

# SATISO SESIVUMELWANO LESIPHAKANYISIWE SESINYATSELO LESITSETFWE LICEMBU LEBASEBENTI

Uma kwanyalo usisebenti noma BEWUSISEBENTI SEMAYINI YEGOLIDE eNingizimu Afrika, noma ngunini emva kwamhlathi-12 Indlovulenkhulu 1965, kantsi uke wahogela lutfuli lwesilica noma wangenwa sifo isilicosis noma sifo sesifuba (“i-TB”)NOMA ungu MONDLIWA (sib, umfati, umntfwana noma umlingani)walesisebenti semayini yegolide lesesashona, SICELA UFUNDZISISE LESATISO NJENGOBA SINGATSINTSA EMALUNGELO AKHO.

Uma kukhona letinye tintfo lofuna kutati kulesivumelwano lesiphakanyisiwe ungaphindza ufundze lesatiso.

## SIVUMELWANO LESIPHAKANYISIWE

Tinkampani letisitfupha, i-African Rainbow Minerals, i-Anglo American SA, i-AngloGold i-Ashanti, i-Gold Fields, i-Harmony, i-Sibanye-Stillwater naletinye letibhalise kuto (“**tinkampani tetimayini tegolide letingenelele**”) tifi ke kusivumelwane lesiboshwe ngekwemsetfo kukhokhela sincepheteliso kubasebenti basemayini yegolide labafanelekile kanye nalabo bebabondliwa balabo basebenti basemayini lasebasha. Lesivumelwane lesiphakanyisiwe sitawulungisa ticelonkhokhelo kuleto tinkampani temayini yegolide letingenelele kusuka kusinyatselo semtsetfo lesabekwa embi kwenkantolo Lesetulu ngeku:

- limala nekushona lokwatfolwa tisebenti tasemayini ngekungenwa isilicosis neTB ngesikhatsi sekusebenta kwabo etimayini letitsite tegolide eNingizimu Afrika, ne
- limala nekushonelwa lokwatfolwa ngulabo bebabondliwa betisebenti tasemayini tasemayini letashona ngaletifo.

Lesivumelwane lesiphakanyisiwe sitawuya ngetimo letitsite kantsi kufanele samukelwe yiNkantolo Lesetulu ngembi kwekucala kusebenta.

Uma lesivumelwane samukelwe kantsi futsi sekuhlangabetwane nato tonkhe letinye timo, Sikhwama lesibitwa i-Tshiamiso Trust sitawusungulwa kantsi sitawuba khona iminyaka lokungenani leli-13 sisebenta.

**Onkhe emalunga elicembu**, ngaphandle kwalabo labakhetsa kuphuma kulesivumelwano, bona **batawutfumela sice lonkhokhelo ku Tshiamiso Trust** kukhokhelwa sincepheteliso semali.

**Bafakiticelo labafanelekile** batawutfola imali letokhokhwa kanye lesemkhatsini wetinkulungwane leti R10 000 na R250 000, kuye ngesimo kanye nebumatima besifo. Kuletinye timo letingenhla, lesamba singenyuswa siyofika ku R500 000. Umfakisiselo lofanelekile ngumuntfu lolilunga lanoma ngabe nguliphi licembu abe angulohambisana netidzingo teTshiamiso Trust kutfola sincepheteliso semali.

Tinkampani letingenelele tetimayini tegolide nato tilindzeleke kutsi tikhokhele bammeli labamele lamacembu imali lebekiwe yetindleko temtsetfo kanye nekukhokhela kulawulwa kwe-Tshiamiso Trust.

## NGUBANI LILUNGA LELICEMBU?

Ulilunga lelicembu, kantsi utawutfumela sice lonkhokhelo ku-Tshiamiso Trust,uma uhambisana nato tonkhe tidzingo tanoma nguwaphi lamacembu lamane:



