



# PROGRESS REPORT

13 November 2020

Further progress towards establishment of a claims system to be fully in place by end-January 2021.

## INTRODUCTION

The Tshiamiso Trust was formally established in February 2020, after all legal processes had been completed and conditions met. The seven trustees had the task to establish complex operational structures set down in the Trust Deed that would pay benefits to tens of thousands of eligible beneficiaries over the next 13 years.

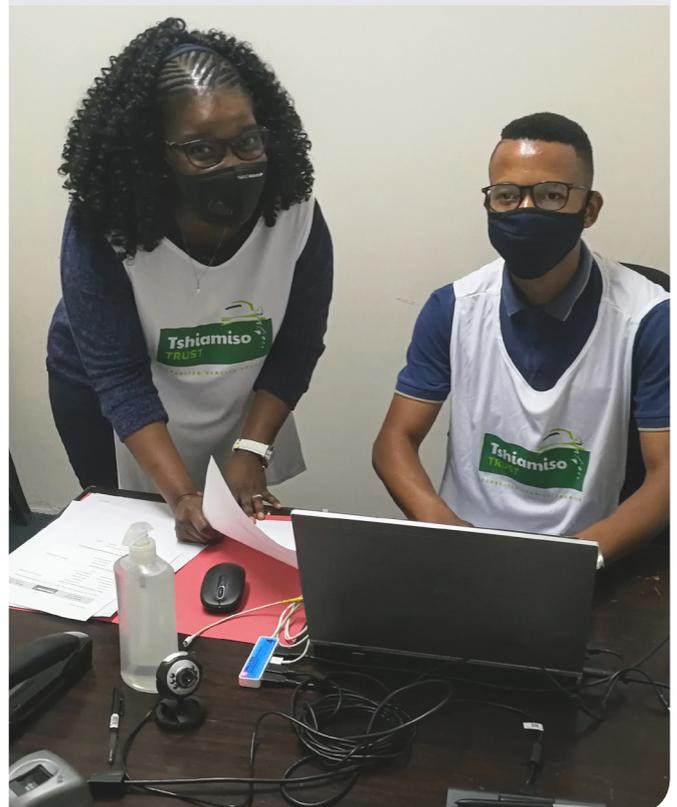
At the point that the Trust was established, none of these operational structures were in existence, and this is what we have been at work putting in place through 2020. This note will list a number of those steps and requirements.

The Trust has begun to establish a data base of potential claimants. Names have been received from the approximately 120,000 individuals who have registered an interest in claiming through the website established by the companies and the claimants' attorneys after the settlement agreement was reached, through the call centre and through TEBA; the companies' list of employees since 1965; clients of the claimants' attorneys; and those who have received benefits from the MBOD, the state compensation fund.

The participating companies have estimated that the Trust will require a budget of about R5 billion over the life of its operation, including benefits and costs.

The costs – including medical assessments - of carrying out the work of the Trust within the SADC region over the next 13 years will be substantial.

However, it is important to be clear that these costs were calculated separately from the benefit amounts. **The Trust's funding is structured in a way that these costs cannot and will not have any negative impact whatsoever on the amounts available for the payment of benefits to these eligible claimants. Every single eligible claimant will receive the benefit due to him or her.**



## THE WORK SO FAR

The Trust's complex processes are governed by a 300-page settlement agreement and Trust Deed agreed between the six participating companies and the claimants' attorneys and approved by the High Court.

The trustees are conscious of the urgency with which they are required to act to meet the needs and entitlements of all those claimants. Please bear in mind that the Trust's establishment coincided with the beginning of the COVID-19 era. Despite this, the work continued remotely at pace.

In the early stages, the trustees appointed an interim management team (IMT) co-ordinated by a highly experienced person, with first-hand knowledge of the administration requirements of other structures that had paid similar compensation benefits to workers and others. The chairperson and other trustees with specific experience in particular areas work closely with this team. By the end of June, a pilot was set up based on a small group of claimants. The pilot was designed to test the readiness

of the systems already then in place. The pilot found significant challenges with the IT system as it had been developed in the initial months. By then the Trust had also started establishing a number of the structures required by the Trust Deed including the necessity of appointing individuals to posts specified in the Trust Deed such as the Medical Advisory Panel and the medical certification assessment panels.

The Trust had also completed a procurement process to identify a recruitment agency to open the way to launching a recruitment process for four senior executives and staff. There were more than 600 application for executive positions, including more than 200 for the CEO post. In October 2020, Daniel Kotton was appointed CEO, Tina da Cruz (previously the co-ordinator of the IMT) was appointed chief operating officer and Eben Janse van Rensburg was appointed on an interim basis as the chief financial officer. The post of a chief medical officer, the fourth and final executive position, has been filled by Dr Zahan Eloff who will formally join the team on 1 January 2020.

## TSHIAMISO TRUST STRUCTURES

At this stage, the work to confirm the establishment of the following structures required by the Trust Deed is near completion. This involves establishing the operational rules for each structure.



### Medical Certification Panel



### Medical Reviewing Authority



### Certification Reviewing Panel

#### Main members

- Dr Mpho Rabada
- Prof Mohammed Jeebhay
- Prof David Rees

#### Alternate members

- Dr Spo Kgalamono
- Associate Prof Saloshni Naidoo
- Dr Vanessa Govender

#### Medical Reviewing Authority

- Prof. Rodney Ehrlich (Occupational Health Specialist)
- Prof. Laloo (Pulmonologist)
- Dr. Nomhle Makaula-Chimusoro (Radiologist)

#### Alternate members

- Dr. Rajen Naidoo (Occupational Health Specialist)
- Prof. E M Irusen (Pulmonologist)
- Dr Qonita Said-Hartley (Radiologist)

#### Certification Reviewing Panel

An interim panel has been appointed to ensure that claims can be properly certified as soon as other processes are completed. A permanent panel will be appointed in due course.

