

## **Q(h)ubeka Trust has awarded R166,6 million compensation to 1 626 silicosis sufferers**

### **In Summary:**

- Silicosis sufferers receiving due payments for mining silicosis related occupational diseases
- **R166,6 million** paid to **1 626** qualifying beneficiaries since March 2016
- **R48.4 million** paid in the past financial year alone (March 2018 to February 2019)
- Payments of **R8.2 million to 82 beneficiaries** are pending
- The Q(h)ubeka Trust continue to overcome obstacles to allocate money timeously

Johannesburg, 28 August 2019 – The Q(h)ubeka Trust, which was formed to allocate funds to silicosis-affected mineworkers, has announced that thus far it has paid R166,6 million to 1 626 qualifying beneficiaries and dependant claimants (i.e. family of the deceased mineworker), since its inception in March 2016.

The Trust was established following the successful conclusion of a lengthy compensation battle by lawyers representing former mineworkers, Richard Meeran and Zanele Mbuyisa, who had contracted silicosis as a result of working for various mines owned by Anglo American South Africa Limited and, or, AngloGold Ashanti Limited.

“The process of allocating payments to those who have been affected by this devastating occupational lung disease, caused by the inhaling of silica dust, has been a long, arduous but hugely rewarding process for the Trust, as we represent and help the often voiceless sufferers of the disease,” said Dr Sophia Kisting-Cairncross, chairperson of the Q(h)ubeka Trust regarding the Trust’s work. Kisting-Cairncross was speaking on behalf of her fellow trustees Alicia Kistan, Goolam Aboobaker and John Doidge as well as Trust Manager, lawyer Tina Da Cruz and Qhubeka Trust staff in different provinces in South Africa and Lesotho.

The Trust, established to process the claims of a closed list of 4 365 named claimants, who primarily reside in the Eastern Cape, Free State and Lesotho, compensated 481 beneficiaries with a total of R48.4 million over the course of the past financial year alone (March 2018 to February 2019). In addition, payment amounting to R8.2 million to a further 82 beneficiaries is pending, and will occur once their banking details and biometric verifications have been concluded. The work of the Trust also extends to assisting claimants apply for statutory benefits under the Occupational Diseases in Mines and Works Act (ODMWA), thereby securing potential additional compensation.

Interviews with claimants and their dependants have revealed that the compensation is used in a number of ways including the building and improvement of homes, the purchase of motor vehicles to facilitate movement of very sick claimants to medical facilities, the payment of the education of the claimant’s children, their medical treatment, or sadly, funeral costs. Moreover, some people are using it to service their debt, or to establish a small business for income generation for their families.

### **Important mission driving Trust to overcome challenges**

To date, around 3 504 of the 4 365 claimants have been referred for medical assessments, with more than half of those assessed having been determined to be suffering from silicosis and its effects.

Processing claims of deceased claimants, which represent around 20% of all claimants, continues to be a challenge because of the lack of medical records. The Q(h)ubeka Trust is working with specialists to develop an instrument that can determine whether, in the absence of medical records, a claimant who died may have had silicosis.

According to Kisting-Cairncross, the medical process was more complex and more difficult than initially envisaged. The extensive presence of TB was startling. Trustees and medical specialists had to grapple with TB and its impact on the diagnosis of silicosis. TB scarring often hides the presence of silicosis, thus making diagnosis difficult, time-consuming and costly (especially in instances where CT scans became necessary).

To overcome this challenge, the Trustees coordinated annual workshops with Consultative Occupational Medical Panel members as well as medical advisors, in order to discuss these challenges and develop a standardised approach for the assessment of claims.

Another hurdle slowing down the work of seeing all qualifying claimants and the families of deceased qualifying claimants compensated for their illnesses is the fact that contact and address details of a significant number of claimants were no longer valid. Consequently, the Trustees had to embark upon extensive tracing and tracking programmes to find claimants, in addition to using local media, TEBA, the South African Social Security Agency, Department of Home of Affairs, Electoral Commission (in Lesotho), Rand Mutual Association and ex-mineworkers unions. In addition, often the available medical and administrative information of deceased claimants were grossly inadequate to meet the needs of the Trust Deed.

The trustees wish to celebrate and thank the many people of goodwill, including the media, throughout southern Africa, who have supported the trust in making possible a measure of social justice for some mineworkers and their families.

“Above all, through the various processes, the Trustees are grateful for the patience and understanding of our claimants, as we have grappled with the implementation of the Trust Deed and rolled out the claims process. Your patience has been humbling and inspiring for a better future. We remain completely committed to continue assisting those who have felt the devastating effects of this debilitating yet preventable disease” concludes Kisting-Cairncross.

Please see <http://www.qhubekatrust.co.za> for additional information