<b>Licembu lebasebenti leku 1:</b>	<p>Bonkhe bantfu:</p> <ol style="list-style-type: none"> <li>1. labebenta umsebenti loyingoti, kusukela ngelilanga sivumelwane sesivumelwano sicala kusebenta. Ngekwesivumelwane sesivumelwano, umsebenti loyingoti usho “umsebenti loyingoti” njengoba uchazwe kuMtsetfo Wetifo Tasemsebentini Etimayini naseMsebentini, (i- Occupational Diseases in Mines and Works Act, 1973 ), wanga 1973 noma ngumuphi walemisebenti lelandzelako: <ol style="list-style-type: none"> <li>(i) umsebenti ngaphansi kwemhlaba emayini yegolide;</li> <li>(ii) umsebenti elondolo lapho kuwashwa khona timphahla tebasebenti mgodzini bemayini;</li> <li>(iii) umsebenti edamini lemaslayimi lemayini yegolide;</li> <li>(iv) umsebenti elabhorathi ye-assay yemayini yegolide lapho kwakheka kwelibheringi legolide kucubungulwa khona, nalapho kutfolakala khona ngebunyenti lutfuli loluhogelwako kumasempuli ebantfu;</li> <li>(v) umsebenti kuplant yekwakha tinsimbi temayini yegolide, kufaka kusila, kugaya, kutfutsa nekuncibilikisa insimbi; ne</li> <li>(vi) msebenti kumisebenti yelibhale lelihambisa umtfwalo lowenteka kuhambisa emadwala laphukile labuya kulomsebenti lowentiwa ngaphansi kwemhlaba wemayini yegolide kuya ngetulu;</li> </ol> </li> <li>2. loyo loye wangenwa isilicosis noma lobekasebentela elutfulwini lwesilica, ngalelilanga noma ngembi kwelusuku sivumelwane sesivumelwano sicala kusebenta;</li> <li>3. lowente noma lowente umsebenti loyingoti kuyinye noma kutimayini letinyenti ltiibalwe kuSengetelelo A salesatiso emva kwamhlathi 12 Indlovulenkhulu 1965; na</li> <li>4. loyo longamange alungise ticelotikhalo tabo kuletivumelwane letengcile letapheleliswa ne Anglo American South Africa Limited ne AngloGold Ashanti Limited mhlathi 14 Indlovulenkhulu 2016 ne Anglo American South Africa Limited mhlathi 19 Inyoni 2013, ngekweluhkana.</li> </ol>
<b>Licembu lebasebenti lesi 2:</b>	Labo bebabondliwa banoma ngumuphi kulabantfu labasecenjini lebasebenti leku 1 ngenhla lesebashaonile kusuka ngelilanga sivumelwane sesivumelwano sicala kusebenta.
<b>Licembu lebasebenti lesi 3:</b>	<p>Bonkhe bantfu:</p> <ol style="list-style-type: none"> <li>1. lekusukela ngelilanga sivumelwane sesivumelwano sicala kusebenta bebenta umsebenti loyingoti;</li> <li>2. labangenwa sifo sesifuba, i-TB ngembi noma ngemuva kwelilanga sivumelwane sesivumelwane sicala kusebenta; na</li> <li>3. labatsatsa noma labatsatse umsebenti loyingoti, emva kwamhlathi 12 Indlovulenkhulu 1965, kuyinye noma kuletinyenti timayini tegolide letibhalwe kusengetelelo A salesatiso.</li> </ol>
<b>Licembu lebasebenti lesi 4:</b>	Labo bebabondliwa banoma ngumuphi kulabantfu labasecenjini lebasebenti lesi 3 ngenhla lesebashaonile kusuka ngelilanga sivumelwane sesivumelwano sicala kusebenta.

## USIFAKA NJANI SICELONKHOKHELO SEKUNCESHETELISWA KUTSHIAMISO TRUST?

Kufanele ube ngumfakisiselo lofanalekilekutfola sincepheteliso kuTshiamiso Trust.

Uma sivumelwane sesivumelwano sicala kusebenta, wena njengelilunga lebasebenti kutawudzingeka **utfumele lifomu leligcwaliswe ngalokuphelele** kuTshiamiso Trust, ngelwatiso lwakho kanye nemlandvo wetemsebenti noma, uma ungakati meli usondliwa, umlandvo wetemsebenti wesisebenti sasemayini lesishonile. Kungadzingeka kutsi uyohlolwa ngekwetempilo uma usisebenti noma bewusisebenti sasemayini.

Uma lesivumelwane samukelwe yinkantolo Lesetulu, imininingwane yekutfumela sice lonkhokhelo itawetfulwa kuleto timayini tegolide letisasebenta letibhalwe kuSengetelelo A. Imininingwane itawutfulwa kubetindzaba nakuwebsayithi: [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za)

