

**In this issue... World Environment Day and the Heuningvlei area, important Trust meeting dates, the upcoming silicosis court case, and some news on our trustees. Read on...**

## 5<sup>th</sup> June was World Environment Day

The picture below shows Mr Ithumeleng Sithole of the Kuruman Asbestos Relief Trust office pacing the poorly rehabilitated Heuningvlei blue asbestos dump, some 130km directly north of Kuruman. The blue-grey exposed crocidolite asbestos is clearly visible in the foreground where the dump has been weathered by erosion.

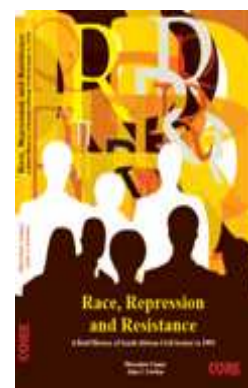


On the plus side, the Department of Minerals and Energy (DME) has rehabilitated the heavily contaminated road leading from Heuningvlei to the old Bute mine in terms of an agreement originally reached with Gencor. The work cost R25 million. The rehabilitation at Heuningvlei itself is yet to be implemented, with negotiations still current between DME and the Department of Environmental Affairs and Tourism regarding responsibility for streets and houses in the contaminated area. The ART Trustee Mr Jan de Bruyn is keeping a watchful eye on this process.

### IMPORTANT MEETINGS

- The Trustees of the KRT met on 5 June
- The ART will holding Subcommittee meetings on 18-19 June
- The research report commissioned by the ART on how compensation money gets spent will be presented on 20 June at the Wanderers Club off Corlett Drive in Johannesburg
- Both the ART and KRT will be holding their Annual General meetings in August

Chair of the ART Trustees and KRT Trustee Mr Phiroshaw Camay has co-authored a book with Anne Gordon entitled *Race, Repression and Resistance: A Brief History of South African Civil Society to 1994*. This well-written and solid research work is an eye opener and a punchy tour-de-force of South African society from its earliest roots, through the European occupations to the latter years of the antiapartheid struggle. Order a copy via Florence Thinane at (+27) 11 836 9942.



**We extend our sincere condolences to Brenda Sethibang of our Kuruman office who lost her mother in May this year.**



ART Trustee Mr John Doidge has like our president Mr Mbeki, been admitted as a knight of the Order of St John, and will be inducted in July. Biographies of all the trustees will be appearing shortly on our websites.

**Silica Relief Trust on the way?**

A possible landmark court case will start on 12 June 2007 in Johannesburg, when AngloGold Ashanti will defend itself against a former employee who contracted silicosis, and who is seeking approximately R2.6 million from AngloGold Ashanti in damages for past and future loss of earnings, and for future medical expenses, which include special investigations, treatments and hospitalization.



Silicosis is similar to asbestosis – they are both dust diseases of the lung which cause thickening and scarring of the spongy parts of the lungs, causing coughing and making breathing more difficult. The lawyers representing the worker include occupational health lawyer Richard Spoor, who pioneered the settlements leading to the formation of the Asbestos and Kgalagadi Relief Trusts.

The summons claims that AngloGold Ashanti failed to establish an effective programme of identifying toxic dusts, and failed to do effective medical surveillance – assessing the health effects of toxins in the workplace.

AngloGold Ashanti will oppose the summons in court, stating that it will defend the action on the basis that avenues for compensation already exist under South African law, and that the worker is precluded by legislation from recovering damages from the company. The Compensation for Occupational Injuries and Diseases Act protects companies from lawsuits by employees, or family of employees, disabled or killed at work, unless gross negligence can be proven.

The legal team for the worker hopes that the litigation will assist in focusing attention on the urgent need for a complete overhaul of the legislation dealing with compensation for occupational diseases.

There are currently two laws governing compensation for occupational diseases and injuries in South Africa, ODMWA – the Occupational Diseases in Mines and Works Act (a law for occupational lung diseases in mineworkers) and COIDA – the Compensation for Occupational Injuries and Diseases Act (which covers all other conditions and all other occupations).

The laws are non-comparable, and have large differences in their application and benefits. ODMWA typically pays less for the same condition. The late Professor Neil White wrote a monograph in 2004 entitled "Is the ODMW Act Fair?", in which he showed that ODMWA was discriminatory and unfair to miners and their dependants. Scenarios of a 40 year old worker with different degrees of impairment from silicosis are compared in the table below under the respective laws:

**Silicosis compensation benefits over 20 years for a worker who earns R 3500 monthly.**

Condition ▶ Law ▼	Silicosis - Normal lung function	Silicosis - 25% disability	Silicosis - 40% disability	Silicosis - 80% disability	Silicosis death
<b>ODMWA</b>	R 0	R 0	R 39300	R87 500	R 87 500
<b>COIDA</b>	R 26 250	R43 750	R 252 000	R 504 000	~ R 446 000

A major overhaul of the legislation is clearly required, including the automatic indemnification of employers from civil redress. Should the court action for the worker succeed, it would open the way for large-scale settlements for ex-goldminers who have suffered silicosis for decades with very little compensation for their suffering.

The Mail and Guardian carried our press release on the Penge area in their 27 April – 3 May edition, quoting Tina da Cruz as saying that the government needed to consult widely about developing the area, and that the development needed to be thoroughly reviewed and debated by the public. The Trusts back their concerns with the report of Steven Donohue, specialist in public health, who found that the area is extensively polluted and unsuitable for habitation.