

# NOTICE OF PROPOSED CLASS SETTLEMENT

If you are currently or have been a GOLD MINERWORKER in South Africa, at any time after 12 March 1965, and have been exposed to silica dust or you have contracted silicosis or tuberculosis (“TB”) OR you are A DEPENDANT (e.g., the wife, child or life partner) of such a gold minerworker who has since passed away, PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS.

If you have some other interest in the proposed settlement you should also read this notice.

## THE PROPOSED SETTLEMENT

Six companies, African Rainbow Minerals, Anglo American SA, AngloGold Ashanti, Gold Fields, Harmony, Sibanye-Stillwater and some of their affiliates (“the participating gold mining companies”) have reached a conditional settlement to pay compensation to eligible gold minerworkers and the dependants of such minerworkers who have passed away. The proposed settlement will settle the claims against the participating gold mining companies arising from the class action that was initiated before the High Court for:

- the harm and loss suffered by minerworkers who contracted silicosis and/or TB during their work on certain gold mines in South Africa, and
- the harm and loss suffered by the dependants of minerworkers who died of these diseases.

The proposed settlement is subject to certain conditions and must be approved by the High Court before it comes into force.

If the settlement is approved and all its other conditions are met, a Trust called the Tshiamiso Trust will be established and will exist for a minimum of 13 years.

All class members, except those that choose to opt out of the settlement, will be entitled to, submit a claim to the Tshiamiso Trust for monetary compensation.

Eligible claimants will be entitled to receive a once-off payment of between R10 000 and R250 000, depending on the nature and seriousness of the disease. In certain exceptional circumstances, this amount may be increased to up to R500 000. An eligible claimant is a person who is a member of any of the classes and who meets the requirements of the Tshiamiso Trust to receive monetary compensation.

The participating gold mining companies are also required to pay the class lawyers a set amount for legal costs and to pay for the administration of the Tshiamiso Trust.

## WHO IS A CLASS MEMBER?

You are a class member, and will be entitled to submit a claim to the Tshiamiso Trust, if you meet all the requirements of any of the four classes:

<b>Class 1:</b>	All people: <ol style="list-style-type: none"> <li>1. who as at the date when the settlement agreement comes into force, have undertaken risk work. In terms of the settlement agreement, risk work means “risk work” as defined in the Occupational Diseases in Mines and Works Act, 1973 or any of the following work:  <ol style="list-style-type: none"> <li>(i) work in the underground workings of a gold mine;</li> <li>(ii) work in a laundry where clothing of underground minerworkers is washed;</li> <li>(iii) work on a slimes dam of a gold mine;</li> <li>(iv) work in an assay laboratory of a gold mine where the composition of gold bearing ore is analysed, and where the mass of respirable dust from personal sampling is determined;</li> <li>(v) work in a metallurgical plant of a gold mine, including crushing, milling, transporting and smelting of ore; and</li> <li>(vi) work at conveyor belt operations which are undertaken to convey broken rock from the underground operations of a gold mine to surface;</li> </ol> </li> <li>2. who on or before the date when the settlement agreement comes into force have contracted silicosis or have been exposed to silica dust;</li> <li>3. who undertake or have undertaken risk work on one or more of the mines listed in Annexure A of this notice after 12 March 1965; and</li> <li>4. who did not settle their claims in previously finalised settlements with Anglo American South Africa Limited and AngloGold Ashanti Limited on 14 March 2016 and Anglo American South Africa Limited on 19 September 2013, respectively.</li> </ol>
<b>Class 2:</b>	The dependants of any of the persons in Class 1 above who are deceased as at the date when the settlement agreement comes into force.
<b>Class 3:</b>	All persons: <ol style="list-style-type: none"> <li>1. who as at the date when the settlement agreement comes into force have undertaken risk work;</li> <li>2. who on, before or after the date when the settlement agreement will come into force have contracted Tuberculosis; and</li> <li>3. who undertake or have undertaken risk work, after 12 March 1965, on one or more of the gold mines listed in Annexure A of this notice.</li> </ol>
<b>Class 4:</b>	The dependants of any of the persons in Class 3 above who are deceased as at the date when the settlement agreement comes into force.

## HOW DO YOU CLAIM COMPENSATION FROM THE TSHIAMISO TRUST?

You must be an eligible claimant to receive compensation from the Tshiamiso Trust. If and when the settlement agreement comes into force, you as a class member will have to submit a completed claim form to the Tshiamiso Trust, with your personal information and employment history or, if you are a dependant, the employment history of the deceased minerworker. You may also have to undergo a medical examination if you are or were a minerworker.

If the settlement is approved by the High Court the details for submitting claims will be published at those gold mines listed in Annexure A that are still operating. The details will also be published in the media and on the website: [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za).