<b>Timayini Letingenelele:</b>	I-Freddies 7 na 9 (kuya ku Kades Barnea cc, i-Pamodzi, imayini i-Target)	(i-Great Noliqwa) I-Vaal Reefs 9 (i-Kopanang) I-Vaal Reefs 10 (i-Tau Lekoa) I-Vaal Reefs 11 (i-Moab Khotsong I-Western Deep Levels I-Mponeng (I-South Mine WDL 1) I-Tau Tona (i-East Mine WDL 3) I-Savuka (i-West Mine WDL 2) I-St Helena	I-Unisel Imayini i-Harmony I-Merriespruit I-Hartebeesfontein I-Lorraine (Imigodzi 1,2 na 3) I-Zandpan Imayini i-Virginia I-Village Main Reef Western Areas (kufika ku-South Deep) I-South Deep I-Beatrix (kufaka ne-Oryx) I-Oryx (kufika ku-Beatrix) I-Driefontein (kufaka i-East Driefontein, i-West Driefontein ne-Driefontein Cons) I-Kloof (kufaka i-Leeudoom kusuka mhla 1 Bhimbidwane 1993, i-Libanon ne Venterspos) I-St Helena (i-Beisa section)
I-SA Land I-Daggafontein I-East Daggafontein I-Elandsrand I-Deelkraal (lephindza ibitwe nge-Elandskraal) I-Kusasaletu I-Western Holdings (1,2,3,4,6,7) (i-ARMGold) I-Matjhabeng (i-Western Holdings naleminy e imigodzi le- 4 i-Kudu, i-Nyala, i-Sable, i-Eland lebeyatiwa nge-Freddies ne Free State Geduld ) I-Saaiplaas 2,3 I-Saaiplaas 4,5 (i-Masimong) (i-FreeGold 3) I-Free State Geduld I-Free State Cons I-FreeGold 2 na 4	I-Brand 1, 2, 3, 5 (i-Steyn 5 kufika ku 8) I-HJ Joel / i-Joel I-Western Reefs (leyahlanganiswa ne-Vaal Reefs) I-Vaal Reefs (1,3,4,5,6,7) I-Vaal Reefs 2 I-Vaal Reefs 8	I-Evander (kufaka timayini i-Kinross, i-Leslie, i-Bracken ne Winkelhaak ) I-Randfontein Estates I-Doornkop I-Cooke 1, 2 na 3 (i-Rand Uranium) I-Cooke 4 (Ezulwini)	

**ASIKHO SIDZINGO SEKUKHOKHELA UMUNTFU EKUTSENI AKUSITE KUFAKA SICELONKHOKHELO SAKHO**

## NGUBOBANI LABAMELE LAMACEMBU EBASEBENTI KANYE NEBAMMELI LABABAMELE?

Inkantolo Lesetulu yamukele bantfu labangema 48 kutsi babe **NGULABAMMELELE EMACEMBU** kantsi batawummela emacembu ebasebenti kulesivumelwane. Labantfu laba bahlala eNingizimu Afrika kantsi ungangatfolwa imininingwane yabo yetekuchumana ngekushayela sikhungo setindingo ngalemininingwane leniketwe ngentasi.

**BAMMELI LABAMMELE EMACEMBU EBASEBENTI** labemukelwe yiNkantolo Lesetulu bo: **RICHARD SPOOR INCORPORATED ATTORNEYS, ABRAHAMS KIEWITZ INCORPORATED** kanye ne **SIKHUNGO SETINSITA TEMTSETFO**. Buka ngentasi imininingwane yabo yetekuchumana.

## SIVUMELWANE SEKWAMUKELWA KEKUKHULUNYWA KWELICALA

**Kulalelwa kwelicala kubuka kwamukelwa kweSivumelwane kutawuba mhlathi 29 kuya kumhlathi 31 Inkhwekhweti 2019 eNkantolo Lesetulu eJazi, eKhoneni kwemigwaco iPritchard neKruis, ngensimbi yeli 10:00 ekuseni.**

Inkantolo Lesetulu ikhiphe sicondziso seNkantolo lesisho loko lekufanele ukwente uma ufuna kuba yincenye yalokukhulunywa kwelicala.

Ungatfolwa ikhophi yesicondziso seNkantolo, sivumelwane sesivumelwane kanye nemakhophi emaphelaphela lafakwe enkantolo lesetulu kusukela kunoma ngubaphi bammeli belicembu (imininingwane yekuchumana ngentasi). Emakhophi e-elekthroniki alamadokhumeni atawuba khona ku: [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za).

Uma ufisa kuniketa Inkantolo Lesetulu tiphawulo takho ngesivumelwane lesiphakanyisiwe noma uma ufuna kuphikisa lesivumelwane lesiphakanyisiwe, kufanele:

- Umikise satiso senhloso yekungenelela kanye ne-avidavithi ku-Richard Spoor Inc Attorneys uwaletse enkantolo Lesetulu ngamhla 20 Indlovulenkhulu 2019; bese
- Utfumele siphikiso sakho lesibhaliwe, uma sikhona, kuRichard Spoor Inc Attorneys ngetinhloso tekukhulunywa kwelicala, lekufanele naso setfulwe eNkantolo ngamhla 24 Mabasa 2019.

