

Q(h)ubeka Trust to pay out first R8.6m to 88 Lesotho mineworkers suffering from Silicosis

Lesotho; 12 December 2017 - The Q(h)ubeka Trust today announced that it will be making payments to the value of R8.6 million to the first 88 Lesotho-based miners who have qualified for compensation from AngloGold Ashanti mines due to Silica-related illnesses as a result of their work in the gold mines.

The announcement was made at a presentation by the Q(h)ubeka Trust to the Lesotho Ministries of Health and Labour, where the trustees also provided detailed information about the purpose of the Trust as well as the progress it has made in terms of assessing Basotho claimants.

The Q(h)ubeka Trust was established in March 2016, and registered the following month, in response to the finalisation of a legal settlement reached between attorneys representing certain ex-mineworkers, Richard Meeran and Zanele Mbuyisa, and Anglo American South Africa Limited and AngloGold Ashanti Limited.

The claimants in the settlement are 4 365 ex-mineworkers who may be suffering from the occupational lung disease, Silicosis, as a direct result of the failure by the mines to ensure adequate protection measures against the disease for their mineworkers. The claimants hail from various parts of South Africa as well as Swaziland and Lesotho. There is a total of 1154 claimants from Lesotho who may be eligible for compensation from the Trust. There is a closed list of claimants who were identified in the settlement therefore the Q(h)ubeka Trust can only process the claims of these named mineworkers.

According to Q(h)ubeka Trust chairperson, Dr Sophia Kisting-Cairncross, the Trust's name means 'go forward' in isiXhosa and the name was chosen as a way of recognising, and honouring, the thousands of claimants who have struggled for decades with the debilitating effects of Silicosis.

Now that the attorneys representing these miners have successfully negotiated a settlement, the Trust has partnered with the Mineworkers Development Agency (MDA) in Lesotho to facilitate the provision of compensation to all Q(h)ubeka Trust qualifying claimants. The process of assessing the eligibility of claimants is a lengthy one and begins with a comprehensive medical evaluation aimed at establishing that each claimant suffers from Silicosis – which is a progressive and incurable lung problem ailment caused by long-term inhalation of silica dust in the mines.

To facilitate the medical assessments and ensure that claimants are able to access testing facilities, the Trust has partnered with local healthcare service providers, whom it is helping to upskill in the diagnosis of pneumoconiosis. The results of the assessments done by these local medical service providers are then sent to a panel of qualified medical specialists who make a final decision as to whether the claimant does indeed suffer from silicosis. To date, approximately 35% of the claimants in Lesotho have been tested, and 88 have been deemed to be suffering from the disease, thereby qualifying them for the claim payouts this month.

In terms of the trust deed which sets out the claims criteria the Trust has until April 2019 to complete the medical assessments of all claimants, and make the first tranche of compensation payments to qualifying claimants. After this, the Trust will make a second tranche of payments, by means of which all the remaining settlement funds that weren't paid out in the first tranche will be distributed to the qualifying claimants, as well as the family members of qualifying deceased claimants.

While much progress has been made to date in terms of approving the qualifying claimants, Dr Kisting-Cairncross points out that there are numerous challenges that need to be overcome in order to deliver on the Trust's mandate within the given timeframe. "One of the most significant challenges we face is tracing claimants whose contact details have changed since the settlement law suit was first initiated," she says, "but we are employing every means at our disposal to actively trace all claimants and we are confident that we will locate and assess the vast majority of them before the April 2019 assessment cut-off date."

She also points to difficulties involved in proving qualifying service as another significant hurdle that the Trust has to overcome in the completion of the claimant assessment process. "To qualify for compensation, claimants must be able to show at least two years of service in AngloGold mines, however employment record keeping by the mines has generally been found to be very poor," she explains, "which is making it difficult to prove the eligibility of a number of the claimants."

Despite these, and other, challenges, Dr Kisting-Cairncross remains positive that the good work being done by the Q(h)ubeka Trust in delivering compensation for silicosis-afflicted claimants in Lesotho will be completed within the timelines stipulated in the trust deed.

"As the Trustees and staff of Q(h)ubeka Trust, we believe passionately in the importance of the work we are doing and we are absolutely determined to see all qualifying claimants, and the families of deceased qualifying claimants, finally compensated for their illnesses," Dr

Kisting-Cairncross said at the presentation, “and while we know that money can never restore these claimants to full health, or return the deceased claimants to their loved ones, the settlement payments represent a measure of the compensation that these claimants and their families deserve for the suffering they have endured as a result of this debilitating illness.”

Ends.

Notes to the editor

The Q(h)ubeka Trust has no connection to the current, ongoing class action suit against various gold mining companies on behalf of gold miners who have developed silica related diseases.

To date, a total of R85 million has been paid to 793 qualifying claimants. This excludes the R8.6 million cited in this media release.

Silicosis occurs to varying degrees in victims of the illness, but it is essentially caused by the scarring of the lung by tiny silica particles inhaled as the claimants worked in the gold mines owned by Anglo-American and AngloGold Ashanti. Such scarring of the lung is progressive and incurable, and greatly raises the person’s risk of contracting TB.

The original compensation law suit centred on the premise that the mining houses were aware of the dangers of Silica Related Diseases to their mineworkers, but took no effective action to protect those workers from the disease.

As evidence of the potential severity of the disease, approximately 500 of the original claimants passed away during the litigation process. Efforts continue to ensure that settlement payments for those deceased who had Silicosis will be made to their surviving loved ones.

The settlement set aside a total of R395 million in compensation for qualifying claimants, which amount now forms the basis of payments being made to qualifying claimants by the Q(h)ubeka Trust.