



FREQUENTLY ASKED QUESTIONS about the claims process

1. Who qualifies to claim?

Mine workers who were exposed to asbestos from qualifying operations and who have developed an asbestos related disease.

2. Can individuals who lived near the mines also claim?

Yes. Individuals who lived at or near a qualifying mine and have an asbestos related disease.

3. What happens if the individual has died, can family members claim compensation?

Yes. Widows, minor children or other dependants may claim provided that:

1. The deceased was exposed to asbestos from a qualifying operation;
2. The claim is lodged within 3 years of the death of the claimant;
3. The deceased died of mesothelioma or asbestos related lung cancer.

4. What are qualifying operations?

Qualifying operations are the mines, mills and other operations owned by or associated with the Founders of the Asbestos Relief Trust. The Founders are the companies which provided the money for payment of compensation to qualifying claimants.

5. What is the Qualifying Period?

The qualifying period is the period that the mines, mills and other operations were owned by or associated with the Founders of the Asbestos Relief Trust.

6. Which mines/mills must I have worked at to qualify to claim?

Mines and mills owned by owned by the Griqualand Exploration and Finance Company (GEFCO) and African Chrysotile Asbestos (ACA)/Msauli.

7. How can I prove that I have worked for a qualifying operation if I no longer have any documents?

You may approach the offices of the Asbestos Relief Trust for assistance in obtaining proof that you worked for a qualifying operation.

8. What illness must I have before I can claim for compensation?

The Trust Deed provides compensation for the following illnesses:

1. Asbestos dust disease (pneumoconiosis) with moderate lung function impairment;
2. Asbestos dust disease (pneumoconiosis) with severe lung function impairment;
3. Asbestos related lung cancer;
4. Mesothelioma.

Asbestos dust disease means either asbestosis or asbestos related pleural thickening.

9. How can I prove that I am ill?

If you worked at a qualifying mine, the Asbestos Relief Trust will pay for your first medical examination. You will undergo the following medical tests to establish if you suffer from a compensable asbestos related disease:

1. Clinical examination;
2. Chest x-ray;
3. Lung function test

10. How do I begin the process?

You can contact the Asbestos Relief Trust's office directly and a trust official will assist you. If you live within the Kuruman community you may also approach the Asbestos Interest Group or Dr Grobler who will assist you further.

11. How do I contact the trust's office?

You may contact the Trust on 011 482 1000 and a trust official will help you. You may also send a "Please Call Me" message to 082 210 5991 and a trust official will phone you back to help you.

12. What will it cost to apply to the Trust?

It will not cost you anything to apply to the Trust. It is a free process if you apply directly.

13. Are there any other organizations that can assist me to apply for compensation?

The Trust offices are the best places to go.

In Kuruman, the Asbestos Interest Group (AIG) and Dr Grobler can also assist. They will not charge you anything for providing assistance to lodge a claim with the Trust.

You may call the Johannesburg office of the Asbestos Relief Trust for more information.

14. Do I have to take along any documents when I go and apply for compensation?

Yes. You can take along the following documents to your first meeting:

1. Identity document;
2. Proof of service at a qualifying operation, if you have this;
3. Medical records, if you have previously been to a doctor who has diagnosed you as suffering from an asbestos related disease.

If you are a dependant of a deceased claimant you can bring along the following:

1. Your identity document;
2. Proof that you were married to the deceased at the time of his death or that you are his child, or other proof of dependency;
3. The deceased's identity document;
4. Unabridged death certificate;
5. Medical proof that the deceased died from mesothelioma or asbestos related lung cancer;
6. Proof that the deceased worked at a qualifying operation, if you have this.

If you were exposed environmentally you should take a copy of your identity document and your medical records which show that you have an asbestos related disease. An official will assist you further.

15. What happens when I arrive at the meeting to apply for compensation?

An official will assess whether you have a potential claim. If you do you will be sent to a doctor for medical examinations. These medical records will be assessed by a panel of specialist occupational health experts. If you have an asbestos related disease you will be requested to complete an application for compensation.

16. What happens if I do have a compensable asbestos disease?

The application forms will be sent to the Trust's office in Johannesburg where your award will be calculated and claim processed for payment.

