



THE TSHIAMISO TRUST

MARCH 2021

FACT SHEET

The Tshiamiso Trust was established in February 2020 to ensure that eligible former or current gold mineworkers with silicosis or work-related TB (or, in the case of deceased former mineworkers, their dependants) are compensated.

The establishment of the Trust is the culmination of an historic R5 billion settlement between six South African mining companies - African Rainbow Minerals, Anglo American South Africa, AngloGold Ashanti, Gold Fields, Harmony and Sibanye-Stillwater (and some of their affiliates) – representatives of the mineworkers, and lawyers – Richard Spoor Inc, Abrahams Kiewitz Inc and the Legal Resources Centre – who brought a class action on behalf of those mineworkers. The settlement was approved by a full bench of the South Gauteng High Court on 26 July 2019 and became unconditional on 10 December 2019.

THE TRUSTEES

The trustees are all responsible in their personal capacity for the work of the Trust. The CEO, executive team, management and staff carry out the operations of the Trust on their behalf.

This implies a very finely balanced divide between governance and operational activities. The trustees are ultimately accountable for the achievement of the Trust’s objective, namely, to give effect to the settlement agreement and hence the need for very high levels of transparency and consultation.

In terms of the settlement agreement, the companies must nominate three trustees, the claimants’ attorneys two and the government one. In addition, it is provided that a consensus trustee will be nominated jointly by the companies and the claimants’ attorneys. The person will be chairperson of the Trust for at least the first two years.

Professor May Hermanus, Chairperson of the Board of Trustees - accepted nomination as the consensus trustee and first chairperson of the Tshiamiso Trust. Her background includes periods as NUM health and safety officer, Chief Inspector at the DMR, director of Wits University’s Centre for Sustainability in Mining Industry (CSMI) and director of the CSIR’s Natural Resources Unit.

The other trustees are:

- **Dr Barry Kistnasamy**, Compensation Commissioner of the Compensation Commission for Occupational Diseases (CCOD), who has been nominated by the government;
- **Ms Janet Love**, former Director of the Legal Resources Centre and now a Commissioner of the Independent Electoral Commission (IEC);
- **Dr Sophia Kisting-Cairncross**, former Executive Director of the National Institute for Occupational Health (NIOH); Ms Love and Dr Kisting-Cairncross were nominated by the claimants’ attorneys;
- **Ms Kgomotso Molebatsi**, legal counsel at Sibanye-Stillwater;
- **Mr Michael Murray**, until recently legal counsel at Anglo American and now a consultant at Bowmans.

CORE VALUES



Compassion and care
We will be caring and compassionate in all our dealings with those who approach the Trust



Integrity
We are honest and uncompromising in living our values, and will be transparent in all that we do



Dignity & Respect
We treat all who come to us with dignity and respect



Competence
We carry out our role effectively and efficiently in accordance with the settlement agreement and court order

“Tshiamiso is a Setswana word meaning ‘to make good’ or ‘to correct’. It is our vision to live up to our name and we will strive to make a difference now and in the future.”



TRUST ADVISORY COMMITTEE

The Trust is mandated by the Trust Deed to appoint representatives from government, trade unions, community leaders, NGOs and other groups to serve on a Trust Advisory Committee. This committee, which first sat in February 2021, is intended to provide a helpful advisory role to the Trustees.

TRUST OPERATIONS AND INFRASTRUCTURE

In October 2020, the Executive Management Team was appointed to run the day-to-day operations of the trust and to ensure that infrastructure and processes are in place for the lodgement of claims and payment of compensation to eligible claimants. The executive team comprises of Daniel Kotton - CEO of the Trust, Tina da Cruz – Chief Operations Officer, Dr Zahan Eloff - Medical Director and Eben Janse van Rensburg who has been appointed on an interim basis as the Chief Financial Officer.

The Trust has set up offices in Parktown, Johannesburg and has recruited management and other staff involved in various positions including stakeholder engagement and communications, claims administration, training, outreach and field activities, and medical certification management.

TSHIAMISO TRUST STRUCTURES

The Trust has established a number of the structures required by the Trust Deed including appointing individuals to posts specified in the Trust Deed. The central structures for the approval of claims are:

The Medical Certification Panel, assesses the medical documents that must accompany each claim. A panel of twelve medical doctors have been appointed to sit on the panel – with three required to approve the medical aspects of each claim. They will issue a Certificate of Medical Findings upon review of the documents.

The Trust Certification Committee, must review all other aspects of a claim for compliance with the rules set out in the Trust Deed. An interim panel has been appointed and a permanent panel will be appointed in due course.

MEDICAL ADVISORY PANEL

The Trust Deed also provides for the appointment of an expert Medical Advisory Panel. Appointed members are:

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. Umesh Laloo (Pulmonologist)
- Dr. Nomhle Makaula-Chimusoro (Radiologist)

Alternate members

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

RIGHT OF APPEAL

Any claimant whose application is declined, either on medical or any other grounds, may lodge an appeal with the relevant one of two bodies.

