

 **MEDIA RELEASE**

**For immediate release**

## **TSHIAMISO TRUST - R1.5 BILLION AND COUNTING**

**Johannesburg, 3 April 2024:** The Tshiamiso Trust has once more achieved a significant milestone by disbursing R1.5 billion to eligible silicosis and TB claimants since it began processing claims in 2021. This represents payments to a total of 16 417 eligible claims, and an additional R500 million over the groundbreaking R1 billion the Trust announced in February 2023. In geographical distribution, the highest concentration of payments is 44% in Lesotho, followed by the Eastern Cape in South Africa, at 28%. In specific numbers, 7411 of Lesotho claims, valued at R658million, have been paid, and 4476 claims valued at R424.4million paid to Eastern Cape claimants. The Trust has expanded its services to assist claimants by setting up Benefit Medical Examinations (BMEs) across Eswatini and Mozambique, which constitute the bulk of the remainder of the Trust's disbursements, with Botswana scheduled as the next focus area. Discussions are underway to enable expansion of services to Zimbabwe and Malawi.

The largest portion of payments is allocated to silicosis class 1 claimants, accounting for 69% of total payments, followed by silicosis class 2 claimants at 13%. Of the total payment value paid, 98% has been to living mineworkers/ex-mineworkers with silicosis who had BMEs, conducted by the Trust's Accredited Practitioners.

Commenting on this milestone, Dr. Kwinda, the Trust's Chief Executive Officer explains that: "Our data over these first three years of operating indicates that only 29% of claimants who have lodged claims have been found to have a compensable disease. It is important to note that this percentage is not necessarily indicative of the total number of mineworkers and ex-mineworkers with occupational lung diseases, since the Trust Deed not only excludes mineworkers who did not work at any of the qualifying mines in the qualifying periods listed in the Trust Deed, but also sets out limited and strict criteria for eligibility."

While the Trust is clear on progress made on payments to living mineworkers/ex-mineworkers with silicosis, living claimants is the only claim category that the Trust can currently certify with relative ease. Progress remains slow for a significant number of claims for deceased mineworkers, living mineworkers seeking compensation for TB, and claims reliant on a prior Medical Bureau for Occupational Diseases (MBOD) certificate.

Key challenges include:

1. The Trust Deed requires silicosis or pulmonary TB to be stated as the primary cause of death on an official death certificate or post-mortem/autopsy report. In most cases across the SADC region the medical cause of death is not included on official death certificates issued to families. Furthermore, autopsies performed by the NIOH only assess the cardio-respiratory organs and cannot necessarily determine the primary cause of death.
2. Significant numbers of claimants become unreachable using the contact details provided at claim lodgement. This significantly delays progress and substantially contributes to the time it takes to process claims, with many failing to progress beyond stage 3, where the Trust needs to book them for a BME, while many claims are not progressing beyond Medical Certification on stage 5, due to lack of documentation.
3. The difference in Trust Deed Interpretation between parties to the Trust Deed. A key issue being the interpretation of an Approved ODMWA Certificate, an issue that parties to the Trust Deed are in the final process of resolving.

With respect to the budget for payment of beneficiary claims, benefit amounts are increased annually on the first day of February, in line with the CPI Index. The amounts are defined in the 10 compensation classes listed in the Trust Deed that are certified based the qualifying disease and resultant lung impairment.

[\(https://www.tshiamisotrust.com/information/compensation-classes/\)](https://www.tshiamisotrust.com/information/compensation-classes/)

On the next steps, Dr Kwindu shares: “As the Trust nears the halfway mark of its lifespan, we are hard-pressed to implement measures aimed at enhancing efficiencies in claims processing times and resource allocation, alongside more effectively managing claimants’ expectations right from the beginning of the claims process. These initiatives include the introduction of additional steps for medical screening and ensuring that claimants provide all necessary documentation upon lodging a claim. New measures will be introduced as the Trust benefits from mining its data for lessons and better targeting of eligible claimants. Incremental efficiency optimisation is necessary to ensure that the Trust’s administrative budget is up to the task of locating and paying as many eligible claimants as possible in the remaining six years of its twelve-year life span.”

“We are grateful for the support of our stakeholders who continue to walk with us as we work to deliver on our mandate. At the core of the Tshiamiso Trust lies the commitment to 'make good' and bring positive change in the lives of our claimants by compensating all eligible claims.” concludes Dr Kwindu.

**ENDS**

## About the Tshiamiso Trust

The Tshiamiso Trust was established to give effect to the settlement agreement reached between six mining companies and claimant attorneys in the historic silicosis and TB class action, on the terms set out in the Trust Deed, which was attached to the settlement agreement and made an order of court. The companies are African Rainbow Minerals, Anglo American South Africa, AngloGold Ashanti, Harmony Gold, Sibanye Stillwater and Gold Fields.

The Trust is responsible for compensating all eligible current and former mineworkers across southern Africa with permanent impairment due to silicosis or work-related TB, or their dependants where the mineworker has passed away, in terms of the Trust Deed.

The criteria for eligibility are spelled out in detail the Trust Deed (<https://www.tshiamisotrust.com/information/compensation-classes/>) but the broad criteria are as follows:

- Mineworkers must have carried out risk work at one of the qualifying gold mines during the qualifying periods between 12 March 1965 and 10 December 2019 indicated in schedule F of the Trust Deed, AND
- For **Tuberculosis Claimants**, mineworker must have been issued with a Certificate of Medical Finding, an Approved ODMWA Certificate or Tuberculosis Certificate, claimants must have undertaken Risk Work at a Qualifying Mine during a Qualifying Period; or if employment was terminated, had undertaken Risk Work at a Qualifying Mine during a Qualifying Period within the immediately preceding twelve calendar month period from the date of issue. OR
- For Silicosis Claimants, the claimant must have been living as at the Effective Date (10 December 2019), even if he/she dies thereafter; have a Silicosis Qualifying Disease; undertaken Risk Work at one or more Qualifying Mines during Qualifying Periods; and is not one of the persons listed in Schedule D (Q(h)ubeka Trust or Bloem claimants) OR
- Where the mineworker is deceased, there must either be evidence that they died due to tuberculosis as the primary cause of death within a year of leaving the mine (where the mineworker died before 10 December 2019), OR evidence that they had silicosis or died from silicosis if it is a silicosis claim.

Potential claimants, including mineworkers and the families of deceased mineworkers, are encouraged to call the Tshiamiso Trust contact centre on 0801 000 240 (for South Africa) or 0027

10 500 6186 (outside South Africa). They can also connect on WhatsApp (+27 78 504 9004) or the [Tshiamiso Trust Facebook page](#) and have their questions answered.

Claimants are reminded to be careful of people impersonating the Trust or promising to help speed up their claims. Only the Tshiamiso Trust can process claims. This is a FREE service. Claimants must only share their documents with the officials at the lodgement offices.

Useful links:

- To see if the mineworker qualifies to lodge a claim:  
<https://www.tshiamisotrusted.com/information/status-check/>
- To view the claims process: <https://www.tshiamisotrusted.com/information/how-to-claim/>
- To view the compensation classes:  
<https://www.tshiamisotrusted.com/information/compensation-classes/>
- To view daily progress of claims and payments:  
<https://www.tshiamisotrusted.com/information/progress-report/>

For more information please contact: [mediarelations@groundedmedia.co.za](mailto:mediarelations@groundedmedia.co.za)

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