Compensation and other Social Protection Benefits for Workers and Ex-Workers in the Mining Sector
Background

The mining sector in South Africa is an integral part of the Southern African economy. It employs about 500 000 workers and has a legacy of about 2 million ex-mine workers - many of whom are migrant workers from within and outside South Africa. The sector also contributes to the economy of the region through the remittances of migrant workers. Historically there has been a fragmented response to services for mine workers and ex-mineworkers in Southern Africa at multiple levels – across government departments, across borders and across the sector.

The South African government through the leadership of the Deputy President of South Africa acknowledges the importance of the mining industry for the economy, for job creation and for social and economic development. Alongside this re-positioning of the sector, the Deputy President is also leading an initiative on improved service delivery to current and ex-mineworkers with respect to health, social and rehabilitation services as well as access to compensation and other social protection benefits through a One Stop service delivery framework. The One Stop service delivery framework provides for the following:

1. Setting up a comprehensive database of current and ex-mineworkers;
2. Mapping where workers and ex-workers are; mapping where the mines are and mapping current services;
3. Delivery of health, social and rehabilitation services;
4. Access to compensation services;
5. Access to social protection benefits such as Unemployment Insurance, Provident and Pension Funds

This initiative is supported by various government departments, employer organisations, unions, development partners, NGOs and ex-mineworker associations.

This booklet outlines the services, compensation and social protection benefits available to current and ex-mineworkers. It is not exhaustive and will continue to be updated, however it provides an overview of most of the services, protections and benefits available to mineworkers and ex-mineworkers. Preparing and sharing this document serves as part of the South African government’s process to improve the coordination and delivery of services while at the same time addressing legacy challenges that continue to hamper the provision of compensation and other social protection benefits.

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Services provided by the Department of Labour

The Department of Labour provides Compensation and Unemployment Insurance Benefits through agencies such as the Compensation Fund and the Unemployment Insurance Fund and through licensing the independent Rand Mutual Assurance (RMA) and Federated Employers Mutual Association (FEMA) to provide compensation benefits.

Compensation Fund

Legislation Governing Entity
The Compensation Fund administers the Compensation for Occupational Injuries and Diseases Act (COIDA), Act No. 130 of 1993. Under COIDA the Department of Labour and compensates employees for occupational injuries and diseases.

Description of Benefits
- Monthly pensions until death;
- Lump sum payments;
- Recovery pay not exceeding 24 months;
- Medical expenses not exceeding 24 months;
- Assitive devices and chronic medication;
- Rehabilitation, death and burial expenses;

Eligibility Criteria for Claimants
All employees of employers who are registered with the COIDA Compensation Commissioner

How to Access Benefits
- In South Africa:
  - Visit any Department of Labour ‘labour centre’ and or provincial offices in the country
- Outside South Africa:
  - Visit the different Consulates of the Southern Africa Development Community (SADC) for assistance in making contact with the Compensation Fund. Note, however, that the Compensation Fund compensates employees and beneficiaries directly and not through the Consulate.
Rand Mutual Assurance

Legislation Governing Entity
Rand Mutual Assurance (RMA) is licensed by the Department of Labour to provide compensation to employees for disablement (caused by occupational injuries) or for disease (sustained or contracted in the course of employment), or for death resulting from such injuries or diseases in terms of section 30 of the Compensation for Occupational Injuries and Diseases Act (COIDA).

Description of Benefits
- Days off up to 75% of earnings (RMA pay full earnings) subject to earnings cap whilst recovering up to 2 years;
- Medical expenses either up to Maximum Medical Improvement (MMI) or 2 years;
- Compensation for Permanent Disablement if there is an impairment after MMI;
  - Lump sum if permanent disability is assessed ≤ 30%;
  - Pension if permanent disability is assessed ≥ 31%;
- Ongoing medical expenses if further treatment is going to improve disablement for reported injury/disease;
- Fatal Pension – comprising of monthly pension, once-off lump sum for widows and funeral expenses;
- Constant Attendance Allowance (CAA) for pensioners assessed at 100% permanent disability and therefore incapable of performing daily activities;
- RMA pays a family allowance to pensioners assessed at 100% permanent disability and who has a spouse/spouses and more than one child under the age of 18, at the time of the accident.

Eligibility Criteria for Claimants
Any worker that sustains either a work related accident or occupational disease as per schedule 3 of the Act. An injury or disease which was reported by the employee or other person on behalf of the employee to the employer, and has to be reported to RMA by the employer within prescribed time line for liability assessment and acceptance. If liability is accepted the claimant may receive at minimum benefit entitlements prescribed by COIDA depending on the severity of the injury or disease.