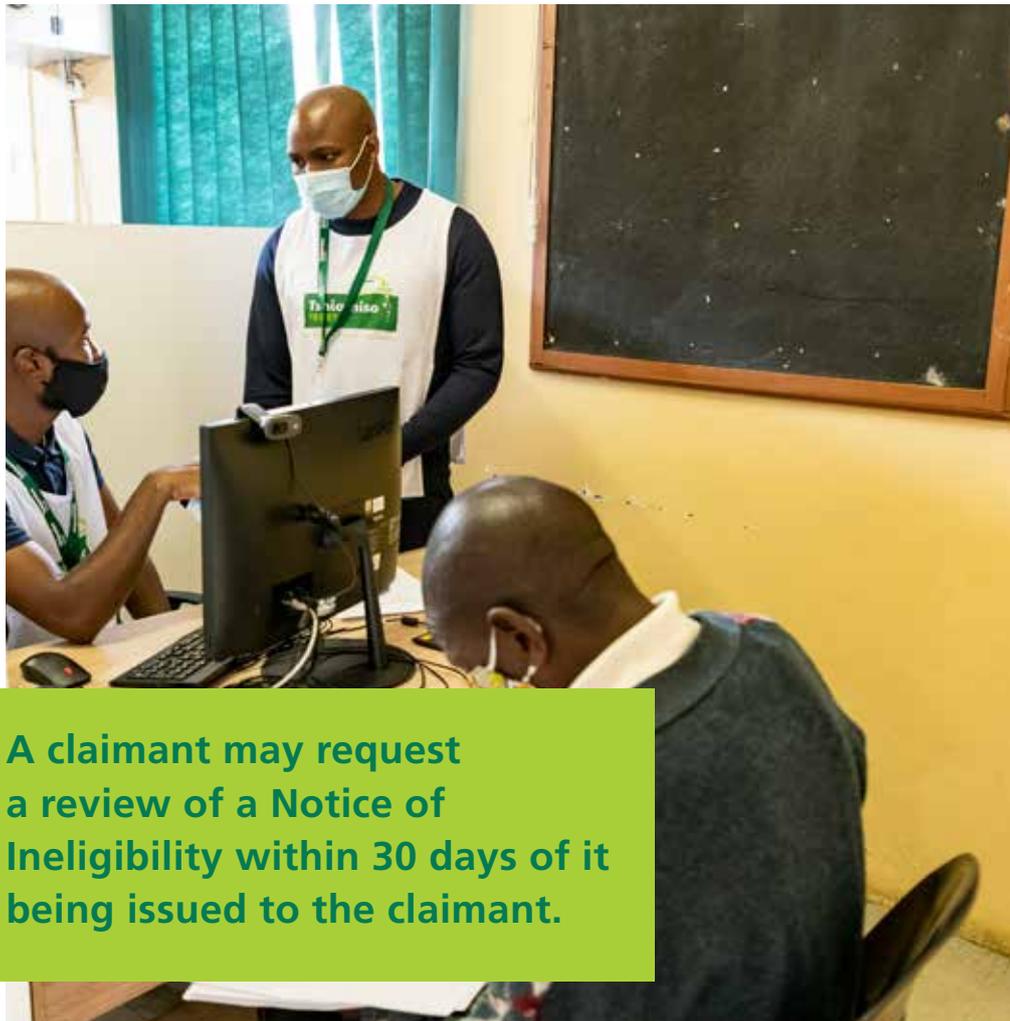
CLAIM LODGEMENT

The Tshiamiso Trust has at this stage established 50 lodgement offices around South Africa’s mining areas and rural areas, and areas in Lesotho, Mozambique, Eswatini and Botswana from which mine labour has historically been drawn. All claims must be lodged by claimants in-person through a Claims Lodgement Officer at one of the Lodgement Offices.

If the Claims Lodgement Officer is not satisfied that a claimant has furnished the documents necessary to substantiate his or her claim, the Lodgement Officer must inform the claimant which documents are outstanding and, where appropriate, assist the claimant with obtaining such documentation. Certain of the documents, including employment records, may take time to verify mainly as a result of the nature of inadequate record-keeping in particularly the earlier years.

The Benefit Medical Examination (BME) will be free of charge if the ex-mineworker worked for five or more years at qualifying mines during qualifying periods. If the ex-mineworker worked for less than five years at a qualifying mine the claimant will have to bear the cost of the BME, but this cost will be reimbursed should the claimant be found to be eligible for compensation from the Tshiamiso Trust.

If it is clear from the documents lodged that a claimant would not under any circumstances be certified as an eligible claimant, the Claims Lodgement Officer will create an internal record of ineligibility and will issue a Notice of Ineligibility to the claimant stating the reasons for the decision.



