

Frequently Asked Questions

1. Who can apply for compensation?

Current and former Mineworkers who performed risk work at a qualifying gold mine during a qualifying period of 12 March 1965 – 10 December 2019, and who as a result of performing such risk work, contracted work related TB or Silicosis

[View list of qualifying gold mines and periods here.](#)

2. How and why was the date 12 March 1965 chosen?

This date was chosen because it coincides with a new regulatory regime coming into force, brought under the Mines and Works Act 27 of 1956 (“Nkala and Others v Harmony Gold Mining Company Limited and Others, Paragraph 51”).

3. Why 10 December 2019 was chosen as an effective date?

This is the day on which the final condition precedent to the settlement agreement was met. In this instance the auditors needed to send notification of the people opting out of the settlement.

4. How do I check if I qualify?

You can check your details on <https://www.tshiamisotrusted.com/status-check> or call our call centre line **080 1000 420** if you are in South Africa or dial **00 27 10500 6186** if you are out of South Africa.

5. Can a contractor who worked at a qualifying gold mine during a qualifying period submit a claim?

Yes, if you contracted work related TB or Silicosis whilst performing risk work, at a qualifying gold mine during a qualifying period.

6. What is risk work?

Risk work is mining work that exposes a mineworker to silica dust which potentially causes silicosis and TB. Silica is found in gold ore bodies and mining it

releases silica containing dust. Mineworkers who work in gold mines, underground or in dusty surface areas would be the most exposed to silica dust.

7. Does this compensation apply only to mineworkers who worked underground?

No, it applies to all mineworkers that got silicosis or cardio-respiratory TB as a result of carrying out risk work at one of the qualifying mines between 12 March 1965 – 10 December 2019 and who have permanent respiratory impairment as a result thereof. Risk work can include certain types of surface work where mineworkers were exposed to silica dust.

8. Can I claim on behalf of my deceased parent?

Yes, dependants or the executor of the deceased estate can lodge a claim. It should be noted, however, that a claim for a mineworker who died before 10 December 2019 will only be eligible if the main cause of death is attributed to silicosis or TB, or there is an approved ODMWA certificate or other exceptions. Contact our call centre to find out what documents you will need.

9. Do I pay to lodge a claim or speed the process of my claim?

No, the Trust’s claim process is free. Do not pay anyone to lodge a claim or someone promising you to speed up your claim. Only the Trust’s officials are authorised by the Trust Deed to help process claims and determine if a claim meets the criteria for compensation. The only cost that claimants MAY be required to pay is for the Benefit Medical Examination (BME), BUT only IF the mineworker has done less than 5-years of Risk Work at a Qualifying Mine. However, this cost will be reimbursed if the mineworker is found to be medically eligible. This is stipulated in the Trust Deed.

Frequently Asked Questions

10. Has the Trust paid any claims?

Yes, we have been paying claims since December 2020. Our progress can be viewed here: <https://www.tshiamisotrusted.com/information/progress-report/>.

11. Why are claims taking long?

The Trust receives thousands of claims and each claim goes through the 8-step process as stipulated in the Trust Deed. The process is incredibly thorough and demands a lot of time from the small dedicated team. To view the 8 steps click the link <https://www.tshiamisotrusted.com/information/how-to-claim/>.

12. What does ineligible mean?

This means that your claim is unsuccessful and does not meet the criteria as set out in the Trust Deed. This may be due to various reasons which you can view on the link that you will receive in the SMS.

13. Why am I ineligible while MBOD paid me for TB/Silicosis?

The MBOD and the Tshiamiso Trust are two independent organisations, each with its own policies and criteria that have to be met and adhered to in order for a claimant to qualify for compensation at either, or both, of the organisations.

14. What criteria is followed to determine how much I will receive?

The award will depend on the severity of the permanent respiratory impairment caused by the mineworker's compensable occupational lung disease, as well as his/her employment history at qualifying and non-qualifying mines.

15. Is the compensation recurring if I am confirmed to have contracted TB or silicosis?

No, it is a once-off payment, however if you were found to be medically ineligible you can submit a further claim should you believe that you have since

developed work-related TB or silicosis. The cost of the medical examination for the second claim will be borne by the claimant. However, this cost will be reimbursed if the mineworker is found to be medically eligible. This is stipulated in the Trust Deed.

16. What is the Trust doing to locate eligible claimants?

The Trust regularly consults with Mineworkers Associations, Government, Community based organisations, TEBA and other key stakeholders who are instrumental in assisting in the task of locating mineworkers. We also make use of various social media platforms.

17. Is the Trust limited in the number of lodgements/claims it accepts and processes?

There is no limit on the number of lodgements we accept. Any eligible claimant who has a qualifying claim as verified and confirmed by the Trust will receive the compensation due to him or her.

18. If I had claimed at Qhubeka Trust, can I also lodge a claim with Tshiamiso Trust?

No, the compensation available through the Tshiamiso Trust does not apply to those who were part of the Qhubeka Trust and Blom settlements, nor to those few who chose to opt out of the settlement during the opt-out period in late 2019.

19. How does Tshiamiso Trust and Medical Bureau for Occupational Diseases ("MBOD") work together?

The Trust collaborates with the MBOD in order to acquire information on eligible claimants who previously lodged claims for compensation with the MBOD. We also try to avoid a duplication of efforts in respect of claimants who are entitled to receive benefits from both the Trust and MBOD.

Frequently Asked Questions

20. Is this compensation for everyone who worked at the mines in SA?

No, only six gold mines agreed to pay and are part of the settlement agreement. The six mines are African Rainbow Minerals, AngloGold Ashanti, Harmony, AngloGold America South Africa, Sibanye Stillwater, and Goldfields. They owned 82 shafts and are only compensating for the period they owned these shafts.

21. What documents do I need to submit with my claim?

- ID Card OR Passport
- Evidence of Industry number
- Any available Records of Service
- Any medical records ONLY related to silicosis OR work-related TB
- ODMWA Certificate – if available (the Lodgement Officer will explain your options).
- Death certificate with actual cause of death – applicable to dependant claims
- Proof of relationship - applicable to dependants claims

22. The deceased death certificate shows natural causes. What do I do?

The Trust Deed clearly states that a death certificate must show the cause of death as silicosis or TB, in the absence of the required documents, the claim cannot progress. Unless the deceased died between 1 January 2008 and 10 December 2019 and has a medical report indicating that he had silicosis at the time of death. This is the only exception to the general rule about the cause of death. whilst performing risk work, at a qualifying gold mine during a qualifying period.

23. For marriages that are not registered, what is acceptable for claimants to submit?

Proof of marriage that is recognised by the laws of the country.

24. For dependants whose birth certificates do not show parents, what do they do?

Obtain proof of relationship issued by an authorised institution.

25. What if the claimant is unable to obtain the required documents?

Unfortunately, the claim cannot progress. The Trust Deed specifies in unambiguous terms what is required in order to certify a claim.

26. Do claimants have to open a South African bank account for the Trust to pay them?

No, you can use a bank account you opened in your country. A claimant would need to submit a bank statement as proof of banking details. This statement must show the SWIFT code and branch name. The bank account must be in your name.

27. How do I obtain a Letter of Authority?

The Letter of Authority must be obtained from the issuing authority in your country. Costs for obtaining a Letter of Authority are for the claimant's account. Obtaining a Letter of Authority does not guarantee that your claim will qualify for compensation. The Trust will only pay the compensable amount IF the claim is certified eligible.