



Justice for Miners Campaign Press Release
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Southern African Resource Watch
Johannesburg
South Africa

Civil Society endorses Justice for Miners Campaign

18 February 2021

Hundreds of thousands of ex-miners who have been affected by silicosis and TB as a result of working on South African gold mines, are still waiting for compensation, more than two years after a land mark settlement of the Silicosis and TB class action in 2018. These ex-miners and their families have had high hopes of receiving compensation from the Tshiamiso Trust that was created to implement the R5 Billion settlement. To date less than 10 claimants have been compensated by the Tshiamiso Trust. Furthermore, there is a backlog of more than 100 000 in unprocessed claims from sick miners with a similar number of unpaid claims in the statutory compensation system for miners administered by the Medical Bureau of Occupational Diseases (MBOD) and the Compensation Commission.

The delays in paying compensation to beneficiaries were discussed at the second Justice for Miners Civil Society Forum on Monday 15 February by ex-miner organisations and civil society representatives from the SADC region. The online gathering hosted by the Nelson Mandela Foundation was attended by representatives from Churches, research institutes, occupational health medical practitioners and human rights organisations. The Forum resolved to support the ex-miners' demands for speedy and just compensation, just administration of compensation roll outs and just laws to facilitate compensation due to an estimated 500 000 ex-miners and their dependents from across Southern Africa.

In his opening address the Justice for Miners Forum Chairperson, Bishop Jo Seoka said, "We are in a war zone. And there have been many casualties that must be taken care of." Bishop Seoka was referring to the hundreds of thousands of ex-miners who, were sent home to die a slow death in flagrant disregard of their statutory compensation rights. Since the creation of the Tshiamiso Trust there has been little progress with administering compensation to the sick ex-miners and in cases where they are deceased, their families. The JFM Forum also addressed the shameful dysfunctionality of the South African compensation system for miners where backlogs of over 100 000 unpaid claims and an equal number of unprocessed claims are directly responsible for the suffering endured by the very communities who dug the gold that laid the foundations for South Africa's wealth.

The Forum noted that ex- miners effected by TB and Silicosis are particularly vulnerable to contracting the Covid-19 virus. The threat of Covid-19 can, however, not be used as an excuse to delay compensation payments. Instead precautionary measures to be taken when conducting lung function tests as recommended by leading pulmonary disease experts must be strictly adhered to when claimants receive their medical assessment examinations.

The Forum received the JFM Campaign's report of the past year's developments and activities and deliberated on the way forward for the Campaign.

The following resolutions were adopted by the JFM Civil Society Forum:

1. Noting that,
 - the Medical Bureau of Occupational Diseases (MBOD) has not complied with its duty to report to Parliament for over a decade
 - there are backlogs of over 100 000 unprocessed claims from sick miners and similar numbers of unpaid claims in the statutory compensation system for miners administered by the MBOD and the Compensation Commission
 - there are numerous reports of identity theft and fraud effecting claimants

The Forum resolved to call on the South African government, the President, the Minister of Health and the National Assembly to urgently do their duty and demand the long outstanding report to Parliament and to put in place a high powered Commission of Inquiry into the MBOD and the Compensation Commission with the aim of reforming these institutions and making them fit for purpose.

2. Noting that,
 - the Tshiamiso Trust is utilizing TEBA infrastructure and staff as Claims Lodgment sites in SA and the region
 - TEBA has not served miners well in the past and present with many cases of fraud and poor service to miners, ex-miners and widows

The Forum calls on the Tshiamiso Trust to stop working with TEBA officials and TEBA's electronic systems and instead utilize the para-legals and community based organisations who were instrumental in signing up the Class Representatives of the Class Action litigation in the labour sending areas as these are the people known to and trusted by ex-miners

3. Noting that,

- the Tshiamiso Trust has begun utilizing the services of a large SA based corporation (Aurum) to conduct medical examinations of claimants
- the Trust has received from the Justice for Miners Campaign a list of local medical service providers who can do this work
- medical doctors attending the Forum meeting have confirmed theirs and their colleagues' availability to conduct medical examinations, to be involved with training and to assist with setting up already tested electronic systems

The Forum calls on the Tshiamiso Trust to terminate its contracts with Aurum and begin contracting local medical service providers in SA, Lesotho, Mozambique and eSwatini.

4. Noting that,

- the Tshiamiso Trust's approach to contacting eligible Claimants is based on utilizing data bases from the MBOD, the settling mining companies, the class action lawyers, TEBA and the Minerals Council
- the Tshiamiso Trust is setting up a Claims Management system that the matter of paying compensation to ex-miners is a matter of public interest

The Forum calls on the Trust to be transparent about the status of and management of the data bases and the status of the Claims Management System by granting access to these systems to an experienced data analyst to be appointed by the JFM Campaign with the view of compiling a report for public scrutiny.

5. Noting that,

- TEBA is integrated with UBank, cases of fraud concerning benefit payments to claimants and the requirement that Claimants are forced to open accounts with specified banks
- The Forum calls on the Tshiamiso Trust and the MBOD to respect claimants' rights to open accounts of their own choice to receive payments due to them

5. Noting that,

- Claimants who will be paid compensation require Financial advice and training to sustainably manage the money they will receive
- Provision for such training is made for in the Tshiamiso Trust deed

The Forum calls on the Tshiamiso Trust to follow these provisions when paying claimants

6. Noting that,

- the MBOD together with the Compensation Commission and Aurum (corporate medical service provider) and with the assistant of JFM member AMIMO (Miners Association of Mozambique) conducted medical examinations and requested sick ex-miners to open bank accounts in Mozambique (Maputo Province and Gaza Province) from September to November 2016
- the data collected by this project was forwarded to the MBOD
- that up to the present not a single miner identified in this process has been paid

The Forum calls on the Tshiamiso Trust to avoid repeating the same history of raising home and then not delivering and thus to not use the services and systems of the MBOD in its current state and the corporate service provider, Aurum.

The Justice for Miners Civil Society Forum was attended by representatives from

FM Chapters in eSwatini, Mozambique, Lesotho, Eastern Cape and Welkom

Ex-Miner representatives from Botswana and Zimbabwe

Miners Development Agency, Lesotho

Southern Africa Resource Watch

Southern Africa Trust

OSISA

Centre for Applied Legal Studies, Wits

Justice and Reconciliation Institute

Graca Machel Foundation

Botswana Watch

Zimbabwe Environmental Law Association

Televisual Clinics

Academics from the University of Cape Town, University of Lesotho, Rhodes University

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