



STATEMENT

Progress and challenges in the implementation of the Tshiamiso Trust Deed based on the Settlement Agreement

Johannesburg, 30 June 2020. The trustees of the Tshiamiso Trust are pleased to be able to advise of progress in the move towards establishing a claims system for eligible claimants who will become beneficiaries of the Tshiamiso Trust.

We would also like to explain complications that the COVID-19 pandemic has raised for the planned claims system.

Pilot phase

We said in our previous message that our initial goal was to implement the pilot phase of the system by the end of June 2020.”

We are pleased to be able to say that on Friday 26 June 2020 the pilot began. We hope that an initial set of claimants will be able to receive their compensation in the next few weeks. This is going to be an important test of the reliability of the system we have spent the last couple of months developing.

COVID-19 impact

However, the COVID-19 pandemic has unfortunately meant that we have had to find a new approach to how potentially eligible claimants can lodge their claims.

This is because the medical experts and authorities, in South Africa and elsewhere in the world, have instructed that lung function tests should not be carried out at this time. This is because individuals are required to blow into the devices, and it is clear that this could cause many additional COVID-19 infections to occur when the device is used by a number of people.

A lung function test is necessary to assess the level of damage to the lungs and this level is a determining factor in confirming whether a claimant would be entitled to compensation and, if so, at what level.

Where we can proceed

Despite this, we have been able to embark on the pilot test programme. This is because we do have access to data bases and medical records from various sources, including the government compensation fund, the Medical Bureau of Occupational Diseases (MBOD).

For the pilot, we have used these records to track down a number of individuals who are suffering from 2nd degree silicosis, and who have already received compensation from the MBOD. 2nd degree silicosis is the highest degree of silicosis provided for in the MBOD and the settlement agreement.

We need to ensure that we have all the information we need to satisfy ourselves that each case represents a valid claim. This includes direct validation of the claimant’s identity, checking whether all the required records and assessments are valid and belong to the claimant, checking and validating

work records, review of the claim by the founding company agent and making appropriate arrangements for payment and financial advice. When all of these criteria are met, the Tshiamiso Trust should then be able to make its first benefit payments.

Check your eligibility

The Trust will also shortly launch a “Check Your Eligibility” application on its website and on a dedicated SMS service to allow potential claimants to “self-check” their eligibility to lodge a claim. This application will be supported by the Trust’s call centre which will also assist potential claimants who, based on the “self-check” application and the information available, are eligible to lodge a claim.

The way forward

Regrettably, the COVID-19 situation does mean that, in the months ahead, we will be limited in the extent to which we can proceed with claims.

Under the current circumstances, we are limited to considering claims only from individuals (or, if deceased, their dependants) for whom there are existing medical records, since we cannot carry out BMEs.

It will also be possible for the Trust to begin receiving claims regarding TB benefits where medical records exist.

Conclusion

The trustees are very aware that these additional complications will be frustrating for many people. We are giving a lot of thought to finding ways, where possible, to eliminate these new complications. We are in contact with medical experts in South Africa and watching developments elsewhere in the world so that when ways are found to recontinue with lung function tests, we will be ready to proceed.

There are also other possibilities under consideration. We will communicate with you on any new developments on this, and on anything else, as early as we can.

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