



NUMSA Press Statement

30 July 2026

NUMSA Wins Kimberley High Court Battle to Save Jobs at Ekapa Mine: Liquidation Suspended and Business Rescue Granted

The National Union of Metalworkers of South Africa (NUMSA) welcomes the landmark judgment handed down on 27 July 2026 by Acting Judge Tyuthuza in the High Court of South Africa (Northern Cape Division, Kimberley). NUMSA has successfully halted the rushed, callous liquidation of Ekapa Minerals (Pty) Ltd and secured a court order placing the diamond mining company under supervision and business rescue. This judgment is a decisive victory for the working class over cold corporate indifference. Workers lives and livelihoods are not disposable and must come before corporate interests!

Before outlining the details of this judgment, NUMSA dips its red flag to half-mast in remembrance of the five workers who tragically lost their lives 890 meters underground at Ekapa mine following the catastrophic mudslide in February this year. This is a painful reminder of the human cost paid by workers in the mining sector. We extend our deepest solidarity to their grieving families.

On 3 March 2026, Ekapa announced it had applied for provisional liquidation on an *ex-parte* basis. As NUMSA we immediately rejected this rushed attempt to liquidate the company, condemning management for taking such a drastic decision without even consulting the Union or the government, and while the bodies of our fallen workers remained underground.

For months, over 1,000 workers at Ekapa were left stranded without salaries, while over 300 workers suffered unilateral layoffs. When NUMSA proposed that management opt for Business Rescue instead of liquidation to save jobs, the company flatly rejected our constructive proposal. Rushed liquidations disproportionately serve shareholders and directors while leaving workers destitute. In March 2026, NUMSA initiated urgent legal proceedings to force the company into Business Rescue to defend job security and the livelihoods of the local community.

On 27 July 2026, the Kimberley High Court ruled on the following key issues in favour of NUMSA:

1. The High Court endorsed NUMSA's application as inherently urgent, recognising that the protection of workers' livelihoods and the rescue of distressed companies cannot wait.

2. The provisional liquidation order granted on 3 March 2026 has been officially suspended, putting an immediate stop to the forced destruction of the mine's assets.
3. The High Court confirmed NUMSA's right as a recognised trade union and majority representative of the workers to apply for Business Rescue.
4. The High Court rejected the arguments presented by the employer and liquidators, who claimed the mine had no future. The Court satisfied itself that the business rescue plan prepared by interim Business Rescue Practitioner (BRP) Mr. Marius Van Tonder demonstrates clear, viable prospects. Crucially, the evidence proved that the mudslide was localised to specific underground levels (Level T890) and that other operational areas (including Wesselton, Surface Mining, and upper levels T580, T555, and T760) remain intact, fully functional, and commercially viable.
5. The court recognised that liquidation would cause catastrophic value destruction—including the automatic lapsing of the valuable mining right under the Mineral and Petroleum Resources Development Act. Business Rescue preserves the mining right, unlocks a substantial receivables base (including over R400 million owed by group entities), and leverages post-commencement financing of R25 million to maintain operations as a going concern.
6. Under the proposed restructuring, approximately 500 direct jobs will be saved immediately on a scaled-down model, with independent creditors positioned to receive a significantly higher return (up to 100 cents in the Rand over 36 months) compared to a forced-sale liquidation.

To those who ask what happens if the BRP cannot ultimately "turn the ship around": the Companies Act explicitly allows the BRP to terminate proceedings, at which point suspended liquidation takes effect. However, as the High Court noted that plain logic and the evidence presented proved that the employer's opposition failed to persuade the court against trying to save the mine. Law and constitutional values dictate a clear preference for saving viable businesses, preserving economic activity in the Kimberley region, and protecting workers lives and livelihoods over an unnecessary liquidation.

Following this landmark judgment, NUMSA calls for the liquidators and management of Ekapa to immediately co-operate with the appointed interim BRP, Mr. Marius Van Tonder.

NUMSA salutes its members at Ekapa for their resilience throughout this difficult period and commends our legal team, Lerato Lenyehelo Attorneys, for delivering this victory for the working class. NUMSA remains committed to fighting for every single job and ensuring that workers lives and livelihood always come before corporate profit. A feedback meeting for NUMSA members will take place on Friday 7 August at Galeshewe Hall to report back on the business rescue proceedings at Ekapa Mine.

A luta continua! The struggle continues!

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