



COAL MINERS FILE CLASS ACTION AGAINST ANGLO AMERICAN GROUP

Nine mining companies owned by the Anglo American Group face legal action for miners' diseases

JOHANNESBURG, SOUTH AFRICA, October 24, 2023 – Human rights lawyers have filed another historic action against coal mining companies on behalf of former coal miners who contracted coal mine dust lung disease while working in mines. The suit is a significant attempt to address the historical issues faced by coal miners who have unfortunately not been compensated for their hardships.

This application for certification of a class action is being brought against nine mining companies owned by the Anglo American Group and was filed by Richard Spoor in the High Court of South Africa, Gauteng Local Division on October 18, 2023.

The lawsuit follows action filed against South32, BHP Billiton PLC and Seriti Power on 15 August 2023 to bring recourse to current and former coal miners, as well as dependents of deceased workers who contracted coal mine dust lung disease (CMDLD) in the form of pneumoconiosis and chronic obstructive pulmonary disease (COPD) after exposure to coal mine dust in mines.

“It’s a process, but what we’re hoping is to grab hold of those who benefited from this neglect of miners and their families lives and their health, and to hold them accountable in some measure,” representing lawyer Richard Spoor said.

Motley Rice LLC, one of the largest plaintiffs' litigation firms in the U.S., is acting as a consultant to the employees' legal representatives. This lawsuit arises about five years following the landmark class action agreement the two firms brokered for harmed workers in the case of Nkala and Others vs. Harmony Gold Mining Company Limited and Others. In that particular case, gold miners and their relatives received compensation for developing silicosis due to work-related exposure to silica dust in gold mining operations.

“Motley Rice is honored to assist coal miners and their families in their fight for justice in South Africa. Over the past 50 years, our lawyers have fought for the rights of injured workers and welcome the opportunity to share these experiences in South Africa,” said miners’ legal team consultant, [Michael Elsner](#).

Anglo American Group

The Anglo American Group began mining in South Africa in 1917, and has since expanded its operations into 15 other countries. According to its social policy, the company supports ethical mining, including human rights and safety by identifying and managing social and human rights impacts and risks related to labour, security, communities, health and the environment.

However, testimony from miners alleges the opposite to be true. For example, applicant Ntombi Mahlangu who worked at Anglo-owned Goedehoop Coal Mine and Greenside Coal Mine between 2002 and 2008, was diagnosed with Coal Mine Dust Lung Disease in May 2023.

“I was in good health for the duration of my employment at the mines. My health began to deteriorate in recent years when I began to suffer from chest pains, coughing and sneezing,” Ntombi explained. “My health has not returned to normal, despite my attempts at maintaining a healthy lifestyle. My chest has become very heavy and the pains have worsened. I cough and wheeze a lot. I am not on any professional medical treatment, I rely on over-the-counter medication to ease the coughing and sneezing.”

Coal miners’ pneumoconiosis is a scarring or fibrosis of the lungs. COPD is a chronic lung disease that can be characterised by breathing difficulty and airflow limitations. Both pneumoconiosis and COPD caused by coal dust are wholly preventable diseases. Despite knowing the risks to coal miners, members of the coal mining industry failed to provide their workers with adequate training, equipment and a safe working environment, the litigation alleges.



The Claim

The applicants' claim is based on delictual causes of action for the respondents' wrongful breach of their duties to the mineworkers employed by them or who worked in their mines, under the common law, the applicable legislation and the Constitution of the Republic of South Africa from 1996.

The nine defendants include:

- Anglo American Inyosi Coal
- Anglo American South Africa Limited
- Butsanani Energy Investment Holdings
- Mafube Coal Mining
- Rietvlei Mining
- South Africa Coal Operations
- Thungela Operations
- Thungela Resources Holdings
- Thungela Resources Limited

The Anglo American Group's policy places an emphasis on accountability, ensuring that any breaches are met with appropriate actions in line with both Group and local laws. Therefore, the global mining company should act on its promise to ensure the rights of its former employees are restored and that they receive justice and compensation in this lifetime for the damages caused to their health while working in these mines.

As Cardinal Stephen Brislin, the Archbishop of Cape Town and the Southern African Catholic Bishops' Conference, who initiated the class actions said, "The class action which is to be brought against Anglo American is an important endeavour to access the rights of previous employees who are suffering from debilitating coal dust diseases. It is incumbent on companies and employers to ensure that workers have access to protective health equipment and be given adequate training to ensure their safety. When companies fail to do so, reparation and compensation are essential in order to assist the affected workers to access health care, that they have sufficient funds for their livelihoods and that they are able to support their families."

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