

Victory at last for South African gold miners as Anglo American and AngloGold agree landmark silicosis compensation scheme

- **Details of the settlement and the trust will be provided at a press conference at Human Rights Conference Room, 11 Kotze Street Old Fort Building Braamfontein (map attached) at 10am tomorrow [Saturday 5 March 2016] held by Zanele Mbuyisa and Leigh Day partners, Richard Meeran and Shanta Martin.**
- **Binyana Benson Qubeka, who was one of the lead claimants in the litigation will also attend. Mr Qubeka worked at AngloGold mines for 15 years and at other Anglo American operations for 10 years. He was diagnosed with silicosis in 1998.**

Former gold miners and relatives of deceased ex-miners have today reached a landmark settlement of their long-running legal battle against Anglo American South Africa Ltd and AngloGold Ashanti Ltd.

The 4,365 Claimants sued the mining companies for dust-related lung diseases, silicosis and silico-tuberculosis, which they claim were contracted from working in unsafe conditions in the mines. The claims were instituted from 2012 and are completely separate from the silicosis class action proceedings that are currently awaiting a decision on certification from the Johannesburg High Court.

The claimants are represented by Zanele Mbuyisa of Mbuyisa Neale attorneys (Johannesburg) assisted by human rights lawyers, Leigh Day (London).

A trust to be set up under the settlement has been named Q(h)ubeka, meaning 'go forward' in Xhosa in honour of the thousands of claimants who have struggled for decades without proper compensation from the mining companies.

The overall value of the settlement is estimated to be more than R500 million (£23 million). A total of R464 million (£21 million) will be paid into the Q(h)ubeka Trust for distribution, while a further amount will be paid to assist the Trust to enable payment of ODMWA compensation to Claimants who qualify for it. In addition, Anglo American and AngloGold will fund the costs of the Trust and the medical evaluations.

In order to qualify for compensation, claimants will need to be medically

diagnosed with silicosis and to have worked on Anglo American or AngloGold mines for at least two years.

The Trust will arrange medical evaluations of the claimants locally to determine the existence and severity of silicosis.

Payments will be based on a tariff system, which will reflect the severity of disease and age of the claimant. Relatives of deceased claimants who meet the criteria will be included. Since the overall amount of the settlement is a fixed amount, the level of the tariffs will depend on the number of claimants who qualify. Based on an analysis of a random sample it is anticipated that approximately 60% of the group may qualify.

In addition to payment from the Trust, the Trust will arrange for claims to be submitted to the Medical Bureau of Diseases for compensation under ODMWA. Anglo American and Anglo Gold have promised to use their best efforts to facilitate the ODMWA payments.

The Q(h)ubeka Trustees, chaired by Doctor Sophia Kisting, are experts in the fields of occupational disease, financial administration and law.

Welcoming the settlement, Zanele Mbuyisa said:

"The epidemic of silicosis and TB has caused widespread suffering and misery for ex-miners, their families and communities. Sick ex-miners have effectively been left on the scrap heap by the mines and thousands of silicosis victims must have died uncompensated during a period when the industry should have been well aware of their predicament and its cause.

"A six-week trial had been scheduled in April 2016. Based on the evidence amassed and the powerful support from an array of eminent experts we were confident of winning. However, continuing with the litigation, rather than settling, would have meant a further substantial delay in receipt of compensation, which the claimants and their families cannot afford."

Richard Meeran from Leigh Day said:

"This settlement is a triumph for justice and accountability. It will bring much needed financial relief to the victims and their families. This settlement

scheme provides a model and, we hope, the necessary impetus for an industry-wide settlement for all gold mining silicosis victims.”