

**Q(h)ubeka Trust has awarded R134million compensation to Silicosis sufferers since its establishment in 2016**

**Johannesburg; 28 August 2018** – Since the Q(h)ubeka Trust was established in March 2016, it has awarded approximately R134 million in compensation to qualifying ex-mineworkers, who were employed at Anglo American South Africa and AngloGold Ashanti mines, and are suffering from Silicosis.

The Trust was founded on the back of the successful conclusion of a lengthy compensation battle by attorneys, Richard Meeran and Zanele Mbuyisa, representing ex-mineworkers who contracted Silicosis as a result of working for various mines owned by Anglo American South Africa Limited and AngloGold Ashanti Limited.

The claimants in the settlement are 4 365 ex-mineworkers from South Africa, Swaziland and Lesotho who may be suffering from Silica-related occupational lung diseases as a result of the failure by the mines to prevent workers' exposure to silica dust.

The Trust was established with the specific purpose of distributing the R395 million settlement won by the attorneys representing these ex-mineworkers. This is completely separate from the recently settled class action against various South African mining companies.

The Trust's name, Q(h)ubeka, means 'go forward' in isiXhosa and according to Trust chairperson, Dr Sophia Kisting-Cairncross, it recognises and honours the thousands of claimants who have struggled for decades with the debilitating effects of Silicosis and fought for just compensation as a result. In addition the exposure to silica dust predisposes workers to contracting pulmonary TB which worsens the effects of the silica dust in the lungs.

According to Dr Kisting-Cairncross, the R134m awarded to qualifying claimants as at 1 August 2018 is a huge achievement, particularly given the numerous challenges that the Trustees encountered. Most of all the Trustees hope that the money already paid out would have made some difference in the lives of the former mineworkers.

This claims process starts with a comprehensive medical evaluation of each claimant. The Trustees' decision to partner with local healthcare service providers to perform the medical assessments was aimed at bringing services closer to the claimants as well as contributing to the upskilling of healthcare professionals in the diagnosis of occupational lung diseases.

"We believe that this has not only had a positive impact on our claims process but has also contributed enormously to the level of care provided to ex-miners in these areas. We hope

that it will be a lasting legacy that will also be beneficial to the bigger class action settlement trust and for public health as a whole”, she explains.

To date, approximately 3 160 of the 4 365 claimants have been referred for medical assessments, just over half of those assessed have been determined to be suffering from Silicosis.

Approximately half of the outstanding claims are of deceased claimants, the majority of whom died before the establishment of the Trust. Due to the lack of medical records, it would be more difficult to determine whether the deceased had Silicosis. The Trustees however are exploring many different possibilities to obtain whatever medical information may be stored with different entities.

According to Dr Kisting-Cairncross this lack of medical records is one of the most significant challenges faced. The Trustees are also currently working with several specialists on pioneering work to develop an instrument to confirm the presence of Silicosis in the absence of medical records. “We cannot fail our widows and the families of the mineworkers who have suffered tremendously by their loss”, she emphasised.

Other significant hurdles the Trustees continue to face in determining compensation eligibility is establishing that claimants worked for at least two years at Anglo American South Africa and AngloGold Ashanti Limited mines. The Trustees have found that employment record keeping by the mines has generally been very poor for this group of workers, which significantly complicates this step of the process.

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. Locating claimants has been difficult because many contact numbers provided are no longer valid and claimants have since moved home with no forwarding addresses. The Trustees have employed every means at their disposal to find these claimants.

Despite the various challenges, Dr Kisting-Cairncross remains positive that the work being done by the Q(h)ubeka Trust in achieving compensation for ex-mineworkers with Silicosis will be completed within the timelines stipulated in the Trust Deed.

The compensation paid to date represents a first payment to claimants. A further distribution will be made once all claimants have been medically assessed and could be a similar amount paid to beneficiaries.

The work of the Trust extends beyond achieving compensation in terms of this settlement agreement to assisting claimants apply for statutory benefits under the Occupational Diseases in Mines and Works Act (ODMWA), thereby securing potential additional compensation. To date the Trust has submitted 351 applications to the Medical Bureau for Occupational Diseases. A further 600 applications are being prepared for submission by October 2018.

“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, compensated for their illnesses,” Dr Kisting-Cairncross concludes, “and while we know that money can never restore these claimants to full health, or return the deceased claimants to their loved ones, the compensation will contribute towards helping them with medical bills and perhaps contribute to enjoying a better quality of life they deserve.”

The Q(h)ubeka Trust is comprised of Trustees Dr Sophia Kisting-Cairncross, Mr Goolam Aboobaker, Mr John Doidge and Ms Alicia Kistan, and the Trust Manager is Ms Tina da Cruz.

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#### **Notes to the editor**

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

As at 1 August 2018, a total of R134 million has been awarded to 1302 qualifying claimants in South Africa.

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 Anglo Gold Ashanti operations. 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 530 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.