Lamadokhumeni labaliwe ngenhla angatfunyelwa ngesandla ka Richard Spoor Inc Attorneys, ngefeksi noma nge-imeyili (imininingwane ebhokisini lelingentasi).

Inkantolo itawubuka onkhe ema-avidavithi kanye netiphikiso letibhaliwe ekuncumeni ekutseni iyasamukela noma ayisamukeli lesivumelwane. Inkantolo itokwatisa uma ifisa kuva inkhulumo yakho yemlomo nakukhulunywa licala.

Uma singekho satiso sekungenelela lesifakwe mhlathi noma ngembi kwamhlathi 20 Indlovulenkhulu 2019,Inkantolo itawulalela lendzaba mhlathi-3 Mabasa 2019.

## SIVUMELWANE SEKUGCINA

Uma inkantolo yamukela lesivumelwane, sibutsetelo sitawetfulwa emaphelaphandzabeni, kutisheshi temsakato kanye nakumahhovisi lamanyenti (kufaka ekhatsi lawo etimayini tegolide labhalwe kuSingetelelo A lasasebenta kanye nemahhovisi ekuniketa lusito, emahhovisi emtsetfo kanye netinhlangoano tempakatsi.

Sikhatsi lesigcwele sesincumo seNkantolo kanye nesivumelwane sekugcina sita:

- wentiwa abe khona emahhovisi (**emakheli ebammeli labammele emecembu ngentasi**);
- wafaka kulamawebisayithi lalandzelako: [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za) nemawebisayithi ebammeli bemacembu (buka ngentasi); ne
- kutfunyelwa kumuntfu ngamunye lonikete satiso sekubakhona ekulalelweni kwelicala lekuvunywa.

## KUPHUMA KUTINCHUBO TESINYATSELO SEMACEMBU EBASEBENTI

Uma ulilunga lelicembu kantsi awuphumi, sivumelwane sekugcina sitawuba sikubophelela nawe kantsi utawukhona kutfumela sice lonkhokhelo kuTshiamiso Trust mayelana nesincepheteliso semali. Uma ungaphumla neke ukhona kuchubeka nekufaka sice lonkhokhelo sakho noma sinyatselo selicembu mayelana netindleko temali tesilicosis noma i-TB kuleto tinkapani tetimayini tegolide letingenelele.

Lolwatiso lwekutsi uphuma njani lutawutfulwa uma nangalesikhatsi inkantolo lenkhulu yamukela lesivumelwane sesivumelwano.

## MAYELANA NELWATISO LOLWENGETIWE, KUFAKA NENDLELA YEKUTFOLA IKHOPHI YESIVUMELWANE SESIVUMELWANO:

- Vakashela [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za), noma emawebisayithi emawebisayithi ebammeli labammele emacembu (buka ngentasi);
- Shayela lenombolo yeSikhungo Selucingo lamahhala ku 0801 000 240. Sikhungo Selucingo sitawusebenta ngaphandle kwekubhadalisa kubantfu labashaya lucingo labaseNingizimu Afrika;
- Tfumela “please call me” kulenombolo lelandzelako 072 557 8077; noma
- Chumana **NEBAMMELI LABAMELE EMACEMBU** ku:

<p><b>Richard Spoor Incorporated Attorneys</b></p> <p>Tel. +27 (0)11 482 6081          Fax. +27 (0)11 482 1419  <a href="mailto:info@richardspoorinc.co.za">info@richardspoorinc.co.za</a>          P.O. Box 303 Parklands, 2121          Physical address:          Eton Building, Sherborne Square          5 Sherborne Road          Parktown, Johannesburg</p>	<p><b>Abrahams Kiewitz Incorporated</b></p> <p>Tel. +27 (0)21 914 4842          Fax. +27 (0)21 914 1455  <a href="mailto:classaction@ak.law.za">classaction@ak.law.za</a>          P.O. Box 3048, Tygervalley,          7536, Cape Town</p>	<p><b>Legal Resources Centre</b></p> <p>Tel. +27 (0)11 836 9831          Fax. +27 (0)11 834 4273  <a href="mailto:silicosisclass@lrc.org.za">silicosisclass@lrc.org.za</a>          P.O. Box 9495, Johannesburg,          2000</p>
--	---	--