



SETTING THE RECORD STRAIGHT ON ODMWA POLICY AND AMENDMENT NO. 9

The Tshiamiso Trust notes with concern recent public statements by the Justice for Miners (JFM) campaign which fundamentally mischaracterize the intent and effect of Amendment No. 9 to the Trust Deed. JFM has incorrectly conflated an existing operational policy for living claimants with a new, inclusionary legal amendment for the families of the deceased. This factual entanglement requires correction.

ODMWA Policy Clarification: Living Claimants

As previously and publicly communicated, living claimants are required to undergo Benefit Medical Examinations (BMEs) to meet the diagnostic criteria set out in Schedule H of the Trust Deed.

This policy, applying only to living claimants, has been transparently acknowledged by the Trust, and is entirely independent of Amendment No. 9. It is therefore incorrect to suggest that Amendment 9 is being used to change or remove rights for living miners.

What Amendment No. 9 Actually Does

Amendment No. 9 (Clause 13.4) addresses a specific and well-recognised gap in the claims process for deceased mineworkers who died before lodging a claim or completing spirometry testing.

The amendment allows the Medical Certification Panel to assess silicosis claims for these deceased mineworkers where sufficient medical evidence exists, including:

- Radiological findings, and
- Documented complications associated with silicosis.

Where spirometry data is unavailable due to death, the Panel may determine the degree of impairment using alternative, medically accepted criteria already set out in Schedule H.

While Amendment No. 9 does not change the eligibility criteria, it introduces a new pathway to ensure that widows and dependents are not unfairly excluded due to a lack of complete medical testing before the mineworker's death.

Why Claims of Exclusion Are Incorrect

Contrary to public claims that the amendment “constructs a wall”, Amendment No. 9 is expressly inclusionary. It protects families of deceased mineworkers from being denied access to compensation due to incomplete historical records – often a consequence of circumstances beyond their control.

Living claimants continue to be assessed through the established BME process. No category of eligible claimant is stripped of rights by this amendment.



MEDIA RELEASE

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The Trust did not act “quietly”. It proactively communicated the change in acceptance of ODMWA Certificates as far back as August 2025.

In response to stakeholder feedback, the Trust also extended the review period for Disputes from 30 to 120 days, specifically to accommodate claimants in remote and cross-border communities – directly addressing access and fairness concerns.

Amendment No. 9 is already approved on the basis that it does not adversely affect the rights of Eligible Claimants, as required by the Trust Deed.

The Tshiamiso Trust remains committed to lawful process, medical integrity, and clear public communication.