How to Access Benefits
The point of entry is through the employer for new claims.
- In South Africa: RMA has offices in all active mining regions across South Africa. These include: Carletonville, Emalahleni, Johannesburg, Klerksdorp, Kimberley, Rustenburg and Welkom. There is also a satellite office in Umtatha, Eastern Cape.
- Outside South Africa: RMA has satellite offices in former high recruiting areas for the mining industry at Maseru in Lesotho and Xai-Xai in Mozambique.

Contact Details
RMA website:  www.randmutual.co.za
RMA Contact centre:  0860 222 132
Unemployment Insurance Fund

Legislation Governing Entity

Unemployment Insurance Act, Act No. 30 of 1966 (For old claims) as well as The Unemployment Insurance Act, Act No. 63 of 2001.

Description of Benefits

- Unemployment Benefits
- Illness Benefits
- Adoption/Maternity Benefits
- Dependents Benefits

Eligibility Criteria for Claimants

All Employees who qualify as contributors in terms of the Provision of both Acts, with the following exclusions

Exclusions in terms of the terms of the Unemployment Insurance (Act No.30 of 1966):

- Workers earning above the applicable threshold;
- Workers who only earn commission;
- Workers employed by an employer for less than one full working day or less than eight hours whichever is less in any one calendar week;
- Foreign workers on contract;

Exclusions in terms of Unemployment Insurance (Act No. 63 of 2001):

- Workers working less than 24 hours a month for an employer;
- Learners;
- Foreign workers on contract;
- Workers who only earn commission;

How to Access Benefits

- In South Africa:
  o Visit any Department of Labour ‘Labour Centre’ or Provincial office in the country

Contact Details

Contact Person: Ditoro Makgato
Telephone: 012 337 1688
Fax: 0866 346 864
Email: ditoro.makgato@labour.gov.za
Website: www.labour.gov.za
Services provided by the Department of Health

The Department of Health provides medical examinations and compensation as well as reviews claims for compensation from current and former mineworkers through the Medical Bureau for Occupational Diseases (MBOD) and the Compensation Commissioner for Occupational Diseases (CCOD).

MBOD and CCOD

Legislation Governing Entity
The Occupational Diseases in Mines and Works (ODIMWA), Act No. 78 of 1973:

Description of Benefits
- Provision of benefit medical examinations (BME) for current and ex-mineworkers in controlled mines and works for compensable heart and lung diseases
- Assessment of post mortem findings on heart and lungs in deceased miners and ex-mineworkers for compensable heart and lung diseases
- Payment of compensation to eligible miners and ex-mineworkers or their beneficiaries

Eligibility Criteria for Claimants
Record of service in a controlled mine or works

How to Access Benefits
- In South Africa:
  - A Benefit Medical Examination has to be performed at any of the following:
    - At the MBOD (based in Braamfontein, Johannesburg)
    - In a government hospital; or
    - At a Service Provider contracted by the Department of Health.

- Outside South Africa:
  - A few SADC countries provide for Benefit Medical Examinations at their government hospitals (e.g. Botswana and Lesotho). Alternatively the claimant is directed to the nearest South African government hospital that is providing the service.

Contact Details
Contact Person: Ms Doreen Leseyane
Telephone: 011 356 5640
Fax: 011 403 1346
Email: leseyd@health.gov.za
Services provided by the Chamber of Mines of South Africa

The South African Chamber of Mines provides services to ex-miners through the “Mines 1970 Provident Fund” and the “Mines 1970 Unclaimed Benefits Preservation Pension Fund”.

Legislation Governing Entity
The Pension Funds Act, Act No. 24 of 1956, and through the Financial Services Board Act, Act No. 97 of 1990.

Description of Benefits
Administration of Unclaimed Benefits

Eligibility Criteria for Claimants
Benefits due to qualifying lapsed members

How to Access Benefits

- BOTH from within and outside of South Africa:
  - Alexander Forbes Help Desk
  - Telephone Number: [+27] 011 324 3505

Contact Details
Contact Person: AH Smith (Principal Officer)
Telephone: [+27] 011 498 7555
Fax: [+27] 0865 876 122
Email: asmith@1970funds.co.za
Services provided by the Sentinel Retirement Fund

Legislation Governing Entity

Description of Benefits
- Retirement, disability and withdrawal benefits;
- Death benefits to beneficiaries upon death of members and pensioners;
- Unclaimed benefits;

Eligibility Criteria for Claimants
Benefits due to qualifying members and beneficiaries

How to Access Benefits
- BOTH from within and outside of South Africa:

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<tr>
<td>1 Sunnyside Drive</td>
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