



## Mining - Silicosis

### NUM mulls class action

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Willem le Roux, a director of law firm Brink Cohen le Roux

It's only right that mining companies pay adequate compensation to workers who were permanently disabled as a result of making profits for them.

But recent court judgments are holding companies liable today for problems that arose decades ago, when a different set of rules applied. This scenario may be repeated when longer-term funding is sought to tackle acid mine drainage. Though there is a statutory compensation structure in place, it is inadequate and poorly administered so, once again, the private sector is required to make up for bureaucratic shortcomings.

The continued pressure on mining companies could result in them closing , which would mean there will no longer be a source of compensation — or taxes, foreign exchange earnings and jobs.

National Union of Mineworkers (NUM) spokesman Lesiba Seshoka says though NUM is not going to let the mining companies “off the hook” on silicosis it would also not want them to close as a result of huge claims. “We will have to do an assessment and decide how much to sue for in a class action.”

Two recent cases that went against mining industry employers hinge on the linked Compensation for Occupational Injuries & Diseases Act and the Occupational Diseases in Mines & Works Act . Both pay compensation to employees, but the Occupational Diseases Act covers only occupational lung disease in miners and its fund pays less than the Compensation Act fund does .

Since 1999 government has planned to harmonise the two acts and provide fair compensation. It hasn't yet done so .