A claimant may request a review of a Notice of Ineligibility within 30 days of it being issued to the claimant.

BENEFIT MEDICAL EXAMINATIONS (BME)

If the Claims Lodgement Officer is satisfied that the required documents have been submitted by the claimant, should the claimant be an ex-mineworker, rather than a dependant of an ex-mineworker, an appointment for a benefit medical examination will be made for the claimant. This medical examination will not be needed if the claimant falls into any of the following categories:

1. If the claimant already has a Medical Report as defined in the Trust Deed, it and other lodgement documents must be submitted to the Medical Certification Panel;
2. If the claimant has an approved ODMWA certificate issued after 10 December 2019, it must be submitted to the Trust Certification Committee;
3. If the claimant has an approved ODMWA certificate issued before 10 December 2019, that claimant must be offered the choice of having the certificate submitted to the Trust Certification Committee, or the claimant may instead at his or her choice be referred for a further medical examination comprising a lung function test, to assess whether the claimant’s condition has deteriorated in the interim.

Claimants must lodge their claim in person.

Each claim can take up to 180 days to be finalised from date of lodgement.

<h2>Step 1</h2> 	<h2>Step 2</h2> 	<h2>Step 3</h2> 	<h2>Step 4</h2> 
<h3>CHECK YOUR DETAILS</h3> <p>Claimants can first check whether they have potential valid claim according to the information on the Trust's database by entering their SA identity number, industry number or passport number on the Trust's website or through the call centre.</p>	<h3>BOOK AN APPOINTMENT</h3> <p>All claimants must book an appointment for a date and time to lodge their claim in person at the closest lodgement office to where they live. This enables the lodgement office to deal with all claimant's booked on a day and to ensure that these claims lodgement offices do not become crowded and create COVID-19 risks for claimants.</p>	<h3>APPOINTMENT DAY</h3> <p>On the day of the appointment claimants must take all the required documents to the lodgement office, at which the appointment was made. A claims lodgement officer will assist the claimant to lodge their claim on the Trusts claim management system and fingerprints will be taken to protect the claimant's identity and prevent fraud.</p>	<h3>BENEFIT MEDICAL EXAMINATIONS</h3> <p>If required, a BME will be arranged for the claimant. This will also be by appointment. At present, the Trust is working with the Aurum Health Institute and Netcare Occupational Health to conduct BMEs on its behalf. BMEs will be carried out by Aurum's mobile clinics and at fixed locations, operating strictly according to the COVID-19 guidelines from the Department of Health and SA Thoracic Society.</p>
<h2>Step 5</h2> 	<h2>Step 6</h2> 	<h2>Step 7</h2> 	<h2>Step 8</h2> 
<h3>DOCUMENT REVIEW BY THE TRUST'S MEDICAL CERTIFICATION PANEL</h3> <ul style="list-style-type: none"> The BME report or, in the case of deceased mineworkers, other medical documents supplied by claimants, by medical facilities and, where available, by the government's Medical Bureau for Occupational Diseases (MBOD), will be reviewed by Tshiamiso's Medical Certification Panel (MCP). The review is to consider the medical information and to assess this information in terms of the categories that are part of the Court-approved Trust Deed. Upon review a Certificate of Medical Finding will be issued. If the claimant is found not to have a compensable disease as stipulated in the Trust Deed, the claimant will not be eligible for compensation. The decision of the MCP can be taken on review within 30 days of the Certificate of Medical Finding being issued. 	<h3>REVIEW BY THE TRUST CERTIFICATION COMMITTEE</h3> <p>If a claimant is diagnosed with a compensable disease under Step 5, all documents will be reviewed by the Trust Certification Committee (TCC) which will certify the claim and issue a final Certificate after Step 7 below is complete. The decision of the TCC can be taken on review within 30 days of the Certification or a Notice of Ineligibility being issued.</p>	<h3>REVIEW BY THE AGENT WHO REPRESENTS THE FOUNDING COMPANIES</h3> <p>All positive TCC decisions are then reviewed by the Agent who represents the founding companies to confirm whether the service information required in terms of the Trust Deed is complete.</p>	<h3>APPROVAL AND PAYMENT</h3> <p>Once a claim is approved the Trust must validate the successful claimant's bank account information to ensure that the monetary compensation is paid directly to the claimant and then payment is processed into the claimant's bank account.</p> <p>Successful claimants will receive personal financial advice on managing the benefit they are paid.</p>

Documents required:

- A copy of a valid national ID document or passport
- A copy of all service records from the mines worked at
- A copy of any available medical records

Dependants of a deceased mineworker must bring:

- A copy of a valid national ID document or passport
- A copy of the deceased mineworker's national ID document or passport
- A copy of all service records from the mines that the deceased mineworker worked at
- A copy of the deceased mineworker's death certificate and, if available, autopsy report
- A copy of any available medical records of the deceased mineworker

