby agreements are settled in-house.

In any case, such agreements exclude subcontracted workers since they are often non-unionized. Consequently, they are left "outside" without any wage agreements. Subcontracted workers are hired by third party contractors who use wage "costs" to bargain with mines and compete with other contractors. The use of wages as bargaining chips or as means to outbid other contractors renders workers vulnerable to low wages in comparison to their permanently employed counterparts. It is often the case that workers who are doing the same work, under similar conditions but employed by different mines, earn radically different salaries, with subcontracted workers at the very bottom of the wage pyramid.

While wages are low, full time workers are guaranteed a certain amount of income every month, a yearly increment, and other production bonus benefits, unless they have other debit and garnishee orders (see Bond, 2013; James, 2012 and James & Rajak, 2014; James, 2015). Subcontracted workers, on the other hand, are paid irregularly. Their income is not guaranteed and they have no social benefits.

According to my subcontracted respondents, their basic salary vary from month to month and between employees and within mines. Some of the respondents reported that while they have a basic wage "it changes every month". This leads to financial insecurity for workers and their families. Such wage inconsistency seems to affect mainly subcontracted workers (and those full time workers with garnishee orders).

Upon inquiry, labour brokers reported that such variations in workers' *basic* wages depended on completion of work targets



set by the mining company. This means mines pay brokers only for work completed. This system of payment is transferred to workers. If some of the teams working for the same contractor have not met their targets (and this happens often as contractors are usually brought in to mine difficult and dangerous stopes) employees only receive part of their wages. This can be a daunting experience for subcontracted teams who meet their targets but cannot be paid in full because other teams under the supervision of the same contractor have not met theirs. Contractors report that “the basic wage is based on the assumption that a target will be met”. When targets are not met, however, the way in which wages are calculated was a mystery for all interviewed subcontracted workers. Indeed, during interviews labour brokers did not reveal their formulas.

When we asked these workers if they have received any assistance from their unions to resolve this matter, it came to light that some (sweetheart) union leaders also doubled as employers. Other (sweetheart) union leaders were relatives of the contractor, disguised as unionists, and were not in a position to report wage disputes and negotiate better terms.

When asked about the exact wages that workers received, the lowest amount reported in 2007 was R350 a week and the highest was R1 050 a week. In 2012, this had increased to between R500 and R1 500 a week for the same occupational category, rock drill operators. The higher figures were reported by full time workers and the lower figures by subcontracted workers.

Evidence acquired in the first round of research showed that some subcontracted workers had received as little as R10.80 per month after exorbitant deductions. There are a range of ways in which deductions take place, e.g. hostel lodging, food, transport and sometimes uniform, and some garnishing orders (Theobald, 2013; Government News Agency, 2012). In one particular pay slip the worker had earned R1 286 for the month, from which R894 was deducted for accommodation. A further R381.65 was deducted but no clear reason was given on the pay slip for this. These deductions amounted to R1 275 leaving him with only R10.80 for himself and his family. These excessive deductions are fueled by the demands of unregulated micro lenders (see more on Bond, 2013; James, 2012; James, 2015). The Minister of Trade and Industry, Rob Davies, said the credit agreements Marikana miners and residents had taken out were not “normal credit agreements” because they covered current

consumption, which ate into people's salaries. "If someone gets R9 000 they are probably taking home R2 000 or R3000...because the rest is going on debt servicing", he said.

In 2014 during the last phase of the research and despite strikes demanding high wages in platinum, the wages of subcontracted workers had not changed much. While unions have fought for full time workers, most subcontracted workers have largely been left out of wage agreements. Financial insecurity and income vulnerability is a daily reality for most of these workers and being excluded from a direct employment relationship and legitimate unions means their chances of addressing their income insecurities are bleak.

The pressure to meet targets specified by the mine has not only put workers (including full time workers) under financial pressure but also contribute to sub-standard working conditions where workers are indirectly forced to gamble with their lives. It has led to a trend of blasting stopes by hand while workers are still underground instead of centralized blasting when no workers are underground. Blasting by hand is dangerous work but workers insist it is the only way they can ensure that their drilled stopes actually blast and their stopes advance in meters. While this practice is widespread even in competitive (and thus highly productive) shafts, it seemed a common practice for subcontracted teams which are paid per completed task and meters advanced.

For women, income insecurity and inequalities do not come in the form of differentiated wages but as production bonuses. This points us back to issues already explored above on alienation, isolation and informal job allocations, leading to women's exclusion from the stopes. The stope is where workers earn most production bonuses. When one is removed from the stope, as is usually the case with women, opportunities to earn bonuses are significantly reduced and at times denied. Production bonuses vary but are predominantly based on how much stope advance (meters drilled) has been achieved. Male workers remove women from the stopes because they are seen as slowing down work and thus reducing production bonuses for the entire team. Several systems of exclusion thus reinforce each other to the disadvantage of women.

