



# ANGLOGOLD ASHANTI

AngloGold Ashanti Limited \ (Incorporated in the Republic of South Africa)  
(Reg. No.1944/017354/06) \ ISIN Number: ZAE000043485 \ NYSE symbol: AU \ JSE share code: ANG  
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## news release

1 April 2010

### **APPEAL COURT UPHOLDS HIGH COURT RULING IN RESPECT OF CASE OF THEMBEKILE MANKAYI**

AngloGold Ashanti has taken note of the ruling by the Supreme Court of Appeal yesterday upholding the 2008 decision of the Johannesburg High Court that Mr Thembekile Mankayi may not make a claim for damages against the company in respect of occupational lung disease he allegedly sustained during his employment at AngloGold Ashanti's then Vaal Reefs mine in the 1990s.

The finding confirms that employees who qualify for benefits in respect of the Occupational Diseases in Mines and Works Act (ODMWA) may not, in addition, lodge civil claims against their employers in respect of their relevant conditions.

We believe that the social contract implied by the Occupational Diseases in Mines and Works Act (ODMWA) and similar statutory compensations systems – where employees afflicted by occupational injuries and illnesses receive a pre-determined compensation without having to suffer the expense and inconvenience of prosecuting legal actions, and in return waive the right to civil claims – is a just one, offering as it does easier access for employees and greater certainty for employers.

As we said at the time of the original judgment, however, we acknowledge that this case highlights a number of occupational health challenges faced across the mining industry including by AngloGold Ashanti. These are challenges we have been working to address for some time, and remain committed to pursuing. They include:

- Working to improve the management of dust underground so as to eliminate future incidences of occupational lung disease.
- Working, through the Chamber of Mines and with the Department of Health and the NUM, on a project to improve the access of former mineworkers suffering from occupational lung disease to health care and to the benefits provided for by the Occupational Diseases in Mines and Works Act (ODMWA) and to improve the operation of the statutory compensation fund.
- Working actively in tripartite forums on the rationalisation and possible integration of ODMWA and the Compensation for Occupational Injuries and Diseases Act (Coida), seeking to achieve this in a manner that eliminates anomalies in the application of the two acts, but does so in a manner that does not threaten the viability of the industry and the jobs of the people employed in it.

We would like to express our sympathy to Mr Mankayi in respect of his ill health, and wish him well.

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