

Mining houses granted leave to appeal in class action

The Supreme Court of Appeal (SCA) has granted the Occupational Lung Disease (OLD) Working Group members leave to appeal against all aspects of the silicosis class action judgement of the South Gauteng High Court delivered earlier this year.

Each member of the working group — made up of African Rainbow Minerals, Anglo American South Africa, AngloGold Ashanti, Gold Fields, Harmony and Sibanye Gold — now has to file their appeal.



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The high court, in its judgment, certified the establishment of two separate classes for silicosis and tuberculosis and also changed the common law in respect of general damages claims, and only granted leave to appeal only in respect of the latter point.

The petitions to the SCA were against the certification of the two separate classes for silicosis and tuberculosis. The gold companies formed the working group in 2014 for a more collaborative approach to address issues relating to medical care and compensation for OLD .

It has settled several separate multi-million rand claims to a number of workers' representative groups. The group feels that a class action payment could be financially devastating to the mining industry, and that, given the lengthy legal process, some of the beneficiaries will not live long enough to benefit from it.

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