



COAL MINERS TAKE ON EXXARO GROUP IN LATEST CLASS ACTION

Richard Spoor Incorporated is backing former Exxaro coal miners in their bid for justice and compensation after contracting lung diseases.

JOHANNESBURG, SOUTH AFRICA, November 15, 2023 – Richard Spoor Inc. (RSI) has launched the third in its series of class actions against coal mining giants in ongoing efforts to seek justice for workers facing unacceptable conditions within the coal mining industry.

This time, the human rights law firm has filed an application for certification for a class action against the Exxaro Group. Having previously initiated class actions against the South32 Group - including BHP Billiton and Seriti Power - as well as against the Anglo American Group, RSI remains committed to addressing historical wrongs and advocating for the rights and well-being of mineworkers.

The class action against the Exxaro Group, filed by lawyer Richard Spoor in the Gauteng Division of the High Court of South Africa on 15 November 2023, seeks accountability for alleged breaches of legal duties, negligence, and inadequate safety measures that have caused long-term damages to workers' health and lives.

The South African coal mining industry faces challenges, exemplified by recent strikes at Exxaro and at the Richards Bay Coal Terminal, while workers at Seriti and Glencore could face job losses due to inefficiencies at South African parastatal, Transnet.

Even in this climate, Richard Spoor Incorporated and consultant Motley Rice, a U.S.-based plaintiffs' litigation firm, are pursuing this case in the courts to help uphold the rights of those who dedicated their lives to the coal mining industry.

“For decades, Motley Rice attorneys have fought for causes and not simply cases. The plight of sick workers has long been a cause we care for deeply. We are honored to share our experiences and assist coal miners and their families in their fight for justice” said legal team consultant, Michael Elsner.”

RSI, alongside the Southern African Catholic Bishops' Conference, conducted a comprehensive investigation into working conditions within the coal mining industry, interviewing mine workers suffering from coal mine dust lung disease (CMDLD) such as pneumoconiosis and chronic obstructive pulmonary disease (COPD) due to exposure to coal mine dust in mines. COPD is a chronic lung disease, characterised by breathing difficulty and airflow limitations. Both pneumoconiosis and COPD caused by coal dust are wholly preventable diseases.

The class action aims to represent coal miners who have suffered health complications directly linked to their work conditions. RSI alleges that, akin to the South32 Group and Anglo American Group, Exxaro failed to implement necessary safety measures, resulting in avoidable harm to their employees. The legal action seeks compensation for medical expenses, lost wages, and the pain and suffering endured by affected coal miners.

Langutani Elias Zitha, who worked at a mine owned by Exxaro between 1992 and 2014 was diagnosed with coal mine dust lung disease in the form of pneumoconiosis, and this has impacted his life significantly.



“I cannot perform exercise. I am breathless when walking quickly or at an incline. I wake up from coughing and wheezing. When I cough, I often bring up phlegm.

My health is very bad. I am unable to perform odd jobs. I constantly feel pain. I can feel that I am deteriorating,” he said.

Taking responsibility

Exxaro hosts an annual Sustainability Summit addressing health and safety issues with employees, and in 2009, stakeholders devised a plan to hold bad safety performance to account. They outlined five key pillars: incredible leadership in driving safety, safety communication, safety training, risk management, and zero tolerance.

While acknowledging the value of having policies on paper, through this legal action, we seek to ensure these policies are put into practice, and that the mining industry as a whole reassess their practices and prioritises the safety and welfare of their workforce.

Learn more about litigation filed for sick coal miners at www.coalclassaction.co.za

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