## TSHIAMISO TRUST STRUCTURES CONTINUED



### Trust Advisory Committee

A further critical structure to be appointed is the Trust Advisory Committee that will represent stakeholders' views to the Trust. To this end, the Trust has held a number of meetings with different stakeholder groupings and has begun to finalise the composition of this important body. The Advisory Committee will be composed of ten members drawn from the following stakeholder groupings:

- Government – a representative of government able to interact with the health, mineral resources, labour and international relations departments within the region. A request for a nomination has been made to the advisor to the Minister of Mineral Resources and Energy
- Parliament – the Speaker has been approached to put in place a process to identify an appropriate person
- Medical expertise – a medical person who retains contact with our medical advisers and practitioners but who is based in or has extensive, additional knowledge of the neighbouring countries so that he/she would reinforce our understanding of the related challenges
- Industry – the Minerals Council South Africa is to identify a person
- Unions – the labour caucus representative on Mining Health and Safety Council has been approached to also nominate someone to serve on the Advisory Committee
- Civil Society Organisations – Bench Marks Foundation to identify a person
- Faith Based Organisations – SA Council of Churches to be approached to identify a person
- Ex-Miners – two representatives are to be nominated by the Southern Africa Miners Association (SAMA)
- In terms of the Trust Deed, a person appointed by the Agent representing the participating companies must be identified and an approach to the Agent has been made to this end
- In terms of the Trust Deed, a person appointed by the Claimants' Agent must be identified and an approach to the Claimants' Agent has been made to this end.

The inputs of the Advisory Committee will be supplemented by an assembly of stakeholder organisations which have an interest in facilitating the work of the Trust and assisting claimants with the claims process.

The working Advisory Committee will meet at least twice a year. A stakeholder assembly will be convened at least once a year.



## GOVERNANCE AND ADMINISTRATION

In addition to setting up all these structures, the Trust has also had to carry out the following:

- Setting up banking, insurance actuarial, auditing and legal services
- Developing an electronic claims system able to operate effectively around southern Africa
- Establishing governance structures, rules and work plans for the Board and its committees, and for the executive team.
- Preparing policy documents on fraud, remuneration, whistle blowing, conflicts of interest, risk management, terms for contractors, code of ethics, procurement, and recruitment.

## CLAIMS LODGEMENT PROCESS

The following is the process we are working to develop for claimants – those who have worked at qualifying mines <https://www.tshiamisotrusted.com/information/qualifying-mines/> during qualifying periods and contracted silicosis, or TB while employed or within a year of departing, having carried out risk work. **Please note that this process is not yet in operation. It will begin in December 2020 in some areas and February 2021 in others, depending on when the relevant TEBA offices are ready (see Step 3).**

### STEP 1

By 30 November we plan to launch a tool where potential claimants will be able to check on their mobile phones their details and information on the database to see whether they might have a valid claim. If a person might have a valid claim:

### STEP 2

Book an appointment through the call centre (number 0801 000 240) at the nearest TEBA office mandated and equipped to carry out claims lodgement functions for the Trust. Please note that an appointment is absolutely necessary to ensure that the necessary staff are available. Anyone arriving at the TEBA office wanting to lodge a claim will not be able to be attended to if they do not have an appointment. This is also to ensure that these claims lodgement offices do not become crowded and create COVID-19 risks for claimants, many of whom are elderly and ill.

### STEP 3

On appointment day, hand in ID documents, service record, any medical records and banking details at the nearest TEBA office. Staff in those offices will have to be trained, and the Trust has to equip these offices with various items of equipment, including biometric scanners, to ensure secure identification of claimants and to prevent fraud.

It will take some time to prepare these offices to carry out these tasks. It is planned that there will be about 15 TEBA offices in South Africa, Lesotho, Eswatini, Mozambique and Botswana ready to do this work by the end of November. There will be 56 ready by the end of January 2021.

### STEP 4

If required, a benefit medical examination (BME) will be arranged. The Trust is working with the Aurum Health Institute on this. Most BMEs will have to be carried out by Aurum's mobile clinics, operating strictly according to the guidelines from the SA Thoracic Society. These mobile clinics will be sent to particular areas when there are sufficient tests in that area to be carried out. There are some places where government medical facilities are able to carry

out BMEs and arrangements to pursue this are being put in place. Please understand, though, that there will usually be a waiting period for BMEs because of the limited availability of these facilities.

### STEP 5

Documents to be reviewed by Medical Certification Committee

### STEP 6

Documents to be reviewed by Trust Certification Committee (TCC)

### STEP 7

Agent representing participating companies reviews positive TCC decision

### STEP 8

Payment to claimant's bank account

## TIME FRAME

At this stage, the Trust is carrying out a further test of the improved systems by end-November.

Simultaneously, we are working to finalise the 8-step system described above that will enable claimants to check their details and lodge claims.

It should be noted that processing claims takes time to follow all procedures, so it will not be possible to process all the tens of thousands of claims which the Trust is expecting to receive in a short space of time.

However, we hope that we will soon see this effective claims system in place as a most important milestone towards finalising the claims of all who have valid claims.