



## **MINeworkERS ARE LEADING THE FIGHT FOR THEIR RIGHTS**

*Thousands of former and current mineworkers have joined RSI's class action against mining companies to strengthen the case.*

**JOHANNESBURG, SOUTH AFRICA, FEBRUARY 27, 2024** Legal proceedings are currently underway as Richard Spoor Incorporated bolsters its case in the four applications for certifications of class actions it filed against major coal mining companies in South Africa.

RSI filed papers against the South32 Group, which includes BHP Billiton and Seriti Power, the Exxaro Group, the Anglo American Group, and Glencore, in the Gauteng Division of the High Court of South Africa in 2023.

RSI alleges that the mining companies failed to implement necessary and statutory safety measures, resulting in miners contracting coal mine dust lung diseases (CMDLD) such as pneumoconiosis and chronic obstructive pulmonary disease (COPD) due to exposure to coal mine dust in the mines.

At this point, all parties have filed Notices of Intention to Oppose the certification application.

The applicants' responses to the respondents' requests for documents were submitted on 26 February 2024, thereafter, the respondents are to serve their answering affidavits by 02 September 2024.

During the initial certification investigation process, RSI identified approximately 1500 miners who would be part of the class, with 68 class representatives from the respective companies currently proposed to be class representatives on behalf of their fellow class members.

RSI Director George Kahn said, "In our historic R5 billion settlement in the silicosis case, an estimated 15,000 to 500,000 gold miners were part of the class action. If the coal class action follows a similar trajectory, the number of affected workers could potentially be in the hundreds of thousands again."

Certification of these applications mark the initial and required step toward obtaining compensation for medical expenses, lost wages, and the pain and suffering endured by affected class member coal miners and their families.

Should the class actions be certified by the courts, two classes will be represented in each company's case:

1. Current and former coal mine workers who contracted CMDLD due to exposure to excessive levels of coal mine dust
2. Dependants of former coal mine workers who have passed away, with their deaths likely attributable to CMDLD.

RSI is aware that the mortality rate of mineworkers suffering from CMDLD is incredibly high; about 5% of these sick mineworkers pass away annually. Since the launch of RSI's application in August 2023, South32 class representative applicants, Mr. Thomas Cindi and Mr Dayina Daniel Mafuya have already passed away. Even



before the launch, several prospective class representatives passed away necessitating their widows to replace them as the new class representatives. RSI anticipates that additional class representatives may pass away before the end of the litigation or as a settlement is reached, and new class representatives will have to substitute them.

RSI Associate Chloe Hoffmann believes the court is more likely to award certification if the class members are well represented which will guide the lawyers on the merits, quantum and potentially even acceptable settlement terms.

"The reason that the court requires that the class representatives adequately represent the class members is so that the class representatives guide the litigation in the interests of the class as a whole," she said.

Kahn said it is also imperative for widows and other dependants to join the case and have their stories heard and be recognised.

"Ultimately, they had to surrender their future prospects to care for their sick husbands, fathers, brothers, and uncles, instead of progressing their own education or career," he said.

**Notice to Dependant Class Members: If you are a widow or family member of a deceased coal mine worker who worked for the above companies, you may be eligible to join the intended class action.**

For further information or to provide contact details for use in litigation in the future, please contact us at [info@rsinc.co.za](mailto:info@rsinc.co.za). Your confidentiality and privacy will be strictly maintained.

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**For more information or interviews:**

Aarti Bhana

[aarti@frayintermedia.co.za](mailto:aarti@frayintermedia.co.za)

+27 84 529 3809

Ntombi Mkandhla

[ntombi@frayintermedia.co.za](mailto:ntombi@frayintermedia.co.za)

+27 62 795 1217