## YOU DO NOT NEED TO PAY ANYONE TO ASSIST YOU TO MAKE YOUR CLAIM

<b>Participating mines:</b>	FreeGold 2 and 4 Freddies 7 and 9 (to Kades Barnea cc, Pamodzi, Target mine) Freegold 2, 4 (Tshepong, Phakisa) President Brand President Steyn Steyn 1,2 (to Kades Barnea, Pamodzi, Bambanani) Steyn 3,4 (FreeGold 1, then Bambanani) Brand 1, 2, 3, 5 (Steyn 5 to 8) HJ Joel / Joel Western Reefs (merged with Vaal Reefs) Vaal Reefs (1,3,4,5,6,7) Vaal Reefs 2 Vaal Reefs 8 (Great Nologwa)	Vaal Reefs 9 (Kopanang) Vaal Reefs 10 (Tau Lekoa) Vaal Reefs 11 (Moab Khotsong) Western Deep Levels Mponeng (South Mine WDL 1) Tau Tona (East Mine WDL 3) Savuka (West Mine WDL 2) St Helena Evander (incl Kinross, Leslie, Bracken and Winkelhaak mines) Randfontein Estates Doornkop Cooke 1, 2 and 3 (Rand Uranium) Cooke 4 (Ezulwini) Unisel Harmony mine	Merriespruit Hartebeesfontein Lorraine (Shafts 1,2 and 3) Zandpan Virginia mine Village Main Reef Western Areas (to South Deep) South Deep Beatrix (including Oryx) Oryx (to Beatrix) Driefontein (including East Driefontein, West Driefontein and Driefontein Cons) Kloof (including Leeudoom from 1 Jan 1993, Libanon and Venterspos) St Helena (Beisa section)
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## WHO ARE THE CLASS REPRESENTATIVE & CLASS LAWYERS?

The High Court has approved 48 people to be CLASS REPRESENTATIVES and they will act on behalf of the classes in the settlement. These people live across South Africa and you may get their contact details by calling the call centre with the details provided below.

**THE CLASS LAWYERS** that have been approved by the High Court are: **RICHARD SPOOR INCORPORATED ATTORNEYS, ABRAHAMS KIEWITZ INCORPORATED** and the **LEGAL RESOURCES CENTRE**. See below for their contact details.

## SETTLEMENT APPROVAL HEARING

A hearing to consider the approval of the proposed Settlement will be heard on **29 to 31 May 2019 at the High Court in Johannesburg, Corner Pritchard and Kruis Streets, at 10:00 a.m.**

The High Court has issued a Court order that says what you must do if you want to take part in the hearing.

You can get a copy of the Court order, the settlement agreement and copies of the papers that have been filed at the High Court from any of the class lawyers (contact details below). Electronic copies of these documents will be available at [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za).

If you wish to provide the High Court with your comments on the proposed Settlement or if you want to object to the proposed Settlement, you must:

- Deliver a notice of intention to participate and an affidavit to Richard Spoor Inc Attorneys and file them at the High Court by 20 March 2019; and
- Deliver written argument, if any, to Richard Spoor Inc Attorneys for purposes of the hearing, which must also be filed at the Court, by 24 April 2019.

The documents mentioned above can be delivered to Richard Spoor Inc Attorneys by hand, by fax or by email (details in box below).

The Court will consider all the affidavits and written arguments in deciding whether or not to approve the settlement. The Court will inform you if it wishes to hear oral argument from you at the hearing.

If no notice to participate is filed on or before 20 March 2019, the Court will hear the matter on 3 April 2019.

## THE FINAL SETTLEMENT

If the Court approves the settlement, a summary will be published in newspapers, on radio stations and at various offices (including those of the goldmines listed in Annexure A that are still operating and certain advice offices, paralegal offices and community-based organisations.

The full terms of the Court’s decision and the final settlement will:

- be made available at the offices of the class lawyers (addresses below);
- be posted on the following websites: [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za) and at the websites of the class lawyers (see below); and
- be sent to each person that gave notice of appearance in the approval hearing.

## OPTING OUT OF THE CLASS PROCEEDINGS

If you are a class member and you do not **opt out**, the final settlement will be binding on you and you will be able to submit a claim to the Tshiamiso Trust for monetary compensation. If you do **not** opt out you will not be entitled to pursue your own claim or a class action for monetary damages for silicosis or TB against the participating gold mining companies.

Information on how to opt out will be published if and when the High Court approves the settlement agreement.

## FOR MORE INFORMATION, INCLUDING HOW TO OBTAIN A COPY OF THE SETTLEMENT AGREEMENT:

- Visit [www.silicosissettlement.co.za](http://www.silicosissettlement.co.za), or the websites of the class lawyers (see below);
- Call the toll-free Call Centre at 0801 000 240. The Call Centre will operate at no cost to persons calling from within South Africa;
- Send a “please call me” to the following number 072 557 8077; or
- Contact the **CLASS LAWYERS** at:

<b>Richard Spoor Incorporated Attorneys</b> 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	<b>Abrahams Kiewitz Incorporated</b> 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, Tygervally, 7536, Cape Town	<b>Legal Resources Centre</b> 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
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