17. Will I be informed of the award before payment?

Yes. Before the Trust pays any compensation to you a trust official will inform you of the award amount. The award will be paid directly into your bank account once you have accepted the calculation and submitted a signed Release and Discharge Form as required by the Trust Deed.

18. Can I claim again if my medical condition becomes worse?

You may reapply if you develop mesothelioma or asbestos related lung cancer.

If you feel that your condition has got worse, the best is to get a Chest X-Ray that you will need to pay for, and send that to the Trust. The specialist panel of occupational health experts will look at it again and advise you of the outcome.

If your doctor has told you that your condition is worse, ask them to send the Chest X-Ray to the Trust.

19. What happens where I did not meet the medical criteria to qualify for compensation the first time that I went for a medical examination?

You may reapply if you did not initially qualify medically for an award, and believe that your condition has now worsened due to asbestos exposure. The Trust will however not pay for the medical expenses of this re-application.

The Occupational Diseases in Mines and Works Act (ODMWA), provides that every ex mine worker is entitled to go for free regular medical check-ups every 2 years at a Government Hospital to see if they have developed a compensable occupational lung disease in terms of ODMWA. We recommend that you go for these regular medical check-ups with the Medical Bureau for Occupational Diseases.

20. Sometimes the Medical Bureau for Occupational Diseases (MBOD) pays out compensation to a miner, but the Trusts deny them compensation. Why is this?

Usually the MBOD and the Trusts would agree in their findings, but they operate under different rules. The differences usually occur because the worker has got sick from another dust disease of the lung, one that is caused by silica dust from the gold mines or coal dust from the coal mines.

Sometimes also the MBOD will pay for tuberculosis, whereas the Trusts do not.

The Trusts also require lung function tests, whereas the MBOD does not always need this test.

On the other hand, the Trusts compensate for asbestos disease earlier than the MBOD, and also compensate environmental claimants who did not work for the mines but lived at or near and were exposed environmentally. The MBOD only compensates ex mine workers.

21. What is the relationship between the Trust and the MBOD?

The Asbestos Relief Trust and the MBOD are two separate organizations with different processes and methods of claiming compensation.

22. What is the effect of my employment at other mines?

If you have been diagnosed with asbestosis and worked at other non-qualifying asbestos operations or mines that were not owned by the Founders your award will be apportioned on the basis of total exposure.

23. Will I also qualify for compensation if I also worked at a Cape PLC mine and was compensated through the British court case?

If you were compensated by Cape PLC, the Trust Deed does not allow you to apply for compensation under the Asbestos Relief Trust as well. See clause 8.2 of the Trust Deed.

24. What if I die before my asbestos disease is diagnosed?

All ex-mine workers can have their hearts and lungs removed after they die, to be sent to Johannesburg for a post mortem or autopsy examination.

In Kuruman, the programme is managed by Dr Lady Jood, who will arrange with Sr Magabanyane for the expert and sensitive removal of your heart and lungs.

The result of the autopsy is usually available in about 5 months.

25. What about exposure to asbestos cement material like asbestos roofs, water tanks, pipes and gutters?

The Trust does not compensate individuals for exposure to this material.

The risk to the community exposed to asbestos cement material in houses is generally low, but we need to warn that no asbestos material is safe.

Asbestos cement material is safer than powdery asbestos because the asbestos fibres are held in the hard cement.

Do not disturb asbestos cement material, and ensure it is well maintained and painted.

Do not use any power tools on it, do not sand it, and do not use high pressure hoses on it.

If it needs to be removed, one should use approved contractors whose workers have been trained to work with it safely, as guided by the Asbestos Regulations of 2001.

26. What is the relationship between the Asbestos Relief Trust and the Kgalagadi Relief Trust?

The two Trusts are separate bodies with their own Trust Deeds. They are though similar in that they both provide compensation to qualifying claimants who have developed compensable asbestos related diseases as a result of exposure to asbestos dust from specific operations. The main difference between the Trusts is

that they do not cover the same operations. The Asbestos Relief Trust provides certain administrative services to the Kgalagadi Relief Trust in terms of a service level agreement.