The amount of money workers earn from bonuses ranges significantly from R750 to R10 000 or R12 000 for miners. Everyone who benefits from production bonuses, therefore, colludes in the removal of women from the stopes in order to "ensure" that they

reach targets and earn production bonuses. The removal of women from the stopes is disguised by male co-workers as “protecting women from physically difficult work”. As one worker declared, “I would not let my daughter or wife do this job or work in the stope”. As a result, women are denied bonuses, monies that could significantly help their families. Significantly, examining basic wage across the board to see how income vulnerabilities are gendered, one would miss the ways in which most women are unable to have the same take home wages as their male counterparts.

According to data gathered from different mines, women, as a percentage of the total underground workforce, tended to be overrepresented in low-end occupations while underrepresented in high-end underground occupations. Most of them worked as equipment helpers, store issuers, attendants and assistants. Equipment helpers install and uninstall ventilation, water and compressed air pipes that maintain clean railway lines and drains thus allowing easy flow of water. Other women work informally as *pikinini*.

Another issue which also has financial implications and affects only women is pregnancy. In-house policies and the Act forbid pregnant women from working underground. The current pregnancy policies of various mining houses as well as the Mine Health and Safety Act of 1996 require that women who work underground and with dangerous chemicals and equipment and in other dangerous places report pregnancy as soon as they find out so that they may be moved to safer alternative occupations above ground involving lighter loads.

When there is no alternative employment above ground, however, the policy states that the woman has to take compulsory early, partially remunerated, maternity leave. In some cases “early” can be from the second month of the pregnancy until the woman gives birth. Maternity leave, therefore, usually extends to eight months (if one does not breastfeed) or to a little over a year if the worker chooses to breastfeed. The decision to breastfeed is a difficult option. A heat tolerance test is a prerequisite for underground workers who have been away for more than fourteen consecutive days (Benya, 2013). Women, therefore, choose not to breastfeed in order to be allowed to undertake the heat tolerance screening which then allows them back underground and back to earning their full pay and supporting their families and newborns.

When a woman takes the early maternity leave, due to

lack of alternative employment in safe above ground occupations, their income is halved by the employer and spread throughout their pregnancy period. This is done to cover medical aid costs and other contributory benefit schemes, at least until the ninth month or until the worker has given birth. When the paid maternity period is over, women usually apply for Unemployment Insurance Fund (UIF). The Fund allows a maximum period of four to five months for claiming maternity benefits. Moreover, depending on one's period of employment and monthly contributions, the Fund can pay a maximum of 60% of income and a minimum of 38%. Those who go on maternity leave from the second month and thus access maternity leave benefits early are usually left with very little to live on by the time the baby is born. While the pregnancy policy and the pregnancy clause of the legislation are meant to protect the unborn baby and mother, they thus expose new mothers to financial vulnerabilities in cases where there is no alternative employment above ground. Clearly there should be a more creative way of ensuring that protecting women and their unborn babies from mine hazards does not expose them to financial insecurities.

The status of women in mining thus shows how gender reaches right into the centre of capitalist production, and influences the manner in which workers experience work. In mining, women and subcontracted workers bear the burden of labour market disadvantages (Peck, 1996). Women who are employed full-time by the mines do not experience work the same way as men. They are given a subordinate status even in jobs where they are meant to be equal to men.

### **Conclusion: A new regulatory framework**

I have sought to underline the need to go beyond the employment contract when examining workers' insecurities. I have shown multiple gendered ways workers are vulnerable beyond the legal framework of what constitutes worker vulnerability or workplace insecurity or health and safety. I have shown how it is only when employment relationships are scrutinized together with workplace experiences of insecurity and vulnerability that we can make claims about legislation protecting the most vulnerable-subcontracted men and "full-time" women workers. If women mine workers earn less than men, have to return to work immediately after maternity leave or sacrifice an income should they choose to

breastfeed, where then is protection for them?

The multiple ways in which workplace insecurities manifest and the heterogeneity of workers and conditions at work have to be considered and incorporated into our conceptions of workplace (in) security. This would demonstrate the need for a creative collective action for just and equal work spaces along with strategies that bring about equality.

My research findings have identified the need for a more effective regulatory framework to overcome insecurities experienced by mine workers as a result of different employment contracts and gender inequities. I also point to the fact that the historically dominant mining unions no longer adequately represent mineworkers, they are especially excluding women and subcontracted men. Traditional masculine organizing strategies no longer adequately address the needs of subcontracted men and the new women mineworkers. In particular, unions or new forms of associations or worker organisations, need to address and engage with the challenges that face subcontracted workers and women workers by virtue of their gender. As Benya and Webster (2013) argue, informality is undermining hard won union gains and weakening worker representation. Increasingly, the modern workplace is characterized by a great deal of diversity. Trade unions can no longer assume a workforce with homogenous common interests. What is required is clear recognition of difference and the need to construct a different kind of workplace solidarity and legislative framework which takes seriously the changes taking place in mining.

## Endnotes

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