

MEMORANDUM OF AGREEMENT
BETWEEN
COAL OF AFRICA LTD
(MOOIPLAATS COLLIERY)
AND
NATIONAL UNION OF MINeworkERS (NUM)

Background

The parties engaged in a facilitated process of negotiation concerning the dismissal of NUM wages employees listed on Annexure A (the dismissed employees).

The parties have agreed that the dismissed employees will be reinstated in their employment with the company on the following terms and conditions.

Agreed terms and conditions

The dismissed employees will be reinstated on the following terms and conditions:

1. Production commences on Thursday, 13 December 2012
2. Dismissed employees will each be issued with a final written warning not to participate in unprocedural industrial action in future. The warning will be valid for one year from the date of this agreement
3. The principle of no work no pay will apply to the dismissed employees until they return to work on 13th December 2012
4. NUM and its members will participate fully in the current S189A process.
5. The parties will discuss and agree on a communication structure and plan for future communication between them
6. The parties agree that any press releases concerning the dismissals and the S 189A will be jointly agreed and signed before release to the public and press.
7. NUM undertakes to formulate and provide the company with a training matrix on labour law and labour relations practices and undertakes to train its representatives at local branch in the next three months.
8. NUM undertakes that it and its representatives and members will follow company procedures and policies.
9. NUM undertakes to actively participate in the production improvement process as agreed in the 2012 wage agreement.
10. NUM will replace its regional representative in the current 4 suspension cases.

11. The parties agree that the company's employees will work as per agreed Christmas roster 27/28 December 2012-no absenteeism
12. The NUM Regional Deputy Chairman will meet with the dismissed employees on Wednesday 12 December 2012 from 08h00 to communicate the terms and conditions of this MOU and to secure an orderly and safe return to work
13. The Company reserves the right to change the shift structure in consultation with the Union.
14. The parties agree that an investigation will be conducted by an HR expert, in Quarter one of 2013, to determine the contributing factors which led to the unprocedural action. The identity of the HR expert and the terms of reference for the investigation will be discussed and agreed by the parties.
15. The company will pay the costs for the Tokiso facilitation process

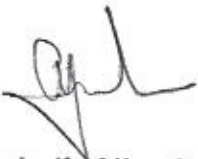
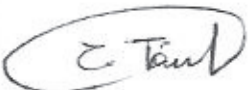
Whole Agreement

This is the whole agreement between the parties and is in full and final settlement of all the issues arising between them following the unprotected procedural action by dismissed employees during December 2012.

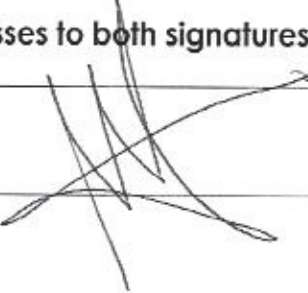
Disputes

Any disputes about the interpretation or application of this agreement will be dealt with in terms of the dispute resolution mechanisms contained in the collective agreement between the parties.

Signed on this the 11 December 2012 in Johannesburg

	
On behalf of the Company Riaan van der Merwe Chief Operating Officer Duly Authorised	On behalf of the Union Ecliff Tantsi National Education Secretary Duly Authorised

Witnesses to both signatures

	
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